



AGENDA

Hearings Panel Meeting Tuesday 14 July 2026

Date: Tuesday, 14 July 2026

Time: 9:30 am

**Location: Ngā Hau e Whā, William Fraser Building, 1
Dunorling Street, Alexandra**

Notice is hereby given that a Hearings Panel Meeting will be held in
Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra
on Tuesday 14 July 2026 at 9:30 am.

Order Of Business

1	Reports	6
26.7.1	MINUTES TO BE CONFIRMED	6
26.7.2	RC250374 - MARK SUGRUE AND IMOGENE SUGRUE.....	20

Members Cr T Paterson (Chairperson), Cr M McPherson, Cr S Browne

In Attendance J Dick (Minute Secretary)

1 REPORTS

26.7.1 MINUTES TO BE CONFIRMED

Doc ID: 2843758

1. Purpose

Minutes to be confirmed

2. Attachments

Appendix 1 - Minutes - 14 April 2026 [↓](#)

Appendix 2 - Minutes - 28 April 2026 [↓](#)

Appendix 3 - Minutes - Independent Hearings Panel - RC250305 RW Cromwell Limited
[↓](#)

Hearings Panel Meeting Minutes

14 April 2026

**MINUTES OF CENTRAL OTAGO DISTRICT COUNCIL
HEARINGS PANEL MEETING
HELD IN NGĀ HAU E WHĀ, WILLIAM FRASER BUILDING, 1 DUNORLING STREET,
ALEXANDRA
ON TUESDAY, 14 APRIL 2026 AT 9:30 AM**

PRESENT: R Day-Cleavin (Chair), Cr T Paterson, Cr M McPherson, Cr S Browne

IN ATTENDANCE: J Dick (Minute Secretary)

1 REPORTS

26.4.1 RC250127 BARUCHEL TRUSTEES LIMITED

A report to consider Subdivision Consent for a 20 Lot subdivision and land use consent for a breach of standards in the large lot residential area is attached.

Also circulated was the report of the Planning Officer in relation to the application.

Hearing opened at 9.30am.

In attendance:

Tim Anderson – Planning Officer

Julie Muir – Central Otago District Council Group Manager Three Waters

Walt Denley – Central Otago District Council Land Development Engineering Manager

Mark and Beth Mitchell – Applicant

Craig Barr – Applicant Planner

Campbell Hills – Project Lead and Surveyor – Applicant Expert

Note: Campbell Hills spoke to their evidence at 9.07am.

Note: Panel directed questions to Campbell Hills at 9.13am.

Note: Craig Barr spoke to their evidence at 9.34am.

Note: Panel directed questions to applicant at 9.44am.

Note: Panel directed questions to Julie Muir and Walt Denley at 9.47am.

Note: Tim Anderson spoke to their evidence at 9.53am.

Note: Panel confirmed the report of the Planning Officer has been read at 9:53am.

Note: Panel directed questions to Tim Anderson at 9.57am.

Note: Craig Barr gave their right of reply at 10.04am.

Note: Hearing adjourned at 10.08am.

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Note: Craig Barr, Campbell Hills, Mark and Beth Mitchell left the meeting at 10.08am.

26.4.2 RC250016 - JKH HOLDINGS (NZ) LIMITED

A report to consider a land use consent to construct dwelling and earthworks in the rural resource area within an area identified as outstanding natural landscape.

Also circulated was the report of the Planning Consultant in relation to the application.

Hearing re-convened at 10.24am.

In attendance:

In Person:

Joe Hamlin – Applicant

Phil Page – Applicant Lawyer

Barry Condon – Applicant Architect

Jake Woodward – Applicant Planner

Charlie Latchford – Applicant Surveyor

Reuben Rorrison – Applicant Ecologist

Online via Microsoft Teams:

Oli McIntosh – Planning Consultant

Sarah Wright – Ecologist Peer Reviewer

Hannah Wilson – Landscape Peer Reviewer

Jason Tilley – Applicant Lighting Expert

Jeremy London – Applicant Visual Simulations Expert

Paul Smith – Applicant Landscape Architect

Note: Panel directed questions to Oli McIntosh and Sarah Wilson regarding procedural matters (difference in landscape classification in application) at 10.32am.

Note: Panel directed questions for clarification for the difference in landscape classification in application to Phil Page at 10.36am.

Note: Phil Page spoke to their evidence at 10.40am.

Note: Panel directed questions to Phil Page at 11.09am.

Note: Joe Hamlin spoke to their application at 11.21am.

Note: Panel directed questions to Joe Hamlin at 11.26am.

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Note: Barry Condon spoke to their evidence at 11.33am.

Note: Panel directed questions to Barry Condon at 11.40am.

Note: Jason Tilley spoke to their evidence at 11.43am.

Note: Panel directed questions to Jason Tilley at 11.46am.

Note: Jason Tilley left the meeting at 11.55am.

Note: Charlie Latchford spoke to their evidence at 11.55am.

Note: Panel directed questions to Charlie Latchford at 12.06pm.

Note: Jeremy London spoke to their evidence at 12.19pm.

Note: Hearing adjourned at 12.40pm.

Note: Hearing re-convened at 1.17pm.

Note: Jeremy London continued to speak to their evidence at 1.17pm.

Note: Panel directed questions to Jeremy London at 1.37pm.

Note: Panel directed questions to Joe Hamlin for clarification at 1.53pm.

Note: Jeremy London continued to speak to their evidence at 1.54pm.

Note: Paul Smith spoke to their evidence at 2.05pm.

Note: Panel directed questions to Paul Smith at 3.01pm.

Note: Reuben Rorrison spoke to their evidence at 3.09pm.

Note: Panel directed questions to Reuben Rorrison at 3.18pm.

Note: Jake Woodward spoke to their evidence at 3.34pm.

Note: Jeremy London left the meeting at 4:15pm

Note: Hearing adjourned at 4.15pm.

Note: Hearing re-convened at 4.24pm.

Note: Jake Woodward continued to speak to their evidence at 4.24pm.

Note: Panel directed questions to Jake Woodward at 4.33pm.

Note: Hannah Wilson spoke to their evidence at 4.46pm.

Note: Panel directed questions to Hannah Wilson at 4.50pm.

Note: Sarah Wright spoke to their evidence at 5.00pm.

Note: Panel directed questions to Sarah Wright at 5.02pm.

Note: Oli McIntosh spoke to their evidence at 5.05pm.

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Note: Sarah Wright left the meeting at 5.09pm.

Note: Panel directed questions to Oli McIntosh at 5.12pm.

Note: Hearing adjourned at 5.38pm.

Note: Hannah Wilson, Joe Hamlin, Phil Page, Barry Condon, Jake Woodward, Charlie Latchford and Reuben Rorrison left the meeting at 5.38pm.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 24.12.3

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
24.12.3	Application for Resource Consent – RC250127 – Baruchel Trustees Limited, 3A Scott Terrace, Cromwell (2842119101)	An application for subdivision consent for a 20 lot subdivision and land use consent for a breach of setbacks, in the Large Lot residential area	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4)Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

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Shall form part of the minutes of the local authority."

RESOLVED that Tim Anderson (Planning Officer) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

T Paterson / M McPherson

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 24.12.3

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
24.12.4	Application for Resource Consent – RC250016 – JKH Holdings (NZ) Limited, Tarras-Cromwell Road (SH 8), Cromwell (2841112796)	An application for land use consent to construct dwelling and earthworks in the rural resource area within an area identified as outstanding natural landscape.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

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Shall form part of the minutes of the local authority."

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RESOLVED that Oli McIntosh (Planning Consultant) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

T Paterson / M McPherson

The Meeting closed at 12.00pm Wednesday 15 April 2026.

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CHAIR / /

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

1. Application for Resource Consent – RC250127 – Baruchel Trustees Limited, 3A Scott Terrace, Cromwell (2842119101)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

T Paterson / M McPherson

2. Application for Resource Consent – RC250016 – JKH Holdings (NZ) Limited, Tarras-Cromwell Road (SH 8) (2841112796)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

T Paterson / M McPherson

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28 April 2026

**MINUTES OF CENTRAL OTAGO DISTRICT COUNCIL
HEARINGS PANEL MEETING HELD AT THE GATE, 6 BARRY AVENUE, CROMWELL
ON TUESDAY, 28 APRIL 2026 AT 9:30 AM**

PRESENT: R Day-Cleavin (Chairperson), Cr T Paterson, Cr M McPherson, Cr S Browne

IN ATTENDANCE: T Lines (Minute Secretary), J Dick (Minute Secretary)

1 REPORTS

26.0.1 RC250044 - ROAD METALS COMPANY LIMITED

A report to consider a land use consent to construct an access road and operate a quarry in the rural resource area.

Also circulated was the report of the Planning Officer in relation to the application.

Report of the Planning Officer has been read.

Hearing opened at 9.30am

In attendance:

Tim Anderson – Planning Officer

Hannah Wilson – Council Landscape Architect Expert

Mike Harding – Council Ecologist

Jamie Exeter – Council Acoustic Expert

Jared Johnston – Applicant

Carey Vivian – Applicant Planner

Phil Page – Applicant Lawyer

Hannah Perkin – Applicant Lawyer

Ben Espie – Applicant Landscape Expert

Reuben Rorrison – Applicant Ecologist

Gary Walton – Applicant Acoustics Expert

Donovan Van Kekem – Applicant Expert

Logan Copland – Applicant Transportation Planner

Jonny Francis – Observer

Richard Harding – Observer

John Stewart – Observer

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Matt from Fulton Hogan – Observer

Sophia from Fulton Hogan – Observer

Roddy – Observer

Note: Phil Page spoke to their evidence at 9.34am.

Note: Panel directed questions to Phil Page at 9.58am.

Note: Hannah Perkin spoke to their evidence at 10.03am.

Note: Panel directed questions to Hannah Perkin at 10.11am.

Note: Jared Johnston spoke to their evidence at 10.15am.

Note: Panel directed questions to Jared Johnston at 10.26am.

Note: Hearing adjourned at 10.40am.

Note: Hearing reconvened at 11.01am.

Note: Gary Walton spoke to their evidence at 11.01am.

Note: Panel directed questions to Gary Walton at 11.07am.

Note: Reuben Rorrison spoke to their evidence at 11.17am.

Note: Panel directed questions to Reuben Rorrison at 11.22am.

Note: Logan Copland spoke to their evidence at 11.31am.

Note: Panel directed questions to Logan Copland at 11.36am.

Note: Ben Espie spoke to their evidence at 11.41am.

Note: Panel directed questions to Ben Espie at 11.46am.

Note: Carey Vivian spoke to their evidence at 12.02pm.

Note: Panel directed questions to Carey Vivian at 12.05pm.

Note: Hearing adjourned at 12.26pm.

Note: Hearing reconvened at 2.12pm.

Note: Carey Vivian continued to speak to their evidence at 2.13pm.

Note: Jamie Exeter spoke to their evidence at 2.24pm.

Note: Panel directed questions to Jamie Exeter at 2.26pm.

Note: Mike Harding spoke to their evidence at 2.29pm.

Note: Panel directed questions to Mike Harding at 2.39pm.

Note: Hannah Wilson spoke to their evidence at 2.40pm.

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Note: Panel directed questions to Hannah Wilson at 2.44pm.

Note: Tim Anderson spoke to their evidence at 2.45pm.

Note: Panel directed questions to Tim Anderson at 2.54pm.

Note: Phil page presented applicants right of reply at 3.09pm.

Note: Hearing adjourned at 3.21pm.

Note: Phil Page, Hannah Perkin, Jared Johnston, Carey Vivian, Ben Espie, Hannah Wilson and Mike Harding left the meeting at 3.21pm.

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 24.12.3

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
24.12.3	Application for Resource Consent – RC250044 – Road Metals Company Limited, 2004 Luggate-Cromwell Road (SH 6), Cromwell (2842110703).	An application for land use consent to construct an access road and operate a quarry in the rural resource area.	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

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“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

Shall form part of the minutes of the local authority.”

RESOLVED that Tim Anderson (Planning Officer) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

T Paterson / M McPherson / S Browne

The Meeting closed at 3.21pm.

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CHAIR / /

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

25.6.2 Application for Resource Consent – RC250044 – Road Metals Company Limited, 2004 Luggate-Cromwell Road (SH6), Cromwell (2842110703)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

T Paterson / M McPherson / S Browne

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7 May 2026

**MINUTES OF CENTRAL OTAGO DISTRICT COUNCIL
HEARINGS PANEL MEETING
HELD IN NGĀ HAU E WHĀ, WILLIAM FRASER BUILDING, 1 DUNORLING STREET,
ALEXANDRA
ON THURSDAY, 7 MAY 2026 AT 9:30 AM**

PRESENT: Commissioner Gary Rae and Commissioner Rosalind Day-Cleavin

IN ATTENDANCE: T Lines (Minute Secretary)

1 REPORTS

26.0.1 RC250305 - RW CROMWELL LIMITED

A report to consider a land use consent to enable the use of any of the 46 consented residential units on Lot 604, Wooing Tree Avenue, Cromwell, for visitor accommodation, in the medium density residential zone.

Also circulated was the report of the Planning Consultant in relation to the application.

Hearing Opened 9am

Panel opening 9am

Applicant introductions 9.06am

In attendance:

Rosie Hill – Applicant Legal

John Duthie – Applicant Planner

Todd Langwell – Applicant Traffic Planning

Lawrence McIlrath – market Economics

Tony gapes – Applicant

Oli McIntosh – Consultant Planner

Matt Collins – Council Traffic Expert

Note: Rosie Hill spoke to their evidence at 9.07am

Note: The Panel directed questions to the applicant at 9.35am

Note: Todd Langwell spoke to their evidence at 9.47am

Note: The Panel directed questions to the applicant at 9.56am

Note: Lawrence McIlrath spoke to their evidence at 10.06am

Note: The Panel directed questions to the applicant at 10.13am

Note: John Duthie spoke to their evidence at 10.16am

Note: The Panel directed questions to the applicant at 10.27am

Note: Hearing Adjourned 10.40am

Note: Hearing re-opened 11.00am

Note: John Duthie spoke to their evidence at 11.00am

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Note: The Panel directed questions to the applicant at throughout

Note: Matt Collins spoke to their evidence at 11.34am

Note: The Panel directed questions to the applicant at 11.41am

Note: Oli McInosh spoke to their evidence at 11.48am

Note: The Panel directed questions to the applicant throughout

Note: Hearing adjourned at 12.26pm

Note: Hearing re-opened at 1.09pm

Note: Rosie Hill gave their right of reply at 1.10pm.

Note: Hearing Adjourned at 1.26pm

Note: Hearing re-opened at 1.29pm

Panel gave directions at 1.29pm

Hearing adjourned at 1.32pm

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 25.6.2

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) for the passing of this resolution.
25.6.2	Application for Resource Consent – RC250305 – RW Cromwell Limited, Wooing Tree Avenue, Cromwell (2850406942)	An application for Land use consent to enable the use of any of the 46 consented residential units on Lot 604, Wooing Tree Avenue, Cromwell, for visitor accommodation at Wooing Tree Avenue, Cromwell	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

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NOTE:

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every recommendation to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof) -

“(a) Shall be available to any member of the public who is present.

and

Shall form part of the minutes of the local authority.”

RESOLVED that Oli McIntosh (Planning Consultant) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

G Rae / R Day-Cleavin

The Meeting closed at 1.32pm.

Minutes confirmed by Hearings Panel (T Paterson / M McPherson / S Browne) and signed by chairperson of Hearings Panel (T Paterson)

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CHAIR / /

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

1. Application for Resource Consent – RC250305 – RW Cromwell Limited, Wooing Tree Avenue (2850406942)

RESOLVED that pursuant to sections 104, 104B and 104D of the Resource Management Act 1991, the application be granted for the reasons appended hereto.

G Rae / R Day- Cleavin

26.7.2 RC250374 - MARK SUGRUE AND IMOGENE SUGRUE

Doc ID: 2846874

1. Purpose

A report to consider a subdivision consent and land use consent for a two-lot subdivision in a rural resource area

2. Attachments

Appendix 1 - s42A Planners Report [↓](#)

Appendix 2 - s95 Notification Report [↓](#)

Appendix 3 - Application [↓](#)

Appendix 4 - Further Information Request [↓](#)

Appendix 5 - Further Information Response - Revised Scheme Plan [↓](#)

Appendix 6 - Summary of Submissions [↓](#)

Appendix 7 - 01 Submission Norman Elder [↓](#)

Appendix 8 - 02 Submission Gillian Wilson and Raewyn Paviour [↓](#)

Appendix 9 - 03 Submission Pearson Road Society Incorporated [↓](#)

Appendix 10 - 04 Submission Kevin and Marion Etches [↓](#)

Appendix 11 - 05 Submission Niall and Julie Watson, Kerry Hand and Theresa Managh

[↓](#)

APPLICATION	RC 250374
APPLICANT	MARK SUGRUE & IMOGENE SUGRUE
ADDRESS	126 PEARSON ROAD, CROMWELL
LEGAL DESCRIPTION	LOT 2 DP 356255(HELD IN RECORD OF TITLE 229404).
ACTIVITY DESCRIPTION	SUBDIVISION AND LAND USE CONSENT FOR TWO-LOT SUBDIVISION IN A RURAL RESIDENTIAL RESOURCE AREA.
ACTIVITY STATUS	NON COMPLYING

STATUS OF THIS REPORT

1. The attention of the applicants is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel, and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

AUTHOR

2. My name is Kim Banks and I am a Principal Planning Consultant at SLR Consulting. I hold a Bachelor of Science (Geography) and a Masters in Planning from the University of Otago. I have over 16 years' experience in the preparation and assessment of resource consents.
3. I have been contracted by Council to report on this application.
4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

BACKGROUND

5. A detailed consenting background is provided within the AEE submitted by the applicant. In summary, the site and surrounding has been established via a series of staged subdivision consents with the effect of progressively subdividing larger lots that were previously used to comply with averaging requirements (including RC040137 and RC040486; and the lot to the north being further subdivided under RC050462). Each of the previous subdivision consents were at the time of decisions compliant with the 2ha average lot size requirements of the District Plan. The subject site Lot 2 DP 356255 was created under RC 040486 with a land area of 1.95 ha.
6. RC 080331 was submitted in 2008 and sought to further subdivide the subject site, Lot 2, into two lots. This application was declined by Council, with the following reasoning extracted from the decision:

"The proposal will result in a much denser form of subdivision and future development than is provided for on land subject to the Rural Residential notation. The Council considers that the proposed subdivision will have an adverse effect on rural amenity values and in terms of open space".

7. RC 180151 was approved in 2018 for the establishment of a four-bedroom dwelling on the subject site to be used as travellers accommodation for up to 6 fee paying guests. As part of this decision, a landscaping plan was approved, as indicated below. The applicant has advised that the required plantings were initially established however were since destroyed by rabbits. The applicant advises that they are willing to reinstate the required planting as a condition of consent. Additionally, this decision imposed conditions to mitigate reverse sensitivity effects of the adjacent orchard activity and limits the activity to the dwelling design submitted.

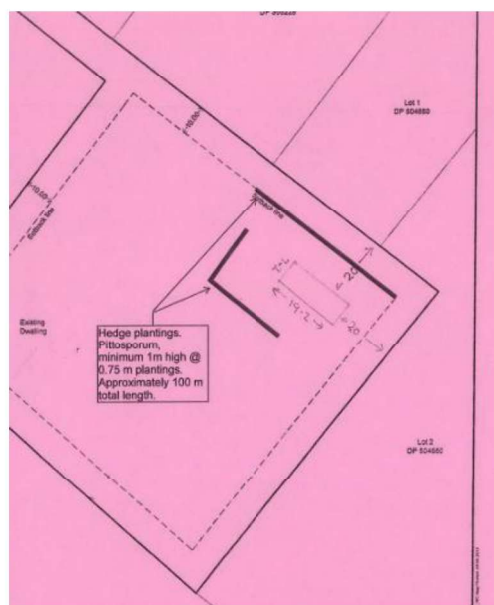


Figure 1: Approved landscaping plan of RC 180151

DESCRIPTION OF ACTIVITY

8. The application seeks subdivision consent for a two-lot subdivision, and land use consent to repurpose the existing travellers accommodation for use as residential activity in a Rural Residential Resource Area at 126 Pearson Road, Cromwell.

Subdivision

9. The proposed subdivision seeks to create two allotments as follows:
 - Lot 1 with a land area of 7,347m² (net) and 11,234m² (gross); and
 - Lot 2 with a land area of 8,266m² (net).
10. The subdivision would result in an average of 0.975 hectares across the subdivision. Lot 1 would contain the existing dwelling, and Lot 2 would contain the existing travellers accommodation building (proposed to be repurposed for residential use), plus a four bay garage.

11. The proposed subdivision scheme plan is illustrated below.

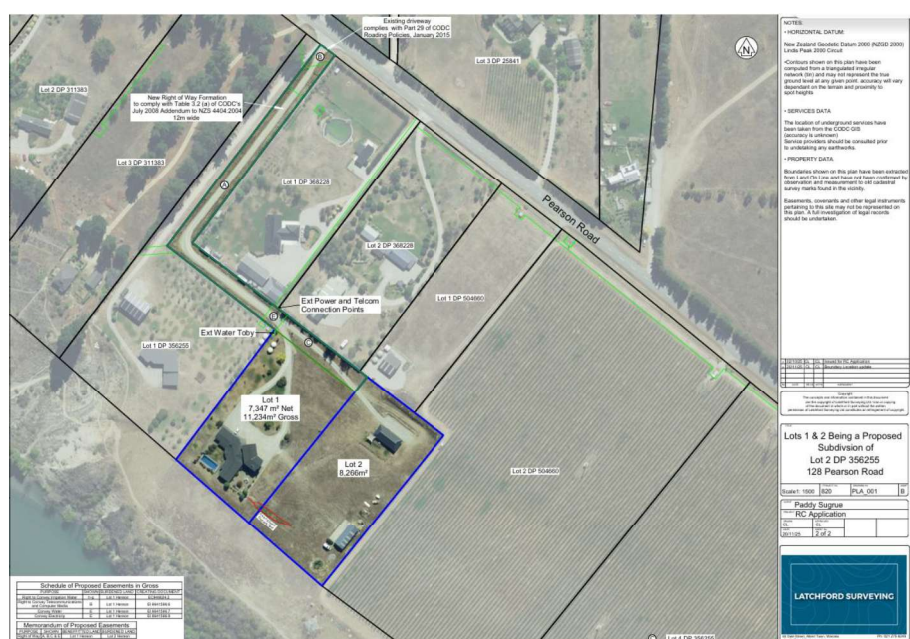


Figure 1: Proposed subdivision scheme plan.

12. Access to both lots is via an existing vehicle crossing to Pearson Road. New easements are proposed to provide for servicing and access including a new right of way across an existing leg in to comply with Table 3.2 (a) of CODC's July 2008 Addendum to NZS 4404:2004, with a minimum legal width of 10m and formed width of 4.5m.
13. The existing buildings share the use of an on-site sewage treatment and disposal system. Modifications are proposed to disconnect the existing effluent disposal field and establish individual systems to each dwelling within their respective lots. At the time of writing, the applicant is seeking the provision of a report from a suitably qualified person to confirm the suitability of the site for an additional and separate on-site disposal system.
14. Water supply is to be provided to each lot based on a re-allocation of an existing water supply managed by the Pearson Road Irrigation Society, which is obtained from an existing bore located at 146 Pearson Road (Lot 1 DP 504660), immediately north of the site. The water supply is utilised for both irrigation and domestic supply to the existing eight member households of the scheme. At the time of writing, the applicant is seeking the provision of bacteriological and chemical water quality testing to confirm compliance with the Water Services (Drinking Water Standards for New Zealand) Regulations 2022.
15. A separate firefighting water storage tank is also proposed for Lot 2, and an existing tank retained for Lot 1.
16. Power is installed to the existing dwellings. No telecom cable is installed for the existing dwelling on proposed Lot 2, however the application states that a conduit has been installed in the event a wired connection is sought.

Land Use

17. The land use consent seeks to repurpose the existing traveller's accommodation unit consented under RC 180151 to residential activity. The existing traveller's accommodation unit consists of a four-bedroom dwelling located near the north-eastern corner of the site, within the boundaries of proposed Lot 2. The approved plans and decision of RC 180151 indicate that this existing dwelling is setback 20m from the northern and eastern boundaries, therefore compliant with the minimum yard setbacks (10m) for the Rural Residential Resource Area.
18. It is noted that the application as originally submitted sought land use consent for residential activity, following subdivision to create the new proposed Lot 2. However, the applicant has also confirmed that in the event consent is not granted for the subdivision, consent is still sought for a second residential activity on the existing lot, separate to subdivision.

PUBLIC NOTIFICATION AND SUBMISSIONS

19. The applicant requested public notification under s95A(3)(a) of the RMA. Accordingly public notice was given on 19 February 2026 and submissions closed on 19 March 2026. A total of five (5) submissions were received, as summarised in the table below.

Owner/Occupier	Support or oppose/ Wish to be heard	Summary
Norman Elder 134 Pearson Road, Cromwell	Neither No	Considers subdivision should be declined as to go below the average 2ha average as required by the District Plan would set a precedent for other landowners and undermine the integrity of the district plan rules which are designed to protect the amenity values in a rural residential lifestyle zone. Considers the change for the traveller's accommodation to residential, will create increased traffic and extra dust from the right of way. Seeks the application of a courser gravel if this is approved.
Gillian Wilson and Raewyn Paviour 176 Pearson Road, Cromwell	Oppose No	Opposes the subdivision and considers this would set a precedent for this group of properties and potentially undermine the rural lifestyle and environmental values of the area. Considers that smaller block sizes will result in a loss of the current rural amenity. Opposes the change in land use for the travellers accommodation. Concern over increased traffic effects to Pearson Road. Potential effects of additional on-site wastewater treatment to the quality of the existing water supply. Additional potable water demands on the existing supply.
Pearson Road Society Incorporated c/- Gillian Wilson (Administrator) 176 Pearson Road, Cromwell	Neither No	Notes the current water allocation from the Pearson Road Irrigation Society will be required to be apportioned between the two lots. Requests two separate water tanks on each property: one to accept the potable supply and a separate independent tank to accept the irrigation supply. All

		water tanks to be separately metered to allow for the fair monitoring and charging of water services by the Society.
Kevin and Marion Etches 124 Pearson Road, Cromwell 9384	Oppose No	Seeks that the subdivision consent be declined unless it includes a condition requiring that the right of way easement in favour of 126 Pearson Road across 124 Pearson Road be extinguished. Notes the right of way was originally created to allow a single ownership vineyard access to a riverside gravel pit. The right of way has not been used for many years but there is the legal potential for it to be used.
Niall and Julie Watson, Kerry Hand and Theresa Managh 122 Pearson Road, Cromwell 9384	Oppose Yes	Seeks that the subdivision consent be declined unless it includes a condition requiring that the right of way easement in favour of 126 Pearson Road across 122 and 108 Pearson Road to be extinguished.

12. In summary, two submissions oppose the subdivision on the basis of concerns that it will set an inappropriate precedent and adversely affect rural amenity and productive opportunities. One submission relates to the assurance of an appropriate water supply arrangement to each lot, and two submissions seek that the existing right of way be extinguished.
13. The applicant has provided a response to the matters raised in these submissions and notes that:
- The access will be upgraded in accordance with Table 3.2a of Council's Addendum which requires a gravel surface. The applicant considers *"the scale of activities proposed are not changing and the low speed environment of the right of way should effectively keep dust to a minimum. Otherwise the degree of dust generated from the subdivision is not considered to materially detract from residential amenities any more so than what currently occurs"*.
 - Subject to confirmation of relevant details, the applicant is willing to extinguish the existing ROW easement as requested by submitters.
14. I confirm that I have had regard to the contents of these submissions, and the applicants response, in full when considering the application.

SITE DESCRIPTION

15. The subject site is well described in the application and the supporting documents and is considered to accurately identify the key features of the site. The applicant's site description is adopted for the purposes of this report, with the following summary.
16. The subject site is located at 126 Pearson Road, Cromwell and is legally described as Lot 2 DP 356255. A consent notice is registered on the title and contains conditions related to servicing and the high voltage transmission lines on the adjacent property.
17. The site is located within the Rural Residential Resource Area situated approximately 5km south of the Cromwell town centre. The site is situated on a terrace above the Kawarau River, and at its southern boundary the property adjoins Crown land which borders the river. On the opposite site of the Kawarau River are properties within the Rural Resource Area, and the Bannockburn Sluicing's Conservation area is located approximately 1.2km south-west of the site.

18. The site is a rear lot accessed from a leg in strip to Pearson Road. The site contains two existing dwellings, one being the primary residential unit, and the second being a four-bedroom relocated building previously consented for travellers accommodation for up to 6 guests. A 4-bay garage is also located near the south-eastern corner of the site. The site does not currently contain any existing productive rural activity.
19. A small strip of land identified as being subject to 'slippage or subsidence' hazard is located near the southern boundary, and high voltage transmission lines cross the adjacent property (Lot 2 DP 504660). Figure 2 provides an aerial image of the site, and the hazard mapping layer identified by the black dots, and Figures 3 to 6 illustrate the existing appearance of the site and buildings.

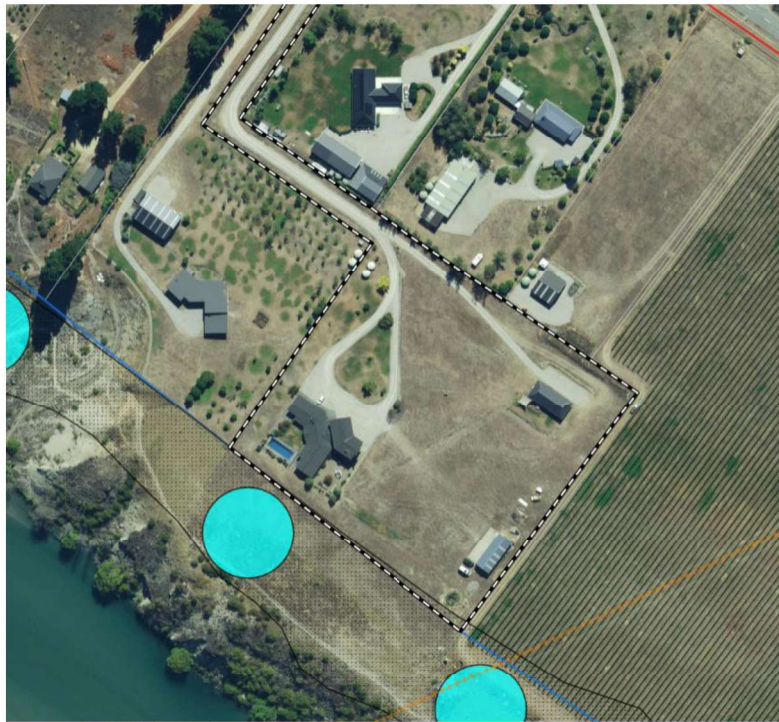


Figure 2: Aerial image of the site and hazard mapping (Source: CODC GIS)



Figure 3: View looking east towards the existing travellers accommodation unit.



Figure 4: View looking south-east showing the existing travellers accommodation unit and garage.



Figure 5: View looking south towards Kwarau River Terrace, showing transmission lines on adjacent site.

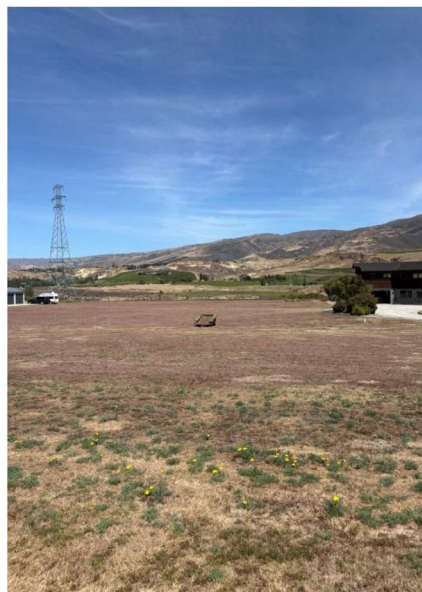


Figure 6: View looking south-west towards Kwarau River Terrace, showing transmission lines on adjacent site and existing residential dwelling.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Rural Residential Resource Area of the Central Otago District Plan (the District Plan). The site is also subject to a small strip of land identified as Hazard relating to Slippage or Subsidence, as shown in Figure 2 above.

Subdivision consent is required for the following:

- As a **non complying** activity pursuant to Rule 4.7.5(iii) for a subdivision that will create lots within the Rural Residential Resource Area with an average size of less than 2ha. In this instance, the average across the subdivision is 0.975ha.
- As a **discretionary activity** pursuant to Rule 4.7.4(iii)(d) where a subdivision 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.

Land use consent is required for the following:

- As a **controlled activity** pursuant to Rule 4.7.2.i for a residential activity on a single Record of Title (Lot 2), following the approval of the subdivision consent;

OR

- As a **discretionary activity** pursuant to 4.7.4(i) for a second residential activity on the site (separate to subdivision).

As noted above, the application sought land use consent to repurpose the existing travellers accommodation on proposed Lot 2 for residential activity, which is identified as a controlled activity if subdivision consent is granted. However, if subdivision consent is declined, a second residential activity on the site requires consent as a discretionary activity under Rule 4.7.4(i).

National Environmental Standards

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC)

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The proposal involves subdivision, which is considered an activity under Regulation 5(5) of the NES. The applicant has obtained a search of Council records which demonstrates that the site has not or is not likely to have had HAIL use in accordance with Regulation. I consider that the NESC is not triggered by this application.

Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025

The Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (NESDMU) sets out permitted activity rules and standards that allow for the building of a detached minor residential unit of up to 70 square metres without needing to apply for resource consent if certain requirements are met. The definition of a DRMU is:

“DMRU means a minor residential unit that is completely detached from its principal residential unit”.

Clause 6 of the NESDMU provides for one minor unit per site to be constructed as a permitted activity in a rural zone, where it has a floor area less than 70m², and is setback more than 2m from the principal residential unit, and setback 10m from the front boundary and 5m from side and rear boundaries.

The NESDMU is not applicable to the current application, as the existing traveller's accommodation unit is larger than 70m². However, the NES-DRMU has some relevance to the assessment of the proposal, as a second residential unit is proposed or could be enabled on each proposed lot; which may consequently also enable additional minor units.

There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, the activity status and assessment of the land use component for residential activity is dependant upon the outcome of the subdivision consent, and each can be considered and assessed separately. The applicant has confirmed that if subdivision consent is declined, consent is still desired to repurpose the existing travellers accommodation for residential activity. Therefore, the proposal is for separate, unlinked activities that do not overlap.

As a result, each component has its own activity status, and must be considered separately in terms of the notification decision and also in terms of the substantive decision on whether consent should be granted.

Accordingly, the subdivision consent is assessed as a **non-complying** activity; and the land use consent for residential activity is assessed as a **discretionary activity**.

EFFECTS ASSESSMENT

Affected Persons

No written approvals were provided with the application.

Effects on the Environment

Permitted Baseline

Under section 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment if a rule or national environmental standard permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

There are no permitted subdivisions in the Central Otago District Plan. There is no permitted baseline to be applied to the subdivision.

In terms of land use, the permitted baseline includes:

- The construction of a Detached Minor Residential Unit (DMRU) under the NES-DRMU, up to 70m² in size and located more than 2m from the main dwelling, and set back 10m from the front boundary and 5m from the side and rear boundaries.
- The construction of buildings (other than for residential activities) that meet all bulk and location, colour and materials requirements for the Rural Resource Area.
- More than one residential activity on a site, where this is for the purpose of accommodating people working on the site and their families.
- The planting, tending and harvesting of agricultural, horticultural, and viticultural crops subject to compliance with applicable standards including noise.
- Earthworks for access tracks
- The extraction or displacement of material up to 3,000m³ in volume over an area that does not exceed 2,000m².

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises the existing rural residential and travellers accommodation activity, as well as potential non-residential buildings and other rural activities that are permitted by the plan.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises the existing pattern of low intensity rural residential development, interspersed with rural and horticultural activities and consisting of a range of lot sizes within the overall 2ha averaging requirement. This includes some lots that have been established below 2 ha in size, as well as some larger productive lots.

It is against these that the effects of the activity must be measured.

Assessment of Effects

Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. This assessment is limited to the matters to which the Council's discretion has been restricted. For expediency, relevant matters have been grouped below. No regard has been given to any trade competition or any effects of trade competition.

The effects of the subdivision and future development

20. The subject site is located within the Rural Residential Resource Area, for which the district plan specifies the requirement for subdivision to provide an average lot size of 2 ha or more. The application proposes lot sizes of 7,347m² (net) and 11,234m² (gross) (Lot 1) and 8,266m² (Lot 2) and results in an average lot size of 0.975 ha. Each lot is to contain an existing residential building and no mitigation measures have been proposed

by the applicant. However, it is noted the applicant has agreed to re-establish the landscape mitigation planting that was previously conditioned for the travellers accommodation unit.

21. It is firstly noted that there are no reserves or public conservation land, heritage sites, notable trees or areas of significant indigenous vegetation, or named water bodies which will be affected by the proposal. The subject site sits above a terrace edge above the Kawarau River and existing public access exists along the river margins. Subject to the provision of an on-site wastewater assessment, the site is of a sufficient size to enable compliance with required setbacks to waterbodies and existing bores. High Voltage transmission lines bisect the adjacent site to the east, and the proposal will not affect these and future development on the lots is able to occur outside the required setback from the transmission lines.
22. Objective 4.3.3 of the Rural Resource Area seeks *"To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges"*. Section 4 of the plan also notes that the open space and natural character of the rural environment is a significant resource and is sensitive to modification. Policy 4.4.10 indicates that the minimum lot sizes are an important method by which the plan seeks to ensure the maintenance of open space, landscape and natural character values and avoid adverse effects.
23. The lot sizes proposed are a significant departure from what is anticipated by the District Plan for the zone, being less than half of the anticipated average lot size. As such, the proposal has the potential to result in adverse effects associated with the density proposed, in addition to the potential future built form enabled on the additional lot. The proposal would allow two separate residential activities under separate ownership which can result in additional effects associated with the intensification of residential land use, increased numbers of persons, noise and ancillary external domestic activities such as outdoor storage, accessory buildings, vehicle parking and traffic.
24. Additional built form which could be enabled by the subdivision and creation of two "sites" includes, additional minor units on each site, workers accommodation units or additional controlled activities such as further travellers accommodation. It is considered the visual effects of this additional built form and ancillary domestic activities at this density are not consistent with rural amenity expectations, and may detract from the open space, landscape and natural character values of the rural residential resource area. The site is presently developed to the maximum permissible level of density, with an existing residential unit and travellers accommodation on the site of 1.95 ha.
25. The site is elevated, situated on a terrace above the Kawarau River. Whilst, being a rear site, the intensification of the site may not be obvious from Pearson Road or land further to the north, the wider area retains an open character and increased density on the site may be apparent from areas to the south and south-east, including the public walkway alongside the river. It is noted that submissions in opposition to the proposal have been received from nearby landowners, citing concerns that the proposal will undermine the rural lifestyle and environmental values of the area, and that the smaller block sizes will result in a loss of the current rural amenity.
26. The AEE discusses that *"The proposed subdivision arrangement has been designed to appear consistent and sympathetic with the scale and general character of the surrounding environment as it appears today, which is characterised by a range of allotment sizes;... and considers that... sub-2-hectare sites are both anticipated and common;... and The resulting density remains consistent with the expected character of*

*the Rural Residential Zone*¹. It is agreed that the surrounding pattern of development does presently contain several lots being less than 2 ha in size. However, some smaller lot sizes can be anticipated within an averaging rule framework, and this has been the mechanism by which the current site has been established, itself being slightly less than 2ha. It is noted that all previous subdivisions have been granted in compliance with the averaging requirements. It is considered that the lots being less than 2 ha in size are the exception, rather than being common or predominant.

27. It is acknowledged that the site does already contain two existing dwellings (albeit one is not currently used for residential activity), and as discussed within the AEE, the existing level of residential activity and built form is effectively equivalent to the outcome that could be anticipated through the proposed subdivision. The AEE also considers that because of these existing buildings, no physical changes will occur by the subdivision. It is considered however that the creation of an additional lot, has the effect of enabling additional minor units on each site under the NES-DRMU, as well as potentially increasing the scale of other domestic activities, fencing, outdoor storage and associated accessory buildings, noting that the second dwelling on site is not presently consented for long term residential use. The present use of the second dwelling on the site for travellers accommodation is inherently non-permanent, irregular and, therefore, results in reduced domestication effects.
28. As was also concluded for the previously declined subdivision application, RC 080331, it is considered that a subdivision of this scale, being a significant departure from that anticipated by the District Plan, should only occur in the event that the plan provisions are amended through a plan change process. Given the existing density of lot sizes within the surrounding environment, the granting of the proposal, in combination with the existing surrounding pattern of development, particularly in the immediate area of Pearson Road, has the potential for cumulative effects on the broader rural open space amenity.
29. For the reasons outlined above, it is considered that the proposed lot sizes and residential density is inappropriate, and the proposed density and potential additional domestication has the potential for adverse effects on the open character and amenity of the landscape that are at least minor.

Effects of the second residential activity

30. It is noted that the conversion of the travellers accommodation unit to residential activity is also sought by the applicant, separate to subdivision. Therefore, it is relevant to consider the effects of this component of the application, in isolation from the subdivision.
31. The receiving environment presently includes the existing residential dwelling, the separate traveller's accommodation unit as well as a four-bay garage. Therefore, the visibility of this built form is part of the existing environment. However, the travellers accommodation is not part of the permitted baseline, as this required consent as a controlled activity.
32. The District Plan does provide for a second residential activity on a site, where this is required to accommodate people working on the property and their families. This is a permitted activity and could be undertaken from the existing building as of right, however it is understood there is no existing rural activity on the site requiring workers accommodation. Furthermore, a minor unit of 70m² is also permitted on the site under the NES-DMRU, however the existing building is approximately 155m² in area and does not qualify as a minor unit.

¹ Page 18, AEE

33. It is considered that the effects of the proposed second residential activity are similar to the existing use of the building for short term accommodation, however, its conversion to permanent residential use has the potential to increase the scale of other domestic activities, fencing, outdoor storage and associated accessory buildings. Whereas in comparison, the present use of the second dwelling on the site for travellers accommodation is inherently non-permanent, irregular and, therefore, results in reduced domestication effects in addition to reduced potential for reverse sensitivity effects. It is noted that the difference in effects is finely balanced, and as the building is existing, the additional effects of a more permanent residential use will be minor.
34. However, considering the effects of the land use activity itself, distinct from the built form which is not part of the permitted baseline, it is considered that the density proposed for two separate residential activities on a site of 1.95 ha remains unanticipated by the District Plan, and as concluded for the subdivision, the granting of the proposal has the potential for cumulative effects on the broader rural open space amenity. Additionally, the granting of the land use activity, separate to subdivision, has the potential to set an expectation that a future subdivision may be justifiable.
35. For these reasons, I also consider the conversion of the travellers accommodation unit to residential activity to be inappropriate and will result in minor adverse effects.

Sustainable use of productive land and soil resource and reverse sensitivity effects

36. The site is not presently used for productive activities and is also not identified as highly productive land according to the NPS-HPL. However, the site is located in an area with a mixture of residential "lifestyle" type properties as well as larger sites containing productive horticultural and viticulture activities, including a vineyard on the neighbouring property to the east. The potential for reverse sensitivity effects was addressed as part of the decision for the travellers accommodation unit, and a reverse sensitivity condition was imposed on that decision as follows:

"3. The consent holder is/are aware of and will take all reasonable and appropriate steps to advise all guests, of the proximity of orchard and vineyard activities, whereon activities including, but not limited to, the following may be undertaken as permitted activities:

- A. The operation of bird deterrent devices*
- b. The operation of mechanised equipment including vehicles and plant*
- c. The operation of fans for frost fighting purposes".*

37. It is noted that at the time of that decision, the yard setbacks required were 25m, whereas the current yard setback requirement for the rural residential resource area is now 10m. The existing travellers accommodation building on proposed Lot 2 is setback 20m from the northern and eastern boundaries and therefore complies with the yard setbacks.
38. If the Panel is of a mind to grant consent for the subdivision and/or conversion of the travellers accommodation unit to residential activity, the conditions of the previous consent RC 180151 will no longer apply. Therefore, it is considered appropriate for the conditions of RC 180151, including the reverse sensitivity condition to be imposed as part of the current decision as a consent notice or covenant registered on the titles, however I note this condition may need to be volunteered by the applicant. As the applicant has not had the opportunity to comment on the draft conditions, this matter may be addressed at the hearing.
39. It is considered that the subdivision has the potential to reduce the potential productive use of the site by further fragmenting the rural resource. Additionally, the conversion of the travellers accommodation unit to longer term residential use has the potential to

increase the risk of reverse sensitivity effects, with permanent residents being potentially more likely to be adversely affected as compared to short term visitors. However, the travellers accommodation building is setback compliant distances from the boundaries as well as being more than 50m from other existing dwellings, and the volunteered condition will serve to mitigate effects to a degree. As such, effects on rural productivity and reverse sensitivity are considered to be less than minor.

The adequacy of the allotment

40. There are no reticulated connections to the subject site. On site wastewater and stormwater services are existing to the dwelling and also proposed for the new lot. The onsite wastewater system is currently shared between the existing buildings on site, and separate systems are proposed, should subdivision consent be granted. A condition of consent has been recommended in this regard.
41. Water supply is to be provided to each lot based on a re-allocation of an existing water supply managed by the Pearson Road Irrigation Society, which is obtained from an existing bore located at 146 Pearson Road (Lot 1 DP 504660), immediately north of the site. The submission of the Pearson Road Irrigation Society has stated that the allocation will be required to be apportioned between the two lots; and has requests two separate water tanks on each property: one to accept the potable supply and a separate independent tank to accept the irrigation supply. The applicant has reviewed this submission and confirms that the lot has the rights to a sufficient quantity of both domestic and irrigation supply to cater for both lots and intends to provide any further clarification or volunteered conditions in their evidence.
42. Council's Environmental Engineer has reviewed the proposed servicing arrangement and confirmed it is acceptable subject to the imposition of suitable conditions, including consent notice conditions for wastewater and stormwater to be imposed on the new lots to ensure compliance with ongoing servicing and maintenance requirements. Water quality testing has not been provided, and Council's Engineer has advised this may be acceptable with the imposition of Council's standard condition which requires this testing prior to s224c and details any remediation action required. However at the time of writing it is understood that the applicant is undertaking the required testing and may provide the results within their evidence.
43. Overall, the engineer's advice is adopted for the purposes of this report and it is considered the lot is able to be suitably serviced, subject to recommended conditions of consent to be imposed, should consent be granted.

Access

44. The site is accessed from a leg in strip to Pearson Road. As noted above, access to Lot 2 is to be provided by a Right of Way easement, shown as right of way easement 'A, B, C, E'.
45. It is noted the submission received from the adjoining property to the north cited concerns regarding the effects of dust. The applicant notes that the access is presently gravelled and this surface is enabled according to Councils standards, and this is intended to remain.
46. Council's Environmental Engineer has reviewed the proposed access arrangement and advises that the proposed ROW access arrangement to Lot 1 and 2 is acceptable, provided the ROW is constructed to the Right-of-way standards in Table 3.2(a) of Council's 2008 Addendum to NZS 4404:2004, with a minimum formed width of 4.5m and a legal width of 10m. The existing crossing/entranceway from Pearson Road to the right-

of-way must be demonstrated to be in compliance with or upgraded in accordance with the requirements of Part 29 of Council's Roading Policies January 2015.

47. The engineer's recommendations are adopted for the purposes of this report and, subject to compliance with recommended conditions of consent, I consider that the access to serve the proposed lots is adequate and will not result in adverse effects on the transportation network.
48. Furthermore, two submissions seek that an existing right of way be extinguished. This is considered to be largely a separate private matter to be resolved between the parties, however, the subject to confirmation of relevant details, the applicant is willing to remove the existing ROW easement as has been requested by submitters. As such, this has been incorporated in the recommended conditions.
49. The subdivision will create one additional lot. The additional traffic generation associated with one additional residential lot is considered to be minimal and able to be accommodated such that there will be no adverse effects to the safe and efficient operation of the roading network.
50. Therefore, the proposal provides appropriate legal and physical access and the effects on the transport network are considered to be less than minor.

Hazards

51. Although the site has a very small strip near the boundary adjacent to the river terrace margins mapped as slippage or subsidence hazard. No hazards assessment has been provided, however as there is no development or physical works proposed in that part of the site, with the existing buildings being well set back from the terrace edge, it is therefore considered that the proposal does not increase hazard risk.

Earthworks

52. Earthworks associated with the proposal will be minor, associated with the installation of services and any upgrades that may be required to the existing access and/or vehicle crossing. It is considered the potential effects associated with earthworks will be less than minor.

Esplanade reserves and strips

53. The subdivision creates lots less than 4 ha in size adjacent to the Kowarau River and therefore requires consideration to esplanade requirements. Section 230 of the RMA requires the provision of an esplanade strip of 20m in width where subdivision creates lots less than 4ha in area, unless the requirement is waived by a resource consent. Additionally, Rule 16.7.13(b) of the District Plan outlines that where a subdivision creates lots less than 4ha, esplanade strips or reserves may be required by Council as a condition of consent.
54. The application seeks to waive the requirements for an esplanade. An existing esplanade already exists alongside the river margins in this location which contains an existing connected walking track (the Kowarau Trail) which extends between the Bannockburn bridge to the Goldfields Mining Centre in Kowarau Gorge.
55. It is considered unnecessary in this instance to require the provision of an additional esplanade on the subject site, as there is existing suitable and sufficient public access and along the lake in this location; and additionally any further esplanade, were it provided on the subject site, would be isolated and have no connection or logical link to

any other esplanade strip and, therefore, it would not enhance public access. There are also no significant ecological, amenity, and/or recreational values within the site.

56. Ultimately, the adjacent river margins already contain a suitable esplanade which provides good public access. Therefore, effects associated with a waiver of esplanade requirements are considered to be less than minor.

Financial contributions

57. This development/financial contribution demand has been calculated in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2025 and updated \$/HUE rates published in CODC's Schedule of Fees and Charges 2025 - 2026.

Contributions have been calculated as follows:

Summary of DCs under 2025/26 DCFCP	Post Development demand (HUE)	Pre Development demand / credit (HUE)	Additional demand (HUE)	\$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Water	0	0	0	\$0	\$0.00	\$0
Wastewater	0	0	0	\$0	\$0.00	\$0
Transport	2.00	2.46	0	\$803	\$0.00	\$0



Community infrastructure	2.00		1.00	\$2,511	\$2,183.48	\$2,511
TOTAL DEVELOPMENT CONTRIBUTION				\$3,314	\$2,183.48	\$2,511
Summary of FCs under 2025/26 DCFCP				\$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Reserves Financial Contribution	2.00	1.00	1.00	\$2,900	\$2,522	\$2,900
Summary of contribution under 2025/26 DCFCP					Total Contribution (exc GST)	Total Contribution (inc GST)
TOTAL CONTRIBUTION					\$4,705.22	\$5,411

Amalgamations and easements

58. No amalgamations are proposed or required as part of this subdivision. As noted above, access to Lot 1 and 2 is to be provided via a new Right of Way easement, shown as 'Easement A, B, C, E' on the Scheme Plan. Accordingly, a condition of consent is recommended that this easement be granted or reserved and included in a Memorandum of Easements on the cadastral dataset. I also consider that it is

appropriate to include a condition of consent which provides for any additional easements required for servicing or access to be confirmed at the time of survey.

Effects summary

59. In accordance with sections 95D and 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. Adverse effects associated with transport, access, servicing, reverse sensitivity and productive soils are considered to be **less than minor**.
60. Adverse effects assisted with the proposed density of subdivision and second residential land use on open character and amenity of the rural resource area are considered to be at least **minor**.

Offsetting or Compensation Measures

61. In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

62. In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan were taken into account when assessing the application.
63. The applicant has provided an assessment of the relevant objectives and policies in the application. The applicant's assessment is adopted in part for the purpose of this report, with further assessment provided below.

Section 4 – Rural Resource Area

64. The following provisions are considered of particular relevance to the proposal:

4.3.3 Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

Policy 4.4.2 – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,*
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*
- (c) The ability to adequately dispose of effluent on site,*
- (d) Controlling the generation of noise in back country areas,*
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,*
- (f) Controlling the spread of wilding trees.*

(g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.

Policy 4.4.10 Rural Subdivision and Development

To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:

- a) The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges,*
- b) The natural character and values of the District's wetlands, lakes, rivers and their margins,*
- c) The production and amenity values of neighbouring properties,*
- d) The safety and efficiency of the roading network,*
- e) The loss of soils with special qualities,*
- f) The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna,*
- g) The heritage and cultural values of the District,*
- h) The water quality of the District's surface and groundwater resources, and*
- i) Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.*

65. Section 4.4.2 of the District Plan notes that the open space and natural character of the rural environment is a significant resource and is sensitive to modification. Policy 4.4.10 indicates that the minimum lot sizes are an important method by which the plan seeks to ensure the maintenance of open space, landscape and natural character values and avoid adverse effects. It is considered the proposal is partly inconsistent with Objective 4.3.3, Policy 4.4.2 (Landscape and Amenity Values) and Policy 4.4.10 (Rural Subdivision and Development) as it will not maintain and enhance rural amenity values created by the open space values of the District's rural environment; and is not able to avoid or mitigate these effects at the density proposed.

Section 16 – Subdivision

66. The provisions of Section 16 apply to subdivision generally, and these provide objectives, policies and general standards for roading and services, prevention of hazard risk, amenity values, open space and public access. The proposal is considered to provide an acceptable level of access and services (objectives 16.3.1, 16.3.2).

67. **Objective 16.3.4 - Amenity Values** states:

"To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision".

68. It is considered that the proposed subdivision and residential land use density will adversely affect open space and amenity values of the rural residential resource area and is, therefore, contrary to this objective.

Operative and Proposed Regional Policy Statements

69. The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals.

70. The applicant has provided an assessment of the proposal against the relevant provisions of the RPS2019 and PRPS2021 and notes that the existing land use and size of the allotment does not hold realistic potential for productive use, and its subdivision does not diminish the district's productive land resource, and the site is not identified as a future development area. The applicant's assessment is adopted for the purposes of this report.
71. After taking into consideration the applicant's assessment, and the operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Other Matters

72. Section 104(1)(c) of the Resource Management Act 1991 requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and plan integrity are considered relevant here.
73. In this case, the proposal is non-complying because the subdivision does not meet the minimum 2ha average lot size requirements. The lot size and density proposed is a significant departure from that which is anticipated within the zone, with lot sizes proposed being:
- Lot 1 with a land area of 7,347m² (net) and 11,234m² (gross); and
 - Lot 2 with a land area of 8,266m² (net).
74. The subdivision would result in an average of 0.975 hectares across the subdivision, less than half of the 2ha requirement.
75. The plan also does not provide for second residential activity on a site, unless this is for workers accommodation or their families, and accommodation facilities for a maximum of 6 persons are a controlled activity. A second residential activity, separate to subdivision, where this does not comply with the NES-DRMU, is a fully discretionary activity.
76. Whilst it is acknowledged that each application must be considered on its own merits, it is considered that there is nothing significantly unique about the proposal that would represent a true exception which would enable the matters of precedent to be overcome. The existing travellers accommodation unit is not considered to be part of the permitted baseline.
77. The granting of the subdivision and land use consent at the density proposed is considered likely to set a precedent for land elsewhere in the Rural Residential portion of the Rural Resource Area to be subdivided in a manner that fails to meet the 2-hectare average. Additionally, the granting of the land use consent alone, may set an expectation that the residential density proposed is appropriate for the zone and establish an expectation for the approval of a future subdivision. Additionally, the granting of a subdivision at this scale, in combination with the existing pattern of development in the immediate locality, has the potential to cumulatively undermine the anticipated outcomes of the District Plan.
78. Given the significant potential for this application to set a precedent for the outcome of future applications and undermine the District Plan, it is recommended that both the subdivision and land use consent components be declined. It is considered that to avoid such a precedent, the proposal should only occur in the event that the relevant rules of

the Operative District Plan are formally reviewed and amended through a plan change process.

Other s104 (1)(b)(i) and (iii) matters

79. The National Policy Statement for Natural Hazards (NPS-HN) 2025 is relevant to land use applications activities. The subject site, and the surrounding environment, is generally flat, and is not annotated on Otago Regional Council's Natural Hazards database portal as being subject to any flood, alluvial fan, landslide, or earthquake risk. Although the site has a very small area mapped as slippage or subsidence hazard on the planning maps, this is mapped over the river terrace edge and does not affect the proposed development, and no buildings or activity is proposed on this part of the site.
80. It is therefore considered that the proposed activity is consistent with the relevant objectives and policies of the NPS-HN, and in reference to the risk matrix in Appendix 1, the level of natural hazard risk is considered to be 'low'.

Sections 106, s106A and 220 of the Act

81. There are no matters identified pursuant to section 106 or s106A of the Act which would prevent subdivision or land use consent being granted. Although the site has a very small area mapped as slippage or subsidence hazard on the District Plan maps, this does not affect the proposed development, and no buildings or activity is proposed on this part of the site.
82. Considering the matters addressed in Section 220 of the Act, a condition of consent has been recommended requiring that any easements be duly granted or reserved (s220(1)(f)). Esplanade requirements are waived in accordance with s220(ac), and a condition to this effect has been recommended, should the panel be of a mind to grant consent.
83. There are no other matters set out in section 220 of the Act which apply to this subdivision.

Section 104D

84. Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan.
85. In this instance, it is considered that the proposal is able to pass the s104D test as although the activity is considered to be contrary to some of the objectives and policies of the District Plan, the adverse effects on the environment arising from this proposed activity have been considered to be no more than minor.

Part 2

86. Based on the findings above, I consider that the proposal is inconsistent with Part 2 of the Act which is to promote the sustainable management of natural and physical resources; as it proposes a density of development that would not maintain and enhance the amenity values of the rural resource area (s7c) and the quality of the environment (7(f)) with these being matters to be had particular regard to under Part 2 of the Act.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

87. The Council decline the subdivision consent to the proposed activity under delegated authority, in accordance with sections 104 and s104D of the Resource Management Act 1991.
88. The Council decline the land use consent to the proposed activity under delegated authority, in accordance with sections 104 and 104A and 104B of the Resource Management Act 1991.
89. In the event the Council reach a different determination, a set of recommended conditions to be imposed under section 108 of the Act are listed below.



Kim Banks
Planning Consultant

Date: **Date**

RECOMMENDED SUBDIVISION CONDITIONS:

1. The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 19 December 2025, and further information received on 12 February 2026, except where modified by the following conditions.
2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations.
3. Esplanade requirements are waived in accordance with section 230 of the Act.
4. Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice.

Note:

Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.

5. Prior to commencement of any physical work occurring on site approved by this subdivision consent, the consent holder must:
 - a) the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at: *CODC Home > Services > Planning > Land Development and Subdivision Engineering*.

This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required prior to 224c.

- b) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:
 - Schedule 1A,
 - Schedule 1B,
 - Standalone Schedule 1B for 3 waters work, and
 - Schedule 1C
- c) As-built drawings are to be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing

documentation version 3.1". The as-built drawings are to be provided in *.dxf or *.12da, and in *.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

- d) Install all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site during any stages of site disturbance that may be associated with this subdivision.

Prior to certification under 223 of the RMA

- 6. Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:
 - a) If a requirement for any easements for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.
 - b) Right of Way A, B, C & E must be duly granted or reserved and shown in a Memorandum of Easements on the cadastral dataset.
 - c) Right of Way A, B, C DP 311383 and C DP 356255 shall be surrendered.

Prior to certification under 224c of the RMA

- 7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Water

- a) an adequate working water supply must be provided individually to each of the proposed Lots 1 and 2 from the Pearson Road Irrigation Society's scheme in accordance with the CODC Addendum, including Clause 6.3.15 Small Rural Water Supplies, and other relevant provisions of NZS 4404:2004, with the following specific requirements:
 - i) Quality. Resolution of any non-compliance, through installation of point-of-use remedial treatment, must be confirmed by being retested fully compliant.
 - ii) Connection. Standard water connections must be installed to the boundary of the proposed Lots 1 and 2 including a standard valve and meter and/or restrictor assembly located at or within the Lot boundary.
 - iii) Documentation. An updated, as appropriate, operation and maintenance manual including a description of the water supply system and as-built drawings of the reticulation layout, and formal ownership and management documentation, must be provided to Council for the network water supply system.
 - iv) Access. Necessary easements must be in place for pipework and access to water sources to, or within the boundary of, each lot.

Firefighting

- b) Firefighting provisions to serve the existing dwelling on proposed Lot 2 must be constructed in accordance with the following requirements: minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection from the static firefighting designated water is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
- i) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
 - ii) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.
 - iii) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.
 - iv) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.
 - v) Any new water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

Advice Note 1: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note 2: Firefighting water supply may be provided by alternative means to the above with written approval of FENZ

Wastewater

- c) Provide a detailed report from a suitably experienced professional to demonstrate that wastewater disposal can be achieved within Lots 1 and 2 in compliance with Clause 5.5 a) of Council's July 2008 Addendum to NZS4404.
- d) A separate on-site wastewater disposal system must be designed and installed by a suitably qualified and experienced person to serve each of proposed Lots 1 and

2. The system must be designed and constructed in accordance with Clauses 5.5(b), (c), (d), and (e) of Council's July 2008 Addendum to NZS 4404:2004, the 2012 version of AS/NZS 1547, and all relevant Otago Regional Council requirements, including required setbacks from watercourses and water supply bores. The disposal field, including any reserve area, must be located entirely within the boundaries of the titled property and meet all required separation distances.

- e) A consent notice must be registered on the titles of proposed Lots 1 and 2, requiring that the on-site wastewater disposal system must be operated and maintained in accordance with the system designer's recommendations and manufacturer's specifications for the lifetime of the system. The system must be regularly serviced by a suitably qualified and experienced person to ensure it continues to function effectively and in compliance with Council and Otago Regional Council requirements. The property owner shall be responsible for all ongoing maintenance, inspections, and renewals as required.

Electricity and telecommunications

- f) Operational underground power and telecommunication services must be provided to proposed Lots 1 and 2. Alternatively, telecommunications may be by wireless technology if desired by the applicant, to be formalised by registration of a suitably worded consent notice on the new title.

Access

- g) the existing vehicle entranceway/crossing from Pearson Road to the right-of-way to serve proposed Lots 1 and 2 must be demonstrated to be in compliance with, or upgraded in accordance with the requirements of Part 29 of Council's Roadway Policies January 2015. For crossings onto sealed roads an upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.
- h) the Right-of-Way (ROW) extending off Pearson Road to serve proposed Lots 1 and 2 must be constructed in accordance with the ROW requirements of Table 3.2 (a) of Council's July 2008 Addendum to NZS 4404:2004, and with the following specific requirements:
 - i) Minimum formed carriageway width of 4.5 metres.
 - ii) Minimum road reserve / legal width of 10.0 metres.
 - iii) Camber of 5-8%.
 - iv) Subgrade >CBR of 7.
 - v) Durable well-bound wearing course to be constructed over pit-run base to provide all-weather traction and prevent surface ravelling.
 - vi) Shallow trafficable side-drains / water channels over level sections (>10%).
 - vii) Rock armouring of side channels over steeper sections.
 - viii) Stormwater discharging to soak pits within the ROW or to natural water courses.
 - ix) Accessway/crossings to proposed Lots 1 and 2 must be provided off the ROW in compliance with Part 29 of Council's Roadway Policies January 2015

Financial Contributions

- i) Payment of a reserves contribution of \$2,522 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of one additional dwelling equivalent.

To Be Included on a Consent Notice Pursuant to s221

- 8. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration on each of the certificates of title for Lots 1 and 2 hereon, for the following ongoing conditions:

Stormwater

- a) Stormwater from buildings and other impervious surfaces must be stored for beneficial reuse or disposed of by a soakage system (e.g. soak-pit or similar), designed by a suitably qualified and experienced person in accordance with NZ Building Code Clause E1 (Surface Water), which will require Building Consent. The system must be located entirely within the boundary of the titled property, and the property owner shall be responsible for maintaining the system in good working order to prevent surface flooding and nuisance effects on neighbouring properties.

RECOMMENDED LAND USE CONDITIONS:

1. Residential activity is approved from an existing building in accordance with the plans attached Appendix 1 and the information contained in the consent application and supporting documents received by Council on 19 December 2025, and further information received on 12 February 2026, except where modified by the following conditions.
2. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations
3. The travellers accommodation authorised by RC 180151 shall be cancelled upon giving effect to the residential activity authorised by this consent.
4. The consent holder is/are aware of and will take all reasonable and appropriate steps to advise all guests, of the proximity of orchard and vineyard activities, whereon activities including, but not limited to, the following may be undertaken as permitted activities:
 - a) The operation of bird deterrent devices
 - b) The operation of mechanised equipment including vehicles and plant
 - c) The operation of fans for frost fighting purposes.
5. The exterior walls, accents and trim for all buildings and structures for all buildings (including water tanks) shall have colours in the range of in the range of browns, greens, grey blue, or greys with an LRV of less than 38%.
6. Any external lighting must be directed away from adjacent sites and roads and must be directed downwards.
7. Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice.

Note: Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.
8. Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at: CODC Home > Services > Planning > Land Development and Subdivision Engineering

This EA application must include:

- Confirming who their representative is for the design and execution of the engineering work.
- Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.

Either a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter is required

9. Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:
 - Schedule 1A,
 - Schedule 1B,
 - Standalone Schedule 1B for 3 waters work, and
 - Schedule 1C

Water

10. An adequate working water supply must be provided to the proposed residential unit from the property's existing connection to the Pearson Road Irrigation Society's scheme in accordance with the CODC Addendum, including Clause 6.3.15 Small Rural Water Supplies, and other relevant provisions of NZS 4404:2004, with the following specific requirements:
 - a) Quality. Resolution of any non-compliance, through installation of point-of-use remedial treatment, must be confirmed by being retested fully compliant.
 - b) Isolation. Isolating valves must be installed within the property boundary such that the water supply to each building can be separately controlled and isolated.

Firefighting

11. Firefighting provisions to serve the existing and proposed dwellings must be demonstrated to be in compliance with or be upgraded in accordance with the following: minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection from the static firefighting designated water is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
 - a) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
 - b) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.
 - c) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located

at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.

- d) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.
- e) Any new water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

Advice Note 1: For more information on how to comply with this Condition or on how to provide for FENZ operational requirements refer to the Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Advice Note 2: Firefighting water supply may be provided by alternative means to the above with written approval of FENZ.

Wastewater

- 12. The existing on-site wastewater disposal system serving the existing residential unit and proposed residential unit must be inspected by a suitably qualified and experienced person to confirm that it is in good working order, has sufficient capacity for its intended use. The inspection report must describe the system's type, condition, capacity, and the location of all components (including disposal fields and reserve areas). If the system is found to be inadequate, it must be upgraded to achieve full compliance with AS/NZS 1547:2012.

Access

- 13. The existing vehicle entranceway/crossing from Pearson Road must be demonstrated to be in compliance with, or upgraded in accordance with the requirements of Part 29 of Council's Roading Policies January 2015. For crossings onto sealed roads an upgraded crossing must include a cutout 300mm into the sealed road or until the full thickness of the sealed road is reached, whichever is greater. The interface must have tape seal banding over all joins for new asphalt crossings, and at least 150mm chip seal overlap for new chip seal crossings. Chip seal crossings must be two coat.

Stormwater

- 14. Stormwater from buildings and other impervious surfaces must be stored for beneficial reuse or disposed of by a soakage system (e.g. soak-pit or similar), designed by a suitably qualified and experienced person in accordance with NZ Building Code Clause E1 (Surface Water), which will require Building Consent. The system must be located entirely within the boundary of the titled property, and the property owner shall be responsible for maintaining the system in good working order to prevent surface flooding and nuisance effects on neighbouring properties

Financial Contributions

15. Payment of a reserves contribution of \$2,522 (exclusive of Goods and Services Tax) calculated in terms of Rule 15.6.1(1)(a)(i) of the Operative District Plan on the basis of one additional dwelling equivalent.
16. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations.

ADVICE NOTES:Earthworks

1. All earthworks to develop and/or landscape each lot shall comply with Rule 4.7.6J of the Central Otago District Plan or additional resource consent will be required.
2. The Otago Regional Council also has rules regarding residential earthworks and the consent holder is advised to ensure that they do not require approvals from the Regional Council.
3. If during any site disturbance, the consent holder or subsequent owners:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
 - b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
 - i) stop work within the immediate vicinity of the discovery or disturbance; and
 - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make

an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and

- iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

Water, Wastewater and Firefighting

4. It is strongly recommended that additional treatment be included for all water supply to provide wholesome water by achieving compliance with the Guideline Values (GVs) shown to be exceeded in the laboratory reports.
5. On-site disposal shall comply with the Otago Regional Council requirements.
6. For more information on how to comply with **Condition X** above or on how to provide for FENZ operational requirements refer to the Fire and Emergency New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 retrieved from http://www.fire.org.nz/CMS_media/pdf/da516e706c1bc49d4440cc1e83f09964.pdf. In particular, the following should be noted:
 - For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.
 - For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.

Financial Contributions

7. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification.
8. Development contributions of \$2,183.48 (exclusive of goods and services tax) are payable for reserves (rural), transport and community infrastructure accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2025 and updated \$/HUE rates published in CODC's Schedule of Fees and Charges 2025-2026.
9. Development contributions must be paid by the due dates in the table below.

	Payment due date
Building consent	20 th of the month following the issue of the invoice
Certificate of acceptance	At issue of the certificate of acceptance
Resource consent for subdivision	Prior to release of the certificate under section 224(c) of the RMA
Resource consent (other)	20th of the month following the issue of the invoice
Service connection	At issue of the connection approval

On-time payment is important because, until the development contributions have been paid in full, Council may:

- Prevent the commencement of a resource consent.
- Withhold a certificate under section 224(c) of the RMA.
- Withhold a code compliance certificate under section 95 of the Building Act 2004.
- Withhold a service connection to the development.
- Withhold a certificate of acceptance under section 99 of the Building Act 2004

Access

10. It is the consent holder's responsibility to obtain all necessary Temporary Traffic Management Plans, Corridor Access Requests or any other approvals to undertake works within the road reserve. These approvals should be obtained prior to the works commencing.

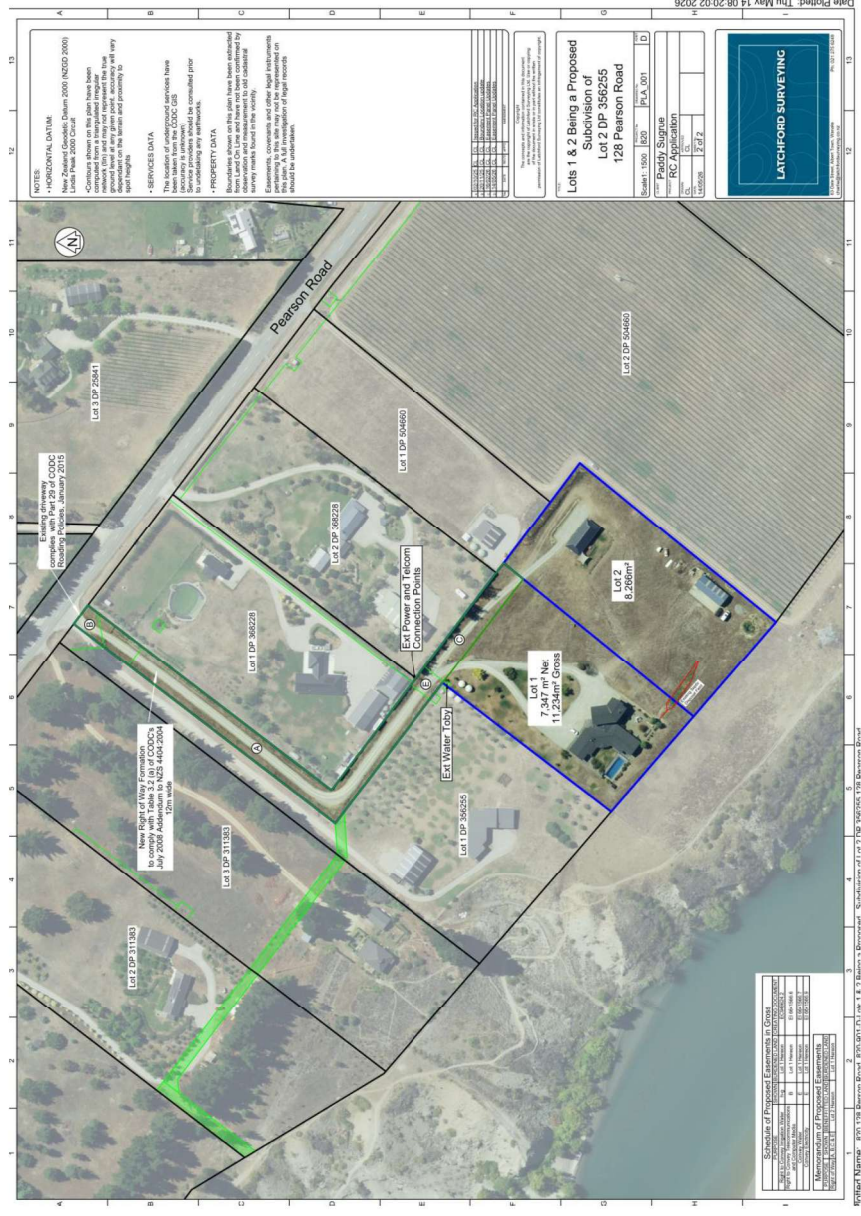
Rural Development

11. Building colours and material are to be consistent with Rule 4.7.6D of the Central Otago District Plan.

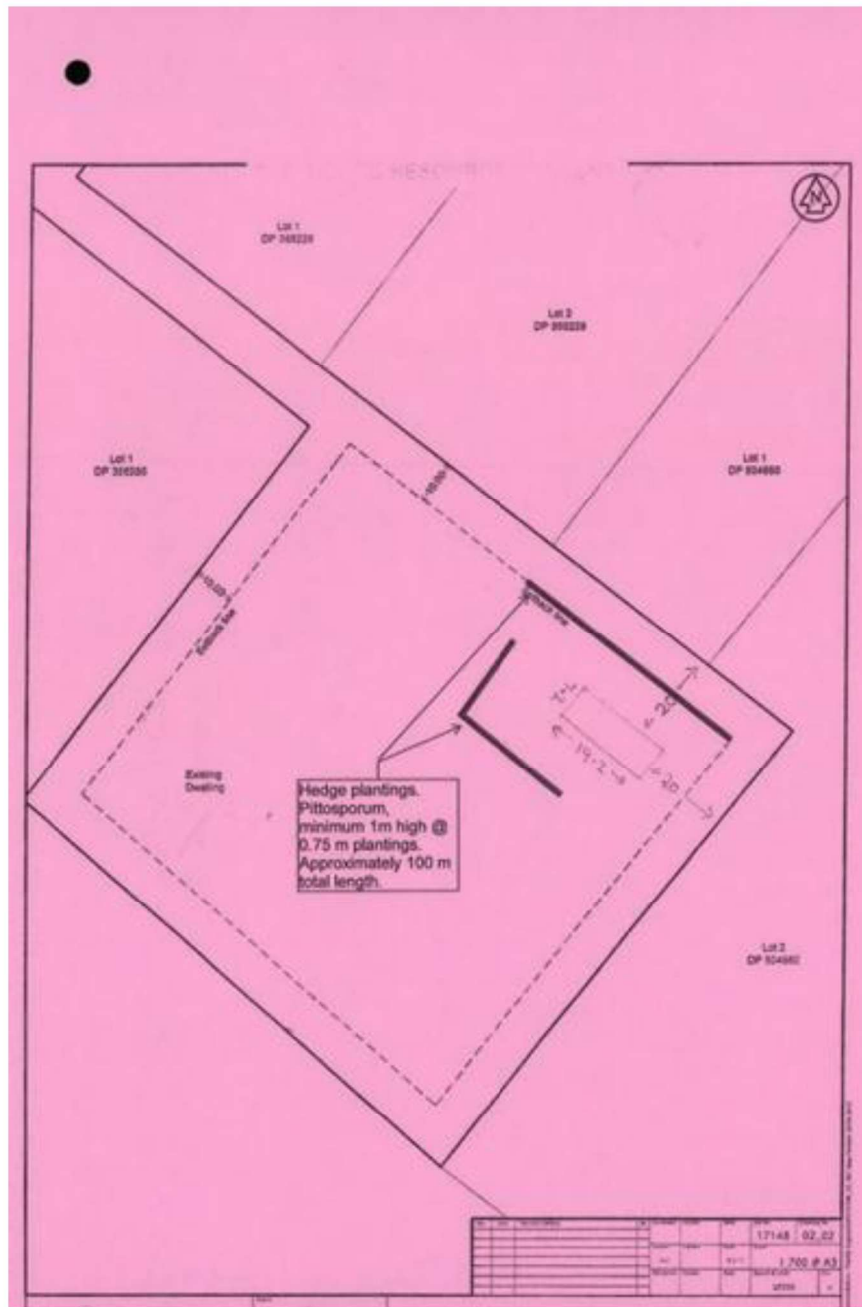
General

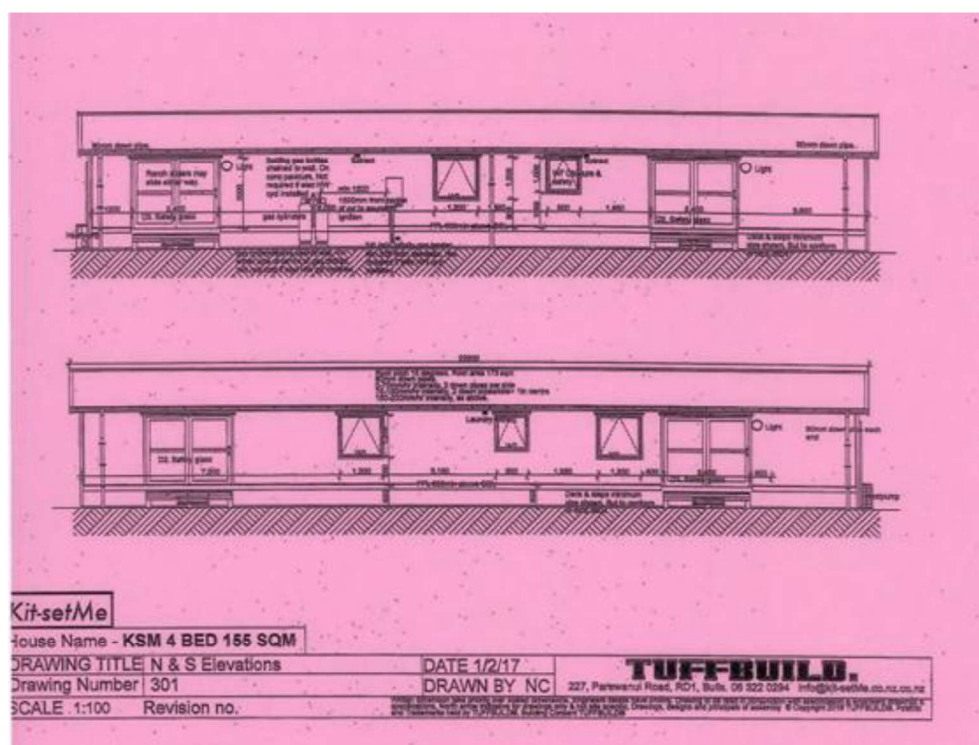
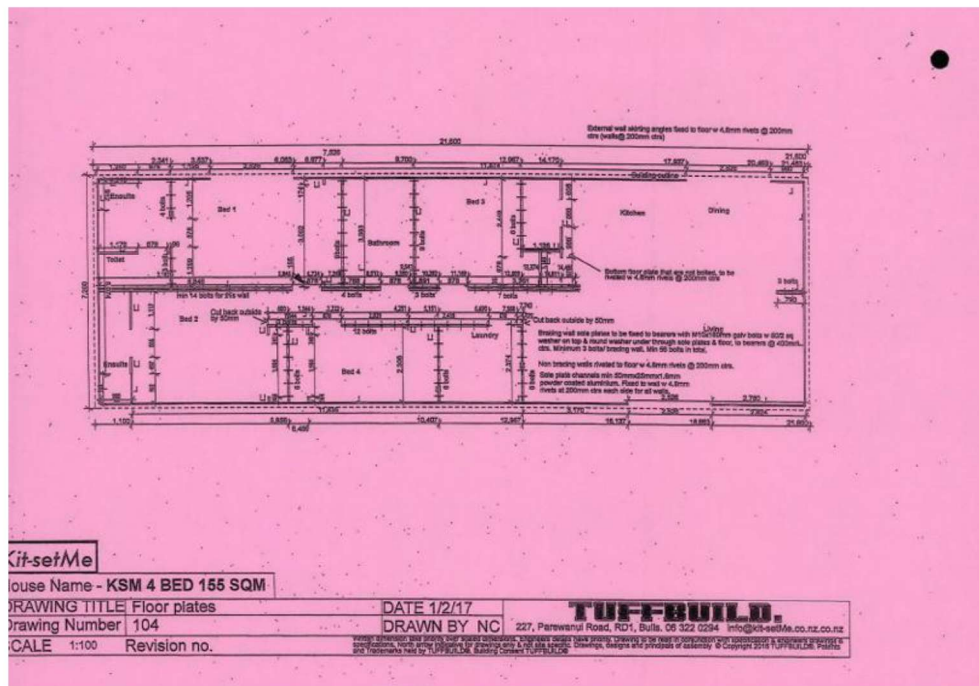
12. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
13. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
14. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
15. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
16. This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work.

Appendix One: Plan/s for RC 250374 (scanned image(s), not to scale)



Appendix One: Approved Plan/s for RC 250374 (scanned image(s), not to scale)





**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC250374
126 Pearson Road, Cromwell**

INTRODUCTION

APPLICATION	RC 250374
APPLICANT	MARK SUGRUE AND IMOGENE SUGRUE
ADDRESS	126 PEARSON ROAD, CROMWELL
LEGAL DESCRIPTION	LOT 2 DP 356255 (HELD IN RECORD OF TITLE 229404.
ACTIVITY DESCRIPTION	LAND USE AND SUBDIVISION CONSENT FOR A TWO LOT SUBDIVISION (7,347m² AND 8,266m² NET AREA) AND CONVERSION OF EXISTING TRAVELLERS ACCOMMODATION TO A RESIDENTIAL UNIT IN THE RURAL RESIDENTIAL RESOURCE AREA.
ACTIVITY STATUS	NON-COMPLYING

The application seeks subdivision and land use consent for a two-lot subdivision in a Rural Residential Resource Area at 126 Pearson Road, Cromwell. There is an existing dwelling on the site and travellers accommodation that is to be repurposed into a four bedroom dwelling.

Subdivision

The proposed subdivision is to create two allotments:

- Lot 1 is to be 7,347 square metres net area, 11,234 square metres gross area; and
- Lot 2 is to be 8,266 square metres net area.

Lot 1 contains an existing dwelling, and Lot 2 contains an existing building used for travellers accommodation, plus a garage.

New easements are proposed to provide for servicing and access including a new right of way to be formed across an existing vehicle access to be 12m wide to comply with Table 3.2 (a) of CODC's July 2008 Addendum to NZS 4404:2004. An existing vehicle crossing to Pearson Road is to be retained unchanged to service the proposed lots.

The existing buildings share the use of an existing on-site sewage treatment and disposal system. Modifications are proposed to the existing effluent disposal field so that it does not cross the proposed boundaries of lots. An additional on-site sewage treatment and disposal system is proposed for Lot 2.

A potable water supply is to be provided to each lot based on a reallocation of an existing water supply managed by the Pearson Road Irrigation Society. A separate firefighting water storage tank is also proposed for Lot 2, and an existing tank retained for Lot 1.

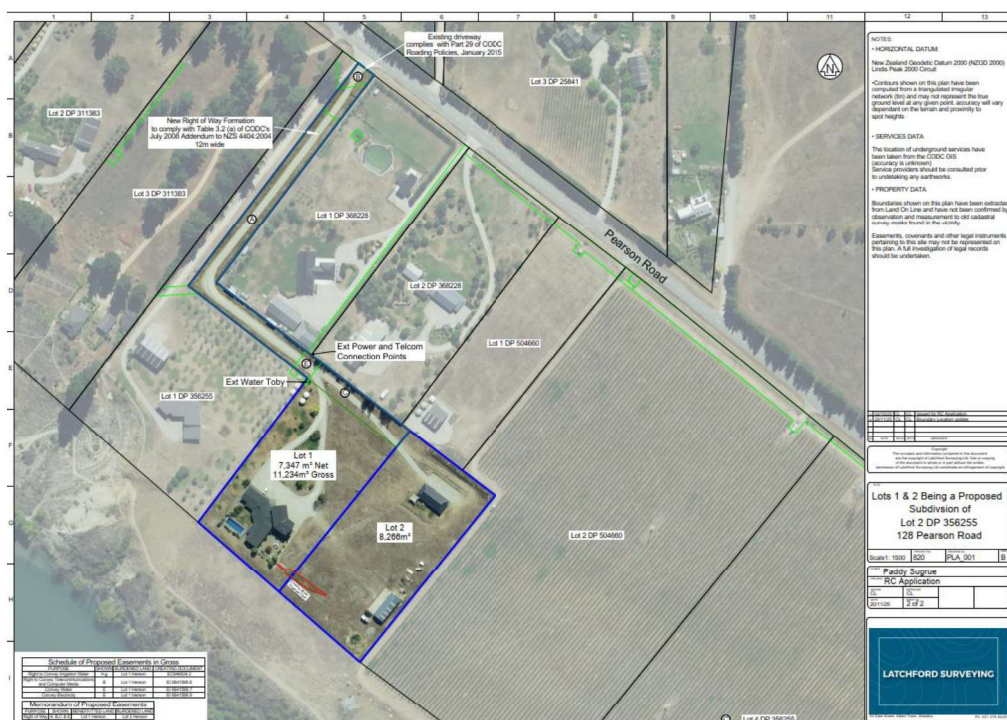


Figure 1: Subdivision plan (Source: Application, 12 Jan 2026)

Land use

The travellers accommodation building is to be repurposed to be used as a four bedroom dwelling with no physical changes to the building footprint.

No landscaping or earthworks are proposed, with the applicant stating any earthworks would be likely to remain within the permitted standards of Rule 4.7.6J(a) and (b).

SITE DESCRIPTION

The subject site is located at 126 Pearson Road, Cromwell. The site is legally described as Lot 2 Deposited Plan 3194.

Legal description	Record of title	Land area
Lot 2 DP 356255	229404	1.95ha

There are easements and rights of way, an encumbrance to Pearson Road Society Incorporated, and a Consent Notice 6641566 registered as interests recorded on the title. The applicant provided a copy of the consent notice that relates to:

- Wastewater
- Domestic Water & Fire Fighting
- High Voltage Transmission Lines passing through neighbouring lots

Otherwise, the subject site is well described within the application, and I have adopted the applicant's description for the purposes of this report.

REASONS FOR APPLICATION

Central Otago District Plan (District Plan)

The subject site is located within the Rural Residential Resource Area of the District Plan. The District Plan provisions relating to density remain operative as it applies to the subject site at the time of writing this report.

Subdivision consent is required for the following:

- A **non-complying activity** pursuant to Rule 4.7.5(iii) for the subdivision of land which fails to comply with the 2ha average allotment size required by Rule 4.7.2 (ii)(a)(i).

Land use consent is required for the following:

- A **controlled activity** pursuant to Rule 4.7.2(i) for a residential activity on a single record of title for the existing residential building on proposed Lot 2.

Matters of control are as follows:

1. *Any impact on landscape values, including the colour of the dwelling and accessory buildings and the specific location of the building and design of the exterior in terms of impact on skylines and important views. Colours shall generally be consistent with those identified in Rule 4.7.6.D.*
2. *Methods to avoid, remedy or mitigate the effects of existing activities including the provision of screening, landscaping and methods for noise control.*
3. *Provision of services, including fire fighting water supply.*

National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.

The applicant has undertaken an assessment of the NESC and states that the site has been maintained as undeveloped pasture and native grasses and has not been used for productive viticultural activities. The site was established for residential purposes in 2004 and was subsequently developed as such. The applicant has completed a search of the Central Otago and Otago Regional Council's database and there are no records that would suggest HAIL

activities have, or are occurring on the site and the site. Therefore the site has not or is not likely to have had HAIL use in accordance with Regulation.

Therefore, I consider that the NESCS Is not triggered by this application.

There are no other National Environmental Standards relevant to this application.

Overall Status

Where an activity requires resource consent under more than one rule, and the effects of the activity are inextricably linked, the general principle from case law is that the different components should be bundled and the most restrictive activity classification applied to the whole proposal.

In this case, there is more than one rule involved, and the effects are linked. As such, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, **as a non-complying activity** pursuant to sections 104 and 104D of the Resource Management Act 1991 ('the Act').

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

The applicant has requested public notification of the application. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Pursuant to section 95A of the Resource Management Act 1991, the consent authority must publicly notify the application as the applicant has requested that the application be publicly notified.

OVERALL DECISION - S95A NOTIFICATION

For the reasons outlined above, under s95A of the RMA, the application is to be processed on a publicly notified basis.

PUBLIC NOTIFICATION

Section 2AA of the Resource Management Act sets out that public notification means the following:

- (a) giving public notice of the application or matter in the manner required by section 2AB;
- (b) giving that notice within the time limit specified by section 95, 169(1), or 190(1); and
- and
- (c) serving notice of the application or matter on every prescribed person.

Public notice

Public notification is to be given in the prescribed form by way of notice on the Council website and advertisement in a local newspaper, including all the information that is required to be publicly notified and in the prescribed form.

Service

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

(a) every person who, in the opinion of the consent authority, is an affected person within the meaning of section 95B in relation to the activity that is the subject of the application or review:

Not applicable. The application falls to be mandatory public notification pursuant to section 95A(3), therefore Section 95B(1), Steps 1-4 to determine Limited Notification are not relevant.

(b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:

Not applicable. There are not known to be any other occupiers of the site, other than the landowner. Occupiers of the travellers accommodation are in frequent, irregular and non-permanent occupiers of the site.

(c) the regional council or territorial authority for the region or district to which the application or review relates:

Notice of the application must be serviced on the Otago Regional Council.

(d) any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review.

The iwi authorities to be served notice are as follows:

- Kai Tahu Ki Otago:
 - Te Ao Marama Inc
 - Aukaha (Mana Taiao)

Other persons and bodies that the consent authority considers should have notice of the application are as follows:

- Pearson Road Irrigation Society Incorporated
- Contact Energy Limited
- Land Information New Zealand (LINZ)

Any other person whom the consent authority considers should have notice of the application is as follows:

It is considered that the following persons listed below, and identified in Figure 2, should be served notice of the application due to their proximity to the site and potential effects of the proposal on these owners/occupiers.

Address	Owner
122 Pearson Road, Cromwell (Lot 3 DP 311383)	Friberg Horticulture Limited

Address	Owner
124 Pearson Road, Cromwell (Lot 1 DP 356255)	Kevin Mark Etches, Marion Denise Etches
132 Pearson Road, Cromwell (Lot 1 DP 368228)	AWS Trustees Limited, Robert Glen Horne
134 Pearson Road, Cromwell (Lot 2 DP 368228)	Jenny Maree Elder, Norman James Elder
146 Pearson Road, Cromwell (Lot 1 DP 504660)	Claire Catherine Robertson, Stephen Arthur Robertson
160 Pearson Road, Cromwell (Lot 2 DP 504660)	Little Quail Limited
Lot 4 DP 356255	Little Quail Limited

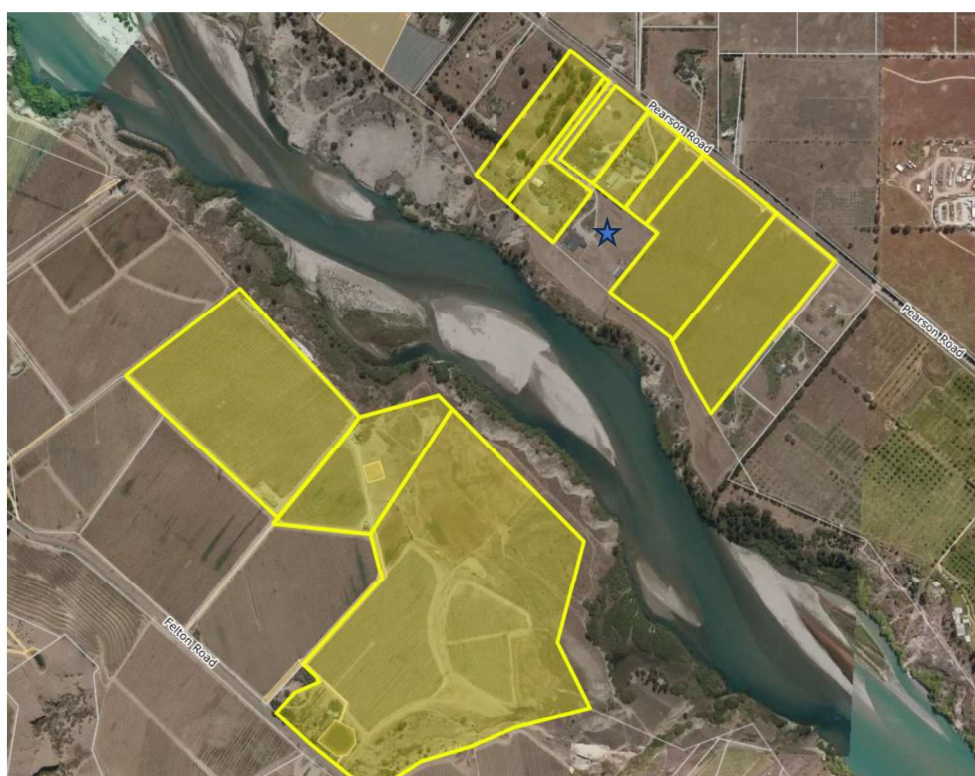


Figure 2 Location of the adjacent and nearby lots (yellow) to be notified of the proposal on the subject lot (blue star). Source: GRIP, February 2026.

(e) the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:

Not applicable.

(f) the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:

Not applicable.

*(g) the Heritage New Zealand Pouhere Taonga, if the application or review—
i. relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or
ii. affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014*

Not applicable.

(h) a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.

Not applicable.

(ha) a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:

Not applicable.

(i) Transpower New Zealand if the application or review may affect the national grid.

The National Grid Corridor is located adjacent to the site, however the proposal is not anticipated to affect the national grid.

OVERALL NOTIFICATION DETERMINATION

The applicant has requested public notification of the application. Therefore, the application is to be processed on a publicly notified basis.

It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Kim Banks
Planning Consultant

Date: 11 February 2026

Approved under Delegated Authority by:



Tim Anderson
Team Leader – Planning

Date: 11 February 2026

Application for a resource consent - Form 9

APP251238889



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Date and Time Created 19/12/2025 01:04
Submitted to Council 19/12/2025 01:10

To cross reference Datacom with MAGIQ please click [Here](#) to add the Resource Consent number.

Property Details

Property Address 126 Pearson Road Cromwell
Record of Title Number 229404
Legal Description(s) of the specific parcels that the resource consent application is for Lot 2 DP 356255

What is your role in this application? Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation JPW Consulting Ltd
First name Jake
Last name Woodward
Phone number 0223158370
Email address jake@jakewoodward.co.nz
Note that the applicant will also receive a copy of all correspondence.
Postal address: PO Box 190, Cromwell 9342
Confirm that you have approval to act on behalf of the applicant Yes

The applicant is the person(s) or organisation making the application.

Applicant details

Is this applicant an individual or an organisation? Individual
First name Mark (Paddy)
Last name Sugrue
Phone number 0272101447
Email address paddysxb@gmail.com
Postal address: 126 Pearson Road, Cromwell , New Zealand

Additional applicant details

Is this applicant an individual or an organisation? Individual
First name Imogene
Last name Sugrue
Phone number
Email address

Postal address:

Invoicing

Who is paying the invoice?

Applicant

DETAILS

Activity or works proposed

Application type

Land use and subdivision consent

Short description of your proposal

Two-lot subdivision

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the [guidelines for Assessment of Environmental Effects](#).

[JW25057 - Sugrue - AEE - FINAL.pdf](#) (2 mb)

Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- The matters set out in [Schedule 4 of the Resource Management Act 1991](#).
- Any relevant objectives, policies, or rules in a document.
- Any relevant requirements, conditions, or permissions in any rules in a document.
- Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).

Please do not load the same document that you loaded for AEE above

Other activities

Other applications

Are you required to apply for any other resource consents for this project?

Is this project related to a building consent?

No

Pre-application information

Have you discussed this proposal with Council staff prior to this application?

No prior discussion

Site visit requirements

Who is the site contact?

Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- If an affected party does not give approval to your proposal this may impact on the way that the application is processed.
- Council's duty planner can provide you with advice on which parties may be affected by your proposal.

[Download an affected party approval template form.](#)

Do you need affected party approval?

No

Reason

Refer AEE

National Environmental Standard – Contaminated Soil (NES-CS)

National Environmental Standard – Contaminated Soil - option selected

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the AEE.

Fast-Track Processing

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing.

I opt out of the fast-track consent process

Please select one:

Public Notification

Please confirm whether you request public notification for this application. Yes

If you choose "Yes" - Please note a "notified to formal hearing" deposit fee is payable. Please refer to Council's current Fees and Charges on our website.

LIST OF FILES

[JW25057 - Sugrue - AEE - FINAL.pdf](#) (2 mb)

[Appendix \[C\] - Scheme Plan.pdf](#) (3 mb)

[Appendix \[D\] - Pearson Road Irrigation Society Water Documents.pdf](#) (1 mb)

[Appendix \[A\] - Record of Title 229404.pdf](#) (369 kb)

[Appendix \[B\] - Consent Notice 6641566 4.pdf](#) (104 kb)

ASSESSMENT OF ENVIRONMENTAL EFFECTS

126 Pearson Road, Cromwell

Mark Gerard Sugrue, Imogene Grace Sugrue and
Dunmore Trustees Limited



Our Reference: JW25057

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1 THE APPLICANT AND PROPERTY DETAILS

Client	Mark Gerard Sugrue, Imogene Grace Sugrue and Dunmore Trustees Limited
Address for service	JPW Consulting Limited Jake Woodward jake@jakewoodward.co.nz 022 315 8370
Property Address	126 Pearson Road, Cromwell
Project Description	Subdivision and land use consent to undertake a two-lot subdivision around existing buildings. Land use consent to breach internal setback requirements.
Our Reference	JW25057
Date	19 December 2025
Version	1

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2 EXECUTIVE SUMMARY

This application seeks consent for a two-lot subdivision of the property at 126 Pearson Road, Cromwell, within the Rural Residential Notation and resulting in a breach of the 2-hectare averaging requirement. The proposal results in allotment areas of 1.12 hectares and 0.83 hectares.

The site is located within an already modified rural-residential environment characterised by orchards, rural-lifestyle housing, and associated structures. Surrounding lot sizes vary widely, from around 5,800 m² to several hectares.

The proposed subdivision seeks to create two allotments within the Rural Residential Zone by formalising boundaries around two existing, consented dwellings. Although the subdivision does not meet the 2-hectare averaging requirement, the Rural Residential notation imposes no minimum lot size, and the surrounding environment already contains numerous sub-2-hectare properties. The pattern of development in the locality, including allotments ranging from approximately 5,800 m² to 9,285 m², demonstrates that smaller rural-residential sites are both established and anticipated. Within this context, the proposal represents a logical and coherent infill that maintains the spacious, low-density character expected in the zone.

The subdivision design is appropriate, with the site able to accommodate existing and future built form and servicing in accordance with Council standards. The averaging rule functions as a broad density guide rather than a strict minimum, and the District Plan relies on an effects-based assessment of character, amenity, landscape, and servicing. The subject site is already developed with two dwellings, and earlier subdivisions (RC040137 and RC040486) have already secured the larger productive-capable allotments, meaning the productive capacity of the area has effectively been accounted for. As a result, the proposal will not set an adverse precedent nor undermine the intent of the averaging framework.

No physical works are proposed, and the subdivision will not alter the existing built form, activity levels, or landscape character. Key rural attributes, including open space, low structural density, and rural outlook, will remain unchanged. The proposal therefore has no more than minor effects on rural amenity or landscape values.

Similarly, the subdivision will not affect productive capacity or generate reverse sensitivity issues. The land is already fully committed to residential use, is not productive, and adjoins predominantly residential properties. While one boundary adjoins a vineyard (which is in the process of being removed), the proposal introduces no additional dwellings or new sensitive receptors, and the existing interface remains unchanged.

Overall, the subdivision is an appropriate outcome that aligns with the established environment, maintains rural amenity and landscape values, and poses negligible effects on productive capacity or reverse sensitivity.

A thorough evaluation of applicable policies is provided in this AEE. The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan and the various Otago Regional Policy Statements and National Policy Statements. The proposal is considered to promote Part 2 of the Resource Management Act 1991.

3 SITE DESCRIPTION

3.1 SITE DESCRIPTION

The site subject to this application is located at 126 Pearson Road, Cromwell and is legally described as Lot 2 DP 356255 as contained in Record of Title 229404. A copy of the Record of Title is attached in **Appendix [A]**.

The site is located down a leg-in driveway and has a total area of 1.95 hectares. The site contains two existing dwellings, one being the primary residential unit, and the second being a four-bedroom dwelling established for visitor accommodation purposes. An aerial image of the site is as follows:



Figure 1: Aerial image of the subject site (approximately shown) and surrounds (Image Source: CODC GIS).

3.2 SURROUNDING ENVIRONMENT

The receiving environment along Pearson Road is characterised by a varied rural-residential pattern that reflects an evolving interface between traditional horticultural land use and increasing residential activity. Lot sizes along the road are notably diverse, ranging from larger rural allotments of several hectares (typically supporting established orchards and shelterbelt planting) to smaller lifestyle and residential lots of under one hectare.

This variation in lot size and density results in a mixed rural character, where higher concentrations of dwellings are interspersed among productive orchards and rural landscapes. Residential activities are well established in parts of the road corridor, with houses and associated curtilage areas visible from the road frontage, often set within mature planting that provides partial screening. In other locations, productive orchards remain the dominant feature, reinforcing the rural production character.

Overall, Pearson Road exhibits a transitional rural-residential environment, where the proliferation of dwellings and lifestyle blocks occurs in close proximity to ongoing horticultural operations, producing a mosaic of residential and rural production land uses.

3.3 RECORD OF TITLE

As noted above, the site is legally described as Lot 2 DP 356255 as contained in Record of Title 229404. A copy of the Record of Title is attached in **Appendix [A]**.

There are a number of easements detailed on the Title which the applicant is aware of and will avoid accordingly.

There is one consent notice registered on the Title being Instrument 6641566.4 (and attached in **Appendix [B]**) which requires the following:

Table 1: Summary review of Consent Notice 6641566.4.

Condition	Requirement	Compliance
1-7	Requirement for an onsite wastewater system to be designed and installed in accordance with AS/NZS1547/2000 at the time of dwelling construction.	Continues to apply.
8	Drinking water to be monitored in compliance with the Drinking Water Standards for New Zealand 2000.	Continues to apply.
9-10	Requirement to install a firefighting tank with a minimum static volume of 14,000 Litres.	n/a
11-14	Relates to high voltage transmission lines on Lots 3 and 4.	n/a
15-16	Relates to excavation within proximity to high voltage lines	n/a

4 RESOURCE MANAGEMENT BACKGROUND

4.1 SUBDIVISION CONSENTS

Following a review of Council's records, the following previous subdivision resource consent applications are considered relevant:

4.1.1 RC040137 and RC040486

Approved on 20 October 2004, RC040137 was an application to subdivide what was then identified as Lot 3 DP 26636¹, into five Lots as follows:

¹ 17.7287 hectares

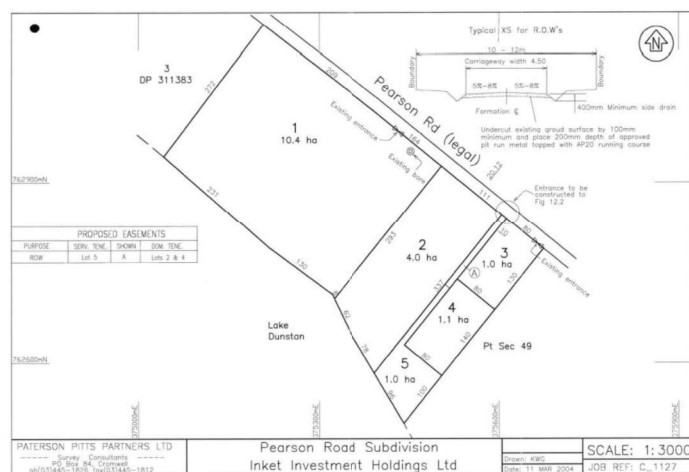


Figure 2: Scheme plan for RC040137.

Immediately following the grant of RC040137, RC040486 was approved on 21 March 2005 to further subdivide Lot 1 RC040137 into a further three Lots, as follows:

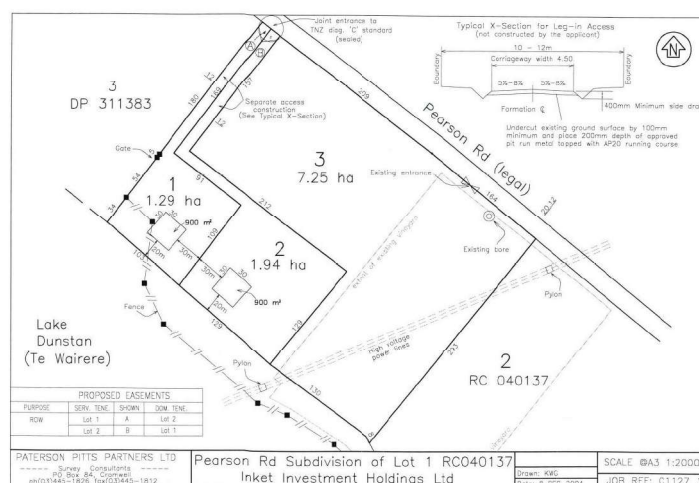


Figure 3: Scheme plan for RC040486.

The subject site is the direct result of RC040486 (being Lot 2 of RC040486 as evident in figure 3 above).

4.1.2 RC050462

Approved on 10 March 2006, a further subdivision of what was Lot 3 of RC040486, was approved, to create three Lots, as follows:

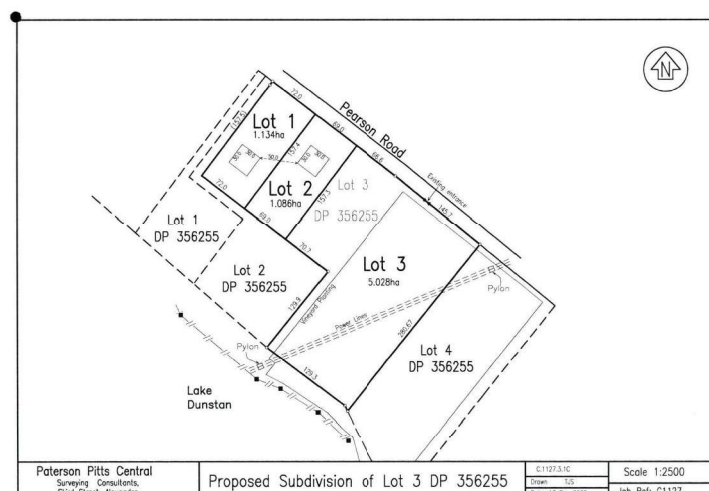


Figure 4: Extract of scheme plan for RC050462.

4.1.3 RC080331

In 2008, RC080331 was an application to subdivide the subject site into two Lots, which was ultimately declined. An extract of the scheme plan from RC080331 is as follows:

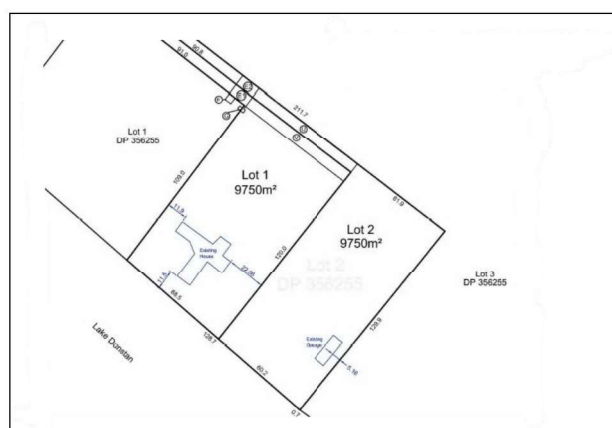


Figure 5: Extract of scheme plan for RC080331.

Council's reason for the refusal was as follows:

The average area of Lots 1 and 2 (9750m²) equates to 48.75% of the average area required for subdivision in the Rural Residential portion of the Rural Resource Area. The proposal will result in a much denser form of subdivision and future development than is provided for on land subject to the Rural Residential notation. The Council considers that the proposed subdivision will have an adverse effect on rural amenity values and in terms of open space.

The Council acknowledges that the site is separated from Pearson Road by other blocks (being Lots 2 and 3 of RC 050462) and considers that development on the allotments will present a more intense form of development than would be expected in this locality particularly when viewed from the surface and margins of Lake Dunstan and from neighbouring properties.

A 50 metre separation distance is required between dwellings on land subject to the Rural Residential notation, and proposed Plan Change 5K requires a minimum side and rear yard of 25 metres for buildings used for residential activity. While a dwelling is under construction on Lot 1, the Council has concerns that Lot 2 has insufficient area to accommodate a dwelling which achieves compliance with these rules. This reinforces the Council's view that the subdivision will result in an intensity of development which is inappropriate in this locality.

Lot 1 DP 356255 and Lots 1 and 2 of RC 050462 have areas that range between 1.086 ha and 1.2950 ha. As noted above these parcels (titles) were created through subdivisions that achieved an average lot area of 2 hectares. This contrasts with the current proposal which creates allotments having an average area of 9750m². While the area of the proposed allotments are similar to these of existing titles in this locality, the proposal will have a cumulative effect of creating a cluster of small allotments, and will not achieve the average lot area of 2 hectares that is required.

...

The creation of allotments having an average area of 9750m² in a locality where an average allotment area of 2 hectares is provided for in the Operative District Plan results in a form of subdivision and development which is inappropriate and contrary to the objectives and policies which apply in the Rural Resource Area. The Council also notes that the subject site has resulted from a controlled activity subdivision which achieved compliance with the 2 hectare average lot area requirement. In essence the land has been subdivided in accordance with the objectives and policies previously and the current proposal would be contrary to these objectives and policies as a consequence of the density of subdivision and development that is now proposed. The Council concludes that the proposal is contrary to the objectives and policies of the Operative District Plan.

4.1.4 RC160056

Approved in 2016, the adjoining Lot 3 of RC050462 was subdivided into two Lots, under RC160056 as follows. This resulted in a 0.75 hectare parcel of land immediately adjacent to the subject site.



Figure 6: Scheme plan for RC160056.

4.2 LAND USE CONSENTS

The following land use consents are considered relevant:

4.2.1 RC070376

Approved on 6 November 2007, was an application to erect a five bay shed in the south-eastern corner of the site.

4.2.2 RC070453

Approved on 14 December 2007, RC070453 was an application to erect a dwelling on the subject site. This application relates to the existing primary residence that is on the site presently.

4.2.3 RC180151

Approved on 05 July 2018, RC180151 was an application to establish a four-bedroom dwelling on the subject site, to be used as traveller's accommodation for up to six fee paying guests.

5 PROPOSAL

5.1 OVERALL SCHEME

Resource consent is sought to undertake a two-Lot subdivision of the property. A scheme plan, prepared by Latchford Surveying Ltd, detailing the extent of the proposal is attached in **Appendix [C]**, an extract of which is as follows:



Figure 7: Extract of proposed scheme plan (Source: Latchford Surveying Ltd).

5.1.1 Scheme Plan

The proposal will result in allotment sizes as follows:

Lot	Lot Area
1	1.12 hectares (gross)
2	0.83 hectares.

The subdivision results in an average of 0.975 hectares across the subdivision.

5.1.2 Residential activities

The site contains two existing dwellings, albeit one of those was established by way of a traveller's accommodation consent. It is necessary to change the status of this dwelling to residential.



Figure 8: Photo of existing dwelling on proposed Lot 2.

5.1.3 Access

The site benefits from an existing 12.0 metre wide leg-in access, which services only the subject site. The application proposes to utilise this same access for both Lots 1 and 2.

The Right of Way Formation will be upgraded to comply with Table 3.2 (a) of CODC's July 2008 Addendum to NZS 4404:2004.

The existing vehicle crossing was inspected and considered to be in accordance with Part 29 of CODC's Roading Policies.

5.1.4 Servicing

In terms of servicing, the following is noted:

- Domestic water for the site is obtained from the Pearson Road Irrigation Society (PRIS), which supplies domestic drinking water to the subject site, and adjacent properties as per the following figure. Water is supplied from the water source (groundwater bore) and reticulated to 8 member households with individual capacity for storing their domestic water supply, including drinking water. The supply of water is allocated in accordance with PRIS's resource consent and supplies drinking water for the full year. The overall supply does not have a water treatment system as irrigation water is also supplied from the source and it is impractical to treat this quantity of water as 'drinking water'. Any additional water treatment occurs at the individual properties at the discretion of the property owner. A copy of the PRIS water safety plan, their regional water take consent, and correspondence from PRIS advising of the ability to service the proposed subdivision with this supply, is attached in **Appendix [D]**.



Figure 9: Properties serviced by the PRIS (Image Source: PRIS Water Safety Plan).

- Firefighting for the existing dwellings are achieved via an existing water tank, located near the site entrance. A separate tank is required for proposed Lot 2.
- Wastewater for both dwellings is currently achieved via an existing septic system sharing the same disposal field. It is proposed to disconnect the existing system, and reroute each dwelling to their own system, within the confines of their respective allotments.
- Power is installed to the existing dwellings. No telecom cable is installed for the existing dwelling on proposed Lot 2, however a conduit has been installed in the event a wired connection is sought.
- Stormwater is currently achieved via onsite stormwater disposal.

5.1.5 Easements

All existing and proposed easements will be maintained accordingly as detailed on the proposed scheme plan.

5.1.6 Landscaping and Earthworks

No landscaping or earthworks are proposed.

6 STATUTORY CONSIDERATIONS

6.1 CENTRAL OTAGO DISTRICT PLAN

The site is located in the **Rural Resource Area [Rural Residential Notation]** under the Central Otago District Plan.

There are no other notations or landscape classifications pertaining to the site.



Figure 10: Extract of CODC Planning Map GIS.

The proposal requires resource consent for the following reasons:

6.1.1 Subdivision Consent

In the Rural Residential Notation, a subdivision application can be sought as a Controlled Activity pursuant to Rule 4.7.2(ii)(a) so long as the average allotment size across the subdivision is no less than 2 hectares. There are no minimum allotment sizes in this Zone.

In this case, the allotment areas proposed will be below the average and minimum allotment sizes. The proposal would result in an average of 0.975 hectares. This requires consideration as a **non-complying activity** pursuant to Rule 4.7.5(iii).

6.1.2 Land Use Consent

A **controlled activity** pursuant to Rule 4.7.2.i for a residential activity on a single Record of Title. In this case, it is proposed to re-purpose the existing four-bedroom dwelling from traveller's accommodation to residential, once Lot 2 is established.

6.2 NATIONAL ENVIRONMENTAL STANDARDS

6.2.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

As detailed in the underlying subdivision for RC040486, the description of the land in 2004 was that the subject site was not planted in grapes and was left as undeveloped pasture and native grasses. The site was established for residential purposes in 2004 and was subsequently developed as such. There are no other records on either Central Otago or Regional Council's database that would suggest HAIL activities have, or are occurring on the site.

The proposal does not involve a change of use of the land.

As such, the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* is not considered applicable.

6.3 OVERALL ACTIVITY STATUS

Overall, the proposal is assessed as a **non-complying activity**.

7 PERMITTED BASELINE

7.1 PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In the Rural Residential Notation, there are no permitted activities relating to residential dwellings, building platforms or subdivision.

A baseline does exist in terms of buildings (other than residential activities) where the maximum height of 10 metres can be constructed as of right provided these comply with the standards listed in Rule 4.7.6. In addition, a baseline also applies to general earthworks of up to 2,000m² in area or 3,000m³ in volume from any one site are permitted.

7.2 EXISTING ENVIRONMENT

The receiving environment is comprised of existing, lawfully established activities including the two dwellings located on the subject site. Effects associated with the domestication and residential use of the existing dwelling and those associated with the traveller's accommodation (six people within the four-bedroom dwelling) are part and parcel of the receiving environment and are considered relevant in the consideration of this application.

8 ASSESSMENT OF EFFECTS

8.1 OVERVIEW

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

8.2 EFFECTS ON THE ENVIRONMENT

An assessment of the actual or potential effect on the environment of the proposed activity.

In considering the adverse effects of the proposal, the Central Otago District Plan helpfully outlines the matters² to consider for a subdivision in the Rural Resource Area that conform to the averaging criteria. While the proposal does not meet the averaging criteria, these matters provide a helpful guide in which to consider effects. These include:

- a. Subdivision Design
- b. Effects on Rural Amenity and Landscape Character;
- c. Effects on productive capacity of the land;
- d. Reverse sensitivity;
- e. Access and Servicing;
- f. Effects on Heritage Values;
- g. Cultural Effect;
- h. Effects on wetlands; and
- i. Hazards.

8.2.1 Subdivision Design

While the subdivision does not meet the controlled activity averaging requirement of 2 hectares, the Rural Residential notation imposes no minimum allotment size, and the receiving environment already contains a varied mix of allotment sizes significantly below 2 hectares.

The proposed subdivision arrangement has been designed to appear consistent and sympathetic with the scale and general character of the surrounding environment as it appears today, which is characterised by a range of allotment sizes, including the adjoining properties as follows:

² Under Clause 4.7.4(iii) of the District Plan.

- 146 Pearson Road: 7,594m²
- 176 Pearson Road: 1.03 hectares gross, or 7,460m² (net)
- 151 Pearson Road: 6,406m²
- 94A Pearson Road: 9,285m²
- 14 Pearson Road (5,830m²),
- 49A and 49B Pearson Road (8,252m² for two dwellings)

The above are illustrated as follows:



Figure 11: Aerial image detailing surrounding properties and their Lot sizes.

Figure 11 illustrates an established pattern of Rural Residential development where sub-2-hectare sites are both anticipated and common. The proposed subdivision will therefore read as a logical and coherent infill within this context, maintaining the existing spatial rhythm of built form and open space.

The resulting density remains consistent with the expected character of the Rural Residential Zone, which is defined by spacious, low-intensity living environments, generous separation between dwellings, and ample opportunity for landscaping. The site is of sufficient size to accommodate existing built form and servicing in accordance with the District Plan and the Council's Code of Practice, without giving rise to adverse effects on rural character, amenity, or landscape values.

While the proposal does not meet the controlled activity averaging standard, that standard is an averaging mechanism rather than a minimum lot size control, and therefore inherently contains a degree of arbitrariness. The Rural Residential notation does not establish any minimum allotment size, and the District Plan instead relies on a holistic assessment of character, amenity, landscape, and servicing effects to determine appropriateness. As a result, compliance with or departure from the averaging rule does not, in isolation, dictate the suitability of a particular subdivision pattern.

Importantly, the subject site is distinguishable from most other lots in the zone. It is already developed with two consented dwellings, meaning the existing level of residential activity and built form is effectively equivalent to the outcome that could be anticipated through the proposed subdivision. It is also relevant that earlier subdivisions in this locality have already established larger allotments (160 Pearson Road) in the areas suitable for productive use, effectively safeguarding the zone's productive potential. What remains are smaller, non-productive titles, such as the subject site, where further subdivision does not give rise to effects on rural productivity or cumulative fragmentation. In this context, the proposal is consistent with the outcomes already enabled in the surrounding environment and does not erode the purpose or integrity of the averaging framework.

The site is considered to be appropriately sized to accommodate the dwellings and associated servicing as required by Council's Code of Practice.

The site demonstrates legal and practical access.

Overall, the subdivision design promoted as part of this application are considered to be entirely appropriate.

8.2.2 Effects on Rural Amenity Values and Landscape Character

In terms of landscape character and rural amenity values, no physical changes to the environment are proposed as part of this application; the subdivision boundaries are being adjusted around two existing, consented dwellings that already define the built form and activity on the site. As a result, the proposal does not introduce any new structures, earthworks, vegetation clearance, or servicing infrastructure that could otherwise alter the visual or landscape qualities of the area.

The current level of built form, including building scale, site coverage, activity patterns, and associated landscaping, will remain unchanged. The Rural Residential Zone anticipates a low-density living environment where dwellings are interspersed within a spacious rural setting. The existing development on the site already reflects this anticipated character, and the creation of two titles does not intensify the visual or physical footprint of built form beyond what is presently experienced.

Because the subdivision maintains the existing spatial arrangement and does not increase the prominence of built form, there will be no perceptible change in the site's contribution to the wider landscape. Key rural attributes such as open space, vegetated areas, low structural density, and the general sense of rural openness, will remain intact. Furthermore, the absence of new development avoids any potential effects on neighbours' privacy, outlook, or ambient rural character.

Overall, the subdivision will have no more than minor effects on rural amenity values or landscape character, as it formalises an existing and already-established residential pattern without generating any new physical or visual impacts.

8.2.3 Effects on productive capacity of land and reverse sensitivity

The provision of subdivision in Rural Resource Areas requires consideration of fragmentation of potentially productive land resources.

The proposed subdivision will not give rise to adverse effects on productive capacity. The productive land in this locality was effectively identified and set aside through the earlier subdivision processes under RC040137 and RC040486, both of which were developed in accordance with the averaging rule. Those consents created the broader lot pattern that presently defines the area, and in doing so, they accounted for the retention of larger, productive-capable allotments. The subject site, by contrast, was established as a smaller, residentially focused allotment and is fully occupied by two consented dwellings and associated curtilage. As a result, the site no longer holds realistic potential for productive use, and its subdivision does not diminish the district's productive land resource.

With respect to reverse sensitivity, the proposal does not introduce any new or intensified sensitive receptors. Although the eastern boundary adjoins a vineyard (although I observed onsite that this is being removed), the existing two dwellings already represent the level of residential sensitivity that would occur following subdivision. No change to the interface with the vineyard are proposed. Existing operational buffers and management practices therefore remain adequate.

All other adjoining properties are residential in character, including a 0.7-hectare site that is smaller than either of the proposed allotments. The surrounding environment is predominantly Rural Residential rather than purely and solely productive farmland, and the subdivision is consistent with this established context.

Accordingly, the effects on productive capacity and reverse sensitivity are negligible, and the proposal does not undermine the integrity of productive land management already achieved through earlier subdivision.

8.2.4 Servicing

As detailed in Section 5.1.4, it is considered appropriate to conclude that the subdivision can be suitably serviced in line with the degree of servicing that already applies to existing dwellings in the vicinity of the site.

8.2.5 Access

Pearson Road is classified as a Rural Collector Road as per Schedule 19.7 of the District Plan.

The site is afforded a 12 metre legal wide driveway, which conforms to Council's Code of Practice. As such, and subject to ensuring final construction is consistent with Council's Code of Practice, suitable access is considered to be provided.

8.2.6 Summary of Effects on Environment

In terms of effects on the environment, it is concluded that these effects will be no more than minor due to:

- The proposed subdivision has been designed to align with the scale and character of the surrounding environment, which comprises a variety of allotment sizes from around 5,800m² to several hectares. The site is of sufficient size to accommodate a dwelling and required servicing in accordance with Council's Code of Practice, with both legal and practical access provided. Overall, the subdivision design is

considered appropriate and compatible with the character of the receiving environment.

- The subdivision does not detract from the wider character, visual amenity or residential amenities insofar as the subdivision represents a logical insertion with the density being one that can be absorbed into the receiving environment.
- No adverse landscape visual effects will arise given the subdivision seeks to subdivide around existing dwellings.
- No adverse effects on productive capacity will arise given the site was initially established in 2004 for sole residential purposes.
- All standard residential servicing requirements can be met.

It is relevant to consider Council's earlier assessment that took place in 2008 (for RC080331). It is considered that the assessment relied on by Council for RC080331, is no longer reflective of the existing environment or planning context surrounding the subject site. At the time of the earlier application, the surrounding pattern of development was dominated by larger rural-residential allotments created through subdivisions that strictly adhered to the 2-hectare averaging rule. The Council's concerns were therefore based on an assumption that the locality would continue to be characterised by such lot sizes, and that smaller titles would represent a noticeable intensification inconsistent with the zone's anticipated rural-residential character.

However, the receiving environment has evolved significantly since that decision. A range of subsequent subdivisions in close proximity to the subject site have established titles well below 1 hectare, all of which now form part of the immediate character of Pearson Road and the surrounding landscape. Importantly, several of these allotments are materially smaller than either of the lots now proposed, demonstrating that the locality has naturally transitioned toward a more varied lot pattern while maintaining rural residential values.

The presence of smaller neighbouring sites confirms that the zone has successfully absorbed a mix of allotment sizes below 2 hectares without undermining rural amenity, open space, or landscape values. The proposal represents an appropriate degree of infill that will not materially undermine the wider character of the area.

Furthermore, the concerns previously raised around building separation (which at the time was assessed as 25 metre setbacks when today it is 10 metres) and capacity for compliant residential development are no longer applicable. Two dwellings already exist on the site, demonstrating that both allotments can accommodate built form without generating adverse effects or non-compliance with yard or separation standards. This contrasts with the earlier application, where future built form was hypothetical and therefore assessed as a potential risk.

It is also relevant that the earlier subdivisions (RC040137 and RC040486) established and protected the larger productive-capable lots within the wider area. This means the subject site no longer forms part of a landscape where productive capacity or cumulative

fragmentation are determining considerations. The environment that the earlier decision sought to preserve is no longer the operative baseline.

Overall, the factors underpinning the historic decline (anticipated character, productive capacity, separation distances, and cumulative density effects) have materially shifted over the 18 years since that decision was made. The current proposal reflects and reinforces the existing environment rather than altering it. In this context, creating two allotments of the proposed size is now a logical and appropriate outcome that aligns with the prevailing pattern of development and no longer conflicts with the objectives and policies of the District Plan.

8.3 EFFECTS ON PERSONS

Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted

In terms of effects on persons, the most relevant properties are those that either adjoin the site or are located directly adjacent the property. These properties are identified in the following figure (Figure 12):



Figure 12: Location of adjacent properties in which effects were considered (red). Properties where APA has been provided highlighted in green.

For the most part, the subdivision is not considered to give rise to any tangible degree of effects on any of the adjacent or adjoining properties for the following reasons:

- The two dwellings exist and no changes are sought here. While the dwelling on proposed Lot 2 is used for traveller's accommodation purposes, the inherent degree of domestication, including regular traffic movements, general noise and commotion and occupation of the dwelling are considered comparable to those to be anticipated from long terms residential use.

- Recognising the existing dwellings, it is considered that any traffic associated with the formalisation of the subdivision will not be materially different to those already experienced by neighbours adjoining the access. All traffic is limited to the applicant's own driveway with effects associated with noise, and amenity considered to be no greater than what presently occurs and less than minor.
- All appropriate servicing can be managed onsite noting that provision exist for additional water supply in the current private scheme without compromising other water users.
- Reverse sensitivity effects are considered to be less than minor recognising that all neighbours (except the eastern neighbour) are residential. The eastern neighbour is in the process of removing all of the fruit trees.

Overall, based on the assessment above, no persons are considered adversely affected by the proposal.

8.3.1 Summary of Adverse Effects

Overall, it is considered the proposal suitably mitigates adverse effects on the wider environment and will be no more than minor.

As the proposal is considered to generate no more than minor adverse effects on the environment, no mitigation measures over and above those inherent to the proposal are considered necessary.

9 SECTION 95 NOTIFICATION

9.1 PUBLIC NOTIFICATION

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Table 2: Public Notification Assessment.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A(3)		
Has the applicant requested that the application be publicly notified?	Yes	The applicant volunteer's public notification.
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)		

Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	
Is the application a boundary activity (other than a controlled activity)?	No	
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)		
Does a rule or NES require public notification?	No	
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	As detailed in the assessment undertaken in Section 8.0 above, the effects on the environment are considered to be no more than minor.
Step 4: Relevant to all applications that don't already require notification – section 95A(9)		
Do special circumstances exist that warrant the application being publicly notified?	No	

9.2 LIMITED NOTIFICATION

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Table 3: Limited Notification Assessment.

Test	Yes/No	Comments
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)		
Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)		
In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	As per the assessment undertaken in Section 8.0 above, no persons

		are considered to be adversely affected by the proposal.
Step 4: Notification in special circumstances – section 95B(10)		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

9.3 NOTIFICATION CONCLUSION

The applicant volunteer's public notification.

10 SECTION 104(1)(b) ASSESSMENT

10.1 OVERVIEW

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) (of the RMA). This includes;

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

10.2 NATIONAL POLICY STATEMENTS

10.2.1 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) was made operative on 17 October 2022.

The site is within Land Use Capability Class 6 soils³ as illustrated in Figure 13 below.

³ <https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability>

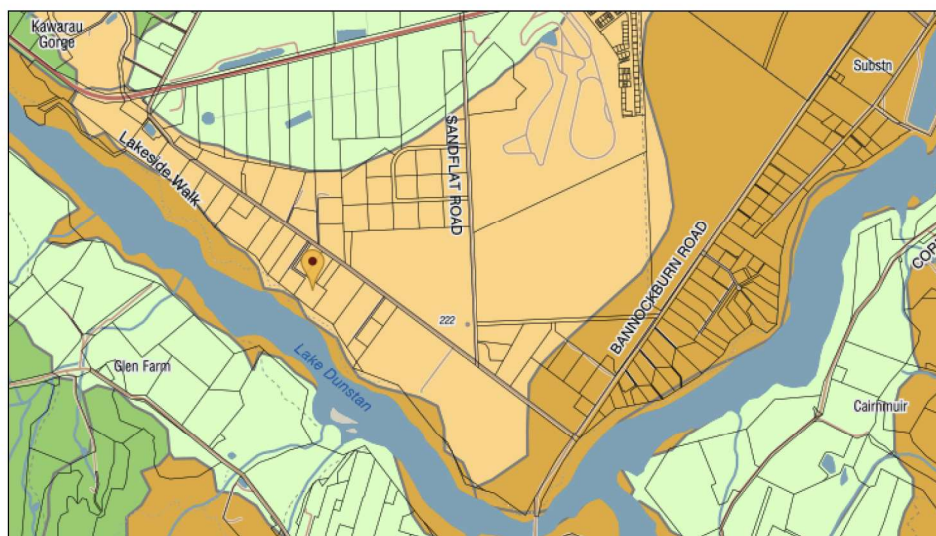


Figure 13: Extract of LUC Class Maps. Location of site approximate.

Highly productive land is tentatively defined under Clause 3.5(7)(a) of the NPS as land that is:

- (i) zoned general rural or rural production; and
- (ii) LUC 1, 2, or 3 land

While the site is used for rural production (and residential living), it is zoned Residential Resource Area and is classified as LUC 6. Therefore, the site is not defined Highly Productive Land and therefore the NPS-HPL does not apply.

10.3 REGIONAL POLICY STATEMENT

The relevant regional policy statements include:

- The Partially Operative Otago Regional Policy Statement 2019; and
- Proposed Regional Policy Statement 2021

10.3.1 Partially Operative Otago Regional Policy Statement 2019 (RPS2019)

Table 4: Assessment of the relevant objectives and policies of the Partially Operative Regional Policy Statement 2019.

Provision	Description	Assessment
Objective 1.1	Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.	In this case, the relevant resource is considered to be that of the land resource itself. The proposal seeks to formalise an internal boundary between two existing dwellings, at an intensity that is commensurate with the receiving environment. The proposal is not considered to materially undermine rural character nor will there be a net

		loss in primary production, given such attributes do not exist on the site. The proposal is considered to promote economic, social, and cultural wellbeing for its people and communities. The proposal is consistent with this Objective.
Policy 3.2.4	Managing outstanding natural features, landscapes and seascapes Protect, enhance or restore outstanding natural features, landscapes and seascapes, by all of the following: a) In the coastal environment, avoiding adverse effects on the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding; b) Beyond the coastal environment, maintaining the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding; c) Avoiding, remedying or mitigating other adverse effects; d) Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape.	The subdivision itself does not give rise to effects over and above what already exist in the receiving environment. The proposal is considered to be consistent with these provisions.
Policy 3.2.6	Managing highly valued natural features, landscapes and seascapes Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following: a) Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape; b) Avoiding, remedying or mitigating other adverse effects; c) Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.	
Objective 5.3	Sufficient land is managed and protected for economic production.	The productive land in this locality was effectively identified and set aside through the earlier subdivision processes under RC040137 and RC040486, both of which were developed in accordance with the averaging rule. Those consents created the broader lot pattern that presently defines the area, and in doing so, they accounted for the retention of larger, productive-capable allotments. The subject site, by contrast, was established as a smaller, residentially focused allotment and is fully occupied by two consented dwellings and
Policy 5.3.1	Manage activities in rural areas, to support the region's economy and communities, by: a) Enabling primary production and other rural activities that support that production; b) Providing for mineral exploration, extraction and processing; c) Minimising the loss of significant soils; d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;	

	f) Providing for other activities that have a functional need to locate in rural areas.	associated curtilage. As a result, the site no longer holds realistic potential for productive use, and its subdivision does not diminish the district's productive land resource. I consider the proposal is consistent with Objective 5.3 and Policy 5.3.1 by maintaining productive capacity.
Objective 5.4	Adverse effects of using and enjoying Otago's natural and physical resources are minimised.	The proposal does not compromise the landscape values as per the assessment herein. The proposal is consistent with this Objective.

10.3.2 Proposed Regional Policy Statement 2021

The proposed Otago Regional Policy Statement 2021 was notified on 26 June 2021. Following a determination by the High Court, the pORPS 2021 was separated into two parts: a freshwater and a non-freshwater planning instrument. The non-freshwater instrument kept the original notification date and the freshwater planning instrument part was notified on 30 September 2022.

ORC notified its decisions on submissions on the proposed Otago Regional Policy Statement on 30 March 2024. Appeals have been received.

Relevant objectives and policies are as follows:

Table 5: Assessment of Proposed Regional Policy Statement.

Provision	Description	Assessment
UFD-P8 (under appeal)	Rural lifestyle development The establishment, development or expansion of rural lifestyle development only occurs where: (2) it avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential, (3) it minimises impacts on existing or anticipated primary production, rural industry and other rural activities and the potential for reverse sensitivity effects, (4) it avoids highly productive land except as provided for in the NPS-HPL, (5) the suitability of the area to accommodate the proposed development is demonstrated, including (a) capacity for servicing by existing or planned development infrastructure (including self- servicing requirements),	The proposal seeks to develop rural lifestyle zoned land in a manner that is consistent with the character of the prevailing area and will not generate densities reserved for urban residential zones as established under PC19. The productive land in this locality was effectively identified and set aside through the earlier subdivision processes under RC040137 and RC040486, both of which were developed in accordance with the averaging rule. Those consents created the broader lot pattern that presently defines the area, and in doing so, they accounted for the retention

	(b) particular regard is given to the individual and cumulative impacts of water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and (c) likely future demands or implications for publicly funded services including emergency services and additional infrastructure	of larger, productive-capable allotments. The subject site, by contrast, was established as a smaller, residentially focused allotment and is fully occupied by two consented dwellings and associated curtilage. As a result, the site no longer holds realistic potential for productive use, and its subdivision does not diminish the district's productive land resource. The NPS-HPL is not applicable. The suitability of the proposed development is detailed herein to be provided necessary infrastructure to accommodate residential activity without compromising primary production (which is absent in this case). The proposal is consistent with this provision.
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Overall, the proposal is considered to be consistent with the relevant Regional Policy Statements.

10.4 DISTRICT PLAN

10.4.1 Central Otago District Plan

With regard to the Central Otago District Plan, I have assessed the most relevant Objectives and Policies as follows:

Table 6: Assessment of District Plan Objectives and Policies.

Provision	Description	Assessment
4.3.1	Objective - Needs of the District's People and Communities To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.	Objective 4.3.1 is considered to be met insofar as the use of the land as proposed would provide for the economic wellbeing for the applicant and future lot owners through the sale and ownership of the property. The site in its current form does not contribute in any meaningful capacity to the primary production industry nor does it provide in any form to the wellbeing of the community. The proposal would provide for the social wellbeing of future lot owners through the provision of housing and accommodation in an area where residential activities are anticipated by the underlying Zoning. In addition, an effects assessment on the environment concludes that such effects will be

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		appropriately avoided, remedied or mitigated and therefore environmental quality is at least maintained. The proposal is therefore considered to be consistent with Objective 4.3.1.
4.3.3	Objective - Landscape and Amenity Values To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.	Objective 4.3.3 and associated Policy 4.4.2 details rural amenity values as being attributed to the open space, landscape, natural character and built environment. Policy 4.4.2 elaborates the various techniques that can be employed to manage these effects, including the avoidance of skyline breaches, the extent to which development is compatible with the surrounding environment and consideration with the location of buildings.
4.4.2	Policy— Landscape and Amenity Values To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through: (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features, (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties, (c) The ability to adequately dispose of effluent on site, (d) Controlling the generation of noise in back country areas, (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values, (f) Controlling the spread of wilding trees. (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.	The subdivision itself does not generate landscape or visual effects over and above what already exists from the consented structures. As such, no additional landscape effects are considered to arise. As a result, the proposal is considered to be broadly consistent with the Policy framework noted above.
4.4.8	Policy - Adverse Effects on the Amenity Values of Neighbouring Properties. To ensure that the effects associated with some activities including (but not limited to): (a) Noise (including noise associated with traffic generation, night time operations), and vibration, (b) The generation of a high level of traffic, in particular heavy vehicles, (c) Glare, particularly from building finish, (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site, (e) The generation of odour, dusts, wastes and hazardous substances, and	As assessed, the proposal does not result in a material increase in activity over and above what already occurs from the consented activities. As such, effects on neighbours are considered be less than minor.

	(f) The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.	
4.4.9	Policy - Effects of Rural Activities To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.	No additional sensitive receptors are proposed and therefore no additional concerns with regard to rural activities is considered to result.
4.4.10	To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on: - The open space, landscape and natural character amenity values of the rural environment in particular the hills and ranges, - The natural character and values of the District's wetlands, lakes, rivers and their margins, - The production and amenity values of neighbouring properties, - The safety and efficiency of the roading network, - The loss of soils with special qualities, - The ecological values of significant indigenous vegetation and significant habitats of indigenous fauna, - The heritage and cultural values of the District, - The water quality of the District's surface and groundwater resources, and - Public access to or along the rivers and lakes of the District, particularly through the use of minimum (and average) allotment sizes.	Policy 4.4.10 seeks to ensure that subdivision and land use avoids, remedies or mitigates adverse effects on a range of matters. These matters are addressed in my assessment of environmental effects, and I am generally satisfied that the proposal is not contrary to this policy.
4.3.7	Objective - Soil Resource To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.	Objective 4.3.7 seeks to ensure the life supporting capacity of soils are maintained to ensure the needs of present and future generations are met. The productive land in this locality was effectively identified and set aside through the earlier subdivision processes under RC040137 and RC040486, both of which were developed in accordance with the averaging rule. Those consents created the broader lot pattern that presently defines the area, and in doing so, they accounted for the retention of larger, productive-capable allotments. The subject site, by contrast, was established as a smaller, residentially focused allotment and is fully occupied by two consented dwellings and associated curtilage. As a result, the site no longer holds realistic potential for productive use, and

		its subdivision does not diminish the district's productive land resource.
16.3.1	To ensure that subdivision avoids, remedies, or mitigates adverse effects on the safe and efficient operation of the district's roading network.	The proposal will have a negligible effect on the safe and efficient operation of the district's roading network.
16.3.2	To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.	Appropriate servicing has been demonstrated as per the Infrastructure Feasibility Assessment.
16.3.4.	To ensure, where appropriate, that amenity values of the district created by the open space, landscape and natural character values, and areas of significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.	As per the assessment herein, the open space, landscape and natural character values are considered to remain intact due to the subdivision representing one that can be absorbed into the modified environment in which it sits and occurring around existing structures.

Overall, the proposal is considered not contrary to the relevant objectives and policies of the District Plan.

10.4.2 Section 106

Pursuant to Section 106 of the RMA, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

In this case, access to the proposed allotments have been demonstrated.

The site is not mapped as being subject to natural hazards.

10.4.3 Section 104D

When dealing with non-complying activities, before granting an application a council must be satisfied that either the adverse effects of the activity on the environment will be minor (s104D(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104D(1)(b)).

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor. I conclude the effects are no more than minor for my reasons set out above.

With respect to the second gateway test under section 104D(1)(b), the application is considered broadly consistent with the relevant policies and objectives of the Rural Resource Area. I consider that overall, the proposal is not at odds with the core intent of the Zone, and therefore is **not contrary** to this intent.

Accordingly, as the application has passed both of the gateway tests in s104D, I consider consent can be granted for this non-complying activity.

10.4.4 Precedent

For completeness, it is appropriate at this point to consider precedent. While precedent is not an 'effect' in of itself, they remain relevant considerations pursuant to sections 104(1)(b)(vi) and (c) of the RMA.

Each application needs to be considered on its own merits, noting that Council has full discretion when considering an application to subdivide⁴ or establish residential activities⁵ in the Rural Residential Notation beyond that of a controlled activity.

Broadly speaking, the District Plan requires prospective applicants seeking subdivision (in the Rural Residential Notation) to satisfy the decision maker that effects on the environment are appropriately avoided, remedied or mitigated. Assuming one can satisfactorily demonstrate that effects have been suitably avoided or mitigated, then the proposal can be granted. If the effects of the proposal are not suitably mitigated or are inappropriate, then that proposal can be declined.

The land is located within the Rural Residential Notation of the District, being a subzone that contemplates residential activities, co-located with productive activities where appropriate. There are no minimum allotment sizes in this Zone.

While the proposal does not meet the controlled activity averaging standard, that standard is an averaging mechanism rather than a minimum lot size control, and therefore inherently contains a degree of arbitrariness. The Rural Residential notation does not establish any minimum allotment size, and the District Plan instead relies on a holistic assessment of character, amenity, landscape, and servicing effects to determine appropriateness. As a result, compliance with or departure from the averaging rule does not, in isolation, dictate the suitability of a particular subdivision pattern.

The flaws of this rule is clearly evident by the fact that the adjacent "productive land" at 160 Pearson Road could be subdivided further through a controlled activity pathway, resulting in arguably a much more significant adverse effect (particularly in relation to productive capacity) than those associated with this proposal.

Notwithstanding, the subject site is distinguishable from most other lots in the zone. It is already developed with two consented dwellings, meaning the existing level of residential activity and built form is effectively equivalent to the outcome that could be anticipated through the proposed subdivision. It is also relevant that earlier subdivisions in this locality have already established larger allotments in the areas suitable for productive use, effectively safeguarding the zone's productive potential. What remains are smaller, non-productive titles, such as the subject site, where further subdivision does not give rise to effects on rural productivity or cumulative fragmentation. In this context, the proposal is

⁴ Given that subdivision is at a minimum, a Discretionary Activity under Rule 4.7.4(ii).

⁵ Where there is more than one dwelling proposed per Title.

consistent with the outcomes already enabled in the surrounding environment and does not erode the purpose or integrity of the averaging framework.

Any future proposal within the Rural Residential Zone would continue to be assessed on its own merits, taking into account site-specific circumstances, existing development patterns, environmental constraints, and the potential for actual adverse effects. The unique characteristics of this site, its existing dual dwelling status, lack of productive use, and alignment with the established pattern of nearby sub-2-hectare properties, mean that approving this application would not imply that similar outcomes are automatically acceptable elsewhere.

Accordingly, the proposed subdivision will not establish an adverse precedent, nor will it undermine the integrity of the District Plan. Instead, it represents a context-responsive outcome that fits comfortably within the existing environment and does not weaken the strategic application of the averaging rule across the wider Rural Residential Zone.

For these reasons, I consider the proposal will not result in an adverse precedent on the Rural Residential Notation generally.

11 PART 2 ASSESSMENT

11.1 OVERVIEW

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

11.1.1 SECTION 5

The purpose of the Act as stated in s5(1) of the RMA is, “to promote the sustainable management of natural and physical resources”.

Section 5(2) of the Act defines “sustainable management” as:

... managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The proposed subdivision is consistent with the purpose and principles of the Resource Management Act 1991, as set out in Section 5. The proposal enables the applicant and community to provide for their social and economic wellbeing by formalising an existing residential arrangement and allowing for efficient use of the land without generating additional environmental effects. The subdivision sustains natural and physical resources for future generations, as it does not reduce productive land capacity, given the productive-

capable allotments in the locality were already secured through earlier subdivision, and the subject site is already fully committed to residential use.

Adverse effects on the environment are avoided, remedied, or mitigated, as no physical development is proposed, no changes will occur to built-form or landscape character, and the subdivision will not give rise to reverse sensitivity issues or increased demand on infrastructure. The existing rural-residential character, amenity values, and landscape qualities will be maintained.

Overall, the proposal represents a sustainable management outcome consistent with Part 2 of the RMA.

11.1.2 SECTION 6

Section 6 relates to matters of national importance. There are no matters of national importance that are considered to apply to this site.

11.1.3 SECTION 7

Section 7 relates to 'other matters'. The matters of relevance are considered to be as follows:

(b) the efficient use and development of natural and physical resources

(c) the maintenance and enhancement of amenity values

(f) maintenance and enhancement of the quality of the environment

Again, all of these matters have been addressed in the above assessment noting that the proposal represents an efficient use of the land through developing the site in a manner that does not detract from the character of the surrounding area.

On balance, the proposal is considered consistent with Section 7 of the RMA.

11.1.4 SECTION 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi.

The proposal is not considered to be at odds with the principles of the Treaty of Waitangi.

11.1.5 CONCLUSION

When taking a balanced assessment of the proposal, it is considered that the proposal will not generate an inappropriate degree of adverse effects on the environment all the while generating positive effects in the form of providing for social, cultural and economic wellbeing.

Consequently, the proposal is considered to achieve Part 2 of the Act.

12 SUMMARY

Resource consent is sought to undertake a two-lot subdivision of the property at 126 Pearson Road, Cromwell.

Overall, the activity is assessed as a **non-complying activity**.

The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity will not have any adverse effects on the environment that are more than minor. Accordingly, the proposal does not meet the threshold in which to be publicly notified.

No persons are considered to be adversely affected by the proposed subdivision as detailed throughout and therefore the proposal does not warrant Limited Notification.

Pursuant to Section 106 of the RMA, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. In this case, access to the proposed allotments have been demonstrated to which easements will ensure legal access is maintained. Further, it is demonstrated that the subdivision will not exacerbate natural hazards.

The proposal is considered consistent with the relevant objectives and policies of the Operative and Proposed Regional and District Plans and meets the purpose and principles of the Resource Management Act 1991.

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor. I conclude the effects are no more than minor for my reasons set out above.

With respect to the second gateway test under section 104D(1)(b), the application is considered to not be contrary to the relevant policies and objectives of the relevant plans. I consider that not all provisions are inherently relevant but those that are, will not be at odds with what is proposed and therefore not contrary.

Accordingly, as the application has passed both of the gateway tests in s104D, I consider consent can be granted for this non-complying activity.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**

**Guaranteed Search Copy issued under Section 60 of the Land
Transfer Act 2017**



R.W. Muir
Registrar-General
of Land

Identifier **229404**
Land Registration District **Otago**
Date Issued 09 November 2005

Prior References
OT18D/128

Estate Fee Simple
Area 1.9500 hectares more or less
Legal Description Lot 2 Deposited Plan 356255
Registered Owners
Mark Gerard Sugrue, Imogene Grace Sugrue and Dunmore Trustees Limited

Interests

Subject to a right to convey irrigation water over part marked h-g on DP 356255 specified in Easement Certificate 946624.2 - 22.4.1998 at 9:08 am

The easements specified in Easement Certificate 946624.2 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto are rights of way created by Easement Instrument 5495509.5 - 20.2.2003 at 9:00 am

The easements created by Easement Instrument 5495509.5 are subject to Section 243 (a) Resource Management Act 1991

6641566.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.11.2005 at 9:00 am

Subject to a right of way over part marked B and right to convey telecommunications and computer media over part marked E on DP 356255 created by Easement Instrument 6641566.6 - 9.11.2005 at 9:00 am

Appurtenant hereto is a right of way and right of way (pedestrian only) created by Easement Instrument 6641566.6 - 9.11.2005 at 9:00 am

Some of the easements created by Easement Instrument 6641566.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey water over part marked E on DP 356255 in favour of Pearson Road Society Incorporated created by Easement Instrument 6641566.7 - 9.11.2005 at 9:00 am

The easements created by Easement Instrument 6641566.7 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part E on DP 356255 in favour of Aurora Energy Limited created by Easement Instrument 6641566.9 - 9.11.2005 at 9:00 am

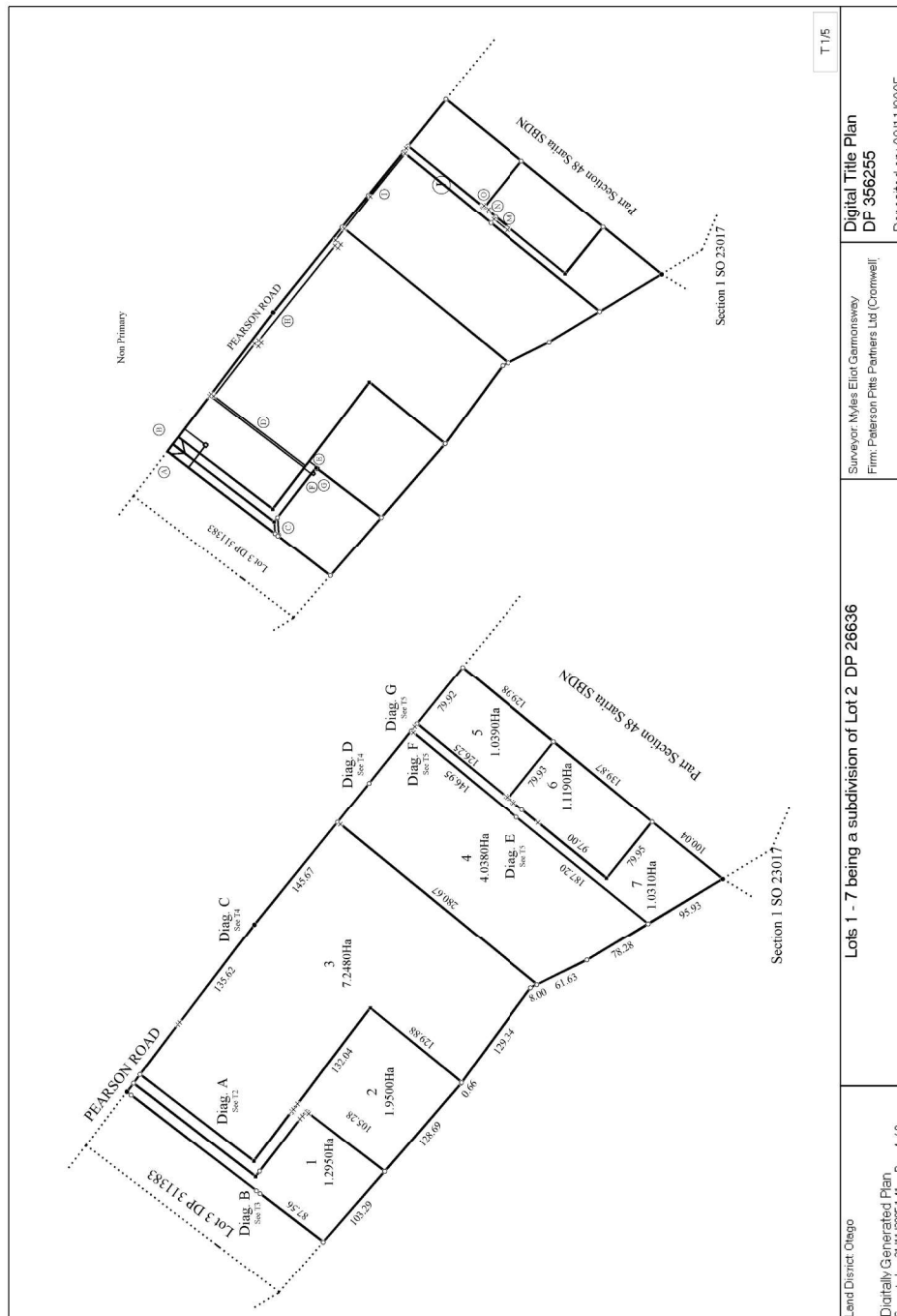
The easements created by Easement Instrument 6641566.9 are subject to Section 243 (a) Resource Management Act 1991

6669432.1 Encumbrance to Pearson Road Society Incorporated - 29.11.2005 at 2:20 pm

8161691.1 Mortgage to Bank of New Zealand - 19.5.2009 at 2:21 pm

Identifier

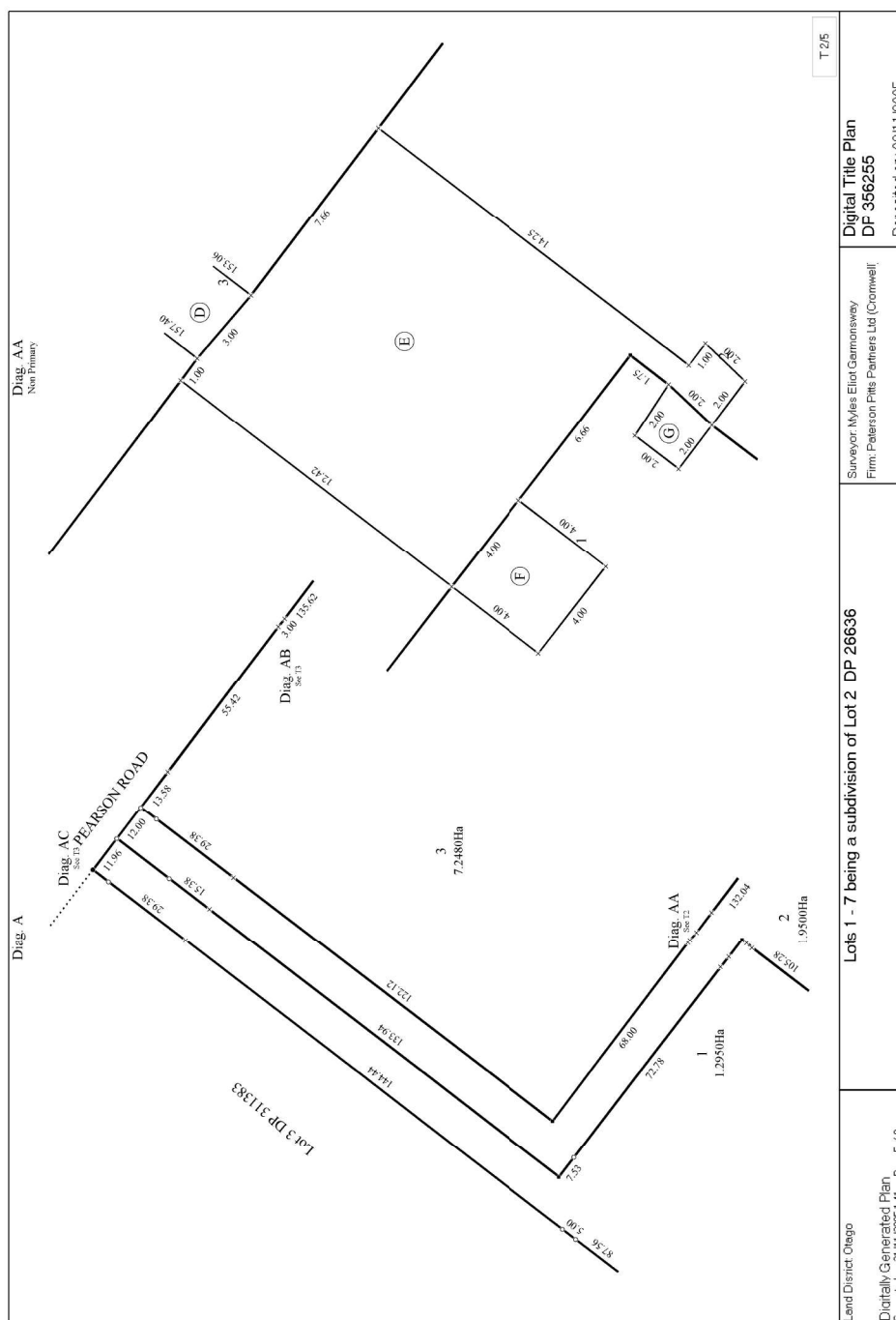
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Transaction ID 7502787
Client Reference

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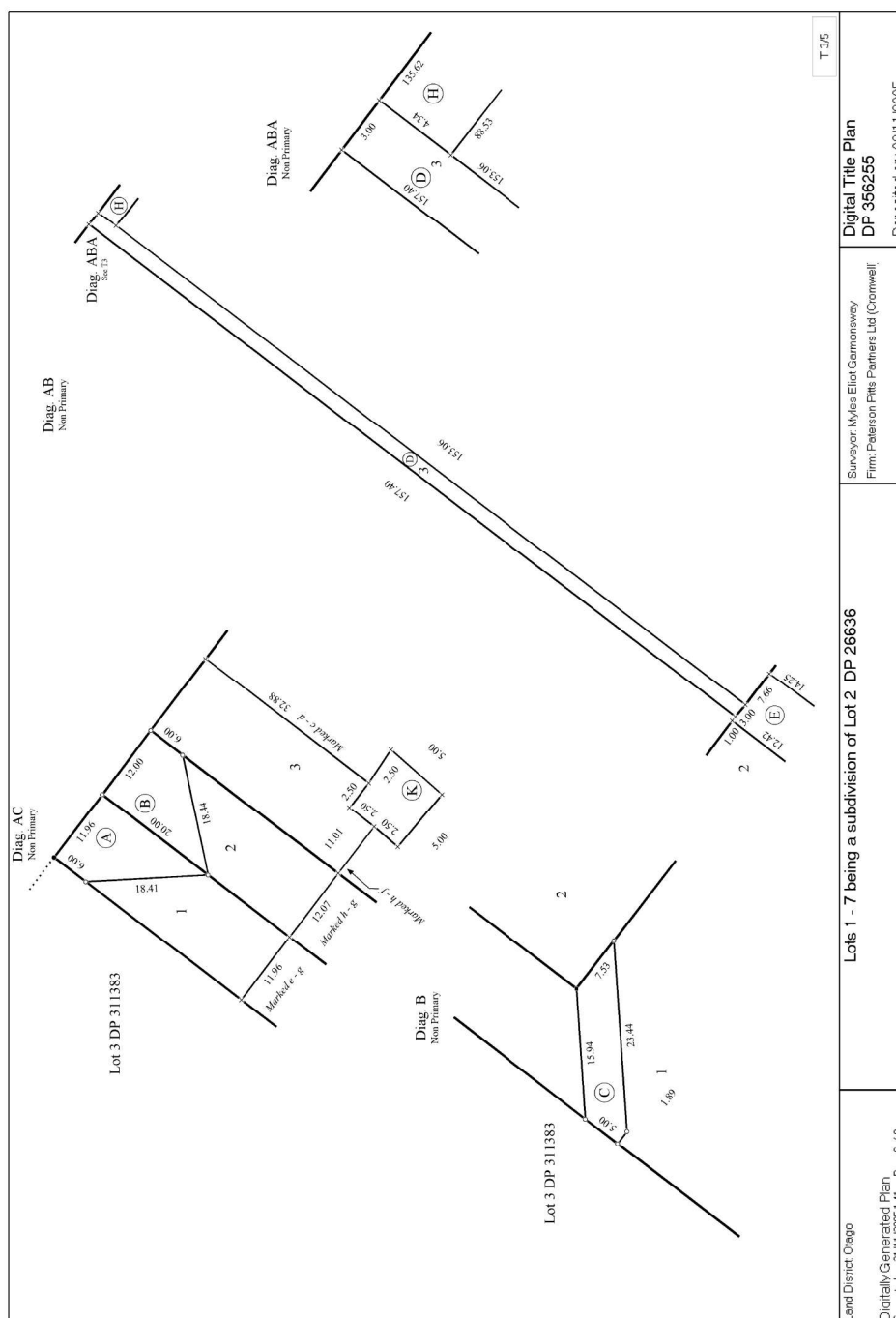
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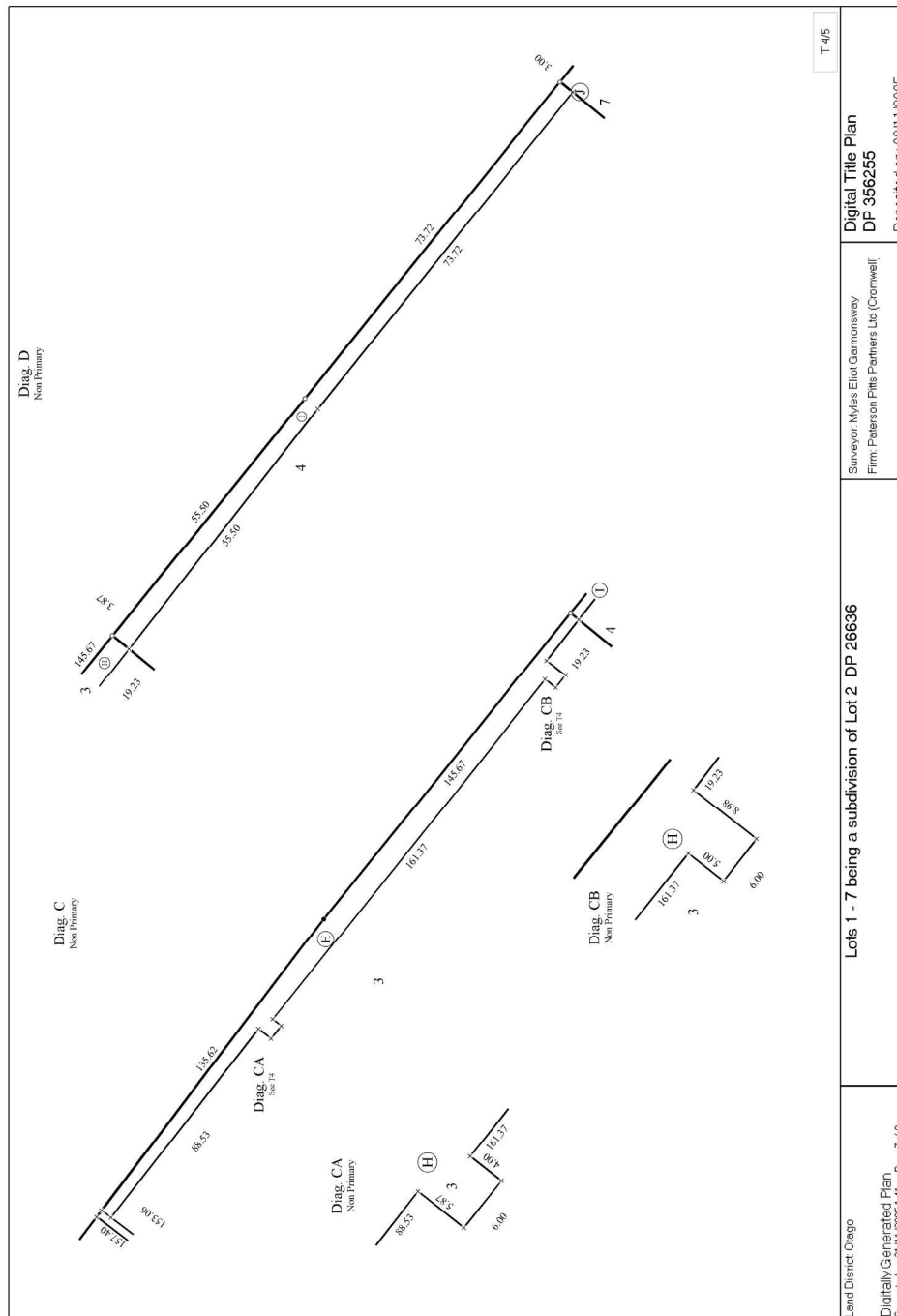


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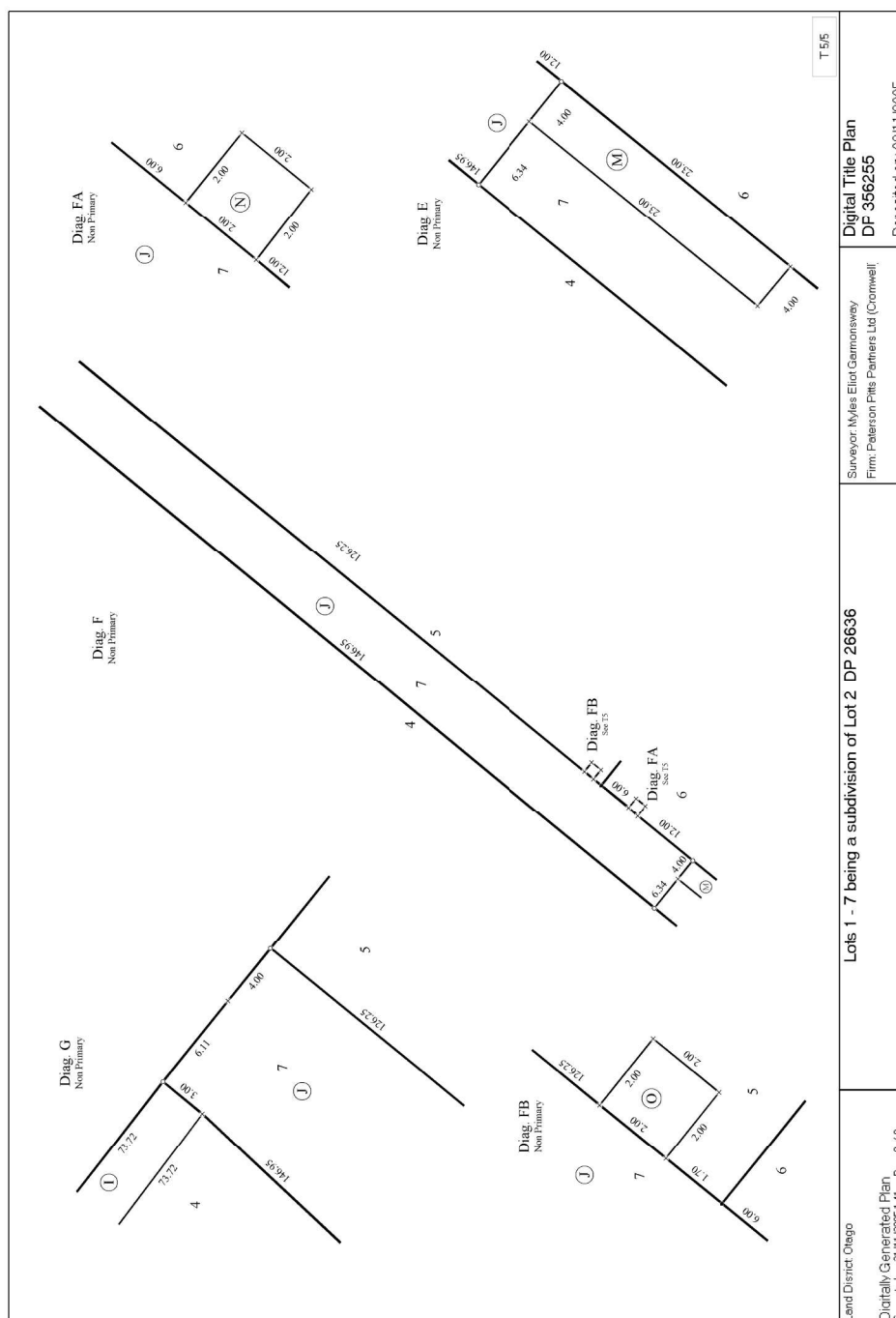
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IN THE MATTER of Lots 1 – 7 DP 356255 being a subdivision of Lot 2 DP 26636, CT OT18D/128

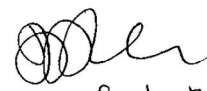
AND

IN THE MATTER of resource consents RC 040137 and RC 040486 from the Central Otago District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 84
CROMWELL

Certified Correct for the purposes of the Land Transfer Act 1952


Solicitor for the Registered Proprietor

In accordance with conditions of resource consents RC 040137 and RC 040486 of the Central Otago District Council granted pursuant to Section 104B of the Resource Management Act 1991 dated 20 October 2004 and 21 March 2005 respectively, the following conditions are to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 1 – 7.

Wastewater

1. At the time of construction of a dwelling on Lots 1 – 7 or at the time an existing on-site wastewater system is subsequently upgraded or replaced, an on-site wastewater disposal system that complies with requirements of AS/NZS:1547/2000 On Site Domestic Waste Water Management shall be designed by a suitably qualified professional.
2. A copy of the design and a designer producer statement shall be supplied to the Chief Executive. A dwelling shall not be constructed until the design and designer producer statement has been supplied to the Chief Executive.
3. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
4. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy to the Chief Executive. This manual shall include a maintenance schedule and an as-built plan of the system dimensioned in relation to the legal property boundaries.
5. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
6. The effluent disposal system shall be regularly serviced and results recorded by the owner of the system.
7. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is obtained from any water course or any water supply bore.



Domestic Water & Fire Fighting

8. The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000, by the legal entity which owns and manages the supply, and the results forwarded to the Chief Executive. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the management group for the allotments shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
9. At the time a dwelling is erected on Lots 1 – 7, domestic water and fire fighting storage is to be provided by a minimum 23,000 litre tank on each allotment. Of this total capacity a minimum of 14,000 litres shall be maintained at all times as a static fire fighting reserve. A fire fighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that the connections are compatible with New Zealand Fire Service equipment, the fittings are to comply with the following standards:
 - (a) Either: 70mm Instantaneous Couplings (Female) NZS 4505 or 100mm and 140mm Suction Couplings (Female) NZS4505 (hose tail is to be the same diameter as the threading coupling eg. 140mm coupling has 140mm hose tail).
 - (b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.
10. Fire fighting water supply may be provided by means other than as stated in condition 9, if the written approval of the New Zealand Fire Service is obtained for the proposed method.

High Voltage Transmission Lines

11. The consent holder or successor shall submit to the Chief Executive a certificate from a suitably qualified engineer confirming that any buildings or structures constructed on Lots 3 and 4 comply with the minimum safe distances specified in table 3 of the NZ Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).
12. No building or other structure shall be erected on Lots 3 and 4 within 12 metres of the closest visible edge of any transmission line tower foundation.

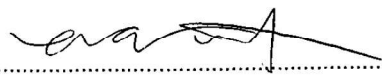
13. All machinery and mobile plant operated on Lots 3 and 4 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.
14. Buildings, structures and vegetation located on Lots 3 and 4 shall not be located to preclude existing 4 wheel drive access to the existing support tower on this allotment.
15. No person shall in the case of any tower (pylon) supporting any conductor, excavate or otherwise interfere with any land:
- (i) at a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the tower; or
 - (ii) at a depth greater than 3 metres, between 6 metres and 12 metres of the outer edge of the visible foundation of the tower or
 - (iii) in such a way as to create an unstable batter.
16. Excavated or other material shall not be deposited under or near the transmission lines so as to reduce the vertical distance from the ground to the conductors to a distance less than:
- (i) 7.5 metres vertically, across or along roads or driveways
 - (ii) 7.5 metres vertically on any other land traversable by vehicles, but excluding across roads or driveways
 - (iii) 6.0 metres vertically on any land not traversable by vehicles due to inaccessibility and
 - (iv) 4.5 metres in any distance other than vertical on all land.

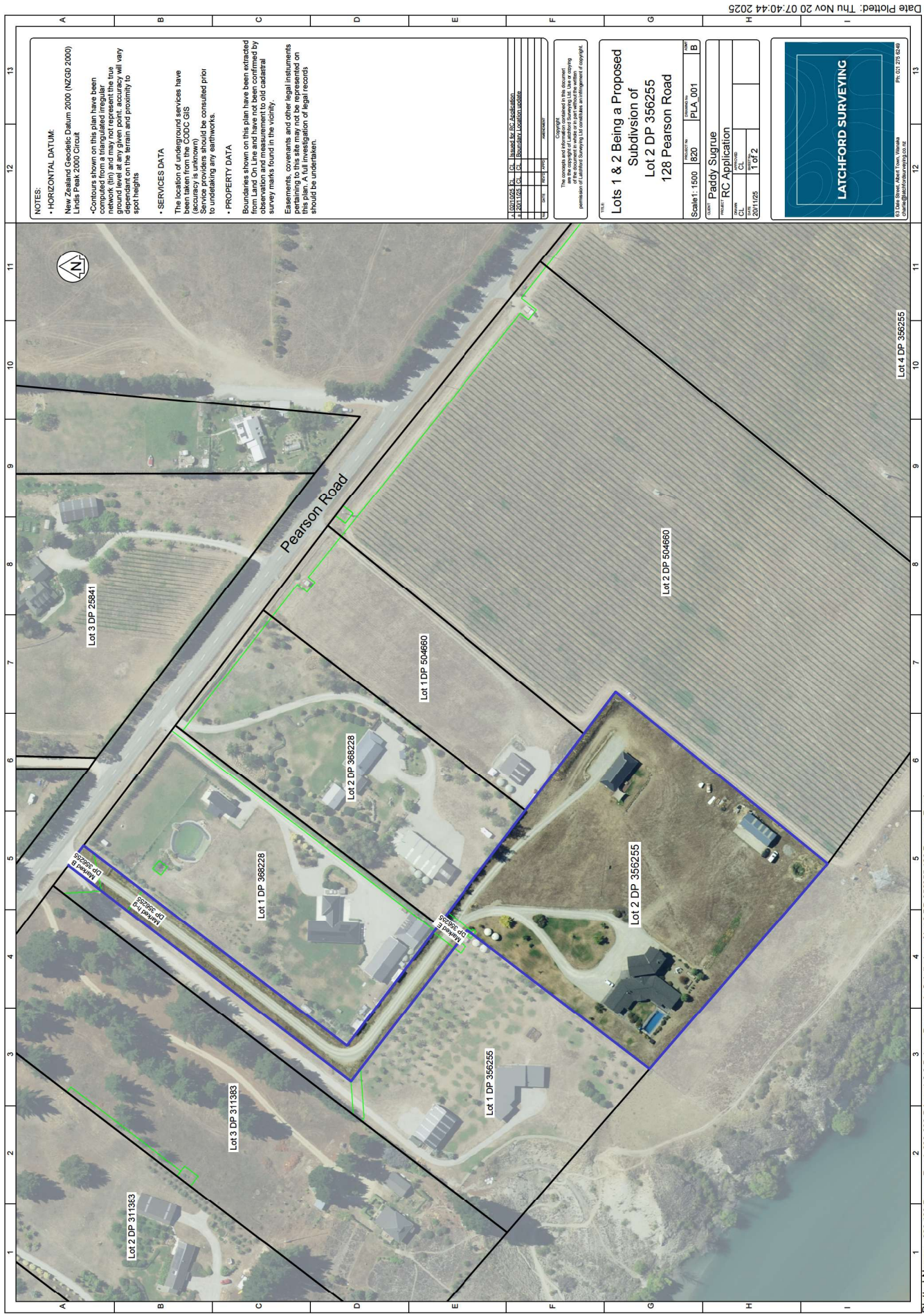
DATED this 21st day of October 2005

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

by its Chief Executive.....


L.A. van der Voort
(Pursuant to delegated authority)



Date Plotted: Thu Nov 20 07:40:44 2025

Plotted Name: 820 128 Pearson Road 820-900-B-Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 356255 128 Pearson Road



Jake Woodward

From: Paddy Sugrue <paddysxb@gmail.com>
Sent: Wednesday, 17 December 2025 3:27 pm
To: Jake Woodward
Subject: Fwd: Water Allocation PRIS
Attachments: Water Permit RM22.126.01.pdf; constitution final draft 15.09.24.docx; drinking water safety plan adopted Sept24.docx; sugrue 126 Invoice8.docx

----- Forwarded message -----

From: <raepav@xtra.co.nz>
Date: Wed, 17 Dec 2025, 3:19 pm
Subject: Water Allocation PRIS
To: <paddysxb@gmail.com>
Cc: Rod Keillor <rodkeillor@gmail.com>

Hi Paddy,

I am also circulating this to Rod, as Pearson Road Irrigation Society chairperson, so that he is aware of your potential subdivision.

Key points re: PRIS

- Please be aware that water is no longer allocated as per our original title which allowed 25,000L irrigation during summer and 3,000L domestic water all year round. We lost this when we had to renew our resource consent and the annual water take for our system was reduced.
- I have attached our current resource consent granted July 2022 and valid for the next 15 years. The water allocation stated in the consent is shared by an equal division of water across 17.46ha of land; currently we do not use all of our allocation so there is plenty, and my understanding is that it is more than a lot of similar properties receive under the different irrigation schemes around Cromwell.
- Any new title should have a requirement for the purchaser to become a member of the Pearson Road Irrigation Society if water is to be supplied to the property from the PRIS bore. I have attached the PRIS constitution for reference.

- The water is potable and tested on a 6 monthly basis to monitor for any potential contamination and ensure we are providing safe drinking water. A copy of PRIS Drinking Water Safety Plan is attached.
- I don't know how the water will be allocated amongst the subdivision planned for the old vineyard and have asked Rod to keep me in the loop regarding his development plans and the likely impact on water allocation.

Just for the record, your txt statement "I do remember a time that I worked quite hard to reinstall your Mum;s bathroom with a few txts coming may way. It would be nice if you could return the favor" does not make me feel guilty or in a hurry to help now – I genuinely forgot in the rush up to Christmas. In fact, I note that your last account appears to be outstanding (if paid please accept my apology and advise the date payment was made) as I could have withheld any information until this is paid; it would be appreciated if you could attend to your account in the next week; I have attached another copy of the invoice.

Otherwise, I hope this info helps.

Regards,

Gillian Wilson

PRIS Administrator.

1

Constitution of
Pearson Road Irrigation Society
Incorporated

15 September 2024

[https://d.docs.live.net/e1edc105b240edc3/JPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/constitution final draft 15.09.24.docx](https://d.docs.live.net/e1edc105b240edc3/JPW%20Consulting%20Ltd/Clients/2025/JW25057-Paddy%20Sugrue/RC%20Application/constitution%20final%20draft%2015.09.24.docx)

1. NAME OF THE SOCIETY

The name of the Society shall be **Pearson Road Irrigation Society Incorporated**, here after referred to as 'the Society' or 'Society'.

2. CHARITABLE STATUS

The Society is not and does not intend to be registered as a charitable entity under the Charities Act 2005

3. DEFINITIONS

In this constitution, unless the context requires otherwise, the following words and phrases have the following meanings:

'Act' means the Incorporated Societies Act 2022 or any Act which replaces it (including amendments from time to time) and any regulations made under the Act or any Act that replaces it.

'Annual General Meeting' means a meeting of the **Members** of the **Society** held once per year which, among other things, will receive and consider the Society's activities and finances.

'Chairperson' means the **officer** responsible for chairing **General Meetings** and committee meetings and who provides leadership for the Society.

'Committee' means the Society's governing body

'Constitution' means the rules in this document

'Deputy Chairperson' means the **officer** elected or appointed to deputise in the absence of the **Chairperson**

'General Meeting' means either the Annual General Meeting or a Special General Meeting of the members of the society.

'Interested Member' means a member who is interested in a matter for any reasons set out in section 62 of the Act

'Interests Register' means the register of interests of Officers kept under this constitution and as required by section 73 of the Act

'Matter' means –

1. The Society's performance of its activities or exercise of its powers; or
2. An arrangement, agreement, or contract (a transaction) made or entered into or proposed to be entered into by the Society

'Member' means a person who has consented to become a member of the Society and has been properly admitted to the Society who has not ceased to be a member of the Society

‘Notice’ to members includes any notice given by email, post or courier.

‘Officer’ means a natural person who is:

- The Society’s performance of its activities or exercise of its powers; or
- Occupying a position in the Society that allows them to exercise significant influence over the management or administration of the Society, including any chief executive or treasurer.

‘Register of Members’ means the register of members kept under this constitution as required by section 79 of the Act

‘Secretary’ means the officer responsible for the matters specifically noted in this constitution

‘Special General Meeting’ means a meeting of the members other than an Annual General Meeting called for a specific purpose or purposes.

‘Working Days’ means as defined in the Legislation Act 2019. Examples of days that are NOT working days include but are not limited to the following – a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, the Sovereigns birthday, Matariki Observance Day and Labour Day.

4. PURPOSE OF THE SOCIETY

- (a) The purpose of the Society is to promote ownership and management of the supply of water to contributing members from the supply bore up to and including the water meters at the entrance to individual properties, including these objectives:
- i. The supply of irrigation water and domestic water to each developed property within the boundary of the Society as defined in schedule A
 - ii. The proper construction, operation, maintenance, repair and replacement of the water facilities to fulfil the purpose of the Society.
 - iii. The levying of contributing members for the purpose of providing funds to enable the Society to fulfil its objectives.
 - iv. Such things as may be necessary to maintain the Society’s water supply.
 - v. The full and proper use of the water facilities by contributing members.
 - vi. Insurance of the infrastructure as required by contributing members of the Society.
 - vii. Communication between contributing members of the Society and any regulatory bodies, including, but not limited to – Otago Regional Council (ORC); Central Otago District Council (CODC); government bodies.
- (b) The Society may, upon unanimous resolution, amend the above objectives
- (c) The Society must not operate for the purpose of, or with effect of-
- i. Distributing any gain, profit, surplus, dividend or other similar financial benefit to any of its members (whether in money or kind); or
 - ii. Having capital that is divided into shares or stock held by its members; or

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- iii. Holding property in which its members have a disposable interest (whether directly, or in the form of shares or stock in the capital of the Society or otherwise)

But the Society will not operate for the financial gain of members simply if the Society-

- i. Engages in trade
- ii. Pays a member for matters that are incidental to the purposes of the Society and the person is a not-for-profit entity
- iii. Distributes funds to a member to further the purposes of the Society and the member –
 - is a not-for-profit entity and
 - Is affiliated or closely related to the Society and
 - Has the same or substantially the same purposes as those of the Society
- iv. Reimburses a member for reasonable expenses legitimately incurred on behalf of the Society or while pursuing the Society's purposes
- v. Provides benefits to members of the public or of a class of the public and those persons includes members or their families.
- vi. Provides benefits to their members or their families to alleviate hardship
- vii. Provides educational scholarships or grants to members or their families
- viii. Pays a member a salary or wages or other payments for services to the Society on arm's length terms (terms reasonable in the circumstances if the parties were connected or related only by the transaction in question, each acting independently, and each acting in its own best interests; or are terms less favourable to the member than those terms and payment for services , or other transaction , does not include any share or gain, profit or surplus, percentage of revenue, or other reward in connection with any gain, profit, surplus, or revenue of the Society).
- ix. Provides a member with incidental benefits (for example trophies, prizes or discounts on products or services) in accordance with the purposes of the Society
- x. On removal of the Society from the register of Incorporated Societies having its surplus assets distributed under subpart 5 of part 5 of the Act to a member that is a not-for-profit entity.

5. ACTS AND REGULATIONS

Nothing in this constitution authorises the Society to do anything which contravenes or is inconsistent with the Act, any regulations made under the Act, or any other legislation

6. REGISTERED OFFICE

- (a) The registered office and contact person of the Society shall be at such place in New Zealand as the Committee from time to time determines. Refer appendix B for the current registered address.

- (b) Changes to the registered office shall be notified to the Register of Incorporated Societies -
 - i. At least 5 working days before the change of address of the registered office is due to take effect, and
 - ii. In a form required by the Act

7. MEMBERSHIP

- (a) The Society shall maintain the minimum number of members required by the Act (10)
- (b) A person shall become a member of the Society by becoming the owner of a property within the Society's boundary as defined in schedule A
- (c) Where there is more than one owner of a property the individual owners may be registered members of the Society but shall be considered as one (1) contributing member with one (1) allocated vote within the Society
- (d) Any person must consent to joining the Society and sign the Society's consent form.
- (e) Members agree to provide the administrator of the Society with the necessary details to maintain a register of members as required by the Act.
- (f) The property owner/s will grant in favour of the Society an encumbrance to be held against the property title securing the owner's obligation to become and remain a contributing member of the Society and to abide by the rules of the Society's constitution.
- (g) A contributing member shall be deemed to have resigned from the Society immediately they are no longer a property owner but that shall not relieve such person of any obligation or liability arising before that person/s ceased to be a member of the Society.
- (h) The rights, privileges and obligations of the contributing member are not assignable.

8. REGISTER OF MEMBERS

- (a) A register of members will be maintained by the Society's administrator and shall include:
 - i. The name of the member
 - ii. The relevant contact details for the member
 - iii. The date the person became a member
 - iv. The details of any other person authorised to act on behalf of the member
 - v. Any other information required by the regulations (if any)
 - vi. The signed written consent of every Member to become a Society member shall be retained in the Society's membership records.
- (b) The details provided by contributing members shall be kept confidential to the Society and not provided to other persons unless:
 - i. Required in an emergency
 - ii. Required by any government department or regulatory authority
 - iii. Requested by the member or their authorised representative
- (c) The register will be updated by the Society's administrator at each AGM

9. OBLIGATIONS OF MEMBERS

- (a) To permit reasonable access to their properties for the purposes of maintaining or managing the water facility by members of the committee or authorised by the committee. All reasonable attempts to contact the member/s will be made before entering any property unless an emergency prevails.
- (b) To advise the Society's administrator of any issues a member may be aware of, or become aware of, that may impact the purpose of the Society, and the efficient management of those facilities owned and managed by the Society on behalf of all contributing members.
- (c) To pay levies and fees as determined annually at the AGM in relation to the use and supply of water to properties within the Society's defined boundary.
- (d) To pay any special levies as may be determined from time to time to ensure continuity of water supply to all properties.
- (e) Levies to be paid by the 20th of the month following generation of the invoice, unless advised otherwise on the invoice.
- (f) The contributing member may be responsible for any additional costs to the Society by failure to pay their levies on time.
- (g) Failure to pay any fees or levies may result in the supply of water being suspended to that member's property.
- (h) To maintain access to their property's water meters for the purposes of meter reading.
- (i) To install and operate their individual water reticulation systems, post water meters, in a manner which does not affect the Society's ability to provide water to all contributing member's properties.
- (j) To advise the administrator if a property is for sale and when the property is sold to allow any outstanding levies to be calculated and the Society's member register to be updated.
- (k) Where a contributing member sells a property, they shall remain liable for any debts owed to the Society
- (l) To advise the purchaser of a property there is an encumbrance on the property title in relation to the Society and their obligation to be members of the Society.

10. USE OF WATER FACILITIES

- (a) Subject to any rules of the Society each contributing member shall be entitled to a supply of both irrigation and domestic water as permitted by the Society's water resource consent. This entitlement is subject to:
 - i. The pro-rata allocation of water to properties apportioned on an area basis.
 - ii. The capacity and ability of capital improvements to provide that available water.
 - iii. Any water restrictions or limitations imposed on the Society by the relevant authorities.
- (b) The Society shall not be under any obligation to supply water to developed properties where:
 - i. The contributing member is in default of any obligations with respect to this constitution, including any levy payments.

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- ii. The relevant water authority stops the provision of any services to the Society for any reason.
- iii. There is a disruption to the provision of water resulting from any circumstance outside the control of the Society including, unforeseen breakdowns in the water reticulation system.

11. RESPONSIBLE WATER USE ENCOURAGED

Contributing members are aware that water is provided to developed properties as per the conditions imposed on the Society by the conditions of their Water Resource Consent. As such, water is considered a 'scarce resource' and members are requested to manage the water they are provided in a sustainable manner. Ways to help manage water as a sustainable resource appear in schedule E

12. MEETINGS AND AGM

- (a) An Annual General Meeting (AGM) must be held not more than 6 months after the Society's annual balance date of 31 March or 15 months later than the previous AGM.
- (b) The committee shall present the following items to members:
 - i. The annual report
 - ii. The financial statement
 - iii. The operational report
 - iv. Notice of disclosures
- (c) For the purposes of a quorum, the meeting will require attendance of at least 3 committee members and 5 registered members of the Society.
- (d) A meeting date will be advised to all registered members at least 1 month before the meeting date and additional agenda items/motions invited from members
- (e) An agenda and the committee's reports will be circulated to members in electronic form at least 1 week ahead of the scheduled meeting
- (f) Meetings will be run in accordance with normal meeting protocol
- (g) Motions shall be passed by a majority vote of members present and will require 75 percent of members to agree to motions involving 50% or more of the Society's total assets
- (h) The Society shall keep minutes for all General Meetings
- (i) Minutes of meetings will be electronically circulated by the administrator within 1 week of the AGM.
- (j) Meetings may be conducted in electronic format where available to ensure as many members as possible can have input into the Society's business.

12.1 SPECIAL MEETINGS

- (a) Where it is necessary to call a special meeting outside of the AGM, members will be advised at least 2 weeks in advance of the meeting date and the purpose of the special meeting.
- (b) The Committee can determine when such special meetings are required.
- (c) Written resolutions in lieu of a meeting may be passed by a special meeting of the Committee where relevant information has been circulated to members at least 1

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week ahead of any decision and feedback from members has been considered to ensure the majority of members support any such resolutions.

- (d) Meetings will be run in accordance with normal meeting protocol.
- (e) Minutes of meetings will be electronically circulated by the administrator within 1 week of the special meeting.

12.2 VOTING AT MEETINGS

- (a) A contributing member of the Society is entitled to one vote per developed property provided they are financial members with no outstanding arrears.
- (b) Proxy votes will be accepted where the administrator has been advised in writing of the person acting as a contributing member's proxy.
- (c) Postal and electronic votes directed to the administrator will also be presented and accepted at meetings.
- (d) If votes for a particular motion are tied, the Chairperson will have the casting vote.

13.0 COMMITTEE

13.1 Functions of the Committee

From the end of each Annual General Meeting until the end of the next, the Society shall be managed by, or under the direction or supervision of the Committee in accordance with the Incorporated Societies Act 2022, any regulations made under this Act and this constitution.

The committee has all the powers necessary for managing, and for directing and supervising the management of the operation and affairs of the Society, subject to such modifications, exceptions or limitations as are contained in the Act or this constitution.

13.2 Committee composition and duties

(a) The Committee of the Society shall consist of four (4) members:

- The Chairperson – shall be the owner of the vineyard property (if there is one) or where that person does not wish to act as chairperson a member of the Society will be elected to act in this role
- The financial officer
- The administrator
- The meter reader

(b) The duties of the committee members are outlined in schedule C but all committee members agree to serve in the best interests of the Society as a whole.

(c) Each committee member will sign a declaration to say they agree to serve on the Society's committee and accept the stated responsibilities of the position they hold.

- (d) Members of the Society may agree to compensate any committee member for their time; any such compensation will be reviewed annually at the AGM.

13.3 Term of Committee members

- (a) The term of office for all officers shall be yearly, expiring at the end of the AGM
- (b) An officer may be reappointed indefinitely by members at an AGM

13.4 Removal of Officers

- (a) An officer shall be removed as an officer by resolution of the Committee or the Society where a vote of no confidence in the Officer has been passed.

13.5 Ceasing to hold office

- (a) An officer ceases to hold office when they resign, by notice in writing to the committee, are removed, die, or otherwise vacate office in accordance with section 50(1) of the Act.
- (b) Each officer shall, within 10 working days of submitting a resignation or ceasing to hold office, deliver all books, papers and other property of the Society to the Administrator.

13.6 Committee meetings and voting

- (a) A meeting quorum for committee meetings shall be a minimum of the chairperson and 2 other committee members.
- (b) Any proposals or motions to be passed by a majority vote and reported to Society members within 3 days of any decision.

14. FINANCIAL MANAGEMENT AND REPORTING

- (a) The Society's financial year shall be from 1 April to 31 March of the following year.
- (b) The Committee will open and maintain an operating bank account for the purposes of the Society. (refer schedule D for current account)
- (c) All fees and levies will be paid directly into this account by members of the Society.
- (d) All payments relating to the management and operation of the Society will be authorised by two (2) members, including at least 1 committee member with designated signing authority.
- (e) The Society shall not borrow money to cover shortfalls except by special resolution of the Committee.
- (f) By special resolution and agreement from members any excess funds may be invested in an interest-bearing account by the Committee for the express benefit of contributing members.

- (g) The administrator will immediately notify members any time there is a shortfall in funds and what is being done by the Committee to remedy this situation.
- (h) An annual financial report, ratified by members at the AGM, will be submitted to the Incorporated Societies Commission by the Financial Officer no later than 6 months of the balance date of the Society as required by the Incorporated Societies Act 2022.

14.1 Calculating Fees

- (a) Fees to members will be calculated as:
 - i. **Fixed Costs** – unavoidable and necessary expenses required to achieve the purpose of the Society and ensure the water supply to each developed property shall be shared equally amongst all members as water supply cannot be guaranteed without these costs
 - ii. **Repairs & Maintenance Fixed costs** - are to be allocated to each contributing member as a proportion based on their water usage calculated as a percentage of total water use by the Society and averaged over the last 3 years. This assumes R&M is related to water usage.
 - iii. **Variable Costs** – allocated to each contributing member based on actual water usage and the electricity unit charge calculated each financial year 1 April – 31 March
 - iv. **Extraordinary Expenses** – details to be advised to members and added to annual invoices as required e.g. title search for resource consents.
- (b) All fees and calculations will be clearly shown in members invoices.
- (c) A contributing member may request additional information regarding their fees and how they are calculated.

15. DISPUTES RESOLUTION

15.1 Meanings of dispute and Complaint

A dispute is a disagreement or conflict involving the Society and/or its members in relation to specific allegations set out below:

The disagreement or conflict may be between any of the following persons –

- 2 or more members
- 1 or more members and the Society
- 1 or more members and 1 or more Officers
- 2 or more officers
- 1 or more officers and the Society
- 1 or more members or officers and the Society

The disagreement or conflict relates to any of the following allegations –

- A member or an officer has engaged in misconduct
- A member or an officer has breached, or is likely to breach, a duty under the Society's constitution or bylaws or the Act
- The Society has breached, or is likely to breach, a duty under the Society's constitution or bylaws or the Act

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- A member's rights or interests as a member have been damaged or a member's rights or interests have generally been damaged

15.1 How a complaint is made

- (a) A complaint may be made in any reasonable manner permitted by the Society's constitution
- (b) A member or an officer may make a complaint by giving the committee a notice in writing that –
 - i. States that the member or officer is starting a procedure for resolving a dispute in accordance with the Society's constitution and
 - ii. Sets out the allegations to which the dispute relates and whom the allegation or allegations is about, and
 - iii. Sets out any other information or allegations reasonably required by the Society
- (c) The Society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that –
 - i. States that the Society is starting a procedure for resolving a dispute in accordance with the Society's constitution, and,
 - ii. Sets out the allegation to which the dispute relates.
- (d) The information setting out the allegations must be sufficiently detailed to ensure that a person against whom an allegation or allegations is made is fairly advised of the allegation or allegations concerning them, with sufficient details to enable that person to prepare a response.
- (e) All members (including committee), are obliged to cooperate to resolve disputes efficiently, fairly, and with minimum disruption to the Society's activities
- (f) The complainant raising a dispute, and the committee, must consider and discuss whether a dispute may be best resolved through informal discussions, mediation, arbitration or a tikanga-based practice. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement.

15.2 Person who makes a complaint has a right to be heard

- (a) A member or an officer who makes the complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- (b) If the Society makes a complaint
 - i. The Society has a right to be heard before the complaint is resolved or any outcome is determined, and
 - ii. An officer may exercise that right on behalf of the Society
- (c) Without limiting the way the member, officer or Society may be given the right to be heard, they must be taken to have been given the right if –
- (d) They have a reasonable opportunity to be heard in writing or at an oral hearing, and
- (e) An oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing, and
- (f) An oral hearing (if any) is held before the decision maker, and
- (g) The member's, officer's or Society's written or verbal statement or submissions (if any) are considered by the decision maker.

15.3 Person who is subject of complaint has a right to be heard

- (a) This clause applies if a complaint involves an allegation that a member, an officer or the Society (the respondent) –
 - i. Has engaged in misconduct, or
 - ii. Has breached, or is likely to breach, a duty under the Society's constitution or bylaws or this Act, or
 - iii. Has damaged the rights or interests of a member or members generally.
- (b) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- (c) If the respondent is the Society, an officer may exercise the right on behalf of the Society
- (d) Without limiting the way, a respondent may be given a right to be heard, a respondent must be taken to have been heard if –
 - i. The respondent has been fairly advised of all allegations concerning the respondent with sufficient details and time given to enable the respondent to prepare a response; and
 - ii. The respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - iii. An oral hearing is held, and the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - iv. An oral hearing is held before the decision maker; and
 - v. The respondent's written statement or submissions (if any) are considered by the decision maker

15.4 Investigating and determining dispute

- (a) The Society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution ensure that the dispute is investigated and determined
- (b) Disputes must be dealt with under the constitution in a fair, efficient and effective manner and in accordance with the provisions of the Act.

15.5 Society may decide not to proceed further with complaint

Despite the 'investigating and determining dispute' rule above the Society may decide not to proceed further with a complaint, if –

- (a) The complaint is considered to be trivial, or,
- (b) The complaint does not appear to disclose or involve any allegation of the following kind:
 - i. That a member or an officer has engaged in material misconduct.
 - ii. That a member, an officer, or the Society has materially breached, or is likely to breach, a duty under the Society's constitution or bylaws or the Act

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- iii. that a member's or members' rights or interests generally have been materially damaged
- iv. The complaint appears to be without foundation or there is no apparent evidence to support it; or
- (c) The person who makes the complaint has an insignificant interest in the matter; or
- (d) The conduct, incident, event or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- (e) There has been undue delay in making the complaint

15.6 Society may decide not to proceed further with complaint

The Society may refer a complaint to –

- i. A subcommittee or an external person to investigate and report; or
- ii. The Society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation or a tikanga based practice.

15.7 Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints sub-committee consider that there are reasonable grounds to believe that a person may not be –

- i. Impartial; or
- ii. Able to consider the matter without a predetermined view.

16. LIQUIDATION AND REMOVAL FROM REGISTER

16.1 Resolving to put Society into liquidation

- (a) The Society may be liquidated in accordance with the provisions of part 5 of the Act
- (b) The committee shall give 25 working days written notice to all members of the proposed resolution to put the Society into liquidation
- (c) The committee shall also give written notice to all members of the general meeting at which any such proposed resolution is to be considered. The notice shall include all information as required by section 228(4) of the Act.
- (d) Any resolution to put the Society into liquidation must be passed by two-thirds majority of all members present and voting.

16.2 Resolving to apply for removal from register

- (a) The Society may be removed from the register of incorporated Societies in accordance with part 5 of the Act
- (b) The committee shall give 25 working days written notice to all members of the proposed resolution to remove the Society from the Register of Incorporated Societies

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- (c) The committee shall also give written notice to all members of the general meeting at which any such proposed resolution is to be considered. The notice shall include all information as required by section 228(4) of the Act
- (d) Any resolution to remove the Society from the Register of Incorporated Societies must be passed by a two-thirds majority of all members present and voting.

16.3 Surplus Assets

- (a) If the Society is liquidated or removed from the Register of Incorporated Societies, no distribution shall be made to any member.
- (b) On the liquidation or removal from the Register of Incorporated Societies, the Society's surplus assets (if any) after payment of all debts, costs and liabilities shall be vested in one or more not-for-profit entities nominated by the members at the time of liquidation or removal from the register.

17. ALTERATIONS TO THE CONSTITUTION

All amendments must be made in accordance with this constitution. Any minor or technical amendments shall be notified to members as required by section 31 of the Act

- (a) The Society may amend or replace this constitution at a general meeting by resolution passed by a simple majority of those members present and voting
- (b) That amendment may be approved by resolution passed in lieu of a meeting but only if authorised by this constitution
- (c) Any proposed resolution to amend or replace this constitution shall be signed by at least 50% of eligible members and given in writing to the committee at least 20 working days before the general meeting at which the resolution is to be considered and accompanied by a written explanation of the reasons for the proposal
- (d) At least 20 working days before the general meeting at which any amendment is to be considered the committee shall give to all members notice of the proposed resolution, the reasons for the proposal and any recommendations the committee have
- (e) When an amendment is approved by a general meeting it shall be notified the Registrar of Incorporated Societies in the form and manner specified in the Act for registration and shall take effect from the date of registration.

18. OTHER

18.1 Common Seal

- (a) The Society will have a common seal that must be kept in the custody of the administrator
- (b) The common seal may be affixed to any document:
 - i. By resolution of the committee and must be countersigned by 2 officers, or
 - ii. By such other means as the committee may resolve from time to time.

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Schedule A: THE BOUNDARIES OF THE PEARSON ROAD IRRIGATION SOCIETY – FOR THE SUPPLY OF WATER TO MEMBERS



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**Schedule B: REGISTERED OFFICE OF PEARSON ROAD IRRIGATION
SOCIETY:**

c/- 176 Pearson Road
RD2
CROMWELL 9384

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Schedule C: DUTIES OF THE SOCIETY'S OFFICERS

DUTIES OF ELECTED OFFICERS:

At all times each Officer –

1. Shall act in good faith and in what he or she believes to be the best interests of the Society
2. Must exercise all powers for a proper purpose
3. Must not act, or agree to the Society acting, in a manner that contravenes the Act or this constitution
4. When exercising powers or performing duties as an officer, shall exercise the care and diligence that a reasonable person with the same responsibilities would exercise in the same circumstances taking into account but without limitation
 - a. The nature of the Society
 - b. The nature of the decision
 - c. The position of the officer and the nature of the responsibilities undertaken by him or her.
5. Must not agree to the activities of the Society being carried on in a manner likely to create substantial risk or serious loss to the Society or the Society's creditors
6. Must not agree to the Society incurring an obligation unless he or she believes at that time on reasonable grounds that the Society will be unable to perform the obligation when it is required to do so.

DUTIES OF THE CHAIRPERSON:

The Chairperson shall be responsible for

1. Acting in the best interests of the Society and providing leadership to the Society
2. establishing meeting dates for the AGM
3. chairing the AGM or appointing a deputy chairperson if required
4. casting a deciding vote on any matters pertaining to the Society where there is a split vote

DUTIES OF THE FINANCIAL OFFICER:

The financial officer shall be responsible for:

1. Preparing and presenting the Society's annual accounts
2. Submitting accounts to the Registrar of Incorporated Societies as required by the ACT

DUTIES OF THE ADMINISTRATOR:

1. To liaise with other committee members and Society members regarding water supply issues
2. To convene general and special meetings as required or when requested to do so by the chairperson
3. To act on any events that may result in a lack of water supply to the Society's members
4. To maintain resource consents to ensure water supply
5. To liaise with the Otago Regional Council, Central Otago District Council, and government agencies, as required, to ensure all compliance requirements are met
6. To maintain the register of members
7. To notify the Registrar of Incorporated Societies as to any changes to the registered address or the Society's constitution
8. To maintain a record of water meter readings
9. To maintain a record of invoices and financial statements relating to the running of the Society and liaising with the financial officer regarding these records
10. To maintain documents and records relating the Society
11. To prepare and distribute annual invoices to individual members
12. To monitor payments in and out of the Society's bank account on behalf of the Society
13. To undertake water testing as required for potable water supply
14. To liaise with the manager of the vineyard regarding any water issues or water management issues.

DUTIES OF THE METER READER:

1. To take meter readings on a regular basis and supply these to the Administrator in a timely manner
 - a. Meter readings to be taken every 2 months as close to the 1st of the month as possible
 - b. Meter reading to be taken at the end of the irrigation season on or as close to 30 April as possible
 - c. Meter reading to be taken at the start of the irrigation season – on or as close to 1 October as possible
2. To advise the administrator if any metre readings cannot be made as required
3. To advise the administrator of any irregularities in meter readings such as meters not reading or possible reading incorrectly so these can be checked

Schedule D: THE SOCIETY'S BANK

1. An active account is maintained with SBS, Cromwell branch under the name of **Pearson Road Society Incorporated**
2. Each transaction out of the account must be authorised by 2 signatories to the account

Current signatories (15.09.24) are:

- a. Simon Barnes (member)
- b. Gillian Wilson (administrator)
- c. Rod Keillor (Chairperson)

Schedule E: EFFECTIVE WATER CONSERVATION AND MANAGEMENT MEASURES

Every member of the Pearson Road Irrigation Society is required to manage the water supplied by the Society as 'a scarce resource'.

The following suggestions are recommended as good practice in this regard:

- Monitor individual tanks and systems to ensure any leaks are monitored for prompt repair to avoid wastage through leaks/overflows
- To turn off irrigation when there is sufficient rainfall to maintain soil moisture levels
- Maintain any system (internal residential or external irrigation) in good repair
- Target water usage through effective irrigation avoiding wastage
- Advise the administrator, or their representative, of any issues outside individual property boundaries so that they may be attended in a timely manner either by the Society or other property owners
- To take an active role in the Society, including attending meetings and read notifications, to maintain awareness of any changes to requirements

1

Pearson Road Irrigation Society
Incorporated (owner)
Drinking Water Safety Plan

15 September 2024

[https://d.docs.live.net/e1edc105b240edc3/JPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/drinking water safety plan adopted Sept24.docx](https://d.docs.live.net/e1edc105b240edc3/JPW%20Consulting%20Ltd/Clients/2025/JW25057-Paddy%20Sugrue/RC%20Application/drinking%20water%20safety%20plan%20adopted%20Sept24.docx)

PEARSON ROAD IRRIGATION SOCIETY- DRINKING WATER SAFETY PLAN

Prepared by G. Wilson, Society Administrator; September 2024

Pearson Road Irrigation Society – Introduction and system description

The water supply to the members of the Pearson Road Irrigation Society (PRIS) is classified as a supply to a **“very small community”** of under 25 people according to the Water Services Act 2021. The taking of water is subject to **Otago Regional Council Resource Consent No. RM22.126.01 which expires in July 2037**. The schemes boundaries are identified in appendix A.

The **contact person** for the purposes of this plan shall be **the administrator** of the Society as agreed by the members of PRIS and identified in the Society’s constitution.

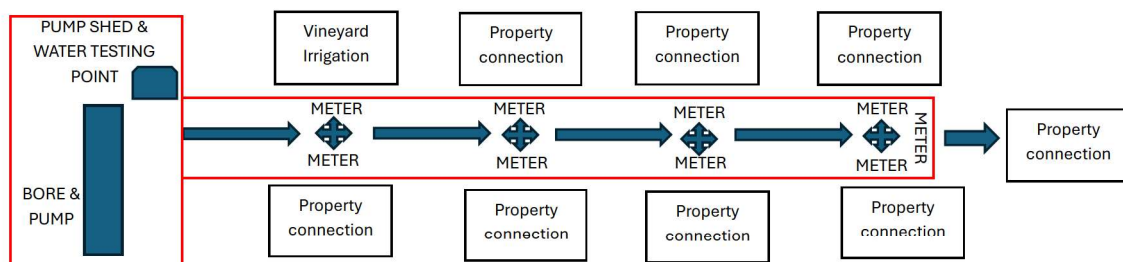
Irrigation and drinking water is supplied from the **water source (groundwater bore)** and reticulated to 8 member households with individual capacity for storing their domestic water supply, including drinking water. The supply of water is allocated in accordance with PRIS’s resource consent and **supplies drinking water for the full year**.

The overall **supply does not have a water treatment system as irrigation water is also supplied** from the source and it is impractical to treat this quantity of water as ‘drinking water’. **Any additional water treatment occurs at the individual properties** at the discretion of the property owner, including but not limited to:

- Disinfection/treatment of domestic water storage tanks
- Micro filtering to remove microorganisms and pathogens from drinking water
- UV treatment of drinking water

PRIS is a registered supplier (operator) of drinking water providing infrastructure to abstract and reticulate water (including drinking water) to its members.

The Society is responsible for the supply of water from bore source up to and including individual property water meters (area outlined in red below); responsibility from this point transfers to individual property owners as per the following diagram:



Recognition of Te Mana o te Wai

Members of the Society recognise the importance of water to the wellbeing of all New Zealanders and the environment of Aotearoa. Our water is managed as a precious and scarce

<https://d.docs.live.net/e1edc105b240edc3/IPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/drinking water safety plan adopted Sept24.docx>

3

resource with regard to avoiding water contamination, avoiding wastage and its responsible use with practices aimed at good stewardship for future generations.

HAZARD ASSESSMENT - IDENTIFICATION AND RISK MANAGEMENT STRATEGIES FOR PEARSON ROAD IRRIGATION SOCIETY

IDENTIFIED HAZARD	LEVEL OF RISK (High, moderate, low)	MANAGEMENT OF RISK	ACTIONS IF RISK IDENTIFIED
1. Contamination of water at bore source	Low - system is an enclosed bore - Surrounding land is not farmed with animals - Properties have certified septic tank systems that minimise potential groundwater contamination - Water to bore, permeates through gravel substrates from the Kawarau river,	- Maintain 6 monthly water testing by an accredited laboratory (Hills) - Maintain the equipment in good order - Regular system checks by reputable installer (WaterForce)	- Discontinue supply - Notify members of any risk and issue a 'boil drinking water notice - Notify Taumata Arowai - Implement remedial action immediately - Maintain a record of any checks/tests - If contamination should happen take remedial steps to prevent a recurrence
2. Contamination of reticulation system	Low - system is enclosed - Surrounding land is not farmed with animals - System is well maintained and underground	- Identify any leaks in system as soon as practical – all members to notify administrator of any issues - Identify any mechanical breaks in system due to property development or maintenance – PRIS administrator to be notified immediately	- Organise repairs as required as soon as possible by a reputable installer (WaterForce) - Inspect and monitor repairs to avoid contamination of pipework - Maintain a record of any checks/tests - If contamination should happen take remedial action to prevent recurrence
3. Contamination of water storage tanks NOTE: These tanks are beyond the boundary of works administered by the Society.	Low - system is enclosed from bore to storage tanks - Tanks are enclosed and protected from outside contamination - Properties have separate irrigation and domestic water storage tanks so no risk to other properties if an individual storage tank is affected	- Maintain 6 monthly water testing at source by an accredited laboratory (Hills) - Identify and repair any system leaks as per identified hazard # 2 - Test individual drinking water supply tanks if contamination suspected	- Test source supply and storage tank to isolate the point of contamination - Notify Society members of any risk - Notify Taumata Arowai - Boil water for drinking notice - Tank treatment to disinfect and kill any pathogens as required - Installation of UV treatment and/or filters at households receiving the drinking water
4. Contamination of water reticulation from storage tank/s to household supply NOTE: These tanks are beyond the boundary of	Low System is enclosed and is 'private supply' which is unlikely to have any impact on other members' water supplies	- Check for breaks in supply line - Investigate alternative source of contamination - Individual affected properties to advise the Administrator to discuss	- Responsibility of individual property owners to ensure their residential systems are safe - Individual residents to check their drinking water and other possible sources of contamination

<https://d.docs.live.net/e1edc105b240edc3/JPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/drinking water safety plan adopted Sept24.docx>

4

works administered by the Society.		appropriate action and testing	Recommend installation of domestic scale water filters and UV treatment at individual properties
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Reviewing this plan

The plan will be reviewed annually by PRIS members at the AGM. During this review any issues will be highlighted, the identified hazards reviewed and more added if necessary.

A full review of the plan will be undertaken when any major changes occur to the water extraction and reticulation system identified by this plan.

Should there be any incidents the plan will be reviewed, and any remedial actions identified and recorded to prevent a recurrence of the problem.

If there are any changes to this plan the changes will be notified to Taumata Arowai and a copy of the amended plan will be forwarded to them.

Monitoring to ensure the supply of drinking water is safe

Checks for contamination by pathogens (*E coli*) and metals will be performed every 12 months A second test will be performed 6 monthly to test for contamination by *E coli* or other pathogen/s.

All samples will be taken at source by a person trained to follow Hills laboratories water sampling protocol.

Copy of current plan to be submitted to Taumata Arowai

The plan will be current and reviewed annually at the Society's AGM to highlight any issues that may have occurred and identify any new hazards and ways to control these. A copy of the current plan will be supplied to Taumata Arowai with any changes and an amended copy of the plan forwarded as necessary.

<https://d.docs.live.net/e1edc105b240edc3/JPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/drinking water safety plan adopted Sept24.docx>

**APPENDIX A –
BOUNDARIES OF THE PEARSON ROAD IRRIGATION SOCIETY –
FOR THE SUPPLY OF DRINKING WATER TO MEMBERS**



▲ Bore and pump shed location

— PRIS Boundary line

■ Individual property locations

<https://d.docs.live.net/e1edc105b240edc3/IPW Consulting Ltd/Clients/2025/JW25057 - Paddy Sugrue/RC Application/drinking water safety plan adopted Sept24.docx>



Our Reference: A1625388

Consent No. RM22.126.01

WATER PERMIT

Pursuant to Section 104C of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Pearson Road Society Incorporated

Address: 176 Pearson Road, Cromwell

To take and use groundwater for the purpose of irrigation and communal domestic supply

For a term expiring 20 July 2037

Location of Point of Abstraction: Cromwell, approximately 930 metres northwest of the intersection of Sandflat Road and Pearson Road.

Legal Description of land at point of abstraction: Lot 3 DP 368228

Legal Description of land where water is to be used: Lots 1,2,4,5,6,7 DP 356255;
Lots 1 and 2
DP 504660; Lots 1 and 2 DP
368228

Map Reference at point of abstraction (NZTM2000): E1297270 N50023691

Conditions

Specific

1. The take and use of groundwater from the Cromwell Terrace Aquifer from bore F41/0297 at the map reference specified above and on the land legally described above for irrigation water and communal domestic supply must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Consent Authority as consent number RM22.126.

a) Application form, and assessment of environmental effects prepared by Weaver Consulting and dated 2 February 2022.

If there are any inconsistencies between the above information and the conditions of this consent, the conditions of this consent will prevail.

2. This consent must not be exercised until Water Permit 2002.397 has expired or has been surrendered by the named holder of that permit.
3. Under section 125 of the Resource Management Act 1991, this consent lapses two years after the date of commencement of the consent unless:
 - a) The consent is given effect to; or



- b) The Consent Authority extends the period after which the consent lapses.
- 4. a) During the period 1 October to 31 March inclusive, the take will not exceed:
 - i. 9.5 litres per second;
 - ii. 437 cubic metres per day;
 - iii. 9,500 cubic metres per month; and
- b) During the period 1 April to 30 September inclusive, the take will not exceed:
 - i. 9.5 litres per second;
 - ii. 25 cubic metres per day;
 - iii. 730 cubic metres per month; and
- c) The total annual volume for this take will not exceed:
 - i. 50,000 cubic metres in each 12 month period, commencing 1 July of any year and ending 30 June of the following year.
- 5. No abstraction other than for reasonable domestic and stock drinking water purposes may occur between 1 May and 31 August inclusive in each year.

Performance Monitoring

- 6. a) The Consent Holder must maintain a:
 - i. Water meter(s) that will measure the rate and the volume of water taken to within an accuracy of +/- 5% over the meter's nominal flow range at E1297270 N50023691. The water meter must be capable of output to a datalogger.
 - ii. Datalogger that time stamps a pulse from the flow meter at least once every 15 minutes and has the capacity to hold at least twelve months data of water taken.
 - iii. A telemetry unit which sends all of the data to the Consent Authority.
- b) Provide telemetry data once daily to the Consent Authority. The Consent Holder must ensure data compatibility with the Consent Authority's time-series database and conform with Consent Authority's data standards.
- c) Within 20 working days of any replacement of the water meter, datalogger or telemetry unit, and at any time when requested by the Council, the Consent Holder must provide written certification to the Consent Authority signed by a suitably qualified person certifying, and demonstrating by means of a clear diagram, that:
 - i. Each device is installed in accordance with the manufacturer's specifications;
 - ii. Data from the recording device can be readily accessed and/or retrieved in accordance with the conditions above; and
 - iii. that the water meter has been verified as accurate.
- d) The water meter/datalogger/telemetry unit must be installed and maintained throughout the duration of the consent in accordance with the manufacturer's instructions.
- e) All practicable measures must be taken to ensure that the water meter and recording device(s) are fully functional at all times.
- f) The Consent Holder must report any malfunction of the water meter, datalogger or telemetry unit to the Consent Authority within 5 working days of observation of



the malfunction. The malfunction must be repaired within 10 working days of observation of the malfunction and the Consent Holder must provide proof of the repair, including photographic evidence, to the Consent Authority within 5 working days of the completion of repairs. Photographs must be in colour and be no smaller than 200 x 150 millimetres in size and be in JPEG form.

Note: the water meter/data logger/telemetry unit should be safely accessible by the Consent Authority and its contractors at all times. The Water Measuring Device Verification Form and Calibration Form are available on the Consent Authority's website.

7. A water use efficiency report must be provided to the Consent Authority by 31 July each year for the period commencing 1 July the previous year and ending 30 June the current year). The report must assess the water use over the previous 12 months in respect of the efficient use of water for the purpose(s) consented. This report must include, but not be limited to:
 - a) area, crop type, number of harvests per year, and timing
 - b) annual summary of water usage (month by month, and related to crops in the ground);
 - c) reasons why use may have varied from the previous year;
 - d) information demonstrating irrigation equipment that has been used and decision-making regarding efficiency of use (e.g. soil moisture data, irrigation scheduling, meter accuracy checks, computer control of irrigation) and any changes planned for the coming year; and
 - e) water conservation steps taken.

General

8. The Consent Holder must ensure that at all times:
 - a) There is no leakage from pipes and structures; and
 - b) That the volume of water used for irrigation does not exceed that required for the soil to reach field capacity and avoids the use of water onto non-productive land such as impermeable surface; and
 - c) That irrigation to land does not occur when the moisture content of the soils is at or above field capacity.

Note: Field Capacity is the amount of water that is able to be held in the soil after excess water has run off.

9. Prior to the first exercise of this consent, the Consent Holder must install a backflow prevention device to ensure water and/or contaminants cannot return to the water source.

Review

10. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:



- a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
- b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
- c) Reviewing the frequency of monitoring or reporting required under this consent;
- d) Amending the monitoring programme set out in accordance with Condition 6; or
- e) Varying the consented quantities and rates of take and monitoring, operating and reporting requirements, and performance requirements to respond to:
 - i. the results of previous monitoring carried out under this consent and/or:
 - 1. water availability, including alternative water sources;
 - 2. actual and potential water use;
 - 3. groundwater levels and/or the setting of aquifer restriction levels;
 - 4. surface water flow and level regimes;
 - 5. groundwater or surface water quality;
 - 6. efficiency of water use;
 - 7. new requirements for measuring, recording and transmission;

Notes to Consent Holder

1. *Water may be taken at any time for reasonable domestic or stock water purposes in accordance with Section 14 of the Resource Management Act 1991 provided the abstraction does not cause an adverse effect on the environment.*
2. *It is the responsibility of the consent holder to ensure that the water abstracted under this resource consent is of suitable quality for its intended use. Where water is to be used for human consumption, the consent holder should have the water tested prior to use and should discuss the water testing and treatment requirements with a representative of the Ministry of Health and should consider any relevant legislation relating to drinking water including any drinking water standards developed under the Water Services Act 2021.*
3. *Section 126 of the Resource Management Act 1991 provides that the Consent Authority may cancel this consent by written notice served on the Consent Holder if the consent has been exercised in the past but has not been exercised during the preceding five years.*
4. *If you require a replacement consent upon the expiry date of this consent, any new application should be lodged at least 6 months prior to the expiry date of this consent. Applying at least 6 months before the expiry date may enable you to continue to exercise this consent under section 124 of the Resource Management Act 1991 until a decision is made on the replacement application (and any appeals are determined).*
5. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, the Biosecurity Act 1993, the Conservation Act 1987, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*



6. *Where information is required to be provided to the Consent Authority in conditions 6 and 7 this is provided in writing to watermetering@orc.govt.nz , and the email heading is to reference RM22.126.01 and the condition(s) the information relates to.*
7. *The Consent Holder will be required to pay the Consent Authority an administration and monitoring charge to recover the actual and reasonable costs incurred to ensure ongoing compliance with the conditions attached to this consent, collected in accordance with Section 36 of the Resource Management Act 1991.*

Issued at Dunedin this 20th day of July 2022.

A handwritten signature in black ink, appearing to read "Alexandra King", written over a horizontal line.

Alexandra King
Team Leader Consents

2842128905
RC250374

16 January 2026

Mark Sugrue & Imogene Sugrue
126 Pearson Road
Cromwell 9342



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Via email: jake@jakewoodward.co.nz

Dear Mark Sugrue & Imogene Sugrue

FURTHER INFORMATION REQUIRED FOR RC 250374

LOCATION: 126 PEARSON ROAD, CROMWELL

**PROPOSAL: SUBDIVISION AND LAND USE CONSENT FOR TWO-LOT SUBDIVISION
IN A RURAL RESIDENTIAL RESOURCE AREA.**

The application has been reviewed and has been found to require further information.

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

1. HAIL Activities and the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* (NES-CS)

The Form 9 application states the following:

"An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the AEE."

This is inconsistent with the statement at Section 6.2.1 AEE that concludes that there were no past HAIL activities and that the site has only been used for pasture and native grasses and that residential use has been the only use of the site. The concluding statements in this section of the AEE are:

"The proposal does not involve a change of use of the land.

As such, the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* is not considered applicable."

Please clarify which statement is correct. If no resource consent is sought under the NES-CS in relation to the proposed subdivision and the re-purposing of travellers accommodation for use as a residential dwelling please explain why the permanent use of proposed Lot 2 for residential use is not a change of use from the commercial use (travellers accommodation).

2. Earthworks

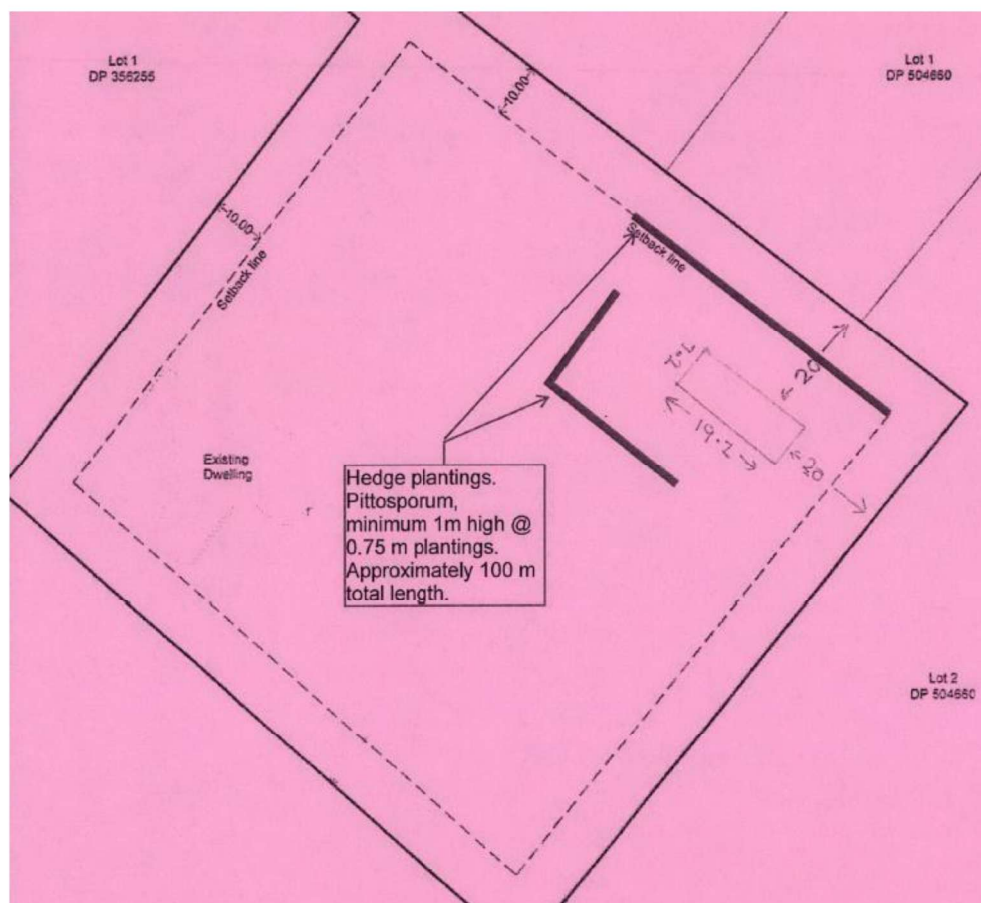
The existing on-site sewage treatment and disposal system is shared between all activities on the site and the existing disposal field crosses the proposed lot boundaries between proposed Lot 1 and Lot 2.

2

Please provide an assessment of rules and adverse effects of the earthworks related to establishment of a separate on-site sewage treatment and disposal system and modifications to the existing on-site sewage disposal system disposal field.

3. Travellers Accommodation

As you have noted in the AEE, RC180151 granted approval to establish travellers accommodation for up to 6 persons in a new building on the site. That was to be located 20m from the nearest boundaries in the north-eastern corner of the site and with landscaping provided in accordance with this approved plan.



Please confirm whether this landscaping planting has been established and been maintained, and what role it may have in mitigating potential adverse effects on landscape character and visual amenity.

Please also assess the potential adverse effects relating to differences in character between the proposed residential use and the travellers accommodation, particularly with reconsideration of the potential for reverse sensitivity effects when the use of this existing building is used for permanent residential use.

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.

The processing of your application has been put on hold from 16 January 2026.

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 Section 357 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 may decline the application on the basis of insufficient information.

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.

If the application is to be notified, you will be advised within ten working days of our receiving your further information.

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

4

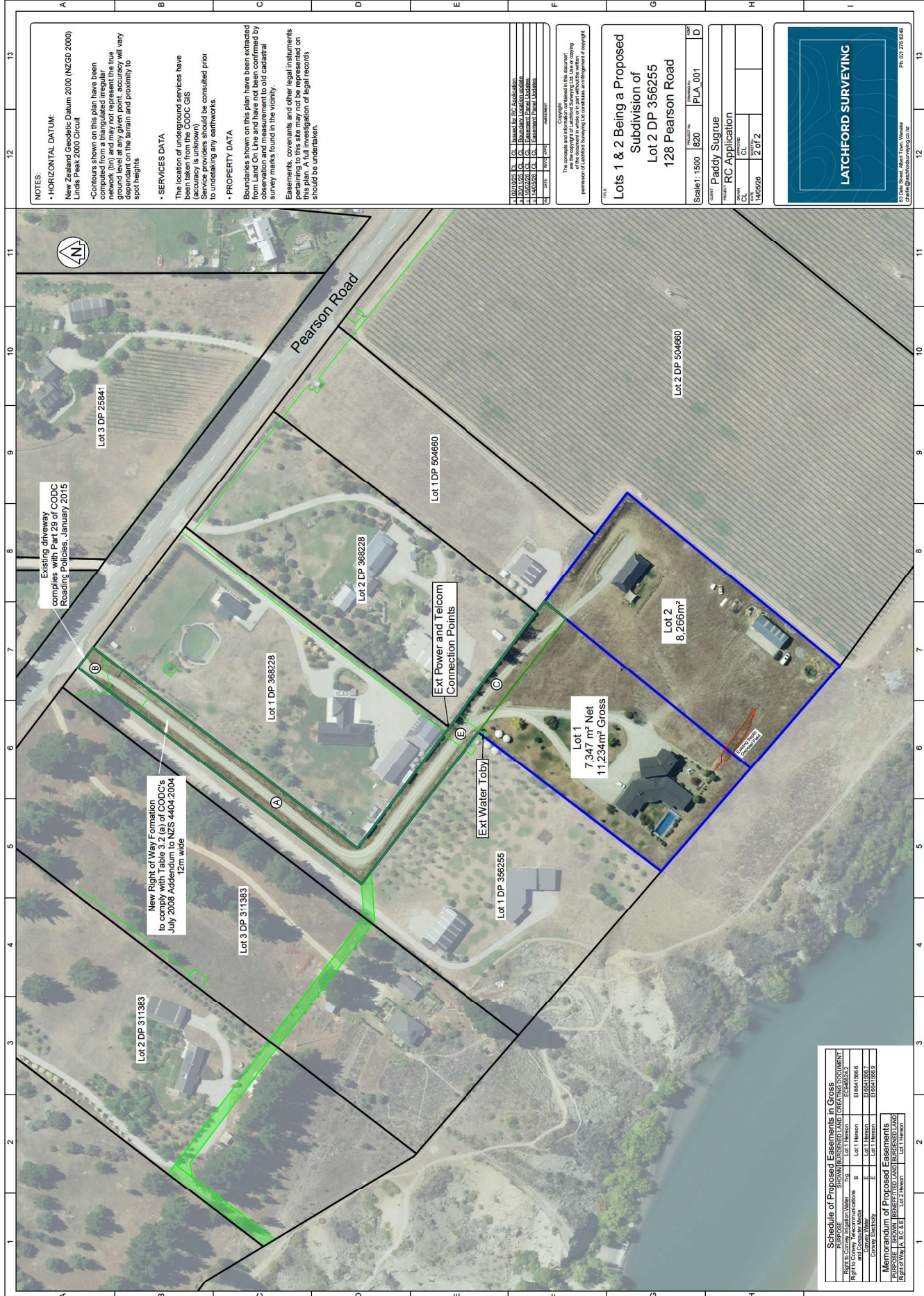
Yours faithfully

A handwritten signature in black ink, appearing to be 'D Whyte', written in a cursive style.

Duncan Whyte
PLANNING CONSULTANT



Date Plotted: Thu May 14 08:19:57 2026



Date Plotted: Thu May 14 08:20:02 2026

Submission summary

250374 : Mark Sugrue & Imogene Sugrue : 126 Pearson Road, Cromwell
 Subdivision and land use consent for two-lot subdivision in a rural residential resource
 area.

Submissions Closed 19/03/26

Printed: 20 March 2026 8:40 AM

page 1

Date	Submitter details	Support or Oppose Want to be heard?
9/03/26	Norman Elder 134 Pearson Road Cromwell 9810	Neither No
16/03/26	Gillian Wilson and Raewyn Paviour 176 Pearson Road RD 2 Cromwell 9384	Oppose No
18/03/26	Pearson Road Society Incorporated c/- Gillian Wilson (Administrator) 176 Pearson Road, RD 2 Cromwell 9384	Neither No
19/03/26	Kevin and Marion Etches 124 Pearson Road RD 2 Cromwell 9384	Oppose No
19/03/26	Niall and Julie Watson, Kerry Hand and Theresa Managh 122 Pearson Road RD 2 Cromwell 9384	Oppose Yes

5 submissions printed

Submission on Notified Resource Consent PL260318592

01



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
www.codc.govt.nz



Submission on Notified Resource Consent

Reference	PL260318592	Submitted	09 Mar 2026 11:03
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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	RC250374
Valuation Number	2842128905
Applicant	Mark Sugrue and Imogene Sugrue
Location of Site	126 Pearson Road, Cromwell
Brief Description of Application	Subdivision and land use consent for two-lot subdivision in a rural residential resource area
Submissions Close	4:00pm on Thursday 19 March 2026

Writing a submission

Page 1 of 5

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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

Page 2 of 5

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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	Norman Elder
Contact person (if applicable)	Norman Elder
Electronic address for service of submitter:	norman.elder65@gmail.com
Phone number - day time	074335937
Postal address (or alternative method of service under section 352 of the Act):	134 Pearson Road 9810 Cromwell

Your Application

Please select one regarding the application ☐ I neither support or oppose

Do you wish to be heard in support of this submission? ☐ No - I do not want 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 No similar submission ☐

Details of submission

The specific parts of the application that my submission relates to are: The subdivision (if approved by Council) will leave two sections which do not comply with the 2ha average rule with one section being 7347m2 and one section being

8266m2. This is a non complying use and a previous application for this non complying consent was declined by Council. To go below the average 2ha average as required by the District Plan would set a precedent for other landowners and undermine the integrity of the district plan rules which are designed to protect the amenity values in a rural residential lifestyle zone. To suggest other subdivisions in the neighborhood have reduced the area does not justify this subdivision consent as those subdivisions may not be in the rural lifestyle zone or on retain the 2ha average rule.

IN respect to the change in use for the traveler's accommodation to residential, it is likely that increased road traffic will create extra dust from the right of way which is adjacent to our western boundary . When a vehicle travels over the right of way the dust blows into our property creating a continuous nuisance . This could be alleviated by the owner using different gravel on the surface of the right of way such as chips or other courser material.

To oppose the subdivision to avoid a precedent being set for future development of non complying sections in the rural lifestyle zone thereby undermining the amenity values.

To support the change in land use consent to residential dwelling providing dust from vehicle traffic is remedied or mitigated.

The submission - Include:

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

Please upload any documents / photos that are relevant

I seek the following decision from the consent authority.

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

1. Decline the non complying subdivision consent given the subdivision breaches the 2ha average rule in the district plan and sets a precedent for future land developers .

2. If Council approves the subdivision then I consent to the change in land use for the dwelling on the condition that dust from the right of way is remedied or mitigated by using a courser gravel such as chips .

Select below - 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 (second tab) as you may incur costs relating to this request."

I do not 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)

A handwritten signature in black ink, appearing to be 'NGCA' followed by a long horizontal stroke.

Date signed:

09/03/2026

RECEIVED
16/03/2026
CODC

02



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
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: Gillian Wilson and Raewyn Paviour

Contact person (if applicable):

Gillian Wilson

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

Telephone: 02102774802

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

176 Pearson Road, RD2, Cromwell 9384

This is a submission on the following resource consent application: RC No: **250374**

Applicant: **Mark Sugrue & Imogene Sugrue** Valuation No: **2842128905**

Location of site: **126 Pearson Road, Cromwell**

Brief description of application: **Subdivision and land use consent for two-lot subdivision in a rural residential resource area.**

Submissions close: **4.00pm on Thursday 19 March 2026**



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

(give details, attach on separate page if necessary)

Please see separate pages

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.*

please see separate pages

I/We seek the following decision from the consent authority:

(give precise details, including the general nature of any conditions sought)

That the application for subdivision and change of land use is denied

~~I/We~~ 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.**

G Wilson

11.03.2026

Signature of submitter

Date

(or person authorised to sign on behalf of submitter)

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.

We (Gillian Wilson and Raewyn Paviour) oppose the application for a subdivision consent (RC No: 250374) based on the following:

- 1) This subdivision consent is a non-complying activity and does not meet the District Plan requirement for 2ha average section size as per Rule 4.7.5(iii) of the District Plan.

To allow this subdivision to proceed would set a precedent for this group of properties and potentially undermine the rural lifestyle and environmental values of the area.

We are aware that one other residential lifestyle block of approximately 0.75ha (Lot 1 Deposited Plan 504660) has been subdivided in the same vicinity to this proposal but this occurred when the average block size of 2ha would have been achieved as the vineyard titles and subdivided lot 1 were under one ownership.

In the last year the vineyard has been removed with the current owner planning his own subdivision and to allow the proposed subdivision would set a precedent for the larger vineyard block to be subdivided into smaller section sizes creating a more suburban aspect within this rural residential area.

We contend that smaller block sizes will result in a loss of the current rural amenity.

This amenity is important in that the area is clearly visible from the existing rural residential blocks and the public walkway along the Kawarau River edge. The site is also highly visible from the opposite side of the river and will impact views across from the historical area of 'the Sluicings' and the soon to be completed cycle track.

With the rapid expansion of the Cromwell area, it is important to retain the rural amenity in some areas of the district.

Smaller residential blocks will place greater demand on supporting services such as the roading network with an increase in traffic along Pearson Road, impacting existing residents with increased traffic noise and dust. It will also impact the intersections at the end of Pearson Road as it enters/exits SH6 from Queenstown and Bannockburn Road from Cromwell.

The demand for potable water available from Pearson Road Irrigation Society may require changes to the supply and management of drinking water if the number of people being serviced by this facility exceeds the number permitted as a small provider of drinking water under the rules of Taumata Arowai.

Similarly, an increase in the number of septic tanks, if not managed properly, may impact on future water quality from our groundwater take.

In summary, we believe the potential precedent, that will be set if this notified consent is approved, will be harmful to the overall rural residential lifestyle, amenity and environmental values currently present.

We also oppose the granting of consent to allow the change of land use proposed on the subdivided lot.

The area enjoys a rural residential lifestyle and current block sizes allow for some productive use of the land. Pearson Road currently supports the use of land for olive oil, cherry growing, nut trees and grazing; these activities contribute to the rural amenity of the area.

Smaller block sizes will reduce the possibility that the land will be productively used and retain its 'rural' aspect.

RECEIVED
18/03/2026
CODC

03



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
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: Pearson Road Society Incorporated

Contact person (if applicable):

Gillian Wilson (administrator)

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

Telephone: 021 0277 4802

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

176 Pearson Road, RD2, Cromwell 9384

This is a submission on the following resource consent application: RC No: **250374**

Applicant: **Mark Sugrue & Imogene Sugrue** Valuation No: **2842128905**

Location of site: **126 Pearson Road, Cromwell**

Brief description of application: **Subdivision and land use consent for two-lot subdivision in a rural residential resource area.**

Submissions close: **4.00pm on Thursday 19 March 2026**



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

(give details, attach on separate page if necessary)

The proposed supply of water and water pipes/water tanks to the lots identified in this subdivision application

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.*

Refer to separate page

I/We seek the following decision from the consent authority:

(give precise details, including the general nature of any conditions sought)

That the requests of the Pearson Road Society Incorporated are incorporated into any decisions pertaining to this subdivision if the subdivision is granted.

I/We **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:

(a) adversely affects the environment; and

~~(b) 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.**

A handwritten signature in blue ink that reads "G. Wilson".

Signature of submitter
(or person authorised to sign on behalf of submitter)

14.03.2026

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](#).
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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 details in relation to notified consent RC No: 250374 – made by **PEARSON ROAD SOCIETY INCORPORATED 1660322** (referred to hereafter as ‘The Society’)

The existing lot (Lot 2 Deposited Plan 356255) to be subdivided is subject to an encumbrance to The Society.

It is noted that the number and positioning of water tanks is not indicated on the proposed subdivision plan. It is understood that CODC requires separate tanks for the storage of irrigation and potable water as well as a water reserve of 20,000L for firefighting purposes.

The Society provides both potable and irrigation water to its members’ rural residential properties, including an allocation to 126 Pearson Road (the existing Lot 2 Deposited Plan 356255). Should the proposed consent be approved, this current allocation would need to be apportioned between the two properties.

In the event of the subdivision consent being granted the Society requests that both titles retain the current encumbrance as both properties will be taking water from the groundwater bore owned, operated, and maintained by the Society on behalf of its members.

The Society also requests the installation of 2 separate water tanks on each property: one to accept the potable supply and a separate independent tank to accept the irrigation supply. All water tanks on both lots will need to be separately metered to allow for the fair monitoring and charging of water services by the Society. The properties will not receive irrigation water between 1 April to 30 September inclusive, under the conditions of the Society’s existing water resource consent (Consent No. RM22.126.01).

All costs related to connecting to the PRIS scheme will be at the expense of the subdivider. The Society requests that any additional pipework, meters and tanks are installed by the Society’s preferred irrigation supplier (WaterForce Cromwell Limited) to ensure compatibility with the existing system and compliance with the resource consent conditions under which water may be taken by the Society’s members.

If these requests cannot be met the Society opposes this subdivision.

Submission on Notified Resource Consent PL260343178

04



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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www.codc.govt.nz



Submission on Notified Resource Consent

Reference	PL260343178	Submitted	19 Mar 2026 02:35
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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	RC250374
Valuation Number	2842128905
Applicant	Mark Sugrue and Imogene Sugrue
Location of Site	126 Pearson Road, Cromwell
Brief Description of Application	Subdivision and land use consent for two-lot subdivision in a rural residential resource area
Submissions Close	4:00pm on Thursday 19 March 2026

Writing a submission

Page 1 of 4

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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

Page 2 of 4

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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	Kevin and Marion Etches
Contact person (if applicable)	Marion Etches
Electronic address for service of submitter:	marion.kevin63@gmail.com
Phone number - day time	0275269046
Postal address (or alternative method of service under section 352 of the Act):	124 Pearson Road, RD2, Cromwell 9384

Your Application

Please select one regarding the application I oppose

Do you wish to be heard in support of this submission? No - I do not want 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 adverse effect of the proposed subdivision on an existing right of way access easement across our property at 124 Pearson Road.

Page 3 of 4

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The submission - include:

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

We oppose the subdivision consent in its present form. We wish to have the application amended by removal of the right of way easement in favour of 126 Pearson Road over 124 Pearson Road. The subdivision of 126 Pearson Road will create an additional property with right of way access across our property, potentially doubling its potential use for us at 124 as well as 122 and 108 Pearson Road.

We understand the right of way originally created to allow a single ownership vineyard access to a riverside gravel pit. The single vineyard property was subsequently subdivided to create a number of properties including 126 Pearson Road, and the right of way applied. The right of way has not been used for many years but there is the legal potential for it to be used. This further subdivision exacerbates that adverse effect. 126 Pearson Road has direct access to Crown riverside land and the subdivision will not change that,

It is our understanding that the owners of 126 Pearson Road are in agreement to removal of this right of way easement.

Please upload any documents / photos that are relevant

I seek the following decision from the consent authority.

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

That the subdivision consent be declined unless it includes a condition requiring that the right of way easement in favour of 126 Pearson Road across 124 Pearson Road be extinguished.

Select below - 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 (second tab) as you may incur costs relating to this request."

I 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)

WDFtchen

Date signed:

19/03/2026

Submission on Notified Resource Consent PL260342672

05



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand
03 440 0056
Info@codc.govt.nz
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Submission on Notified Resource Consent

Reference	PL260342672	Submitted	19 Mar 2026 12:55
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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	RC250374
Valuation Number	2842128905
Applicant	Mark Sugrue and Imogene Sugrue
Location of Site	126 Pearson Road, Cromwell
Brief Description of Application	Subdivision and land use consent for two-lot subdivision in a rural residential resource area
Submissions Close	4:00pm on Thursday 19 March 2026

Writing a submission

Page 1 of 4

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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.

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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

Page 2 of 4

1 Dunorling Street, PO Box 122, Alexandra, NZ | www.codc.govt.nz | info@codc.govt.nz | +64 3 440 0056

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	Niall and Julie Watson, Kerry Hand and Theresa Managh
Contact person (if applicable)	Niall Watson
Electronic address for service of submitter:	njwatsonnz@gmail.com
Phone number - day time	0774394757
Postal address (or alternative method of service under section 352 of the Act):	122 Pearson Road, RD2, Cromwell 9384

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 adverse effect of the proposed subdivision on an existing right of way access easement across our properties at 122 Pearson Road (Watson) and 108

The submission - include:

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

Pearson Road (Hand and Managh)

We oppose the subdivision consent in its present form. We wish to have the application amended by extinguishing the right of way easement in favour of 126 Pearson Road and over 122 and 108 Pearson Road via 124 Pearson Road. The subdivision of 126 Pearson Road will create an additional property with rights of way access across our two properties potentially doubling the amount of use the access easement receives.

The right of way was originally created to allow a single ownership vineyard access to a riverside gravel pit. The single vineyard property was subsequently subdivided to create a number of properties including 126 Pearson Road and the right of way has been applied to all the properties within the subdivision. The right of way has not been used in many years but there is the legal potential for it to be used. This further subdivision exacerbates that adverse effect. 126 Pearson Road has direct access to Crown riverside land and the subdivision will not change that.

Please upload any documents / photos that are relevant

I seek the following decision from the consent authority.

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

That the subdivision consent be declined unless it includes a condition requiring that the right of way easement in favour of 126 Pearson Road across 122 and 108 Pearson Road to be extinguished

Select below - 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 (second tab) as you may incur costs relating to this request."

I 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)

Shall Watson

Date signed:

19/03/2026