

Application for a resource consent - Form 9

APP251238889



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Date and Time Created 19/12/2025 01:04

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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?

No

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.

Please select one:

I opt out of the fast-track consent process

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

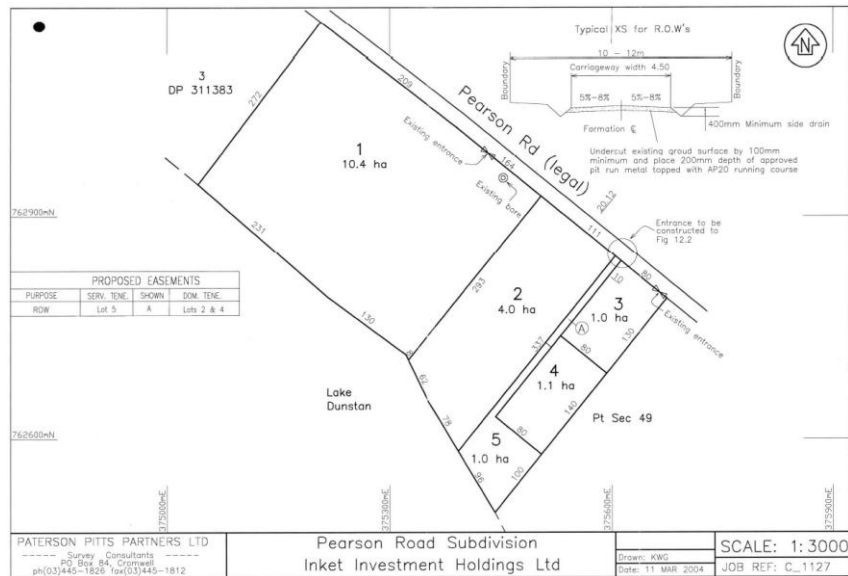


Figure 2: Scheme plan for RC040137.

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:

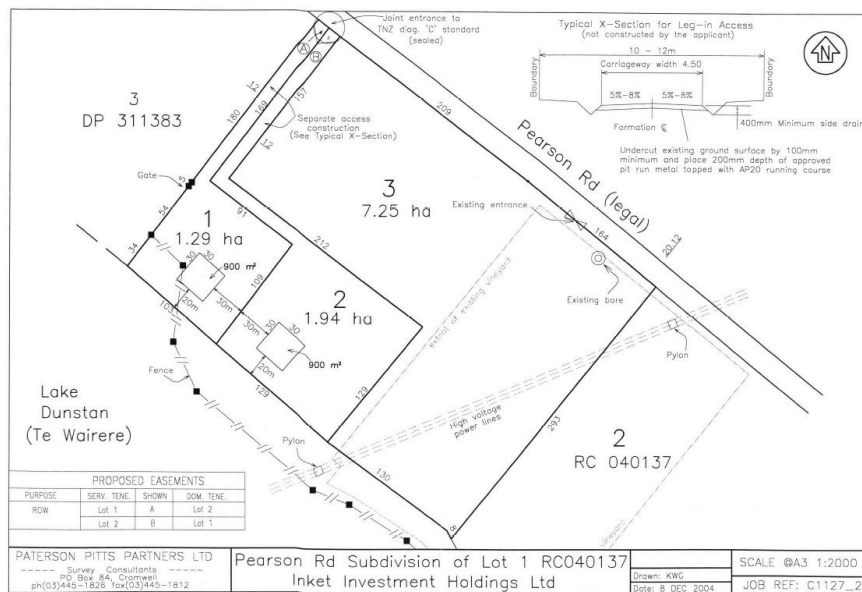


Figure 3: Scheme plan for RC040486.

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:

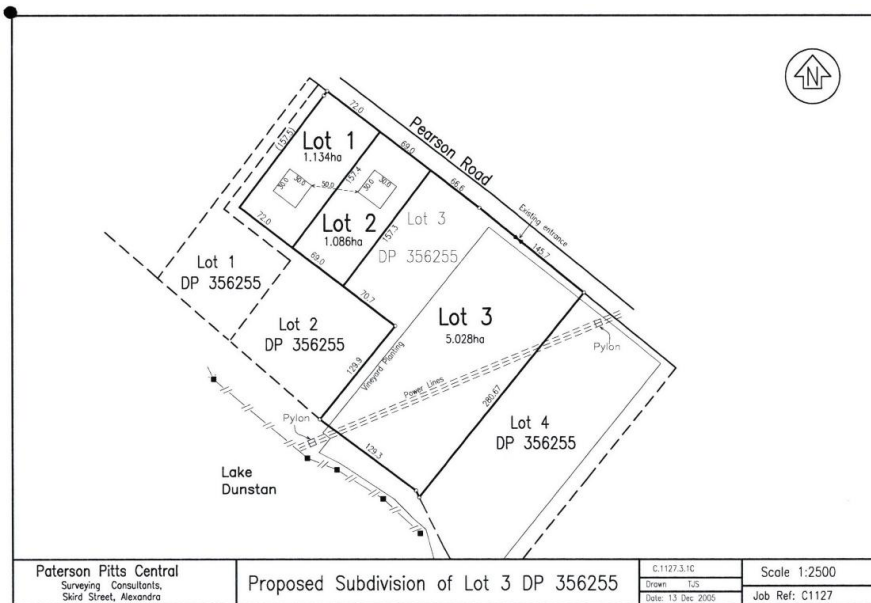


Figure 4: Extract of scheme plan for RC050462.

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:

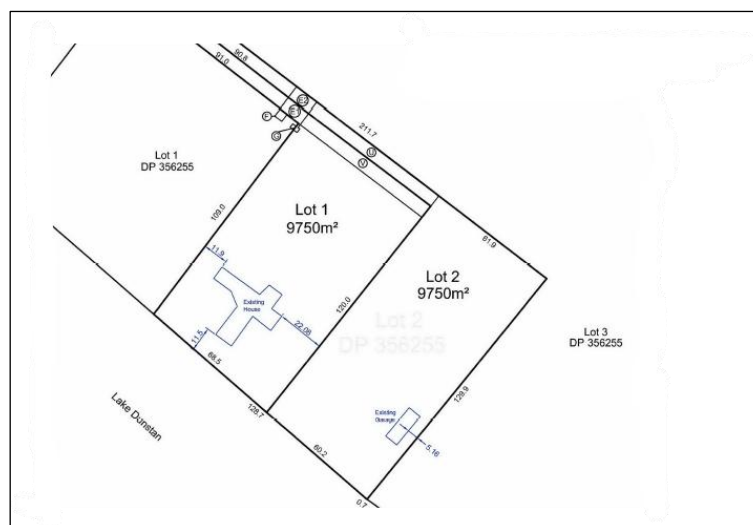


Figure 5: Extract of scheme plan for RC080331.

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:

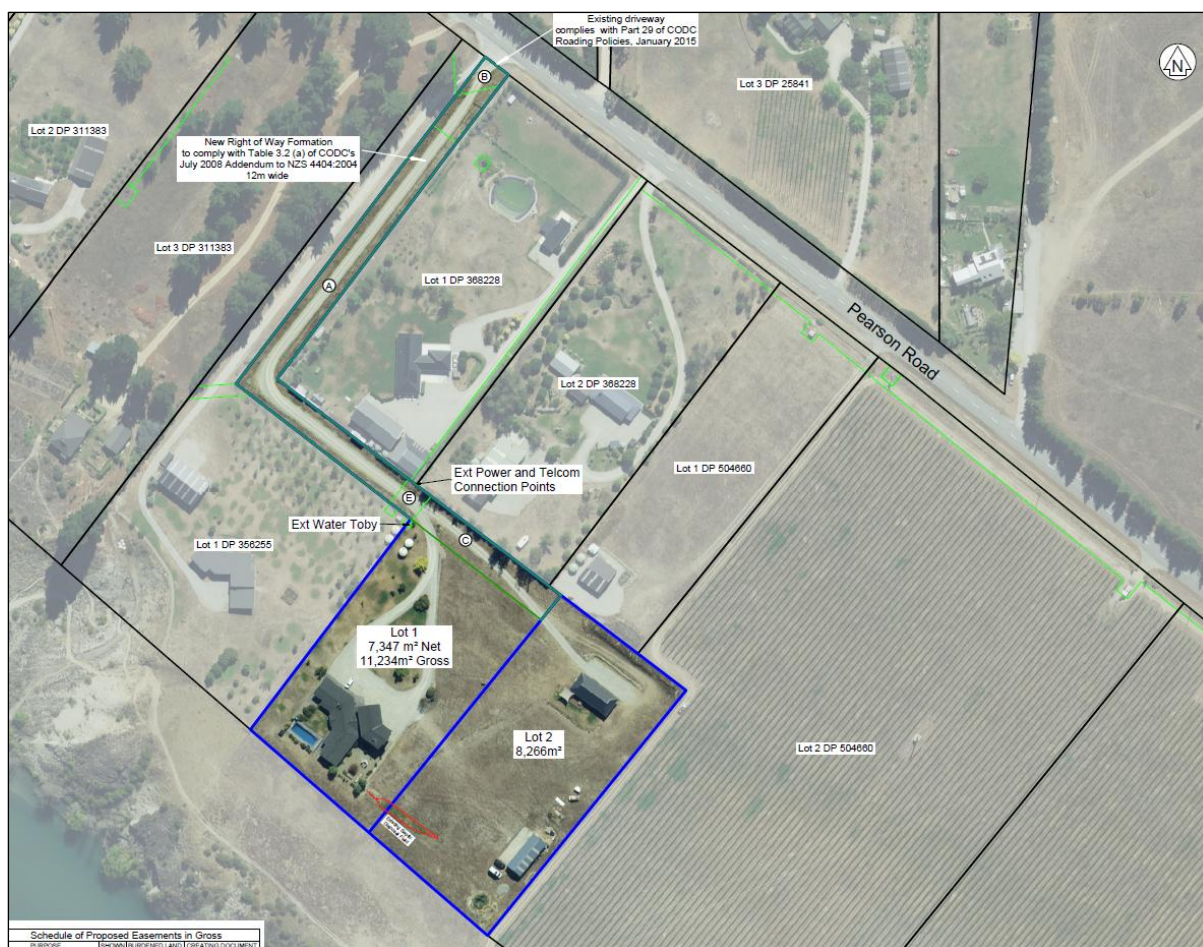


Figure 7: Extract of proposed scheme plan (Source: Latchford Surveying Ltd).

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 Roadway 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>

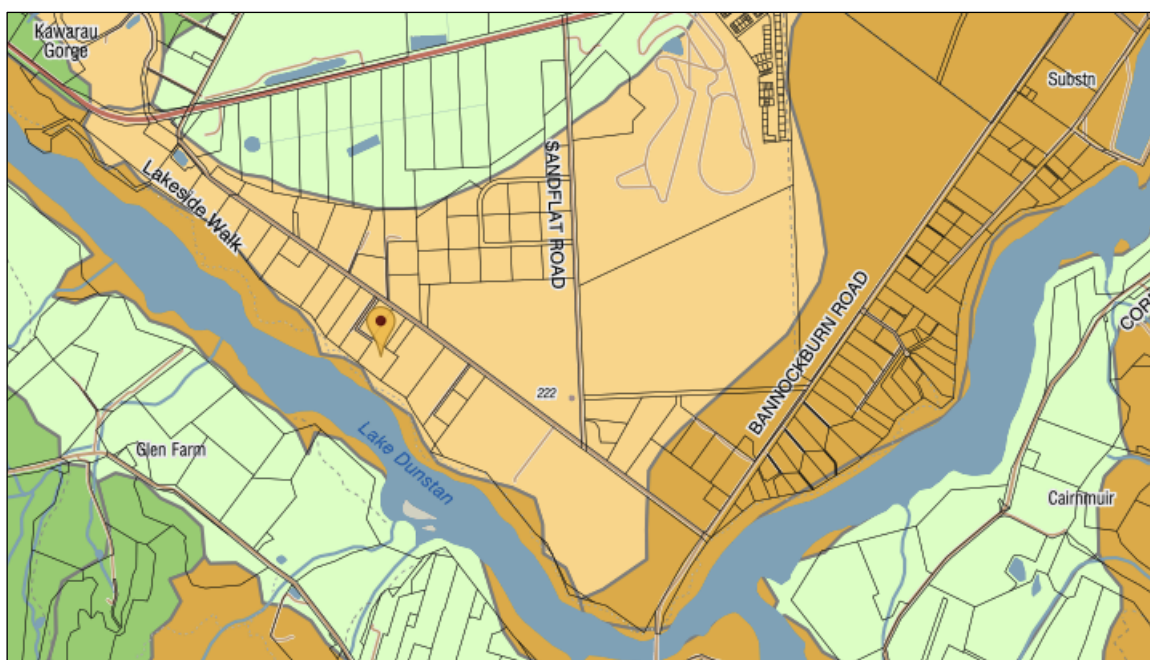


Figure 13: Extract of LUC Class Maps. Location of site approximate.

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

		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. 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.
4.4.2	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.	
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 districts 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

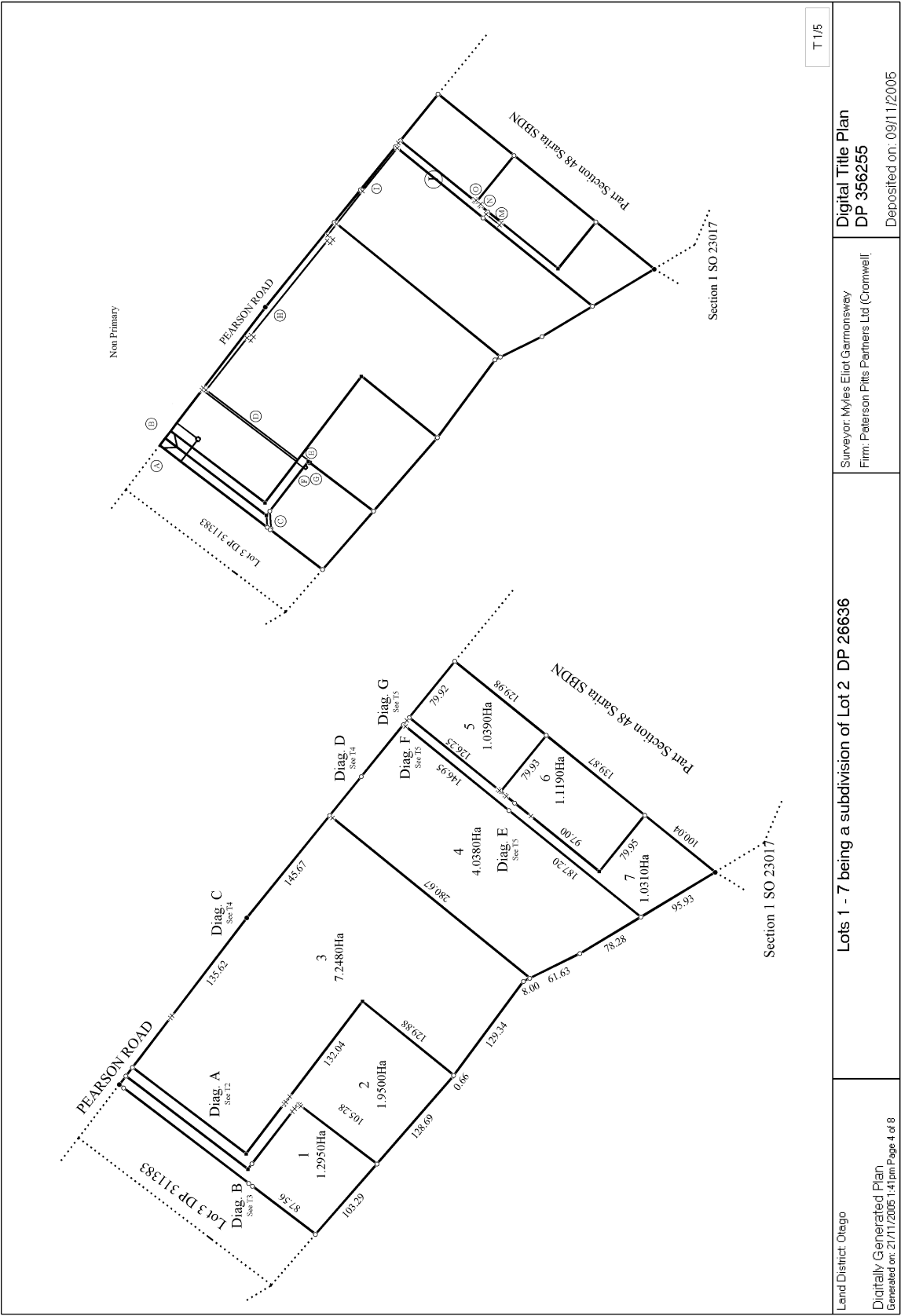
Subject to a right (in gross) to convey water over part marked E on DP 356255 in favour of Pearson Road Society Incorporated created by Easement Instrument 6641566.7 - 9.11.2005 at 9:00 am

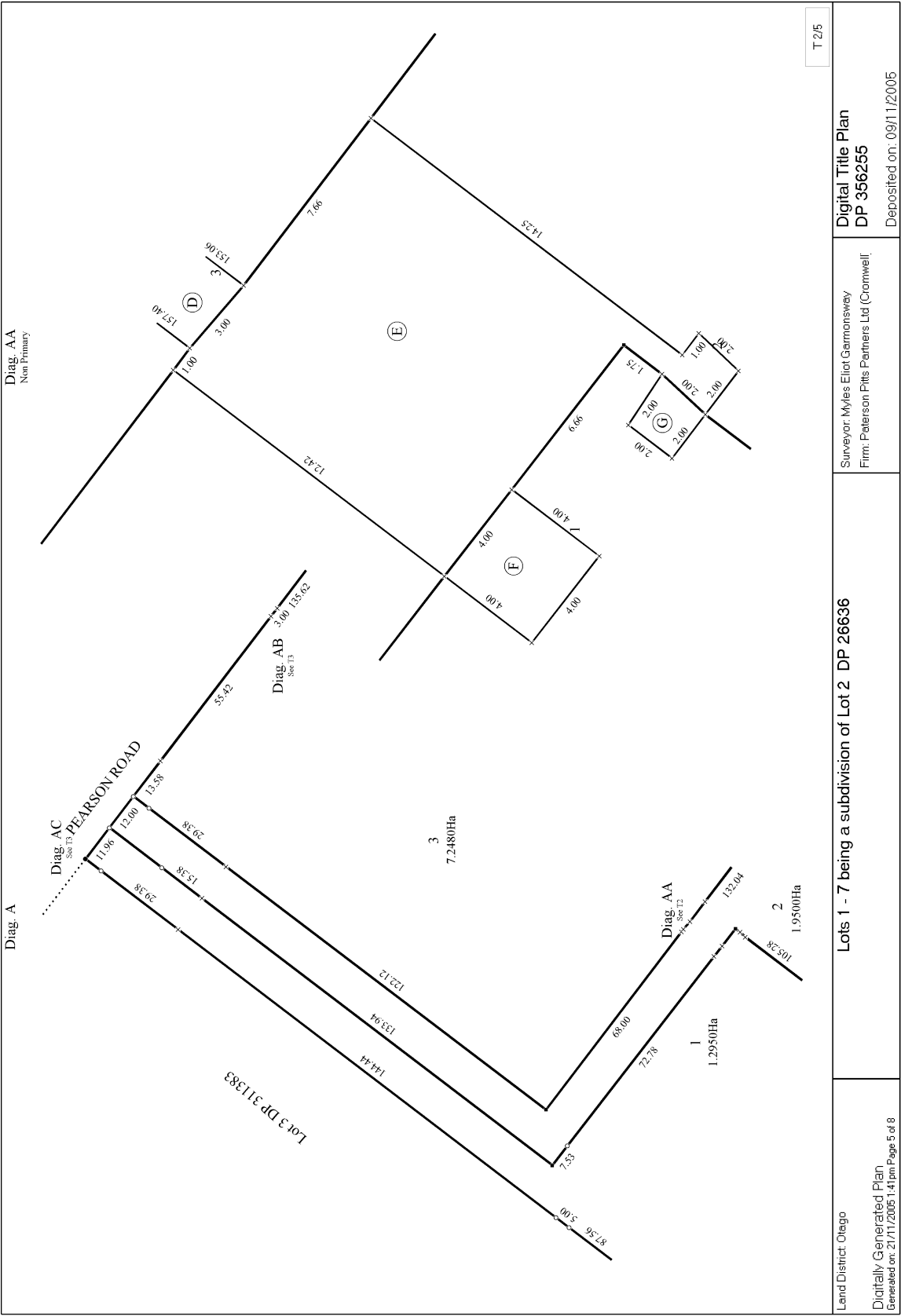
The easements created by Easement Instrument 6641566.7 are subject to Section 243 (a) Resource Management Act 1991

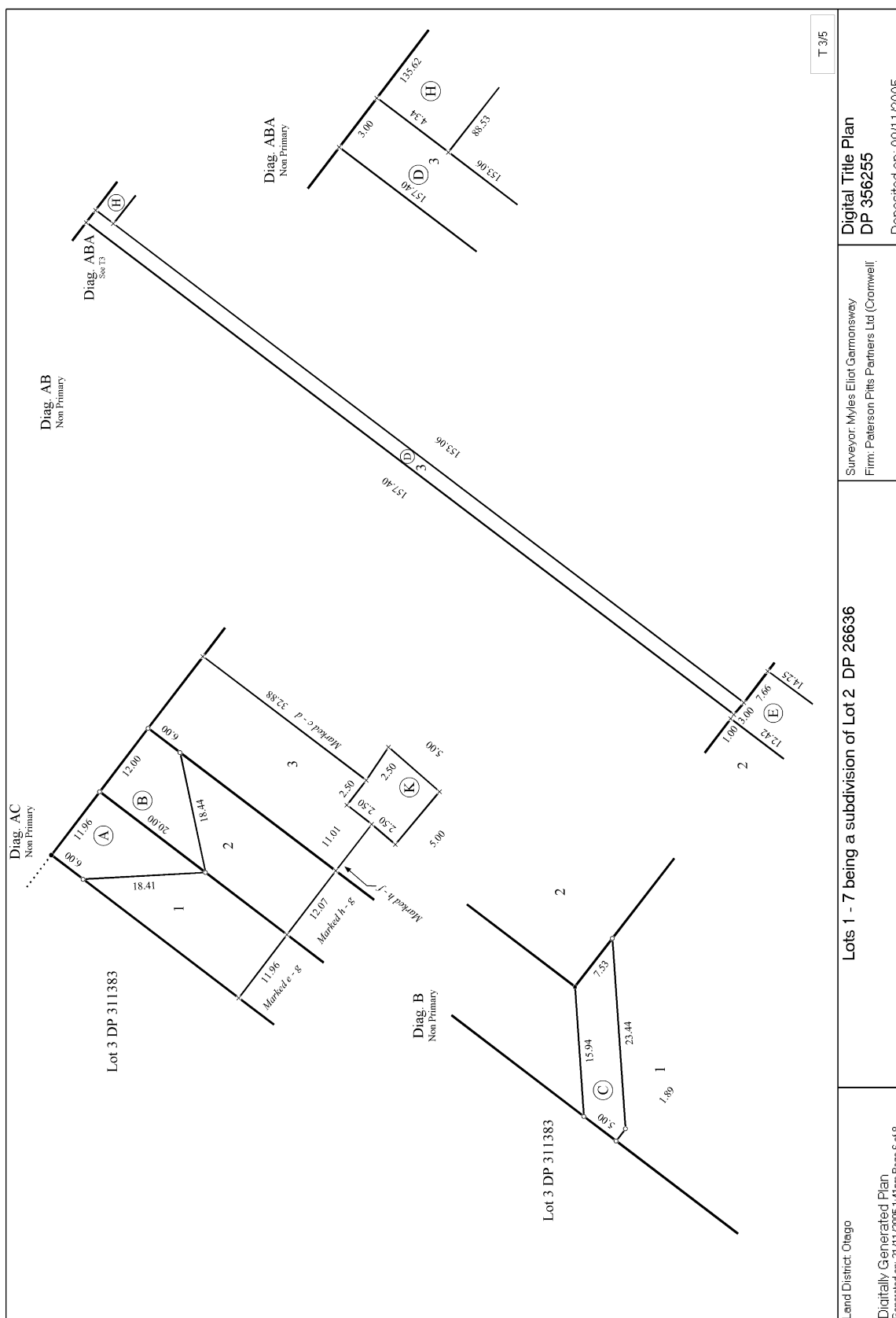
Subject to a right (in gross) to convey electricity over part E on DP 356255 in favour of Aurora Energy Limited created by Easement Instrument 6641566.9 - 9.11.2005 at 9:00 am

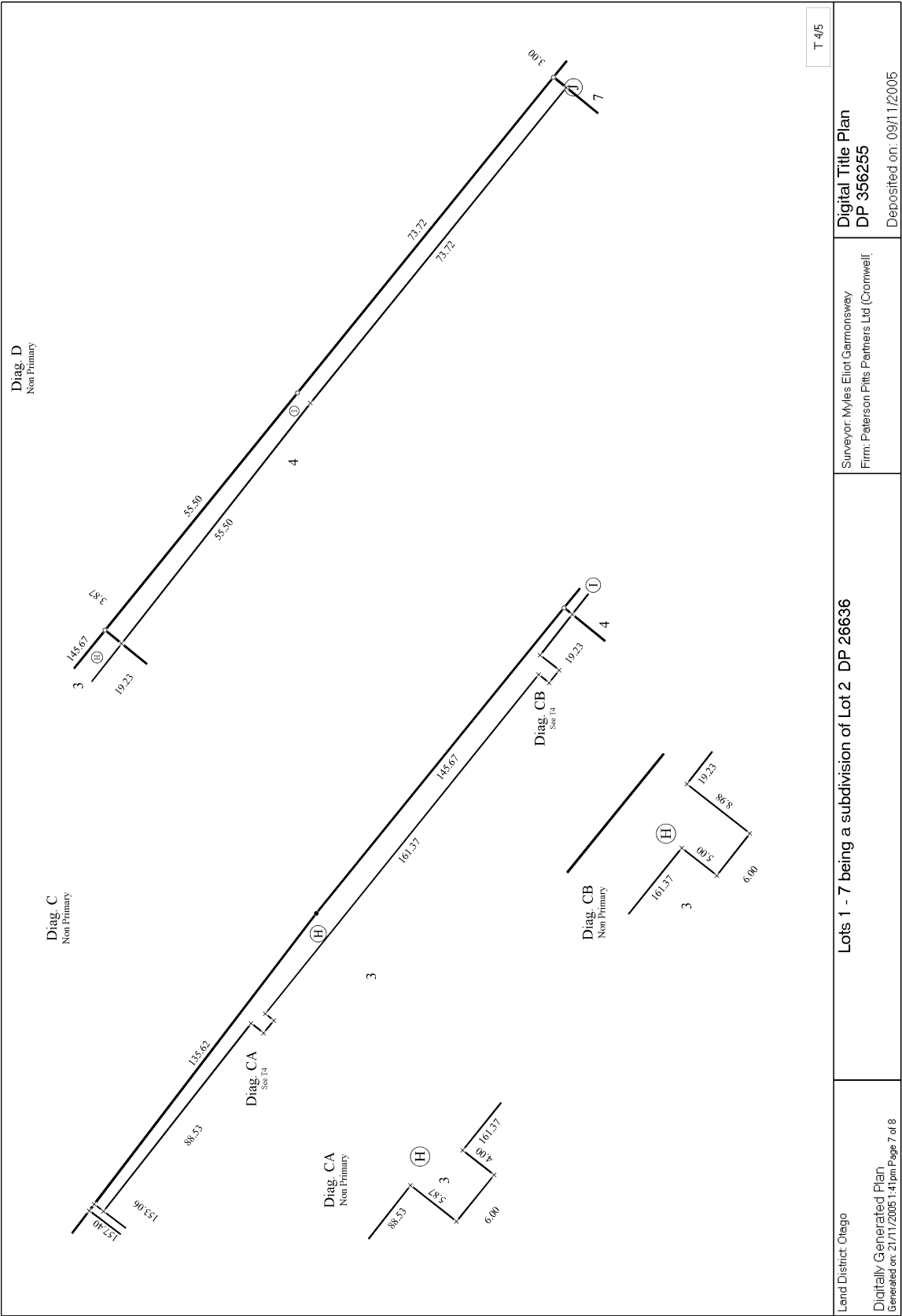
The easements created by Easement Instrument 6641566.9 are subject to Section 243 (a) Resource Management Act 1991
6669432.1 Encumbrance to Pearson Road Society Incorporated - 29.11.2005 at 2:20 pm

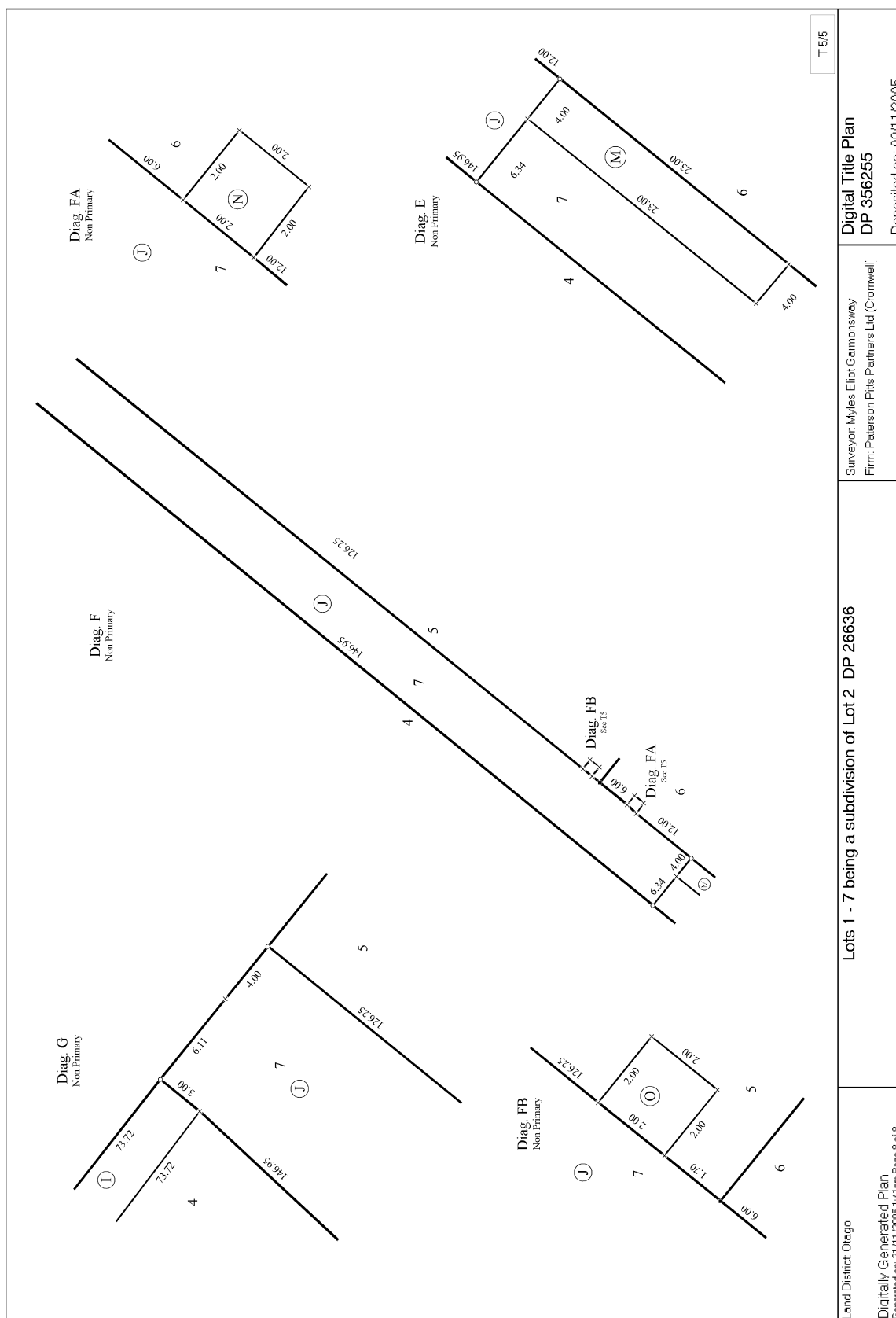
8161691.1 Mortgage to Bank of New Zealand - 19.5.2009 at 2:21 pm











CONO 6641566.4 Consen

Cpy - 01/01, Pgs - 004, 08/11/05, 16:25



DocID: 110685424

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

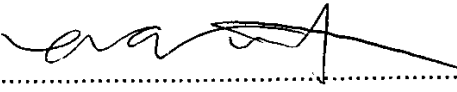
11. The consent holder or successor shall submit to the Chief Executive a certificate from a suitably qualified engineer confirming that any buildings or structures constructed on Lots 3 and 4 comply with the minimum safe distances specified in table 3 of the NZ Electrical Code of Practice for Electrical 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)



NOTES:

- HORIZONTAL DATUM:
New Zealand Geodetic Datum 2000 (NZGD 2000)
Lindis Peak 2000 Circuit
- Contours shown on this plan have been computed from a triangulated irregular network (tin) and may not represent the true ground level at any given point. accuracy will vary dependant on the terrain and proximity to spot heights
- SERVICES DATA
The location of underground services have been taken from the CODC GIS (accuracy is unknown)
Service providers should be consulted prior to undertaking any earthworks.
- PROPERTY DATA
Boundaries shown on this plan have been extracted from Land On Line and have not been confirmed by observation and measurement to old cadastral survey marks found in the vicinity.
Easements, covenants and other legal instruments pertaining to this site may not be represented on this plan. A full investigation of legal records should be undertaken.

A	02/10/25	CL	CL	Issued for RC Application
B	20/11/25	CL	CL	Boundary Location update
No	DATE	REV'D	APP'D	AMENDMENT

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TITLE:
Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 356255 128 Pearson Road

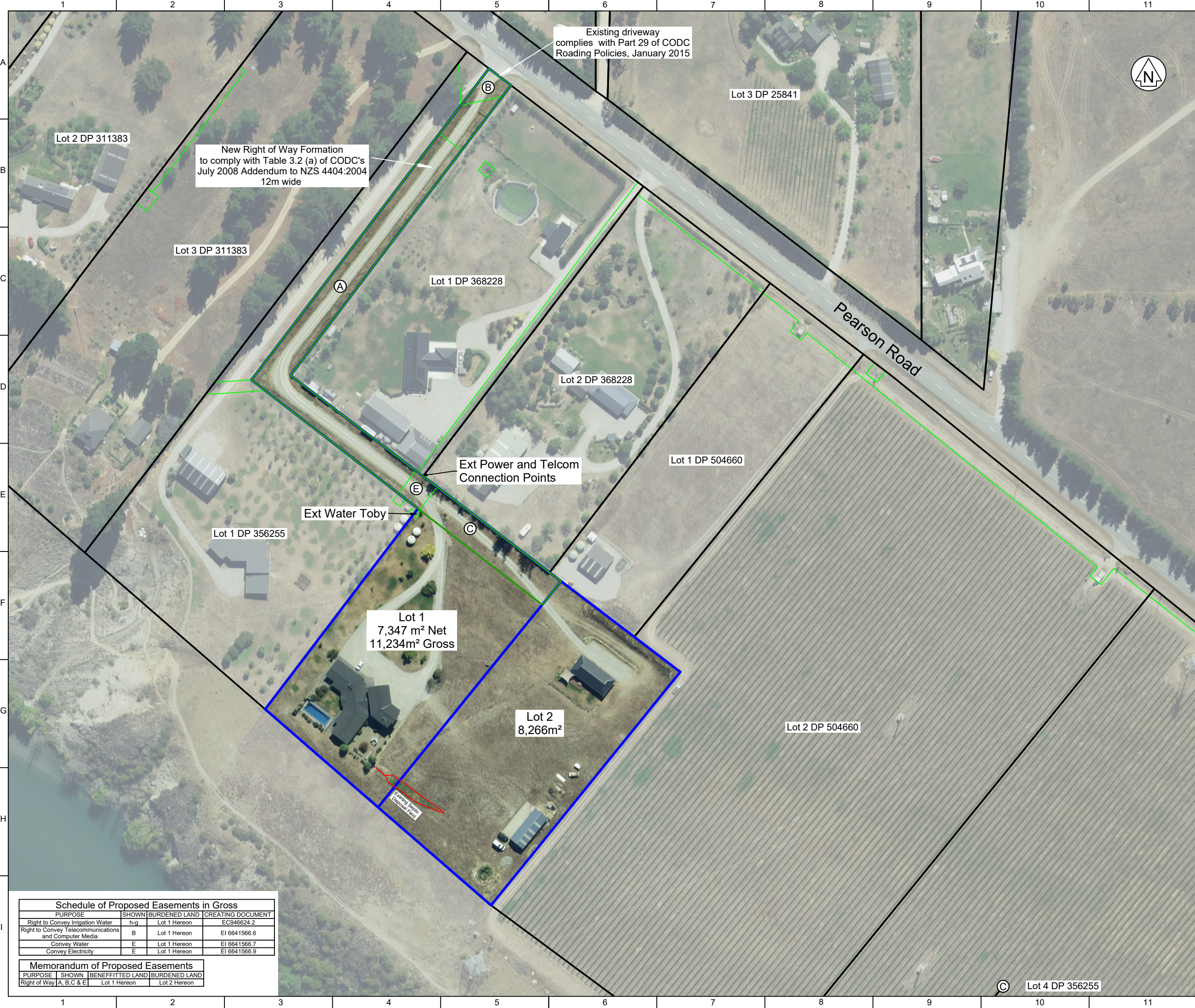
Scale1: 1500	PROJECT No 820	DRAWING No PLA_001	ADMT B
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CLIENT Paddy Sugrue			
PROJECT RC Application			
DRAWN CL	APPROVED CL		
DATE 20/11/25	SHEET NO 1 of 2		

LATCHFORD SURVEYING

63 Dale Street, Albert Town, Wanaka
charlie@latchfordsurveying.co.nz

Ph: 021 275 6249



NOTES:

- HORIZONTAL DATUM:
New Zealand Geodetic Datum 2000 (NZGD 2000)
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TITLE:
Lots 1 & 2 Being a Proposed Subdivision of Lot 2 DP 356255 128 Pearson Road

Scale: 1: 1500	PROJECT No 820	DRAWING No PLA_001	ADMT B
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CLIENT Paddy Sugrue	PROJECT RC Application		
DRAWN CL	APPROVED CL		
DATE 20/11/25	SHEET No 2 of 2		

LATCHFORD SURVEYING

63 Dale Street, Albert Town, Wanaka
charlie@latchfordsurveying.co.nz

Ph: 021 275 6249

Schedule of Proposed Easements in Gross			
PURPOSE	SHOWN	BURDENED LAND	CREATING DOCUMENT
Right to Convey Irrigation Water	h-g	Lot 1 Hereon	EC946624.2
Right to Convey Telecommunications and Computer Media	B	Lot 1 Hereon	EI 6641566.6
Convey Water	E	Lot 1 Hereon	EI 6641566.7
Convey Electricity	E	Lot 1 Hereon	EI 6641566.9

Memorandum of Proposed Easements			
PURPOSE	SHOWN	BENEFITTED LAND	BURDENED LAND
Right of Way	A, B, C & E	Lot 1 Hereon	Lot 2 Hereon

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@extra.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.

Constitution of
Pearson Road Irrigation Society
Incorporated

15 September 2024

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

- 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.

- 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

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

- 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

- 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

- (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.

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



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

c/- 176 Pearson Road
RD2
CROMWELL 9384

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

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

15 September 2024

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.

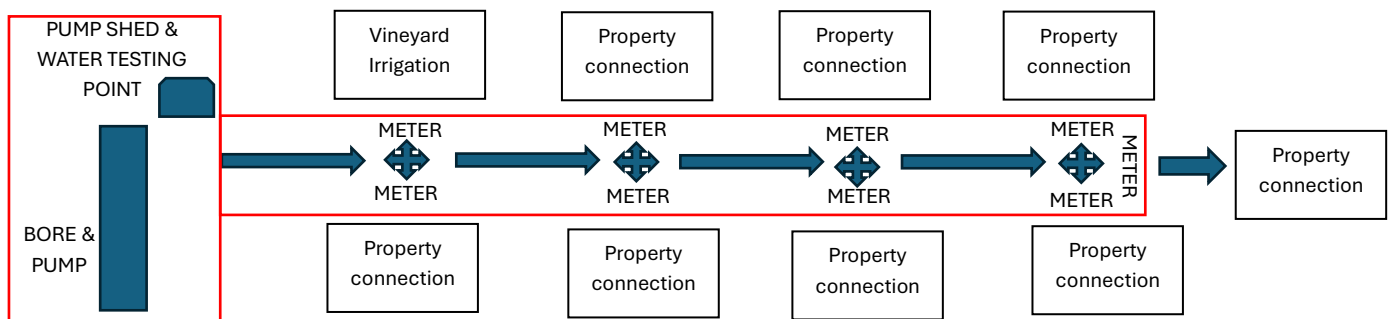
Irrigation and drinking water is supplied from the **water source (groundwater bore)** and reticulated to 8 member households with individual capacity for storing their domestic water supply, including drinking water. The supply of water is allocated in accordance with PRIS’s resource consent and **supplies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

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

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.

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

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.



Alexandra King
Team Leader Consents