



# **AGENDA**

## **Hearings Panel Meeting Tuesday, 8 July 2025**

**Date: Tuesday, 8 July 2025**

**Time: 9.30 am**

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



Notice is hereby given that a Hearings Panel Meeting will be held in  
Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra on  
Tuesday, 8 July 2025 at 9.30 am.

## Order Of Business

|          |                                 |          |
|----------|---------------------------------|----------|
| <b>1</b> | <b>Apologies .....</b>          | <b>5</b> |
| <b>2</b> | <b>Reports .....</b>            | <b>6</b> |
| 25.6.1   | MINUTES TO BE CONFIRMED .....   | 6        |
| 25.6.2   | RC250134 - MICHAEL CONROY ..... | 13       |





**Members** Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney, Cr T Paterson

**In Attendance** K Smith (Minute Secretary), A Rodgers (Panel Advisory)

## **1 APOLOGIES**

## **2 REPORTS**

### **25.6.1 MINUTES TO BE CONFIRMED**

#### **Appendix 1 - Minutes - 21 January 2025**

Hearings Panel Meeting Minutes

21 January 2025

**MINUTES OF CENTRAL OTAGO DISTRICT COUNCIL  
HEARINGS PANEL MEETING  
HELD IN NGĀ HAU E WHĀ, WILLIAM FRASER BUILDING, 1 DUNORLING STREET,  
ALEXANDRA  
ON TUESDAY, 21 JANUARY 2025 AT 9:30 AM**

**PRESENT:** Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney,  
Cr T Paterson

**IN ATTENDANCE:** K Smith (Minute Secretary), A Rodgers (Panel Advisory)

**1 APOLOGIES – N/A**

**2 CONFIRMATION OF MINUTES**

**Recommendations**

That the public minutes of the Hearings Panel Meeting held on 12 November 2024 be confirmed as a true and correct record

M McPherson / I Cooney

**3 REPORTS**

**25.1.2 RC240053 - NTP DEVELOPMENT HOLDINGS LIMITED**

A report to consider a subdivision consent to establish 180 residential lots and 8 super lots over 12 stages at Clyde-Alexandra Road (SH 8).

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

Report of the Planning Officer has been read T Paterson / I Cooney.

Hearing opened at 9.30am.

In attendance:

Adam Vincent – Planning Officer

Logan Copland (via Microsoft Teams) – Abley – Transport Planner – Council Expert

Sean Dent – Applicant Planner

Simon Tucker – Applicant

Dean Christie – Applicant

AJ Harford-Brown – Surveyor/Land Development Engineer – Applicant Expert

Nick Fuller (via Microsoft Teams) – Transport Engineer – Applicant Expert

John Claude Midgley – Contaminated Soils Expert – Applicant Expert

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21 January 2025

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Marcus Brown – Licensed Cadastral Surveyor - Applicant Expert

Note: Sean Dent spoke to their evidence 9.35am.

Note: Panel directed questions to Sean Dent 9.36am.

Note: Nick Fuller spoke to their evidence at 9.41am.

Note: Panel directed questions to Nick Fuller at 9.45am.

Note: Sean Dent spoke to their evidence at 9.51am.

Note: Panel directed questions to Sean Dent 9.55am.

Note: Panel directed questions to Nick Fuller at 9.56am.

Note: AJ Harford-Brown spoke to their evidence at 10.01am.

Note: Sean Dent spoke to their evidence at 10.05am.

Note: Panel directed questions to Sean Dent at 10.06am.

Note: Dean Christie spoke to their evidence at 10.11am.

Note: Panel directed questions to Dean Christie at 10.12am.

Note: Panel directed questions to Nick Fuller at 10.12am.

Note: Panel directed questions to AJ Harford-Brown at 10.13am.

Note: Panel directed questions to Sean Dent at 10.14am.

Note: Panel directed questions to John Claude Midgley at 10.16am.

Note: Panel directed questions to Sean Dent at 10.20am.

Note: Panel directed questions to AJ Harford-Brown at 10.22am.

Note: Logan Copland spoke to their evidence at 10.27am.

Note: Panel directed questions to Logan Copland at 10.33am.

Note: Adam Vincent spoke to their evidence at 10.35am.

Note: Panel directed questions to Adam Vincent at 10.52am.

Note: Sean Dent gave their right of reply at 10.57am.

Note: Hearing adjourned at 11.02am.

Note: Logan Copland, Nick Fuller, Sean Dent, Simon Tucker, Dean Christie, AJ Harford-Brown, John Claude Midgley and Marcus Brown left the meeting at 11.05am.

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THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 25.1.2.

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

|        | <b>General subject of each matter to be considered.</b>  | <b>Reason for passing this resolution in relation to each matter.</b>  | <b>Ground(s) under section 48(1) for the passing of this resolution.</b> |
|--------|--|--|--|
| 25.1.2 | <b>Application for Resource Consent – RC240053 – NTP Development Holdings Limited, Clyde-Alexandra Road (SH 8), (2853160304)</b> | An application for a subdivision consent to establish 180 residential lots and 8 super lots over 12 stages at Clyde-Alexandra Road (SH 8). | Section 48(1)(a)   |

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

NOTE:

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

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

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

*and*

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

RESOLVED that Adam Vincent (Planning Officer) and Ann Rodgers (Panel Advisory) be permitted to remain during the closed session because of their knowledge that would be of assistance to the Panel in its deliberations.

N Gillespie / M McPherson

Hearings Panel Meeting Minutes

21 January 2025

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THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / T Paterson

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**25.1.3 RC240247 - NICK BEACH**

A report to consider a staged subdivision consent and land use consent to establish visitor accommodation at 56 Sunderland Street, Clyde.

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

Report of the Planning Officer has been read N Gillespie / I Cooney.

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Hearing reopened at 12.05pm.

In attendance:

Tim Anderson – Planning Officer

Nick Beach – Applicant

Darryl Sycamore – Applicant Planning Consultant

Felicity Hunter-Weston – Clyde Central

Note: Darryl Sycamore spoke to their evidence at 12.08pm.

Note: Panel directed questions to Darryl Sycamore at 12.18pm.

Note: Tim Anderson spoke to their evidence at 12.28pm.

Note: Panel directed questions to Tim Anderson at 12.36pm.

Note: Nick Beach spoke to their right of reply at 12.42pm.

Note: Panel responded to questions of Nick Beach at 12.45pm.

Note: Nick Beach spoke to their right of reply at 12.45pm.

Note: Hearing adjourned at 12.46pm.

Note: Tim Anderson, Darryl Sycamore, Nick Beach and Felicity Hunter-Weston left the meeting at 12.46pm.

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Hearings Panel Meeting Minutes

21 January 2025

THE PANEL IN CLOSED MEETING

RESOLVED that the public be excluded from the following parts of the proceedings of the meeting, namely items 25.1.3.

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

|        | <b>General subject of each matter to be considered.</b>  | <b>Reason for passing this resolution in relation to each matter.</b>   | <b>Ground(s) under section 48(1) for the passing of this resolution.</b> |
|--------|--|---|--|
| 25.1.3 | <b>Application for Resource Consent – RC240247 – Nick Beach, 56 Sunderland Street, Clyde, (2846134400)</b> | An application for a staged subdivision consent and land use consent to establish visitor accommodation at 56 Sunderland Street, Clyde. | Section 48(1)(a)   |

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

NOTE:

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

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

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

*and*

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

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

N Gillespie / I Cooney

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THE PANEL IN OPEN MEETING

RESOLVED that the public be readmitted to the meeting.

N Gillespie / T Paterson

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**The Meeting closed at 12.50pm.**

.....  
**CHAIR / /**

ITEMS TO BE CONSIDERED WHILST THE PUBLIC IS EXCLUDED

**25.1.2 Application for Resource Consent – RC240053 – NTP Development Holdings Limited, Clyde-Alexandra Road (SH 8), (2853160304)**

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

M McPherson / N Gillespie

**25.1.3 Application for Resource Consent – RC240247 – Nick Beach, 56 Sunderland Street, Clyde, (2846134400)**

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

M McPherson / T Paterson

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**25.6.2 RC250134 - MICHAEL CONROY**

**Doc ID: 2500900**

**1. Purpose**

A report to consider a subdivision consent to realign the boundary between two allotments at 141 and 157 Lower Manorburn Dam Road, Galloway is attached.

**2. Attachments**

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

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

**Appendix 3 - Application** [↓](#)

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

**Appendix 5 - Further Information Received 12 June 2025** [↓](#)

**Appendix 6 - Amended Site Plan received 12 June 2025** [↓](#)

**CENTRAL OTAGO DISTRICT COUNCIL**  
**REPORT OF PLANNING OFFICER**

|                             |   |
|-----------------------------|---|
| <b>APPLICATION</b>          | <b>RC 250134</b>  |
| <b>APPLICANT</b>            | <b>MICHAEL CONROY</b>   |
| <b>ADDRESS</b>              | <b>141 AND 157 LOWER MANORBURN DAM ROAD, GALLOWAY</b>   |
| <b>LEGAL DESCRIPTION</b>    | <b>LOT 1 DP 482914 AND LOT 3 DP 26358 (HELD IN RECORDS OF TITLE 680150 AND OT18B/744 RESPECTIVELY).</b> |
| <b>ACTIVITY DESCRIPTION</b> | <b>SUBDIVISION CONSENT TO REALIGN THE BOUNDARY BETWEEN TWO ALLOTMENTS IN THE RURAL RESOURCE AREA</b>    |
| <b>ACTIVITY STATUS</b>      | <b>NON-COMPLYING</b>  |

### **BACKGROUND**

157 Lower Manorburn Dam Road was created by RC 970033. 141 Lower Manorburn Dam Road was initially also created by RC 970033, then adjusted to its current state under RC 130013. These consents did not impose any ongoing requirements on either lot.

In a decision dated 29<sup>th</sup> May 2025, Council resolved that the application can be assessed on a non-notified basis under Sections 95A-95G of the Resource Management Act 1991.

### **DESCRIPTION OF ACTIVITY**

The application proposes to transfer approximately 2.18 hectares of land from 157 Lower Manorburn Dam Road to 141 Lower Manorburn Dam Road. The land being transferred predominantly consists of arable land. 141 Lower Manorburn Dam Road would increase in size from 5.41 to 7.46 hectares, while 157 Lower Manorburn Dam Road would reduce from 5.42 to 3.25 hectares. The additional proposed Lot 3 would have an area of 0.1040 hectares, and is proposed to be vested as road to formalize and existing encroachment of Lower Manorburn Dam Road into both properties.

No changes to access or service provisions are proposed. Both lots are supplied water from individual existing bores, with wastewater being treated through separate septic tanks and dispersal fields. No additional buildable lots would be created, with both new private lots containing an existing dwelling, and the third lot intended to be vested as road.

I note that this proposal was amended after Council determined that the application could be assessed on a non-notified basis. Initially, the areas of Lots 1 and 2 were proposed to be 3.18 and 7.53 hectares, respectively. In this case, I consider that the change

### **SITE DESCRIPTION**

The subject site is well described in the application and the supporting documents and is considered to accurately identify the key features of the site. The applicant's site description is adopted for the purposes of this report. To summarise, the application site is two parcels of land, both with areas of approximately 5.4 hectares, on the northern side of Lower Manorburn Dam Road. Both properties contain dwellings and accessory buildings. The bulk of 141 Lower Manorburn Dam Road is used for baggage production.

## REASONS FOR APPLICATION

### Central Otago District Plan

The subject site is located within the Rural Resource Area of the Central Otago District Plan (the District Plan). The western part of Lot 3 DP 26358 is identified as a Significant Amenity Landscape.

The application has been applied for on the basis of it being a boundary adjustment. In order to be considered a boundary adjustment, Council typically relies on the definition of boundary adjustment from *McNamara v Tasman District Council*<sup>1</sup> which defined a boundary adjustment as a slight alteration, especially to achieve accuracy. If the boundaries of a property were to shift to entirely new locations, or the shift in land area was substantial, such a subdivision would not meet this definition.

In this case, the application would substantially change the area and shape of 157 Lower Manorburn Dam Road, reducing its size by some 41%. In this context, I do not consider that the application should be considered a boundary adjustment. Instead, because the proposed lots do not achieve the density standards in Rule 4.7.4.iii of the District Plan, the application should be considered as a non-complying activity under Rule 4.7.5.iii of the Plan.

### **National Environmental Standards**

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

As part of my assessment of the application, I have reviewed Council's records on both sites for any activity which may trigger the NES-CS.

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

### **Overall Status**

Under the particular circumstances of this case, I consider it appropriate that the application be considered as a non-complying activity pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

## EFFECTS ASSESSMENT

### **Affected Persons**

No written approvals have been provided in support of the application. In accordance with section 104(3)(a)(ii) of the Resource Management Act 1991, no effects on any party will be disregarded.

### **Effects on the Environment**

#### Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan

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<sup>1</sup> 20 January 1999, Environment Court Wellington, W10/99.

permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this case, there are no permitted activity subdivisions under the Central Otago District Plan and there is no permitted baseline to be applied.

#### Receiving Environment

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

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

For the subject site, the existing and reasonably foreseeable receiving environment comprises residential activity and small scale rural primary production.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises predominantly residential activities and small scale rural primary production. The Lower Manorburn Dam Recreation Reserve is located to the south of the site.

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

#### Assessment of Effects

Consideration is required of the relevant assessment matters in the District Plan, along with the matters in any relevant national environmental standard. No regard has been given to any trade competition or any effects of trade competition.

In this case, the proposed subdivision would not result in any additional developable allotments. Nor will it result in any notable changes to built form, infrastructure demand, soil quality or landscape values. The proposal will reduce the area of 157 Lower Manorburn Dam Road, but not below the minimum allotment size anticipated by the District Plan. It will also reduce the productive capacity of this land. However, I consider that this will be offset by the amalgamation of the most productive parts of both lots into one allotment. I consider the proposal to have minor effects on the environment, at most.

The proposal includes the vesting of proposed Lot 3 in Council as road. This is intended to formalise an existing encroachment of the Lower Manorburn Dam Road into both properties. Council's engineers have confirmed that they are amenable to taking over the land. I consider this aspect of the proposal to have less than minor effects on the environment.

Wastewater from both lots is proposed to be managed through the existing on-site septic tanks and dispersal fields. In response to concerns raised by Council's land development engineers that the proposed boundary was too close to the dispersal field on Lot 1, the application was amended to locate the boundary 20m from the system. No additional demand for wastewater treatment is anticipated to result from the subdivision. Based on as-builts on Council's records, I consider that the locations of both systems are well known and are highly unlikely to be outside the boundaries of either proposed lot. I consider this to be an appropriate provision of wastewater infrastructure.

No amalgamations of land are proposed. Existing easements are anticipated to be carried down as necessary onto the new lots. I concur that any existing easements should be carried

down to the new Lots 1 and 2. Lot 3 contains part of easement "h", an easement to convey water in favour of Lot 2 DP 26358. This easement will need to be extinguished and the water supply either relocated and new easements granted as needed, or a licence to occupy obtained from Council's roading team to allow the infrastructure to remain in their current location. Given the application has been made on behalf of both the servient and dominant tenements, I consider that either option can be worked through as part of the process of giving effect to the subdivision, if the panel grants consent.

A new right of way easement is requested over Part Section 1 Block VII Cairnhill SD, in order to formalise the existing access to 141 Lower Manorburn Dam Road. Part Section 1 is owned by CODC and forms part of the wider Lower Manorburn Recreation Reserve. Based on aerial photographs dating back to 2006, the access has been formed in this location for an extended period of time (Figure One)



Figure One: Aerial photograph dated 2006 showing the presence of a vehicle access over Part Lot 1 Block VII Cairnhill SD to 141 Lower Manorburn Dam Road.

Council's Parks and Recreation Manager has indicated verbally that granting an easement would require additional processes under the Reserves Act 1977 and that he was not willing to indicate approval of an easement at this time. Instead, we both agree that consideration of whether or not to grant an easement should be deferred and considered under both the Reserves Act and Section 348 of the Local Government Act 1974 at the same time. If Council approves the subdivision, it should refuse to approve Right of Way A. I note that Lot 2 would retain direct road frontage, allowing legal access in the event that Council's Parks and Recreation Manager were to require the owners of Lot 2 stop crossing the land. In the interim, I consider that Lot 1 will have adequate legal provision for access. I consider that the status quo can remain for access. However, I strongly advise that the landowner liaise with Council's Parks and Recreation Manager to resolve the legal status of the formed access. If the access is not able to remain, the landowner will need to construct an alternative access.

No additional developable allotments are proposed to be created. No development or financial contributions are payable in relation to the proposed subdivision.

The site is not adjacent to any water body that would warrant the provision of an esplanade.

## **SUBSTANTIVE ASSESSMENT**

### **Effects**

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor.

### **Offsetting or Compensation Measures**

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

### **Objectives and Policies**

In accordance with section 104(1)(b) of the Resource Management Act 1991, the following objectives and policies are relevant to the proposal:

#### Objectives:

- 4.3.1 – Needs of the District's People and Communities
- 4.3.3 – Landscape and Amenity Values
- 4.3.7 – Soil Resource
- 16.3.1 – Adverse Effects on the Roadway Network
- 16.3.2 – Services and Infrastructure
- 16.3.5 – Water and Soil Resources
- 16.3.8 – Public Access
- 16.3.11 – Effluent Disposal

#### Policies:

- 4.4.2 – Landscape and Amenity Values
- 4.4.3 – Sustainable Management of Infrastructure
- 4.4.6 – Adverse Effects on the Soil Resource
- 4.4.10 – Rural Subdivision and Development
- 4.4.11 – Subdivision for Other Purposes
- 16.4.1 – Adequate Access
- 16.4.3 – Adequate Infrastructure
- 16.4.4 – Unreticulated Areas
- 16.4.6 – Subdivision Standards
- 16.4.7 – Subdivision Design

For the reasons provided in my assessment of effects, I consider that the proposal will maintain the existing rural character of the site, on the basis that it will not provide any additional developable allotments, and is not anticipated to result in increased built form. The proposal will have adequate provision for infrastructure, and is expected to maintain the productive capacity of the soil. It provides for expansion of an existing rural production activity, contributing to the economic wellbeing of the applicant, while maintaining the existing character of the area. I consider the proposal to be consistent with the above objectives and policies of the District Plan.

### **Section 104D Gateway Tests**

Under Section 104D, Council must refuse a resource consent application for a non-complying activity unless it is satisfied that the proposal will either have minor effects on the environment, or the proposal will be consistent with the objectives and policies of the District Plan. If either of these gateway tests are met, the Panel can exercise its discretion under Section 104B.

In this case, I consider that the proposal will have no more than minor effects on the environment and is consistent with the objectives and policies of the District Plan. The proposal passes both gateway tests in Section 104D. The Panel can exercise their discretion to consider the proposal under Section 104B.

### **Operative and Proposed Regional Policy Statements**

The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. After taking into consideration the operative and proposed Regional Policy Statements for Otago, I consider that the proposal would be consistent with the provisions of both proposals. For the reasons provided in the above assessment of effects, I consider that the proposal will adequately provide for rural activities and rural character values, with adequate provision for infrastructure, and in a way that amalgamates the most productive parts of both lots into one, avoiding further fragmentation of productive land and allowing for more effective use of the productive parts of both properties.

### **National Policy Statement for Highly Productive Land 2022**

The overarching objective of the NPS-HPL is to protect specified highly productive land for use in land based primary production. Both lots contain land that is classified as LUC 3, which is included in the definition of highly productive land in the NPS. Under Policy 7 of the NPS-HPL, Council must avoid the subdivision highly productive land, except as provided for in the standard. Under Clause 3.8, Council must avoid subdivision of highly productive and unless the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land. In all cases, Council must also take measures to ensure that subdivision avoids, where possible, cumulative loss of highly productive land and potential reverse sensitivity effects.

In this case, the proposal would take two areas of LUC 3 land that are currently split between two properties, and amalgamate most, if not all, of it into one parcel.<sup>2</sup> I concur with the applicant that this amalgamation of LUC 3 soils will result in negligible, if any, loss of the productive capacity of the LUC 3 land. Instead, overall capacity may be increased through increased economies of scale associated with the ability to expand the existing bailage operation over Lot 2. I consider that these benefits would be sufficient to outweigh any loss of productive capacity due to any residual areas of LUC 3 land left behind in Lot 1.

No additional development is anticipated as a result of this subdivision that could result in reverse sensitivity effects.

Overall, I consider the proposal to be consistent with the NPS-HPL.

### **Other Matters**

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

### **Part 2**

Based on the findings above, I consider that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of District's natural and physical resources.

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<sup>2</sup> This reflects the coarse nature of the LUC mapping available to Council. Based on the mapping available, all LUC 3 land across both lots would be located within Lot 2. However, in practice, the mapping is too coarse to be certain at this scale.

**RECOMMENDATION**

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

1. The Panel grant consent to the proposed activity under delegated authority, in accordance with sections 104 and 104B of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below.



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Adam Vincent  
**Planning Officer - Consents**

Date: 12 June 2025





1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



**Consent Type:** Subdivision Consent

**Consent Number:** RC 250134

**Purpose:** Subdivision consent to realign the boundary between two allotments in the Rural Resource Area

**Location of Activity:** 141 and 157 Lower Manorburn Dam Road, Galloway

**Legal Description:** Lot 1 DP 482914 and Lot 3 DP 26358 (Records of Title 680150 and OT18B/744 respectively).

**Lapse Date:** [Day and Month] 2030, unless the consent has been given effect to before this date.

**Conditions:**

1. The subdivision must be undertaken in general accordance with the plans and details submitted with the application for resource consent, further information received on 12 June 2025, and the amended plan of subdivision attached as Appendix One, as amended by the following conditions.
2. All subdivisional designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 version of the CODC Addendum, which is the Council's Code of Practice for Urban Subdivision as modified by these conditions of consent.
3. Prior to commencement of any physical works the consent holder must receive council Engineering Acceptance of the designs including:
  - a) Confirming who their representative is for the design and execution of the engineering work.
  - b) Provide copies of design: reports, calculations, specifications, schedules, and drawings, as applicable.
4. Right of Way A over Part Section 1 Block VII Cairnhill SD must not be shown on the plan submitted to Council for certification under Section 223 of the Resource Management Act 1991.

*Note: Council has not resolved to approve an easement over Part Section 1 Block VII Cairnhill SD as part of this subdivision. The landowner is advised to liaise with Council's Parks and Recreation Manager if they wish to discuss allowing access over this lot.*

5. Any other easements required to protect access or for access to services must be duly granted or reserved.

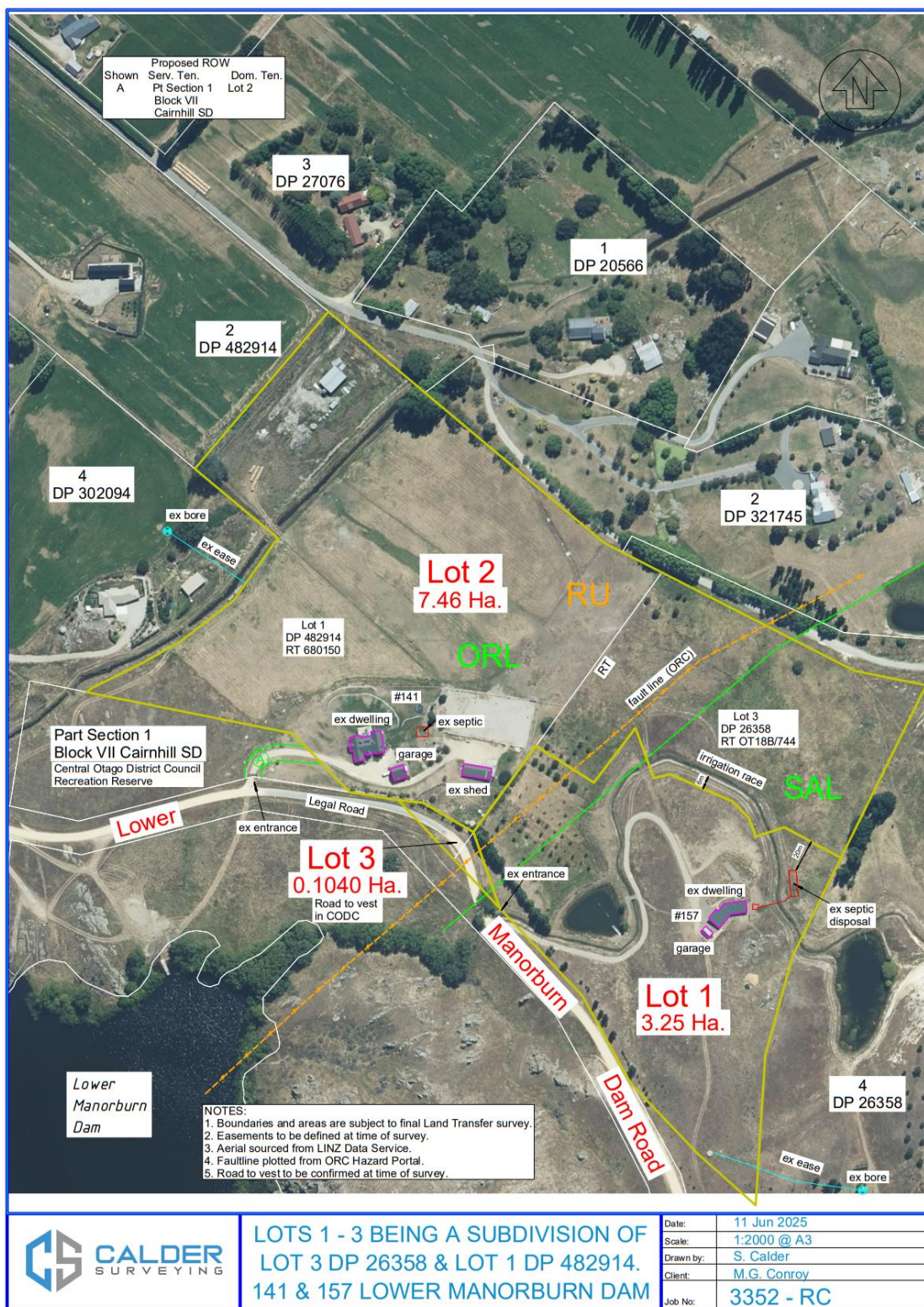
*Note: The memorandum of easements prepared for the cadastral dataset submitted for section 223 certification must show all existing easements or interests carried down onto the new lots or cancelled as appropriate.*

6. Lot 3 must be free of encumbrances at the time it is vested in CODC as road. It will be the consent holder's responsibility to arrange for the surrender of any part of Area H in instrument 939168.6 (Shown on Record of title OT18B/744) that would be within Lot 3, and either obtain a licence to occupy for any private water infrastructure servicing Lot 2 that would be located in Lot 3, or to relocate this infrastructure and obtain any new easements required to secure the right to convey water for any relocated infrastructure.
7. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
  - a) Administration, monitoring and inspection relating to this consent; and
  - b) Charges authorised by regulations.

**Advice Notes:**

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

**Appendix One: Approved Plan for RC250134 (scanned image, not to scale)**



**CENTRAL OTAGO DISTRICT COUNCIL  
S95A-F DECISION FOR RC250134  
157 Lower Manorburn Dam Road, Galloway**

**INTRODUCTION**

The application seeks subdivision consent to realign the boundary between 141 and 157 Lower Manorburn Dam Road, Galloway, in the Rural Resource Area and create a new allotment to vest as road.

The application proposes to transfer approximately 2.24 hectares of land from 157 Lower Manorburn Dam Road to 141 Lower Manorburn Dam Road. The land being transferred predominantly consists of arable land. 141 Lower Manorburn Dam Road would increase in size from 5.41 to 7.53 hectares, while 157 Lower Manorburn Dam Road would reduce from 5.42 to 3.18 hectares. The additional proposed Lot 3 would have an area of 0.1040 hectares, and is proposed to be vested as road to formalize and existing encroachment of Lower Manorburn Dam Road into both properties.

No changes to access or service provisions are proposed. No additional buildable lots would be created, with both new private lots containing an existing dwelling, and the third lot intended to be vested as road.

The application has been applied for on the basis of it being a boundary adjustment. In order to be considered a boundary adjustment, Council typically relies on the definition of boundary adjustment from *McNamara v Tasman District Council*<sup>1</sup> which defined a boundary adjustment as a slight alteration, especially to achieve accuracy. If the boundaries of a property were to shift to entirely new locations, or the shift in land area was substantial, such a subdivision would not meet this definition.

In this case, the application would substantially change the area and shape of 157 Lower Manorburn Dam Road, reducing its size by some 41%. In this context, I do not consider that the application should be considered a boundary adjustment. Instead, because the proposed lots do not achieve the density standards in Rule 4.7.4.iii of the District Plan, the application should be considered as a non-complying activity under Rule 4.7.5.iii of the Plan.

**SECTION 95A NOTIFICATION**

Step 1 – Mandatory public notification

Public notification has not been requested. (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)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities or boundary activities (s95A(5)(b)).

---

<sup>1</sup> 20 January 1999, Environment Court Wellington, W10/99.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

**ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)**

**MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)**

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below).*
- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*
- E: *Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).*

**PERMITTED BASELINE (S95D(B))**

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this case, there are no permitted activity subdivisions under the Central Otago District Plan and there is no permitted baseline to be applied.

**ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

In this case, the proposed subdivision would not result in any additional developable allotments. Nor will it result in any notable changes to built form, infrastructure demand, soil quality or landscape values. The proposal will reduce the area of 157 Lower Manorburn Dam Road, but not below the minimum allotment size anticipated by the District Plan. It will also reduce the productive capacity of this land. However, I consider that this will be offset by the amalgamation of the most productive parts of both lots into one allotment. I consider the proposal to have minor effects on the environment, at most.

**DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))**

Overall the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

#### Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined 'special circumstances' as those "*outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.*" The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC* [(1997) NZRMA 433 (HC), *Urban Auckland v Auckland Council* [(2015) NZHC 1382, (2015) NZRMA 235].

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

#### **OVERALL DECISION - S95A NOTIFICATION**

Pursuant to 95A(5)(b)(i), public notification is not required as identified in the assessment above.

#### **EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

##### Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

##### Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not exclusively for a controlled land use activity.

##### Step 3: if not precluded by step 2, certain other affected persons must be notified

Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.

Limited notification is not required under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal on persons are assessed below.



**PERMITTED BASELINE (s95E(2)(a))**

Under Section 95E(2)(a) of the RMA, an adverse effect of the activity on persons may be disregarded if the plan permits an activity with that effect. The lack of a permitted baseline has been established above.

**ASSESSMENT: EFFECTS ON PERSONS**

As noted above, the proposal will not create any additional developable allotments. No changes to built form or demand for infrastructure are anticipated as a result of the proposal. The site is not in an area with identified elevated cultural, social or historic significance. I do not consider any party to be adversely affected by the proposal.

**Step 4: Further limited notification in special circumstances**

Special circumstances do not apply that require limited notification.

**DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered affected by this proposal.

**OVERALL NOTIFICATION DETERMINATION**

Given the decisions made under s95A and s95B, the application is able to be processed on a non-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:



Adam Vincent  
**Planning Officer**

Date: 28 May 2025

Approved under Delegated Authority by:



Tim Anderson  
**Team Leader – Planning**

Date: 29 May 2025

# Application for a resource consent - Form 9

## APP250553313



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



**Date and Time Created** 21/05/2025 01:30  
**Submitted to Council** 21/05/2025 01:47

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

### Property Details

**Property Address** 157 Lower Manorburn Dam Road, Galloway  
**Valuation Number** 2846221702  
**Record of Title Number** 18B/744  
**Legal Description(s) of the specific parcels that the resource consent application is for** LOT 3 DP 26358, LOT 1 DP 482914

**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** Calder Surveying Ltd  
**First name** Peter  
**Last name** Kloosterman  
**Phone number** 021-2851305  
**Email address** peter@caldersurveying.co.nz  
Note that the applicant will also receive a copy of all correspondence.  
**Postal address:** 24 The Half Mile, Bridge Hill, Alexandra 9320  
**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** Michael  
**Last name** Conroy  
**Phone number** 021 0509241  
**Email address** mcfe@slingshot.co.nz  
**Postal address:** 157 Lower Manorburn Dam Road, Galloway, Alexandra 9393

## Invoicing

**Who is paying the invoice?** Applicant



## DETAILS

### Activity or works proposed

Application type

Subdivision consent

Short description of your proposal

Boundary adjustment between two adjoining landowners

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](#).

[Application 1.pdf](#) (441 kb)

### 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

Describe any other activities that are part of the proposal to which the application relates

### 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

uncontentious boundary adjustment

**National Environmental Standard – Contaminated Soil -  
option selected**

The application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m<sup>3</sup> per 500m<sup>2</sup>) Therefore the NES does not apply.

## LIST OF FILES

[Application 1.pdf](#) (441 kb)

[RC1.pdf](#) (1 mb)

[OT188744.pdf](#) (786 kb)

[680150.pdf](#) (1 mb)

[204627.pdf](#) (486 kb)



24 The Half Mile  
P.O. Box 354  
Alexandra 9340

Email: [stuart@caldersurveying.co.nz](mailto:stuart@caldersurveying.co.nz)

Ph. 03 448 8501  
Mob. 027 449 2220

21 May 2025

Ref. 3352-1

The Planning Manager  
Central Otago District Council  
PO Box 122  
ALEXANDRA

Dear Madam,

**Subdivision Application:**

**Lots 1 – 3 being a subdivision of Lot 3 DP 26358 and Lot 1 DP 482914.**

LOCATION: 141 & 157 Lower Manorburn Dam Road.  
APPLICANTS: M. G. Conroy & F. M. Eadie

Enclosed for the Councils consideration is an application for a subdivision consent for the above-mentioned properties.

**THE PROPERTY**

The properties subject to the application are currently held in the following Records of Title:

- 680150 (5.4020 hectares)
- OT18B/744 (5.4220 hectares)



Aerial View



The subject properties are located on the north side of Lower Manorburn Road approximately 5.5 kilometres from Alexandra. The properties are elevated above the Manuherikia Valley with a northerly aspect. The applicants' residence and utility buildings are on the elevated land proximate to the road.

#### **THE PROPOSAL**

The two property owners have agreed to buy/sell the land below the water race and amend their titles accordingly. The owner of #141 grows bailage and wishes to expand that production. The proposal is to undertake a minor boundary adjustment subdivision, whereby no additional allotments will be created.



The proposed areas of the new allotments will be:

Lot 1 3.18 hectares

Lot 2 7.53 hectares

Lot 3 0.1040 hectares (to vest as road)

#### **Council Road Encroachment**



The public road has been constructed into the two properties. Lot 3 will vest to Council to rectify this anomaly.

Boundaries and areas are subject to survey. Easements for services will be registered as required.

Any existing easements will be retained and transfer onto the resultant titles.

Both properties have existing dwellings and ancillary buildings. No new structures are proposed.

#### **DISTRICT PLAN, ZONING AND RULES**

The properties are zoned Rural Resource Area in the Central Otago District Plan. 157 Lower Manorburn Dam Road is partially annotated as Significant Amenity Landscape.

The Galloway fault (possible) is recorded at 157 Lower Manorburn Road.

*Rural Resource Area Rule 4.7.2*

#### ***(i) CONTROLLED ACTIVITIES***



***(b) Subdivision for the following purposes shall be a controlled activity:***

- (i) Network and public utilities.*
- (ii) The creation of reserves, land to be held for conservation and/or landscape protection purposes or land to be protected by covenant for conservation and/or landscape protection purposes.*
- (iii) Existing dwellings already on the site and surplus to the requirements of a permitted activity.*
- (iv) Community facilities.*
- (v) Heritage items.*
- (vi) Boundary adjustments.***

*Council shall exercise its control in respect of the following matters:*

- 1. The area of the proposed allotment taking into consideration the proposed use of the allotment, amenities of neighbouring properties, and the site's ability to dispose of waste (if required).*
- 2. The location, design and construction of access, and its adequacy for the intended use of the subdivision.*
- 3. The provision of esplanade reserves and strips.*
- 4. The provision of services and their adequacy for the intended use of the subdivision.*
- 5. Any amalgamations and easements that are appropriate.*
- 6. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.*
- 7. Any other matters provided for in section 220 of the Act.*

*Any application made under this rule will generally not be notified or require the written consent of affected persons.*

*Reason Subdivision for these activities has only a limited effect on the environment. A minimum allotment size to control density of development is not considered appropriate given the purpose of these activities.*

*Cross Reference Policy 4.4.11*

**ASSESSMENT OF EFFECTS.**

**Area of Allotments**

The boundary adjustment will reconfigure the existing titles. The two existing titles have an average area of 5.5 hectares which will not change because of the boundary adjustment. Both allotments will still have sufficient area for primary production if the owners choose to pursue that option.

No additional dwellings or alternative land uses are proposed because of the boundary adjustment. The size of both allotments is of sufficient scale that separation distances for any replacement



dwelling or building from boundaries can be easily achieved to ensure the amenity values of adjoining landowners are not compromised. Both allotments have existing on-site effluent disposal fields which are located within the new proposed boundaries.

Any dwelling or other structures to be built in the future can be assessed for compliance with the District Plan at the time of Building Consent.

#### **Location, Design and Construction of Access**

Access to both allotments from the unsealed Lower Manorburn Dam Road will be from the existing entrances. No upgrading is necessary. It is noted that the formed access for Lot 2 currently accesses across the recreation reserve land.

While Lot 2 has legal access adjacent to the Manorburn Dam Road, this is beside a steep bank and the practical access is where it is formed. Given that the existing formed road is located within the private property and is to be vested, I believe Council should be able to allow the current access to continue for Lot 2. Proposed easement 'A' is shown over the recreation reserve to be created for ROW purposes only.

(I note that the owner of the adjoining #141 (Lot 2) would like to purchase the portion of land on the northern side of Manorburn Road if possible which contains his access, as this is physically separated from the area of interest for the Lower Manorburn Dam reserve.) Something for Council to consider.

#### **Esplanade Reserves and Strips**

The properties do not adjoin or contain any natural waterbodies listed within the District Plan which would be subject to the esplanade provisions.

#### **The Natural Character of Water Bodies**

There are no natural water bodies within the subject properties. No change of land use is proposed and therefore the natural character of any water bodies adjoining the property will remain unchanged.

#### **Reserves/ Public Land**

The properties adjoin the Road Reserve. 141 Lower Manorburn Dam Road adjoins the CODC Recreation Reserve.

#### **Heritage Sites**

No heritage sites are noted on the property in the Central Otago District Plan.

#### **Sites of Significance to Kai Tahu ki Otago**

Kā Huru Manu, The Ngāi Tahu Cultural Mapping Project does not list any sites or locations within the property.

#### **Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna, Notable Trees**

No Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna or Notable Trees are noted on the property in the Central Otago District Plan.





### Utility Services

The two existing dwellings are served by electricity and telecommunication connections.

Both properties have their own separate bores, located on different adjoining properties. These are protected by existing easements.

Wastewater disposal is contained within the proposed Lots for both properties.

### Earthworks

No earthworks are anticipated in the proposed boundary adjustment.

### The Provision of Access to Back Country

The freehold properties adjoin other small farms and do not provide public access to any back country.

### Financial contributions.

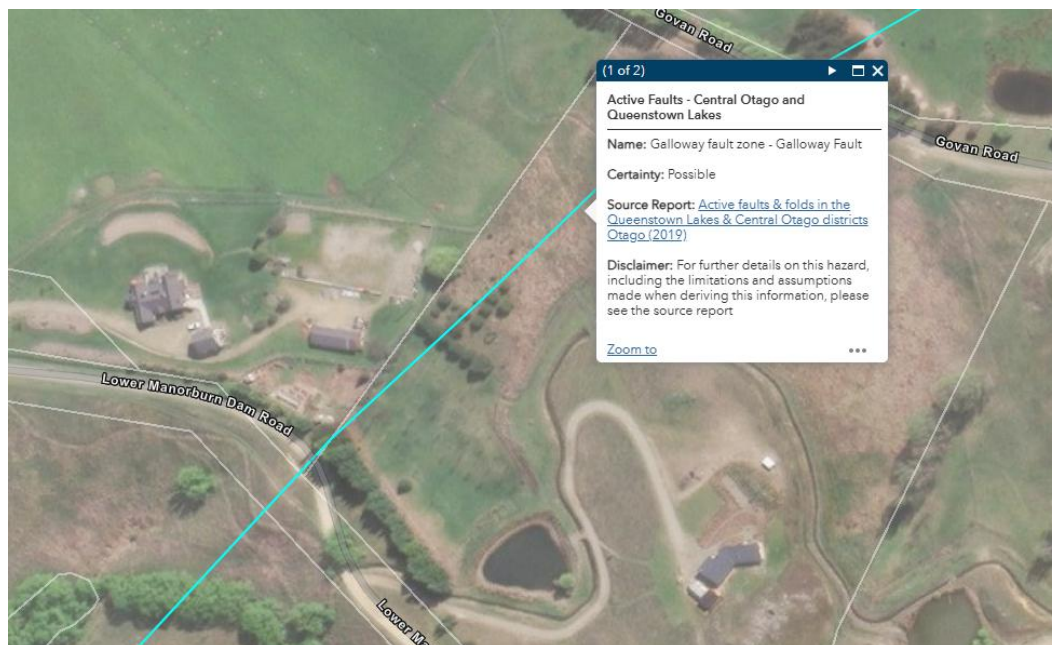
No additional Records of Title are being created by the boundary adjustment and therefore no reserves or roading development contributions are payable.

### Other matters provided for in Sec 220 of the Resource Management Act 1991.

Nil.

### Natural Hazards

The Otago Regional Council Natural Hazards Portal identifies a fault line running within the properties.







*The Source Report specifies:*

*Prominent fault zones in bedrock that pass through the Alexandra area (Turnbull 2000) have been classified as 'possible' active and identified here as the Galloway fault zone. This is based on the detection in lidar of a 'likely' fault scarp at the southern margin of the Blackmans Fault strand of the Galloway fault zone near Earnsclough Flats, but evidence for geologically-recent elsewhere along the fault zone is inconclusive. The scarcity of surface expression of such movements highlights that, if it is an active fault, it has a long recurrence interval, calculated here as ~15,000 years.*

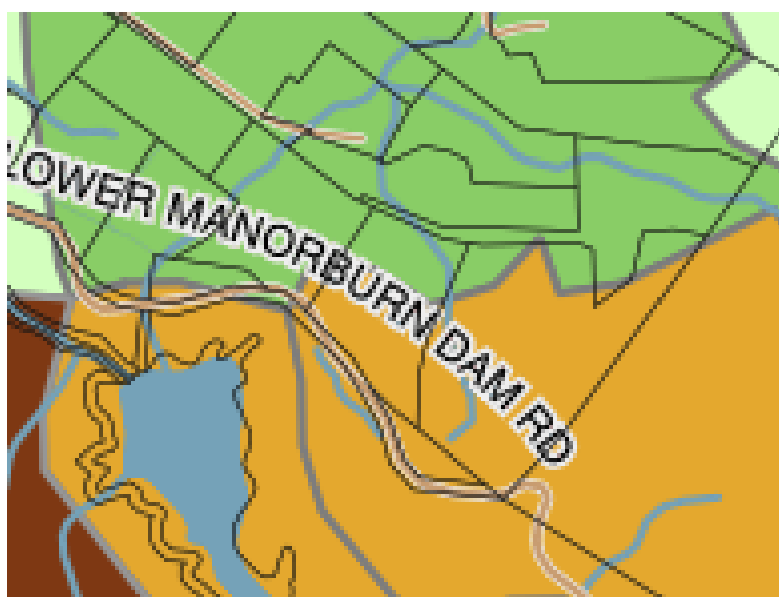
The proposed reconfiguration of the boundary between the two properties will not exacerbate any danger to life or property from natural hazards.

**Other matters provided for in Sec 220 of the Resource Management Act 1991.**

Nil.

#### **NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022**

Clause 3.4 (b) of the NPS requires land that is predominantly LUC 1, 2 or 3 be mapped as highly productive land. The direction of the NPS then relates to those areas. The subject titles are classified by Manaaki Whenua / Landcare Research as LUC 3 and 7.



In the case of the proposed subdivision Policy 7 of the NPS applies:

*The subdivision of highly productive land is avoided except as provided in this National Policy Statement.*



Clause 3.8 (1)(a) of the NPS states:

**3.8 Avoiding subdivision of highly productive land**

*(1) Territorial Authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*

*(a) The applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*

*(2) Territorial authorities must take measures to ensure that any subdivision of highly productive land:*

*(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*

*(b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*

**Assessment under Clause 3.8(1)(a)**

The proposal is for a boundary adjustment to reconfigure two existing rural titles. The majority of the LUC 3 land will then transfer into one title. The LUC mapping is very coarse, but the boundary adjustment takes most of the land below the irrigation race (which equates to the mapped area of LUC 3) and transfers it into one title. In this regard there will be no subdivision or cumulative loss of LUC 3 land. It will actually mean a larger cohesive holding of LUC 3 soils. The overall productive capacity of the LUC 3 soils will be enhanced through scales of economy.

No additional titles will be created, no new land use is proposed.

There will be no loss of productive capacity of the soil resulting from the reconfiguration of the boundaries between the two titles and hence there is no cumulative effect for the District.

**NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH**

The Ministry for the Environment Users Guide April 2012 states:

*1.4 When the NES applies*

*The NES applies to assessing and managing the actual or potential adverse effects of contaminants in soil on human health from five activities: subdivision, land-use change, soil disturbance, soil sampling, and removing fuel storage systems.*

*To land potentially or actually affected by contaminants*

*If the land that is potentially or actually affected by contaminants is production land, the regulations do not apply to:*

*a. soil sampling or soil disturbance (except on parts of production land used for residential purposes)*

*b. subdivision or change of use (except where that would result in production land being used for a different purpose, e.g., for residential land use).*



There is no change of use or production land being used for a different purpose resulting from the boundary adjustment. The dwellings are already established on each of the properties. The NES does not apply to this application.

### **CODC OBJECTIVES AND POLICIES**

*4.4.11 Policy - Subdivision for Other Purposes To provide for subdivision for boundary adjustments, surplus buildings, reserves, the retention or enhancement of heritage values, utilities, public facilities, and other purposes that do not meet minimum area requirements provided significant adverse effects on the environment are avoided, remedied, or mitigated.*

The proposed boundary adjustment accords with the general direction of Policy 4.4.11. It fundamentally is a reconfiguration of titles which will not create any effects whatsoever as the current land use will remain unchanged, albeit by different owners.

### **Conclusion**

The application does not conflict with the objectives and policies of the Central Otago District Plan as it is proposing a boundary adjustment of Rural Resource land.

The land will continue to be utilised for lifestyle farming; the land use will remain unchanged.

### **CONSENT PERIOD**

The applicant seeks the standard subdivision consent period of 5 years.

### **CONCLUSION**

The proposed subdivision will maintain an efficient and sustainable use of the land resource and is not in conflict with the Resource Management Act 1991, any NES or NPS or the objectives and policies of the Central Otago District Plan.

Yours faithfully

Peter Kloosterman

Consultant Planner

Calder Surveying Limited

Enclosed are:

- Records of Title
- A plan of subdivision.



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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **OT18B/744**  
**Land Registration District** **Otago**  
**Date Issued** 07 November 1997

**Prior References**  
OT13D/239 OT16D/397

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**Estate** Fee Simple  
**Area** 5.4220 hectares more or less  
**Legal Description** Lot 3 Deposited Plan 26358  
**Registered Owners**  
Fiona Meriel Eadie and Michael George Conroy

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**Interests**

The part formerly contained in CT OT13D/239 is subject to Part IV A Conservation Act 1987  
The part formerly contained in CT OT13D/239 is subject to Section 3 Petroleum Act 1937  
The part formerly contained in CT OT13D/239 is subject to Section 8 Atomic Energy Act 1945  
The part formerly contained in CT OT13D/239 is subject to Section 3 Geothermal Energy Act 1953  
The part formerly contained in CT OT13D/239 is subject to Section 6 Mining Act 1971  
The part formerly contained in CT OT13D/239 is subject to Section 8 Mining Act 1971  
The part formerly contained in CT OT13D/239 is subject to Section 5 Coal Mines Act 1979  
The part formerly contained in CT OT13D/239 is subject to Section 261 Coal Mines Act 1979  
868060.2 Transfer creating the following easements in gross - 26.10.1994 at 9.20 am

| Type         | Servient Tenement                      | Easement Area              | Grantee                                     | Statutory Restriction |
|--------------|--|----------------------------|---|-----------------------|
| Convey water | Lot 3 Deposited Plan<br>26358 - herein | C-D-E Transfer<br>868060.2 | Galloway Irrigation<br>Society Incorporated |                       |
| Convey water | Lot 3 Deposited Plan<br>26358 - herein | D-F Transfer<br>868060.2   | Galloway Irrigation<br>Society Incorporated |                       |

939168.6 Easement Certificate specifying the following easements - 7.11.1997 at 9.06 am

| Type         | Servient Tenement                      | Easement Area | Dominant Tenement                            | Statutory Restriction                              |
|--------------|--|---------------|--|--|
| Convey water | Lot 3 Deposited Plan<br>26358 - herein | e-f DP 26358  | Lot 2 Deposited Plan<br>26358 - CT OT18B/743 | Section 243 (a)<br>Resource Management<br>Act 1991 |
| Convey water | Lot 3 Deposited Plan<br>26358 - herein | g-h DP 26358  | Lot 2 Deposited Plan<br>26358 - CT OT18B/743 | Section 243 (a)<br>Resource Management<br>Act 1991 |

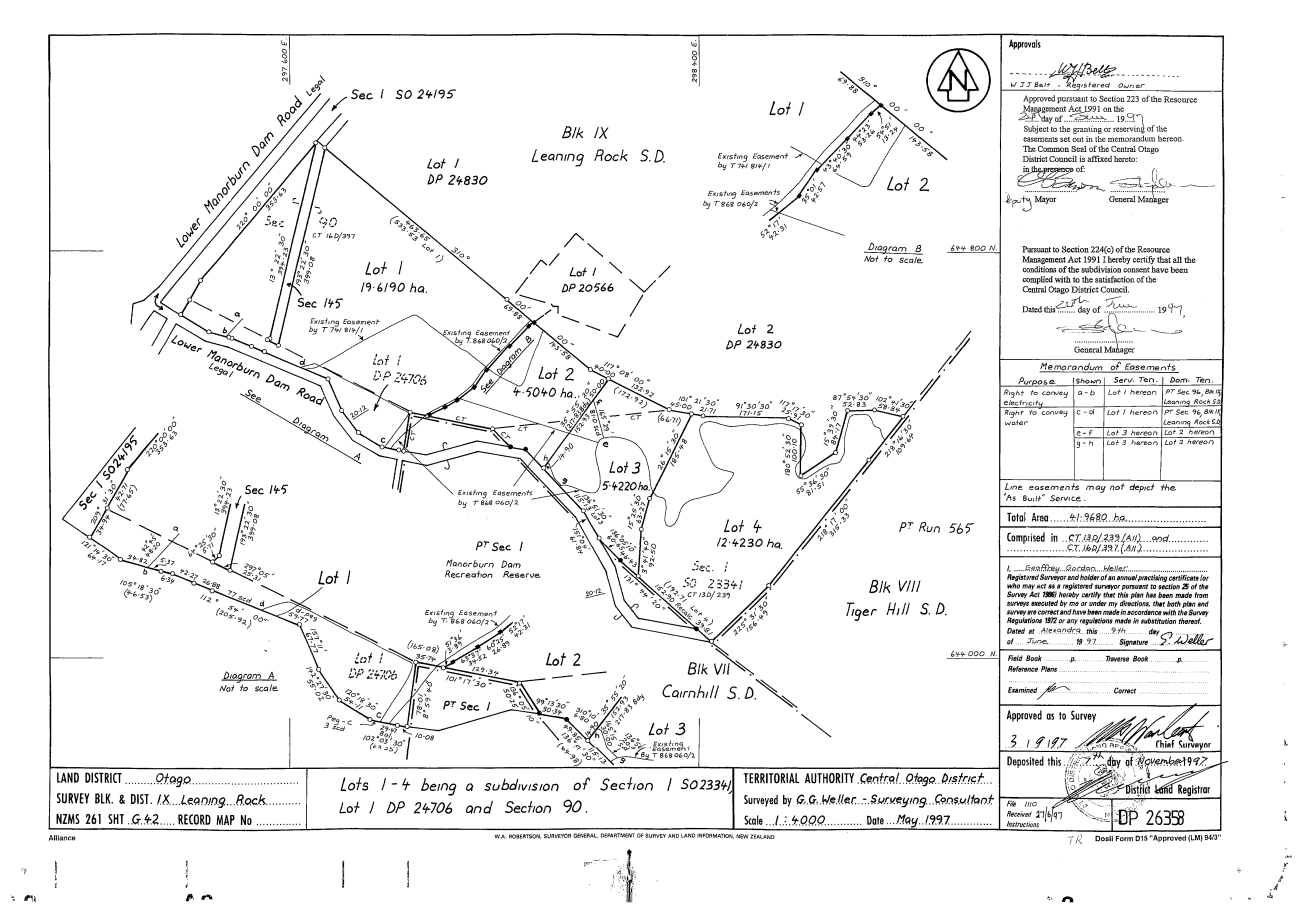
Appurtenant hereto is a right to take and pump water and also rights to convey electricity and water created by Transfer  
5267160.1 - 27.6.2002 at 3:02 pm

Transaction ID 5388079  
Client Reference 3352 - Conroy

Search Copy Dated 07/04/25 9:50 am, Page 1 of 2  
Register Only

Transaction ID 5388079  
Client Reference 3352 - Conroy

Search Copy Dated 07/04/25 9:50 am, Page 2 of 2  
Register Only



Identifier

OT18B/744



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 204627

**Land Registration District** Otago

**Date Issued** 03 March 2005

**Prior References**

GN 6654

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|                          |   |
|--------------------------|---|
| <b>Estate</b>            | Fee Simple  |
| <b>Area</b>              | 39.2376 hectares more or less                         |
| <b>Legal Description</b> | Part Section 1 Block VII Cairnhill Survey<br>District |
| <b>Purpose</b>           | In trust for recreation reserve                       |
| <b>Registered Owners</b> | Central Otago District Council                        |

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**Interests**

Subject to the Reserves Act 1977

Subject to rights in gross to convey water over part marked A-b, c-d, e-f, to pump water marked A and to convey electricity marked A-b on the diagram attached to Transfer 885904 together with incidental rights in favour of Galloway Irrigation Society Incorporated created by Transfer 885904 embodied in the Register as OT17C/466 - 3.7.1995 at 9.24 am

Subject to rights in gross to pump water and convey electricity and water over part marked A on SO Plan 314318 in favour of Galloway Irrigation Society Incorporated together with incidental rights created by Easement Instrument 6332040.2 - 3.3.2005 at 9:00 am

6359627.1 SUBJECT TO PART 9 OF THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998 (WHICH PROVIDES FOR CERTAIN DISPOSALS RELATING TO THE LAND TO WHICH THIS CERTIFICATE OF TITLE RELATES TO BE OFFERED FOR PURCHASE OR LEASE TO TE RUNANGA O NGAI TAHU IN CERTAIN CIRCUMSTANCES) - 30.3.2005 at 9:00 am

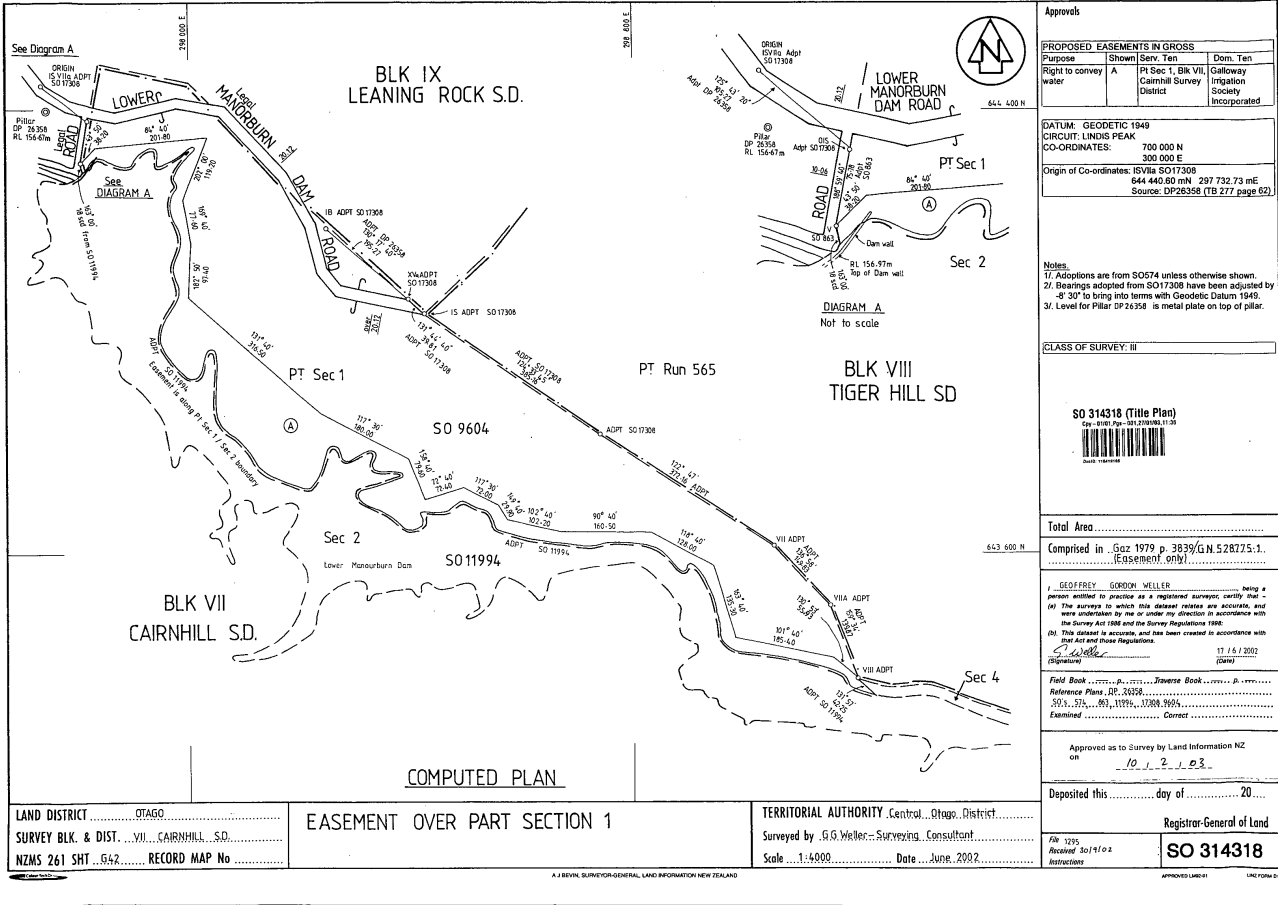
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Transaction ID 5388012  
Client Reference 3352 - Conroy

Search Copy Dated 07/04/25 9:47 am, Page 1 of 2  
Register Only

Transaction ID : 5388012  
Client Reference : 3352 - Conroy

Search Copy Dated 07/04/25 9:47 am, Page 2 of 2  
Register Only





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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **680150**

**Land Registration District** **Otago**

**Date Issued** 12 March 2015

**Prior References**

8318 OT18B/743

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**Estate** Fee Simple  
**Area** 5.4020 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 482914  
**Registered Owners**  
 Darcy John Prendergast and Brendan Gerard Paul Prendergast

---

**Interests**

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 3 Petroleum Act 1937

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 8 Atomic Energy Act 1945

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 3 Geothermal Energy Act 1953

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 6 Mining Act 1971

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 8 Mining Act 1971

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 5 Coal Mines Act 1979

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Part IV A Conservation Act 1987

The part formerly Section 1 SO 23341 contained in CT OT13D/239 is subject to Section 261 Coal Mines Act 1979

Subject to a right to convey water in gross over parts marked K and J on DP 482914 to Galloway Irrigation Society Incorporated created by Transfer 868060.2 - 26.10.1994 at 9:20 am

Appurtenant to the part formerly Lot 2 DP 26358 herein is a right to convey water created by Transfer 939168.6 - 7.11.1997 at 9:06 am

The easements created by Transfer 939168.6 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant to the part formerly Lot 2 DP 26358 herein is a right to take, pump & convey water and convey electricity specified in Easement Certificate 5231945.4 - 24.5.2002 at 3:03 pm

The easements specified in Easement Certificate 5231945.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity and establish & maintain an electricity transformer in gross over part marked M on DP 482914 to Dunedin Electricity Limited created by Transfer 5231945.8 - 24.5.2002 at 3:03 pm

The right to convey electricity created by Transfer 5231945.8 is subject to Section 243 (a) Resource Management Act 1991

Appurtenant to the part formerly Lot 2 DP 26358 herein is a right to take and pump water and a right to convey water and electricity created by Easement Instrument 6261615.1 - 22.12.2004 at 9:00 am

Subject to a right to convey water over part marked B on DP 482914 created by Easement Instrument 9943376.7 - 12.3.2015 at 5:11 pm

Appurtenant hereto is a right to convey water created by Easement Instrument 9943376.7 - 12.3.2015 at 5:11 pm

Transaction ID 5388048  
 Client Reference 3352 - Conroy

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 Register Only



**Identifier** **680150**

The easements created by Easement Instrument 9943376.7 are subject to Section 243 (a) Resource Management Act 1991  
12686594.4 Mortgage to Westpac New Zealand Limited - 29.6.2023 at 8:41 am

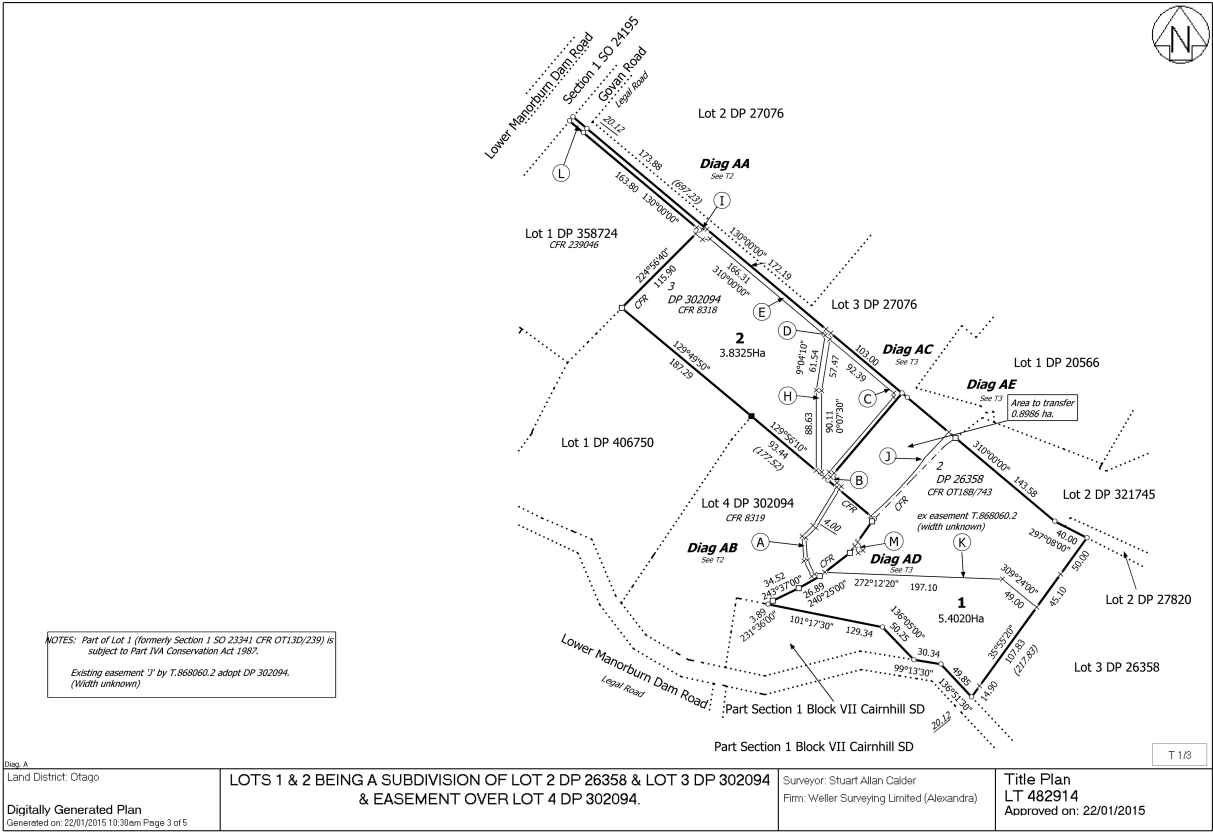
Transaction ID 5388048  
Client Reference 3352 - Conroy

Search Copy Dated 07/04/25 9:49 am, Page 2 of 3  
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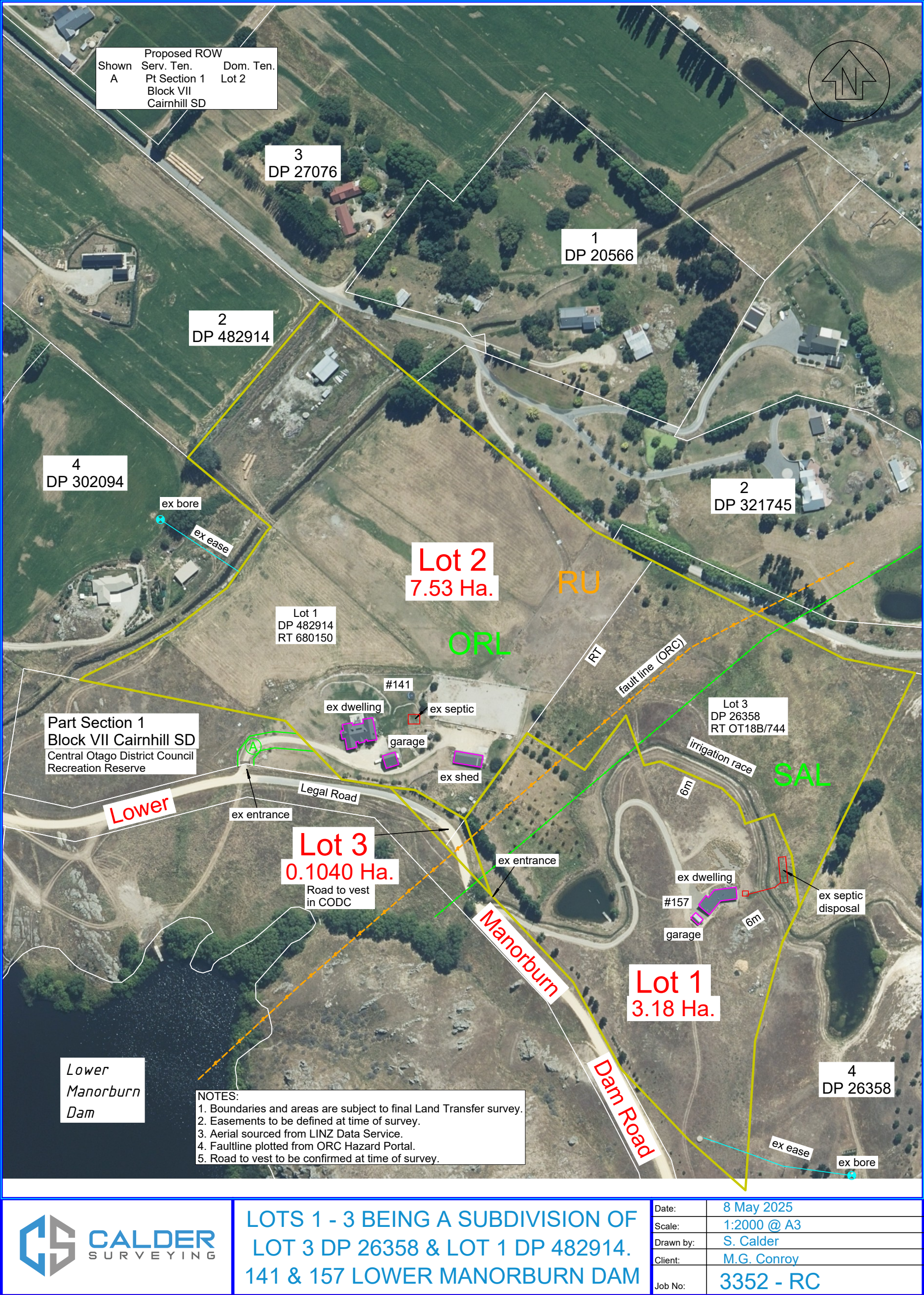
Transaction ID: 5388048  
Client Reference: 3352 - Conroy

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Register Only

Identifier: 680150









2846221702  
RC250134

04 June 2025

Michael Conroy  
157 Lower Manorburn Dam Road  
Galloway  
Alexandra 9320



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



Dear Sir/Madam

**FURTHER INFORMATION REQUIRED FOR RC 250134**

**Location:** 157 LOWER MANORBURN DAM ROAD, GALLOWAY  
**Proposal:** SUBDIVISION CONSENT TO REALIGN THE BOUNDARY BETWEEN  
TWO ALLOTMENTS IN THE RURAL RESOURCE AREA

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

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

1. Council's engineers are concerned that wastewater from the disposal field in Lot 1 may not be adequately set back from the boundary with Lot 2 due to the sloping ground conditions, as required by AS/NZS 1547:2012, and that this may affect soil or water quality on Lot 2, particularly if the system were to fail. Council requests that the applicant either provide evidence assessing whether ground conditions are such that the system will have inappropriate effects on groundwater and soil quality outside Lot 1 in the event that the system fails, or amends their proposed scheme plan to ensure an adequate setback between the system and the proposed property boundaries as specified in AS/NZS 1547:2012. Council's engineers have indicated 20m as an adequate setback.

Pursuant to Section 92 of the Resource Management Act 1991, processing of the application will be suspended until the information is received.

Responding to this request:

Within 15 working days from the receipt of this letter you must either:

- Provide the requested information; or
- Provide written confirmation that you cannot provide the requested information within the time frame, but do intend to provide it; or
- Provide written confirmation that you do not agree to provide the requested information.

The processing of your application has been put on hold from 06 June 2025

If you cannot provide the requested information within this timeframe, but do intend to provide it, then please provide:



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- Written confirmation that you can provide it,
- The likely date that you will be able to provide it by, and
- Any constraints that you may have on not being able to provide it within the set time frame.

The Council will then set a revised time frame for the information to be provided.

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under s357 of the Resource Management Act 1991.

Restarting the processing of your application

The processing of your application will restart:

- When all of the above requested information is received (if received within 15 working days from the date of this letter), or
- From the revised date for the requested information to be provided, if you have provided written confirmation that you are unable to provide by the original date.
- From the date that you have provided written confirmation that you do not agree to providing the requested information, or
- 15 working days from the date of this letter (if you have not provided the requested information or written confirmation), at which time the application will be publicly notified.

Once the processing of the application restarts:

If you have not provided the requested information then your application will continue to be processed and determined on the basis of the information that you have provided with the application. The Council may decline the application on the basis of insufficient information.

If you have provided all the requested information, then we will consider its adequacy and make a decision on whether your application requires notification or limited notification, or, whether any parties are considered adversely affected from whom you will need to obtain written approval in order for the proposal to be considered on a non-notified basis.

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

Please do not hesitate to contact the writer on (03) 4400056 if you have any questions or concerns regarding the above request or the further processing of the application.

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

Yours faithfully



ADAM VINCENT  
PLANNING OFFICER - CONSENTS

**Adam Vincent**

---

**From:** Dan Kirkman  
**Sent:** Thursday, 12 June 2025 8:28 am  
**To:** Adam Vincent  
**Subject:** RE: RC 250134 - Non - Complying Activities

It does – thank you.

**Dan Kirkman****Senior Land Development Engineer**

+64 21 227 4984  
Dan.Kirkman@codc.govt.nz  
1 Dunorling Street, Alexandra 9320  
www.codc.govt.nz

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Please advise the sender and delete your copy. Thank you.

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**From:** Adam Vincent <Adam.Vincent@codc.govt.nz>  
**Sent:** Thursday, 12 June 2025 08:19  
**To:** Dan Kirkman <Dan.Kirkman@codc.govt.nz>  
**Subject:** FW: RC 250134 - Non - Complying Activities

Kia ora Dan,

Does this amended scheme plan for 141 & 157 Lower Manorburn Road work for you?

Ngā mihi,  
Adam

---

**From:** Josef Sobek <[Josef@caldersurveying.co.nz](mailto:Josef@caldersurveying.co.nz)>  
**Sent:** Wednesday, 11 June 2025 7:27 pm  
**To:** Adam Vincent <[Adam.Vincent@codc.govt.nz](mailto:Adam.Vincent@codc.govt.nz)>  
**Cc:** Peter John Kloosterman <[Peter@caldersurveying.co.nz](mailto:Peter@caldersurveying.co.nz)>  
**Subject:** RE: RC 250134 - Non - Complying Activities

Hi Adam,

In response to the RFI of RC 250134 form 4<sup>th</sup> June, Peter asked me to amend the scheme plan to show the 20m boundary setback – please see the updated scheme plan.  
As a result there was a very minor change in the proposed Lots 1 and 2 areas (Lot 1: 3.18 -> 3.25ha and Lot 2: 7.53 -> 7.46ha).  
I am not that familiar with this application, so hopefully it is now all good for processing.

Let me know if there's anything else I can help with.

Regards,  
**Josef Sobek** | Licensed Cadastral Surveyor  
24 The Half Mile | Bridge Hill | Alexandra

t: 03 448 8501 | m: 022 382 0828



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**From:** Peter John Kloosterman <[Peter@caldersurveying.co.nz](mailto:Peter@caldersurveying.co.nz)>  
**Sent:** Tuesday, 10 June 2025 11:47 am  
**To:** Josef Sobek <[Josef@caldersurveying.co.nz](mailto:Josef@caldersurveying.co.nz)>  
**Subject:** FW: RC 250134 - Non - Complying Activities

**Peter Kloosterman**  
Consultant Planner | Calder Surveying Ltd  
24 The Half Mile | Alexandra  
t: 03 448 8501 | m: 021 2851305



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**From:** Adam Vincent <[Adam.Vincent@codc.govt.nz](mailto:Adam.Vincent@codc.govt.nz)>  
**Sent:** Friday, 6 June 2025 1:22 pm  
**To:** Peter John Kloosterman <[Peter@caldersurveying.co.nz](mailto:Peter@caldersurveying.co.nz)>  
**Subject:** RE: RC 250134 - Non - Complying Activities

Kia ora Peter,

This particular feature of our delegations is something we have been aware of for a while, and have been trying to manage (Both for applicants and to take unnecessary workload off our panel members) through tweaks to our delegations, like the delegation for technical non-complying activities. How we've drafted and applied that delegation has been the subject of some contention among the team recently, hence the discussion on Wednesday (To my understanding).

For this one, Tanya's told me I can prepare a s100 memo to argue that a hearing is not required. Assuming that's approved, our planning manager will advise me what the process would be from here (Whether it's determined by a full panel on the papers, the chair alone on the papers, or delegated back to our planning manager). It sounds like the meeting on Wednesday hasn't quite worked out all parts of that process yet.

I'm going to prepare a s100 memo today. In the meantime, our land development engineers have let me know they're happy with taking over Lot 3. They did want me to ask about the proximity of the wastewater system on Lot 1 to the boundary with Lot 2. They're concerned that it's close enough, and the land sufficiently steep enough, that the system may affect Lot 2, particularly if the system were to fail. I've attached a s92 request about this.

Ngā mihi,  
**Adam Vincent**  
Planning Officer



+64 21 621 649  
Adam.Vincent@codc.govt.nz  
1 Dunorling Street, Alexandra 9320  
www.codc.govt.nz

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**From:** Peter John Kloosterman <[Peter@caldersurveying.co.nz](mailto:Peter@caldersurveying.co.nz)>  
**Sent:** Thursday, 29 May 2025 9:23 am  
**To:** Adam Vincent <[Adam.Vincent@codc.govt.nz](mailto:Adam.Vincent@codc.govt.nz)>  
**Subject:** Non - Complying Activities

Good Morning Adam

I was cogitating on Councils conundrum of having to defer to the Hearings Panel for a decision on Non-Complying Activities – which are not contentious and have less than minor effects.

In Councils I have worked for only notified applications have been referred to the Hearings Panel. This is a logical extension or outcome of the S95 report with the litmus test being effects more than minor/ less than minor.

It will potentially require a change to the Delegations Manual. So something to discuss with the Planners.


Nga Mihi

**Peter Kloosterman**  
Consultant Planner | Calder Surveying Ltd  
24 The Half Mile | Alexandra  
t: 03 448 8501 | m: 021 2851305









**CALDER**  
SURVEYING

**LOTS 1 - 3 BEING A SUBDIVISION OF  
LOT 3 DP 26358 & LOT 1 DP 482914.  
141 & 157 LOWER MANORBURN DAM**

|           |             |
|-----------|-------------|
| Date:     | 11 Jun 2025 |
| Scale:    | 1:2000 @ A3 |
| Drawn by: | S. Calder   |
| Client:   | M.G. Conroy |
| Job No:   | 3352 - RC   |