

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

INTRODUCTION

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

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

Subdivision

The proposed subdivision is to create two allotments:

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

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

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

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

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

REASONS FOR APPLICATION

Central Otago District Plan (District Plan)

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

Subdivision consent is required for the following:

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

Land use consent is required for the following:

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

Matters of control are as follows:

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

National Environmental Standards

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

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

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

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

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

Overall Status

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

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

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

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

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

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

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

OVERALL DECISION - S95A NOTIFICATION

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

PUBLIC NOTIFICATION

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

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

Public notice

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

Service

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

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

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

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

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

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

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

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

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

The iwi authorities to be served notice are as follows:

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

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

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

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

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

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

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

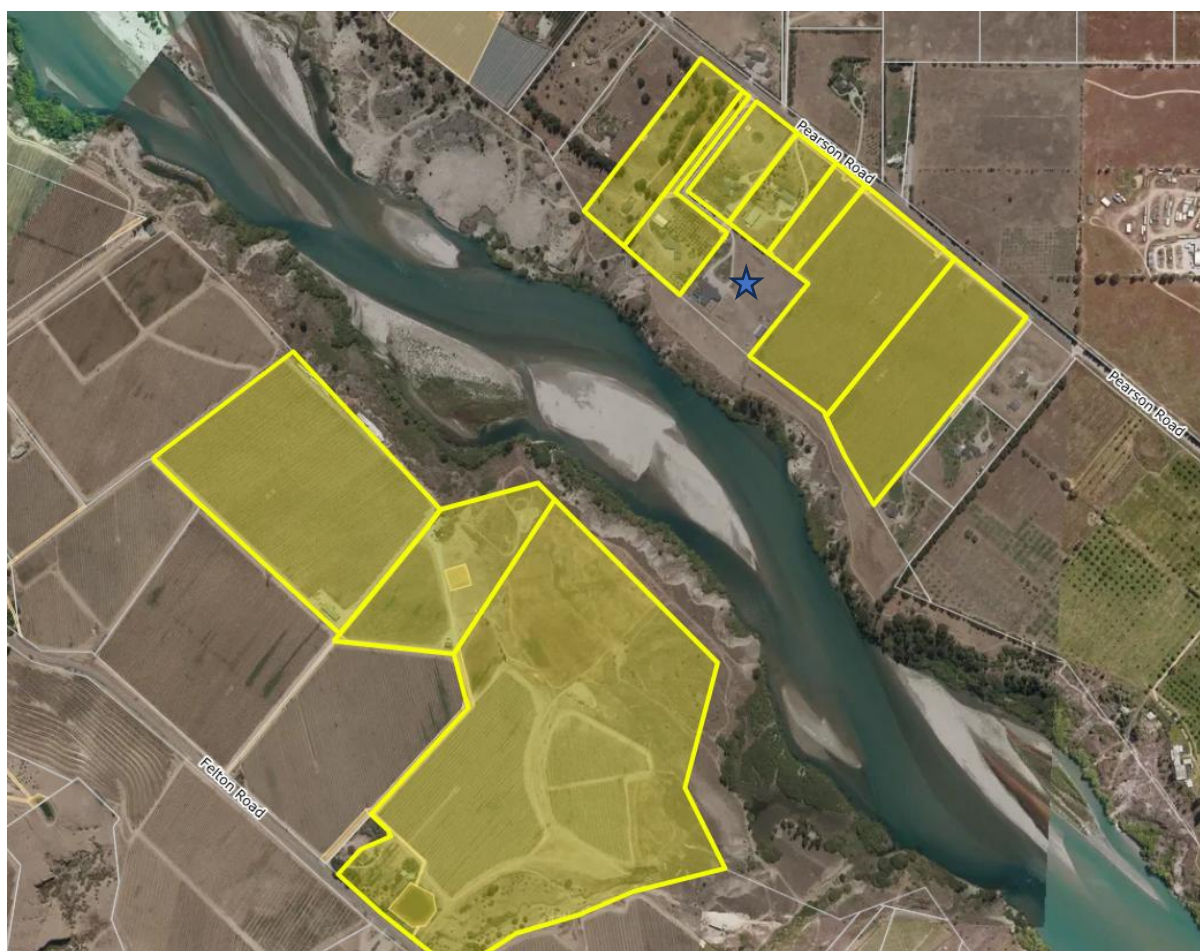


Figure 2 Location of the adjacent and nearby lots (yellow) to be notified of the proposal on the subject lot (blue star). Source: GRIP, February 2026.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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

OVERALL NOTIFICATION DETERMINATION

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

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

Prepared by:



Kim Banks
Planning Consultant

Date: 11 February 2026

Approved under Delegated Authority by:



Tim Anderson
Team Leader – Planning

Date: 11 February 2026