

**BEFORE THE PANEL APPOINTED ON BEHALF OF CENTRAL OTAGO
DISTRICT COUNCIL**

Under	The Resource Management Act 1991 (the Act)
In the Matter	of an application for subdivision and land use consents to undertake a two-lot subdivision and a building platform and residential dwelling RM260040
Between	KEVIN JOHN PAULIN Applicant
And	CENTRAL OTAGO DISTRICT COUNCIL Local Authority

BRIEF OF EVIDENCE OF TANYA COPELAND (PLANNING)

DATED 27 JULY 2026



GALLAWAY COOK ALLAN LAWYERS

Bridget Irving/Hannah Perkin

bridget.irving@gallowaycookallan.co.nz

hannah.perkin@gallowaycookallan.co.nz

PO Box 143

Dunedin 9054

Ph: (03) 477 7312

Fax: (03) 477 5564

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Introduction, involvement and background

1. My name is Tanya Louise Stephanie Copeland.
2. I hold the qualifications of a Bachelor of Science from Victoria University of Wellington and a Certificate in Advanced Nutrient Management in Agriculture from Massey University.
3. I have 14 years of experience in planning roles, in both territorial authorities and private practice. I have been based in Central Otago since 2018 and I am familiar with district planning in this region and have presented evidence at several Council level hearings.
4. I have been engaged by Kevin Paulin (the applicant) to prepare this statement of evidence in relation to planning matters for resource consent application RC260040, a two-lot subdivision at 1043 Earnscleugh Road, Clyde (application).
5. I did not prepare the assessment of effects on the environment (AEE) lodged with the Application, however I have since reviewed the AEE and the details of the Application. I have visited the subject site prior to the preparation of this statement of evidence.
6. While this is not an Environment Court proceeding, I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

7. The applicant requested public notification of the application under section 95A(3)(a) of the Act. A total of five submissions were received in support of the application. On 16 July 2026, Central Otago District Council released the processing officer's report prepared by Ms Banks under section 42A of the Act (Section 42A report).

Scope of Evidence

8. My evidence responds to the matters raised in the section 42A report, and provides a review of the draft conditions of consent prepared by Ms Banks and appended to this report.

Summary of the proposal

9. The s42A correctly summarises the application which seeks:
 - (a) Subdivision consent for a two-lot subdivision of the property at 1043 Earnscliffe Road, Clyde.
 - (i) Lot 1 with an area of 2.16ha and containing the existing residential dwelling
 - (ii) Lot 2 with an area of 2.26ha and containing the proposed residential building platform and residential activity.
 - (b) Land use consent for the establishment of a 30metre x 30metre square residential building platform, and construction of a residential dwelling on Lot 2 of the proposed subdivision (subject to subdivision).
 - (c) Land use consent for the establishment of a second residential activity on the site (separate to subdivision)

10. The application includes the volunteered surrender of existing land use consent RC220142 should this application be granted. RC220142 authorised the construction of a second residential activity on the site, within the land area defined by Lot 1 of the proposed subdivision.

Response to the Section 42A Report

Planning Framework

11. Overall, I agree with much of Ms Bank's assessment. In particular, I agree with her assessment that the proposal gives rise to no more than minor adverse effects arising from the proposal. I agree with Ms Banks that the proposal satisfies the first limb of the gateway tests of section 104D of the Act.
12. My evidence focuses on the limited matters where I respectfully reach a different planning conclusion to the section 42A report, namely;
 - (a) The weight to be given to the consented baseline and the effects of potential future activities on the site
 - (b) The significance of the effects on rural productivity and fragmentation
 - (c) Whether the proposal gives rise to precedent concerns
 - (d) The overall conclusion against the relevant objectives and policies of the District Plan and the Otago Regional Policy Statement 2021.
13. I agree with Ms Banks that the proposal requires resource consent for the following reasons:

- (a) A **non-complying activity** pursuant to Rule 4.7.5(iii) for a subdivision that creates allotments with an average area of less than 8 hectares in the Rural Resource Area.
 - (b) A **restricted discretionary activity** pursuant to Rule 4.7.3(vii) for the establishment of a residential activity pursuant which complies with clauses (a) to (d) inclusive, subject to the completion of the proposed subdivision
 - (c) A **discretionary activity** pursuant to Rule 4.7.4(i) for the establishment of a second residential activity on the site, separate to the proposed subdivision.
14. The application comprises two separate resource consent applications. The subdivision together with the land use consent application for the residential building platform/dwelling is to be assessed overall as a non-complying activity. While the second residential activity is to be assessed as a discretionary activity. Each application is to have a separate substantive determination. In this evidence, I generally consider the proposal holistically, except where stated otherwise.

Effects on open space, landscape character and rural amenity

15. Ms Banks concludes that the proposal will result in no more than minor effects in respect of productivity, landscape character, rural amenity, open space (all minor), transport, servicing, earthworks and reverse sensitivity (all less than minor). In reaching this conclusion, Ms Banks confirms a reliance on expert landscape assessment provided by Takato Landscape Architects, and accepts that the landscape mitigation is sufficient to appropriately absorb the development within the receiving environment. As outlined above, both Ms Banks and I agree with the overall effects conclusion in relation to these matters.

16. Notwithstanding these conclusions, Ms Banks expresses concern that the subdivision may enable additional future development such as minor units, ancillary accessory buildings, worker accommodation units and traveller accommodation units. In my opinion, limited weight should be given to this consideration. Future development would remain subject to the relevant provisions of the District Plan and any applicable National Environmental Standards. Where activities are permitted, the District Plan has already determined that they are appropriate, subject to compliance with applicable standards. Where resource consent would be required, those future proposals would be assessed on their own merits.
17. In my opinion, significant weight should be given to the existing consented environment. Resource consent RC220142 already authorises a second residential activity on the site. While the location differs to that proposed within this application, the reasonably foreseeable receiving environment anticipates two separate residential activities on the site, together with the associated domestic activity, traffic generation and general level of residential intensity. The applicant has volunteered to surrender RC220142 to ensure that the proposal does not increase the overall number of residential activities authorised on the property. The proposal instead relocates the second residential activity to a less prominent location on the site, which, based on the expert landscape evidence accepted by Ms Banks, is capable of being absorbed into the receiving environment with minor adverse effects on open space, landscape character and rural amenity.
18. Ms Banks expresses concern that the proposal has the potential to undermine the existing rural boundary and blur the distinction between rural residential and rural resources. The property directly abuts the Picnic Creek subdivision. In reality, the adjacent Picnic Creek subdivision has been developed to a density akin to a large lot residential zone (lots are predominantly ~9,000m²), this subdivision remains within a rural zone under the District Plan.

19. The Rural Residential Zone anticipates an average allotment size of 2ha and the Rural Resource Area anticipates a minimum allotment size of 2ha. The proposal is consistent with the pattern of development anticipated by the respective rural zones. Similarly, both rural zones anticipate the presence of small-scale rural productive activities. In my opinion, the proposal remains visually and functionally consistent with the receiving environments. The status of the site as the “boundary between zones” will remain given that it will retain minimum lot sizes well in excess of the density of Picnic Creek. It will continue to clearly demark the boundary between the rural residential zone and the rural zone in this location.
20. Overall, I agree with Ms Banks that the proposal will result in no more than minor adverse effects on all identified effects. The principal areas of disagreement between our planning assessments do not relate to those environmental effects, but rather to the weight that should be given to the consented environmental baseline, the relevance of speculative future development that is not before the Panel and the significance of precedent and plan integrity matters.

Effects on rural productivity and fragmentation

21. Ms Banks concludes that the proposal will result in minor adverse effects associated with the loss of an area of potentially productive soil resource and fragmentation of rural land¹. Ms Banks notes that the application was not supported by specialist information to confirm the assertion made in the application that the site does not have significant productive potential because of soil characteristics and climatic conditions. In response, the applicant has provided specialist advice to substantiate this point, prepared by the applicant and owner of Clyde Orchards, Mr Kevin Paulin.

¹¹ Paragraph 74.

22. Whilst I acknowledge that Mr Paulin is not an independent expert, his experience and history with the site are clearly laid out in his evidence. In my opinion this information is valuable and can be given weight.
23. The existing landholding is 4.43ha in size and supports an existing dwelling, curtilage area, irrigation dam and accessway. The established orchard occupies approximately 1ha of the site. Mr K Paulin's evidence sets out the issues that have been experienced at the site.
24. Based on this information, I consider that the 'value' of the site lies in its potential to support additional residential activity and that this does not result in any significant reduction in productive potential of the land, but opens up additional opportunities for the lower terrace to be utilised for other productive uses associated with the residential development.
25. I also consider that the proposal will not give rise to additional fragmentation of productive land. Based on the evidence of Mr Paulin it appears that the 'fragment' of land within the lower terrace is a result of the micro climatic conditions of the site. The proposed subdivision will not affect that.
26. In light of the information provided by Mr Paulin I consider the effects on productivity and fragmentation to be less than minor.

Precedent and plan integrity

27. The section 42A report expresses concern about the potential precedent and plan integrity effects that may arise from the proposed subdivision. Relying on principles from case law, Ms Banks concludes that there is nothing exceptional about either the site or the proposal that would distinguish it from other properties in the Rural Resource Area, such that approval could create an undesirable precedent. I disagree with this conclusion.

28. The subject property has several features which distinguish it from other rural sites in the District:

- (a) The property has a consented baseline which authorises a similar density of development to that proposed within the application.
- (b) The property is the only Rural Resource Area property in the general locality which directly abuts the Rural Residential Zone, and more specifically, the higher density Picnic Creek subdivision.
- (c) The property is already undersized at 4.43ha, reflecting a functional departure from the 8ha average allotment size anticipated for the Rural Resource Area.
- (d) The site is topographically divided by a distinct terrace landform which affects the productive potential of part of the property.
- (e) The balance of the site contains an existing productive orchard which will be largely retained.

29. Additionally, the proposal also contains several distinguishing components which may not be replicated in other similar future applications:

- (a) The applicant has volunteered to surrender RC220142 upon grant of the consent to ensure that the overall density of residential development authorised on the site does not materially increase.

- (b) The proposed residential activity is relocated to a visually recessive part of the site where it benefits from topographical and landscape screening.
 - (c) The proposal includes extensive landscape planting which has been proposed by Takato Landscape Architects and accepted by Ms Banks as appropriately mitigating visual effects.
 - (d) Based on the evidence the proposal retains the productive potential of both allotments and supports the intergenerational wellbeing of the applicants and their wider horticultural business.
30. Collectively, these factors sufficiently distinguish the site and the proposal from other potential subdivision applications in the Rural Resource Area. The suite of site-specific factors which apply to the proposal are unlikely to be replicated elsewhere in the District. This reduces the likelihood that approval of this proposal could be relied upon as a precedent for other applications.
31. While precedent is a relevant planning consideration, it should not be given disproportionate weight under section 104(c). Resource consent applications must be assessed on their individual merit having regard to the specifics of the proposal, the relevant statutory framework, the environmental effects of the proposal and the particular characteristics of the proposal. Approval of this application does not create an expectation that other applications should also be approved. Future applications remain subject to their own individual assessment.
32. Concerns regarding precedent are further reduced because the proposal has been assessed as giving rise to no more than minor adverse environmental effects. In my opinion, the proposal is very meritorious, and if anything, establishes a positive precedent establishing mat quality rural subdivision looks like.

33. In my opinion, approval of this application would not undermine the integrity of the District Plan. The proposal is assessed as a non-complying activity, which requires an assessment against the District Plan objectives and policies for the Rural Resource Area. As such, approval of the proposal reflects the application of the District Plan, rather than a departure or weakening of the integrity of the District Plan. The integrity of the District Plan is maintained because any future proposals would continue to be assessed against the same planning framework, and be assessed on their individual merits.

Objectives and Policies – Central Otago District Plan

34. have assessed the proposal against the relevant objectives and policies of the Central Otago District Plan. The proposal is consistent with the provisions relating to community wellbeing, landscape and rural amenity, access, servicing, hazards and subdivision design. The principal area of planning judgement concerns the provisions relating to the soil resource and the role of the average allotment size as a method for managing the effects of rural subdivision.

Landscape and amenity values, rural subdivision and development

35. Objective 4.3.1 of the District Plan recognises that communities need to provide for their social, economic and cultural wellbeing, whilst ensuring environmental quality is maintained. The section 42A report does not address this objective, however I consider it a critical objective. The applicant's evidence explains that the proposal is intended to facilitate intergenerational living, with the proposed dwelling to be occupied by the applicant's son. The subdivision is also necessary to enable separate finance for the construction of the dwelling and to provide long-term security for that investment. The Paulin family operates the Clyde Orchards business, with orchard

operations concentrated in the vicinity of the subject property. The proposal provides for the social and economic wellbeing of the Paulin family by supporting the ongoing operation and succession of the family business. The subdivision is a necessary component to achieve this positive outcome.

36. These social and economic well-being outcomes are not at the expense of environmental quality, as concluded by the assessment of effects in the section 42A report. I consider the proposal consistent with Objective 4.3.1.
37. Ms Banks groups Objectives 4.3.3 and Policies 4.4.2 and 4.4.10 as provisions directed toward landscape and rural amenity values. I note that there is broad agreement between the landscape evidence and the section 42A report that the proposal will result in no more than minor adverse effects in relation to these values. This conclusion is highly relevant when assessing consistency with these provisions.
38. Objective 4.3.3 seeks to maintain, and where possible, enhance rural amenity values created by the open space, landscape and natural character of the District's rural environment. Policy 4.4.2 gives effect to this objective by requiring activities to be managed to avoid, mitigate and remedy adverse effects on open space, landscape, natural character and amenity values.
39. Objective 4.3.3 and Policies 4.4.2 are fundamentally effects-based provisions, rather than prescribing a particular subdivision pattern or allotment size to achieve the outcome sought by these provisions.
40. The Takoto landscape assessment identifies the receiving environment as a mixed rural landscape containing horticultural planting, pastoral land, rural lifestyle holdings, shelter planting and existing residential development. It concludes that the proposed density will remain visually and experientially low, that the long rural vistas from

Earnsclough Road will be retained, and that the building will not dominate the surrounding open space.

41. The proposed dwelling is single-storey, modest in scale and located on the lower eastern part of the property. It is set down from Earnsclough Road, benefits from the terrace landform and existing orchard (or equivalent) vegetation, and is proposed to be finished in recessive materials and colours. The proposed planting provides further screening and integration of built form. Takoto concludes that the adverse effects on open space, rural character and landscape values will be no more than minor. Ms Banks accepts the conclusions of the landscape assessment and finds the effects of the subdivision and second residential activity can be absorbed within the landscape with no more than minor visual and landscape character effects.
42. These accepted landscape effects findings demonstrate that the proposal maintains the landscape values identified in Objective 4.3.3 and avoids, remedies and mitigates the adverse effects addressed by Policy 4.4.2. I consider the proposal consistent with both provisions.
43. Policy 4.4.10 is also an effects-based provision and requires subdivision and land use in the Rural Resource Area to avoid, remedy and mitigate adverse effects in relation to a range of resources and values. The policy identifies that the use of minimum and average allotment sizes is a method of managing these effects. Despite reference to this method, the policy is not prescriptive and broadly seeks an acceptable environmental outcome rather than numerical compliance with minimum and average allotment sizes.
44. It is recognised that the proposal does not achieve the 8ha average allotment size because of the property existing as a lawful undersized allotment. Both proposed allotments achieve the 2ha minimum allotment size. In this specific receiving environment, adherence to the 2ha minimum allotment size ensures sufficient separation of

development to maintain open rural character values. The proposal does not result in additional residential density beyond that created by the consented baseline for the site.

45. Overall, Ms Banks has placed a disproportionate amount of weight on the averaging provisions of the District Plan, and ignores the preceding assessment of effects, and accepted landscape assessment evidence which conclude that the proposal adequately maintains the values that Policy 4.4.10 seeks to protect.
46. The proposal achieves the outcomes sought by Policy 4.4.10. The departure from the average allotment size requirement is noted, but this departure does not translate into a recognised environmental effect, nor does it directly result in inconsistency with the effects-based framework of Policy 4.4.10.

Soil resource

47. Objective 4.3.7 seeks to maintain the life-supporting capacity of the District's soil resource so that the needs of present and future generations are met. Policy 4.4.6 seeks protection of the soil resource from erosion, instability, loss of topsoil, nutrient loss, contamination, loss of soils with special qualities, reduction in vegetation cover and soil compaction.
48. The proposal does not involve significant soil disturbance, removal of topsoil or a change in soil management across most of the property. The loss of productive soil will be confined to the footprint of the dwelling, access and associated domestic curtilage. The remaining land will continue to be available for orchard, grazing or other rural land use.
49. The site is identified as LUC 4 and is not highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL).

The absence of specific protection under the NPS-HPL does not diminish that the soil resource has value for rural production. The evidence of Mr Paulin records the soil characteristics and climatic conditions on the lower part of the property are less favourable, but not prohibitive, of productive rural land uses.

50. The principal concern of Ms Banks is that the proposed subdivision has the potential to fragment the productive land and soil resource, such that rural production potential is diminished. At 4.43ha, and including a terrace landform and existing development, the site has recognised existing constraints in terms of land use versatility and productive potential. In his evidence, Mr Paulin has explained the microclimatic constraints of the lower terrace. The physical soil resource (such as it is) remains in place under the proposal and, as outlined by Mr Paulin, will continue to have options for productive use, supported by the proposed residential activity.
51. In my opinion, the proposal will not compromise the life-supporting capacity of the soil resource or result in the physical loss of soils with special qualities. On its face, there may be a reduction in the flexibility for the property to operate as a single productive unit, however, based on Mr Paulin's evidence, that has not bourn out due to the micro-climatic conditions as the site
52. I consider the proposal consistent with Objective 4.3.7 and Policy 4.4.6. Both provisions require the broad protection of the life-supporting capacity and availability of the soil resource. The proposal does not materially impact on the quality, characteristics or presence of the underlying soil resource.

Subdivision

53. The general subdivision provisions in Section 16 seeks to ensure that subdivision activities provide appropriate access, infrastructure, avoid

natural hazard, protect the rural amenity values, soil and water resources and facilitates a coordinated pattern of development.

54. The proposed allotments are suitable for their intended use. Each has legal and physical access, access to enough potable and irrigation water, utility servicing and sufficient area for on-site wastewater and stormwater disposal. I agree with Ms Banks that the proposal is consistent with the Objectives 16.3.1 and 16.3.2. The proposal is also consistent with Objective 16.3.4 and 16.3.5, which are similar in purpose and wording to Objectives 4.3.3 and 4.3.7 which have been assessed earlier in this report.
55. Objective 16.3.10 is worth particular consideration. This objective seeks to ensure that subdivisions are designed to facilitate an appropriate and co-ordinated ultimate pattern of development, having regard to the particular environment in which the subdivision is located. Earlier in this assessment, I outlined that the proposed subdivision directly abuts the Picnic Creek subdivision, which is in the Rural Residential Zone. The site has readily available utility servicing and appropriate access to the adjacent roading network. The subject site also already exists as an undersized rural allotment, with a distinct terrace landform that physically divides the site and results in constraints on soil productivity and climate suitability for horticultural use characteristic of this area. In combination, these factors lead me to the conclusion that the subdivision of this already undersized rural allotment in this location represents a more appropriate pattern of development than the subdivision of a circa 16ha allotment located within the interior of the Rural Resource Area. The proposal is consistent with Objective 16.3.10.
56. Subject to the imposition of conditions of consent to secure servicing and access arrangements as recommended by Council's engineer and accepted by the applicant, the proposal is consistent with Policies 16.4.1-16.4.2, 16.4.6 and 16.4.7.

Overall policy assessment

57. Read as a whole, the objectives and policies of the District Plan seek to enable people and communities to provide for their social, cultural and economic wellbeing while ensuring that subdivision and development activities are adequately serviced and maintain landscape, rural amenity and soil resource values.
58. The objectives and policies are ultimately effects-based provisions. The assessment of the effects concludes that effects of the proposal are minor or less than minor. Whilst there is minor tension concerning resource fragmentation and the departure from the 8ha average allotment requirement, this tension has not reached the threshold of being contrary to the effects-based framework of the District Plan objectives and policies in my opinion.
59. The proposal is consistent with the objectives and policies of the District Plan seek when considered collectively and in their proper effects-based context.

Objectives and policies of the Otago Regional Policy Statement

60. Since the section 42A report, the Proposed Otago Regional Policy Statement has become fully operative and now becomes the singular regional policy framework. This document was prepared in 2021 and includes reference to the NPS-HPL.
61. Objective LF-LS-O12 seeks that the use and development of land and soil achieves an outcome which safeguards the life-supporting capacity of soil, sustains the potential of these resources to meet the reasonably foreseeable needs of future generations, achieves water quality outcomes and recognises the role of these resources in providing for the social, economic and cultural wellbeing of Otago's people and communities.

62. The proposal is consistent with this objective. The proposal retains the soil resource in-situ and supports the ongoing use of the land for rural productive activities. The continued productive use of the soil resource safeguards the life-supporting capacity of soil, by contributing nutrients, applying water and developing topsoil.
63. As outlined above, the proposal is a bespoke response to the circumstances of the current owner of the property. The proposal forms a critical future component of the Clyde Orchards business; providing intergenerational living opportunities for the owner and his son. This provides essential resilience, security and succession planning for the family business.
64. Objective LF-LS-O13 requires the use and development of Otago's rural areas occur in a way which provides for their ongoing primary production use, without compromising the long term viability of this rural production and associated rural communities. The evidence of Mr Kevin Paulin and Mr Robert Paulin is that the proposal facilitates the continued operation of the Clyde Orchard business.
65. Policy LF-LS-P25 directs the management of the use and development of rural areas, through six requirements. Of those requirements, clauses (1), (3) and (5) are directly relevant to the application.
66. Clauses (1) and (3) of this policy recognise that rural areas are places where people live, work, recreate and that there are a range of activities that support these rural production activities to provide for social and economic wellbeing of rural communities and the wider region. The proposal is inherently connected to the established rural production activity undertaken by Clyde Orchards, rather than being an unrelated rural lifestyle activity. In my opinion, the proposal is wholly consistent with these aspects of the policy.

67. Clause (5) requires non-rural activities to be restricted whether they could adversely affect, by way of reverse sensitivity or fragmentation, existing or anticipated primary production activities. The reverse sensitivity effects have been assessed to be less than minor.
68. I acknowledge that the proposal results in fragmentation of the existing orchard, with the proposed allotment boundary passing through part of the orchard. The orchard remains a productive resource which the applicant intends to retain following subdivision. Both proposed allotments will continue to have access to irrigation water, and the physical characteristics of the site do not prevent the ongoing productive use of the orchard. While separate ownership may require ongoing cooperation between the owners, this can be facilitated through appropriate legal arrangements, including lease or access agreements where required. In my opinion, the proposal does not materially compromise the production of the orchard. The proposal is consistent with LF-LS-P25
69. The final policy of relevance to the application is LF-LS-P26 which relates to the establishment, development and expansion of rural lifestyle development. The policy is directed towards development of the type proposed.
70. The subject site is not identified as highly productive land and is not identified for future urban development. The proposal does not conflict with the location requirements contained within the policy. In addition, the proposal occupies a transitional area immediately adjoining the Picnic Creek subdivision, and within an area already characterised by smaller rural holdings, established residential development and extensive domestic planting. The receiving environment is characterised as a mixed rural and rural lifestyle environment, rather than an extensive rural landscape.

71. The proposal satisfies the remaining policy considerations regarding reverse sensitivity effects. Overall, the proposal is compatible with the established character and function of the locality.
72. Overall, the proposal is consistent with the objectives and policies of the Otago Regional Policy Statement 2021.

Draft conditions of consent

73. I have reviewed the proposed draft conditions of consent appended to the end of the section 42A report. The conditions are as expected for a combined subdivision and land use consent application. The applicant accepts these conditions, provided the following amendments are made:
 - (a) The word “**proposed**” be removed from condition 1 of the subdivision consent, and condition 9 of the land use consent. In the instance that consent is granted, the activity ceases being a proposed activity.
 - (b) Condition 3 is superfluous to this application and be removed. The site is not adjacent to the margin or bank of the Clutha River, as there is an intervening parcel of crown land which provides public access to the river. An esplanade strip is not required under section 230(1)(a) of the Act.
 - (c) The wording of condition 5 to be amended to read “prior to **the** commencement of physical **subdivision** works occurring on the site...” The intent of this amendment is to clarify that it is only the commencement of physical subdivision works that trigger engineering acceptance, rather than any other work such as tree clearing or landscaping.

- (d) The removal of condition 6(d) which requires an updated landscape plan to be submitted as part of section 223 certification. In my experience, this is not a matter which is within the scope of section 223, and is best dealt with as part of s224c certification or as a consent notice. As written, this condition directly conflicts with the proposed consent notice condition 8(g) which specifically references the landscape plan dated 24 June 2026. I suggest that the current version of the landscape plan be retained, and that the implementation and maintenance of these plantings form an ongoing requirement under the consent notice.
- (e) The inclusion of provision for Lot 1 to utilise an alternative water supply for firefighting, noting the proximity of the house to the irrigation dam (condition 7(b))
- (f) The removal of condition 8(e) which requires all residential buildings to be located within the identified building platform. This requirement is not considered suitable in the context the permitted baseline applying to the site through the new National Environmental Standard provisions for a detached minor residential units, or for the construction of other ancillary residential buildings such as sleepouts.
- (g) The removal (or appropriate re-wording to remove reference to subdivision) of conditions 16 and 17 from the land use consent, as these approvals and requirements only apply to subdivision.
- (h) The removal of the word **“proposed”** from condition 18.
- (i) Rewording of condition 19 to only relate to the new dwelling authorised by the land use consent.

- (j) Removal of condition 19, as the inspection of the wastewater system on the existing dwelling is outside of the scope of the land use consent for the new dwelling.
- (k) Rewording of condition 22. The imposition of a consent notice is not an available mechanism through a land use consent.

74. The applicant accepts all other conditions as drafted by Ms Banks.

Section 104D

75. Overall, I consider that the application meets both limbs of the section 104D gateway test. The proposal results in no more than minor adverse effects on the environment. The proposal is not contrary to the objectives of the District Plan, or the Otago Regional Policy Statement. The Panel is able to grant consent to the non-complying subdivision activity.

Part 2 of the Act

76. I do not agree with Ms Banks conclusion that the application is partly inconsistent with Part 2 of the Act, which requires the sustainable management of natural and physical resources. While the proposal subdivides an existing rural site, evidence suggests that the land will continue to be capable of meeting the reasonably foreseeable needs for future generations, whilst not impacting on the life-supporting capacity of the soil resource. The proposal facilitates the social, cultural and economic wellbeing of the applicant, his family, and the family-run orcharding business. In my opinion, the proposal is consistent with Part 2 of the Act, as set out in Section 5.

Summary

77. Overall, the effects on the environment are acceptable and no more than minor. The proposal is not contrary to the relevant objectives and policies, and consent can be granted under section 104D of the Act. The proposal is consistent with Part 2 of the Act.

A handwritten signature in black ink, consisting of the letters 'TC' followed by a wavy line.

Tanya Copeland

Principal Planner – Landpro Limited

Dated: 27 July 2026