



# AGENDA

## **Hearings Panel Meeting Friday, 13 February 2026**

**Date: Friday, 13 February 2026**

**Time: 9.30 am**

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



Notice is hereby given that a Hearings Panel Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra on Friday, 13 February 2026 at 9.30 am.

## **Order Of Business**

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

**In Attendance** K Royce (Planning Consultant), A Rodgers (Panel Advisory), T Lines (Minute Secretary), J Dick (Minute Secretary)

**1 APOLOGIES**

13 February 2026

## 2 REPORTS

### 26.2.1 RC250198 - THE A TRUST

Doc ID: 2708148

#### 1. Purpose

A report to consider a land use consent to construct a dwelling in a medium density residential zone.

#### 2. Attachments

[Appendix 1 - Application](#) 

[Appendix 2 - s42A Planners Report](#) 

[Appendix 3 - s95 Notification Report](#) 

[Appendix 4 - Development Contributions Assessment](#) 

[Appendix 5 - Engineering Advice 20251105](#) 

[Appendix 6 - Further Information Request](#) 

[Appendix 7 - Further Information Response](#) 

[Appendix 8 - Affected Party Forms Signed](#) 

[Appendix 9 - 01 Submission - Bruce Raubenheimer](#) 

# Application for a resource consent - Form 9

## APP250704506



**Date and Time Created** 02/07/2025 02:01  
**Submitted to Council** 02/07/2025 02:15

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

### Property Details

**Property Address** 70 Nursery Road, Queensberry 9383  
**Valuation Number** 2842107833  
**Record of Title Number** 148684  
**Legal Description(s) of the specific parcels that the resource consent application is for** LOT 13 DP 336256

**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.

**First name** Ross  
**Last name** Edwards  
**Phone number** 02102253149  
**Email address** rossedwardskiwi@gmail.com

Note that the applicant will also receive a copy of all correspondence.

**Postal address:** 70 Nursery Road, RD 3, Cromwell 9383  
**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?** Business / organisation  
**Organisation** The A Trust  
**Contact Person**  
**First name** Karina  
**Last name** Edwards  
**Phone number** 0211050778  
**Email address** theatrustnz@gmail.com  
**Postal address:** 70 Nursery Road, RD 3, Cromwell 9383

## Authority to apply on behalf

**Confirm that the applicant is authorised to apply on behalf of the organisation** Yes

## Invoicing

**Who is paying the invoice?**

Applicant

## DETAILS

### Activity or works proposed

<b>Application type</b>	Subdivision consent
<b>Short description of your proposal</b>	Cancellation of conditions and two-lot subdivision

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

### Assessment of Environmental Effects (AEE)

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

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

[AEE July-2025 \(Compiled\).pdf](#) (22 mb)

### Assessment of the activity

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

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

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

### Other activities

### Other applications

Are you required to apply for any other resource consents for No  
this project?

Is this project related to a building consent? No

### Pre-application information

Have you discussed this proposal with Council staff prior to No prior discussion  
this application?

### Site visit requirements

<b>Who is the site contact?</b>	Other
<b>Site contact name</b>	Ross Edwards
<b>Phone number</b>	02102253149
<b>Email address</b>	rossedwardskiwi@gmail.com

### 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**

The project does not give rise to any adverse impacts on neighbouring landholders

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

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

## LIST OF FILES

[AEE July-2025 \(Compiled\).pdf](#) (22 mb)

[AEE July-2025 \(Compiled\).pdf](#) (22 mb)

[App D - Title Deed in Trust.pdf](#) (1 mb)

**LOT 13 DP 336256**  
**70 Nursery Road, Queensberry**

**PROPOSED SUBDIVISION AND  
CANCELLATION OF CONDITIONS**

**ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**2 July 2025**

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- Appendix B Resource Consent 180450
- Appendix C Resource Consent 180450V1
- Appendix D Record of Title 148684
- Appendix E Soil Testing Results

# Lot 13 DP 336256

## Assessment of Environmental Effects

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### 1 INTRODUCTION

This Assessment of Environmental Effects (AEE) has been prepared in support of a resource consent application for the proposed project. The project involves the cancellation of consent conditions and the subdivision of Lot 13 on Deposited Plan (DP) 336256 (the property). The property is located at 70 Nursery Road in the Queensberry area of Central Otago, approximately 27 km north of Cromwell (Figure 1).

This section of the AEE provides relevant background information and a high level overview of the project. It also outlines the structure of the AEE.

#### 1.1 PROJECT BACKGROUND

On 25 August 2003, the Central Otago District Council (CODC) granted resource consent RC030167. RC030167 authorised the subdivision of Section 34 Block VIII Tarras Survey District as contained in Certificate of Title OT16A/350. RC030167 created 14 lifestyle properties (Lots 1 to 14) on DP 336256 (originally called the 'Riverview Estate subdivision') (Figure 2).

As part of the Riverview Estate subdivision, several interests were registered on the titles of Lots 1 to 14, including Consent Notice 6181224.2 (Appendix A). Consent Notice 6181224.2 specifies the following:

- Conditions relating to water storage, water supply and effluent disposal that are applicable to all 14 Lots within the Riverview Estate subdivision; and
- Conditions relating to roads, site access, easements, building platforms and/or building heights on nine specific Lots within the Riverview Estate subdivision (i.e. Lots 1 to 6 and Lots 8 to 10 only).

On 13 November 2018, the CODC granted resource consent RC180450 (Appendix B). RC180450 authorises the establishment of a residential activity on the property, comprising a dwelling and a sleepout located in the southern part of the property (Figure 3).

On 13 May 2022, the CODC granted RC180450V1. This allowed a change to the approved site layout plan to adjust the dwelling and sleepout locations. Figure 4 shows the updated site layout plan. A copy of the updated resource consent RC180450V1 is provided in Appendix C.

### **1.1.1 PROJECT OVERVIEW**

The proponent is proposing to:

- Cancel the completed and superseded conditions of Consent Notice 6181224.2 that apply to the property; and
- Subdivide the property into two fee-simple allotments, herein called Proposed Lot 1 and Proposed Lot 2, as shown in Figure 5.

The proponent has lodged a resource consent application with CODC for the project.

### **1.1.2 REPORT STRUCTURE**

This AEE provides an assessment of the environmental effects of the project. It is structured as follows:

- Section 1 provides an introduction to the AEE and relevant background information;
- Section 2 provides an overview of the property and its setting;
- Section 3 provides a detailed description of the project;
- Section 4 provides the scoping assessment that was undertaken to ensure that the potential environmental risks were identified and assessed at an appropriate level of detail;
- Section 5 provides a detailed surface water assessment;
- Section 6 provides a detailed soil and land use capability assessment;
- Section 7 provides a description of the relevant planning requirements and an assessment of the effects of the project on those matters; and
- Section 8 provides a notification assessment for the project.

This AEE was prepared by an environmental scientist with more than 20 years' experience undertaking and managing environmental impact assessments in consultancy and government roles. He has extensive experience in all of the technical areas that are relevant to the project, including surface water, subsidence, geology and soils. He holds an MSc in industrial environmental management, a BSc (Hons) in applied sciences and additional accreditations in environmental management systems, environmental auditing, environmental modelling, hydrology, hydrogeology, land quality management and acoustics.

## 2 PROPERTY DESCRIPTION AND SETTING

This section provides an overview of the property and its setting. Sections 3 to 6 provide additional detailed information on the property and its setting, to the extent that it is relevant to the project and its potential environmental effects.

### 2.1 PROJECT SETTING

The local setting is shown in Figure 6. The property is located at the southern end of a relic river terrace (commonly called the 'Queensberry terrace'). The property is bounded to the south and west by the rocky slopes and outcrops of the Pisa Range (Photograph 1 and 2). To the east, the prominent rocky outcrop of Queensberry Hill separates the terrace from the lower Clutha River floodplain (Photograph 3). Hence, the property is located in a partially enclosed intermontane setting that presents as a valley-like topographic bowl.

Figure 7 shows the catchment and drainage setting. The property is located in the Poison Creek sub-catchment of the Clutha River basin. The property is located approximately 200 m north of Poison Creek. The Clutha River is located approximately 1.3 km east of the property. The remnant channel of an unnamed truncated creek is located east of the property. Section 5 provides additional details of the surface water setting.

The property is located in the north-western corner of the CODC and Otago Regional Council (ORC) local government areas.

The property is part of the Riverview Estate subdivision which is accessed from State Highway 6, via Willowbank Road (Figure 6). The Riverview Estate subdivision entrance is located at the southern end of Willowbank Road (Figure 7).

The Riverview Estate subdivision comprises approximately 100 ha of former pastoral land that was initially subdivided into 14 lifestyle properties (as shown in Figure 2) ranging in area from 4.9 to 9.9 ha (averaging 7.14 ha).

Subsequently, Riverview Estate has been further subdivided on six occasions. The Riverview Estate subdivision currently comprises 20 lifestyle properties ranging in area from 2.29 ha to 8.46 ha (Figure 7). The average property area is 5 ha. More than one-third of the 20 properties have an area smaller than 4 ha, while only three of the original 8 ha properties remain.

Thirteen of the 20 properties in the Riverview Estate subdivision have active resource consents for residential activities<sup>1</sup>. The remaining seven properties within the Riverview Estate subdivision are include a mixture of lifestyle businesses and undeveloped bare land.

The Riverview Estate subdivision is adjoined by the significantly larger and more elevated 'Queensberry Hills' subdivision to the south, State Highway 6 to the east, and several smaller subdivisions to the north and west (Figure 6).

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<sup>1</sup> Based on CODC online property map/database, accessed 6 May 2025.

## 2.2 PROPERTY DESCRIPTION

The property is registered under Record of Title 148684 (Appendix D). The property comprises 8.03 ha of freehold (fee simple) land and is owned by the proponent.

Figure 8 shows the existing property layout.

Several easements traverse the property for utilities and site access. These easements occupy a 10 m wide strip along the eastern and southern boundaries of the property. Details of each easement are provided in Section 3.2.

The property is a lifestyle block with two distinct uses, as follows:

- The eastern half of the property is utilised by the consented residential activity. A residential dwelling was constructed in the south-eastern part of the property between early 2023 and early 2024 (Photograph 4).
- The western half of the property is occupied by a lifestyle business that has been operating for approximately six years (Photograph 5).

The residential activity and the business are each fully serviced by separate power and water connections and are accessed from separate gates and driveways. Section 3.2 provides a detailed description of these arrangements.

The property is flat to gently sloping with subtle undulations in the northeast corner of the property.

The land surface has been extensively disturbed and/or stripped of soil in several areas. The remainder of the land surface is typically covered by thin, stony soils. Section 6 provides additional details of the soils.

Prior to 2005, the property was cleared of vegetation and comprised open, unfenced marginal grazing land. There are no areas of remnant native vegetation within the property. Vegetation is dominated by exotic herbaceous annuals and non-native tree plantings. Section 4 provides discussion of the vegetation.

## 3 PROJECT DESCRIPTION

### 3.1 CANCELLATION OF CONDITIONS

Consent Notice 618224.2 was registered against the title of all allotments within the Riverview Estate subdivision and lists a total of 13 conditions that are to be complied with on a continuing basis by the allotment owners, where applicable. These 13 conditions are reproduced in Table 1, along with an explanation of how each of the conditions have been fulfilled and/or superseded. In summary:

- Seven of the conditions do not apply to the property.
- Three of the conditions relate to water supply and these conditions have been fulfilled by the establishment and operation of the Queensberry Indigo Water Scheme (QIWS) by the Indigo Water Company Ltd (Indigo) as described in Table 1.
- Three of the conditions relate to water storage and wastewater disposal and have been effectively duplicated and/or superseded by corresponding contemporary conditions that CODC applied to RC180450 for the approved residential activity.

**TABLE 1 CONSENT NOTICE 6191224.2 CONDITIONS**

Condition	Applicability to Lot 13
<u><b>Roading, Access and Easements</b></u> 7. Lots 1-3, 5 and 6 shall not obtain direct access onto State Highway 6.	Conditions 7 to 13 (inclusive) are not applicable to Lot 13. Hence, it is proposed that these conditions are cancelled and removed from the property title.
<u><b>Building Platforms, Heights and Covenants</b></u> 8. No building on Lots 1-5 and 8 shall exceed 8 m in height as defined in the Proposed District Plan.  9. No building on Lots 9 or 10 shall exceed 5 m in height as defined in the Proposed District Plan.	
10. Any building on Lots 1-5 and 8-10 shall be located on a building platform shown on Lots 1-5 and 8-10 as identified on the amended plan of subdivision being Drawing 8205-14, provided that any building on Lot 10 is to be located in the position shown as "Second option for Building Platform position (Lots 9 and 10)" on Drawing 8205-14 that was attached to the evidence of Mr Vivan.	
11. No part of any building on Lots 6, 9 and 10 shall be visible against the skyline when viewed from State Highway 6.	

Condition	Applicability to Lot 13
12. No part of any building on Lot 6 shall be visible below the roof eave from State Highway 6.	
13. The roofs of buildings constructed on Lots 1-6 and 8-10 shall be finished in tones and colours in the range of dark greens, dark greys and dark browns.	
<p><b>Water Supply</b></p> <p>15. An adequate domestic water supply is to be made available to Lots 1 to 14 and such a source shall be tested by a suitably qualified laboratory with the scope of analysis being to the satisfaction of the Chief Executive.</p>	<p>Domestic water is supplied to the property by the Queensberry Indigo Water Scheme (QIWS). The QIWS is a registered drinking water supply network (ref. ID QUE008). The drinking water supplied by the QIWS is treated to the required drinking water quality standards and routinely tested by the QIWS operator in accordance with the required technical standards of the <i>Water Services Act 2021</i> (WS Act). Hence, this condition has been fulfilled.</p> <p>In addition, the approved residential activity on the property is subject to Condition 6 of RC180450V1 which states that "<i>Domestic water shall be sourced from the community scheme bore on Lot 1 DP 336256 or a similar, secure source.</i>" This condition effectively supersedes Condition 15 of Consent Notice 6191224.2.</p> <p>On this basis, it is proposed that this condition is cancelled and removed from the property title.</p>
16. The minimum domestic water supply to each Lot shall be 5,000 litres/household/day.	<p>The property receives a domestic water supply allocation of 5,000 L per day from the QIWS. Hence, this condition has been fulfilled and it is proposed that this condition is cancelled and removed from the property title.</p>
17. If the water supply is to be provided to two or more dwellings then the supply shall be operated by a responsible body (management group). The management group shall maintain and monitor the drinking water supply in compliance with the <i>Drinking Water Standards for New Zealand 2000</i> .	<p>The QIWS is owned and operated by Indigo Water Co. Limited (Indigo). Indigo was established as the 'responsible body' in accordance with the requirements of this condition and is contractually obliged to operate the water supply on an ongoing basis. Hence, the management requirements of this condition have been fulfilled by these separate contractual obligations.</p> <p>As discussed above, the QIWS is maintained and monitored by Indigo in accordance with the requirements of the WS Act and subordinate</p>

<b>Condition</b>	<b>Applicability to Lot 13</b>
	<p><i>Water Services (Drinking Water Standards for New Zealand) Regulations 2022</i>, which collectively supersede the <i>Drinking Water Standards for New Zealand 2000</i>. Hence, the compliance requirements of this condition have been superseded by current legislative requirements of the WS Act.</p> <p>On this basis, this condition is redundant and it should be cancelled and removed from the property title.</p>
<p>18. The consent holder or successor shall install a 25 m<sup>3</sup> water tank with an appropriate exterior coupling for fire purposes and a fire appliance standard of access on each Lot prior to the occupation of the dwelling on that lot.</p> <p>19. The water tanks required in terms of condition 18 shall be located within the nominated building platforms on Lots 1-5 and 8-10 and as close as practicable to the dwellings on Lots 6, 7 and 11-14 and shall be finished in natural tones and colours that complement the colours of other buildings on the allotment or buried or screened to avoid or mitigate any visual effects.</p>	<p>The approved residential activity on the property is subject to Condition 7 of RC180450V1 which specifies the CODC's contemporary requirements for water storage and effectively supersedes Conditions 18 and 19 of Consent Notice 6191224.2.</p> <p>In addition, the existing water tank installed as part of the approved residential activity meets the requirements of Conditions 18 and 19 of Consent Notice 6191224.2.</p> <p>Hence, it is proposed that Conditions 18 and 19 of Consent Notice 6191224.2 are cancelled and removed from the property title.</p>
<p><b><u>Other Services</u></b></p> <p>21. Effluent disposal shall be via an approved effluent disposal system designed and sited to comply with the Building Code and AS/NZS 1547/2000 <i>On-site Domestic Wastewater Management</i> and shall be sited in a position that will comply with the Otago Regional Council rules.</p>	<p>The approved residential activity on the property is subject to Conditions 8 to 11 of RC180450V1. The RC180450V1 conditions specify the CODC's contemporary requirements for wastewater disposal and effectively supersede Condition 21 of Consent Notice 6191224.2.</p> <p>In addition, the wastewater management system installed as part of the approved residential activity meets the requirements of Condition 21 of Consent Notice 6191224.2.</p> <p>Hence, it is proposed that Condition 21 of Consent Notice 6191224.2 is cancelled and removed from the property title.</p>

*Note: Consent Notice 6191224.2 does not contain Conditions 1 to 6, 14 or 20.*

## 3.2 PROPOSED SUBDIVISION

### 3.2.1 CONFIGURATION

As discussed in Section 2.2 the property is a lifestyle block that supports a consented residential activity and an operating lifestyle business (Figure 8).

The proposed subdivision is intended to formalise the current land use arrangement and improve the financial viability of the existing lifestyle business. The proposed subdivision does not involve or enable any change in the use of the property.

Figure 5 shows the proposed subdivision configuration, as follows:

- Proposed Lot 1, comprising the western part of the property, will have an area of approximately 4.03 ha.
- Proposed Lot 2, comprising the eastern part of the property, will have an area of approximately 4.00 ha.

The proposed subdivision will formalise the established land uses by:

- Restricting the consented residential activity to Proposed Lot 2.
- Allowing Proposed Lot 1 to revert to a rural lifestyle allotment, supporting the continued operation of the lifestyle business that currently occupies and operates from this portion of the property.

Each of the proposed lots will retain the north facing aspect and elongated trapezoidal shape of the existing property.

The average area of Proposed Lot 1 and Proposed Lot 2 is 4.015 ha. The proposed subdivision will increase the total number of properties in the Riverview Estate subdivision to 21 (i.e. an increase of one property) and the change the average lot size in the Riverview Estate subdivision by 0.2 ha. This change is negligible within the context of the total area of the Riverview Estate subdivision.

Individually, Proposed Lot 1 and Proposed Lot 2 will each have a larger area than approximately 40% of the properties within the Riverview Estate subdivision.

### 3.2.2 ACCESS

Proposed Lot 1 will continue to be accessed from Willowbank Road, via the sections of Poison Creek Road and Nursery Road located within Easements A, O, P, Q and R, and the existing gated entry from Nursery Road within Easement R. The existing underlying right of way will be maintained by registering the existing Easements A, O, P, Q and R on the property title for Lot 1.

Proposed Lot 2 will continue to be accessed from Willowbank Road, via the sections of Poison Creek Road and Nursery Road that are located within Easements A and O, and the existing gated entry from Nursery Road within Easement P. The existing underlying right of way will be maintained by registering the existing Easements A and O on the property title for Lot 2.

The access tracks within these easements were resurfaced in 2024 and are regularly maintained. The project does not involve any change to the existing access track use, and hence, no upgrades to the existing access tracks are necessary for the project.

### 3.2.3 POWER AND TELECOMMUNICATIONS

Proposed Lots 1 and 2 each contain underground power distribution lines that connect to power service pillars located at the property boundary. This infrastructure is owned by Aurora Energy. The existing powerline easements in favour of Aurora Energy will be transferred to the property titles of Proposed Lots 1 and 2.

The residential activity on Proposed Lot 1 and the lifestyle business on Proposed Lot 2 are each serviced by separate, dedicated underground service lines connecting to separate service pillars at the property boundary (as shown in Figure 8). Hence, no new powerlines or power connections are required to service Proposed Lots 1 and 2.

Proposed Lots 1 and 2 are currently serviced by both wireless and satellite telecommunications providers and no changes to the current communication arrangements are proposed.

Proposed Lots 1 and 2 contain underground telecommunication lines owned by Chorus. The existing telecommunications easements (in favour of Chorus) will be transferred to the property titles of Proposed Lots 1 and 2.

### 3.2.4 WATER SUPPLY AND STORAGE

The property title carries an allocation of 100 shares in the Indigo Water Company (Indigo) which is equivalent to 1/14<sup>th</sup> of the 1,400 total outstanding shares. For this 1/14<sup>th</sup> shareholding, the property currently receives 1/14<sup>th</sup> of the Queensberry Indigo Water Scheme's (QIWS) total consented water supply of 70,000 L per day. This allocation equates to 5,000 L per day. These water supply arrangements are secured by an encumbrance (ref: 6181224.9) on the property title (and the title of each property in the Riverview Estate subdivision).

The existing shareholding will be divided equally between Proposed Lots 1 and 2 (i.e. 50 shares for each Proposed Lot). Hence, proposed Lots 1 and 2 will each receive 1/28<sup>th</sup> of the QIWS total consented water supply, which is equivalent to 2,500 L per day. This approach is consistent with previous subdivision consents granted at neighbouring properties in the Riverview Estate subdivision. This water entitlement will be given effect by applying the existing encumbrance 6181224.9 to Proposed Lot 1 and 2 property titles and an associated update to Indigo's registered shareholdings.

Indigo owns an underground water supply pipeline and two water offtakes (i.e. boundary tobies) within the property. The water supply pipeline alignment and offtake locations are shown in Figure 8 and comprise:

- Offtake 1 located on Proposed Lot 1. It currently supplies 2,500 L per day to a 30,000 L water tank (dark grey) and the lifestyle business located on Proposed Lot 1.
- Offtake 2 located on Proposed Lot 2. It currently supplies 2,500 L per day to a 30,000 L water storage tank (karaka green) that services the existing dwelling on Proposed Lot 2. This water storage tank is installed and maintained in accordance with the fire-fighting capability requirements of RC180450V1.

Hence, Proposed Lots 1 and 2 are already fully serviced by the QIWS infrastructure and no additional water supply infrastructure is necessary for the proposed subdivision.

The existing water storage and fire-fighting capability requirements of RC180450V1 will remain applicable to the continued residential activity on Proposed Lot 2. Hence, no additional consent notice conditions are necessary in relation to water storage and fire-fighting capability on Proposed Lot 2.

Water storage and fire-fighting capability conditions are not necessary for the continued lifestyle business use of Proposed Lot 1.

### **3.2.5 WASTEWATER AND STORMWATER DISPOSAL**

The existing dwelling on Proposed Lot 2 contains consented wastewater and stormwater management systems that are consistent with the design requirements of RC180450V1. These systems are described in Building Consent 220828.

The existing wastewater and storage and stormwater management requirements of RC180450V1 will remain applicable to the continued residential activity on Proposed Lot 2. Hence, no additional consent notice conditions are necessary in relation to wastewater and storage and stormwater management on Proposed Lot 2.

Wastewater and stormwater management conditions are not necessary for the continued lifestyle business use of Proposed Lot 1.

## 4 ENVIRONMENTAL SCOPING ASSESSMENT

### 4.1 INTRODUCTION

This section describes the process that has been followed to determine the scope of this AEE for the proposed subdivision. The process included a review of the potential project environmental impacts and risks. The objective of the scoping assessment was to ensure that potential environmental risks were identified and assessed at an appropriate level of detail.

### 4.2 ENVIRONMENTAL SCOPING ASSESSMENT

A risk-based approach was used to scope the studies included in this AEE. A scoping assessment was undertaken using environmental information from the property and its surrounds to identify potential environmental risks associated with the proposed subdivision.

The results of this assessment were used to inform the scoping of this AEE. For any environmental areas with potentially significant impacts, detailed assessments were undertaken to ensure all significant environmental risks were thoroughly assessed. In particular, detailed assessments have been conducted for surface water and soils and land capability because of the relatively higher risk ratings for these areas. All other environmental areas were rated as having low risk and therefore have not been assessed further in this AEE.

The results of the scoping assessment are provided in Table 4.

**TABLE 2 AEE SCOPING ASSESSMENT**

Potential Impacts	Scope of Environmental Assessment
<b>Land Subsidence and Stability</b>	
<p>The ORC hazard mapping (based on the 2019 GNS report <i>Assessment of liquefaction hazards in the Queenstown Lakes, Central Otago, Clutha and Waitaki Districts, Otago</i>) shows that the property is classified as Domain A. This classification indicates that the property is predominantly underlain by a rock basement or firm sediments, with low to zero liquefaction potential.</p> <p>There is no record of land subsidence or instability within the property or its surrounds.</p> <p>The proposed subdivision does not involve any earthworks or construction activities that could generate additional land subsidence or instability.</p> <p>Hence, the proposed subdivision will not result in any significant environmental risks or impacts associated with land subsidence and stability.</p>	Further assessment of land subsidence and stability is not warranted, given the very low potential for significant impacts from the project.

Potential Impacts	Scope of Environmental Assessment
<p><b>Groundwater</b></p> <p>A desktop groundwater assessment was undertaken which involved reviewing relevant groundwater databases and published reports to develop a conceptual understanding of the existing groundwater regime.</p> <p>The local groundwater regime comprises:</p> <ul style="list-style-type: none"> <li>• Unconsolidated colluvial and alluvial sediments (predominantly sands and gravels) associated with remnants of the Poison Creek fan the relic Clutha valley terraces and the Pisa Range footslopes. These sediments exhibit high permeability but are dry and unsaturated within the property and do not represent a functioning, productive aquifer in the vicinity of the property.</li> <li>• A schist bedrock aquiclude, comprising a dry crystalline and metamorphosed rock mass that exhibits negligible permeability and porosity and restricts the movement of groundwater. The schist bedrock contains occasional thin, discrete fractures that exhibit slightly higher porosity/permeability than the surrounding rock mass, although transmission rates and yields remain very low.</li> </ul> <p>Rainfall infiltration to exposed schist fractures on the slopes of the Pisa Range is the main source of groundwater recharge. Regionally, groundwater flows eastward from the elevated recharge areas towards the surrounding lower-lying areas of the Clutha valley and discharges as baseflow to the Clutha River. Locally, groundwater discharge also occurs via dewatering from groundwater supply bores targeting fractured schist.</p> <p>Bore logs from the adjoining properties show that the groundwater table is confined within the fractured schist. The potentiometric groundwater surface associated with the fractured schist is located at depths of 60 to 70 m below ground level.</p> <p>There are no direct groundwater-surface water interactions or surface expressions of groundwater within the property or its surrounds.</p> <p>The project does not involve any activities that could result in depressurisation or dewatering of the underlying groundwater regime. Hence, there is no potential for the project to affect groundwater levels.</p> <p>The project does not involve any activities with the potential to impact groundwater quality.</p>	<p>Further assessment of groundwater is not warranted, given the lack of potential impacts from the project.</p>

Potential Impacts	Scope of Environmental Assessment
<p><b>Surface Water</b></p> <p>The property is located 200 m north of Poison Creek. The remnant channel of an unnamed truncated creek is located east of the property.</p> <p>The proposed subdivision does not involve any of the following:</p> <ul style="list-style-type: none"> <li>Physical disturbance of drainage features</li> <li>Earthworks or construction activities that could affect the downstream surface water flow regime</li> <li>Additional water discharges or disturbance that could generate erosion or impact on downstream surface water quality</li> </ul> <p>Hence, the proposed subdivision will not impact downstream features dependent on surface water.</p> <p>The property is located on a small fan associated with Poison Creek. In general, development on fans is relatively common along the Queensberry river terrace and the wider Clutha valley area and does not give rise to significant impacts. However, some fans have higher potential for flood inundation and/or debris movements that represent potential hazards to land use.</p> <p>In this instance, the Poison Creek fan has already been subdivided and extensively developed for a range of activities including numerous residential activities. The fan characteristics have been assessed previously and CODC has concluded that hazards associated with these developments are acceptable.</p>	<p>A detailed surface water assessment has been conducted to assess the potential surface water effects and impacts from the project and to identify any necessary management measures.</p> <p>The surface water assessment is presented in Section 5.</p>
<p><b>Soil and Agricultural Land Capability</b></p> <p>The proposed subdivision does not involve or enable additional physical disturbance of soils or changes in soil quality.</p> <p>The property is located in an area currently meets the transitional definition of Highly Productive Land (HPL). The National Policy Statement for Highly Productive Land (NPS-HPL) was developed to protect HPL for use in land-based primary production and it seeks to protect HPL by avoiding the rezoning, subdivision and development of HPL into rural lifestyle and residential land uses.</p> <p>The property was subdivided and developed into rural lifestyle property with residential land use prior to commencement of the NPS-HPL and any realistic opportunity to use such land in viable land-based primary production has been functionally lost (Ministry of the Environment, INFO 1091 Sept 2022).</p> <p>However, until such time as the HPL mapping is corrected to reflect the existing circumstances, the NPS-HPL applies to the property.</p>	<p>A detailed soil and land use capability assessment has been conducted to confirm the existing soil types and land use capability of the property and the potential impacts of the proposed subdivision on land use capability and highly productive land.</p> <p>The soil and land capability assessment is presented in Section 6.</p>

Potential Impacts	Scope of Environmental Assessment
<p><b>Contaminated Land</b></p> <p>The project contaminated land assessment is based on up-to-date desktop information about the area where the property is located and a site inspection by a qualified contaminated land specialist.</p> <p>Prior to 2005, the property was cleared of vegetation and comprised open, unfenced seasonal grazing land. The property was unused between 2005 and 2018, with the exception of periodic cattle grazing. The property was consented for residential development in 2018.</p> <p>There is no evidence of previous buildings, other farm structures (e.g. sheep dips, pits, dumps etc.) or potentially contaminative activities.</p> <p>The surface soils do not exhibit any visual discolouration or odour, and there is no evidence of vegetation dieback.</p> <p>The Land Information Memorandum (LIM) prepared for the property in 2018 shows no record of potentially contaminative activities.</p> <p>Based upon the available information, there is no evidence of any activities or industries described on the HAIL having been undertaken at the property.</p> <p>The proposed subdivision does not involve any contaminative activities or the additional discharge of contaminants into the environment.</p>	<p>Further assessment of contaminated land is not warranted, given the lack of historical contamination and the lack of potential for additional contamination impacts from the proposed subdivision.</p>
<p><b>Ecology</b></p> <p>An ecology assessment of the property was previously undertaken as part of the RC180450 AEE and involved an initial desktop assessment and field surveys of the property.</p> <p>The desktop assessment involved database searches, interpretation of recent high resolution aerial photography, review of the published vegetation mapping, and reviews of previous flora and fauna studies undertaken in proximity to the property. The desktop assessment specifically included a review of the CODC's Report of the Planning Consultant (CODC RPC) prepared for RC200255 in accordance with Section 42A of the RM Act. RC200255 involved the subdivision of the adjoining property at 69 Nursery Road (Lots 1 and 2 on DP 565963).</p> <p>The information from the desktop assessment was used to design the field survey methodology in order to target the relevant vegetation communities and potential terrestrial flora and fauna species, including listed species and communities.</p>	<p>The proposed subdivision will not result in any direct vegetation and/or fauna habitat clearing impacts because does not involve any additional physical disturbance or vegetation clearing that could give rise to loss of biodiversity values. The proposed subdivision does not introduce any additional potential sources of indirect impacts (such as the introduction or spread of invasive species, erosion and sedimentation, and noise and dust).</p> <p>Further assessment of ecology is not warranted, given the lack of potential impacts from the proposed subdivision.</p>

Potential Impacts	Scope of Environmental Assessment
<p>Flora and fauna field surveys were conducted seasonally during 2019 and 2021 and included targeted searches for potential threatened flora and fauna species, and ground truthing of vegetation communities and threatened fauna species habitat. Following the field surveys, the likelihood of the presence of listed species and communities was assessed. This was based on a consideration of whether each species was detected during field surveys, the availability and condition of potential habitat within the property, and the species' habitat requirements and ecology (including habitat type, roosting and/or foraging needs, home range and other biological requirements). Four categories were used to classify the likelihood of a species being present, these being: Present; High; Moderate; or Low.</p> <p>The property contains no remnant native vegetation communities or high value native regrowth vegetation (e.g. native woodland, scrub, shrubland or tussock-grassland). The entire property comprises cleared and/or disturbed areas that do not support native vegetation communities. As discussed in Section 2.2, the property has cleared in the past for seasonal grazing and the development of linear infrastructure for the original subdivision. More recently, the property is routinely cleared through annual grubbing and the application of selective and non-selective herbicides.</p> <p>Ground cover is dominated by exotic flora species that do not provide habitat values for native fauna. Hence, the property has low potential for values such as high native biodiversity, important feeding areas, endemism, unusual fauna assemblages, or unique habitat types or assemblages.</p> <p>These observations are consistent with the published Threatened Environment Classification (TEC) mapping which shows that the study area and its immediate surroundings are mapped as having between zero and 10% indigenous cover remaining. This mapping classification describes the property as an area that has been most severely impacted by the historical loss of habitat for indigenous species and where little indigenous biodiversity remains.</p> <p>The CODC RPC for RC200255 identified eight (8) flora species listed as At Risk or Threatened as potentially occurring within the adjacent property. None of these flora species have been historically recorded within the property and none were recorded within the study area during the flora surveys for the proposed subdivision. Hence, the flora species identified during the desktop searches were assessed as having a low potential of occurring within the study area primarily due to a lack of suitable habitat.</p>	

Potential Impacts	Scope of Environmental Assessment
<p>No declared weed species were identified. However, several exotic flora species were recorded in the study area. The dominant exotic species is Viper's bugloss (<i>Echium vulgare</i>) which has formed a dense annual cover across the majority of the study area (as shown in Photograph 6). The Viper's bugloss coverage is less dense in areas where the surface soils are particularly thin and rocky. In these areas, stands of Woolly mullein and Common mullein (<i>Verbascum sp.</i>) have become established.</p> <p>There is low potential of threatened fauna species occurring within the property, primarily due to a lack of suitable habitat. This is consistent with the TEC mapping which uses indigenous vegetation as a surrogate for indigenous biodiversity. Based on the lack of indigenous ecosystems, habitats and communities within the study area, the TEC methodology indicates that there is low potential for threatened indigenous species, subspecies and varieties that are supported by indigenous vegetation to be present.</p>	
<p><b>Noise and Air Quality</b></p> <p>There have been no complaints in relation to noise or dust impacts from the existing lifestyle business in Proposed Lot 1 in the last six years of operations or the existing residential activity in Proposed Lot 2.</p> <p>These activities will continue following the proposed subdivision. The proposed subdivision will not alter the scale or intensity of these activities. No additional noise or dust generating activities are proposed as part of the proposed subdivision. Hence, the proposed subdivision will not generate additional amenity impacts.</p>	<p>Further assessment of noise and air quality is not warranted, given the lack of any additional potential for amenity impacts from the proposed subdivision.</p>
<p><b>Landscape and Visual Amenity</b></p> <p>As discussed in Section 2.1, the property is located in a naturally secluded and visually recessive position within a low-lying intermontane bowl surrounded by elevated rocky outcrops and undulating terrain. The property is not located on a prominent terrace.</p> <p>The southern part of the property contains extensive tree plantings that are currently up to 8 m high and provide partial screening to the adjacent properties to the south, west and east (Figure 8 and Photographs 7 to 15). Once fully established, these tree plantings will completely enclose the southern part of the property. The southwestern part of the property also includes a 40 m long internal fence that is screened with HDPE cloth</p>	<p>The shared boundary between Proposed Lots 1 and 2 is extensively planted with trees that will be up to 10 m tall once fully established and will visibly partition the property along the subdivision boundary.</p> <p>The proposed subdivision will not alter the scale or intensity of the existing activities and does not involve any additional earthworks, buildings or infrastructure or other activities that could result in additional visual effects.</p>

Potential Impacts	Scope of Environmental Assessment
<p>windbreak material to a height of 2.4 m which adds to the screening effect to the west (Figure 8 and Photographs 7 and 14).</p> <p>The neighbouring landowners to the east (55A Nursery Road), west (78 Nursery Road) and south (69 Nursery Road) have also established tree plantings along the shared boundaries with the property that provide additional screening to those properties (Figure 8 and Photographs 8 to 15).</p> <p>The only public spaces within 2 km of the property are State Highway 6 (SH6) and small local collector roads, including Willowbank Road and Pukekowhai Drive (Figure 6). The property is completely screened from the majority of these roads by the intervening topography (i.e. Queensberry Hill to the east and elevated ridges to the west and south). Vegetation, including the walnut tree plantations to the north, plantings on the adjoining properties and shelter plantings within the southern part of the property, provide additional screening that blocks views towards the property.</p> <p>Previously, visual impact assessments have been undertaken at the property as part of RC18450 and RC180450V1. These assessments considered the visual impact of the existing residential activity, including the existing dwelling and a 5 m high 65 m<sup>2</sup> sleepout building at the location of the lifestyle business. Photographs were taken to illustrate the line of site from the viewing locations and assist in determining the visual effect of buildings at each of the viewing locations. A line of sight is a representative line drawn from a viewing location to the buildings. Line of sight photographs were taken at eye level and are used to evaluate the extent to which the buildings would be visible at a viewing location. Topographic maps, aerial imagery and a site visit were used to identify the terrain and vegetation across the property and its surrounds, and then determine the level of screening (by intervening vegetation and topographic elements such as ridgelines and hills) between the viewing location and buildings.</p> <p>The previous visual impact assessments concluded that the visual effects of the activities within the property are less than minor.</p>	<p>The proposed subdivision will be indistinguishable from the existing conditions at the viewing places and will not result in any additional negative visual impacts.</p> <p>Notably, the proposed subdivision will entail the relinquishment of the approved sleepout footprint on Proposed Lot 1 thereby reducing the visual elements of the approved residential activity. Hence, the proposed subdivision will have a net reduction in overall visual effect of the consented residential activity.</p> <p>Further assessment of visual amenity is not warranted, given the lack of any significant visible elements and potential visual impacts.</p>

Potential Impacts	Scope of Environmental Assessment
<p><b>Cultural Heritage</b></p> <p>The New Zealand Heritage List and the CODC heritage register show that there are no recorded heritage places within the property or its surrounds.</p> <p>A review of historical aerial imagery and a site inspection found no evidence of historical buildings or culturally significant sites, objects or trees within the property or its surrounds. All trees present at the property have been planted since 2018.</p> <p>On this basis, the property does not have any significant cultural or heritage values.</p> <p>In addition, the proposed subdivision does not involve any additional earthworks or construction activities that have the potential to give rise to cultural heritage risks or impacts.</p>	<p>Further assessment of cultural heritage is not warranted.</p>
<p><b>Socio-Economics</b></p> <p>CODC has identified that small-scale businesses in Central Otago face significant challenges (Benje Patterson, 2024).</p> <p>The proposed subdivision will increase the productivity and enhance the economic viability of the existing lifestyle business that operates from Proposed Lot 1, providing some additional economic benefits via direct and indirect employment, payment of additional taxes and rates and additional economic stimulus for other businesses.</p> <p>These additional benefits will be foregone if the subdivision does not proceed.</p>	<p>Further assessment of socio-economics is not warranted, given the lack of any negative socio-economic impacts.</p>
<p><b>Traffic</b></p> <p>The proposed subdivision will enable the continuation of the existing residential activity and lifestyle business. The project does not enable or involve any additional activities that would generate additional traffic above the existing conditions.</p> <p>As a by-product of the proposed subdivision, the sleepout approval on Proposed Lot 1 will be effectively relinquished. Hence, the approved sleepout on Proposed Lot 1 will not be constructed and the associated traffic generated by its use will not materialise. On this basis, the proposed subdivision is expected to result in a net reduction of potential traffic generation from the total approved residential activity.</p>	<p>Further assessment of traffic impacts is not warranted, given the lack of any additional traffic generation.</p>

## 5 SURFACE WATER

### 5.1 INTRODUCTION

This section provides an assessment of the potential impacts of the proposed subdivision on surface water, including:

- A description of the surface water setting, including the local catchments and drainage (Section 5.2)
- A description of the proposed activities that could affect surface water and any associated impacts (Section 5.3)
- An assessment of the project interaction with active dan hazards (Section 5.4)

The surface water assessment is based on a desktop review of topographic data, aerial imagery, published reports and a site inspection of the local catchments and drainage.

This surface water assessment also draws upon the findings of a Natural Hazard Assessment Report prepared by Mt Iron Geodrill (MIG) in support of the application for RC200255 at the adjoining property (formerly Lot 12 DP 336256)<sup>2</sup>. The MIG Report included a detailed hydrology and flooding assessment of Poison Creek that involved the collection of site-specific channel measurements, analytical modelling of the catchment hydrology and creek hydraulics that are directly relevant to this AEE. The MIG assessment concluded that there was a low risk from natural hazards at the adjoining property and the findings of the MIG assessment informed the CODC's decision to approve RC200255<sup>3</sup>.

### 5.2 CATCHMENT AND DRAINAGE SETTING

#### 5.2.1 CATCHMENT SETTING

The property is located in the catchment of an unnamed creek. Historically, the unnamed creek catchment had an area of approximately 900 ha that comprised the Pisa Range slopes and fluvioglacial terrace that lie to the north of the property. However, the unnamed catchment has been extensively modified by residential, lifestyle and agricultural activities. Several dams, water races and diversion drains have been constructed on the unnamed creek upstream of the property. At the downstream end of this water infrastructure is a farm dam that effectively represents the present-day head of the unnamed creek channel (Figure 7). This infrastructure truncates the upstream catchment of the unnamed creek at the farm dam, and reduces its effective (contributing) catchment area to approximately 50 ha to its confluence with Poison Creek. Hence, the unnamed creek currently functions as a sub-catchment of the Poison Creek catchment.

The Poison Creek catchment has a total area of approximately 369 ha. The upper catchment area is conservation land and is relatively undisturbed. The middle and lower catchment area have been extensively developed for residential, lifestyle and agricultural purposes.

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<sup>2</sup> Mt Iron Geodrill (3 Jan 2021) *Natural Hazard Assessment Report* and supplementary letter dated 31 Jan 2021 in response to ORC Letter A1438537 dated 27 January 2021 - RC200255.

<sup>3</sup> CODC concluded that "matters relating to natural hazards are satisfactorily addressed" by the MIG Report.

## 5.2.2 TRUNCATED CREEK

Since 2018, no surface water flow has been observed in the truncated creek. Hence, the truncated creek functions as a disused channel that commences at the farm dam on the adjoining property. The disused channel follows the base of Queensberry Hill for approximately 1 km and joins the Poison Creek channel approximately 0.7 km southeast of the property. The bed and banks of the disused channel are predominantly comprised of sands and gravels.

## 5.2.3 POISON CREEK

Poison Creek is an intermittent creek that commences approximately 4 km southwest of the property on the eastern flank of the Pisa Range. Poison Creek flows in a generally northeasterly direction and joins into the Clutha River approximately 1.4 km southeast of the property.

Typical of similar creeks entering the Clutha River from the surrounding hills and ranges, Poison Creek has geomorphically distinct upper, middle and lower reaches.

### UPPER REACH

The upper reach originates on the dissected slopes of the Pisa Range (Figure 7). The upper reach forms where a series of small, 'V-shaped' valleys coalesce into a single, defined channel. The channel has a relatively gentle and consistent gradient (approximately 15 to 25%) and becomes increasingly incised into, and confined by, the schist bedrock of the Pisa Range slopes. The incised channel bed and banks generally comprise exposed bedrock.

Ground cover in the upper catchment is dominated by alpine tussocks. Slopes appear to be stable and there is no obvious evidence of significant or widespread erosional instability or significant sources of mobile sediment (e.g. slumping, creep, extensive fresh scarps, unconsolidated landslide deposits etc).

A water race diverts water north from the upper reach of Poison Creek into a dam located in a neighbouring catchment.

### MIDDLE REACH AND ALLUVIAL FAN

At the foot of the Pisa Range, the Poison Creek transitions abruptly to a low gradient middle reach channel that traverses a small alluvial fan (Figure 7).

### FAN CHARACTERISTICS

The topographic apex of the fan is located approximately 400 m west of the property at its closest point. The fan is an asymmetrical landform that slopes gently downward from its apex to the north and east, and more extensively to the southeast (Figure 8). To the north, the fan thins onto the flatter landform of the Queensberry terrace. To the east, the fan terminates at the disused channel of the truncated creek and, beyond that, topography rises to Queensberry Hill and its associated terrace. To the south, the fan deposits are bounded and constrained by the outcropping bedrock/cliffs of the Pisa Range. The fan comprises a total area of less than 0.5 km<sup>2</sup>.

The ORC's Otago Alluvial Fans Project<sup>4</sup> involved a 'regional-scale' desktop assessment of over 2,000 alluvial fans in Otago based on regional-scale mapping and aerial imagery. The Otago Alluvial Fans Project classified the Poison Creek fan as a young, active, composite fan. This classification means that the regional mapping and imagery indicates that the fan may have formed in the last 20,000 years, and that flooding, deposition and/or erosion are possible on a part (or parts) of the fan within the next 100 years. A composite fan denotes a fan that was too small for the dominant depositional process to be identified at a regional scale (i.e. the role of flood flow and debris movements cannot be determined at the regional scale used in the assessment).

Drainage over the fan surface has consolidated into a single, incised channel (i.e. the middle reach of Poison Creek). The channel characteristics are discussed in the following section. The middle reach of Poison Creek traverses the southernmost margins of the fan, along the foot of the Pisa Range (Figure 7). The channel alignment follows a relatively straight flow path across the steepest portion of the fan surface. This fan drainage arrangement indicates a relatively mature drainage system. The MIG Report concludes that this drainage alignment has been in place for more than 100 years.

Outside the channel, the remainder of the fan has a generally smooth planar surface that does not contain any active or incised channels, boulder fields or other signs of recent fan activity.

The fan surface within the property slopes very gently away from the fan apex at an angle of less than 2 degrees. The northern parts of the fan within the property show evidence of long-term wind erosion which has removed fine surface sediment and exposed coarse gravels and small cobbles which indicates that these areas are likely to have been undisturbed in-situ for a significant period of time.

Overall, the geomorphological information suggests that significant portions of the fan surface (including the property) are likely to be inactive.

#### **MIDDLE REACH CHARACTERISTICS**

The middle reach is a straight, well-defined channel that extends approximately 1.2 km from the fan apex to its confluence with the unnamed creek.

The middle reach channel is incised into the fan deposits. Field measurements indicate that the channel is typically 3 to 4 m deep and 9 to 16 m wide (bank to bank) with a bed slope of 2 to 3 degrees (MIG, 2021). The channel dimensions increase along the reach.

The channel is asymmetrical with northern banks sloping at 20 to 30 degrees and southern banks subvertical (MIG, 2021). The banks of the channel are generally unvegetated but relatively stable, with no evidence of significant erosion or slumping. An embankment or levy appears to have been constructed along the crest of the northern bank (MIG, 2021). The levy is approximately 550 m long, 5 m wide at its base and 1 m high.

The bed and banks of the middle reach comprise gravelly sands to clays, with sections of exposed bedrock and cobbles and sparse vegetation.

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<sup>4</sup> Opus (2009) *Otago Alluvial Fans Project* (Report 1205 – Version 2). Version 1 was originally published in May 2007.

The channel has an estimated capacity of between 13 m<sup>3</sup>/s and 32 m<sup>3</sup>/s and is predicted to contain flows up to the 0.4% (1 in 250) AEP entirely in-channel without overtopping. The flow velocity during the 0.4% (1 in 250) AEP flow event is predicted to remain low (below 0.7 m/s) and bank erosion or channel avulsion are less likely to occur (MIG, 2021).

The fan surface outside the channel is theoretically engaged by flood flows when the channel capacity is exceeded. However, there are no riparian areas or wetlands located along the channel banks or on the wider fan surface which indicate that these areas are unlikely to receive periodic flood inundation from the middle reach and this suggests that the channel capacity is exceeded infrequently.

This conclusion is supported by observations made during the significant storm event of late September 2023. The September 2023 event generated rainfall with an AEP of approximately 4% (1 in 25)<sup>5</sup>. This event resulted in widespread flooding, debris movements and land instability elsewhere along the Pisa Range. However, the surface water flows generated by this event were fully contained within the middle reach of Poison Creek and did not result in any inundation of the fan surface, debris flows or instability outside the channel. This observation confirms that rainfall events larger than the 4% (1 in 25) AEP will be required to inundate the fan surface outside the channel.

The fan surface does not contain any remnant channels of Poison Creek which indicates that the creek is static and is not prone to changing course.

## LOWER REACH

At the southern extent of the fan, the middle reach is joined by the disused channel of the truncated creek that historically drained the Queensberry river terrace. The confluence is located approximately 0.7 km southeast of the property. From this confluence, the lower reach of Poison Creek flows around the southern end of Queensberry Hill and joins the Clutha River.

The lower reach is up to approximately 70 m wide and has a significantly a larger capacity channel than the middle reach.

The lower reach terminates in a delta that currently functions as the primary sediment deposition zone on Poison Creek. This further supports the observation that the middle reach of Poison Creek is incising the fan surface and functioning primarily as a sediment source and transport zone, rather than an active depositional environment.

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<sup>5</sup> QLDC <https://www.qldc.govt.nz/community/emergency-management/weather-event-september-2023/>

## 5.3 SUBDIVISION EFFECTS ON SURFACE WATER FLOW

Proposed Lots 1 and 2 are located approximately 200 m north of Poison Creek at their closest points. Hence, the proposed subdivision does not involve any activities in, or interference with, the creek channel.

The proposed subdivision will not create contained (i.e. internally draining) catchments and therefore will not result in loss of catchment area for downstream surface waters. The proposed subdivision does not involve any activities that could potentially result in a change in catchment yield. Hence, the proposed subdivision will not result in any change to the volume, frequency or duration of surface water flows (including flood flows) at downstream locations.

On this basis, the proposed subdivision will not change the frequency of fan engagement and will have no impact on geomorphic processes (e.g. river forming flows) in Poison Creek, the unnamed tributary or other surface water features.

## 5.4 SUBDIVISION INTERACTION WITH ACTIVE FAN HAZARDS

### 5.4.1 INTRODUCTION

The potential surface water effects and impacts associated with the proposed subdivision are limited to its potential to change the degree of interaction with active fan hazards, specifically debris movements and fluvial (flood) inundation.

Section 5.4.2 provides background on the previous assessments of potential hazards associated with the Poison Creek fan. Sections 5.4.3 and 5.4.4 provide additional assessments of the potential interaction between the proposed subdivision and fan hazards.

### 5.4.2 ASSESSMENT BACKGROUND

The Poison Creek fan was first mapped and classified by ORC in 2007 as part of the regional Otago Alluvial Fans Project (Opus, 2009<sup>6</sup>). The Otago Alluvial Fans Project identified more than 2,000 alluvial fans.

In consultation with CODC, 27 areas containing active fans were identified for further investigation, with a sub-set classified as 'high-hazard' fans requiring detailed risk assessment. CODC and ORC determined that Poison Creek did not warrant further investigation or classification as a high-hazard fan.

Between 2007 and 2020, CODC approved numerous resource and building consents allowing the subdivision and development of the Poison Creek fan, including seven residential activities and/or building platforms and several workshops and farm buildings. These planning decisions do not indicate that the fan was expected to represent a significant hazard or to give rise to significant impacts.

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<sup>6</sup> Opus (2009) *Otago Alluvial Fans Project* (Report 1205 – Version 2). Version 1 was originally published in May 2007.

In 2020, CODC requested a detailed assessment of the fan in order to inform its decision making process for the subdivision consent RC200255. The MIG Report concluded that the fan does not present a significant hazard to residential buildings due to the low potential for flood or debris flow outside of the existing incised channel of Poison Creek. In approving RC200255 in 2021, CODC concluded that the MIG Report and addendum provide a conservative assessment that satisfactorily addressed the relevant planning matters relating to natural hazards, without the need for specific mitigation measures.

Most recently, in 2024 CODC approved construction of a new farm shed with accommodation (BC230457). The farm shed is located closer to both Poison Creek and the fan apex than the residential building platform approved under RC200255. It is also located topographically upgradient and hydrographically upstream of several existing dwellings, sheds and a building platform. In approving this construction, CODC has necessarily concluded that the fan does not present a significant risk to the users of the farm shed and that the shed does not present a significant hazard to the occupants of adjacent and downstream residences in the event of a debris movement or flood event.

### **5.4.3 DEBRIS MOVEMENT ASSESSMENT**

#### **DEBRIS MOVEMENT CONDITIONS**

Davies and Welsh (2010) developed a method for preliminary identification of potential debris flow catchments in New Zealand based on the catchment ruggedness (expressed as a Melton ratio 'R-value') and catchment length. This method is based on the following criteria:

- Debris flows can occur in catchments with a length of  $\leq 2.7$  km
- Conventional fluvial processes and/or debris floods are the dominant processes in catchments with a length  $> 2.7$  km
- Catchments with an R-value of  $\geq 0.6$  may be prone to debris flows
- Catchments with an R-value between 0.3 and 0.6 may be prone to debris floods
- Catchments with an R-value of  $\leq 0.3$  are generally dominated by conventional fluvial processes

The Poison Creek catchment to the fan apex (i.e. the 'pour point' for a theoretical debris movement entering the fan) has an R-value of 0.4 and a catchment length of approximately 3.7 km. Based on the Davies and Welsh criteria, these characteristics are unlikely to generate debris flows. While debris floods are possible, conventional fluvial processes are likely to be the dominant process in the catchment.

#### **DEBRIS MOVEMENT PROBABILITY**

The MIG Report concluded that the current fan drainage arrangement has been in place for at least 100 years. Given that a debris movement event would be expected to alter the fan drainage arrangement, it is reasonable to conclude from the MIG assessment that that a debris movement event is unlikely to have occurred in the last 100 years. On this basis, the probability of a debris movement event on the fan surface is less than 0.007 (0.7%) in any year and is therefore extremely unlikely.

## DEBRIS MOVEMENT RISKS AND IMPACTS

The property is located approximately 400 m downgradient of the fan apex (i.e. the theoretical debris pour point). Hence, in the extremely unlikely event of a debris movement, it would be necessary for debris to leave the creek channel and flow more than 400 m over the fan surface to the Proposed Lot 1.

Data from New Zealand's Southern Alps shows that a debris surge exiting a narrow valley onto a fan will widen and become shallow, and slow down dramatically, and surges usually stop when the fan slope angle decreases below approximately 5 degrees (equivalent to approximately 9% gradient) (Davies and McSaveney, 2008 after De Scally and Owens, 2004).

The fan surface west of Proposed Lot 1 has a slope angle of approximately 3 to 4 degrees (6%) and therefore is not conducive to the extended runout distances necessary for debris to reach the property boundary. The fan surface within Proposed Lot 1 has a slope angle of approximately 1 to 2 degrees (less than 3.5%) and therefore is not conducive to debris movement across the property. Hence, in the extremely unlikely event that a debris movement were to occur, it is highly improbable that the debris would leave the creek channel and reach the property.

Nonetheless, the individual risk to life from a nominal debris movement on a fan in the open can be estimated using the following approach (Bell and Glade, 2004 after Morgan *et al.*, 1992):

$$R_{ipe} = (H \times P_s \times P_t \times V_{pe})$$

Where:

*It is conservatively assumed that the debris movement is a debris flow with boulders (rather than a less-damaging debris flood). The catchment is not prone to debris flows and there are no boulders in debris floods or observed on the Poison Creek fan.*

*H is the probability of occurrence of a potentially damaging event, taken to be 0.007 which conservatively assumes that 100% of debris movements reach and flow over Proposed Lot 1.*

*P<sub>s</sub> is the probability of spatial impact given an event (i.e. of the event impacting a person in the open), taken to be 0.1 (from Bell and Glade, 2004).*

*P<sub>t</sub> is the probability of temporal impact given an event (i.e. of the impacted area being occupied), conservatively taken to be 8 hrs per day, 5 days per week (24%) based full-time business activities.*

*V<sub>pe</sub> vulnerability of the people, taken to be 0.2 (from Bell and Glade, 2004).*

On this basis, the conservatively estimated risk of fatality (or 'Individual Risk to Life') from a debris flow containing boulders, flowing 400 m from the fan apex over the adjacent properties to the property boundary and then covering Proposed Lot 1 would remain less than  $3.4 \times 10^{-5}$ . The risk is well within the globally-recognised tolerable limit of  $1 \times 10^{-3}$  for societal risk and is consistent with the risk management principle of 'As Low As Reasonably Practical' (ALARP).

Given that it has been established above that the catchment is not prone to debris flows containing boulders and that the slope of the fan is not conducive to debris flow run-out reaching Proposed Lot 1, the actual risk is likely to be significantly lower.

On this basis, the extremely low risks associated with the proposed subdivision do not warrant any specific mitigation or management measures.

#### **5.4.4 FLOOD IMMUNITY ASSESSMENT**

Poison Creek is not predicted to overtop and inundate the fan surface during events up to and including an 0.4% (1 in 250) AEP flood event.

The 0.4% (1 in 250) AEP flood event is a rare flood event that has a 0.4% chance of occurring in any year and an average recurrence interval of approximately 250 years. Hence, there is an extremely low probability (less than 0.4% in any year) of a larger flood occurring that could result in floodwaters interacting with overbank areas along Poison Creek.

In the unlikely event of a larger flood occurring, floodwaters will continue to flow through the creek channel and overbank areas, without any significant impediment to downstream flows. Under these circumstances, the likelihood of the Proposed Lot 1 and 2 being inundated by floodwaters would be significantly less than 0.4% (1 in 250) due to the significant separating distance. On this basis, the potential risks of flooding to people and the environment are therefore extremely low.

## 6 SOILS AND LAND USE CAPABILITY

### 6.1 INTRODUCTION

This section provides a summary of the key findings of the soil and land capability assessment undertaken for the proposed subdivision. The assessment includes a description of soil types and soil mapping units (SMUs) (i.e. polygons) present in the property (Section 6.2), an assessment of land use capability and potential impacts (Section 6.3) and an assessment of the impacts of the proposed subdivision on highly productive land (Section 6.4).

### 6.2 SOILS ASSESSMENT

An initial desktop assessment was undertaken to identify relevant landform characteristics and preliminary SMUs. The desktop assessment involved database searches, interpretation of historical and recent aerial photography, a review of the published soil mapping, and reviews of previous soil studies undertaken in proximity to the property and found that:

- Topographic and geological mapping shows that the property is located on the alluvial schist fan associated with Poison Creek. The fan materials comprise loose, poorly sorted gravels, sands and silts. Section 5.2.3 provides a detailed description of the fan landform characteristics and extents.
- A regional-scale soil survey of Queensberry area was undertaken by growOtago between 2010 and 2014 and the soil survey area was mapped at a 1:50,000 scale. A single polygon was mapped over the property and its surrounds, loosely following the extent of the Poison Creek fan (described in Section 5.2.3). growOtago assigned this polygon to the Pigburn shallow sandy loam, gently undulating soil series (Pg2sG) SMU.
- S-Map has adopted the growOtago soil mapping boundaries and has assigned the Pg2sG SMU polygon covering the property to the S-Map soil sibling Pigburn\_1a.2 SMU with medium confidence. Medium confidence means that the Pigburn\_1a.2 soil sibling is likely to cover at least 60% of the mapped polygon.

S-Map describes the published mapping as exhibiting '*low to moderate predictability, minimal soil observations or relatively coarse mapping for the scale of soil variation*' and concludes that it '*should not be the primary source of data when making land use decisions on individual farms and paddocks*'.

Soil mapping should not be enlarged beyond the scale at which it was collected and the smallest area of interest that can be meaningfully identified from 1:50,000 scale soil mapping is 10 ha (Manderson & Palmer 2006; Lynn et al. 2009). Hence, the published mapping resolution is larger than the area of the entire property.

A 'farm-scale' soil survey was undertaken to enable the SMU(s) within the property to be confirmed with a higher degree of confidence and mapped at a higher resolution. The soil survey was designed in accordance with the *New Zealand soil mapping protocols and guidelines* (Landcare Research, 2017) procedures and criteria for determining high value soil areas and other relevant guidelines and standards including the *Land Use Capability Survey Handbook – A New Zealand handbook for the classification of land (3rd Ed)* (Lynn et al., 2009).

The site investigation was undertaken in 2024 and comprised 32 investigation sites, including soil profile sites and surface observation sites. The soil survey was undertaken using free survey techniques. The site investigation enabled the SMUs to be mapped at a detailed 'farm-scale'. SMUs were described according to soil morphology, position in the landscape and parent material.

The site investigation was supplemented by surface soil samples collected previously at the western boundary of the property and submitted for laboratory analysis. Analytical determinants were selected to provide specific information on the physical and chemical properties of the soils that influence agricultural productivity. The laboratory testing results are presented in Appendix E.

The mapping units identified within the property are shown in Figure 9 and include:

- Approximately 6.28 ha Pigburn soil variants (phases) associated with the Poison Creek fan, comprising:
  - A shallow, stony phase located on higher parts of the property
  - A silty phase located on lower parts of the property
  - A shallow, wind-blown phase located on low rises
- Approximately 1.75 ha of anthroposols comprising fill and/or stripped or otherwise disturbed soils.

The following sections provide an overview of these mapping units.

## PIGBURN SOILS

The soils present on the property are 'Recent Soils' formed from fluvial material deposited on the Poison Creek fan. The soils originated from the parent schist of the Pisa Range.

The soils are weakly developed, with minimal evidence of soil-forming processes.

The soils have a distinct topsoil layer. In the western part of the property, the topsoil is generally thin, stony, and has a sandy loam texture. In eastern part of the property, the topsoil becomes siltier and less stony.

The topsoil is slightly acidic with very low Olsen phosphorus levels (13 mg/L), extremely low phosphate retention, very low sulphate levels, low to moderate cation exchange capacity and very low (non-sodic) exchangeable sodium percentage.

The B horizon is typically absent. Where present it is weakly expressed and predominantly has loam textures, with a very gravelly layer occurring from depths of less than 45 cm.

Severe wind erosion (and to a lesser extent sheet erosion) has removed the majority of the soil profile from low rises in the northern part of the property.

Plant root penetration has been observed to depths of up to 0.5 m within the property.

The soil is well-drained, with a very low risk of waterlogging under non-irrigated conditions. It has a moderate to high soil water-holding capacity. However, these soils have an inherently high structural vulnerability and a moderate nitrogen leaching potential, which should be considered in land management decisions.

The underlying unconsolidated material exhibits some weathering, but negligible biological activity.

## DISTURBED GROUND

Soils have been cleared/disturbed or removed from approximately 1.75 ha (22%) of the property, including the following areas (shown in Figure 9):

- The existing dwelling and its curtilage on Proposed Lot 2
- The cleared area of the original dwelling footprint (RC180450) and the currently approved sleepout (RC180450V1) on Proposed Lot 1
- Lifestyle business areas on Proposed Lot 1
- Perimeter access tracks and associated drains
- Internal driveways and associated bunds
- Underground infrastructure trenches
- Water tank pads

## 6.3 ASSESSMENT OF LAND USE CAPABILITY

The determination of land use capability (LUC) classes for the soil study area was conducted based on the *Land Use Capability Handbook – a New Zealand handbook for the classification of land 3rd Ed* (Lynn *et al.*) (the LUC Handbook). The LUC Handbook defines eight land use capability (LUC) classes for agriculture in New Zealand. These range from Classes 1 to 8, with Classes 1 to 4 being arable land, Classes 5 to 7 being pastoral or forestry land and Class 8 being unsuitable land with extreme limitations that preclude productive land use.

A desktop review of the published LUC mapping shows that the property has been classified as LUC unit nz3s-34. The published mapping describes LUC unit nz3s-34 as follows:

- Flat to undulating alluvial plains and terraces below 400 m above sea level with shallow and/or stony moderate to high fertility Semi-arid Soil (brown-grey earth) and Pallic Soil (yellow grey earth) in dry (<800 mm) rainfall inland areas with cold winters.
- Class 3 land with moderate limitations for arable use, but suitable for restricted crop types and cultivation intensity, intensive grazing. Suitability for production forestry is classed as marginal with very severe limitations to growth rates or tree form and an average Pinus Radiata Site Index of 10 (very low) which indicates poor productivity.
- The key limitation to production is the physical and/or chemical properties of the soil in the rooting zone such as shallowness, stoniness, low moisture holding capacity, low fertility that is difficult to correct, salinity or toxicity.

In reviewing the published LUC mapping, the following site-specific observations should be considered:

- The Pigburn soils present at property are Recent Soil (i.e. a young soil with a distinct topsoil) on an alluvial fan, which is distinct from Pallic Soil and Semi-arid Soil on an alluvial plain or terrace. Soil properties, specifically limited soil depth, low fertility, low organic content, rapid drainage and low water holding capacity would require significant soil amelioration to support productive agriculture.

- The property typically receives less than 450 mm of rainfall per annum due to its location in the rain shadow of Mt Pisa. Summers are very dry with frequent strong, drying winds and very high potential evapotranspiration rates. Hence, the property has severe seasonal moisture deficit limitation which is exacerbated by the low moisture holding capacity of the soils. To establish and maintain reliable crop and pasture yields, extensive irrigation would be required to overcome the seasonal moisture deficit and low moisture holding capacity of the soils. However, the property has a total allocation of 5,000 L/d of treated potable/drinking water from the QIWS (equivalent to 1.8 ML/annum) and the existing residential and business activities use the full annual potable water allocation, with nil surplus. The QIWS is fully allocated with nil additional water supply available for irrigation. The QIWS is not an irrigation water supply scheme and does not own or operate any irrigation water supply infrastructure. Indigo (the QIWS operator) has previously investigated potential options for securing and supplying irrigation water and concluded that these are not feasible. Hence, Indigo has no plans or shareholder mandate to seek additional water allocation or install infrastructure for irrigation. Hence, there is insufficient water supply to mitigate the significant soil and climate and sustain productive agriculture. The nearest productive aquifer is the Clutha River alluvium located 1 km to the east (and separated from the property by the Queensberry Hill schist outcrop). The property has no direct access to this aquifer. The groundwater table is located approximately 80 m below ground in the schist bedrock which is a low yielding and unreliable groundwater supply. For reference, local properties that sustain some form of land-based primary production have significant water allocations greater than 100,000 L/day.
- The property experiences regular severe frosts (i.e. 3 or more events of -4 degrees or less per year) and is located in a cold air drainage basin/flowpath. This limitation has the potential to kill, suppress growth and reduce yields in non-frost tolerant crops and frequently impacts fruit and nut production at the property and surrounding properties in the absence of frost fighting equipment.
- The property contains approximately 2 ha of very shallow and/or excessively stony and gravelly variant soils that are more drought-prone and present structural impediments to cultivation/machinery use and pasture establishment in the affected areas.
- The property also contains approximately 0.5 ha of erosion-prone variant soils that exhibit severe wind and sheet erosion. Significant investment in control measures would be required to cultivate these areas.
- The property contains approximately 1.75 ha of highly disturbed ground.

These characteristics and limitations are more typical of LUC Class 4 soils (similar to those mapped at the adjoining properties).

Based solely on these constraints:

- The available soil moisture deficit on this property is too severe to sustain even low-demand crops without additional irrigation. Additional irrigation at a scale that would support economically viable agriculture is not accessible or practically achievable.
- Without additional irrigation, the property is capable of generating low rates of pasture production that preclude intensive grazing. As discussed above, additional irrigation at a scale that would support economically viable agriculture is not accessible or practically achievable.

- The property can currently support very low stocking rates (in the order of 15 to 20 stock units), provided that supplementary feed is purchased to maintain carrying capacity in the summer and winter months. These stocking rates fall well below what is required to sustain a commercially viable grazing operation. the ongoing cost of supplementary feed would outweigh the economic returns, making this an uneconomic land use in the long term.
- Production forestry is not a viable alternative to agricultural or pastoral activities. The soil and climate constraints are significant limitations tree growth and form. In this situation, slow growth rates and poor tree form (in addition to property access) render forestry operations unviable.

## 6.4 ASSESSMENT OF HIGHLY PRODUCTIVE LAND

### 6.4.1 REGULATORY FRAMEWORK

The National Policy Statement for Highly Productive Land (NPS-HPL) was developed to protect highly productive land (HPL) for use in land-based primary production. Land-based primary production is production that is reliant on the soil resources of the land and arises from agricultural, pastoral, horticultural or forestry activities.

HPL is land that is mapped as HPL in an operative regional policy statement. The 2019 Otago Regional Policy Statement (ORPS) became fully operative on 4 March 2024 and does not include HPL mapping. In the absence of operative ORPS mapping, the transitional definition of HPL is applicable. Under the transitional definition, HPL is land that, at the commencement of the NPS-HPL (in October 2022), was located in a rural planning zone, had not been identified for future urban development or rezoning to urban or rural lifestyle and had a Land Use Capability (LUC) Class 1, 2 or 3 based on the NZLRI or any more detailed mapping that uses the LUC classification. The property is located in the Rural Resource Area as defined in the CODC District Plan, has not been identified for urban development or rezoning to urban or rural lifestyle in the CODC District Plan, and is mapped as LUC Class 3 land on the NZLRI. Hence, the property meets the transitional definition of HPL (despite the mapping inaccuracies discussed in Section 6.3).

The NPS-HPL seeks to protect HPL by avoiding the rezoning, subdivision and development of HPL into rural lifestyle and residential land uses. The proliferation of rural lifestyle and residential land uses is cited in the NPS-HPL as a key factor in the fragmentation, inefficient use and loss of HPL. However, the property and its surroundings have already been subdivided and redeveloped as rural lifestyle properties, and residential activities (and other activities unrelated to land-based primary production) have become established on the property, at neighbouring properties and throughout the surrounding area. Hence, in reality, the productive potential of the land has already been compromised to such an extent that any potential contribution to land-based primary production has been functionally lost. This conclusion is supported by the observation that land-based primary production has not been undertaken at the property for more than 20 years.

Nonetheless, Clause 3.8 of the NPS-HPL allows for HPL to be subdivided if the proposal will retain the overall productive capacity of the land over the long-term. The productive capacity of the land is defined as its ability to support land-based primary production over the long-term, based on the physical characteristics, legal constraints and land availability constraints.

Clause 3.10 of the NPS-HPL provides additional exemptions for land that is subject to permanent or long-term constraints that make land-based primary productivity economically unviable for a period of at least 30 years.

Clause 3.11 of the NPS-HPL allows for the existing rural lifestyle and residential activities on HPL to be maintained, operated and upgraded.

## 6.4.2 PROPOSED SUBDIVISION EFFECTS AND IMPACTS

As discussed in Section 2, the property is a rural lifestyle block. The consented residential activity is the dominant land use. A small lifestyle business is also operated from the western portion of the property.

The proposed subdivision does not involve or enable any change in the use of the property i.e. the existing residential activity and business activities will continue at their current locations within the property.

The proposed subdivision will effectively restrict the consented residential activity to Proposed Lot 2. The remainder of the property (Proposed Lot 1) will revert to a rural lifestyle property for continuation of the existing business use.

An assessment of the proposed subdivision and its effects in relation to the relevant provisions of Clause 3.8 of the NPS-HPL concludes that:

- The proposed subdivision will not give rise to adverse effects on the physical characteristics of the property relevant to land-based primary productivity. Specifically:
  - Published soil mapping shows the property comprises a single, uniform soil type and LUC Class, with no distinct soil patterns. Proposed Lots 1 and 2 will each retain the same soil type and LUC Class as the existing property, and no new soil patterns will be introduced. Hence, the overall productive capacity of the soil patterns within the property will be unaffected by the proposed subdivision.
  - The proposed subdivision does not involve or enable new activities that could change the soil characteristics Proposed Lot 1 or 2 or adversely impact the overall productive capacity of the soil characteristics within the property.
  - The proposed subdivision does not involve or enable new activities that could change the existing landform or flood proneness of the property. Hence, the proposed subdivision will not adversely impact the overall productive capacity of the property landform or its flood immunity.
  - The proposed subdivision will not result in any change to climate-dependent characteristics of the property that could support the productive capacity of the land.
  - The proposed subdivision will not result in any change to the availability of water for land-based primary productivity.
- The proposed subdivision will remove a key legal constraint upon primary production in Proposed Lot 1 by effectively constraining the existing residential consent to Proposed Lot 2. The proposed subdivision will make use of the existing easements and will not require any additional covenants, easements or consents that could pose legal constraints to primary production.
- The proposed subdivision will retain the existing property shape and will not result in any loss of land from production through access, curtilage development and setbacks and will not require any mitigation measures that could impact the productive use of the land.
- The property is located within a highly fragmented and geographically incohesive area of mapped HPL that has been extensively developed for rural lifestyle and residential uses and is traversed by linear

infrastructure and natural features, and therefore the proposed subdivision will not contribute incrementally to any cumulative impacts on HPL within the region.

- The proposed subdivision, in and of itself, does not create reverse sensitivity effects. The proposed subdivision will retain the consented residential activity at Proposed Lot 1 while Proposed Lot 2 will revert to a rural lifestyle block and will continue to be used for business activities. One or both of these uses have been undertaken at the property for more than 20 years without giving rise to any reverse sensitivity effects on rural activities. Hence, the proposed subdivision is unlikely to give rise to any additional actual or potential reverse sensitivity effects on surrounding land uses (including any potential land-based primary production). On this basis, no mitigation measures are necessary.
- On this basis, the proposed subdivision will retain and potentially enhance the overall productive capacity of the property over the long term based on reasonably foreseeable conditions, and the proposed subdivision satisfies the requirements of Clause 3.8.

In addition, an assessment of the proposed subdivision and its effects in relation to the relevant provisions of Clause 3.10 of the NPS-HPL shows that:

- The land is subject to permanent or long-term constraints that make land-based primary productivity economically unviable for a period of at least 30 years, specifically:
  - The existing residential and business activities key constraints on the economic viability of land-based primary production at the property.
  - As explained in Section 6.3, lack of access to water is a long-term constraint on land-based primary production at the property. Indigo has evaluated a range of potential options for securing and supplying irrigation water and concluded that these are not feasible. Hence, there is no realistic prospect of securing access to sufficient quantities of additional water to make land-based primary production economically viable within the next 30 years.
  - The property is located in an area of non-reversible land fragmentation i.e. the mapped HPL in the vicinity the property has become highly fragmented by extensive rural lifestyle and residential properties and there is no reasonably practicable option available to consolidate the land and return it to a productive use. This represents a long-term (and likely permanent) constraint on land-based primary production.
  - Hence, there is currently negligible potential for the land to be used for land-based primary production over the next 30 years, based on reasonably foreseeable conditions.
- The proposed subdivision avoids any significant loss (either individually or cumulatively) of productive capacity of HPL. As discussed above in relation to Clause 3.8, the proposed subdivision will retain and potentially enhance the overall productive capacity of the property over the long term based on reasonably foreseeable conditions.
- Avoids the fragmentation of large and geographically cohesive areas of highly productive land. As discussed above, the property is located within a highly fragmented and geographically incohesive area of mapped HPL that has been extensively developed for rural lifestyle and residential uses and is traversed by linear infrastructure and natural features.
- As discussed, above in relation to Clause 3.8, the proposed subdivision is not expected to give rise to reverse sensitivity effects on land-based primary production.

## 7 PLANNING ASSESSMENT

Section 104 of the RM Act (subject to Part II of the RM Act) requires that the CODC consider the matters relevant to the proposed subdivision. The matters relevant to the project include:

- The actual and potential environmental effects of the proposed subdivision
- Relevant national environmental standards
- Relevant national and regional planning documents
- Relevant provisions of the District Plan including objectives, policies, rules and other criteria

Sections 4 to 6 provide a detailed assessment of the environmental effects of the proposed subdivision. The assessment indicates that the effects of the proposed subdivision are likely to be less than minor.

Sections 7.1 to 7.3 discuss the relevant national environmental standards, planning documents and District Plan matters.

### 7.1 RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the Soil Contamination NES) came into effect on 1 January 2012. The Soil Contamination NES applies to land where an activity or industry described in the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Proposed activities on properties affected by an activity or industry described in the HAIL may require resource consent and/or may be required to comply with permitted activity conditions.

Based on the available information and site inspection results presented in Section 6, there is no evidence of an activity or industry described in the HAIL having been undertaken on the property. It is therefore unlikely that such an activity has been undertaken at the property and the Soil Contamination NES does not apply to the property or the proposed subdivision.

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

## 7.2 RELEVANT REGIONAL AND NATIONAL PLANNING DOCUMENTS

### 7.2.1 NATIONAL PLANNING DOCUMENTS

Section 6 of the RM Act describes matters of national importance that must be considered. None of the listed matters of national importance are relevant or applicable to the proposed subdivision.

Section 7 of the RM Act describes the following other matters that are potentially relevant to the proposed subdivision and must be considered:

- 7(b) The efficient use and development of natural and physical resources;
- 7(c) The maintenance and enhancement of amenity values;
- 7(f) Maintenance and enhancement of the quality of the environment; and
- 7(g) Any finite characteristics of natural and physical resources.

These matters are addressed in full by the relevant objectives and policies of the District Plan. Section 7.3 explains that the proposed subdivision will be undertaken in a manner that is consistent with the relevant objectives and policies of the District Plan. On this basis, the proposed subdivision will not conflict the purpose of the RM Act or any other matter referred to in Part 2 of the RM Act.

The *National Policy Statement for Highly Productive Land* came into effect in October 2022 and is intended to protect highly productive land for use in land-based primary production (i.e. production that is reliant on the land's soil resources). Section 6 provides a soil and land capability assessment that includes an assessment of the potential impacts of the proposed subdivision on highly productive land.

### 7.2.2 REGIONAL PLANNING DOCUMENTS

The 2019 Otago Regional Policy Statement (ORPS) became fully operative on 4 March 2024 and contains the following objectives and policies that are potentially relevant to this application:

- Objective 5.3 – Sufficient land is managed and protected for economic production
  - Policy 5.3.1 Rural Activities
    - d) Restricting the establishment of incompatible activities in rural areas that may be likely to lead to reverse sensitivity effects; and
    - e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency.

Sections 4 to 6 provide assessments that show the proposed subdivision will not give rise to adverse reverse sensitivity effects or impact the productive capacity/efficiency of the land. On this basis, the proposed subdivision is consistent with the relevant regional objectives and policies.

## 7.3 RELEVANT PROVISIONS OF THE DISTRICT PLAN

### 7.3.1 PROJECT CLASSIFICATION

The property is located in the Rural Resource Area as defined in the CODC District Plan and shown in District Plan Map 46. There are no other annotations for this property.

Section 221(3) of the RM Act makes provision for the property owner to apply to the CODC for a change or cancellation of any condition specified in Consent Notice 6181224.2. The CODC has discretion whether or not to review, change or cancel the condition(s). Section 221(3A) of the RM Act requires that the CODC consider an application for change in accordance with Sections 88 to 121, 127(4) and 132 of the RM Act, as if it were a resource consent application for a discretionary activity.

The proposed subdivision will create two allotments with an average area of less than 8 ha. Hence, the proposed subdivision is a non-complying activity in accordance with Rule 4.7.5(iii) of the District Plan.

Rule 4.7.4(iii)(d) of the District Plan states that *subdivision which involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source is a discretionary activity*. Similarly, Section 106 of the RM Act makes provision for CODC to refuse subdivision consent application or condition a subdivision consent if the land is currently at significant risk of material damage from natural hazards, or the future use of the subdivided land is likely to increase this risk. Section 5 of this AEE provides an assessment of the mapped fan hazard and the potential vulnerability of the land to the effects of that hazard. This assessment concludes that the land is not likely to be subject to the effects of a fan hazard or any associated material damage. This conclusion is consistent with CODC's previous approvals for residential activities, subdivisions and building consents on the same fan hazard and on numerous unmapped fans at neighbouring subdivisions. Hence, the proposed subdivision is not a discretionary activity on the basis of Rule 4.7.4(iii)(d) and there is no justification for the application of Section 106 of the RM Act.

### 7.3.2 OBJECTIVES AND POLICIES

Table 3 lists the objectives and policies that are potentially relevant to the project and provides an assessment that shows the project is consistent with the relevant objectives and policies of the District Plan.

**TABLE 3 RELEVANT DISTRICT PLAN OBJECTIVES AND POLICIES**

Objectives and Policies	Assessment of Project
<b>Objective 4.3.1 – Needs of the District's People and Communities</b>	Table 2 explains that the project will provide socio-economic benefits without generating any significant adverse environmental impacts.
Policy 4.4.10 – Rural Subdivision and Development	

Objectives and Policies	Assessment of Project
<b>Objective 4.3.3 – Landscape and Amenity Values</b>	Table 2 explains that the project does not involve any changes to the existing degree of open space, the landscape or the natural character of the area.
<b>Objective 16.3.4 – Amenity Values</b>	Table 2 explains that the project is expected to reduce the overall scale of the built environment associated with the approved residential activity by relinquishing the current sleepout approval on Proposed Lot 1.
Policy 4.4.2 – Landscape and Amenity Values	Table 2 provides a scoping assessment for amenity impacts which concludes that the project is not expected to give rise to any additional amenity impacts or reverse sensitivity issues.
Policy 4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties	
Policy 4.4.9 – Effects of Rural Activities	
<b>Objective 4.3.7 – Soil Resource</b>	Section 6 describes the soil resources and agricultural land capacity of the property. Section 6 also provides an assessment of impacts of the project on soil and land capacity and concludes that the potential impacts will be less than minor.
Policy 4.4.6 – Adverse Effects on the Soil Resource	
Objective 16.3.5 – Water and Soil Resources	
<b>Objective 4.3.8 – Significant Indigenous Vegetation and Habitats of Indigenous Fauna</b>	Table 2 describes the flora and fauna within the property and concludes that there is no significant indigenous vegetation or indigenous fauna habitat in the property.
Policy 4.4.7 – Significant Indigenous Vegetation, Wetlands and Wildlife	
<b>Objective 16.3.1 – Adverse Effects on the Roading Network</b>	Table 2 and Section 3.2 explain that the project does not involve any additional traffic generation and hence will not give rise to any adverse effects on the roading network.
Policy 16.4.1 – Adequate Access	
<b>Objective 16.3.2 – Services and Infrastructure</b>	Table 2 and Section 3.2 explain that the project is already fully serviced and does not require any additional services or infrastructure.
Policy 16.4.3 – Adequate Infrastructure	
Policy 16.4.4 – Unreticulated Areas	

Objectives and Policies	Assessment of Project
<b>Objective 16.3.3 – Hazards</b> <hr/> Policy 16.4.8 – Sites Subject to Hazards	<p>Section 5.2 explains that the property and surrounding residential properties are located on an alluvial fan that is mapped as a potential natural hazard.</p> <p>Section 5.4 provides an assessment of the alluvial fan and concludes the property is not likely to be subject to adverse effects associated with the fan.</p>
<b>Objective 16.3.7 – Open Space, Recreation and Reserves</b> <hr/> Policy 16.4.7 – Subdivision Design	<p>The proponent anticipates that a reserves contribution will be required in order to ensure that the subdivision contributes to the open space, recreation and reserves needs of the community.</p>

### 7.3.3 RULES AND ASSESSMENT CRITERIA

Table 3 lists the District Plan subdivision standards for that are relevant to the project and provides an assessment that shows the project is consistent with the relevant standards.

**TABLE 4 SUBDIVISION STANDARDS**

Section 16.7 Standards	Assessment of Proposed Subdivision
<u>16.7.1 Subdivision Code of Practice</u> The physical design and construction of works to be carried out as part of the subdivision or as required by a condition of consent will generally be in accordance with Council's <i>Code of Practice for Subdivision</i> (see Method 16.5.2 page 16:11). Modification may be made to the requirements of this Code by any conditions of consent.	The proposed subdivision does not involve any physical works to be designed or constructed.
<u>16.7.2 Services, Infrastructure and Roading</u> The subdivider shall be responsible for providing all reticulation, services and roading within the subdivision. The subdivider shall also ensure that services are provided to the boundary of each allotment.	The project will make use of existing reticulation, services and roading. No additional reticulation, services and roading are proposed.
The subdivider shall be responsible for the forming, grassing and where necessary, irrigating of all berms, and for establishing landscaping that is required as a condition of consent. An irrigation system may be required as a condition of consent and this shall be installed at the cost of the subdivider.	No berms, additional landscaping or associated irrigation systems are proposed.
Lighting shall be installed within all urban subdivisional roads.	No urban subdivisional roads are proposed.

Section 16.7 Standards	Assessment of Proposed Subdivision
The consent holder or successor in title shall be responsible for providing kerb crossing places and vehicle entrances to all allotments intended to accommodate a dwelling or other building.	The project will make use of existing vehicle entrances. No additional vehicle entrances or kerb crossing places are proposed.
The consent holder shall provide for Council's consent, a proposed name or names for any new subdivisional road and when approved it shall be the consent holder's responsibility to supply and erect appropriate signs of a design consistent with the road sign design used in that particular locality.	No new subdivisional roads are proposed.
The subdivider shall provide, as part of the design and construction of any private way or access lot servicing more than 2 allotments, common facilities for postal delivery and refuse collection services. Facilities for these services shall be provided in a co-ordinated and tidy manner which promotes ease of access and use, the design of which is to be compatible with the existing streetscape.	The Riverview Estate subdivision has an existing common postal delivery area located at the southern end of Willowbank Road. The Proposed Lots will make use of the existing facilities. Queensberry is not currently serviced by public refuse collection services. The Proposed Lots will continue to make use of private refuse collection/disposal services, as necessary.
<u>16.7.3 Services, Infrastructure and Roading Servicing the Subdivision</u> All services, infrastructure and roading that service the land within a subdivision shall be of a standard adequate to meet the intended use of the subdivision.	The project will make use of existing services, infrastructure and roading.
<u>16.7.4 Minimum Access Widths – Urban Areas</u>	The proposed subdivision is not located in an urban area.
<u>16.7.5 Minimum Access Widths – Rural Areas</u> Minimum access width in rural areas shall be as follows: Rights of way, access lots = 6 metres legal, 4 metres formed. Crossfalls of a minimum of 6% shall be provided to ensure water drains freely from the carriageway. Roads = Width and construction are to be consistent with the requirements of Council's roading classification provided that any proposed road to be vested in the Council shall be no less than 10 metres in width.	The proposed subdivision does not involve the construction of any new accessways.

Section 16.7 Standards	Assessment of Proposed Subdivision
<p><b><u>16.7.6 Maximum Gradients</u></b></p> <p>The maximum gradients for carriageways shall be as follows:</p> <ul style="list-style-type: none"> <li>- Private access - 1 in 5</li> <li>- Roads - 1 in 8</li> </ul>	No change to the existing private accessway is proposed.
<p><b><u>16.7.7 Access to Back Land</u></b></p> <p>The design of every subdivision shall give consideration to the future development of adjoining land and the Council, may, as a condition of consent, require the creation of reserves, roads or the formation of roads to the boundary of adjoining land to facilitate future development.</p>	The property is traversed by existing access tracks that provide access to existing and Proposed Lots.
<p><b><u>16.7.8 Existing Buildings or Other Developments</u></b></p> <p>Where any subdivision includes land that has existing buildings or other developments located upon it, Council will require that the individual allotments upon which the existing buildings or other developments are situated have independent connections to all utilities servicing the land and that appropriate easements are created to protect existing services. Separate drainage and water connections will generally be required for each property. In special circumstances, however, "drains in common" or a shared water connection with separate tobys may be consented to.</p> <p>In such cases a formal maintenance agreement may be required to be entered into and registered to confirm the responsibilities of the respective parties.</p>	The Proposed Lots are each currently serviced by separate, independent water supply toby and power connection and these connections are protected by existing easements.
<p><b><u>16.7.9 Stability of Land</u></b></p> <p>Prior to considering an application, the Council may require the production of a report from a geologist or engineer experienced in the field of land stability showing that each site in the proposed subdivision is suitable for the permitted activities on that site and the erection of buildings. A report from an appropriately qualified and experienced person may be required where any other potential hazard may affect land subject to the application.</p>	Section 4.2 explains that the property is not in Section 5.4 provides an assessment of the subdivision interaction with the mapped potential fan hazard.

Section 16.7 Standards	Assessment of Proposed Subdivision
<p><u>16.7.10 Electricity and Telephone Services</u></p> <p>The design and provision to each allotment of electricity and telephone utility services shall comply with the standards of the relevant network utility operator (that is referred to in the context of this rule as a 'provider') provided that electricity and telephone utility services are to be located underground in urban areas unless this is demonstrated to be impracticable (apart from the Industrial Resource Area) and other areas if Council so determines as a condition of consent.</p>	<p>Section 3.2 explains the property is serviced by underground power and telephone lines that were installed to the satisfaction of CODC, as part of the original Riverview Estate subdivision. No additional electricity and telephone utility services are proposed.</p>
<p><u>16.7.11 High Voltage Transmission Lines</u></p> <p>Where subdivision activities are to occur in close proximity to high voltage transmission lines (being 20 metres either side of the centre line of that transmission line)...</p>	<p>There are no high voltage transmission lines within 20 m of the proposed subdivision.</p>
<p><u>16.7.12 Amalgamation Conditions</u></p> <p>In addition to the circumstances set out in section 220(1)(b) of the Act Council may impose amalgamation conditions...</p>	<p>No amalgamation is being sought as part of the project.</p>
<p><u>16.7.13 Provision of Esplanade Strips, Esplanade Reserves, and Access Strips</u></p> <ol style="list-style-type: none"> <li>1. Esplanade Strips/Esplanade Reserves</li> <li>2. Existing Reserve or Road</li> <li>3. Vesting of Lake and River Beds</li> <li>4. Request to Waiver Requirements on a River or Lake Listed in Schedule 19.9</li> <li>5. Agreements for Esplanade Strips and Access Strips</li> </ol>	<p>The Proposed Lots do not adjoin a river or lake, or an existing reserve or road associated with a river or lake.</p>

## 8 NOTIFICATION ASSESSMENT

Sections 95A to 95F of the RM Act describe the requirements for public and limited notification of the project. Table 10 lists the specific requirements of the RM Act that relate to notification and explains how the project meets each requirement. In summary, Table 10 shows that:

- Section 95A of the RM Act does not preclude public notification of the project; and
- Section 95B of the RM Act indicates that limited notification of the project is unnecessary.

Based on this assessment, the project should be processed on a non-notified basis. This conclusion is consistent with the CODC's recent notification determination for recent subdivision RC220269.

**TABLE 5 RESOURCE MANAGEMENT ACT REQUIREMENTS FOR NOTIFICATION**

Resource Management Act Requirement	Assessment of Project
<b><u>95A Public Notification of consent applications</u></b> (1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.	Noted
<b><u>Step 1 – Mandatory Public Notification</u></b> (2) Determine whether the application meets any of the criteria set out in subsection (3) and,— (a) if the answer is yes, publicly notify the application; and (b) if the answer is no, go to step 2. (3) The criteria for step 1 are as follows: (a) the applicant has requested that the application be publicly notified; (b) public notification is required under section 95C; (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	The applicant has not requested that the project be publicly notified. To date, the CODC has not requested further information or notified the applicant that it wants to commission a report. Hence, Section 95C is not applicable. The application has not been made jointly with an application to exchange of recreation reserve land. Hence, the application does not meet the criteria set out in Section 95A(3) and mandatory public notification is not required.

Resource Management Act Requirement	Assessment of Project
<p><u>Step 2 – Public Notification Precluded</u></p> <p>(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—</p> <p>(a) if the answer is yes, go to step 4 (step 3 does not apply); and</p> <p>(b) if the answer is no, go to step 3.</p> <p>(5) The criteria for step 2 are as follows:</p> <p>(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:</p> <p>(b) the application is for a resource consent for 1 or more of the following, but no other, activities:</p> <p>(i) a controlled activity:</p> <p>(ii) <i>Repealed</i></p> <p>(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity:</p> <p>(iv) <i>Repealed</i></p> <p>(6) <i>Repealed</i></p>	<p>The project relates to a non-complying activity that is a subdivision and a discretionary activity that is a change of conditions.</p> <p>The project is not a controlled activity or a boundary activity and is not subject to a rule or national environmental standard that preclude public notification.</p> <p>Hence, the application does not meet the criteria set out in Section 95A(5) and public notification is not precluded.</p>
<p><u>Step 3: if not precluded by step 2, public notification required in certain circumstances</u></p> <p>(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—</p> <p>(a) if the answer is yes, publicly notify the application; and</p> <p>(b) if the answer is no, go to step 4.</p> <p>(8) The criteria for step 3 are as follows:</p> <p>(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:</p> <p>(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.</p>	<p>The project is not subject to a rule or national environmental standard that requires public notification.</p> <p>Sections 4 to 6 conclude that the project will have negligible environmental effects and is unlikely to give rise to any adverse environmental impacts.</p> <p>On this basis, the public notification of the application is not warranted.</p>

Resource Management Act Requirement	Assessment of Project
<p><b><u>Step 4: Public notification in special circumstances</u></b></p> <p>(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—</p> <p>(a) if the answer is yes, publicly notify the application; and</p> <p>(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.</p>	<p>The project is unexceptional and unlikely to generate significant public interest. The project is consistent with numerous previous subdivisions in the Riverview Estate and entails a continuation of the existing land uses. Hence, there are no special circumstances associated with the project that would warrant the application being publicly notified.</p> <p>Hence, the application must not be publicly notified, but the need for limited notification must be determined in accordance with Section 95B.</p>
<p><b><u>95B Limited notification of consent applications</u></b></p> <p>(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.</p>	<p>Noted.</p>
<p><b><u>Step 1: Certain affected groups and affected persons must be notified</u></b></p> <p>(2) Determine whether there are any—</p> <p>(a) affected protected customary rights groups; or</p> <p>(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).</p> <p>(3) Determine—</p> <p>(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and</p> <p>(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.</p> <p>(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).</p>	<p>The project does not affect any protected customary rights groups or customary marine title groups.</p> <p>The project is not located on or adjacent to land that is subject of a statutory acknowledgement and no such land may be affected by the project.</p>

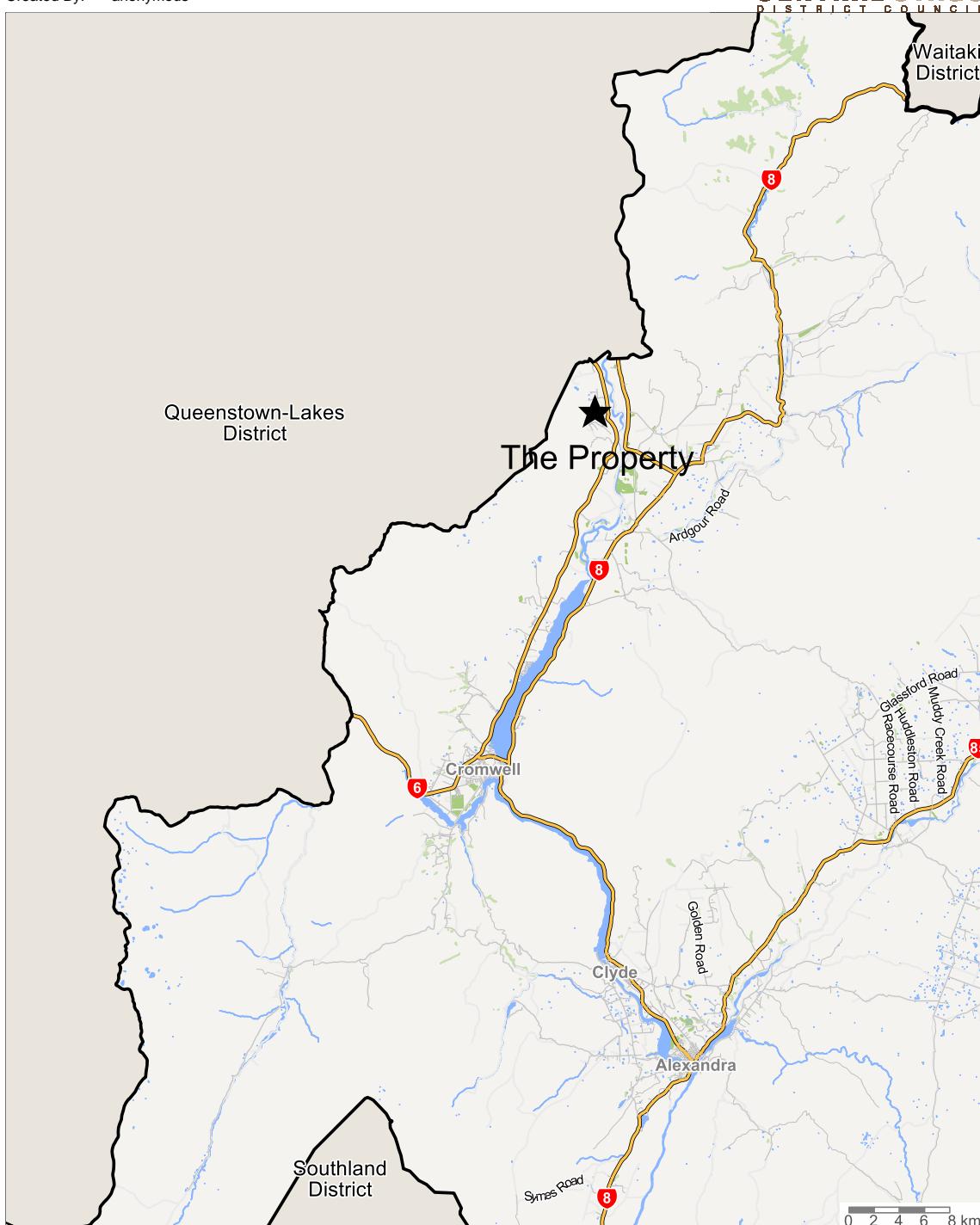
Resource Management Act Requirement	Assessment of Project
<p><u>Step 2: if not required by step 1, limited notification precluded in certain circumstances</u></p> <p>(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—</p> <p>(a) if the answer is yes, go to step 4 (step 3 does not apply); and</p> <p>(b) if the answer is no, go to step 3.</p> <p>(6) The criteria for step 2 are as follows:</p> <p>(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;</p> <p>(b) the application is for a resource consent for either or both of the following, but no other, activities:</p> <p>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land);</p> <p>(ii) a prescribed activity (see section 360H(1)(a)(ii)).</p>	<p>The project is not subject to a national environmental standard or District Plan rule that precludes limited notification.</p> <p>The project is not a controlled activity other than a subdivision or a prescribed activity.</p> <p>Hence, the application does not meet the criteria set out in Section 95B(6) and limited notification is not precluded.</p>
<p><u>Step 3: if not precluded by step 2, certain other affected persons must be notified</u></p> <p>(7) Determine whether, in accordance with section 95E, the following persons are affected persons:</p> <p>(a) in the case of a boundary activity, an owner of an allotment with an infringed boundary; and</p> <p>(b) in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.</p> <p>(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</p> <p>(9) Notify each affected person identified under subsections (7) and (8) of the application.</p>	<p>The project is not a boundary activity where the owner of an infringed boundary has not provided their approval.</p> <p>The project is not a prescribed activity.</p> <p>Sections 4 to 6 of this AEE provides an assessment of the effects of the project. This assessment concludes that the effects of the project will be less than minor. Hence, in accordance with Section 95E, there are no other affected persons.</p> <p>Hence, the application does not meet the criteria set out in Section 95B(7) and (8) and limited notification of other affected persons is not required.</p>

Resource Management Act Requirement	Assessment of Project
<p><u>Step 4: further notification in special circumstances</u></p> <p>(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons), and,—</p> <p>(a) if the answer is yes, notify those persons; and</p> <p>(b) if the answer is no, do not notify anyone else.</p>	<p>The project is unexceptional and unlikely to generate significant public interest. The project is consistent with numerous previous subdivisions in the Riverview Estate and entails a continuation of the existing land uses. Hence, there are no special circumstances associated with the project that would warrant the application being publicly notified.</p> <p>Hence, no other persons should be notified of the application.</p>

## Figures

**Figure 1 - Property Location**

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Created By: anonymous

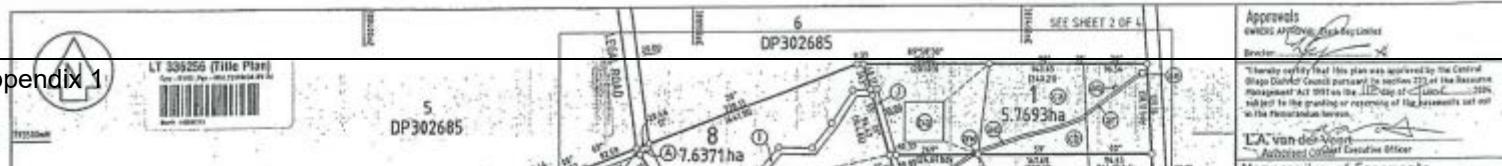


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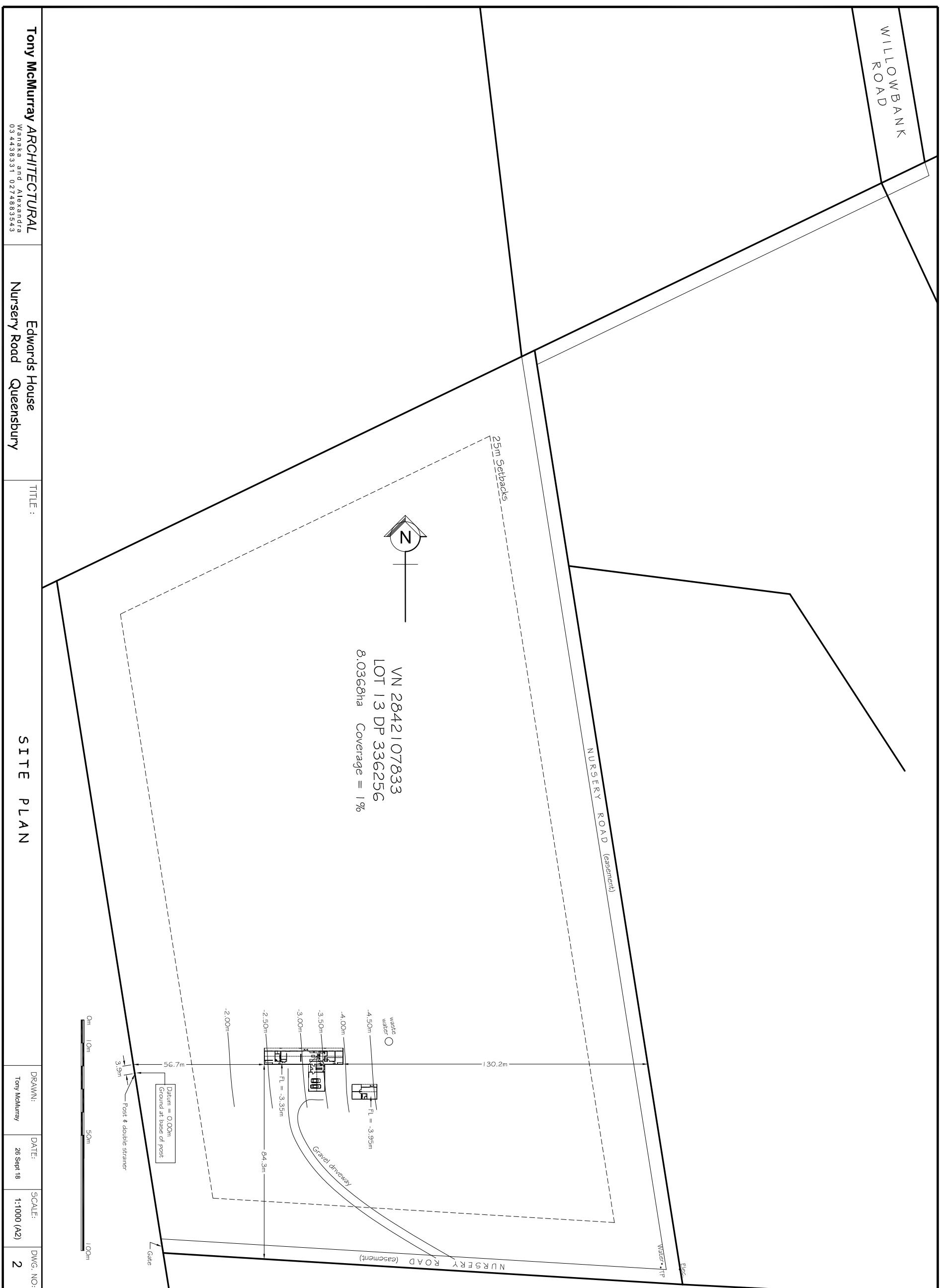
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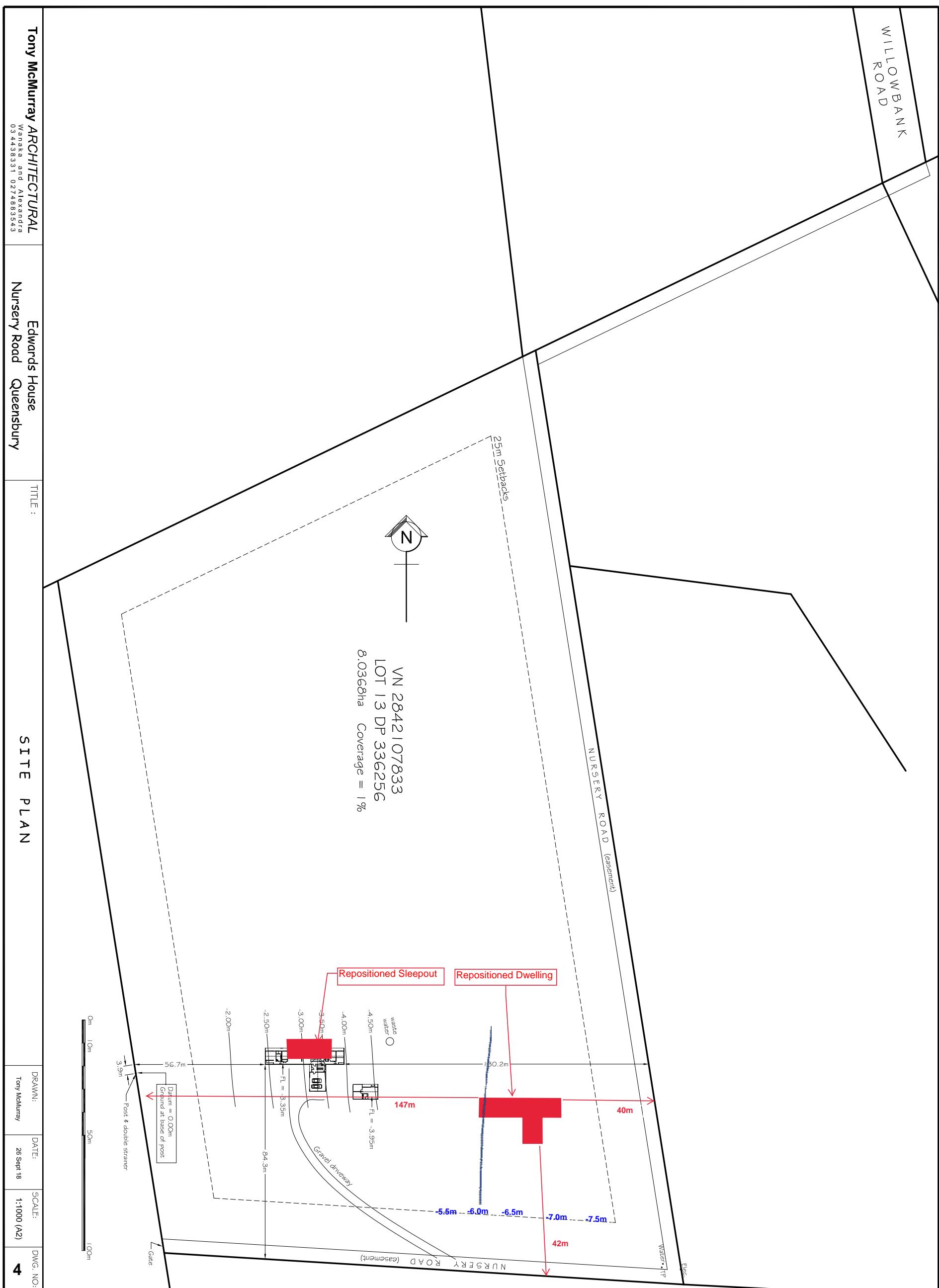
The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.  
Digital map data sourced from Land Information New Zealand (LINZ).  
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It is made available in good faith but its accuracy or completeness is not guaranteed. CODC accepts no responsibility for incomplete or inaccurate information.  
If the information is relied on in support of a resource consent it should be verified independently.

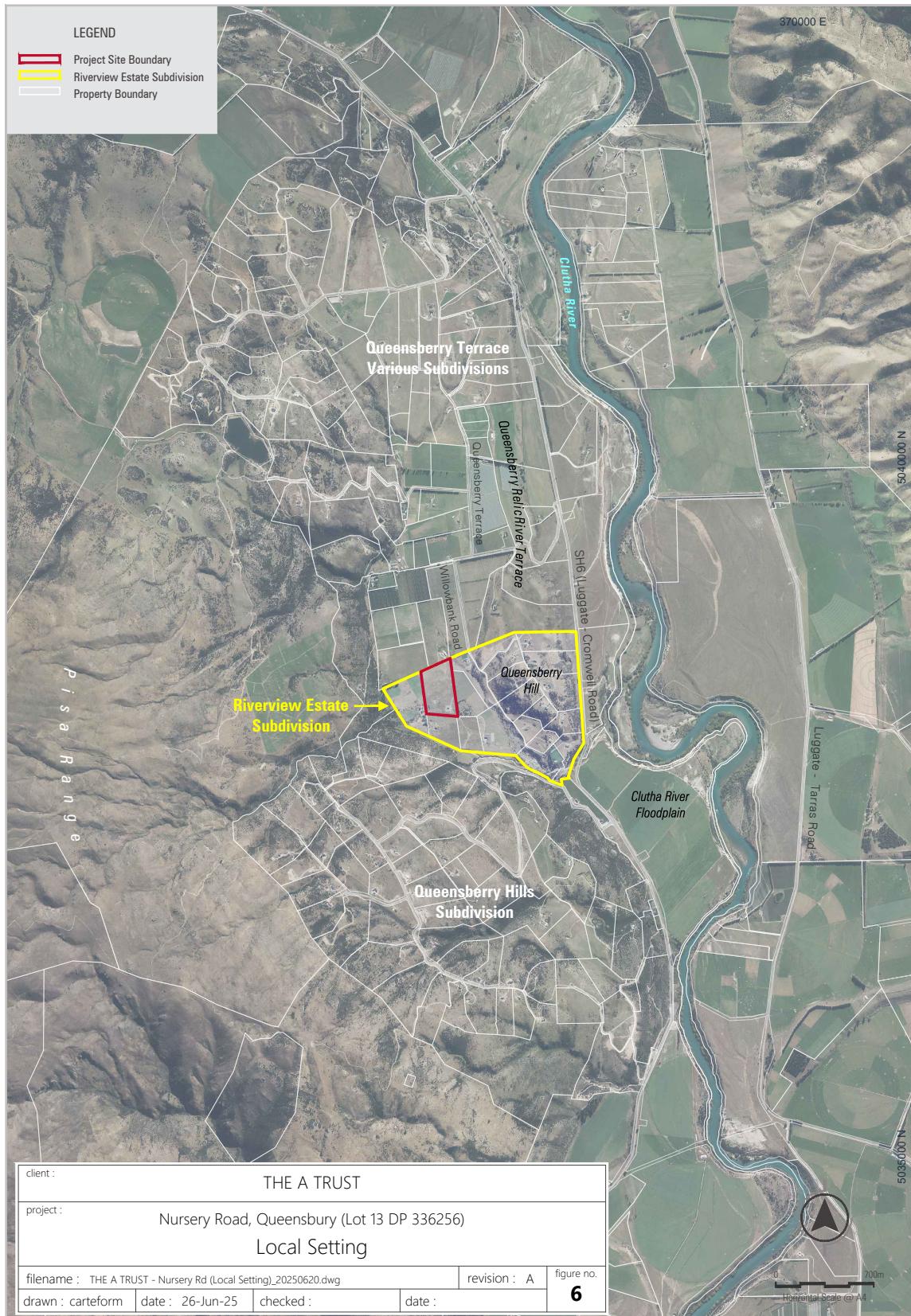


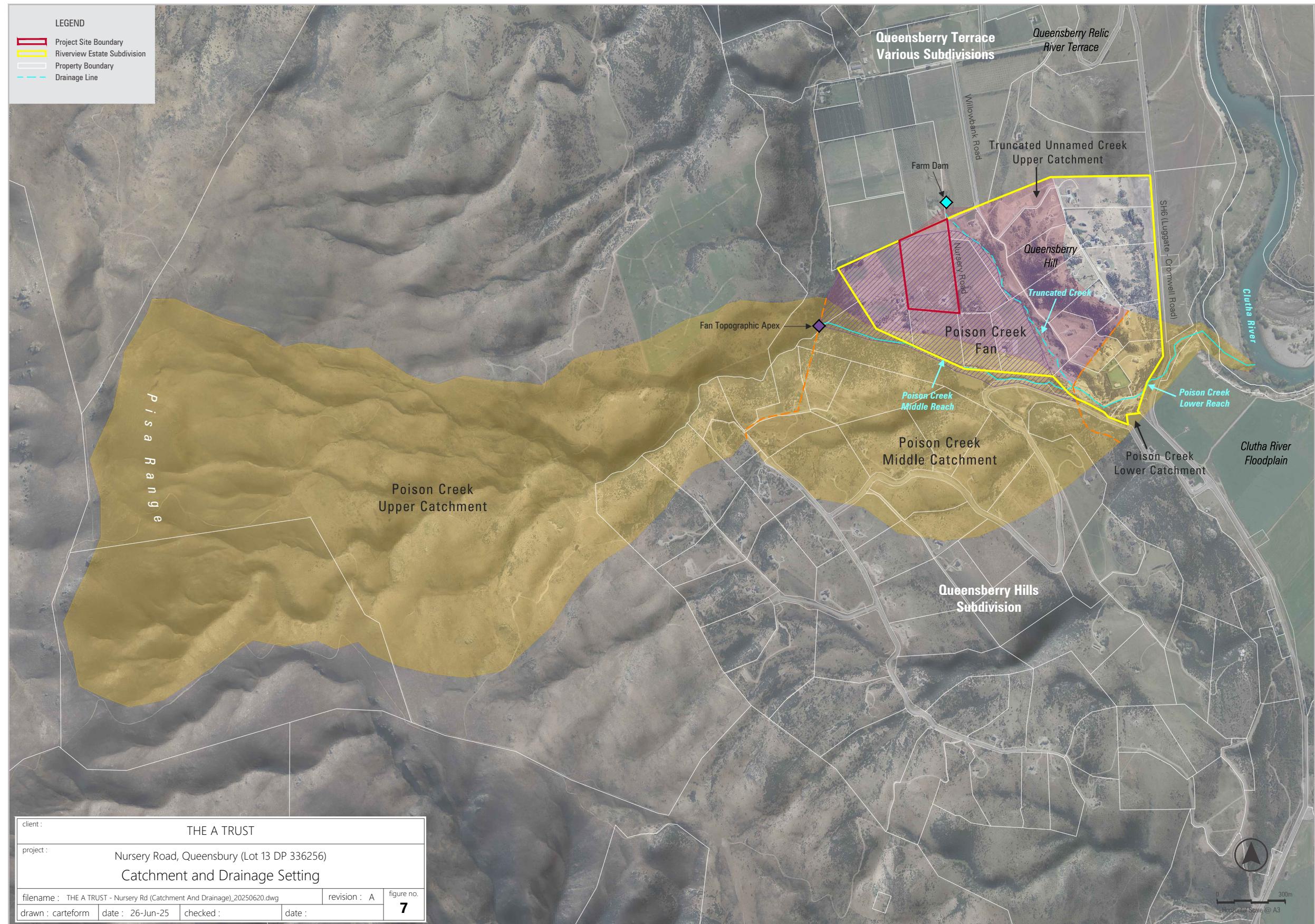
### Item 26.2.1 - Appendix 1

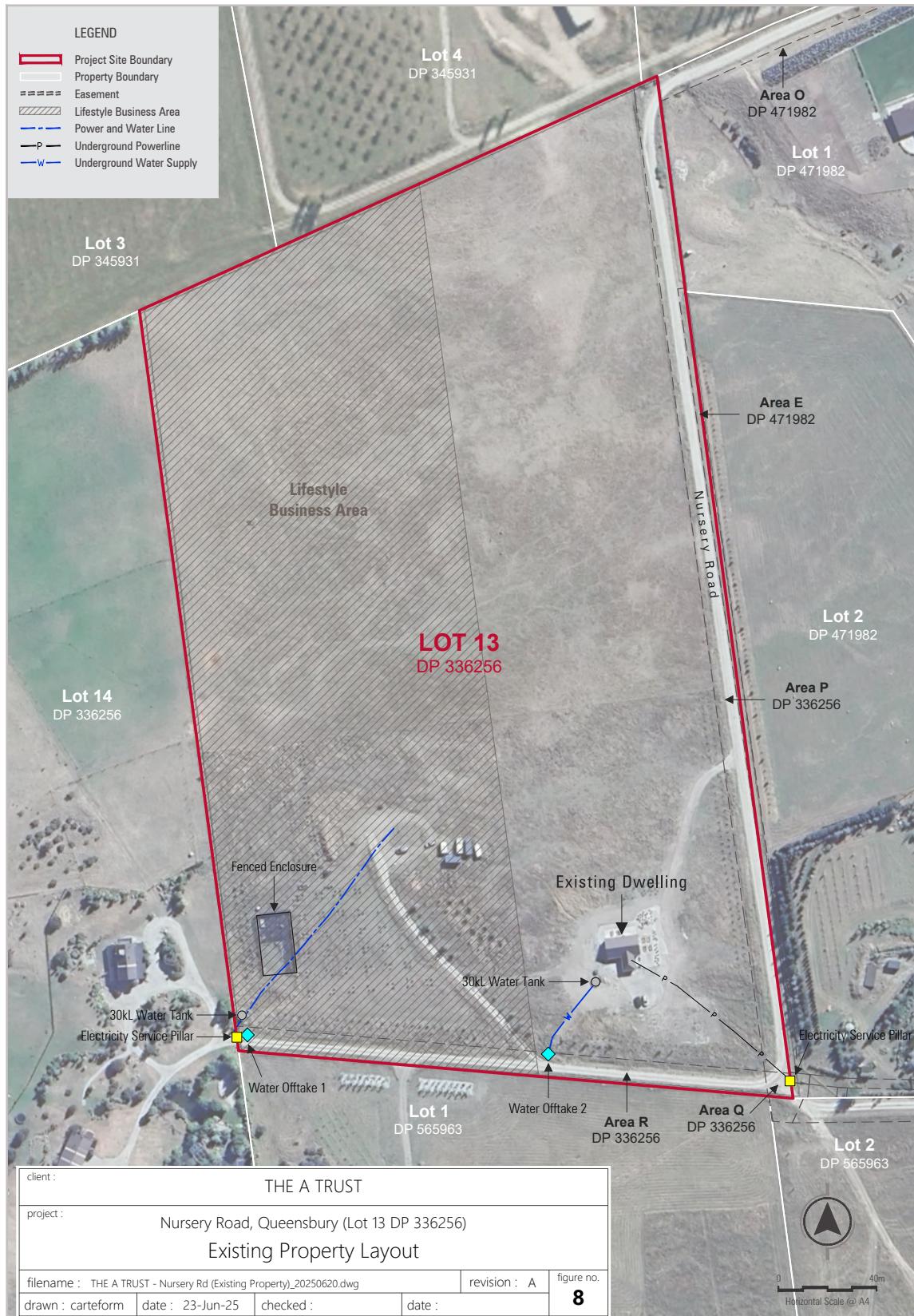














## Photographs

**PHOTOGRAPH 1** View south towards the Pisa Range (taken from driveway on western part of property)



**PHOTOGRAPH 2**    **View west towards the Pisa Range** (taken from southeast corner of property)



**PHOTOGRAPH 3** View east towards Queensberry Hill and the Clutha valley (taken from southwest corner of property)



**PHOTOGRAPH 4** Existing residential dwelling (taken from central part of property facing southeast)



**PHOTOGRAPH 5** Existing lifestyle business area (taken from central part of property facing west)



**PHOTOGRAPH 6**    Example of dense annual cover of Viper's Bugloss



**PHOTOGRAPH 7** Tree plantings along western property boundary (facing north)



**PHOTOGRAPH 8** Tree plantings along southern boundary (facing east)



**PHOTOGRAPH 9** Tree plantings along eastern boundary (facing north)



**PHOTOGRAPH 10 Internal tree plantings (facing north)**



**PHOTOGRAPH 11** View of Proposed Lot 1 from the southern property boundary (facing north)



**PHOTOGRAPH 12** View of Proposed Lot 2 from the southern property boundary (facing north)



**PHOTOGRAPH 13** View from Proposed Lot 1 facing south towards adjoining property at 69 Nursery Road



**PHOTOGRAPH 14** View from Proposed Lot 1 facing west towards adjoining property at 78 Nursery Road



**PHOTOGRAPH 15** View from Proposed Lot 1 facing east towards adjoining property at 55 Nursery Road



## **Appendix A**

## **Consent Notice 6181224.4**

CONO 6181224.2 Consent

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DocID: 1102645703

IN THE MATTER of Section 221 of the  
Resource Management  
Act 1991.

AND

IN THE MATTER of an Application for  
Subdivision Consent by  
Black Bag Limited.

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**CONSENT NOTICE**

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IN THE MATTER of Section 221 of the  
Resource Management  
Act 1991

AND

IN THE MATTER of an Application for  
Subdivision Consent by  
Black Bag Limited.

**CONSENT NOTICE**

**BACKGROUND**

- A. Black Bag Limited of WANAKA have applied to the Central Otago District Council pursuant to provisions of the Resource Management Act 1991 for its consent to subdivide land comprised and described in Certificate of Title OT 16A/350 (Section 34 SO16406).
- B. Council has granted consent to the proposed subdivision subject to certain conditions, which are required to be complied with on a continuing basis by the Owner of the land being those conditions specified in the Operative Part hereof.

**OPERATIVE PART**

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments as shown on plan DP336256:

Conditions specified under Central Otago District Council decision RC030167.

**Roading, Access and Easements****Condition 7.**

*"Lots 1-3, 5 and 6 shall not obtain direct access onto State Highway 6."*

**Building Platforms, Heights and Covenants****Condition 8.**

*"No building on Lots 1-5 and 8 shall exceed 8 metres in height as defined in the Proposed District Plan."*

**Condition 9.**

*"No building on Lots 9 or 10 shall exceed 5 metres in height as defined in the Proposed District Plan."*

**Condition 10**

*"Any building on Lots 1-5 and 8-10 shall be located on a building platform shown on Lots 1-5 and 8-10 as identified on the amended plan of subdivision being Drawing 8205-14, provided that any building on Lot 10 is to be located in the position shown as "Second option for Building Platform position (Lots 9 and 10)" on Drawing 8205-14 that was attached to the evidence of Mr Vivan."*

**Condition 11**

*"No part of any building on Lots 6, 9 and 10 shall be visible against the skyline when viewed from State Highway 6."*

**Condition 12**

*"No part of any building on Lot 6 shall be visible below the roof eave from State Highway 6."*

**Condition 13**

*"The roofs of buildings constructed on Lots 1-6 and 8-10 shall be finished in tones and colours in the range of dark greens, dark greys and dark browns."*

**Water Supply****Condition 15**

*"An adequate domestic water supply is to be made available to Lots 1 to 14 and such a source shall be tested by a suitably qualified laboratory with the scope of analysis being to the satisfaction of the Chief Executive."*

**Condition 16**

*"The minimum domestic water supply to each Lot shall be 5000 litres/household/day."*

**Condition 17**

*"If the water supply is to be provided to two or more dwellings then the supply shall be operated by a responsible body (management group). The management group shall maintain and monitor the drinking water supply in compliance with the Drinking Water Standards for New Zealand 2000."*

**Condition 18**

*"The consent holder or successor shall install a 25m<sup>3</sup> water tank with an appropriate exterior coupling for fire purposes and a fire appliance standard of access on each lot prior to the occupation of a dwelling on that lot."*

**Condition 19**

*"The water tanks required in terms of condition 18 shall be located within the nominated building platforms on Lots 1-5 and 8-10 and as close as practicable to the dwellings on Lots 6, 7 and 11-14 and shall be finished in natural tones and colours to compliment the colours of other buildings on the allotment or buried or screened to avoid or mitigate any visual effects."*

**Notes:**

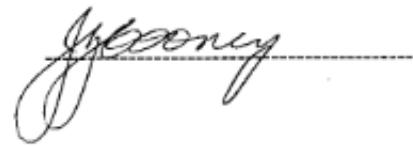
1. Should the water supply ultimately serve more than 25 people for more than 60 days per year (five or more dwellings) then the consent holder shall notify Public Health South, PO Box 2180 Queenstown of the details of the water supply and should have the supply registered with the Public Health Unit
2. Should water takes from ground or surface water for domestic irrigation purposes exceed 2500 litres/day and/or at a rate of more than 1.5l/second, a water permit is required from the Otago Regional Council.

**Other Services****Condition 21**

*"Effluent disposal shall be via an approved effluent disposal system designed and sited to comply with the Building Code and AS/NZS 1547/2000 'On-site Domestic Wastewater Management' and shall be sited in a position that will comply with the Otago Regional Council rules."*

Dated this 5<sup>th</sup> day of October 2004

SIGNED for and on behalf  
Of the CENTRAL OTAGO  
DISTRICT COUNCIL by its  
Principal Administrative Officer



## **Appendix B**

## **Resource Consent 180450**

2842107833  
RC180450

13 November 2018

K C Edwards  
29 Infinity Drive  
Wanaka 9305



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

+64 3 440 0056  
info@codc.govt.nz  
www.codc.govt.nz

Dear Sir/Madam

**RESOURCE CONSENT: RC180450 - NURSERY ROAD, QUEENSBERRY**

This is to advise that the application for land use consent to establish a residential activity in the Rural Resource Area, situated at Nursery Road, Queensberry described as Lot 13 DP 336256 and contained in Certificate of Title 148684 has been approved by the Executive Manager, Planning and Environment under delegated authority, subject to the following conditions:

1. The dwelling and sleep out shall be sited and constructed in general accordance with the plans and elevations submitted with the application attached as Appendix 1.
2. The sleep out is not authorised to contain kitchen and/or cooking facilities or be made to be a self-contained residential activity.

*Note: For the avoidance of doubt, cooking facilities includes, but is not limited to benchtop stoves, plug in ovens or cooktops and microwaves. Condition 11 does not preclude the use of the sleepout as a homestay as defined in Chapter 18 of the Operative Central Otago District Plan 2008*

3. The exterior walls of the buildings shall be clad in a mixture of corrugated iron coloured "BasaltBase" and stained or unstained timber, or similar, and thereafter maintained accordingly
4. The roof of the buildings shall be clad in corrugated iron coloured "BasaltBase" or similar, and thereafter maintained accordingly
5. Any new power and telephone services within the site shall be located underground.

*Note: Telecommunications provision may be from cellular or wireless sources.*

6. Domestic water shall be supplied from the community scheme bore on Lot 1 DP 336256 or a similar, secure source.
6. At the time residential activity is constructed, domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve.



Regional Identity Partner

Alternatively an 11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:

- a) For flooded sources, a 70 mm Instantaneous Coupling (Female) NZS 4505 or, for suction sources, a 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for fire fighting purposes.
- b) All connections shall be capable of providing a flow rate of 25 litres per second at the connection point
- c) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.
- d) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

*Note: Firefighting water supply may be provided by means other than that provided for in this condition if the written approval of the New Zealand Fire Service is obtained for the alternative method.*

*For more information on how to comply with this Condition or on how to provide for NZFS operational requirements refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. In particular, the following should be noted:*

*For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.*

*For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.*

7. At the time of construction of a dwelling, an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.
8. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
9. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
10. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.

Following consideration of the application it has been determined that any effects on the environment will be no more than minor and that granting consent will not be contrary to the objectives and policies of the relevant district plan.

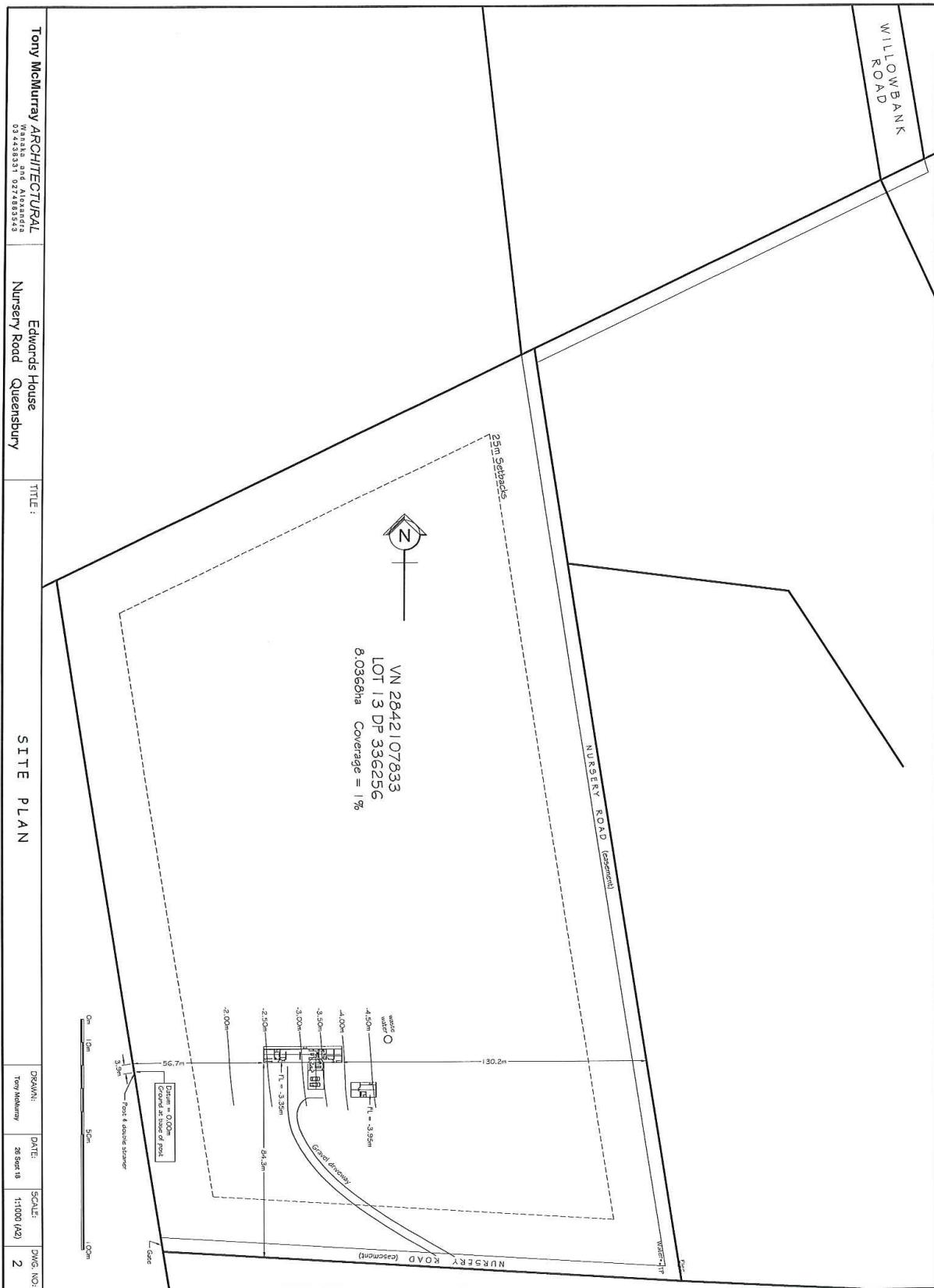
I draw your attention to Section 357 of the Resource Management Act 1991 which confers a right of objection to the Council to the conditions of consent.

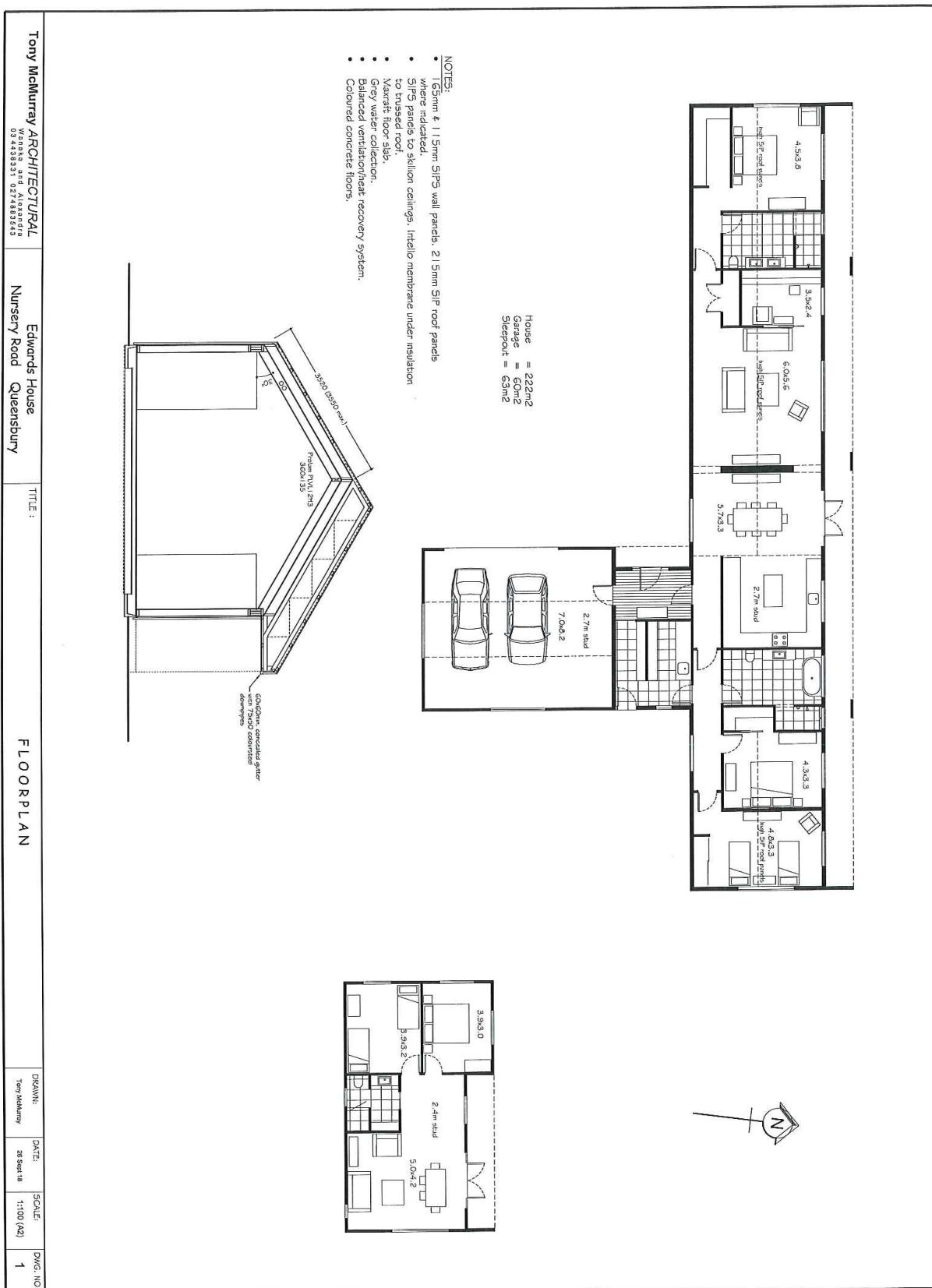
The applicant is further advised, pursuant to section 125 of the Resource Management Act 1991, that this consent will lapse on the expiry of five years after the date of commencement of the consent unless the consent is given effect to within that period.

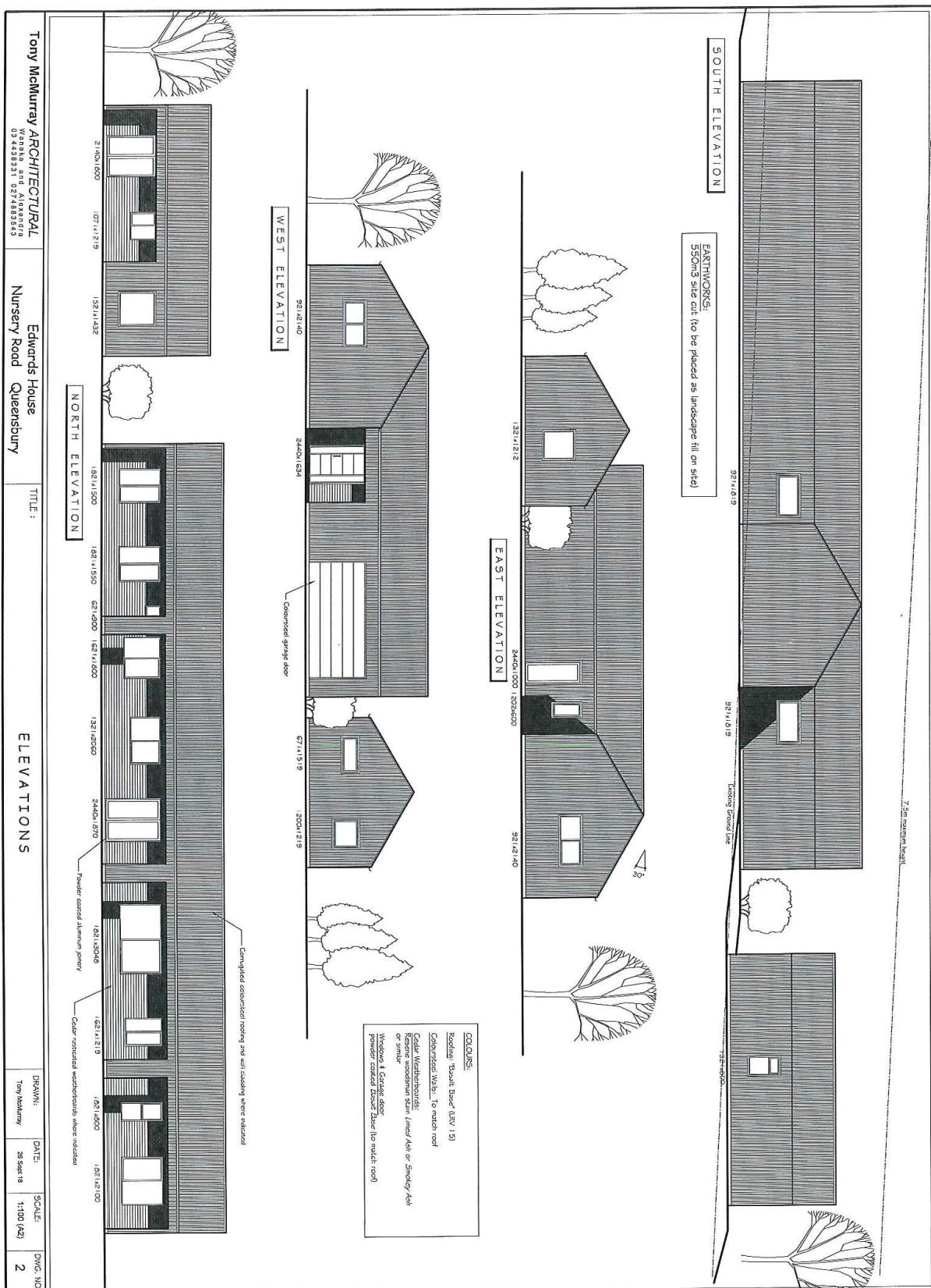
Yours faithfully



Adam Vincent  
Planning Officer







## **Appendix C**

### **Resource Consent 180450V1**

16 May 2022

Karina and Ross Edwards  
70 Nursery Road  
RD 3  
Cromwell 9383



1 Dunorling Street

PO Box 122, Alexandra 9340

New Zealand

03 440 0056



[Info@codc.govt.nz](mailto:Info@codc.govt.nz)

[www.codc.govt.nz](http://www.codc.govt.nz)



Via email: [rossedwardskiwi@gmail.com](mailto:rossedwardskiwi@gmail.com)

Dear Sir / Madam

**SECTION 127 APPLICATION: RC180450V1 BEING A VARIATION OF RC180450  
70 NURSERY ROAD, CROMWELL**

Your application for a variation of a resource consent, lodged pursuant to section 127 of the Resource Management Act 1991, was processed on a non-notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The application was considered by Planning Manager, under delegated authority, on 13 May 2022.

The Council has granted consent to the variation of the resource consent. The assessment of the application, including the reasons for the decision, is set out in the report attached to this letter. The consent certificate showing the varied conditions is attached.

**The consent certificate outlines the conditions that apply to your proposal. Please ensure that you have read and understand all of the consent conditions.**

You may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Planning Manager, Central Otago District Council at [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz).

You may request that the objection be considered by an independent commissioner. The Council will then delegate its functions, powers and duties to an independent hearings commissioner to consider and decide the objection. Please note that if you request independent commissioner, you may be required to pay for the full costs of the incurred for independent hearings commissioner.

Section 120 of the Resource Management Act 1991 sets out the rights of appeal to the environment court for resource consent decisions. It is recommended that you consult a lawyer if you are considering this option.

Please feel free to contact me if you have any questions.

Yours faithfully



Adam Vincent  
**Planning Officer**

APPLICATION	RC180450V1 BEING A VARIATION OF RC180450
APPLICANT	KARINA AND ROSS EDWARDS
ADDRESS	70 NURSERY ROAD, CROMWELL
LEGAL DESCRIPTION	LOT 13 DP 336256 (HELD IN RECORD OF TITLE 148684).
ACTIVITY STATUS	DISCRETIONARY

## BACKGROUND

RC 180450 consented the establishment of residential activity in a new dwelling and sleepout on the site, subject to conditions related to the location of the buildings, their exterior design and the provision of services. Consent was granted on a non-notified basis under delegated authority on 13 November 2018 subject to 11 conditions. No changes have been made to the consent to date.

## DESCRIPTION OF ACTIVITY

The applicant proposes to amend the approved plans attached as Appendix A to RC 180450 to reflect a proposed new location for the buildings. No changes to the layout, exterior design or servicing provisions are proposed for either building.

While the applicant has indicated that no change to Condition 1 is considered necessary, I consider that it would make the condition clearer if it were amended to explicitly reference the amended plans. A proposed amended Condition 1 is as follows:

1. The dwelling and sleep out shall be sited and constructed in general accordance with the plans and elevations submitted with the application and the amended site plan submitted with RC 180450V1 attached as Appendix 1.

## REASONS FOR APPLICATION

Section 127 of the Resource Management Act 1991 states:

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent subject to the following:*
  - (a) *The holder of a subdivision consent must apply under this Section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under Section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
  - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed.*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if –*
  - (a) *The application were an application for a resource consent for a discretionary activity; and*
  - (b) *The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –*
  - (a) *Made a submission on the original consent application; and*
  - (b) *May be affected by the change or cancellation.*

In accordance with the provisions of section 127(3)(a) of the Resource Management Act 1991, the application to vary resource consent RC 180450 is a discretionary activity.

Section 125 of the Resource Management Act 1991 states:

- (1) *A resource consent lapses on the date specified in the consent or, if no date is specified,—*
  - (a) *5 years after the date of commencement of the consent, if the consent does not authorise aquaculture activities to be undertaken in the coastal marine area; or*
  - (b) *3 years after the date of commencement if the consent does authorise aquaculture activities to be undertaken in the coastal marine area.*
- (1A) *However, a consent does not lapse under subsection (1) if, before the consent lapses,—*
  - (a) *the consent is given effect to; or*
  - (b) *an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account—*
    - (i) *whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
    - (ii) *whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*
    - (iii) *the effect of the extension on the policies and objectives of any plan or proposed plan.*

In accordance with Section 125(1A)(b), Council may approve an extension to the lapse date of a consent if it is satisfied that substantial progress has, and continues to be made, towards giving effect to the consent, whether any parties are affected by the extension and whether the extension creates any inconsistency with the current objectives and policies of the District Plan.

## PLANNING ASSESSMENT

### Effects on the Environment

I visited the site on 10 May 2022. This has guided my assessment of the effects of the proposal.

The applicant has provided a thorough assessment of the environmental effects of the proposed new building locations in Sections 5 and 6 of their assessment of effects. I concur with the applicant that the proposed new location for the dwelling will result in less than minor effects on the wider environment or any nearby landowners or occupants in terms of the visibility of the building, or on the surrounding landscape relative to the consented baseline. I also concur that the proposed new location raises no new issues in terms of servicing. Sections 5.2 and 6.2 of the applicant's assessment of effects is adopted for the purposes of this assessment.

## NOTIFICATION ASSESSMENT

### Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification. Each step is considered in turn below.

#### Step 1: Mandatory public notification in certain circumstances

- Public notification has not been requested.

- There has been no failure or refusal to provide further information.
- There has been no failure to respond or refusal to a report commissioning request.
- The application does not involve the exchange of recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- There are no rules or national environmental standards precluding public notification.
- The application is for a discretionary activity and public notification is not precluded under Step 2.

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

- There are no rules or national environmental standards requiring public notification.
- The activity will not have, or be likely to have, adverse effects on the environment that are less than minor for the reasons set out above.

Step 4: Public notification in special circumstances

- There are no special circumstances that warrant the application being publicly notified. There is nothing exceptional or unusual about the change of conditions which makes public notification desirable.

**Limited Notification**

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. Each step is considered in turn below.

Step 1: Certain affected groups and affected persons must be notified

- The activity is not in a protected customary rights area; the activity is not an accommodated activity in a customary marine title area; and, the activity is not on or adjacent to, or might affect, land that is the subject of a statutory acknowledgement.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- There are no rules or national environmental standards precluding limited notification.
- The application is for a discretionary activity and limited notification is not precluded.

Step 3: If not precluded by Step 2, certain other affected persons must be notified

- The application does not involve a boundary activity.
- 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.
- The proposal falls into the 'any other activity' category. The effects of the proposal on persons are assessed below.

**Affected Persons**

Section 127(4)(b) of the Resource Management Act 1991 directs Council to only consider the adverse effects of the variation itself, being those effects over and above the effects of the existing resource consent, when determining affected parties. No parties were considered to be affected by the granting of the consent, and no written approvals have been submitted with this application. No parties are considered to be affected by the proposed change of conditions because the environmental effects of the proposal are limited to effects on parties that are less than minor.

Section 127(4)(a) of the Resource Management Act 1991 also directs the Council to consider whether any submitters on the original application could be adversely affected by the variation. The original application was processed non-notified, and accordingly there are no submitters who could be adversely affected by the variation.

#### Step 4: Further notification in special circumstances

- There are no special circumstances that warrant the application being limited notified. There is nothing exceptional or unusual about the application that makes limited notification to any other persons desirable.

### **SUBSTANTIVE DECISION ASSESSMENT**

#### **Effects**

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposal have been assessed and outlined above. The variation will not result in a fundamentally different activity or one having materially different adverse effects. 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 objectives and policies of the District Plan were taken into account when assessing the application. The variation raises no new issues in terms of the objectives and policies of the District Plan or any other relevant planning documents.

#### **Part 2**

Based on the findings above, it is evident that the proposal satisfies Part 2 of the Resource Management Act 1991.

### **Section 125**

The applicant proposes a 24 month extension to the lapse date of RC 180450 to 13 November 2025.

I understand that the consent holder has undertaken detailed design planning for the dwelling and service connections have been installed to the site in accordance with Conditions 5 and 6 of the consent. Investigations about the suitability of the site for wastewater disposal have also been undertaken. However, the consent holder has indicated that they consider it unlikely that the consent will be able to be given effect to before the current lapse date of 13 November 2023 due to ongoing supply issues

I accept that there are circumstances outside the applicant's control that have delayed giving effect to this consent, namely ongoing disruption related to the Covid-19 pandemic. In this case, I consider that the applicant is making progress towards giving effect to their consent by undertaking detailed design work.

No parties were considered to be adversely affected in relation to the original proposal and no parties have been considered affected by the proposed change to the dwelling's location. In this context, I do not consider any party to be adversely affected by the proposed extension.

The District Plan retains the same objective and policy framework as was in place at the time RC 180450 was originally approved. These have been reassessed in the context of the proposed new location and the amended consent is considered to be consistent. The proposed extension does not create any new conflicts with the objective and policy framework of the operative district plan

#### **RECOMMENDATION**

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

1. This application be processed on a non-notified basis, pursuant to sections 95A and 95B of the Resource Management Act 1991.
2. The Council grant the variation to the resource consent under delegated authority, in accordance with sections 104 and 127(1) of the Resource Management Act 1991.
3. The Council grant a 24 month extension to the lapse date of the consent to 13 November 2025



Adam Vincent  
**Planning Officer**

Date: 10 May 2022

Reviewed by:



Oli Monthule-McIntosh  
**Planning Consultant**

Date: 12 May 2022

**DECISION**

I have read both the notification assessment and substantive decision assessment in this report. I agree with both recommendations above.

Under delegated authority on behalf of the Central Otago District Council, I accordingly approve the granting of the variation to the resource consent:



Ann Rodgers  
**Planning Manager (Acting)**

Date: 13 May 2022



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand  
03 440 0056



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

**Consent Type:** Variation to Land Use Consent

**Consent Number:** RC 180450, as varied by RC 180450V1

**Purpose:** Land use consent to establish a residential activity in the Rural Resource Area

**Location of Activity:** 70 Nursery Road, Queensberry

**Legal Description:** Lot 13 DP 336256 (Record of Title 148684)

**Lapse Date:** 13 November 2025, unless the consent has been given effect to before this date.

**[Additions are shown underlined and deletions shown as struck through]**

**Conditions:**

1. The dwelling and sleep out shall be sited and constructed in general accordance with the plans and elevations submitted with the application and the amended site plan submitted with RC 180450V1 attached as Appendix 1.
2. The sleep out is not authorised to contain kitchen and/or cooking facilities or be made to be a self-contained residential activity.

*Note: For the avoidance of doubt, cooking facilities includes, but is not limited to benchtop stoves, plug in ovens or cooktops and microwaves. Condition 11 does not preclude the use of the sleepout as a homestay as defined in Chapter 18 of the Operative Central Otago District Plan 2008*

3. The exterior walls of the buildings shall be clad in a mixture of corrugated iron coloured "BasaltBase" and stained or unstained timber, or similar, and thereafter maintained accordingly
4. The roof of the buildings shall be clad in corrugated iron coloured "BasaltBase" or similar, and thereafter maintained accordingly
5. Any new power and telephone services within the site shall be located underground.

*Note: Telecommunications provision may be from cellular or wireless sources.*

6. Domestic water shall be supplied from the community scheme bore on Lot 1 DP 336256 or a similar, secure source.
7. At the time residential activity is constructed, domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static firefighting reserve. Alternatively an



OFFICIAL REGIONAL IDENTITY PARTNER

[www.centralotagonz.com](http://www.centralotagonz.com)

11,000 litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:

- a) For flooded sources, a 70 mm Instantaneous Coupling (Female) NZS 4505 or, for suction sources, a 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder shall provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for fire fighting purposes.
- b) All connections shall be capable of providing a flow rate of 25 litres per second at the connection point
- c) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. The hardstand area shall be located at the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.
- d) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.

*Note: Firefighting water supply may be provided by means other than that provided for in this condition if the written approval of the New Zealand Fire Service is obtained for the alternative method.*

*For more information on how to comply with this Condition or on how to provide for NZFS operational requirements refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. In particular, the following should be noted:*

*For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.*

*For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.*

8. At the time of construction of a dwelling, an on-site wastewater disposal system that complies with the requirements of AS/NZ 1547:2012 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.
9. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.
10. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
11. Disposal areas shall be located such that the maximum separation (in all instances greater than 50 metres) is achieved from any water course or any water supply bore.

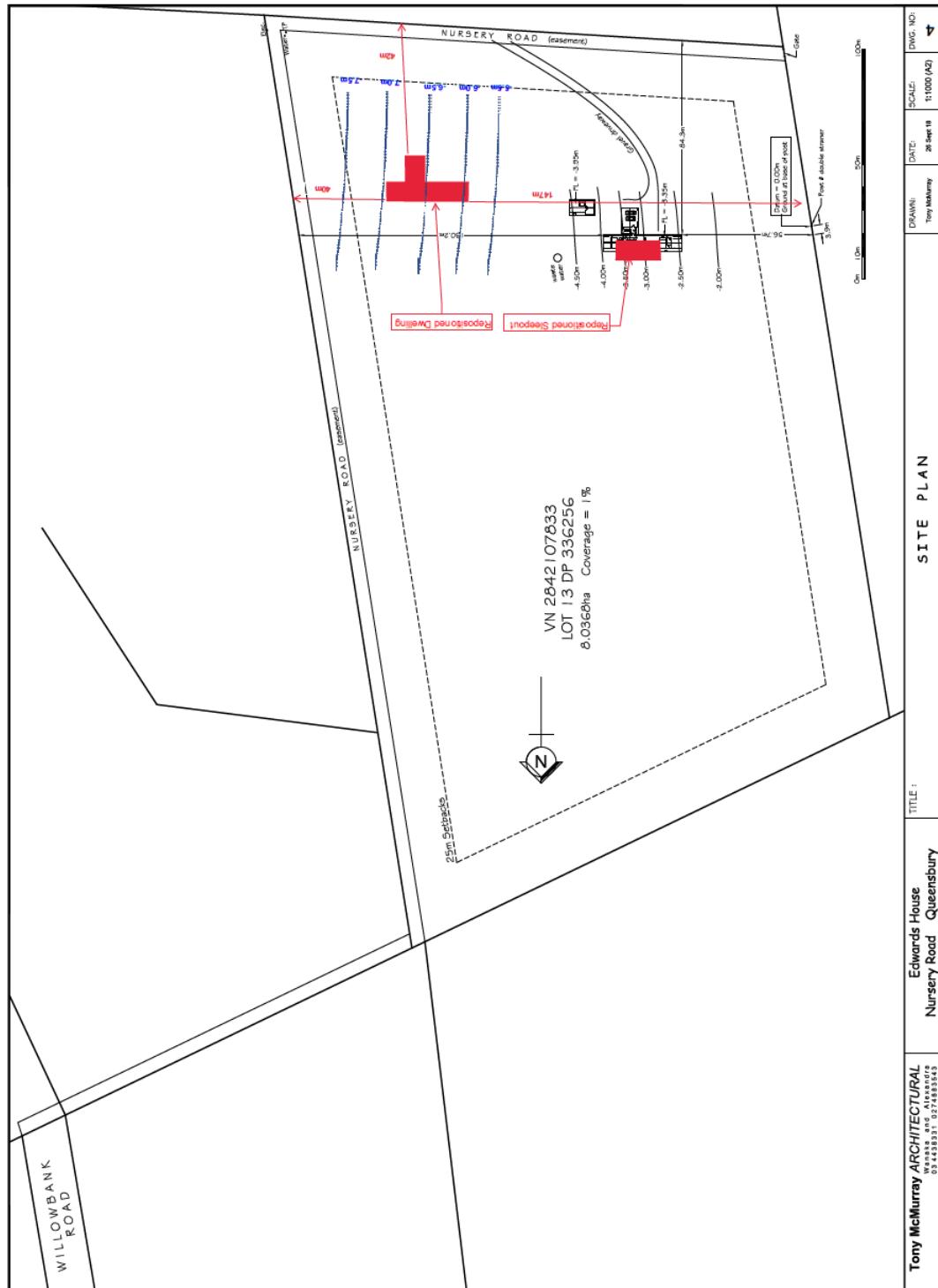
~~Issued at Central Otago on 13 November 2018~~

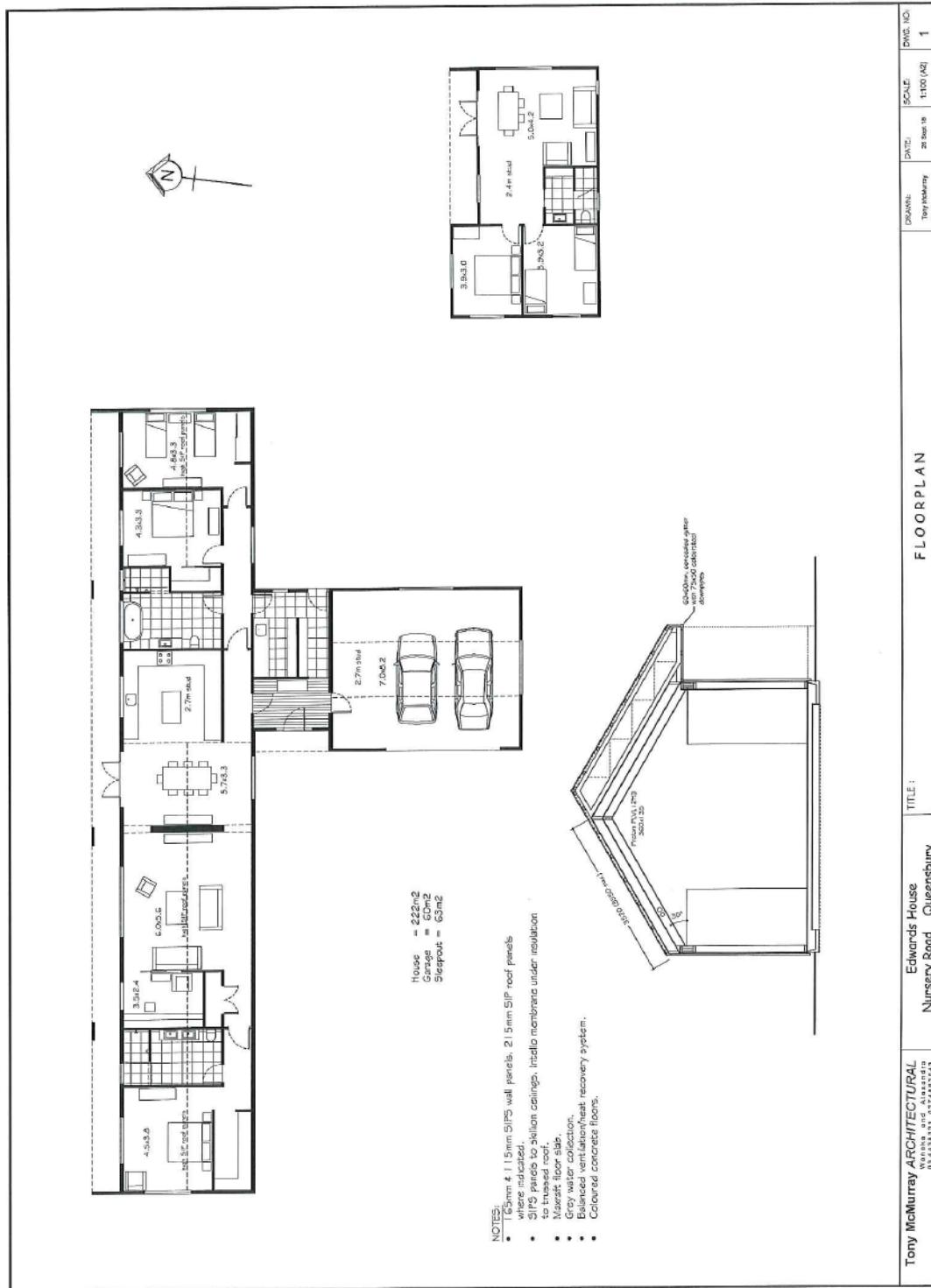
Reissued at Central Otago on 16 May 2022 pursuant to Section 127(1) of the Resource Management Act 1991

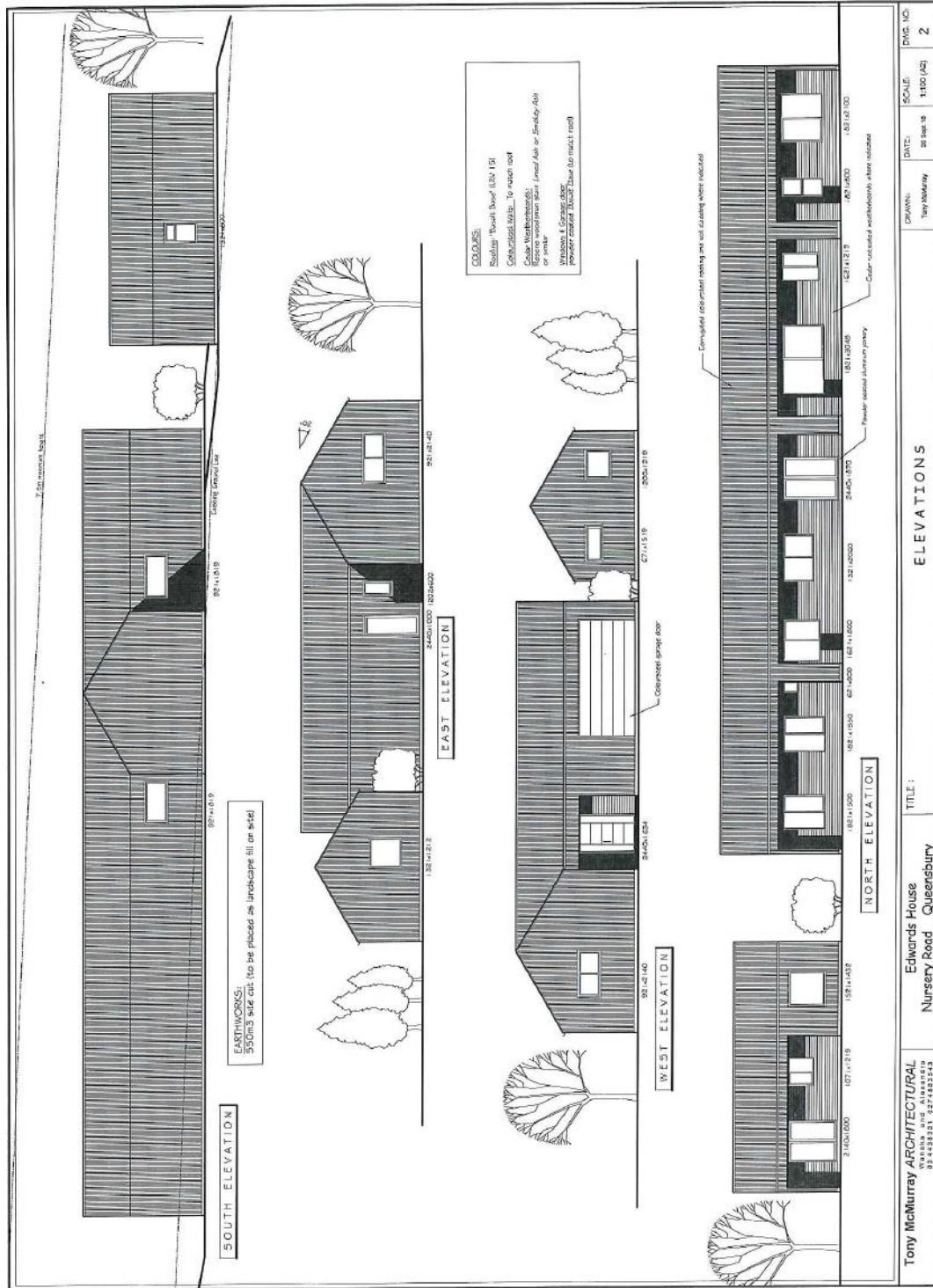


Adam Vincent  
**Planning Officer**

## Appendix One: Approved Plan/s for RC 180450 (scanned image(s), not to scale)







## **Appendix D**

## **Record of Title**



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **148684**

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

**Date Issued** 13 October 2004

**Prior References**

OT16A/350

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<b>Estate</b>	Fee Simple
<b>Area</b>	8.0289 hectares more or less
<b>Legal Description</b>	Lot 13 Deposited Plan 336256

**Registered Owners**

Karina Chantal Edwards and Rachel Karin Gutknecht

**Interests**

Subject to Part IV A Conservation Act 1987

Appurtenant hereto is a right to take and convey water created by Transfer 948387.1 - 26.5.1998 at 11:49 am  
6181224.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 13.10.2004 at 9:00 am

Subject to a right of way over parts marked P, Q & R and right to convey water over parts marked Q & R on DP 336256 created by Easement Instrument 6181224.4 - 13.10.2004 at 9:00 am

Appurtenant hereto is a right to convey, take & pump water, a right to store & take water, rights of way and rights to convey water created by Easement Instrument 6181224.4 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.4 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey telecommunications & computer media in gross over part marked Q,R DP 336256 to Telecom New Zealand Limited created by Easement Instrument 6181224.5 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.5 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey electricity in gross over part marked Q,R DP 336256 to Aurora Energy Limited created by Easement Instrument 6181224.6 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.6 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey water in gross over part marked Q,R DP 336256 to Indigo Water Co.Limited created by Easement Instrument 6181224.7 - 13.10.2004 at 9:00 am

Land Covenant in Transfer 6181224.8 - 13.10.2004 at 9:00 am

6181224.9 Encumbrance to Indigo Water Co.Limited - 13.10.2004 at 9:00 am

Subject to a right to convey water over part marked E on DP 471982 created by Easement Instrument 9819530.7 - 21.8.2014 at 9:59 am

The easements created by Easement Instrument 9819530.7 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right (in gross) to convey water over part marked E on DP 471982 in favour of Indigo Water Co. Limited created by Easement Instrument 9819530.9 - 21.8.2014 at 9:59 am

Subject to a right (in gross) to convey electricity over part marked E on DP 471982 in favour of Aurora Energy Limited created by Easement Instrument 9819530.10 - 21.8.2014 at 9:59 am

**Identifier**

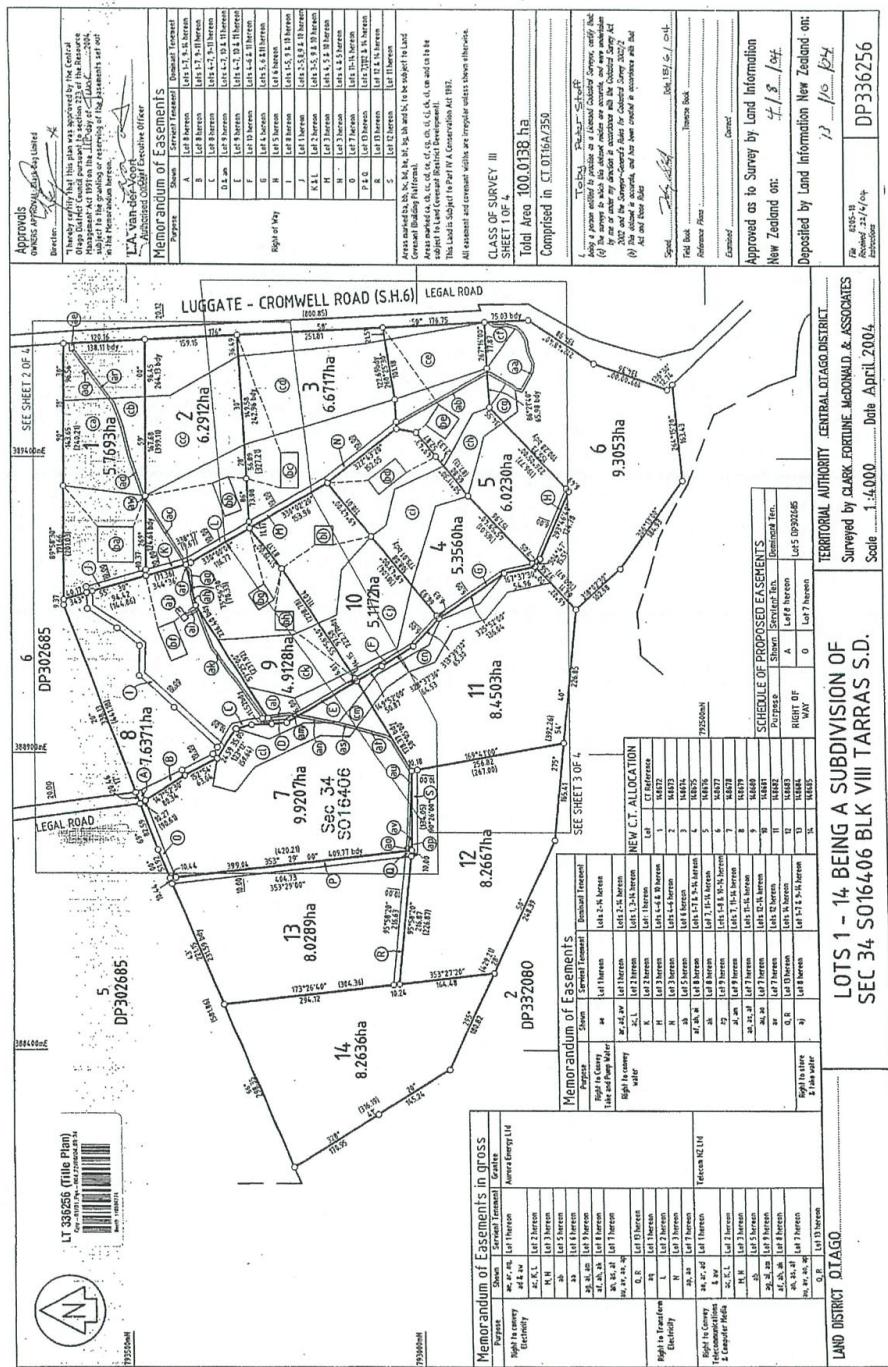
**148684**

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The easements created by Easement Instrument 9819530.10 are subject to Section 243 (a) Resource Management Act 1991  
11143216.3 Mortgage to ANZ Bank New Zealand Limited - 18.6.2018 at 2:33 pm  
12072100.1 Surrender of the right of way over parts marked P & Q on DP 336256 created by Easement Instrument  
6181224.4 appurtenant to Lot 1 DP 471982 - 6.9.2021 at 9:27 am

## Identifier

148684

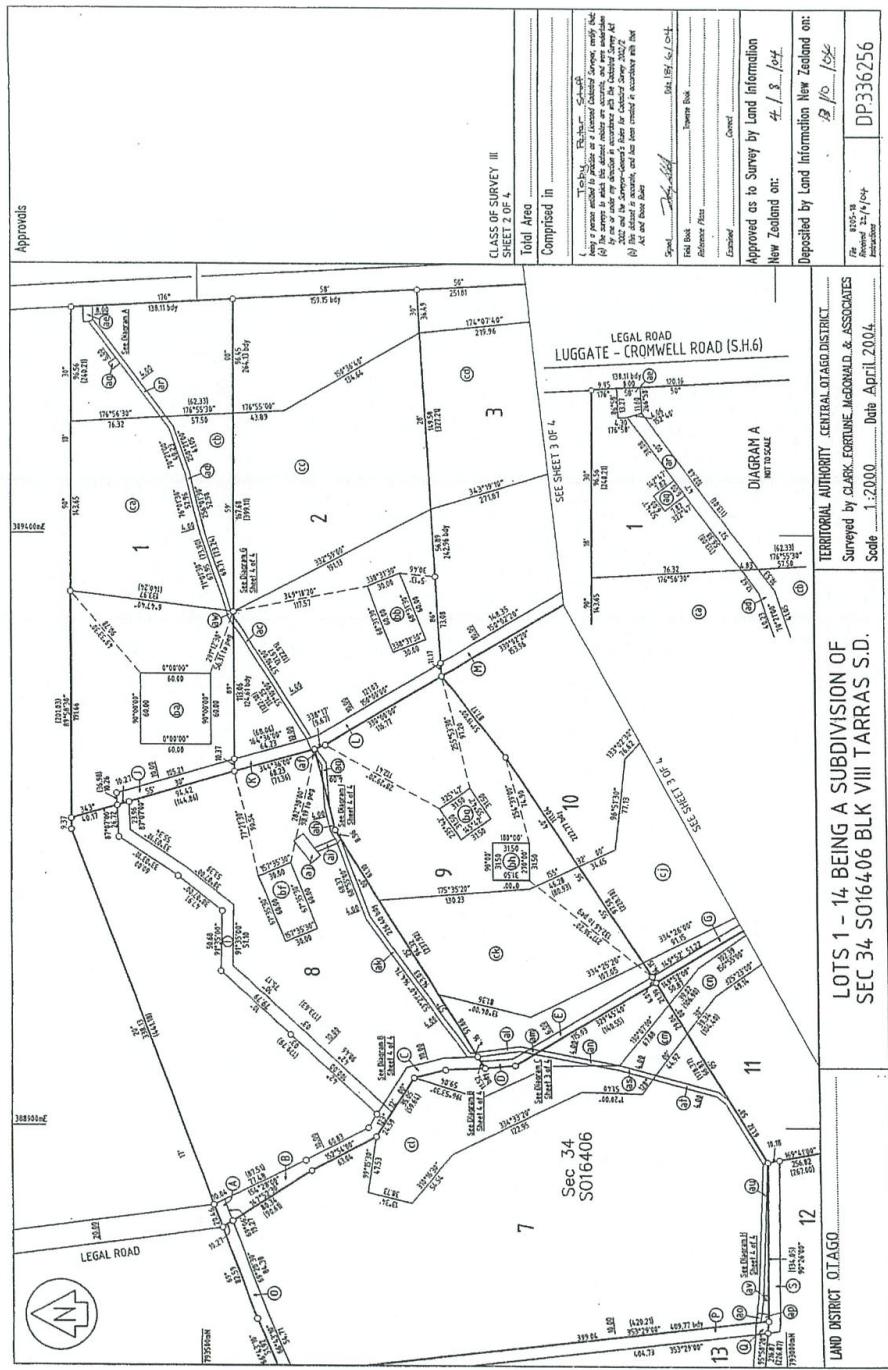


Transaction ID 70431190  
Client Reference 3578 Ross and Karina Edwards

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Register Only

### Identifier

148684

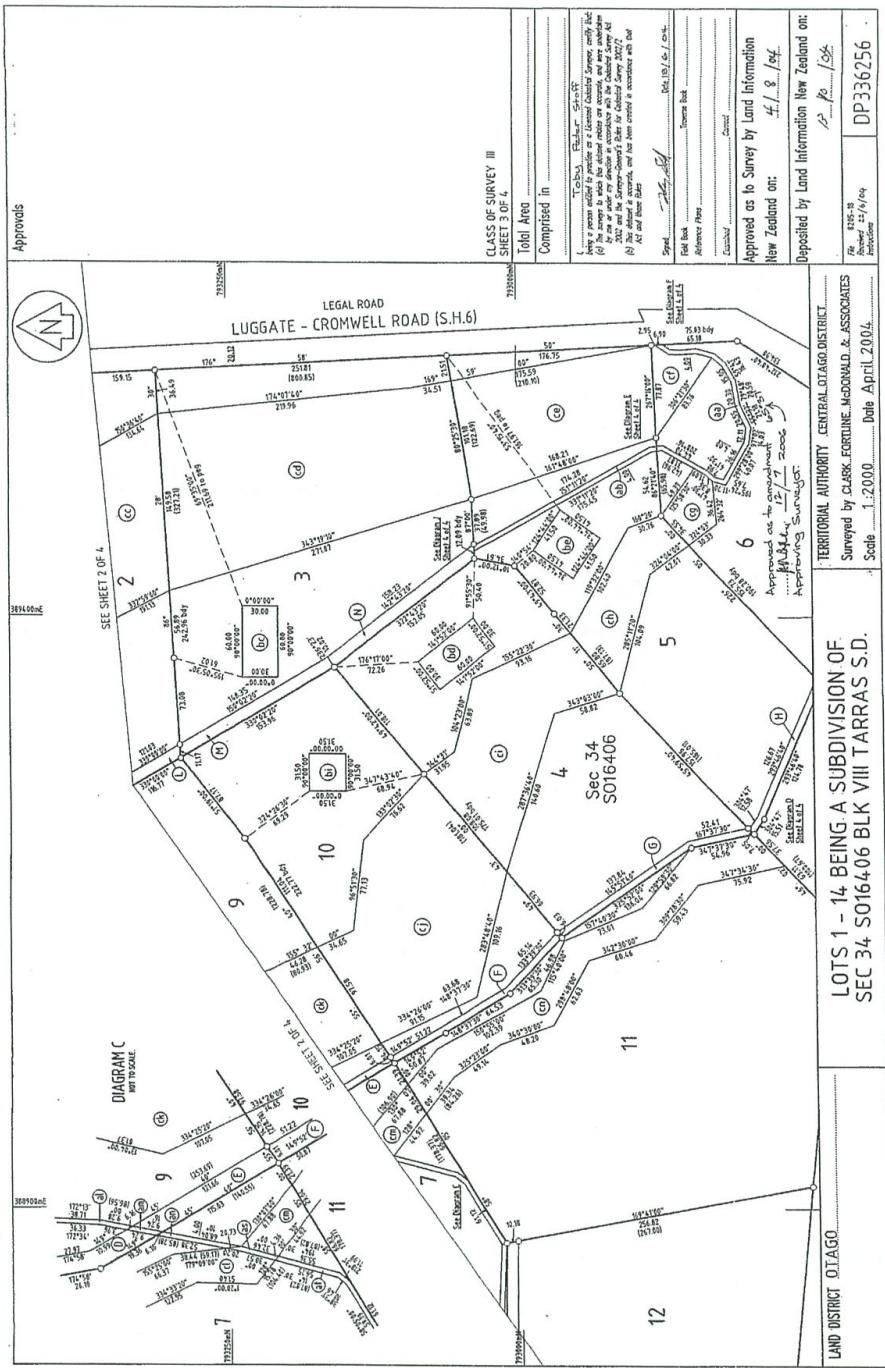


Transaction ID 70431190  
Client Reference 3578 Ross and Karina Edwards

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Register Only

### Identifier

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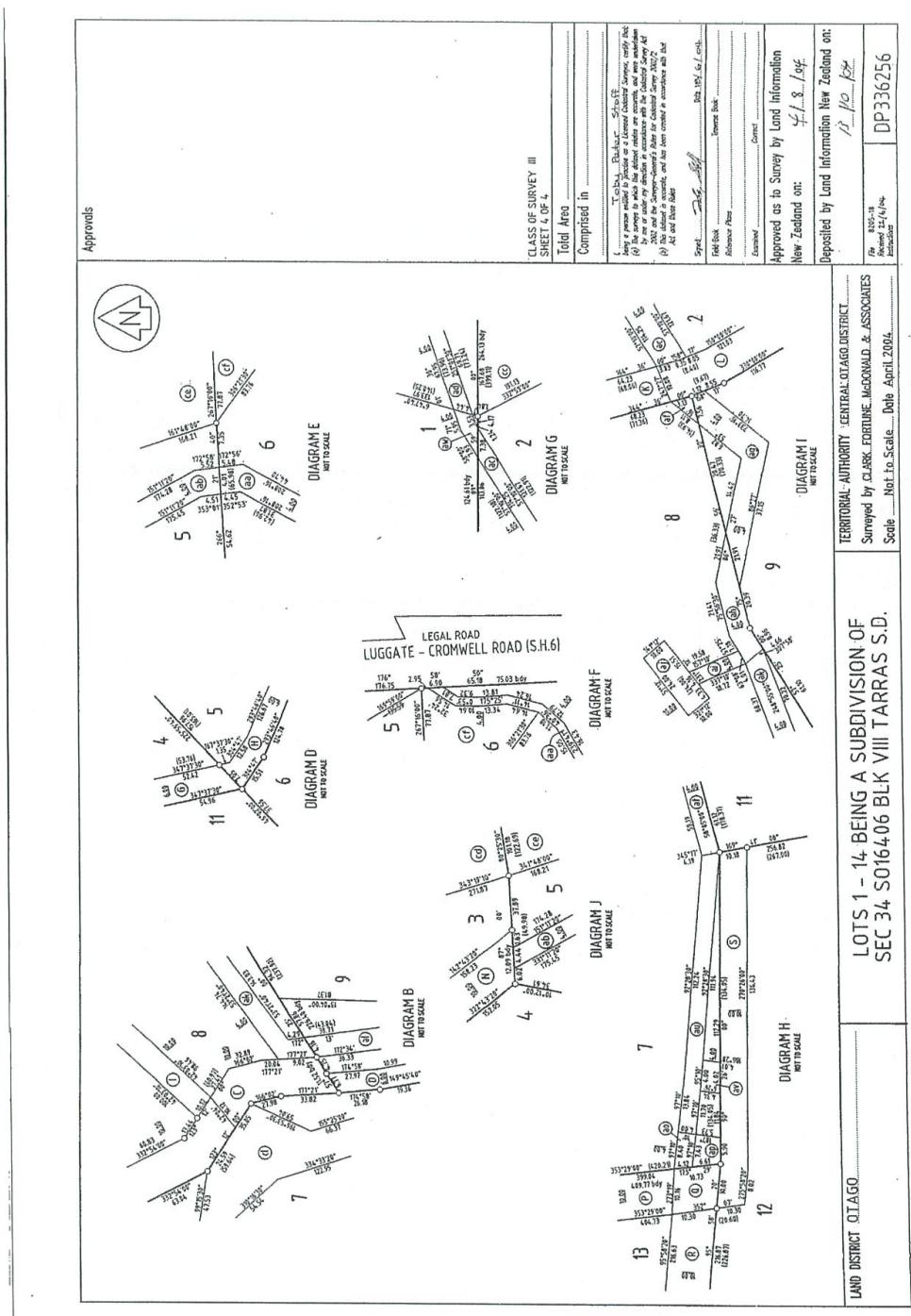


Transaction ID 70431190  
Client Reference 3578 Ross and Karina Edwards

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Register Only

Identifier

148684



## **Appendix E**

## **Soil Testing Results**



R J Hill Laboratories Limited  
28 Duke Street Frankton 3204  
Private Bag 3205  
Hamilton 3240 New Zealand

T 0508 HILL LAB (44 555 22)  
T +64 7 858 2000  
E mail@hill-labs.co.nz  
W www.hill-laboratories.com

## Certificate of Analysis

Page 1 of 3

<b>Client:</b>	PGG Wrightson Limited	<b>Lab No:</b>	2145025	shpv1
<b>Address:</b>	PO Box 39 Cromwell 9310	<b>Date Received:</b>	20-Mar-2019	
		<b>Date Reported:</b>	22-Mar-2019	
		<b>Quote No:</b>		
		<b>Order No:</b>	0317571	
		<b>Client Reference:</b>	Jon Groters	
<b>Phone:</b>	03 445 3730	<b>Submitted By:</b>	Becky Latter	

**Sample Name:** Nursery Road **Lab Number:** 2145025.1  
**Sample Type:** SOIL Mixed Pasture, Dry Stock (Sed.) (S186)

Analysis		Level Found	Medium Range	Low	Medium	High
pH	pH Units	6.1	5.8 - 6.2			
Olsen Phosphorus	mg/L	13	20 - 30			
Anion Storage Capacity*	%	10				
Potassium	me/100g	0.63	0.30 - 0.40			
Calcium	me/100g	6.5	4.0 - 10.0			
Magnesium	me/100g	1.39	0.40 - 0.60			
Sodium	me/100g	< 0.05				
CEC	me/100g	12				
Total Base Saturation	%	74	55 - 75			
Volume Weight	g/mL	0.84				
Sulphate Sulphur	mg/kg	< 1	10 - 12			
Extractable Organic Sulphur*	mg/kg	4	15 - 20			
Soil Sample Depth*	mm	0-75				
Soil Type*		Sedimentary				
Base Saturation %		K 5.5 MAF Units K 11	Ca 57 Ca 7	Mg 12.1 Mg 26	Na 0.2 Na < 2	

The above nutrient graph compares the levels found with reference interpretation levels. NOTE: It is important that the correct sample type be assigned, and that the recommended sampling procedure has been followed. R J Hill Laboratories Limited does not accept any responsibility for the resulting use of this information. IANZ Accreditation does not apply to comments and interpretations, i.e. the 'Range Levels' and subsequent graphs.



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised.  
The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked \*, which are not accredited.



## Certificate of Analysis

Page 2 of 3

<b>Client:</b>	PGG Wrightson Limited	<b>Lab No:</b>	2145025	shpv1
<b>Address:</b>	PO Box 39 Cromwell 9310	<b>Date Received:</b>	20-Mar-2019	
		<b>Date Reported:</b>	22-Mar-2019	
		<b>Quote No:</b>		
		<b>Order No:</b>	0317571	
<b>Phone:</b>	03 445 3730	<b>Client Reference:</b>	Jon Groters	
		<b>Submitted By:</b>	Becky Latter	

### Analyst's Comments

#### Sample 1 Comment:

The medium or optimum range guidelines shown in the histogram report relate to sampling protocols as per Hill Laboratories' crop guides and are based on reference values where these are published. Results for samples collected to different depths than those described in the crop guide should be interpreted with caution. For pastoral soils, the medium ranges are specific for a 75mm sample depth, but if a 150mm sampling depth is used the nutrient levels measured may appear low against these ranges, as nutrients are typically more concentrated in the top of the soil profile. These soil profile differences are altered upon cultivation or contouring.

#### Sample 1 Comment:

While soil Mg MAF levels of 8-10 (0.4 - 0.6 me/100g) are sufficient for pasture production, soil levels of 25-30 (1 - 1.6 me/100g) are required to ensure adequate Mg content in pasture for animal health (greater than 0.22% in the herbage).

#### Sample 1 Comment:

Anion Storage Capacity (also known as Phosphate Retention) is an inherent property of the soil type and does not change. Phosphorus and sulphur fertiliser recommendations should take this value into account. Soils may be classified as Low (less than 30%), Medium (30-60%) or High (greater than 60%) ASC.

#### Sample 1 Comment:

For intensive farm systems with high stocking-rate and/or high-production/ha, increasing the soil Olsen P optimum ranges to 30-40 (ash and sedimentary soils) and 45-55 (pumice and peat soils) may be justified.

## Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively clean matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil				
Test	Method Description	Default Detection Limit	Sample No	
Sample Registration*	Samples were registered according to instructions received.	-	1	
Soil Prep (Dry & Grind)*	Air dried at 35 - 40°C overnight (residual moisture typically 4%) and crushed to pass through a 2mm screen.	-	1	
pH	1:2 (v/v) soil:water slurry followed by potentiometric determination of pH.	0.1 pH Units	1	
Olsen Phosphorus	Olsen extraction followed by Molybdenum Blue colorimetry.	1 mg/L	1	
Sulphate Sulphur	0.02M Potassium phosphate extraction followed by Ion Chromatography.	1 mg/kg	1	
Extractable Organic Sulphur*	Determined by NIR, calibration based on; 0.02M Potassium phosphate extraction. Total extractable S determined by ICP-OES from which the Sulphate-S is subtracted.	2 mg/kg	1	
Anion Storage Capacity	Equilibration with 1000 mg/L P solution followed by colorimetric analysis.	3 %	1	
Potassium	1M Neutral ammonium acetate extraction followed by ICP-OES.	0.01 me/100g	1	
Calcium	1M Neutral ammonium acetate extraction followed by ICP-OES.	0.5 me/100g	1	
Magnesium	1M Neutral ammonium acetate extraction followed by ICP-OES.	0.04 me/100g	1	
Sodium	1M Neutral ammonium acetate extraction followed by ICP-OES.	0.05 me/100g	1	
CEC	Summation of extractable cations (K, Ca, Mg, Na) and extractable acidity. May be overestimated if soil contains high levels of soluble salts or carbonates.	2 me/100g	1	
Total Base Saturation	Calculated from Extractable Cations and Cation Exchange Capacity.	5 %	1	
Volume Weight	The weight/volume ratio of dried, ground soil.	0.01 g/mL	1	

Lab No: 2145025 v 1

Hill Laboratories

Page 2 of 3

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Samples are held at the laboratory after reporting for a length of time depending on the preservation used and the stability of the analytes being tested. Once the storage period is completed the samples are discarded unless otherwise advised by the client.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.



Wendy Homewood  
Operations Support - Agriculture



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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **148684**

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

**Date Issued** 13 October 2004

**Prior References**  
OT16A/350

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<b>Estate</b>	Fee Simple
<b>Area</b>	8.0289 hectares more or less
<b>Legal Description</b>	Lot 13 Deposited Plan 336256
<b>Registered Owners</b>	
Karina Chantal Edwards and Rachel Karin Gutknecht	

---

**Interests**

Subject to Part IV A Conservation Act 1987

Appurtenant hereto is a right to take and convey water created by Transfer 948387.1 - 26.5.1998 at 11:49 am  
6181224.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 13.10.2004 at 9:00 am

Subject to a right of way over parts marked P, Q & R and right to convey water over parts marked Q & R on DP 336256 created by Easement Instrument 6181224.4 - 13.10.2004 at 9:00 am

Appurtenant hereto is a right to convey, take & pump water, a right to store & take water, rights of way and rights to convey water created by Easement Instrument 6181224.4 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.4 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey telecommunications & computer media in gross over part marked Q,R DP 336256 to Telecom New Zealand Limited created by Easement Instrument 6181224.5 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.5 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey electricity in gross over part marked Q,R DP 336256 to Aurora Energy Limited created by Easement Instrument 6181224.6 - 13.10.2004 at 9:00 am

The easements created by Easement Instrument 6181224.6 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right to convey water in gross over part marked Q,R DP 336256 to Indigo Water Co.Limited created by Easement Instrument 6181224.7 - 13.10.2004 at 9:00 am

Land Covenant in Transfer 6181224.8 - 13.10.2004 at 9:00 am

6181224.9 Encumbrance to Indigo Water Co.Limited - 13.10.2004 at 9:00 am

Subject to a right to convey water over part marked E on DP 471982 created by Easement Instrument 9819530.7 - 21.8.2014 at 9:59 am

The easements created by Easement Instrument 9819530.7 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right (in gross) to convey water over part marked E on DP 471982 in favour of Indigo Water Co. Limited created by Easement Instrument 9819530.9 - 21.8.2014 at 9:59 am

Subject to a right (in gross) to convey electricity over part marked E on DP 471982 in favour of Aurora Energy Limited created by Easement Instrument 9819530.10 - 21.8.2014 at 9:59 am

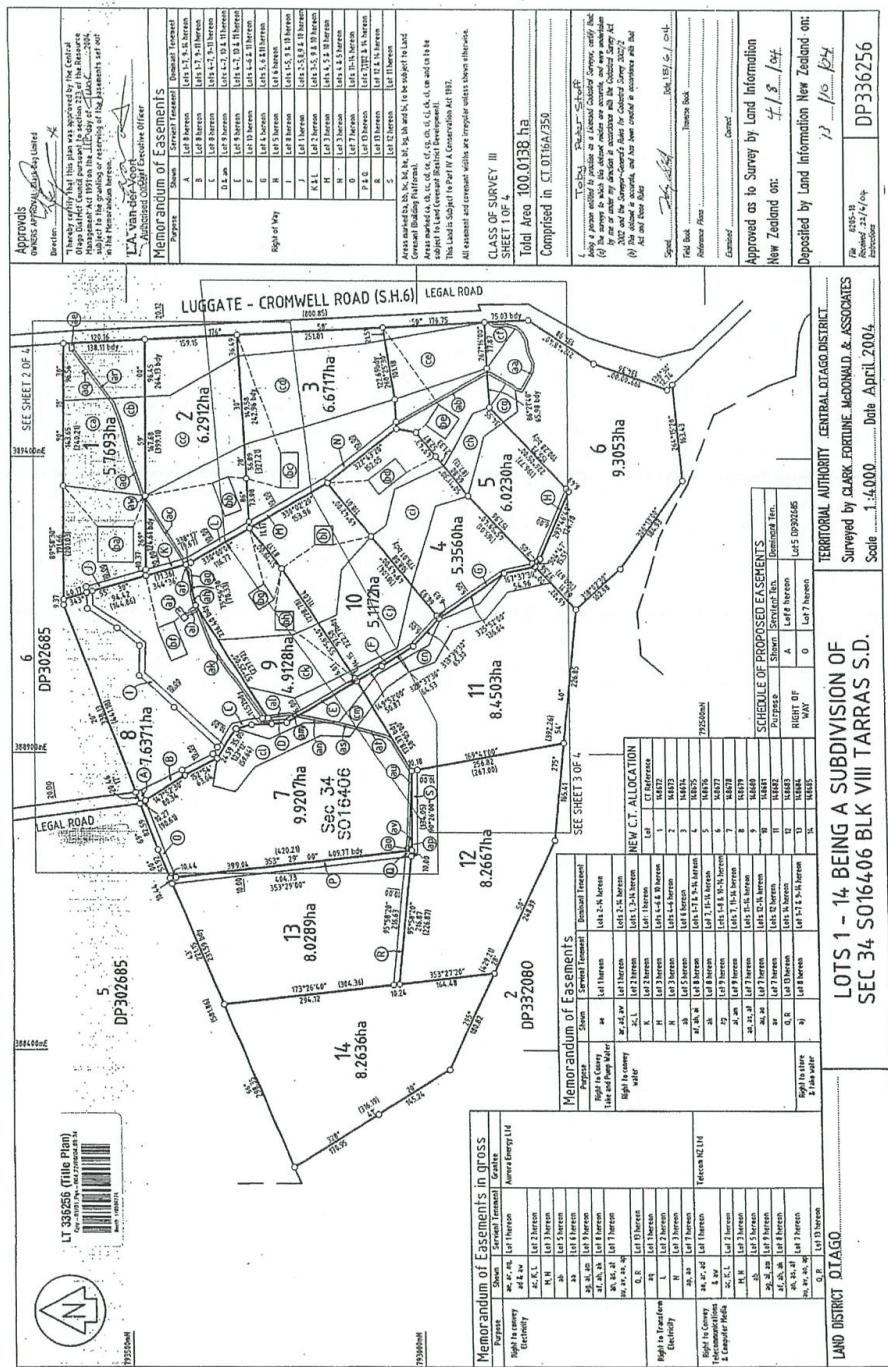
**Identifier**

**148684**

The easements created by Easement Instrument 9819530.10 are subject to Section 243 (a) Resource Management Act 1991  
11143216.3 Mortgage to ANZ Bank New Zealand Limited - 18.6.2018 at 2:33 pm  
12072100.1 Surrender of the right of way over parts marked P & Q on DP 336256 created by Easement Instrument  
6181224.4 appurtenant to Lot 1 DP 471982 - 6.9.2021 at 9:27 am

### Identifier

148684

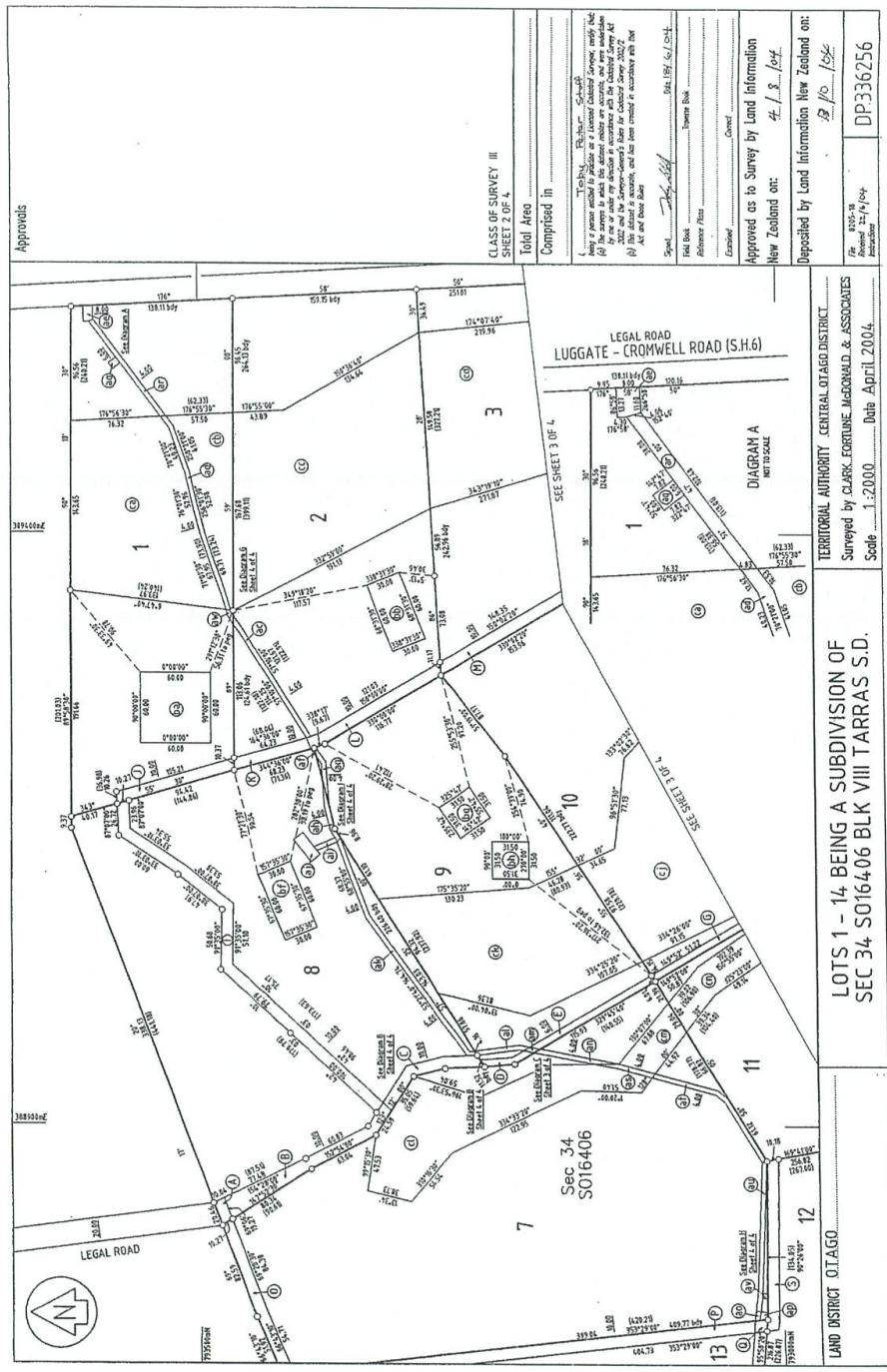


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Client Reference 3578 Ross and Karina Edwards

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Register Only

### Identifier

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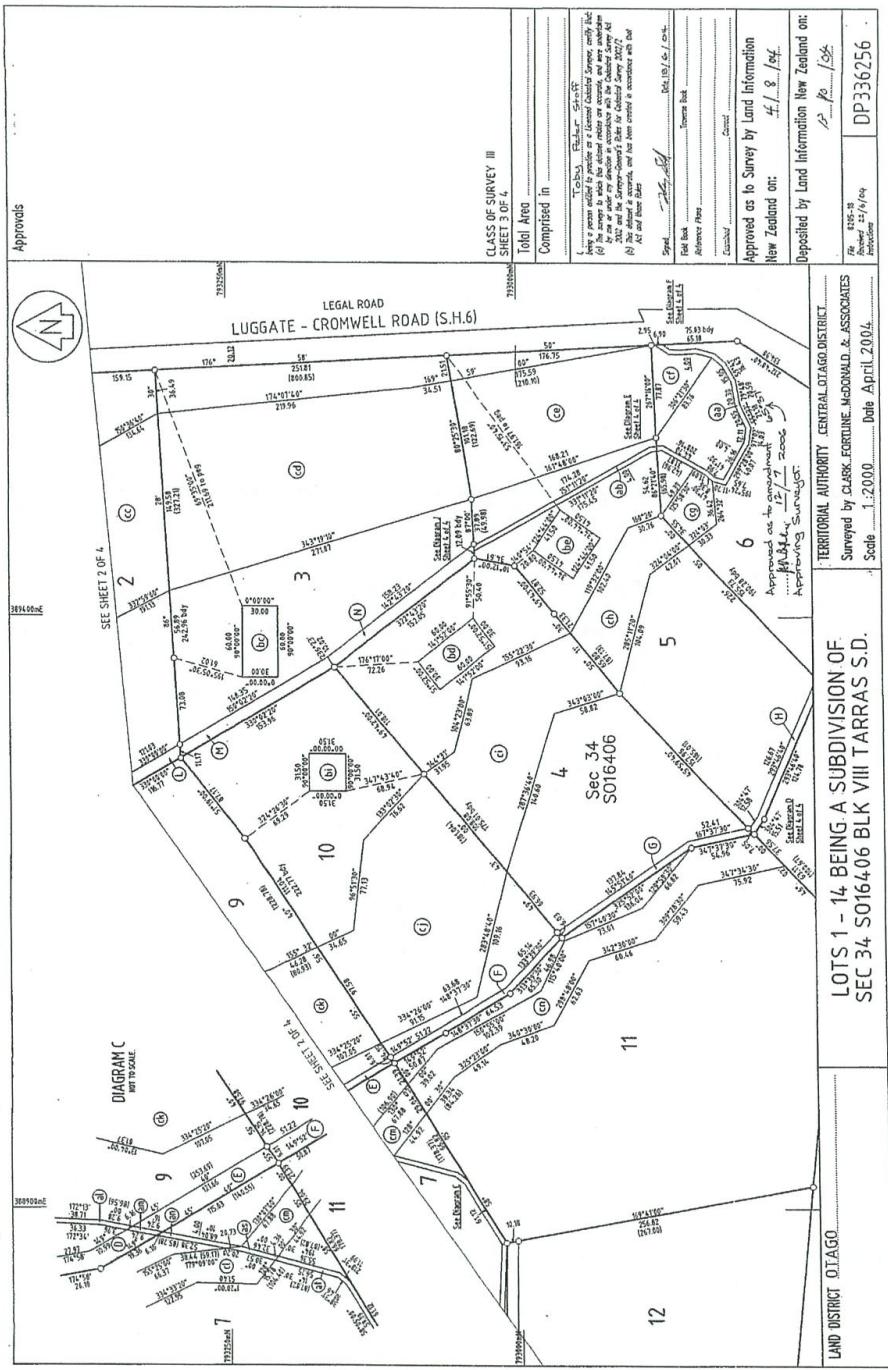


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Client Reference 3578 Ross and Karina Edwards

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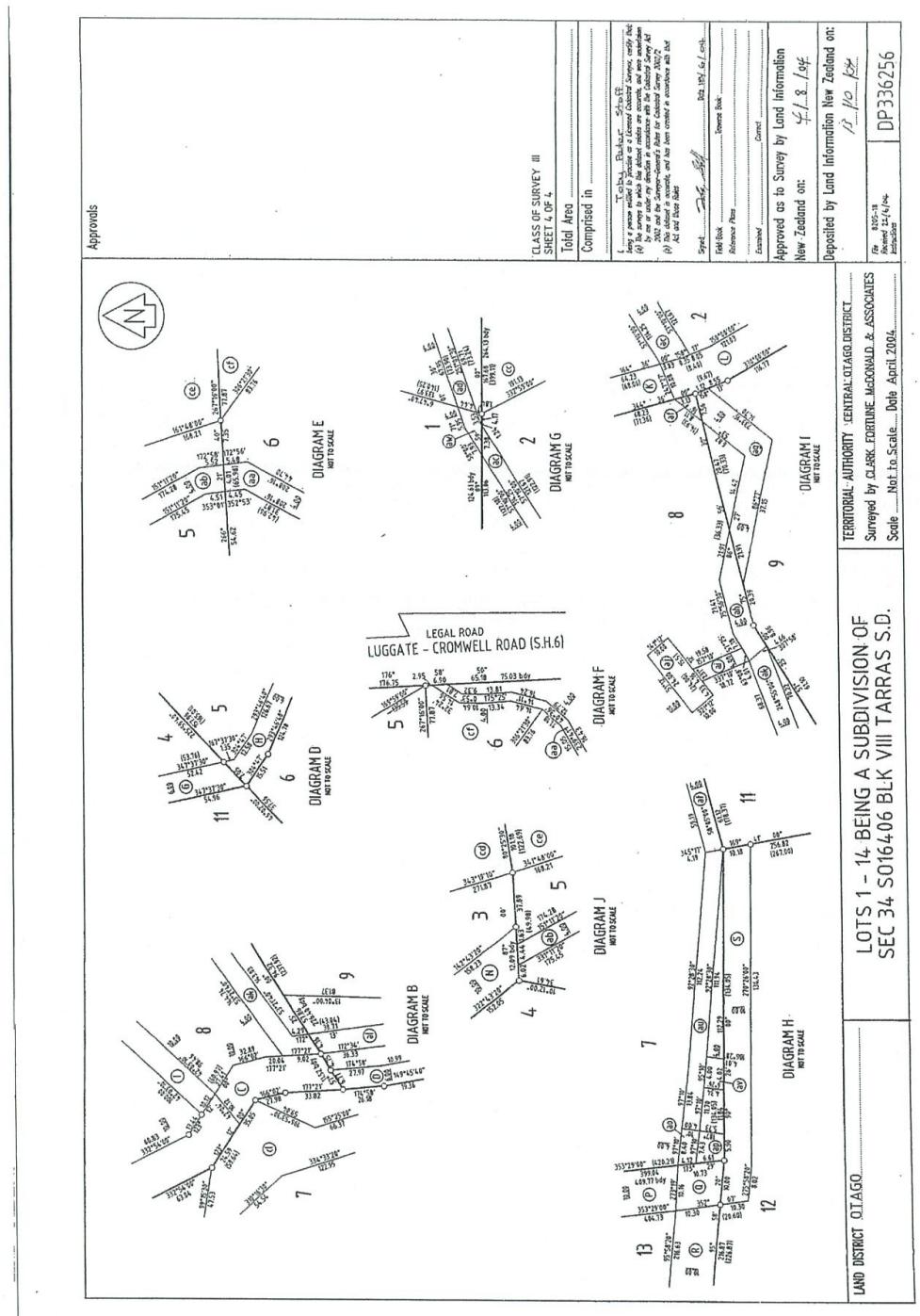


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### Identifier

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**CENTRAL OTAGO DISTRICT COUNCIL**  
**CENTRAL OTAGO DISTRICT PLAN**  
**REPORT OF CONSULTANT PLANNER**

<b>APPLICATION</b>	RC250198
<b>APPLICANT</b>	THE A TRUST
<b>ADDRESS</b>	70 NURSERY ROAD, QUEENSBERRY
<b>LEGAL DESCRIPTION</b>	LOT 13 DP 336256(HELD IN RECORD OF TITLE 148684).
<b>ACTIVITY STATUS</b>	NON-COMPLYING

#### STATUS OF THIS REPORT

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

#### AUTHOR

2. My name is Kirstyn Jane Royce and I am the sole director and employee of Southern Planning Solutions Limited. I hold a Masters in Planning from the University of Otago. I am an accredited RMA commissioner (Chairs endorsement) and hold full NZPI membership. I have 20 years' experience in district and regional planning. I currently provide planning assistance to a number of southern Councils, including Central Otago District Council (Council), and I also assist a number of private clients with planning work.
3. I have been contracted by Council to report on this application.
4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses 2023 and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

#### PROPOSAL

5. The applicant seeks resource consent to subdivide an 8.03 hectare (ha) property in two fee simple allotments at the site located at 70 Nursery Road, Queensberry. Further



OFFICIAL REGIONAL IDENTITY PARTNER

[www.centralotagonz.com](http://www.centralotagonz.com)

information was provided by the applicant on 25 October 2025 and this is now considered to form part of the application.

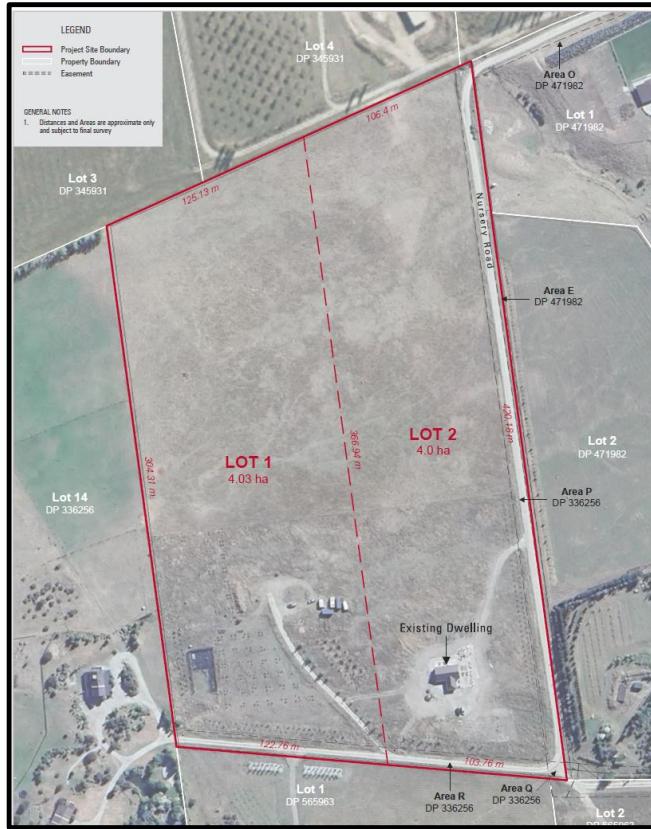
6. The subdivision is proposed to be configured as follows:

- Proposed Lot 1, comprising the western part of the property, will have an area of approximately 4.03 ha.
- Proposed Lot 2, comprising the eastern part of the property, will have an area of approximately 4.00 ha.

7. The property is a lifestyle block that supports a consented residential activity and an existing small-scale rural nursery and landscape supply operation. The proposed subdivision will separate the consented residential activity (to be contained within proposed Lot 2) and the lifestyle business activity (to be contained within proposed Lot 1). No residential activity is proposed for Lot 1 at this time. Specifically, the application states that:

*The proposed subdivision will formalise the established land uses by:*

- *Restricting the consented residential activity to Proposed Lot 2.*
- *Allowing Proposed Lot 1 to revert to a rural lifestyle allotment, supporting the continued operation of the lifestyle business that currently occupies and operates from this portion of the property.*



**Figure 1: Proposed Subdivision (Source: application)**

8. Proposed Lots 1 and 2 will continue to be accessed from Willowbank Road, via the sections of Poison Creek Road and Nursery Road. Servicing is addressed through conditions of the consent notice.
9. The applicant also seeks to cancel the completed and superseded conditions of Consent Notice 6181224.2 that apply to the property as follows:
  - To cancel conditions 7 to 13 as these are not relevant to the subject site.
  - To cancel condition 15 which requires a domestic water supply be provided to the site.
  - To cancel condition 16 which imposes a minimum volume of water to the site.
  - To cancel condition 17 which requires water supply to more than two dwellings to be operated by a responsible body (management group).
  - To cancel condition 18 which requires a water tank with an appropriate exterior coupling for fire purposes and a fire appliance standard of access.
  - To cancel condition 19 which set the location and colour of the water tanks.
  - To cancel condition 21 which sets the standards for onsite wastewater disposal.

### Site Description

10. The site has an area of 8.03 hectares and is accessed from Nursery Road. The site is legally described as LOT 13 DP 336256(held in Record of Title 148684). Consent notice 6181224.2 is registered on the record of title
11. The property contains a consented residential dwelling and an existing small-scale rural nursery and landscape supply operation. Land use consent RC180450 authorised the dwelling which has been built on the subject site. The applicant confirms that there are shelter belts along the western property boundary and southern easement of the property comprises *Radiata x Attenuata* hybrid with occasional interplanted 'Stone Pine' (*Pinus pinea*) and Silver Wattle (*Acacia dealbata*). *Radiata x Attenuata* is a near-sterile pine hybrid that is highly serotinous and produces seed that are much heavier than those of known invasive species. Stone Pine is a slow growing pine species that does not produce wind-dispersed seeds. There are no wilding conifers on the property.
12. The site is identified as having Land Use Category 3 soils ([Land Use Capability » Maps » Our Environment](#)). The site is also identified as having an Alluvial Fan – Active Composite natural hazard ([Regional Overview | ORC AGOL Natural Hazards Portal](#)).
13. The subject site was one of 14 sites created by way of subdivision in 2004 ranging in area from 4.9 to 9.9 ha. A number of those original lots have been further subdivided and the original land area now comprises 20 properties ranging in area from 2.29 ha to 8.46 ha. The applicant confirms that thirteen of the 20 properties in the Riverview Estate subdivision have active resource consents for residential activities. The remaining seven properties within the Riverview Estate subdivision are include a mixture of lifestyle businesses and undeveloped bare land.
14. The applicant's site description is adopted for the purposes of this report.

### REASONS FOR APPLICATION

#### Central Otago District Plan

15. The site is located within the Rural Resource Area within the Central Otago District Plan.
16. Rule 4.7.4(iii)(b) of the Central Otago District Plan states that where a subdivision will create lots with an average size of no less than 8 hectares (ha) and a minimum lot size of no less than 2ha within the Rural Resource Area, then, this is a discretionary activity. In this instance, the proposed lots meet the 2ha minimum, however, the average lot size is approximately 4.1ha and the subdivision is assessed as a non-complying activity pursuant to Rule 4.7.5(iii).
17. The site is subject to a mapped active alluvial fan hazard (composite) as shown on the ORC's natural hazard database<sup>1</sup>. The composite subtype of the alluvial fan means the fan's characteristics are assessed as being able to carry both flood and debris flows. Rule 4.7.4(iii)(d) states that subdivision which involves land that is subject to or potentially subject to, the effects of any hazard as identified on the planning maps, or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source is a discretionary activity.

<sup>1</sup> <https://www.orc.govt.nz/managing-our-environment/natural-hazards/otago-natural-hazards-database>

### National Environmental Standards

18. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) 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.
19. The applicant has obtained a search of ORC Council records which demonstrates that the site has not or is not likely to have had HAIL use in accordance with Regulation 6 of the NES-CS. I consider that the NESCS is not triggered by this application.
20. There are no other National Environmental Standards relevant to this application.

### Sections 221(3) and 221(3A) of the Resource Management Act 1991

21. Sections 221(3) and 221(3A) of the Resource Management Act 1991 read:
  - (3) *At any time after the deposit of the survey plan,—*
    - (a) *the owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice;*
    - (b) *the territorial authority may review any condition specified in a consent notice and vary or cancel the condition.*
  - (3A) *Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection (3).*
22. In this case, the proposal is to delete existing consent notice 6181224.2. Because of section 221(3A), the application has to be treated as a resource consent application.

### Overall Status

23. The application is a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 ('the Act').

### SECTION 104(1)

24. This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of:*
    - (i) *A national environmental standards;*
    - (ii) *Other regulations;*
    - (iii) *a national policy statement*
    - (iv) *a New Zealand coastal policy statement*
    - (v) *a regional policy statement or proposed regional policy statement*
    - (vi) *a plan or proposed plan; and*

(c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

#### **SECTION 104D**

25. As noted above that the proposed subdivision land use has status as a non-complying activity in the Rural Resource Area of the Operative Central Otago District Plan. It is therefore appropriate that the proposal be considered as an application for a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991.
26. In terms of section 104D (as amended by the Resource Management Amendment Act 2003) the Hearings Panel may grant resource consent for a non-complying activity only if it is satisfied that either: -
  - (a) *The adverse effects of the activity on the environment will be minor; or*
  - (b) *The application is for an activity that will not be contrary to the objectives and policies of the relevant plan or relevant proposed plan or both the relevant plan and the relevant proposed plan.*

#### **SECTION 108**

27. Sections 108 empowers the Hearings Panel to impose conditions on a resource consent should it be of a mind to grant consent.

#### **WRITTEN APPROVALS AND NOTIFICATION**

##### **Affected Persons**

28. The written approval of the persons detailed in the table below has been obtained (see Table 1 and Figure 2). In accordance with sections 95D(e) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

**Table 1 Affected party Approvals**

Name	Address	Date
William Ian Groters	78 Nursery Road	27 July 2025
Andrew Cossey and Sophie Lloyd	2 Poison Creek Road	21 September 2025



**Figure 2 Affected Party Approvals marked with a red star**

29. Council made a decision to limited notify the application to the parties shown in Table 2 and Figure 3 on 17 November 2025. The application was notified to those parties on 21 November 2026. The submission period closed on 19 December 2025.

**Table 2 Potentially affected parties**

Legal Description	Location
LOT 4 DP 345931	Willowbank Road
LOT 3 DP 345931	Willowbank Road
LOT 1 DP 565963	69 Nursery Road
LOT 2 DP 471982	55A Nursery Road
LOT 11 DP 336256	55B Nursery Road
LOT 2 DP 565963	Nursery Road

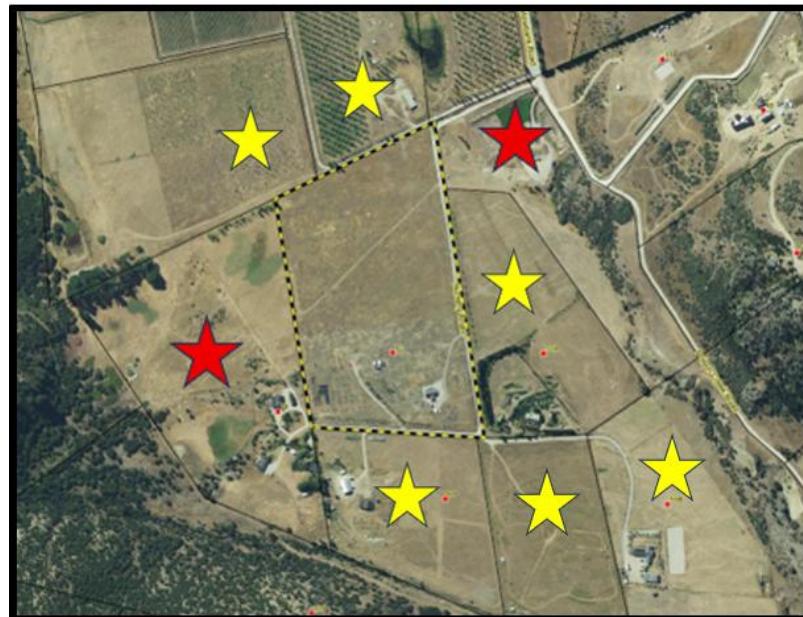


Figure 3: Parties on whom notice was served marked with yellow stars.

30. At the close of the submission period, one submission was received. The submission sought the following relief as detailed in Table 3 below:

Table 3: Summary of Submission

Submitter Name	Oppose/ support	Relief sought	Wish to be heard
Bruce Raubenheimer <b>69 Nursery Road</b>	Neutral	<p>Concerned that the proposed configuration of the subdivision (long narrow sites) is not consistent with the pattern of development in the immediate area and the impact this will have on rural character and future development on the proposed lots.</p> <p>Concerned with that the applicant's unwillingness to restrict future development on Lot would seem to conflict with the intent of the subdivision and the argument promoted in the application in respect of the NPS-HPL.</p> <p>Concerned that future development on Lot 1 would result in adverse cumulative effects.</p> <p>Concerns that the nursery would become unviable as a stand-alone business, particularly with the limited water allocation.</p>	No

		Concerned with the additional demand being placed on the Right -Of-Way. The submitter notes that there is already tension regarding the fair apportioning of costs and maintenance responsibilities which may be further exacerbated with the introduction of an additional user. The submitter supports the vesting of the Right -Of-Way with Council.	
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## EFFECTS ON THE ENVIRONMENT

### Permitted Baseline

31. 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 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. This is the permitted baseline. In this situation there is no permitted baseline to be applied to subdivision or creation of a residential building platform under the District Plan.

### Receiving Environment

32. 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.

33. For the subject site, the existing and reasonably foreseeable receiving environment comprises a consented residential dwelling and an existing small-scale rural nursery and landscape supply operation.

34. For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mix of productive land use, incidental residential activity, lifestyle businesses and undeveloped bare land.

### Assessment Matters

35. 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.

### Effects on Rural Character and Amenity Values (including cumulative effects)

36. The District Plan provides for rural residential subdivision and development within the Rural Residential Resource Area. The lot sizes proposed by this subdivision fall well below the average lot size envisioned by the District Plan, although the proposed lot area do exceed the minimum lot sizes anticipated. Subdivision and land use development at the density proposed half of the average 8ha average prescribed by the Plan) has significant potential to change the open natural character of the rural landscape in which it is located.
37. The site contains two existing land use activities. The dwelling and sleepout (to be contained within Lot 2) were approved under RC180450. The consent was granted subject to conditions which included servicing conditions and design controls. Furthermore, the sleepout is prevented from containing a kitchen.
38. The existing nursery activity (to be within proposed Lot 1) is small-scale and specialises in the growing-on and finishing of specimen and amenity trees suitable for the Central Otago environment. Existing business infrastructure includes shelter/shade structures, open-air growing areas, equipment storage containers, water storage tanks and irrigation pipelines, farm equipment and laydown areas. The business typically requires one person working on-site for approximately 30 days per year, up to 8 hours per day between 9:00am and 5:00pm. There is no on-site retail activity. The business does not generate any heavy vehicle movements. No residential activity is proposed for Lot 1, although the applicant does not offer any conditions to restrict future development.
39. In terms of the existing environment, no change of land use is proposed at this time. As such, it is the effects of the subdivision on the rural character and development patterns which need to be considered. The applicant has provided the written approvals of William Ian Groters and Andrew Cossey and Sophie Lloyd and all effects on these parties are to be disregarded.
40. When considering the pattern of development in the immediate environment, the lots sizes range between 2.28ha and 9.9ha. Only three of the original 8 ha properties of the initial subdivision remain. In this regard, the proposed lot sizes will be consistent with the receiving environment. It is accepted that the site contributes to the environment which presents as a rural living landscape character area. It is assessed that, on the face of it, the subdivision will not appear out of character within this surrounding landscape character or impact the open hillsides, and natural character and amenity values of the rural environment, such that the effects will be no more than minor.
41. That said, historically, the cumulative effects of subdivisions which fall below the average lot sizes within the Queensberry area have been assessed as more than minor and it is appropriate that a similar test be applied to this application. While each application must be treated on its merits, I have given the assessment of cumulative effects considerable weight in the overall assessment.
42. The District Plan recognises that cumulative subdivision has the potential to erode rural character and amenity values if it results in inappropriate fragmentation, higher development density, or a departure from the open and spacious qualities that define the Rural Resource Area.
43. The applicant considers that the subdivision will not adversely contribute to cumulative effects for the following reasons:

- The proposed 4.03 ha and 4.00 ha allotments remain consistent with the existing subdivision pattern, both in scale and layout. The change is essentially neutral in terms of cumulative subdivision density.
- The subdivision formalises existing land uses. No new buildings, additional residential allotments, or intensification of activity are proposed.
- The site is already visually contained by existing boundary plantings and topography. The subdivision does not alter the landscape's character, nor does it introduce cumulative effects when considered alongside neighbouring development. However, the sites are expected to be held in separate ownership and this will change how they are operated in the future.
- By separating the residential and business activities onto their own titles, the subdivision provides clarity of land use and avoids potential conflicts, ensuring each lot continues to operate in a manner consistent with the surrounding lifestyle environment.

44. While I consider that the applicant's assessment is generally fair, given the proposed lots will meet the minimum lot size and will be configured in a manner likely to be compatible with the overall density and the spatial pattern already established within the receiving environment, the subdivision will depart from the average lot size. In this regard, it is acknowledged that a reduction in lot size has the potential to negatively impact productivity in terms of versatility, flexibility and the splitting of water allocation. The effects of the proposal on productivity are assessed further below.

45. I note that Lot 2 is already developed for residential activity, and the applicant is not promoting residential activity for the nursery lot (Lot 1), although the applicant states that this lot will likely pass into separate ownership and the new owners may seek a different land use outcome. To provide the Panel with more certainty, I strongly recommend that the applicant volunteer a condition of consent for Lot 1 which would prohibit the establishment of residential activity on this lot. If this were the case, the physical effects of the subdivision would generally be limited to the status quo.

46. The applicant is cautioned that, in any event, an application to establish residential activity on Lot 1 may require further resource consent and will need strong justification to overcome the very restrictive policy framework of the National Policy Statement for Highly Productive Land (NPS-HPL). In this regard, the recommended consent notice condition would be consistent with the NPS-HPL as well as the intention with the Rural Resource Area.

47. Overall, the cumulative effects of the subdivision on rural character or amenity values, (as proposed by application with no change to the existing land use), is assessed as minor overall. That said, I note that in his submission, Mr Raubenheimer, mirrors my concerns regarding the restriction of future land use on Lot 1 to match that relied upon in the application. As such, my conclusion above is with the proviso that the subdivision does not give rise to opportunities for additional residential activity on Lot 1. However, it is accepted that for the Panel to impose such a condition without the applicant's agreement would be *ultra vires* and, therefore, the Panel is reliant on the applicant volunteering such a condition. Without some restrictions on the future land use on Lot 1, I would be reluctant to support the approval of the application.

#### **Effects on productive capacity of the land**

48. The subject site is identified as Land Use Capability 3 on the Maanaki Whenua Landcare Research soils maps. Changes to the NPS-HPL came into force 15 January 2026.



**Figure 3 Land Use Capability (Source Maanaki Whenua Landcare Research Soils maps)**

49. The critical change to the NPS-HPL, in respect of this application, is at Clause 3.5.7 which states that:

*Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that:*

- a) is:
  - i. zoned general rural or rural production at the commencement date; and
  - ii. LUC 1, 2 or 3; but
- b) is not:
  - i. identified for future urban development at the commencement date; or
  - ii. subject to a council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle at the commencement date; or
  - iii. subject to a resource consent application for subdivision, use or development on LUC 3 land **for any activity other than rural lifestyle**, where that consent has been lodged at or after the commencement date. [my emphasis]

50. For completeness the commencement date of the NPS-HPL is 17 October 2022. Rural Lifestyle is not defined in the NPS-HPL but when reverting back to the National Planning standards the term is defined as part of the Rural Lifestyle Zone definition as:

*“Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.”*

51. I consider that this is certainly the case for Lot 2 of this subdivision, at the least. As such, I consider that the NPS-HPL is relevant to this application. The NPS-HPL is revisited later in this report.
52. The proposal, as it stands, does not introduce any change of land use and the residential activity and small-scale nursery activity will continue. That said, the applicant does not offer a condition which would prevent future residential activity from being established on Lot 1.
53. The applicant has provided an assessment of the productivity of the site. While the applicant's assessment cannot be treated as an impartial and independent expert assessment, the applicant is a qualified, experienced soil and water scientist. He holds a BSc in Applied Biology, with Honours in soil biophysics with additional training and accreditations in closely related fields, including land quality, hydrology, hydrogeology and geomorphology. As such, this assessment does have some merit. The applicant also notes that in preparing the AEE, the applicant also drew upon relevant site-specific advice and anecdotal information provided by local agriculturalists, agronomists and farmers on productive capacity of the property.
54. The applicant notes the broad Pigburn soil type assigned on the published regional-scale mapping, but considers that there are limitations and inaccuracies associated with regional-scale mapping when applied at a property scale. However, the applicant notes that the overriding limitation on productive agriculture is the lack of irrigation water supply to the property. The original Riverview Estate subdivision did not include provision for an irrigation water supply and, in this respect, the Riverview Estate subdivision differs significantly from the neighbouring subdivisions that were developed with dedicated irrigation water supply schemes that provide the serviced properties with agricultural-scale water volumes (typically 100,000 to 200,000 L/day).
55. The applicant advises that the irrigation demands of productive pasture, viticulture and horticulture in Central Otago are well-documented, most recently in the ORC's *Guidelines for Reasonable Irrigation Water Requirements in the Otago Region* (Aqualinc 2024) which show the low rainfall and high evapotranspiration rates result in a significant water deficit and net irrigation demand from crops in Central Otago. In the absence of irrigation water supply, crop water requirements are unfulfilled and agricultural production relies upon dryland management techniques. Dryland agriculture would entail significantly reduced yields compared to irrigated baseline, low income stability, high capital expenditure (viticulture and horticulture) and high risk of crop failure. At best, dryland pasture would be suitable for opportunistic low-output lifestyle feed (with severe feed gaps), while viticulture and horticulture are essentially unviable due to the significant capex requirements and risk profile. All of these operations carry a high likelihood of uneconomic outcomes in most seasons. That said, it is noted that the site currently supports a productive land use and ensuring the viability of this land use should be a primary focus when determining the outcome of this application.
56. The surrounding area is predominantly rural living in nature and it is the applicant's opinion that the lack of productive land is evidenced throughout the upper terrace of Riverview Road. The applicant proposes to retain the nursery on proposed Lot 1 and the existing dwelling on proposed Lot 2. I note that the applicant proposes that the

current water allocation will be split between the two properties. The adequacy of the water supply was raised as a matter of concern by Mr Raubenheimer in his submission, along with the long-term viability of the nursery as a standalone business without a supporting residential activity.

57. At this time, I consider that the applicant has not adequately demonstrated that the reduced allocation of water to the nursery activity is adequate to ensure that this activity can be maintained at full productive capacity. The applicant will need to be mindful that, prior to a decision being made, they will need to demonstrate that the water allocated to the nursery activity is appropriate.
58. I recognise the restrictions imposed by irrigation limitations for the site and that the application does not seek to change the existing land use. Providing this status quo remains and water is allocated equitably, I agree with the applicant that the proposed subdivision is unlikely to meaningfully reduce the current productive capacity of the land.
59. However, while this application does not include any changes to the potential for productive use of the soil resource and the applicant promotes the productive status quo as a reason for granting the consent, the application notes that the site will likely pass into separate ownership and future owners may take a different view as to how they want to occupy this land. In my opinion, the applicant should turn their mind to mechanisms by which the productivity capacity of Lot 1 will be protected into the future. As noted previously, I consider that a consent notice prohibiting residential activity on Lot 1 would be the most preferred option.
60. Furthermore, it is my opinion that it would be more favourable, from a productive capability standpoint, for Lot 2 to be reduced in size (focussing primarily on the dwelling curtilage while also maintaining the minimum lot size in the RRA zone) and the bulk of the productive land to be retained in Lot 1, along with the greater share of the water supply. I consider that this approach might better align with the NPS-HPL (providing the NPS-HPL exemptions can be met) and would ensure that the adverse effects on productivity arising from the occupation of the LUC3 land by the residential activity will be minimised as much as possible.
61. Overall, I consider that confirmation that the water supply will be equitably allocated, and the prohibition of residential activity on Lot 1 will be required to ensure that the productive capability of the land is maintained.

#### **Reverse sensitivity effects**

62. At this time, the application does not propose any changes to the land use associated with the site and, in this regard, there is no perceived increased risk of reverse sensitivity effects.

#### **Servicing**

63. The applicants have advised that the proposed lots can be serviced in compliance with the requirements of the District Plan with no additional demand on Council infrastructure. The application has been reviewed by Council's Engineer who notes that existing water supply from the Queensberry Indigo Water Scheme (QIWS), 5000L/day. The application states that this is currently comprised of two separate connections to the property, each providing 2,500L/day, hence total 5,000L/day. The current site has 5000L/day, which meets the requirement of at least 1500L per lot a day. The engineer advises that the water connections will need to be formally reassigned to the proposed Lots, but this

should only be undertaken with the explicit approval from the network operator. As noted above, I consider that the reallocation of water should maximise the productive allocation for the land as it is unclear at this time if the divided water supply will be sufficient for the operation of the nursery. This has been discussed in the previous section of this report.

64. The applicant volunteers a consent notice condition relating to firefighting and water storage which will be an updated version of Conditions 18 and 19 on the existing consent notice. I note that the land use consent which authorised the existing dwelling included servicing conditions which have been met and, therefore, I consider there is no need to repeat these as consent notice conditions for Lot 2. I also note that there is no change in land use intended for Lot 1 but that there should be no need to domestica scale servicing conditions to be imposed on this lot in order for the status quo to be maintained.
65. In terms of wastewater, the application suggests that both lots will dispose of this on-site at the time a dwelling is established on each lot. The applicant volunteers a consent notice condition relating to on-site wastewater disposal which will be an updated version of Condition 21 on the existing consent notice. While the wastewater proposal has been assessed by Council's Engineering Department who confirm that wastewater disposal can be achieved on Lots 1 and 2 in compliance with Clause 5.5 a) of Council's Addendum July 2008 to NZS4404:2004 and with the 2012 version of AS/NZS1547, I note that there is an existing dwelling on Lot 2 and no change in land use is proposed for Lot 1 and, as such, a replacement consent notice condition is redundant. I consider that there is a risk that if such a condition was carried down on to Lot 1, it may signal that residential activity is appropriate for this lot, and in my opinion, this should not be the case.
66. Stormwater disposal will be to ground via soakpits, which engineering confirms as appropriate. As above there is an existing dwelling on Lot 2 and no change in land use is proposed for Lot 1. However, the stormwater condition relates to buildings and is not specific to dwellings and in this regard, I recommend a condition to this effect be carried down onto this consent.
67. The applicant confirms that the proposed lots will be connected to the network reticulations of Aurora Energy Ltd (power) and Chorus New Zealand Ltd (telecommunications). Confirmation of supply have been submitted with the application. Lot 2 is already connected to a network power supply as per RC 180450, as varied by RC 180450V1). It is appropriate for Lot 1 to also have a power connection available to it.
68. The Council's Engineer has not raised any concerns relating to servicing. Overall, when relying on the servicing conditions applied to the existing dwelling under RC 180450 and that I consider it would be inappropriate to require domestic level servicing for Lot 1, there are no identified adverse servicing effects on the environment.

#### Access

69. Issues relating to the access have been raised by Mr Raubenheimer in his submission. In particular, he identifies concerns regarding the increased demand the proposed subdivision will place on the existing right of way access. He notes that his uncertainty stems from the potential future use of Lot 1. Mr Raubenheimer notes that is proposal will increase the number of users beyond six and, therefore, triggers CODC's vesting requirement. He considers that the six-user threshold is reasonable due to recent experiences he has had with the fair apportionment of responsibility and costs for maintenance and he considers that responsibility and maintenance issues could be

exacerbated with the introduction of an additional user and may also increase maintenance costs. Mr Raubenheimer also considers that vesting of the ROW as road would avoid a precedent scenario, where there could be further applications to subdivide other properties and retain the private right of way access, potentially leading to significant adverse and cumulative effects.

70. The applicant advises that there is an existing business operating from the site. The business is a small-scale rural nursery and landscape supply operation, specialising in the growing-on and finishing of specimen and amenity trees. Plants are sold directly to local landowners, contractors, and landscape businesses.
71. The applicant states that the business is deliberately structured as a low-intensity rural enterprise that complements the surrounding lifestyle and rural character. The business typically requires one person working on-site for approximately 30 days per year, up to 8 hours per day between 9:00am and 5:00pm. This generates the equivalent of up to 30 two-way light vehicle movements along Nursery Road per year (i.e. an annual average daily traffic [ADT] volume of 60). The business accepts phone/online orders only and there is no on-site retail activity. Tree stock and small consumables are received by post. Growth medium is brought to site by light trailer. Similarly, tree deliveries are made via light trailer. The business does not generate any heavy vehicle movements. As the application stands, there will be no change to the current traffic movements.
72. The applicant advises that they have met with a Council Engineering Officer on site and confirms that:
  - *Both Poison Creek Road and Riverview Road meet the Council's July 2008 Addendum to NZS4404:2004.*
  - *Poison Creek Road requires grading to fill potholes and to reform the crown of the road.*
  - *The culvert at the Poison Creek Road and Riverview Road requires clearing of vegetation.*
  - *The southern culvert needs some shist rock on the sides to prevent scouring*
  - *Upgrade the north western intersection corner with gravel where the road has been worn to the subgrade surface*
  - *Regrade Riverview Road formation and shoulders, providing crossfall towards the lower side of the road where necessary*
  - *Upgrade/construct both new access entrances to CODC standard*
  - *Existing western access requires gravel from road edge to new property boundary, there is no need for a culvert.*
  - *Remove vegetation from table drains*
73. The Engineer acknowledges that ROWs which exceed six users are typically required to be vested as a road. In this case, the proposed subdivisions will increase the number of users to over six. The Engineer advises that in situations where vesting an existing right-of-way is required, all the users / right-holders of the ROW, must agree to the vesting. If agreement cannot be reached, then vesting is not required and that may be the case here. I consider that the applicant should to the satisfaction of the Panel confirm that they cannot obtain agreement from all parties to vest the ROW as road and that there is a robust management entity for stewardship of the ROW. The Panel could then take some comfort in waiving the vesting requirement should the applicant demonstrate this to be the case. This approach has been applied to other applications involving a ROW such as Queensberry Terrace and Paterson Road in Bannockburn.

74. In terms of ROW formation, the Engineer notes that the applicant provided recent photographs of the Nursery Road ROW which demonstrates it is in good condition and approximately 4.5m wide, or more in places. The Engineer confirms the discussion points as set out by the applicant above, with the only possible exception being the ROW formed width. The applicant asserts that this should be 4.5m while the Engineer confirms that this should be 5.5m (equivalent width to Local Access A standard, Table 3.2(a)). The Engineer notes that a Local Access B equivalent (4.5 metres), would result in a reduction in service meaning the access is substandard. I support a 5.5m formed width for the access.
75. The Engineer also advises that the existing entranceway to serve Lot 1 appears to cross the boundary of proposed Lot 2 and should be moved or a ROW created to provide for this. The applicant will need to provide an updated scheme plan to resolve this matter.
76. Overall, the Engineer's assessment is generally adopted for the purposes of this report and it is recommended that the ROW be vested as road, unless the applicant can satisfy the Panel that not all of the ROW users agree to the vesting of the ROW as road and there is a management entity responsible for the stewardship of the ROW and the access is upgrade to a 5.5m formed width, I consider the access will not affect the wider transportation network. Without the matters being addressed above, I do not support and additional user to the ROW.

#### **Hazards**

77. There are no hazards identified in the District Plan for this site. There is no record of land subsidence or instability within the property or its surrounds. The proposed subdivision does not involve any earthworks or construction activities that could generate additional land subsidence or instability.
78. The ORC hazard mapping notes that the property is located on a small fan associated with Poison Creek. In general, development on fans is relatively common along the Queensberry river terrace and the wider Clutha valley area and does not give rise to significant impacts. The applicant notes that a hazard assessment was prepared by Mt Iron Geodrill (MIG) in support of the application for RC200255 for the adjoining property at 69 Nursery Road. The assessment in that report can be relied upon for this application. The MIG Report included a detailed hydrology and flooding assessment of Poison Creek that involved the collection of site-specific channel measurements, analytical modelling of the catchment hydrology and creek hydraulics. The MIG assessment concluded that there was a low risk from natural hazards at the adjoining property. Furthermore, the application does not propose a change of land use as a result of the subdivision.
79. Overall, no increase hazard risk has been identified for this application.

#### **Cancellation of the consent notice conditions**

80. Consent notices are used to impose enduring conditions on a parcel of land. In the case of subdivisions, these generally apply to vacant pieces of land to control servicing and development. In terms of effects arising from the cancellation of the consent notice conditions for this lot, the need for development conditions have been assessed in the relevant sections above. Specifically, the land use consent RC 180450 applies servicing condition to the existing dwelling. As such, repeating these as a consent notice for new Lot 2 would appear to be redundant. Conditions 15-19 and 21 relate to the water supply,

fire fighting storage and wastewater disposal which have already been established for the dwelling on the site. Consent notice Conditions 7-13 do not relate to the subject site.

81. As such, I confirm that those conditions are either redundant, do not apply to the subject site or will be replaced by new conditions imposed by this consent should it be granted. It should be noted that I recommend that domestic servicing conditions be excluded for Lot 1 so as not to signal that residential development is appropriate for this lot. Ultimately, with the deletion of the above conditions, there are no conditions left and the entire consent notice should be deleted. No adverse effects will arise from the deletion of the consent notice, for the reasons discussed above.

#### **Amalgamations and easements**

82. There are no amalgamations proposed as part of this consent. All existing easements will need to be carried down onto the new record of titles or cancelled as appropriate. A condition of consent is recommended which provides for the creation of new easements should these be identified at the time of survey.

#### **Financial contributions**

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

Summary of DCs under 2025/26 DCFCP	Post Development demand (HUE)	Pre Development demand (HUE)	Additional demand (HUE)	\$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Water	2.00	1.00	1.00	\$0	\$0	\$0
Wastewater	2.00	1.00	1.00	\$0	\$0	\$0
Transport	2.00	1.00	1.00	\$803	\$698	\$803
Community infrastructure	2.00	1.00	1.00	\$2,511	\$2,183	\$2,511
Reserve Land	2.00	1.00	1.00	\$10,000	\$8,696	\$10,000
Reserve Improvements	2.00	1.00	1.00	\$304	\$264	\$304
<b>TOTAL DEVELOPMENT CONTRIBUTION</b>				<b>\$13,618</b>	<b>\$11,842</b>	<b>\$13,618</b>

#### **Any other matters provided for in section 220 of the Act.**

84. There are no other matters set out in section 220 of the Act which apply to this subdivision.

#### **SUBSTANTIVE RECOMENDATION ASSESSMENT**

#### **SECTION 104(1)(A) OF THE RESOURCE MANAGEMENT ACT**

85. 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 proposal is a departure from the lot sizes anticipated for the zone. However, there are two distinct land uses on the site and providing these are maintained without change (as currently applied for) and the water supply is distributed equitably, the adverse effects on the environment arising from the proposal are assessed as no more than minor, subject to conditions of consent.

## OFFSETTING OR COMPENSATION MEASURES

86. 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

### Central Otago District Plan

87. In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan were taken into account when assessing the application.

#### Objective 4.3.1 - Needs of the District's People and Communities

*To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.*

#### Objective 4.3.3 - Landscape and Amenity Values

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

#### Objective 4.3.5 - Water Resources

*To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.*

#### Objective 4.3.7 - Soil Resource

*To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.*

#### Policy 4.4.2 – Landscape and Amenity Values

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

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

- f) Controlling the spread of wilding trees.
- g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.
- h) Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form.

Policy 4.4.3 – Sustainable Management of Infrastructure

To ensure that the development of infrastructure in the rural environment promotes sustainable management by:

- a) Requiring developers to contribute a fair and reasonable proportion of the costs involved, and
- b) Maintaining and enhancing the safe and efficient operation of the infrastructure network (including roading), while avoiding, remedying or mitigating adverse effects.

Policy 4.4.5 - Effects on Water Quality

To assist the Otago Regional Council in its role of maintaining and enhancing water quality, by ensuring allotments are adequate for effluent disposal requirements and encouraging the use of land management techniques that maintain and/or enhance the life supporting capacity of water.

Policy 4.4.6 – Adverse Effects on the Soil Resource

To ensure that the location, construction and/or operation of land use activities and subdivision make adequate provision for the protection of the soil resource by avoiding, remedying or mitigating the adverse effects of practices which may cause:

- a) Erosion, instability or loss of topsoil,
- b) Loss of nutrient or incidence of soil contamination,
- c) Loss of soils with special qualities,
- d) A reduction in vegetation cover and moisture holding capacity, and
- e) Soil compaction.

Policy 4.4.8 - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- a) Noise (including noise associated with traffic generation, night time operations), and vibration,
- b) The generation of a high level of traffic, in particular heavy vehicles,
- c) Glare, particularly from building finish,
- d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,
- e) The generation of odour, dusts, wastes and hazardous substances, and
- f) The use and/or storage of hazardous goods or substances

*do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.*

**Policy 4.4.9 - Effects of Rural Activities**

*To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.*

**Policy 4.4.10 – Rural Subdivision and Development**

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

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

*particularly through the use of minimum (and average) allotment sizes.*

**Objective 16.3.1 - Adverse Effects on the Roading Network**

*To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network.*

**Objective 16.3.2 - Services and Infrastructure**

*To ensure that subdivisions provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.*

**Objective 16.3.3 - Hazards**

*To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.*

**Objective 16.3.4 - Amenity Values**

*To ensure, where appropriate, that amenity values of the District created by the open space, landscape and natural character values, and areas of*

*significant indigenous vegetation, significant habitat of statutorily managed sports fish and game are not adversely affected by subdivision.*

Objective 16.3.5 - Water and Soil Resources

*To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the District's water and soil resources.*

Objective 16.3.9 - Physical Works Involved in Subdivision

*To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on:*

- a) *The stability of land.*
- b) *Water quality within natural watercourses and the stability of their margins.*
- c) *Neighbouring properties in respect of the effects of noise, dust and vibration.*

Objective 16.3.11 - Effluent Disposal

*To ensure that subdivision in areas without reticulated foul sewage services does not facilitate development that has an adverse effect on soil, surface and groundwater resources, and public health.*

Policy 16.4.1 - Adequate Access

*To require that all subdivisions have legal and physical access that:*

- a) *Is of a standard that is adequate for the intended use of allotments having regard to current and likely future traffic levels and the safe and convenient movement of vehicles and pedestrians, and*
- b) *That integrates with the existing roading network in a safe and efficient manner,*

*except in circumstances where Council is satisfied that section 321(2) and (3) of the Local Government Act 1974 is to apply or where no new lots are to be created.*

Policy 16.4.3 - Adequate Infrastructure

*To require that the land to be subdivided is supplied with services and infrastructure that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected.*

Policy 16.4.4 – Unreticulated Areas

*To require that subdivisions within unreticulated areas are designed to ensure that each allotment:*

- a) *Has the ability to adequately dispose of effluent and stormwater on site without compromising health, the life-supporting capacity of soil resources, the quality of ground and surface water resources, and the drainage and amenity values of adjoining properties: and that,*
- b) *An adequate supply of water can be provided,*

where this is appropriate to the intended use of the allotment.

Policy 16.4.6 – Construction Standards

*To require that all physical works within subdivisions are designed and constructed in accordance with NZS 4404:1981 which is the Council's Subdivision Code of Practice unless Council determines modification of this code is necessary given the local conditions and particular circumstances affecting the subdivision.*

Policy 16.4.7 - Subdivision Design

*To require that the design of subdivision, where relevant to the intended use, provides for the following matters:*

- a) *Facilitates convenient, safe and efficient access to all allotments including pedestrian access where appropriate.*
- b) *Facilitates the safe and efficient provision and operation of services and infrastructure.*
- c) *Facilitates access to passive solar energy resources.*
- d) *Facilitates any foreseeable subsequent development or redevelopment including the economic provision of roading and network utility services.*
- e) *Facilitates adequate provision of, or contribution to, the open space, recreational and reserve needs of the community with physical links to existing reserve areas where this is practicable.*
- f) *Facilitates an appropriate level of access to heritage sites, natural features and water bodies where appropriate.*
- g) *Facilitates development which keeps earthworks to a minimum.*
- h) *Facilitates retention of the heritage values of a site or area.*

Policy 16.4.8 - Sites Subject to Hazards

*With respect to land that is, or is likely to be, subject to the effects of hazards (including the circumstances set out in section 106 of the Act) Council may only grant a subdivision consent where either:*

- a) *The area of the subdivision to be used for building or other development purposes will not be subject to material damage from the hazard; or*
- b) *The subdivision is not materially changing the status quo (eg. boundary adjustment); or*
- c) *The subdivision is to facilitate land stabilisation, erosion protection, flood protection or some other method of avoiding, remedying or mitigating the effects of the hazard; or*
- d) *The adverse effects of the hazard can be avoided, remedied or mitigated by conditions attached to the consent including the provision of appropriate works; or*
- e) *Other exceptional circumstances exist; and/or*
- f) *The subdivider is willing to accept any potential risk and is prepared to have the resultant certificate of titles registered accordingly.*

88. The proposal presents as a departure from the underlying zone density but does not propose a change to the two distinct land uses. Lot 2 is fully developed in terms of residential activity and no further development is proposed for Lot 1 as part of this application and as such, the current productivity of the land can be maintained. In this regard such that Policy 4.4.2 will be met. Ideally, the lot boundary for Lot 2 would be

configured around the dwelling and curtilage, and the balance lot would contain the productive land, but this is option is not available unless offered by the applicant. However, providing there is no change in land use and the water supply is equitably allocated, the current configuration of the lots is acceptable.

89. Access to each lot can be appropriately established without adverse effect on the environment, subject to the conditions discussed previously in this report. The dwelling on Lot 2 is serviced and while the applicant promotes the domestic servicing conditions for Lot 1, these are not supported as it is recommended that residential activity be prohibited for this lot. The applicant proposes that the existing consent notices on the record of title be removed and replaced with new servicing conditions.
90. Two of the neighbours provided written approval to the application and the remaining neighbours were invited to make a submission. Only one neutral submission was received and the concerns raised by that submission echoed a number of my concerns also. In terms of Policy 4.4.8, I consider that any matters identified in that policy can be adequately address through conditions of consent should the Panel be of a mind to grant consent. These conditions will be particularly effective should there be no change in land use overall.
91. Subject to the restriction of land use on Lot 1 and the equitable allocation of the water supply, and appropriate treatment of the ROW, I assess that the proposal would be generally consistent with the above objectives and policies overall.

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

92. The Otago Regional Policy Statement 2019 (RPS 2019) became fully operative on 4 March 2024. The key objectives and policies are set out below:

<b>Objective</b>	<b>Supporting policies</b>
<b>Objective 3.1</b>	<p><b>Policy 3.1.7 Soil values</b></p> <p>Safeguard the life-supporting capacity of soil and manage soil to:</p> <p>a) Maintain or enhance as far as practicable</p> <ul style="list-style-type: none"> <li>i. Soil biological diversity;</li> <li>ii. Biological activity in soils;</li> <li>iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;</li> <li>iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;</li> <li>v. Soil fertility where soil is used for primary production;</li> </ul> <p>b) Where a) is not practicable, minimise adverse effects;</p> <p>c) Recognise that urban and infrastructure development may result in loss of soil values.</p> <p>d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;</p> <p>e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.</p>

<b>Objective 3.2</b> <p>Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded</p>	<b>Policy 3.2.18 Managing significant soil</b> <p>Manage areas of significant soil, by all of the following:</p> <ul style="list-style-type: none"> <li>a) Maintaining those values that make the soil significant;</li> <li>b) Recognising that loss of significant soil to urban development may occur in accordance with any future development strategy;</li> <li>c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread</li> </ul>
<b>Objective 4.1</b> <p>Risks that natural hazards pose to Otago's communities are minimised</p>	<b>Policy 4.1.3 Natural hazard consequence</b> <p>Assess the consequences of natural hazard events, by considering all of the following:</p> <ul style="list-style-type: none"> <li>a) The nature of activities in the area;</li> <li>b) Individual and community vulnerability;</li> <li>c) Impacts on individual and community health and safety;</li> <li>d) Impacts on social, cultural and economic wellbeing;</li> <li>e) Impacts on infrastructure and property, including access and services;</li> <li>f) Risk reduction and hazard mitigation measures;</li> <li>g) Lifeline utilities, essential and emergency services, and their co-dependence;</li> <li>h) Implications for civil defence agencies and emergency services;</li> <li>i) Cumulative effects;</li> <li>j) Factors that may exacerbate a hazard event.</li> </ul>
	<b>Policy 4.1.4 Assessing activities for natural hazard risk</b> <p>Assess activities for natural hazard risk to people, property and communities, by considering all of the following:</p> <ul style="list-style-type: none"> <li>a) The natural hazard risk identified, including residual risk;</li> <li>b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;</li> <li>c) The long-term viability and affordability of those measures;</li> <li>d) Flow-on effects of the risk to other activities, individuals and communities;</li> <li>e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.</li> </ul>
	<b>Policy 4.1.6 Minimising increase in natural hazard risk</b>

	<p>Minimise natural hazard risk to people, communities, property and other aspects of the environment by:</p> <ul style="list-style-type: none"> <li>a) Avoiding activities that result in significant risk from natural hazard;</li> <li>b) Enabling activities that result in no or low residual risk from natural hazard;</li> <li>c) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years;</li> <li>d) Encouraging the location of infrastructure away from areas of hazard risk where practicable;</li> <li>e) Minimising any other risk from natural hazard.</li> </ul>
<b>Objective 5.3</b>  Sufficient land is managed and protected for economic production.	<p><b>Policy 5.3.1 Rural activities</b></p> <p>Manage activities in rural areas, to support the region's economy and communities, by:</p> <ul style="list-style-type: none"> <li>a) Enabling primary production and other rural activities that support that production;</li> <li>b) Providing for mineral exploration, extraction and processing;</li> <li>c) Minimising the loss of significant soils;</li> <li>d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;</li> <li>e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;</li> <li>f) Providing for other activities that have a functional need to locate in rural areas.</li> </ul>

16. Overall, I consider that the proposal is inconsistent to the key objectives and policies of the poRPS 2019, unless steps are taken to ensure the current productive land use on the site is maintained.
17. Decisions were released for the Proposed Regional Policy Statement 2021 (pRPS 2021) 27 March 2024. Certain provisions have been appealed and have not been resolved at the time of writing this report. The following assessment is undertaken on the relevant provisions as at 17 October 2025.

<b>LF-LS-O11 – Land and soil</b>
The availability and productive capacity of highly productive land for primary production is protected from inappropriate use and development now and for future generations.
<b>LF-LS-O12 – Use, development, and protection</b>
The use, development, and protection of land and soil:

(1) safeguards the life-supporting capacity of soil,

(1A) sustains the potential of land and soil to meet the reasonably foreseeable needs of future generations while recognising the extractive nature of mining, (2) contributes to achieving environmental outcomes for fresh water, and (3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities.
<b>UFD-O4 – Development in rural areas</b>  Use and development in Otago's rural areas occurs in a way that:  (4) provides for the ongoing use of rural areas for primary production and rural industry, and (4A) does not compromise the long term viability of primary production and rural communities. (5) enables the use and development of Native Reserves and Māori land.
<b>LF-LS-P17 – Soil values</b>  Maintain the health and productive potential of soils, to the extent reasonably practicable, by managing the use and development of land in a way that is suited to the soil characteristics and that sustains mauri through healthy:  (1) soil biological activity and biodiversity, (2) soil structure, and (3) soil fertility.
<b>LF-LS-P19 – Highly productive land</b>  Maintain the availability and productive capacity of highly productive land by identifying and managing the use of highly productive land in accordance with the NPSHPL.
<b>UFD-P7 – Rural Areas</b>  The management of use and development in rural areas:  2) maintains rural areas as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,  3) prioritises land-based primary production on highly productive land in accordance with the NPS-HPL, except as provided for in (5) below,  4) provides for primary production, rural industry, and supporting activities, and recognises:  (a) the importance of these activities to the social and economic wellbeing of Otago's communities, and (b) that mining and aggregate activities can only be located where those resources are present,  5) enables the use by Kāi Tahu of Native Reserves and Māori Land in accordance with MW-P4,

- 6) restricts the establishment of non-rural activities which could adversely affect, including by way of reverse sensitivity or fragmentation, the productive capacity of highly productive land, or existing or anticipated primary production and rural industry activities, except as provided for in (5) or the NPS HPL; and
- 7) recognises the national and regional importance of the Otago Corrections Facility to the health, safety and welfare of communities and enables its continued use, upgrading and development, including:
  - (a) avoiding the establishment of incompatible activities which could give rise to adverse effects on the security and operation of the Facility and/or the welfare of its occupants; and
  - (b) managing the adverse effects of primary production and rural industry on the security and operation of the Facility and/or the welfare of its occupants.

#### **UFD-P8 – Rural lifestyle development**

The establishment, development or expansion of rural lifestyle development only occurs where:

- (c) it avoids land identified for future urban development in a relevant plan or land reasonably likely to be required for its future urban development potential, where the rural lifestyle or rural residential development would foreclose or reduce efficient realisation of that urban development potential,
- (d) it minimises impacts on existing or anticipated primary production, rural industry and other rural activities and the potential for reverse sensitivity effects,
- (e) it avoids highly productive land except as provided for in the NPS-HPL,
- (f) the suitability of the area to accommodate the proposed development is demonstrated, including:
  - (a) capacity for servicing by existing or planned development infrastructure (including self- servicing requirements),
  - (b) particular regard is given to the individual and cumulative impacts of water supply, wastewater disposal, and stormwater management including self-servicing, on the receiving or supplying environment and impacts on capacity of development infrastructure, if provided, to meet other planned urban area demand, and
  - (c) likely future demands or implications for publicly funded services including emergency services and additional infrastructure.

93. Overall, I consider that the proposal is inconsistent to the key objectives and policies of the poRPS 2019, unless steps are taken to ensure the current productive land use on the site is maintained.

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

94. The National Policy Statement for Highly Productive Land (NPSHPL) came into effect on 17 October 2022, with the most recent changes taking effect on 15 January 2026. The land within the site is categorised as LUC3. Despite the changes, I consider that the NPS-HPL is still relevant to this application as set out previously in this report.
95. For the subdivision to be consistent with the NPS-HPL it must meet either exemptions set out in Clauses 3.8 or 3.10
96. Critically, Clause 3.8 states that Territorial authorities must avoid the subdivision of highly productive land unless certain criteria are met as follows:
  - a) *the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term:*
  - b) *the subdivision is on specified Māori land:*
  - c) *the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.*
97. In this instance, the proposal is not on specified Māori land nor does it involve specified infrastructure, or for defence facilities. The applicant notes the specified land uses on proposed Lots 1 and 2 and considers that these will maintain the current productive capacity. However, the applicant also notes that the site will likely pass into separate ownership and future owners may take a different view as to how they want to occupy this land. In my opinion this would in no way ensure that the current productive capacity of the land would be maintained in the long-term unless there was a robust mechanism in place to prevent non-productive land uses from occurring within Lot 1.
98. Clause 3.8 also requires territorial authorities to 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.
99. As noted previously, the land uses on the site are existing and, in this regard, any reverse sensitivity effects are already well established and unlikely to change as a result of the subdivision, providing there is no change of land use. In terms of the potential cumulative loss of availability of LUC 3 for productive purposes, I consider that a reconfiguration of the subdivision which focusses on the residential activity and curtilage (while retaining rural character as best it can) and retains the bulk of the productive land in Lot 1 for productive purposes would ensure that any cumulative loss of productive land is mitigated as far as possible,
100. Overall, without the applicant promoting the mitigation identified above, I consider that the application does not establish that it meets the exemptions in Clause 3.8.
101. If Clause 3.8 is not available then, the Panel must turn its mind to Clause 3.10. This assessment must be viewed through a lens which recognises that there is a productive land use occurring on the site despite the limitations and that this productive use should at the least be maintained.

102. The criteria in Clause 3.10 are explicit in what is required. Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

- a) *there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*
- b) *the subdivision, use, or development:*
  - i. *avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
  - ii. *avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*
  - iii. *avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and*
- c) *the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

103. The above criteria require each of a), b) and c) to be met. To establish how Clause 3.10.1.a (permanent or long-term constraints on the land) is met, the matters set out Clause 3.10.2.a-g must be satisfied.

- a) *alternate forms of land-based primary production:*
- b) *improved land-management strategies:*
- c) *alternative production strategies:*
- d) *water efficiency or storage methods:*
- e) *reallocation or transfer of water and nutrient allocations:*
- f) *boundary adjustments (including amalgamations):*
- g) *lease arrangements.*

104. In the further information response, the applicant notes that they have explored *alternate forms of land-based primary production and production strategies. The applicant also notes that any improved land management strategies are reliant on irrigation water. A boundary adjustment is not available to the applicant and he sets out previous unsuccessful leasing opportunities. The applicant identifies current water efficiency or storage methods, such as water storage tanks and irrigation pipelines but notes that the volume of water available to the property is capped at 5000L/d.*

105. The applicant has not confirmed the water demand required to ensure the nursery operation is viable and I consider that this is a critical matter for the Panel in reaching its decision. As noted above a reallocation of the land area between proposed Lots 1 and 2, could reduce the water demand for Lot 2, ensuring that the majority of the water be diverted to the productive land use on proposed Lot 1.

106. In terms of Clause 3.10.1.b, I consider that the allocation of the land between lots 1 and 2 would likely result in a significant loss of productive land within the land parcel itself but would be unlikely to result in *significant loss of productive capacity of highly productive land in the district. Furthermore, it will result in further fragmentation of LUC 3 land but this land is not large or geographically cohesive and the proposal is unlikely to result in any potential reverse sensitivity effects providing there is no change in land use.*
107. *With respect to Clause 3.10.1.c, I note that applicant has not made a case that the proposal will create environmental, social, cultural and economic benefits (beyond the applicant on-selling Lot 1) and that those benefits outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land*
108. Overall, I consider that proposal tentatively meets the exemptions in clause 3.10 providing the productive land use on the land is maintained and land and water is allocated to lot 1 in a manner which maximises the productive capacity of the land.
109. The relevant Objectives and Policies of the NPS-HPL are set out below:
  - **Objective 2.1:** *Highly productive land is protected for use in land-based primary production, both now and for future generations.*
  - **Policy 1:** *Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*
  - **Policy 4:** *The use of highly productive land for land-based primary production is prioritised and supported.*
  - **Policy 7:** *The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.*
  - **Policy 8:** *Highly productive land is protected from inappropriate use and development.*
  - **Policy 9:** *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

110. Overall, I assess that the proposal is inconsistent but not contrary to the NPS-HPL.

#### OTHER MATTERS

111. Section 104(1)(c) of the Resource Management Act 1991 requires the decision maker to have regard to any other matters considered relevant and reasonably necessary to determine the application.

#### Precedent and Plan Integrity

112. The matters of precedent and Plan integrity are considered relevant here. Where a plan's integrity is at risk by virtue of such a precedent, the Council is required to apply the 'true exception test', especially where the proposed activity is contrary to the objectives and policies of the district plan.

113. That said, each application needs to be considered on its own merits and the decision to grant consent would not imply that similar applications elsewhere in the Rural area would necessarily be appropriate, as each proposal must be assessed against its own environmental context and the relevant planning provisions.
114. The proposal is non-complying because the lots fall well below the minimum lot average for the underlying zone. In this instance, the applicant seeks to separate two distinct land use on the site between Lots 1 and 2. Providing there is no future residential development established on lot 1, it is assessed that the approval of the proposal would not undermine the integrity of the Operative District Plan as the activity will produce only localised and minor effects, if any, and will not set an undesirable precedent.

#### **Caselaw**

115. The relevant case law relating to consent notices, in particular, the High Court ruling in *Ballantyne Barker Holdings v Queenstown Lakes District Council [2019] NZHC 2844*. In summary, during the Ballantyne Barker Holdings Limited (BBHL) appeal, the Environment Court found that amending consent notices was "relatively easy". However, in a later appeal to the High Court, the Court found that there was "*insufficient evidence to support such a conclusion*". Furthermore, the High Court considered that:

*"case law makes it clear that because a consent notice gives a high degree of certainty both to the immediately affected parties at the time subdivision consent is granted, and to the public at large, it should only be altered when there is a material change in circumstances (such as a rezoning through a plan change process), which means the consent notice condition no longer achieves, but rather obstructs, the sustainable management purposes of the RMA. In such circumstances, the ability to vary or cancel the consent notice condition can hardly be seen as objectionable."*

116. While keeping this guidance in mind, I recognise that the variation of the consent notice to be generally administrative in nature and will result in redundant conditions being removed from the record of title and replaced by consent notice conditions for the new records of title where appropriate. Overall, I consider the proposed changes to the consent notice to be acceptable and, the overall intention of the consent notice conditions will be maintained.
117. There are no other matters are considered relevant to the consideration of this consent.

#### **SECTION 104D**

118. Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan. Noting that the application does not propose residential activity on Lot 1 and providing this can be secured by some robust mechanism, it is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of Operative District Plan. Therefore, the decision makers can exercise its discretion under section 104D to grant consent.

#### **PART 2**

119. The purpose of the Act as stated in s5(1) of the RMA is, "to promote the sustainable management of natural and physical resources".
120. Pursuant to Section 6 it is assessed that there are no matters of national importance which are applicable to this application.
121. As noted above, proving there is no change of land use for proposed Lot 1, the proposal is considered consistent with following "other matter" identified in Section 7 of the RMA
  - (b) *the efficient use and development of natural and physical resources*
  - (c) *the maintenance and enhancement of amenity values*
  - (f) *maintenance and enhancement of the quality of the environment*
122. The proposal is considered to give effect to Section 8 of the RMA.
123. Based on the findings above, I consider that the proposal will satisfy Part 2 of the Resource Management Act 1991, subject to controls on the land sue of Lot 1 and granting of the consent would support the sustainable management of District's natural and physical resources.

#### **RECOMMENDATION**

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

The Council refuse consent to the proposed activity under delegated authority, in accordance with sections 104, 104B and 104D of the Resource Management Act 1991, unless:

- The applicant volunteers that residential activity be prohibited on Lot 1 by way of a robust consent notice condition, and
- The applicant gives consideration to reconfiguring the lots to retain the maximum productive capacity for the land; and
- The applicant confirms that the water supply is equitably allocated to each lot to ensure the current productive capacity of the land is maintained; and
- The ROW be vested as road, unless the applicant can demonstrate that not all of the ROW users agree to the vesting of the ROW as road and there is a management entity responsible for the stewardship of the ROW, and
- The proposal is subject to the draft conditions attached to this report.



Kirstyn Royce  
**PLANNING CONSULTANT**

Date: 19 January 2026

**Consent Type:** Subdivision Consent

**Consent Number:** RC 250198

**Purpose:** Subdivision consent to create two lots from one existing title in the Rural Resource Area.

**Location of Activity:** 70 Nursery Road, Queensberry

**Legal Description:** Lot 2 DP 356166 (Record of Title 229045).

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

#### **SUBDIVISION CONDITIONS:**

1. The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the revised resource consent application dated 2 July 2025 and further information dated 25 October 2025, except where modified by the following conditions.
2. Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice. Note: Currently the two documents, NZS 4404:2004 and the July 2008 CODC Addendum form the NZS 4404 based CODC land development and subdivision code of practice.
3. Prior to commencement of any physical work the consent holder must:
  - a) Apply for and receive council Engineering Acceptance (EA) via the CODC online portal at: CODC Home > Services > Planning > Land Development and Subdivision Engineering, The EA application must include:
    - i) Confirmation who their representative is for the design and execution of the engineering work.
    - ii) Provision of design reports, calculations, specifications, schedules, and drawings, as applicable.
    - iii) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:
      - Schedule 1A,
      - Schedule 1B,
      - Standalone Schedule 1B for 3 waters work, and
      - Schedule 1C
  - b) Install all practicable measures are used to mitigate erosion and to control and contain sediment-laden stormwater run-off and dust from the site during any stages of site disturbance that may be associated with this subdivision.

4. Prior to certification of the survey plan, pursuant to section 223 of the Resource Management Act 1991, the subdivider must ensure the following:
  - a) If a requirement for any easements for access or access for services, including private drainage, is incurred during the survey then those easements must be granted or reserved and included in a Memorandum of Easements on the cadastral dataset.
5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the subdivider must complete the following:

Water

- a) Confirm how the current water allocation will be distributed between Lots 1 and 2 in such a manner which will maximise the productive capacity of Lot 1, providing that a minim of 1500L/day is allocated to Lot 2. Written confirmation from the water supplier that the proposed allocation between the lots is acceptable.
- b) Separate water supply connections must be installed to each Lot. The water supply connection must be installed to the dwelling on Lot 2 and to the boundary of Lot 1.
- c) The existing firefighting capacity servicing the existing dwelling on Lot 2 must be confirmed as compliant with Fire and Emergency New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Wastewater

- d) The existing on-site wastewater disposal system for Lot 2 must be confirmed to be in good working order and entirely contained within the lot boundaries.

Telecommunications and Electricity

- e) Operational underground power connection must be confirmed in respect of the dwelling on Lot and installed to the boundary on Lot 1.

Access

- f) The consent holder must either:
  - (i) undertake all legal and financial costs associated with upgrading the Right-of-Way (ROW), Nursery Road to a road standard acceptable to the CODC Roading Manager and vest the ROW as Road;  
or
  - (ii) confirm in writing with supporting evidence that agreement to vest the ROW as road cannot be reached; and
  - (iii) demonstrate that the section of the Right-of-Way (ROW), Nursery Road, from the intersection with Poison Creek Road and extending to the entranceway to Lot 2, is in compliance with or upgraded in accordance with the ROW requirements of Table 3.2 (a) of Council's July 2008 Addendum to NZS 4404:2004, and with the following specific requirements and modifications:

- a) Minimum formed carriageway width of 5.5 metres, except where not practicable with the agreement of Council's Infrastructure Manager.
- b) Minimum road reserve / legal width of 10.0 metres.
- c) Vesting of the road is not required.
- d) Camber of 5-8%.
- e) Subgrade >CBR of 7.
- f) Durable well-bound wearing course to be constructed over pit-run base to provide all-weather traction and prevent surface ravelling.
- g) Shallow trafficable side-drains / water channels over level sections (>10%).
- h) Rock armouring of side channels over steeper sections.
- i) Stormwater discharging to soak pits within the ROW or to natural water courses.
- j) The road must be managed and maintained by a robust body corporate entity.
- k) Accessway/crossings to adjoining lots must be provided off the ROW in compliance with Part 29 of Council's Roading Policies January 2015.

g) The existing vehicle entranceway/crossing from Nursery Road to serve Lot 1 must be demonstrated to be in compliance with, or upgraded in accordance with the requirements of Part 29 of Council's Roading Policies January 2015. The access must be relocated, if necessary, such that it crossed from Nursery Road directly to Lot 1. Any redundant areas of accessway/crossing must be removed and reinstated to match the adjoining swales and berms.

h) The existing vehicle entranceway/crossing from Nursery Road to serve Lot 2 must be demonstrated to be in compliance with, or upgraded in accordance with, the requirements of Part 29 of Council's Roading Policies January 2015. Alternatively, a new entranceway/crossing may be constructed, and any redundant areas of accessway/crossing must be removed and reinstated to match the adjoining swales and berms.

#### Engineering Approvals

- i) Provide a CODC letter of full Engineering Acceptance (EA) or a CODC exemption letter.
- j) As-built drawings must be lodged with the Council in accordance with clause 1.5.10(b) of NZS 4404:2004 and must comply with Council's "Specifications for as-built drawing documentation version 3.1". The as-built drawings are to be provided in \*.dxf or \*.12da, and in \*.pdf file format. New Zealand Vertical Datum (NZVD2016) must be used.

6. Pursuant to Section 221 of the Resource Management Act 1991, consent notices must be prepared for registration for the record of title for Lot 1 and 2 hereon, for the following ongoing conditions:

- a) *Placeholder for consent notice restricting future residential activity on Lot 1.*
- b) Lot 1 is an unserviced rural lot and no domestic servicing is provided for.

c) Stormwater from buildings and other impervious surfaces on Lots 1 and 2 must be stored for beneficial reuse or disposed of by a soakage system (e.g. soak-pit or similar), designed by a suitably qualified and experienced person in accordance with NZ Building Code Clause E1 (Surface Water). The system must be located entirely within the boundary of the titled property, and the property owner is responsible for maintaining the system in good working order to prevent surface flooding and nuisance effects on neighbouring properties.

**ADVICE NOTES:****RC180450**

1. The dwelling on Lot 2 must comply with the conditions set out in RC180450 at all times.

**Earthworks**

2. All earthworks to develop and/or landscape each lot shall comply with Rule 4.7.6J of the Central Otago District Plan or additional resource consent will be required.

3. Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

4. If during any site disturbance, the consent holder or subsequent owners:

- i) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder or subsequent owner must without delay:
  - a) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
  - b) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- ii) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
  - a) stop work within the immediate vicinity of the discovery or disturbance; and
  - b) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required,

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

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

Site work may recommence following consultation with the Consent Authority.

#### Water, Wastewater and Firefighting

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

#### Financial Contributions

8. All charges incurred by the Council relating to the administration, inspection and supervision of conditions of subdivision consent must be paid prior to Section 224(c) certification. The Council may withhold a certificate under Section 224(c) of the Resource Management Act 1991 if the required Development and Financial Contributions have not been paid, pursuant to section 208 of the Local Government Act 2002 and Section 15.5.1 of the Operative District Plan. The contributions are calculated as follows:

Summary of DCs under 2025/26 DCFCP	Post Development demand (HUE)	Pre Development demand (HUE)	Additional demand (HUE)	\$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Water	2.00	1.00	1.00	\$0	\$0	\$0
Wastewater	2.00	1.00	1.00	\$0	\$0	\$0
Transport	2.00	1.00	1.00	\$803	\$698	\$803
Community infrastructure	2.00	1.00	1.00	\$2,511	\$2,183	\$2,511
Reserve Land	2.00	1.00	1.00	\$10,000	\$8,696	\$10,000
Reserve Improvements	2.00	1.00	1.00	\$304	\$264	\$304
<b>TOTAL DEVELOPMENT CONTRIBUTION</b>				<b>\$13,618</b>	<b>\$11,842</b>	<b>\$13,618</b>

#### Access

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

Rural Development

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

Heritage

11. Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

General

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

Issued at Central Otago on [Day and Month] [Year]

«LPOFFICER»  
[Position]

## Appendix One: Approved Plans for RC250198 (scanned image, not to scale)



Registrar General of Lands  
Land Information New Zealand  
Private Bag 4721  
Christchurch Mail Centre  
Christchurch 8140

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

**IN THE MATTER OF**

Consent Notice 6181224.2 registered on Record of  
Title 148684

**I HEREBY CERTIFY THAT** pursuant to section 221(3) of the Resource Management Act 1991, the Central Otago District Council agrees to delete Consent Notice 6181224.2 registered on Record of Title 148684 as it relates to Lot 13 only.

**YOU ARE HEREBY DIRECTED** pursuant to section 221(5) of the Resource Management Act 1991, to note on Lot 13 of Record of Title 148684 the deletion of Consent Notice 6181224.2

**DATED** this day of [Day and Month] [Year]

**SIGNED** for and on behalf of  
**THE CENTRAL OTAGO DISTRICT COUNCIL** by its Authorised Officer

.....  
**Name**  
**DELEGATED OFFICER**

(TA reference RC 250193.)

**CENTRAL OTAGO DISTRICT COUNCIL  
S95A-F DECISION FOR RC250198  
70 NURSERY ROAD, QUEENSBERRY**

### **INTRODUCTION**

The applicant seeks resource consent to subdivide an 8.03 hectare (ha) property in two fee simple allotments at the site located at Lot 13 DP 336256, 70 Nursery Road, Queensberry.

The subdivision is proposed to be configured as follows:

- Proposed Lot 1, comprising the western part of the property, will have an area of approximately 4.03 ha.
- Proposed Lot 2, comprising the eastern part of the property, will have an area of approximately 4.00 ha.

The property is a lifestyle block that supports a consented residential activity and an existing small-scale rural nursery and landscape supply operation. The proposed subdivision will separate the consented residential activity (to be contained within proposed Lot 2) and the lifestyle business activity (to be contained within proposed Lot 1). No residential activity is proposed for Lot 1 at this time.

Proposed Lots 1 and 2 will continue to be accessed from Willowbank Road, via the sections of Poison Creek Road and Nursery Road. Servicing is addressed through conditions of the consent notice.

The applicant also seeks to cancel the completed and superseded conditions of Consent Notice 6181224.2 that apply to the property as follows:

- To cancel conditions 7 to 13 as these are not relevant to the subject site.
- To cancel condition 15 which requires a domestic water supply be provided to the site.
- To cancel condition 16 which imposes a minimum volume of water to the site.
- To cancel condition 17 which requires water supply to more than two dwellings to be operated by a responsible body (management group).
- To cancel condition 18 which requires a water tank with an appropriate exterior coupling for fire purposes and a fire appliance standard of access.
- To cancel condition 19 which set the location and colour of the water tanks.
- To cancel condition 21 which sets the standards for onsite wastewater disposal.

### **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 and/or boundary activities (s95A(5)(b)).

*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)).*
- 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)).*

**Affected parties**

The written approval of the persons detailed in the table below has been obtained. In accordance with sections 95D(e) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Name	Address	Date
William Ian Groters	78 Nursery Road	27 July 2025
Andrew Cossey and Sophie Lloyd	2 Poison Creek Road	21 September 2025



**Figure 1 Affected Party Approvals marked with a red star**

#### **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 instance, there is no permitted activity subdivision and, as such, there is no permitted baseline to be applied to this subdivision.

With regard to the receiving environment, the subject site contains an existing small-scale rural nursery and landscape supply operation, specialising in the growing-on and finishing of specimen and amenity trees suitable for the Central Otago environment and a consented residential dwelling. Surrounding sites comprise small scale rural residential activity, viticulture and orchards. Lot sizes in the immediate vicinity generally fall between 2.28ha and 9.9ha, although large lots (~45ha) are located directly to the north.

#### **ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

##### **Effects on Rural Character and Amenity Values**

The District Plan provides for rural residential subdivision and development within the Rural Residential Resource Area. The lot sizes proposed by this subdivision fall well below the average lot size envisioned by the District Plan, although the proposed lot area do exceed the minimum lot sizes anticipated. Subdivision and land use development at the density proposed

half of the average 8ha average prescribed by the Plan) has significant potential to change the open natural character of the rural landscape in which it is located.



**Figure 2 Subject site (Source Application)**

The site contains two existing land use activities. The dwelling and sleepout (to be contained within Lot 2) were approved under RC180450. The consent was granted subject to conditions which included servicing conditions and design controls. Furthermore, the sleepout is prevented from containing a kitchen. The nursery (to be within proposed Lot 1) is small-scale and specialises in the growing-on and finishing of specimen and amenity trees suitable for the Central Otago environment. Existing business infrastructure includes shelter/shade structures, open-air growing areas, equipment storage containers, water storage tanks and irrigation pipelines, farm equipment and laydown areas. The business typically requires one person working on-site for approximately 30 days per year, up to 8 hours per day between 9:00am and 5:00pm. There is no on-site retail activity. The business does not generate any heavy vehicle movements. No residential activity is proposed for Lot 1, although the applicant does not offer any conditions to restrict future development.

In terms of the existing environment, no change of land use is proposed at this time. As such, it is the effects of the subdivision on the rural character and development patterns which need to be considered. The applicant has provided the written approvals of William Ian Groters and Andrew Cossey and Sophie Lloyd and all effects on these parties are to be disregarded.

When considering the pattern of development in the immediate environment, the lots sizes range between 2.28ha and 9.9ha. Only three of the original 8 ha properties of the initial subdivision remain. In this regard, the proposed lot sizes will be consistent with the receiving environment. It is accepted that the site contributes to the environment which presents as a rural living landscape character area. It is assessed that, on the face of it, the subdivision will not appear out of character within this surrounding landscape character or impact the open hillsides, and natural character and amenity values of the rural environment, such that the effects will be no more than minor.

That said, historically, the cumulative effects of subdivisions which fall below the average lot sizes within the Queensberry area have been assessed as more than minor and it is appropriate that a similar test be applied to this application. While each application must be treated on its merits, I have given the assessment of cumulative effects considerable weight in the overall assessment.

The District Plan recognises that cumulative subdivision has the potential to erode rural character and amenity values if it results in inappropriate fragmentation, higher development density, or a departure from the open and spacious qualities that define the Rural Resource Area.

The applicant considers that the subdivision will not adversely contribute to cumulative effects for the following reasons:

- The proposed 4.03 ha and 4.00 ha allotments remain consistent with the existing subdivision pattern, both in scale and layout. The change is essentially neutral in terms of cumulative subdivision density.
- The subdivision formalises existing land uses. No new buildings, additional residential allotments, or intensification of activity are proposed.
- The site is already visually contained by existing boundary plantings and topography. The subdivision does not alter the landscape's character, nor does it introduce cumulative effects when considered alongside neighbouring development. However, the sites are expected to be held in separate ownership and this will change how they are operated in the future. Furthermore,
- By separating the residential and business activities onto their own titles, the subdivision provides clarity of land use and avoids potential conflicts, ensuring each lot continues to operate in a manner consistent with the surrounding lifestyle environment.

While I consider that the applicant's assessment is generally fair, given the proposed lots will meet the minimum lot size and will be configured in a manner likely to be compatible with the overall density and the spatial pattern already established within the receiving environment, the subdivision will depart from the average lot size. In this regard, it is acknowledged that a reduction in lot size has the potential to negatively impact productivity in terms of versatility, flexibility and the splitting of water allocation. The effects of the proposal on productivity is assessed further below.

I note that Lot 2 is already developed for residential activity, and the applicant is not promoting residential activity for the nursery lot (Lot 1). The applicant is cautioned that any application to establish residential activity on Lot 1 will require further resource consent and will need strong

justification to overcome the very restrictive policy framework of the National Policy Statement for Highly Productive Land (NPSHPL). Overall, the cumulative effects of the proposal on rural character or amenity values are assessed as minor but not less than minor.

#### Effects on productive capacity of the land

The subject site is identified as Land Use Capability 3 on the Maanaki Whenua Landcare Research soils maps. The NPSHPL is therefore triggered by this application. The proposal does not introduce any change of land use and the small-scale nursery activity will continue. That said, the applicant does not offer a conditions which would prevent residential activity from being established on Lot 1.



Figure 3 Land Use Capability (Source Maanaki Whenua Landcare Research Soils maps)

The applicant has provided an assessment of the productivity of the site. While the applicant's assessment cannot be treated as an impartial and independent expert assessment, the applicant is a qualified, experienced soil and water scientist. He holds a BSc in Applied Biology, with Honours in soil biophysics with additional training and accreditations in closely related fields, including land quality, hydrology, hydrogeology and geomorphology. As such, this assessment does have some merit. The applicant also notes that in preparing the AEE, the applicant also drew upon relevant site-specific advice and anecdotal information provided by local agriculturalists, agronomists and farmers on productive capacity of the property.

The applicant notes the broad Pigburn soil type assigned on the published regional-scale mapping, but considers that there are limitations and inaccuracies associated with regional-scale mapping when applied at a property scale. However, the applicant notes that the overriding limitation on productive agriculture is the lack of irrigation water supply to the property. The original Riverview Estate subdivision did not include provision for an irrigation water supply and, in this respect, the Riverview Estate subdivision differs significantly from the neighbouring subdivisions that were developed with dedicated irrigation water supply schemes that provide the serviced properties with agricultural-scale water volumes (typically 100,000 to 200,000 L/day).

The applicant advises that the irrigation demands of productive pasture, viticulture and horticulture in Central Otago are well-documented, most recently in the ORC's *Guidelines for Reasonable Irrigation Water Requirements in the Otago Region* (Aqualinc 2024) which show the low rainfall and high evapotranspiration rates result in a significant water deficit and net irrigation demand from crops in Central Otago. In the absence of irrigation water supply, crop water requirements are unfulfilled and agricultural production relies upon dryland management techniques. Dryland agriculture would entail significantly reduced yields compared to irrigated baseline, low income stability, high capital expenditure (viticulture and horticulture) and high risk of crop failure. At best, dryland pasture would be suitable for opportunistic low-output lifestyle feed (with severe feed gaps), while viticulture and horticulture are essentially unviable due to the significant capex requirements and risk profile. All of these operations carry a high likelihood of uneconomic outcomes in most seasons.

It is noted that the applicant proposes that the current water allocation will be split between the two properties. The applicant has not adequately demonstrated that the reduced allocation of water to the nursery activity is adequate to ensure that this activity can be maintained at full productive capacity. The applicant will need to be mindful that, prior to a decision being made, they will need to demonstrate that the water allocated to the nursery activity is appropriate. The surrounding area is predominantly rural living in nature and the applicant notes that the lack of productive land is evidenced throughout the upper terrace of Riverview Road. The applicant will retain the nursery on proposed Lot 1 and the dwelling on proposed Lot 2 is existing. While this application does not include any changes to the potential for productive use of the soil resource and the applicant argues that productive status quo will remain in place, the site will likely pass into separate ownership and future owners may take a different view as to how they want to occupy this land. The applicant should turn their mind to mechanisms by which the productivity capacity of Lot 1 will be protected into the future.

Given the irrigation limitations for the site and that the existing land use will remain unchanged at this time, it is assessed that the proposed subdivision will not meaningfully reduce the productivity of the land such that the effects of this will be more than minor. The potential adverse effects on productivity are assessed as minor overall.

The applicant is cautioned that this notification assessment applies separate tests than the rigorous testing under the National Policy Statement for Highly Productive Land (NPS-HPL) which will need to be overcome before any application is successful.

#### **Reverse sensitivity effects**

The application does not propose any changes to the land use associated with the site and, in this regard, there is no perceived increased risk of reverse sensitivity effects.

#### **Servicing**

The applicants have advised that the proposed lots can be serviced in compliance with the requirements of the District Plan with no additional demand on Council infrastructure. Water supply will be via an existing scheme (Indigo Water Coy Ltd). The current site has 5000L a day, which meets the requirement of at least 1500L per lot a day. The water supply will need

to be split between the two properties, although it is unclear if the divided water supply will be sufficient for the operation of the nursery.

The applicant volunteers a consent notice condition relating to firefighting and water storage which will be an updated version of Conditions 18 and 19 on the existing consent notice. The application has been reviewed by Council's Engineer who notes that confirmation from Indigo Water Coy Ltd that they are happy for the allocation to be split between the site will be required.

In terms of wastewater, both lots will dispose of this on-site at the time a dwelling is established on each lot. The applicant volunteers a consent notice condition relating to on-site wastewater disposal which will be an updated version of Condition 21 on the existing consent notice. The wastewater proposal has been assessed by Council's Engineering Department who confirm that if wastewater disposal can be achieved on Lots 1 and 2 in compliance with Clause 5.5 a) of Council's Addendum July 2008 to NZS4404:2004 and with the 2012 version of AS/NZS1547, then the effects of this will be no more than minor. Stormwater disposal will be to ground via soakpits, which engineering confirms as appropriate.

The applicant confirms that the proposed lots will be connected to the network reticulations of Aurora Energy Ltd (power) and Chorus New Zealand Ltd (telecommunications). Confirmation of supply have been submitted with the application.

The Council's Engineer has not raised any concerns relating to servicing. Overall, subject to conditions of consent volunteered by the applicant, I consider that both proposed lots can be serviced without adverse effects on the environment which are more than minor.

#### **Access**

In terms of access, the applicant has met with a Council Engineering Officer on site and confirms that:

- *Both Poison Creek Road and Riverview Road meet the Council's July 2008 Addendum to NZS4404:2004.*
- *Poison Creek Road requires grading to fill potholes and to reform the crown of the road.*
- *The culvert at the Poison Creek Road and Riverview Road requires clearing of vegetation.*
- *The southern culvert needs some shist rock on the sides to prevent scouring*
- *Upgrade the north western intersection corner with gravel where the road has been worn to the subgrade surface*
- *Regrade Riverview Road formation and shoulders, providing crossfall towards the lower side of the road where necessary*
- *Upgrade/construct both new access entrances to CODC standard*
- *Existing western access requires gravel from road edge to new property boundary, there is no need for a culvert.*
- *Remove vegetation from table drains*

The Engineer notes that ROWs which exceed six users is required to be vested as a road. In this case the proposed subdivisions will increase the number of users to over six. The Engineer advises that in situations where vesting an existing right-of-way is required, all the users / right-holders of the ROW, must agree to the vesting. If agreement cannot be reached, then vesting is not required and this is the case here. The Engineer has some comfort that there is a fairly robust body corporate managing the maintenance of the ROWs in this part of Queensberry, so there will likely be better stewardship than for most ROWs.

The Engineer notes that the applicant provided recent photographs of the Nursery Road ROW which confirm/demonstrate it is in good condition and approximately 4.5m wide, or more in places. The Engineer confirms the discussion points as set out by the applicant, with the only possible exception being the ROW formed width. The applicant asserts that this should be 4.5m while the Engineer confirms that this should be 5.5m (equivalent width to Local Access A standard, Table 3.2(a)). The Engineer notes that a Local Access B equivalent (4.5metres), would result in a reduction in service meaning the access is substandard.

The Engineer also advises that the existing entranceway to serve Lot 1 appears to cross the boundary of proposed Lot 2 and should be moved or a ROW created to provide for this.

Overall, the Engineer's assessment is adopted for the purposes of this report and it is considered the effects on the access will not affect the wider transportation network and effects will be limited to those users of the ROW.

### **Hazards**

There are no hazards identified in the District Plan for this site. The ORC Natural Hazards Portal confirms that the proposed Lots 1 and 2 are not subject to notable alluvial fan, or land slide related risk. The Council's Engineering Department notes that as both lots will be elevated, it is expected that the flood risk is minimal to nil.

Furthermore, the ORC Natural Hazards Portal, identifies that proposed Lots 1 and 2 are approximately 1.4km from the Grandview Fault (A Monocline fault, of Likely certainty). The underlying report describes the fault as having a slip-rate of 0.1 mm/year, and a recurrence interval of approximately 22,000 years. No concerns have been raised by the Council's Engineering Department relating to seismic risk.

Overall, no increase hazard risk has been identified for this application.

### **Cancellation of the consent notice conditions**

In terms of effects arising from the cancellation of the consent notice conditions, I note that these conditions are either redundant, do not apply to the subject site or will be replaced by new conditions imposed by this consent should it be granted. No adverse effects will arise from the proposed changes to the consent notice.

### **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 permitted baseline has been established above.

**ASSESSMENT: EFFECTS ON PERSONS**

In accordance with section 95D(e) of the Act, a consent authority must not have regard to any effect on a person who has given written approval to the application. In this instance, affected persons approvals have been received from the persons identified earlier in this report.

When determining the effects on adjacent properties, the RMA requires these effects to be less than minor. The creation of two 4.0ha lots is a departure in the immediately adjacent development pattern when compared to the surrounding sites and the change in ownership is expected to alter the way that the sites operate, which may give rise rural amenity and character effects which are minor. Furthermore, those properties who share the ROW access may also be subject to effects which are minor, especially given that the ROW will cross the "requirement to vest as road" threshold.

As such, it is determined that the effects of the proposal has the potential to be at least minor (but not less than minor) on the parties set out below:

**Table 1: Potentially affected parties**

Legal Description	Location
LOT 4 DP 345931	Willowbank Road
LOT 3 DP 345931	Willowbank Road
LOT 1 DP 565963	69 Nursery Road
LOT 2 DP 471982	55A Nursery Road
LOT 11 DP 336256	55B Nursery Road
LOT 2 DP 565963	Nursery Road



**Figure 4: Potentially affected parties marked with yellow stars. Affected party approval provided from properties marked with red stars**

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, the persons identified above are considered potentially affected by this proposal.

**OVERALL NOTIFICATION DETERMINATION**

It is noted that the determination, as to whether an application should be notified or not, applies different tests than those considered when making a decision on the application itself. Given the decisions made under s95A and s95B, the application is able to be processed on a limited-notified basis, unless the written approvals of those parties identified above is provided.

It should also be noted that, as the application is for a non-complying activity, it will be required to go to a hearing even if written approval of those identified parties is obtained as CODC delegations do not provide for it to be determined at an officer level.

Prepared by:



Kirstyn Royce  
**Planning Consultant**

Date: 17 November 2025

Approved under Delegated Authority by:



Tim Anderson  
**Team Leader – Planning**

Date: 17 November 2025



RC250198

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand



03 440 0056



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



## LOCAL GOVERNMENT ACT 2002 AND RESOURCE MANAGEMENT ACT 1991 DEVELOPMENT/FINANCIAL CONTRIBUTION DEMAND

**Application Reference: RC250198**

**Name:** The A Trust

**Site:** 70 Nursery Road, Cromwell

**Description of proposal:** Two lot subdivision in the rural resource area.

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

This demand is an indication of the amount payable by the Applicant should the consent proceed in its current form.

### Calculations

Note: A "Household unit equivalent" (HUE) means demand for Council services equivalent to that produced by a nominal household in a standard residential unit. Non-residential activities, such as industrial and commercial, can be converted into HUE's using land use differentials.

Summary of DCs under 2025/26 DCFCP	Post Development demand (HUE)	Pre Development demand (HUE)	Additional demand (HUE)	\$/HUE (inc GST)	Development contribution (exc GST)	Development contribution (inc GST)
Water	2.00	1.00	1.00	\$0	\$0	\$0
Wastewater	2.00	1.00	1.00	\$0	\$0	\$0
Transport	2.00	1.00	1.00	\$803	\$698	\$803
Community infrastructure	2.00	1.00	1.00	\$2,511	\$2,183	\$2,511
Reserve Land	2.00	1.00	1.00	\$10,000	\$8,696	\$10,000
Reserve Improvements	2.00	1.00	1.00	\$304	\$264	\$304
<b>TOTAL DEVELOPMENT CONTRIBUTION</b>				<b>\$13,618</b>	<b>\$11,842</b>	<b>\$13,618</b>



## Summary of payments due

Summary of contribution under 2025/26 DCFCP	Total Contribution (exc GST)	Total Contribution (inc GST)
<b>Total Contribution</b>	<b>\$11,842</b>	<b>\$13,618</b>

## Payment

Development contributions must be paid by the due dates in the table below.

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

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

Prevent the commencement of a resource consent.

Withhold a certificate under section 224(c) of the RMA.

Withhold a code compliance certificate under section 95 of the Building Act 2004.

Withhold a service connection to the development.

Withhold a certificate of acceptance under section 99 of the Building Act 2004.

Where invoices remain unpaid beyond the payment terms set out in the Policy, Council will start debt collection proceedings, which may involve the use of a credit recovery agent. Council may also register the development contribution under the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

A development contribution may be generated when granting a resource consent, building consent or service connection and a financial contribution may be generated when granting a resource consent. Where one development requires different types of consent and these are processed concurrently, more than one invoice may be generated for the same contribution, however a contribution only needs to be paid once.

If on a subsequent application more detailed information reveals that a proposal will generate more demand than initially assessed a higher contribution may be required. If a payment has been made in the interim a further payment of the balance will be required.

Created 05/11/2025



## Engineering Advice

Resource Consent Number: RC250198

Planner/Overseer: Kirstyn Royce

Short Description/Proposal: Subdivision consent for a two-lot subdivision and a change to consent notice in the rural resource area



## General

### Commentary:

We are seeking legal guidance around when conditions do or do not violate s108AA. However, in the meantime our position is that we can still require outdated or malfunctioning services to be updated as part of the Resource Consent and subdivision certification processes.

I have had a verbal discussion covering preliminary engineering advice with the applicant, and if I recall correctly, the Planner processing this consent. This has informed the RFI.

I agree with the proposed consent notice changes in the application.



Created 05/11/2025



Proposed Lot 2 will contain the existing dwelling. Proposed Lot 1 will contain the "lifestyle business" which is not explained. It will be serviced as if for a dwelling, as that is the land-use I would anticipate.

I understand there may be a requirement to maintain an average Lot size of 8 hectares in this area.

**Conditions:**

1) Unless modified by other conditions, all designs and approvals are to be in accordance with the NZS 4404 based CODC land development and subdivision code of practice.

**Note:**

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

2) Prior to commencement of any physical work the consent holder must apply for and receive council Engineering Acceptance (EA) via the CODC online portal at:

*CODC Home > Services > Planning > Land Development and Subdivision Engineering*

This EA application must include:

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

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

3) Producer Statements/Certificates where appropriate are to be submitted as per NZS 4404:2004 in the form of:

- Schedule 1A,
- Schedule 1B,
- Standalone Schedule 1B for 3 waters work, and
- Schedule 1C

4) Any easements required to protect access or for access to services must be duly granted or reserved.

## Potable Water Supply

**Commentary:**

Existing water supply from the Queensberry Indigo Water Scheme (QIWS), 5000L/day.

The application states that this is currently comprised of two separate connections to the property, each providing 2,500L/day, hence total 5,000L/day.

These will really only need to be formally reassigned to the proposed Lots, but this should really only be done if with approval from the network operator. It would be reasonable to expect, given the already separate connections, that the network operator will have no problems with this, so the risk of a negative outcome, in the case this consent needs to be issued post-haste, is low. It may be that this approval is implicit in the application.



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Up-to-date water testing should also be provided prior to issue of consent, but given the tight timeframes on this consent, I consider it acceptable to require this prior to 224c, so I have included it in the condition below.

**I) Prior to issue of resource consent**, written confirmation must be provided from the Queensberry Indigo Water Scheme that they are willing to split the existing 5,000 litres per day allocation to the property between each of proposed Lots 1 and 2, such that a minimum of 1,000 litres per day is provided to each Lot.

**Conditions:**

5) Prior to 224c certification, an adequate working water supply must be provided individually to the proposed Lots 1 and 2 from the Queensberry Indigo Water Scheme in accordance with the CODC Addendum, including Clause 6.3.15 Small Rural Water Supplies, and other relevant provisions of NZS 4404:2004, with the following specific requirements:

a) Quality.

i) Source water must be sampled by a testing laboratory recognised by the NZ water services regulator Taumata Arowai, as a Routine Water Assessment, with bacteriological and chemical testing to the satisfaction of the Council Infrastructure Manager.

Any non-compliance with the guidelines in the 'Water Services (Drinking Water Standards for New Zealand) Regulations 2022' Maximum Acceptable Values (MAVs) and the 'Aesthetic Values for Drinking Water Notice 2022' issued by Taumata Arowai for water suitable for drinking, must be highlighted, discussed, and summarised in the laboratory report. The laboratory report must be no more than 12 months old and the water sample no more than 24 hours old at time of testing.

Proof that the resolution of any non-compliance identified above is achievable through installation of point-of-use remedial treatment must be provided in writing by a suitably qualified person to the satisfaction of the Council Infrastructure Manager. Specifically: A Water Treatment Proposal, with the name and credentials of the author must be provided. This proposal is to include only information on the application itself and no generic advertising. It is to include a clear and readily identifiable geographic location and map. It is to include photos of the existing bore/source site. It is to have a schematic diagram both showing and describing the water source proposed and the actual treatment products proposed. It is to specifically discuss the non-conforming issues identified in the Routine Water Assessment and the mechanism by which each non-compliance is rectified by the products proposed to be installed.

ii) For proposed Lot 2, resolution of any non-compliance, through installation of point-of-use remedial treatment, must be confirmed by being retested fully compliant.

iii) For proposed Lot 1, a consent notice must be registered on the title describing any non-compliant aspects of the water supply and detailing installation of point-of-use remedial

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treatment required, and that the adequacy of such treatment must be confirmed through retesting as fully compliant, prior to any domestic use of the water supply or occupation of any connected dwelling.

- b) Connection. Standard water connections must be installed to the boundary of proposed Lots 1 and 2, including a standard valve and meter and/or restrictor assembly located at or within the Lot boundary. The existing connections may satisfy this requirement, subject to inspection.
- c) Documentation. An updated operation and maintenance manual including a description of the water supply system and as-built drawings of the reticulation layout, and formal ownership and management documentation, must be provided to Council for the network water supply system.
- d) Access. Necessary easements must be in place for pipework and access to water sources to, or within the boundary of, each lot.

## Firefighting Water Supply

### Commentary:

Existing firefighting provisions on Lot 2 serve the existing dwelling adequately in accordance with our standards.

The standard consent notice for Lot 1 is appropriate, so if a dwelling or similar is constructed, then it will be appropriately serviced.

### Conditions:

6) The following firefighting requirements must be attached to the title of proposed Lot 1 by consent notice. At the time of dwelling construction, minimum domestic water and firefighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be always maintained as a static firefighting reserve. Alternatively, an 11,000-litre firefighting reserve is to be made available to the building in association with a domestic sprinkler system installed in the building to an approved standard. A firefighting connection is to be located within 90 metres of any proposed building on the site. To ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:

- a) Either: For flooded sources, a 70 mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources, a 100 mm and 140 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100 mm coupling has 100 mm hose tail), provided that the consent holder must provide written approval of Fire and Emergency New Zealand to confirm that the couplings are appropriate for firefighting purposes.
- b) All connections must be capable of providing a flow rate of 25 litres per second at the connection point.



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- c) The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be always maintained to the hardstand area.
- d) Underground tanks or tanks that are partially buried (provided the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank, removing the need for couplings.
- e) Any new water tank must be coloured dark green/grey/brown or similar, and located to ensure it is not visible against the skyline when viewed from any public place.

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

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

## **Wastewater**

### **Commentary:**

The "lifestyle business" on Lot 1 is being serviced (water, power, telecom) as if for a dwelling, so I will recommend typical wastewater conditions.

We now recommend an ongoing maintenance wastewater system consent notice, so I will include Lot 2, even though the dwelling already exists.

The location of the existing disposal field must be demonstrated to be within the Lot 2 boundary.

### **Conditions:**

- 7) Prior to 224c certification, a report must be provided by a suitably qualified and experienced person verifying that wastewater can be safely disposed of on proposed Lot 1 and in compliance with Clause 5.5 a) of Council's July 2008 Addendum to NZS4404:2004, AS/NZS1547 (2012), and the Otago Regional Council (ORC) requirements including that disposal areas are greater than 50 metres from any water course or any water supply bore.
- 8) Prior to 224c certification, the existing on-site wastewater disposal system serving the existing dwelling on proposed Lot 2 must be inspected by a suitably qualified and experienced person to confirm that it is in good working order, has sufficient capacity for its intended use, and is fully contained within the boundaries of Lot 2 as proposed. The inspection report must describe the system's type, condition, capacity, and the location of all components (including disposal fields and reserve areas) in relation to proposed lot boundaries. If the system is found to be inadequate or not fully contained within Lot 2, it must be upgraded or relocated to achieve full compliance with AS/NZS 1547:2012.



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9) A consent notice must be registered on the title proposed Lot 1, requiring that at the time of dwelling construction, an on-site wastewater disposal system must be designed and installed by a suitably qualified and experienced person. The system must be designed and constructed in accordance with Clauses 5.5(b), (c), (d), and (e) of Council's July 2008 Addendum to NZS 4404:2004, the 2012 version of AS/NZS 1547, and all relevant Otago Regional Council requirements, including required setbacks from watercourses and water supply bores. The disposal field, including any reserve area, must be located entirely within the boundaries of the titled property and meet all required separation distances.

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

## Stormwater

### **Commentary:**

The "lifestyle business" on Lot 1 is being serviced (water, power, telecom) as if for a dwelling, so I will recommend the typical stormwater consent notice.

### **Conditions:**

11) A consent notice registered on the title of proposed Lot 1 requiring that stormwater from buildings and other impervious surfaces must be stored for beneficial reuse or disposed of by a soakage system (e.g. soak-pit or similar), designed by a suitably qualified and experienced person in accordance with NZ Building Code Clause E1 (Surface Water). The system must be located entirely within the boundary of the titled property, and the property owner shall be responsible for maintaining the system in good working order to prevent surface flooding and nuisance effects on neighbouring properties.

## Access

### **Commentary:**

In situations where vesting an existing right-of-way is required, we get the applicant to talk to all the users / right-holders of the ROW, and if not all agree with vesting, then we do not require vesting of the ROW.

The applicant does not wish to vest the ROW, therefore meeting this criterion.

The applicant has provided recent photographs of the Nursery Road ROW which confirm/demonstrate it is in good condition and approximately 4.5m wide, or more in places. There is often weed/grass growth encroaching on the edges of gravel roads.

The applicant, in the RFI response (page 5), correctly describes the points covered in our earlier verbal discussion, with the possible exception of the ROW formed width: I took no



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notes during the phonecall, but I would have said that I/we would recommend that the ROW be increased to 5.5metres width (equivalent width to Local Access A standard, Table 3.2(a)). It may be that further discussion after that resulted in an agreed reduction to 4.5 metres, but I cannot think of what that might have been. I have discussed the width with my manager, and we agree that 5.5 metres is the appropriate requirement to impose. This is what would be required were it to be vested to Local Access A standard. If we were to permit only Local Access B equivalent (4.5metres), we would consider it a reduction in service / substandard.

I recall the applicant verbally told me that there was a steep bank on Lot 1 DP 471982 which would render impracticable any expansion of the ROW along that section of it, but the pictures supplied with the RFI don't appear to be entirely consistent with that.

There is a fairly robust body corporate managing the maintenance of the ROWs in this part of Queensberry, so we may be assured of better stewardship than of most ROWs.

The existing entranceway to serve Lot 1 appears to cross the boundary of proposed Lot 2. It should be moved. Condition below.

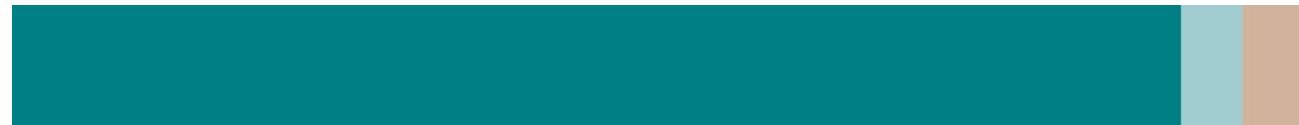
**Conditions:**

12) Prior to 224c certification, the existing vehicle entranceway/crossing from Nursery Road to serve proposed Lot 1 must be demonstrated to be in compliance with, or upgraded in accordance with the requirements of Part 29 of Council's Roading Policies January 2015. It must be relocated, if necessary, such that it crossed from Nursery Road directly to proposed Lot 1. Any redundant areas of accessway/crossing must be removed and reinstated to match the adjoining swales and berms.

13) Prior to 224c certification, the existing vehicle entranceway/crossing from Nursery Road to serve proposed Lot 2 must be demonstrated to be in compliance with, or upgraded in accordance with the requirements of Part 29 of Council's Roading Policies January 2015. Alternatively, a new entranceway/crossing may be constricted and any redundant areas of accessway/crossing must be removed and reinstated to match the adjoining swales and berms.

14) Prior to 224c certification, the section of the Right-of-Way (ROW), Nursery Road, from the intersection with Poison Creek Road and extending to the entranceway to proposed Lot 2, must be demonstrated to be in compliance with or upgraded in accordance with the ROW requirements of Table 3.2 (a) of Council's July 2008 Addendum to NZS 4404:2004, and with the following specific requirements and modifications:

- Minimum formed carriageway width of 5.5 metres, except where not practicable with the agreement of Council's Infrastructure Manager.
- Minimum road reserve / legal width of 10.0 metres.
- Vesting of the road is not required.
- Camber of 5-8%.
- Subgrade >CBR of 7.



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- Durable well-bound wearing course to be constructed over pit-run base to provide all-weather traction and prevent surface ravelling.
- Shallow trafficable side-drains / water channels over level sections (>10%).
- Rock armouring of side channels over steeper sections.
- Stormwater discharging to soak pits within the ROW or to natural water courses.
- The road must be managed and maintained by a robust body corporate entity.
- Accessway/crossings to adjoining lots must be provided off the ROW in compliance with Part 29 of Council's Roading Policies January 2015.

## Power & Telecommunications

### Commentary:

The application states that the existing property is serviced by two sets of power and telecom connections already. These will just need to be reassigned to the proposed Lots. Although we do allow wireless telecom in the rural area, the applicant has confirmed actual connections in place, so I have left the "wireless telecom permitted" out of the condition.

### Conditions:

15) Prior to 224c certification, operational underground power and telecommunication connections must be provided to the boundary of proposed Lots 1 and 2, or existing connections reassigned as per the network operators requirements to those Lots.

## Flood Risk & Geotech

### Commentary:

I consider that the applicant has adequately considered natural hazards. No additional conditions, or information necessary at this time.

Yours sincerely,  
Dominic Haanen  
  
Environmental Engineer



2842107833  
RC250198



25 July 2025

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand



03 440 0056

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

The A Trust  
70 Nursery Road  
RD 3  
Cromwell 9383

Via email: rossedwardskiwi@gmail.com

Dear The A Trust

**FURTHER INFORMATION REQUIRED FOR RC 250198**

**LOCATION: 70 NURSERY ROAD, QUEENSBERRY**

**PROPOSAL: SUBDIVISION CONSENT FOR A TWO LOT SUBDIVISION AND A  
CHANGE TO CONSENT NOTICE IN THE RURAL RESOURCE AREA**

Thank you for your application to undertake a non-complying two-lot subdivision and change to consent notice conditions on the site located at 70 Nursery Road, Queensberry. The application has been reviewed and has been found to require further information.

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

1. Please provide an assessment of the effects of the proposal on Rural Character and Amenity Values
2. Given the degree of subdivision which has occurred in the immediate area of the site, please provide an assessment on cumulative effects arising from the subdivision in context of the underlying values for the Rural zone.
3. Please confirm the current and proposed number of users for the ROW networks to serve Lots 1 and 2, noting that once the number of users goes over six, the requirement for a vested road is triggered.
4. Please confirm the author's expertise in assessing productive capacity (e.g. agronomist, horticulture or viticulture expertise etc).
5. The application states that "*The proposed subdivision will effectively restrict the consented residential activity to Proposed Lot 2. The remainder of the property (Proposed Lot 1) will revert to a rural lifestyle property for continuation of the existing business use.*" Is this offered as a condition of consent i.e. Does the applicant propose to prevent residential activity establishing on Proposed Lot 1 by way of condition?
6. Please confirm the HAIL status of the site in accordance with Regulation 6 of the NES-CS.
7. Please confirm the species of trees planted along the Southern and Western boundaries and, if a *pinus* species has been planted, please detail the methods proposed to control wilding pines in accordance with Policy 4.4.12. Guidance can be found at 4.5.2.iii of the Rural chapter of the District Plan regarding the potential for wilding species.

8. Please include a schedule of existing and proposed easements on the Plan of subdivision
9. Please provide details of the business on the site. Please set out the nature of the business, expected changes to the operation as a result of the subdivision, confirmation of the number of persons employed, hours of operation, and average number of current and proposed traffic movements associated with the activity.

Please note that CODC Engineering are experiencing a high workload at the moment and comments from them are currently delayed. As soon as I receive comments from CODC Engineering, I will advise if they also require any further information to complete their assessments.

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 25 July 2025

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

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

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

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under Section 357 of the Resource Management Act 1991.

#### **Restarting the processing of your application**

The processing of your application will restart:

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

**Once the processing of the application restarts**

If you have not provided the requested information, then your application will continue to be processed and determined of the basis of the information that you have provided with the application. Please note that if you do not provide the requested information, then your application will be publicly notified in accordance with Section 95C of the Act.

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.

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

Yours faithfully



KIRSTYN ROYCE  
Planning Consultant

25 October 2025

Email: [kirstyn@planningsouth.nz](mailto:kirstyn@planningsouth.nz); [kirstyn.royce@codc.govt.nz](mailto:kirstyn.royce@codc.govt.nz)

**Kirstyn Royce**

Planning Consultant, Southern Planning Solutions Limited

c/- Central Otago District Council  
1 Dunorling Street, PO Box 122  
Alexandra OTA 9340

Our Ref: Proposed Subdivision Consent | Response to Additional Information Request

Dear Kirstyn:

**LOT 13 DP 336256 (70 Nursery Road, Queensberry)  
RC250198 – Response to Additional Information Request**

**1. INTRODUCTION**

The A Trust (the proponent) submitted a resource consent application (RC250198) to Central Otago District Council (CODC) on 2 July 2025. The resource consent application relates to the approval of a proposed two-lot subdivision and change of consent notice conditions.

CODC issued a letter requesting additional information on 25 July 2025. A copy of the CODC information request letter is provided in Appendix A.

This letter provides the proponent's response to the CODC information request letter.

The specific responses to each of the CODC information requests are provided in Section 2. Each of the CODC information requests in Appendix A is reproduced in a grey text box in Section 2 with the proponent's response following in standard text format.

**2. RESPONSE TO ADDITIONAL INFORMATION REQUESTS**

**CODC Information Request No.1**

Please provide an assessment of the effects of the proposal on Rural Character and Amenity Values

The AEE prepared for the application already addresses potential effects on rural character and amenity, noting that the property is located in a visually recessive setting within an established lifestyle subdivision, is extensively screened by boundary plantings and topography, and that no additional buildings, earthworks or infrastructure are proposed. The AEE concluded that the proposal will not result in any additional visual or amenity effects and that rural character will be maintained.

The CODC District Plan identifies the maintenance of rural character and amenity values as a key outcome for the Rural Resource Area. This is achieved primarily through managing subdivision density, maintaining larger lot sizes, and ensuring that development is consistent with the open and spacious qualities of the rural landscape. Inconsistent development, such as higher-density subdivision or activities that undermine openness, are recognised as potentially eroding rural character.

In this case, the proposed subdivision will have no adverse effect on rural character or amenity values because:

- The proposed subdivision formalises the existing pattern of use.
- Both proposed lots are approximately 4 ha, which is larger than or comparable to many properties in the Riverview Estate subdivision.
- This subdivision maintains the overall density and spatial pattern intended by the District Plan and does not fragment the landscape further.
- Existing tree plantings along the southern, western and eastern property boundaries, together with neighbouring plantings and the natural topography, and a shelter belt along the internal boundary of the subdivision provide substantial visual screening.
- The subdivision does not involve any new buildings, earthworks, or infrastructure that could change the visual appearance or rural outlook.
- The subdivision will not generate additional traffic and noise and other amenity effects will remain unchanged.
- Both lots will continue to present as open rural lifestyle properties with low building density, separated by existing shelter plantings. The proposal maintains the open, low-density rural setting that the District Plan seeks to protect, and therefore is consistent with the plan's objectives for rural character.

Recent section 42A reports for subdivision proposals in Queensberry (e.g. RC200255 and RC220269) have acknowledged that the locality has already undergone significant lifestyle subdivision, and that in established enclaves such as Riverview Estate, the opportunity for traditional rural production has been functionally lost. Those reports distinguish between applications that create a new or finer-grained pattern of subdivision, which potentially risk eroding rural character, and those that simply reflect the existing subdivision pattern. This proposal falls into the latter category as it maintains lot sizes of approximately 4 ha, is visually contained, and does not introduce new intensification.

In summary, the subdivision does not introduce new built form, additional activity, or intensification. It maintains the lot sizes, openness, and amenity values anticipated by the District Plan, and is consistent with Council's own findings in Queensberry that further subdivision within established lifestyle enclaves has limited additional effects on rural character.

#### CODC Information Request No. 2

Given the degree of subdivision which has occurred in the immediate area of the site, please provide an assessment on cumulative effects arising from the subdivision in context of the underlying values for the Rural zone.

Section 2 of the AEE explains that the property forms part of the Riverview Estate lifestyle subdivision, which has already established a pattern of 20 properties ranging in area from 2.29 ha to 8.46 ha, and averaging 5 ha. More than one-third of properties have an area smaller than 4 ha, while only three of the original 8 ha properties remain.

Within this context, the proposed subdivision represents only a marginal reduction in average lot size (by ~0.2 ha) and does not alter the overall scale, density, or spatial pattern of development.

The District Plan recognises that cumulative subdivision has the potential to erode rural character and amenity values if it results in inappropriate fragmentation, higher development density, or a departure from the open and spacious qualities that define the Rural Resource Area. However, the proposal does not contribute to such effects for the following reasons:

- The proposed 4.03 ha and 4.00 ha allotments remain consistent with the existing subdivision pattern, both in scale and layout. The change is essentially neutral in terms of cumulative subdivision density.
- The subdivision formalises existing land uses. No new buildings, additional residential allotments, or intensification of activity are proposed.
- The site is already visually contained by existing boundary plantings and topography. The subdivision does not alter the landscape's character, nor does it introduce cumulative effects when considered alongside neighbouring development.
- By separating the residential and business activities onto their own titles, the subdivision provides clarity of land use and avoids potential conflicts, ensuring each lot continues to operate in a manner consistent with the surrounding lifestyle environment.

These conclusions are consistent with findings in CODC's section 42A reporting:

- In RC200255, the planner acknowledged that Queensberry has already experienced extensive subdivision and that further fragmentation risks eroding rural character. However, the report also recognised that in established lifestyle enclaves such as Riverview Estate, the opportunity for traditional rural production is considered functionally lost, and the additional cumulative effect of proposals that maintain existing density is minor.
- Similarly, in RC220269 (Queensberry subdivision, 2022), the planner noted that cumulative subdivision effects are a key concern across the locality. Yet the report distinguished between new "infill" or finer-grained subdivision patterns which risk pushing Queensberry past a "tipping point" and proposals that reflect the existing pattern. In Riverview Estate, where ~4 ha lots are already established, further subdivision maintaining this density was considered to generate only limited additional effects.

In conclusion, the current proposal aligns with these precedents. It maintains the lot sizes, density, and spatial pattern already established within Riverview Estate, introduces no new intensification, and does not materially add to cumulative adverse effects on rural character or amenity values. The subdivision therefore remains consistent with both the District Plan and Council's own reporting on cumulative subdivision effects in Queensberry.

#### CODC Information Request No.3

Please confirm the current and proposed number of users for the ROW networks to serve Lots 1 and 2, noting that once the number of users goes over six, the requirement for a vested road is triggered.

#### **Existing Property Access**

From Willowbank Road, access to the property boundary is taken via:

- The section of Poison Creek Road that is located on Lot 1 DP 590217 and secured by easement over Area A DP 590217 (Figure 1). This section of Poison Creek Road is used by all 20 Lots in the Riverview Estate subdivision.

- The section of Nursery Road that is located on Lot 1 DP 471982 (2 Poison Creek Road) and secured by easement over Area P and Area O DP 471982 (Figure 1). This section of Nursery Road is currently used by 6 Lots.

From the property boundary, the residence is accessed via the section of Nursery Road and the dedicated gate and driveway that are located in Area P DP 336256 on the eastern side of the property (Figure 1). The section of Nursery Road located in Area P DP 336256 is currently used by 6 Lots.

From the property boundary, the business is accessed via the sections of Nursery Road that are located in Areas P, Q and R DP 336256 to the dedicated gate and driveway located on the southern side of the property (Figure 1). The section of Nursery Road located in Area Q is currently used by 6 Lots and the branch of Nursery Road located in Area R is currently used by 3 Lots.

Table 1 summarises the existing access arrangements and right of way usage.

#### **Proposed Property Access and Effects**

Section 3.2.2 of the AEE explains that the subdivision does not involve any changes to the existing access routes for the residence and the business.

Table 1 shows the net effect of the proposed subdivision on Lot access.

**TABLE 1 EXISTING ACCESS ARRANGEMENTS AND PROPOSED SUBDIVISION EFFECTS**

<b>Access Track</b>	<b>Easement Securing Right of Way</b>	<b>Existing Lot Access</b>	<b>Proposed Subdivision Effects on Lot Access</b>	<b>Proposed Lot Access Including Subdivision Effects</b>
Poison Creek Road	Area A DP 590217	20 Lots	+ 1 Lot	21 Lots
Nursery Road	Area P DP 471982	6 Lots	+ 1 Lot	7 Lots
	Area O DP 471982	6 Lots	+ 1 Lot	7 Lots
	Area P DP 336256	6 Lots	+ 1 Lot north of the existing driveway on Area P No net increase in Lots south of the existing driveway on Area P	7 Lots north of the existing driveway 6 Lots south of the existing driveway
	Area Q DP 336256	6 Lots	No net increase in Lots	6 Lots
	Area R DP 336256	3 Lots	No net increase in Lots	3 Lots

### Vesting Requirements

Table 3.2(a) of CODC's *Addendum to NZS 4404:2004 Land Development and Subdivision Engineering* states that "*All roads that provide access to more than 6 potential Lots shall vest in the Council as legal road.*"

Several sections of Poison Creek Road and Riverview Road are currently used by more than 6 Lots and hence exceed the vesting threshold, including the section of Poison Creek Road located within Area A DP 590217. CODC's subdivision engineer has advised<sup>1</sup> that these roads have not been vested in Council as legal roads on the basis that during recent subdivision approvals one or more users expressed a preference to retain community ownership of the roads. CODC's subdivision engineer confirmed that this is a common outcome of subdivision approvals in Queensberry.

Nursery Road is currently accessed by up to 6 Lots and the proposed subdivision will increase this to 7 Lots over Areas P and O DP 471982 and Area P DP 336256 north of the existing residential access to the property. Hence, these sections of Nursery Road will exceed the vesting threshold.

On 5 August 2025, the proponent discussed the roading effects of the proposed subdivision and CODC's surfacing and vesting expectations with CODC's subdivision engineer (D. Haanen). CODC's subdivision engineer advised that:

- The section of Poison Creek Road located in Area A DP 590217 is considered to have been brought up to Council specification as part of recent subdivisions and the proposed subdivision will not require further upgrading works or vesting of Poison Creek Road.
- Similar to previous subdivision consents, CODC would not seek to vest the relevant sections of Nursery Road if any of the individual Lots accessing the affected sections of Nursery Road are not in favour of vesting. The proponent is not in favour of vesting and requests that community ownership of Nursery Road is retained.
- The proponent will be required to demonstrate that the carriageway achieves a width of 4.5 m between the intersection with Poison Creek Road (Area P DP 471982) and the T-intersection on the southeastern corner of the property (Figure 1).
- Alternatively, the proponent could opt to mitigate any potential roading effects or obligations in relation to the southern section of Nursery Road within Areas P and Q DP 336256 by relocating the Proposed Lot 1 access to the northeastern corner of the property. This arrangement would require an easement providing Proposed Lot 1 right of way over the northern part of Proposed Lot 2.

Section 3.2.2 of the AEE explains that Nursery Road was reconstructed and resurfaced in early 2024.

Photographs 1 to 8 show measurements taken at four locations across the northern section of Nursery Road (traversing 2 Poison Creek Road) which show a road width of between 4.5 m and 5.3 m. Photographs 9 and 10 show a measurement taken at the bend in Nursery Road at the northeastern corner of the property which shows a road width of 5.3 m. Photographs 11 and 12 show a measurement taken at on Nursery Road along the eastern boundary of the property which shows a road width of 4.7 m.

The proponent understands its obligations in relation to roading and is happy to work with CODC's subdivision engineers to ensure that the relevant sections of Nursery Road meet the required specification.

<sup>1</sup> D. Haanen pers. comm. 5 August 2025

**CODC Information Request No. 4**

Please confirm the author's expertise in assessing productive capacity (e.g. agronomist, horticulture or viniculture expertise etc).

The author is a qualified, experienced soil and water scientist. He holds a BSc in Applied Biology, with Honours in soil biophysics with additional training and accreditations in closely-related fields, including land quality, hydrology, hydrogeology and geomorphology. His relevant experience includes:

- Tertiary research on soil nutrient translocation and crop uptake mechanisms in conjunction with the former Scottish Crop Research Institute (now The James Hutton Institute), a global leader in crop science.
- Undertaking and supervising soil identification studies, land use capability assessments and strategic cropping land assessments including more than 100,000 hectares of agricultural land.
- Contributions to various soil mapping and land resources assessments (most recently the Australian Northern Territory Government's technical report *Land Resources of Groote Eylandt*).
- Extensive practical work experience in estate management and horticulture.

The author also has over 20 years' experience in contaminated land management. He holds an MSc in Industrial Environmental Management specialising in the fate and transport of hydrocarbon contamination. He holds ISO14001 Environmental Management Systems lead auditor qualification and has completed post-graduate and professional training in contaminant hydrogeology, contaminated land management, contaminant modelling and ecotoxicology. The author has worked in lead regulatory and consultancy roles in contaminated land management and his experience includes the investigation, assessment and remediation of contaminated land (including rural agricultural land) across the UK, Europe, the Middle East and Australia.

In preparing the AEE, the author also drew upon relevant site-specific advice and anecdotal information provided by local agriculturalists, agronomists and farmers on productive capacity of the property. In summary:

- The former long-term farmer and grazier of the property advised that the property became uneconomic for him to graze in isolation (free-of-charge) following the sale/development of adjoining properties in 2017/18. Prior to that time, he had access (free-of-charge) to approximately 20 contiguous hectares of pasture and stock drinking water and was able to maintain approximately 20 cattle for up to approximately 4 weeks in spring and 4 weeks in autumn before the pasture was depleted. After 2018, the costs of moving stock between the property and more productive land elsewhere outweighed the limited benefit of the grazing provided by the property in isolation.

- The proponent advised that the property has been widely offered free-of-charge to local farmers for grazing and/or pasture cropping for the past six years. Two farmers have responded in six years, as follows:
  - A local Queensberry farmer viewed the property with an agronomist from PGG Wrightson in 2024 with a view to establishing dry-land pasture. The farmer was advised that significant investment in soil improvement would be required to ameliorate the thin/light/rocky and erodible soil conditions and that this was not a financially viable proposition without a meaningful irrigation water supply. The farmer also declined to use the property for intermittent/relief grazing due to the cost and limited benefit associated with stock movement between the property and more productive blocks on deeper soils elsewhere in Queensberry (i.e. to the north on Queensberry terrace and the Clutha valley floor along SH6).
  - A local agricultural scientist and sheep farmer viewed the property in 2020 and determined that investing in soil improvements in the absence of a meaningful irrigation water supply would not be financially viable. The same agriculturalist attempted to establish and maintain approximately 1 hectare of improved pasture on the same soils at the adjoining property (Lot 14) for approximately four successive years. These attempts proved unsustainable without access to irrigation water and were ultimately uneconomic, and he has subsequently vacated the land in favour of more productive land elsewhere.
- Advice from the adjoining landholder that he currently grazes five beef cattle over parts of the property and his adjoining property at a net annual loss. He noted the lack of irrigated pasture to maintain livestock over the summer and winter periods, resulting in annual feed costs that exceed the value of the cattle.
- Advice from the proponent that they have approached local viticulture and horticulture operators with a view to establishing a vineyard, stonefruit and/or silviculture business at the property (similar to those present in neighbouring Queensberry subdivisions). These enquiries confirmed that this cannot be achieved without an irrigation water supply.
- Advice from the proponent that a multi-year stonefruit and silviculture trial on Proposed Lot 1 confirmed that the seasonal water deficit and frost damage result in non-commercial fruit size and quality, impacted bloom return, increased tree stress and high mortality rates.
- Advice from a neighbouring landholder that local silviculture operations regularly experience extensive frost damage and near-complete crop loss in the absence of frost protection infrastructure.

As explained in Section 6 of the AEE, the proponent has accepted the broad Pigburn soil type assigned on the published regional-scale mapping and has not proposed any change to the land use capability (LUC) classification. With respect to soil types and LUC, the AEE explains the limitations and inaccuracies of regional-scale mapping when applied at a property scale. For example, Photographs 13 and 14 show the rocky phase and wind-eroded soils that are not reflected in the published soil mapping or LUC classification and represent a significant soil limitation.

However, as explained in Section 6 of the AEE, the overriding limitation on productive agriculture is the lack of irrigation water supply to the property. The original Riverview Estate subdivision did not include provision for an irrigation water supply and, in this respect, the Riverview Estate subdivision differs significantly from the neighbouring subdivisions that were developed with dedicated irrigation water supply schemes that provide the serviced properties with agricultural-scale water volumes (typically 100,000 to 200,000 L/day).

The irrigation demands of productive pasture, viticulture and horticulture in Central Otago are well-documented, most recently in the ORC's *Guidelines for Reasonable Irrigation Water Requirements in the Otago Region* (Aqualinc, 2024) which show the low rainfall and high evapotranspiration rates result in a significant water deficit and net irrigation demand from crops in Central Otago.

In the absence of irrigation water supply, crop water requirements are unfulfilled and agricultural production relies upon dryland management techniques. Dryland agriculture would entail significantly reduced yields compared to irrigated baseline, low income stability, high capital expenditure (viticulture and horticulture) and high risk of crop failure. At best, dryland pasture would be suitable for opportunistic low-output lifestyle feed (with severe feed gaps), while viticulture and horticulture are essentially unviable due to the significant capex requirements and risk profile. All of these operations carry a high likelihood of uneconomic outcomes in most seasons.

If CODC has identified any specific aspects of the soil and land use assessment that would benefit from additional clarification/justification, or has identified any realistic opportunities for establishment of productive and economically sustainable agricultural operation on the existing property, we would be pleased to arrange a meeting so that we can provide a targeted response to each specific issue.

#### CODC Information Request No. 5

The application states that "The proposed subdivision will effectively restrict the consented residential activity to Proposed Lot 2. The remainder of the property (Proposed Lot 1) will revert to a rural lifestyle property for continuation of the existing business use." Is this offered as a condition of consent i.e. Does the applicant propose to prevent residential activity establishing on Proposed Lot 1 by way of condition?

This contextual statement is taken from the impact assessment on highly productive land presented in Section 6.4.2 of the AEE.

Section 6.4.2 goes on to explain that the land is subject to several permanent or long-term constraints that make land-based primary productivity economically unviable for a period of at least 30 years. Hence, there is currently negligible potential for the land to be used for land-based primary production over the next 30 years, based on reasonably foreseeable conditions.

Section 6.4.2 also explains that the proposed subdivision will retain and potentially enhance the overall productive capacity of the property over the long term based on reasonably foreseeable conditions.

Given the lack of potential impacts on highly productive land, no specific conditions are proposed in relation to land use on Proposed Lot 1.

**CODC Information Request No. 6**

Please confirm the HAIL status of the site in accordance with Regulation 6 of the NESCS.

The ORC maintains an up-to-date Listed Land Use Register of properties showing information about current or past land uses that could contaminate land (i.e. the HAIL database). This public database records sites of hazardous activities and industries in Otago. The Otago HAIL database shows no records of listed hazardous activities or industries at the property or in the surrounding area.

Section 4 of the AEE also explains that a previous Land Information Memorandum (LIM) for the property in 2018 showed that CODC has no additional records of HAIL activities associated with the property.

This is consistent with the publicly available historical aerial photographs from 1955 to 2018 which show that the property was undeveloped bare land and open unfenced and unimproved pasture until its sale in 2018, whereupon the proponent established the existing residential activity and lifestyle business in 2019.

The proponent confirmed this anecdotally during pre-land purchase discussions with the former farmer and grazier of the property. In addition, the proponent has extensively cultivated, excavated and augered the property and no evidence of any historical structures or visible/olfactory indicators of contamination have been encountered.

CODC approved RC180450 based on the above information.

Since then, the existing residential activity and the lifestyle business have been established on the property and these activities do not involve any HAIL activities. CODC approved RC180450V1 on this basis.

Since RC180450V1 was approved, there has been no change in the nature of the residential activity or lifestyle business and no HAIL activities have been introduced to the property.

Hence, with reference to Regulation 6(2), there are no records of HAIL activities or other potentially contaminative effects on the property and, on this basis, the property is not a HAIL site.

The proposed subdivision does not involve any change in land use, or any HAIL/contaminative activities.

**CODC Information Request No. 7**

Please confirm the species of trees planted along the Southern and Western boundaries and, if a pinus species has been planted, please detail the methods proposed to control wilding pines in accordance with Policy 4.4.12. Guidance can be found at 4.5.2.iii of the Rural chapter of the District Plan regarding the potential for wilding species.

**Existing Shelter Plantings**

The shelter belt along the western property boundary and southern easement of the property comprises *Radiata x Attenuata* hybrid with occasional interplanted 'Stone Pine' (*Pinus pinea*) and Silver Wattle (*Acacia dealbata*).

*Radiata x Attenuata* is a near-sterile pine hybrid that is highly serotinous and produces seed that are much heavier than those of known invasive species.

Stone Pine is a slow growing pine species that does not produce wind-dispersed seeds.

Both *Radiata x Attenuata* and Stone Pine are commonly used in shelter plantings and are specifically recommended by the MPI/National Conifer Control Programme *The Right Tree for Your Place – A Shelter Planting Guide to Reduce Wilding Spread Risk*<sup>2</sup> as suitable shelter species due to their low spreading potential.

### **Wilding Conifers**

There are no wilding conifers on the property.

The shelter pines are aged up to 3 to 4 years old and do not currently produce cones/seeds. There are no mature, seed-producing conifers on the property.

Mature conifers are present in the surrounding area, including the majority of neighbouring properties to the north, south, east and west.

### **CODC Management Requirements for Existing Shelter Plantings**

CODC District Plan Policy 4.4.12 explains that "*landowners are responsible for pest control on their properties, through the pest management strategy requirements formulated by the Otago Regional Council.*" and that "*the Regional Council has primary responsibility in the area of pest plants and animals management*".

The CODC District Plan Clause 4.5.2.iii – Promotion, Education and Investigation Initiatives for Wilding Tree Spread states that "*rules are applied to assist in the control of wilding spread. These rules control the planting of certain species that have particular spreading vigour, and enable the effects of plantations of other species with propensity for wilding spread to be avoided, remedied or mitigated*" and that "*Education, the provision of appropriate information, direct action by other agencies and regulation through rules are considered the most appropriate management options in respect of this issue.*"

The proponent contacted CODC's Planning Department in August 2021, prior to planting the initial shelter pines, and CODC advised that tree plantings are acceptable if undertaken with regard to the applicable District Plan Rules (4.7.6C, 4.7.4, 4.7.5 and 4.7.5A) for tree planting in the rural resource area. The shelter trees were planted in accordance with the District Plan rules.

In response to CODC's information request, the proponent met with CODC's Parks and Recreation Manager on 29 July 2025. CODC advised that it has no specific requirements for the management of wilding conifer risk associated with the existing shelter belt.

Consistent with Policy 4.4.12, CODC referred the proponent to Otago Regional Council (ORC) for further advice.

### **ORC Management Requirements for Existing Shelter Plantings**

The ORC Regional Pest Management Plan (RPMP) requires landholders to remove pest conifers in certain situations. However, the planted pine trees within the shelter belt are not pest conifer species and are not subject of any specific removal requirements.

However, landholders are required to eliminate pest agent conifers, if directed in writing by an authorised officer. Pest agent conifers include mature cone-bearing pines. Juvenile non-cone bearing pines are not pest agents.

<sup>2</sup> <https://www.wildingpines.nz/assets/Documents/Wilding-Pines-DLE-ALternative-Planting-guide-Final.pdf>

The proponent met with ORC's Project Delivery Specialist for Biosecurity Programmes (W. McBeth) on 31 July 2025 to confirm ORC's expectations for management of wilding conifer risks associated with the existing shelter belt. The key discussion points are summarised as follows:

- ORC advised that the presence of mature conifers on the surrounding properties is the main potential source of wilding conifer spread. ORC noted that the proponent's existing land maintenance practices (e.g. spraying, mowing and grazing) are effective methods of controlling wilding conifer pressure from neighbouring mature conifers.
- ORC expects that the shelter pines on the property are unlikely to produce cones until approximately 10 years old (i.e. 6+ years from now). Hence, there is no imminent risk of wilding conifer spread from the shelter pines.
- ORC advised that, once mature, the shelter pines will have relatively low spreading vigour.
- Given the presence of mature conifers throughout the surrounding area and the low spreading potential of the shelter pines on the property, ORC advised that the additional incremental risk of wilding conifer spread from the shelter pines is expected to be negligible. Hence, the shelter pines on the property will not contribute to any significant cumulative wilding pine risks.
- ORC advised that a coordinated Council-led or community-based control operation would be required to remove residual wilding pine risk in the vicinity of the property. However, ORC has no plans for a Council-led control operation and, while there are programs in the Upper Clutha, ORC is not aware of any active community programs in the vicinity of the property.
- ORC has no specific requirements for actions that individual landholders must take to control wilding conifer risks from existing pine shelter belts.
- ORC provided the following site-specific management advice:
  - Continue to routinely inspect the property to identify and remove any wilding conifers arising from mature cone-bearing conifers on surrounding properties.
  - Continue to routinely inspect the shelter belt pines to monitor commencement of cone production.
  - Following commencement of cone production in the shelter belt pines:
    - Continue to routinely monitor the ground within and fringing the shelter belt for wilding pine seedlings and remove any wilding pine seedlings.
    - Continue to liaise with adjoining landholders from time-to-time to identify and monitor any wilding pine pressure.
    - In the unlikely event that the above monitoring identifies significant wilding pine pressure due to the shelter belt pines, ORC advised that the proponent could consider:
      - Removing cones from mature shelter pines in the affected areas.
      - "Hedging" the shelter pines to reduce airflow through the shelter belt (e.g. by selective pruning or increasing the planting density).
  - Consider the National Conifer Control Programme's *Shelter Planting Guide to Reduce Wilding Spread Risk* when selecting any future shelter planting species.

**Proposed Subdivision Effects**

The proposed subdivision does not involve any changes to the existing shelter belts or planting of additional areas with pines. Hence, the proposed subdivision does not increase the risk of wilding conifer spread from the existing property.

**CODC Information Request No. 8**

Please include a schedule of existing and proposed easements on the Plan of subdivision

Table 2 lists the existing easements on the property. The existing easement parcel extents are shown in Figure 1. The proposed easements are listed in Table 3 and shown in Figure 2.

**TABLE 2 SCHEDULE OF EXISTING EASEMENTS**

<b>Easement Purpose</b>	<b>Easement Parcel and Plan</b>	<b>Benefitting Parties/Tenements</b>
Right of Way	Areas P and Q on DP 336256	Lot 2 DP 471982 (55A Nursery Road) Lot 11 DP 336256 (55B Nursery Road) Lot 1 DP 565963 (69 Nursery Road) Lot 2 DP 565963 Lot 14 DP 336256 (78 Nursery Road)
	Area R on DP 336256	Lot 1 DP 565963 (69 Nursery Road) Lot 14 DP 336256 (78 Nursery Road)
Right to Convey Water	Areas Q and R on DP 336256	Lot 14 DP 336256 (78 Nursery Road) Indigo Water Co. Ltd
	Area E on DP 471982	Lot 1 DP 471982 (2 Poison Creek Road) Indigo Water Co. Ltd
Right to Convey Telecommunications & Computer Media	Areas Q and R on DP 336256	Spark Ltd
Right to Convey Electricity	Areas Q and R on DP 336256	Aurora Energy Ltd
	Area E on DP 471982	Aurora Energy Ltd

**TABLE 3 SCHEDULE OF PROPOSED EASEMENTS**

<b>Easement Purpose</b>	<b>Easement Parcel Shown</b>	<b>Servient Tenement</b>	<b>Benefiting Parties/ Tenements</b>
<b>Proposed Lot 1</b>			
Right of Way	Area R	Proposed Lot 1	Lot 1 DP 565963 (69 Nursery Road) Lot 14 DP 336256 (78 Nursery Road)
Right to Convey Water	Area R	Proposed Lot 1	Lot 14 DP 336256 (78 Nursery Road) Indigo Water Co. Ltd
Right to Convey Telecommunications & Computer Media	Area R	Proposed Lot 1	Spark Ltd
Right to Convey Electricity	Area R	Proposed Lot 1	Aurora Energy Ltd
<b>Proposed Lot 2</b>			
Right of Way	Areas P and Q	Proposed Lot 2	Lot 2 DP 471982 (55A Nursery Road) Lot 11 DP 336256 (55B Nursery Road) Lot 1 DP 565963 (69 Nursery Road) Lot 2 DP 565963 Lot 14 DP 336256 (78 Nursery Road) Proposed Lot 1 herein
	Area R	Proposed Lot 2	Lot 1 DP 565963 (69 Nursery Road) Lot 14 DP 336256 (78 Nursery Road) Proposed Lot 1 herein
Right to Convey Water	Areas Q and R	Proposed Lot 2	Lot 14 DP 336256 (78 Nursery Road) Indigo Water Co. Ltd Proposed Lot 1 herein
	Area E on DP 471982	Proposed Lot 2	Lot 1 DP 471982 (2 Poison Creek Road) Indigo Water Co. Ltd
Right to Convey Telecommunications & Computer Media	Areas Q and R	Proposed Lot 2	Spark Ltd
Right to Convey Electricity	Areas Q and R	Proposed Lot 2	Aurora Energy Ltd

**CODC Information Request No. 9**

Please provide details of the business on the site. Please set out the nature of the business, expected changes to the operation as a result of the subdivision, confirmation of the number of persons employed, hours of operation, and average number of current and proposed traffic movements associated with the activity.

**Existing Business Activities and Traffic Movements**

The business operating on Proposed Lot 1 is a small-scale rural nursery and landscape supply operation, specialising in the growing-on and finishing of specimen and amenity trees suitable for the Central Otago environment. Plants are sold directly to local landowners, contractors, and landscape businesses.

The business is deliberately structured as a low-intensity rural enterprise that complements the surrounding lifestyle and rural character. The nature of the activity is primarily horticultural and involves plant raising in above-ground containers using imported growth media. Various in-ground growing strategies have been attempted over several years but have proven uneconomic due to the significant costs and impracticality of attempting to ameliorate the soil and climate limitations, as described in Section 6 of the AEE.

Existing business infrastructure includes shelter/shade structures, open-air growing areas, equipment storage containers, water storage tanks and irrigation pipelines, farm equipment and laydown areas. There is no on-site fuel or chemical storage.

The business typically requires one person working on-site for approximately 30 days per year, up to 8 hours per day between 9:00am and 5:00pm. This generates the equivalent of up to 30 two-way light vehicle movements along Nursery Road per year (i.e. an annual average daily traffic [ADT] volume of 60).

The business accepts phone/online orders only and there is no on-site retail activity. Tree stock and small consumables are received by post. Growth medium is brought to site by light trailer. Similarly, tree deliveries are made via light trailer. These traffic movements are included in the above numbers.

The business does not generate any heavy vehicle movements.

**Subdivision Effects on Business Activities and Traffic Movements**

The subdivision is intended to enhance the viability of the business by legally separating the residential dwelling (Proposed Lot 2) from the business (Proposed Lot 1). This separation is intended to provide financial certainty for continued business operation by allowing capital to be accessed/released from the residential portion of the property. It will also secure the independence of services, access, and title, enabling the business to operate without reliance on or conflict with the residential use.

The subdivision will not result in an increase in scale or intensity of the existing business activities. The scale of the business activity and potential for growth are inherently limited by the property's physical characteristics and significant water constraints (as explained in Section 6 of the AEE). Hence, the business will remain compatible with the lifestyle setting.

Accordingly, the subdivision will not result in an increase in scale or intensity of the business, and will not generate additional traffic movements. Instead, it will allow the business to continue operating on a sustainable and independent basis in a way that remains compatible with the surrounding rural environment.

25 October 2025

Proposed Subdivision Consent | Response to Additional Information Request

Should you have any queries in relation to this letter, please contact the proponent at [theatrustnz@gmail.com](mailto:theatrustnz@gmail.com).

Yours faithfully,

**Ross Edwards**

On behalf of The A Trust

*Attach: Figure 1  
Figure 2  
Photographs 1 to 14  
Appendix A – CODC Additional Information Request Letter*

**FIGURES**





**PHOTOGRAPHS**

**PHOTOGRAPH 1**

**View east along northern section of Nursery Road towards the northeast corner of the property (with tape measure shown)**



**PHOTOGRAPH 2**      **Nursery Road width measurement at location shown in Photograph 1**



**PHOTOGRAPH 3** View east along northern section of Nursery Road towards the northeast corner of the property (with tape measure shown)



**PHOTOGRAPH 4**      **Nursery Road width measurement at location shown in Photograph 3**



**PHOTOGRAPH 5** View east along northern section of Nursery Road towards the northeast corner of the property (with tape measure shown)



**PHOTOGRAPH 6**    **Nursery Road width measurement at location shown in Photograph 5**



**PHOTOGRAPH 7** View east along northern section of Nursery Road towards the northeast corner of the property (with tape measure shown)



**PHOTOGRAPH 8**    **Nursery Road width measurement at location shown in Photograph 7**



**PHOTOGRAPH 9**    **Nursery Road at the northeast corner of the property (with tape measure shown)**



**PHOTOGRAPH 10**    **Nursery Road width measurement at location shown in Photograph 9**



**PHOTOGRAPH 11** View south along the southern section of Nursery Road on the eastern boundary of the property (with tape measure shown)



**PHOTOGRAPH 12**    **Nursery Road width measurement at location shown in Photograph 11**



**PHOTOGRAPH 13    Example of Soil Variant**



**PHOTOGRAPH 14    Example of Soil Variant**



**APPENDIX A**

2842107833  
RC250198



25 July 2025

The A Trust  
70 Nursery Road  
RD 3  
Cromwell 9383

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



Via email: rossedwardskiwi@gmail.com

Dear The A Trust

**FURTHER INFORMATION REQUIRED FOR RC 250198**

**LOCATION: 70 NURSERY ROAD, QUEENSBERRY**

**PROPOSAL: SUBDIVISION CONSENT FOR A TWO LOT SUBDIVISION AND A  
CHANGE TO CONSENT NOTICE IN THE RURAL RESOURCE AREA**

Thank you for your application to undertake a non-complying two-lot subdivision and change to consent notice conditions on the site located at 70 Nursery Road, Queensberry. The application has been reviewed and has been found to require further information.

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

1. Please provide an assessment of the effects of the proposal on Rural Character and Amenity Values
2. Given the degree of subdivision which has occurred in the immediate area of the site, please provide an assessment on cumulative effects arising from the subdivision in context of the underlying values for the Rural zone.
3. Please confirm the current and proposed number of users for the ROW networks to serve Lots 1 and 2, noting that once the number of users goes over six, the requirement for a vested road is triggered.
4. Please confirm the author's expertise in assessing productive capacity (e.g. agronomist, horticulture or viniculture expertise etc).
5. The application states that "*The proposed subdivision will effectively restrict the consented residential activity to Proposed Lot 2. The remainder of the property (Proposed Lot 1) will revert to a rural lifestyle property for continuation of the existing business use.*" Is this offered as a condition of consent i.e. Does the applicant propose to prevent residential activity establishing on Proposed Lot 1 by way of condition?
6. Please confirm the HAIL status of the site in accordance with Regulation 6 of the NES-CS.
7. Please confirm the species of trees planted along the Southern and Western boundaries and, if a *pinus* species has been planted, please detail the methods proposed to control wilding pines in accordance with Policy 4.4.12. Guidance can be found at 4.5.2.iii of the Rural chapter of the District Plan regarding the potential for wilding species.

8. Please include a schedule of existing and proposed easements on the Plan of subdivision
9. Please provide details of the business on the site. Please set out the nature of the business, expected changes to the operation as a result of the subdivision, confirmation of the number of persons employed, hours of operation, and average number of current and proposed traffic movements associated with the activity.

Please note that CODC Engineering are experiencing a high workload at the moment and comments from them are currently delayed. As soon as I receive comments from CODC Engineering, I will advise if they also require any further information to complete their assessments.

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 25 July 2025

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

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

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

If you do not agree to provide the requested information, then please provide written confirmation of this to the Council. You may also choose to object to providing the information under Section 357 of the Resource Management Act 1991.

#### **Restarting the processing of your application**

The processing of your application will restart:

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

**Once the processing of the application restarts**

If you have not provided the requested information, then your application will continue to be processed and determined of the basis of the information that you have provided with the application. Please note that if you do not provide the requested information, then your application will be publicly notified in accordance with Section 95C of the Act.

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.

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

Yours faithfully



KIRSTYN ROYCE  
Planning Consultant



**Affected Persons Approval for Resource Consent****(Form 8A)****Section 95E(3), Resource Management Act 1991**

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

+64 3 440 0056  
info@codc.govt.nz  
www.codc.govt.nz

Email to: [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)Post to:  
The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340**TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL**Applicant Name: The A Trust c/- Karina Edwards (Trustee)

Type of resource consent (circle all appropriate): Land-use / Subdivision

Proposed activity:

Two lot subdivision

Location of site:

Lot 13 DP 336256 at 70 Nursery Road, Queensberry

**CONTACT DETAILS OF AFFECTED PARTY**Full Name/s: (name of person giving written approval) SOPHIE LLOYDLLOYD.SOPH@gmail.com Email 0212224023 PhoneAddress of the property (I am the owner of the following property): 2 POISON CREEK ROAD  
QUEENSBERRY

The full name of all other owners of the property: (owners of the affected property)

ANDREW COSSEY

I have authority to sign on behalf of all the other owners of the property:

 Yes No other owners

**NOTES**

Conditional written approvals cannot be accepted.

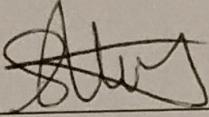
There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- I have sighted all the attached plans and supporting information for the above activity.
- I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

  
Signature21/09/2025  
Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)



### Affected Persons Approval for Resource Consent

**(Form 8A)**  
**Section 95E(3), Resource Management Act 1991**

Email to: [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

Post to: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

+64 3 440 0056  
[info@codc.govt.nz](mailto:info@codc.govt.nz)  
[www.codc.govt.nz](http://www.codc.govt.nz)

#### TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: The A Trust c/- Karina Edwards (Trustee)

Type of resource consent (circle all appropriate): Land-use / Subdivision

Proposed activity:  
Two lot subdivision

Location of site:  
Lot 13 DP 336256 at 70 Nursery Road, Queensberry

#### CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) WILLIAM IAN GROTERS

WILLGROTERS@LIVE.COM

Email Phone

0223191415

Address of the property (I am the owner of the following property): 78 NURSERY ROAD

The full name of all other owners of the property: (owners of the affected property)

NONE

I have authority to sign on behalf of all the other owners of the property:

Yes

No other owners

**NOTES**

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- I have sighted all the attached plans and supporting information for the above activity.
- I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signature

27/07/2025

Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

RECEIVED  
19/12/2025  
CODC

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## SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

### Section 95B Resource Management Act 1991

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340  
[resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

### DETAILS OF SUBMITTER

Full name: Bruce Raubenheimer

Contact person (if applicable):  
\_\_\_\_\_  
\_\_\_\_\_

Electronic address for service of submitter: bruce@ftguc.nz

Telephone: 022 162 4512

Postal address (or alternative method of service under section 352 of the Act):  
\_\_\_\_\_  
\_\_\_\_\_

69 Nursery Road, RD3, Queensberry, 9383

This is a submission on the following resource consent application: RC No: **250198**

Applicant: **The A Trust** Valuation No: **2842107833**

Location of site: **70 Nursery Road, Queensberry**

Brief description of application: **Subdivision consent for a two lot subdivision and a change to consent notice in the rural resource area**

Submissions close: **4.00pm on 19 December 2025**



The specific parts of the application that my submission relates to are:  
(give details, attach on separate page if necessary)

Attached

This submission is: (attach on separate page if necessary)

Include:

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

Attached

I/We seek the following decision from the consent authority:  
(give precise details, including the general nature of any conditions sought)

Attached

I/We support /oppose /neither support or oppose the application (circle one)

I/We wish / do not wish to be heard in support of this submission (circle one)

I/We am / am not\* a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (circle one)

\*I/We am / am not (circle one) directly affected by an effect of the subject matter of the submission that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

**\*Delete this paragraph if you are not a trade competitor.**

\*I/We will consider presenting a joint case if others make a similar submission.

**\*Delete this paragraph if not applicable.**



I/We request\* / **do not request** (circle one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

\*See note 4 below as you may incur costs relating to this request.

A handwritten signature in black ink, appearing to read "B. Brown".

19/12/2025

**Signature of submitter**

**Date**

(or person authorised to sign on behalf of submitter)

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

**Notes to submitter**

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).
2. The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
3. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
4. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
5. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically, these costs range from \$3,000 - \$10,000.
6. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious;
  - it discloses no reasonable or relevant case;
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
  - it contains offensive language;
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To whom it may concern

I would Like to prefix this submission with the statement that I am not against this subdivision but I would just like a few points to be clarified and dealt with in further detail before decision is made. Particularly the issue with roading.

These points are listed below.

Thank you,

Bruce Raubenheimer

### **Attachment to Submission on RC250198**

**The specific parts of the application that my submission relates to are:**

- The proposed lot layout / configuration.
- The applicant's lack of willingness to offer or support any conditions restricting the future development of Lot 1.
- The viability of Lot 1 lifestyle business activity.
- The uncertainty regarding increased demand placed on the existing right of way access.

- The uncertainty / risk associated with exceeding the 6-property vesting threshold in the CODC Addendum to NZS4404:2004.

**This submission is:**

- The proposed lot layout / configuration will create long and narrow sites, particularly relative to the other existing sites, and the existing pattern of subdivision / development, in the immediate area. This existing subdivision / development pattern does seem to be relied on to support the application, so the configuration of the proposed lots should be given due consideration (not just the lot areas).

I have concern regarding the impact the proposed configuration will have on the rural character of the area, particularly with the existing and potential clustering of activities at the southern extent of the lots, and with this being in close proximity to my property. The subdivision will create two neighbouring properties along my northern property frontage, with a high chance of increased domestication within the primary viewshaft of my family home.

- The applicant's lack of willingness to offer or support any conditions restricting the future development of proposed Lot 1 does not seem to align with the proposed intent for Lot 1. In particular, one of the key reasons for the proposed subdivision seems to be the desire to restrict residential activity to proposed Lot 2, and for Lot 1 to better support continued rural business activity, in a manner that it

is unencumbered by residential activity. The application also seems to rely on the provisions of the National Policy Statement for Highly Productive Land (NPS-HPL) to support this approach, given the LUC Class 3 status of the site.

Without conditions to reflect and safeguard the intent, I consider the rationale for the proposal is flawed, and there will be significant potential for the future development (potentially including extensive residential activity on proposed Lot 1) to generate cumulative and adverse effects on me, my property, and others in the area. Furthermore, it is not considered sufficient for the applicant or Council to rely on the Highly Productive Land status as protection against future residential activity on proposed Lot 1, particularly because LUC Class 3 has been expected to be – and has just been (with the December NPS-HPL amendment) – removed from the NPS-HPL restrictions related to urban development.

I consider that the applicant needs to clearly signal their intent for proposed Lot 1, so that there is transparency for all parties moving forward.

- Proposed Lot 1 is referred to in the application as a “rural lifestyle allotment” containing an existing “lifestyle business”, being a small-scale nursery. I have questions about the viability of the nursery business as a stand-alone activity for Lot 1, particularly given the limited water supply available (which will be further split between proposed Lots 1 and 2).

Furthermore, I would typically associate the terms “rural lifestyle” and “lifestyle business” with some form of residential activity, which is the situation with the current

property; however, I'm not sure whether this can still apply when no residential activity is associated with the business on proposed Lot 1.

I am therefore cautious about what land use / activity might follow on from the proposed subdivision, and I believe Council should exercise the same caution in their consideration and decision making, perhaps requiring further evidence to support the viability of the intended land use.

- I have uncertainty / concern regarding the increased demand the proposed subdivision will place on the existing right of way access. This uncertainty / concern stems from the potential future use of Lot 1, especially in the context of the matters raised in submission points 2 and 3 above. It also stems from the recent / current difficulty experienced with fair apportionment of responsibility and costs for maintenance, which I expect would only become more difficult with an increased number of properties / users being served.

If the applicant anticipates that residential (or other non-permitted) activity will be proposed or likely on Lot 1 in the foreseeable future, then this should be clearly signalled and conditioned as part of the application to ensure that there are not unanticipated adverse effects in terms of the demand placed on the right of way access. This will allow a full and fair assessment / understanding by all potentially affected parties, who may otherwise become subject to increased maintenance costs without their prior knowledge or approval.

- I am concerned about the uncertainty / risk

associated with the future condition of, and requirements for, the access, with this application proposing to exceed the 6-property private rural right of way access limit in the CODC Addendum to NZS4404:2004. I understand that this limit is in place for good reason, with a vesting expectation when exceeding this limit. This does make particular sense in rural scenarios, when access is not typically sealed or formed to a robust or low maintenance standard. This is because there is an expectation that all properties / users being served by the access will fairly and appropriately contribute to the maintenance of the formation / surface. However, this can become increasingly challenging with greater numbers of properties / users being required to work together.

Vesting of the access as Council road makes sense, especially if there is a reasonable chance of increased activity on either of the proposed lots, as this will ensure the ongoing maintenance of the access does not become more challenging to manage, with potential for inequitable responsibility or cost. This vesting would also prevent a precedent scenario, where there could be further applications to subdivide other properties and retain the private right of way access, potentially leading to significant adverse and cumulative effects.

**I seek the following decision from the consent authority:**

Should Council be of the mind to grant consent to this subdivision, then I consider the following requirements appropriate:

- The lot layout / configuration should be given full consideration, beyond simply referring to the typical lot sizing / density in the area. The configuration should consider the usability of the sites based on their dimensions, the impact on the rural character of the area, and the impact on adjoining sites / landowners.
- The applicant should clearly signal their intent for proposed Lot 1, so there is transparency for all parties (including adjacent landowners and Council) moving forward. Appropriate conditions of consent (particularly in the form of consent notice) should also be applied to reflect and safeguard this intent, and to protect the rights of all affected parties. In particular, this relates to the potential future development of Lot 1.
- Council should exercise caution in their assessment and decision making regarding the viability of the existing and proposed ongoing land use for Lot 1. This may require further evidence to be presented by the applicant to demonstrate viability, potentially including data to confirm suitability of water supply volume.
- The applicant should, again, clearly signal their intent for proposed Lot 1, so there is transparency for all parties (including adjacent landowners and Council) moving forward. Appropriate conditions of consent (particularly in the form of consent notice) should also be applied to reflect and safeguard this intent, and to protect the

rights of all affected parties. In particular, this relates to the demand placed on the right of way and the potential for increased maintenance requirements / costs.

- The Council should carefully consider the potential for vesting of the access as legal road, given the 6-property threshold is being exceeded. If Council is comfortable with the subdivision proceeding without vesting, then due consideration needs to be given to the potential for the threshold breach setting an undesirable precedent that could lead to further subdivision over the threshold, and/or complaints and legal action in relation to unequitable maintenance.