



AGENDA

Hearings Panel Meeting Tuesday, 10 March 2026

Date: Tuesday, 10 March 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 Tuesday, 10 March 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 T Lines (Minute Secretary), J Dick (Minute Secretary), A Rodgers (Panel Advisory)

1 APOLOGIES

2 REPORTS

26.3.1 RC250265 - GROVE FARM TRUSTEE LIMITED

Doc ID: 2730006

1. Purpose

A report to consider a subdivision consent for a boundary rearrangement in the rural resource area

2. Attachments

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

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

Appendix 3 - Application [↓](#)

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

Appendix 5 - Response to Further Information Request [↓](#)

Appendix 6 - Revised Response to Further Information Request [↓](#)

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Appendix 8 - Correspondence with Applicant - Hazards 28/01/2026 [↓](#)

Appendix 9 - Correspondence with Applicant 09/02/2026 [↓](#)

CENTRAL OTAGO DISTRICT COUNCIL
REPORT OF PLANNING OFFICER

APPLICATION	RC 250265
APPLICANT	GROVE FARM TRUSTEE LIMITED
ADDRESS	BURN COTTAGE ROAD, CROMWELL
LEGAL DESCRIPTION	LOT 2 DP 404713, LOTS 1 AND 2 DP 541460 (HELD IN RECORDS OF TITLE 416969, 910041 AND 910042 RESPECTIVELY)
ACTIVITY DESCRIPTION	SUBDIVISION CONSENT FOR A BOUNDARY REARRANGEMENT IN THE RURAL RESOURCE AREA
ACTIVITY STATUS	NON-COMPLYING

STATUS OF THIS REPORT

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

My name is Timothy Ritchie Anderson. I am employed by the Central Otago District Council as Planning Team Leader. I have 10 years' experience as a planner. I hold a Master of Planning from the University of Otago. I am an intermediate member of the New Zealand Planning Institute.

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.

BACKGROUND

The various allotments that make up the site have been created by several subdivisions. Lot 2 DP 404713 was created by RC 030372. This consent imposed a consent notice condition requiring that wastewater be managed within the site in line with AS/NZS 1547:2000. Lots 1 and 2 DP 541460 were both created by RC 190226. This consent imposed conditions as a consent notice regarding on-site water storage, on-site wastewater disposal, provision of electricity and telecommunications services, and reverse sensitivity. The site is subject to consent notices 7969007.2 and 11795464.4, imposed in relation to the previous subdivisions of the properties, which include conditions relating to servicing and reverse sensitivity.

DESCRIPTION OF ACTIVITY

The application proposes to rearrange the boundary between three existing titles. Lot 2 DP 404713 has an area of 2.1152 hectares, Lot 1 DP 541460 has an area of 3.4184 hectares, and Lot 2 DP 541460 has 16.5082 hectares. Proposed Lot 1 would have an area of 2 hectares, Lot

2 an area of 6.83 hectares, and Lot 3 an area of 13.15 hectares. Lot 1 would be vacant, mostly flat, land adjacent to Burn Cottage Road. Lot 2 would contain the remainder of the flat land facing the road and Lot 3 would contain the balance land, including an orchard and small woodlot. The lots would have an average area of 7.33 hectares.

The application proposes that the same infrastructure connections and access points would be repurposed to service the proposed new lots. Proposed Lots 1 and 3 would use the existing crossing for Lot 1 DP 541460, and Lot 2 would use the existing crossing to Lot 2 DP 404713 and 67 Burn Cottage Road. Existing domestic and irrigation water, and electricity connections would be re-purposed to service the new lots.

Council previously resolved that the application can be considered on a non-notified basis under Sections 95A to 95G of the Resource Management Act on 10 November 2025.

SITE DESCRIPTION

The application site has a combined total area of 22.0418 hectares. They are broken up into three lots in individual titles. Lot 2 DP 404713 has an area of 2.1152 hectares, Lot 1 DP 541460 has an area of 3.4184 hectares, and Lot 2 DP 541460 has 16.5082 hectares. The site is made up of mostly flat, irrigated land adjoining Burn Cottage Road, which rises up into more sloping terrain to the west. I understand that the lower flats are grassed and used for pastoral farming. The hills accommodate an orchard and woodlot.

In terms of existing service provision, I understand from the information provided with RC 030372 that Lot 2 DP 404713 has a domestic water supply, and electricity and telecommunications connections. Lot 1 DP 542460 also has a domestic water supply established under RC 190226 and Lot 2 DP 542460 has an irrigation supply only. Lot 2 DP 404713 and Lot 1 DP 542460 utilise two existing access points to Burn Cottage Road. It is not immediately clear where Lot 2 DP 542460's physical access point is located. It has no vehicle crossing of its own and, based on the plan provided for s223 certification of RC 190226, has no easement over any other access. It does, however, have frontage to Burn Cottage Road, so I do not consider the current lack of provision of access to this lot to be particularly material.

The land under the site is identified in the New Zealand Land Resource Inventory as a mixture of predominantly LUC 3 and smaller areas of LUC 6.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Rural Resource Area of the Central Otago District Plan (the District Plan). A Significant Amenity Landscape notation runs along the northwestern boundary of the site, but does not notably extend into the site. There are no other district plan notations for the site. The Otago Regional Council's Natural Hazards Portal identifies the site as being within an active, floodwater dominated, alluvial fan feature (Figure One).¹

¹ Otago Regional Council. *Natural Hazards Portal*. Retrieved from <https://experience.arcgis.com/experience/30bb9b65ada445b5af4ab4a0bc2d6d93/page/Regional-Overview->

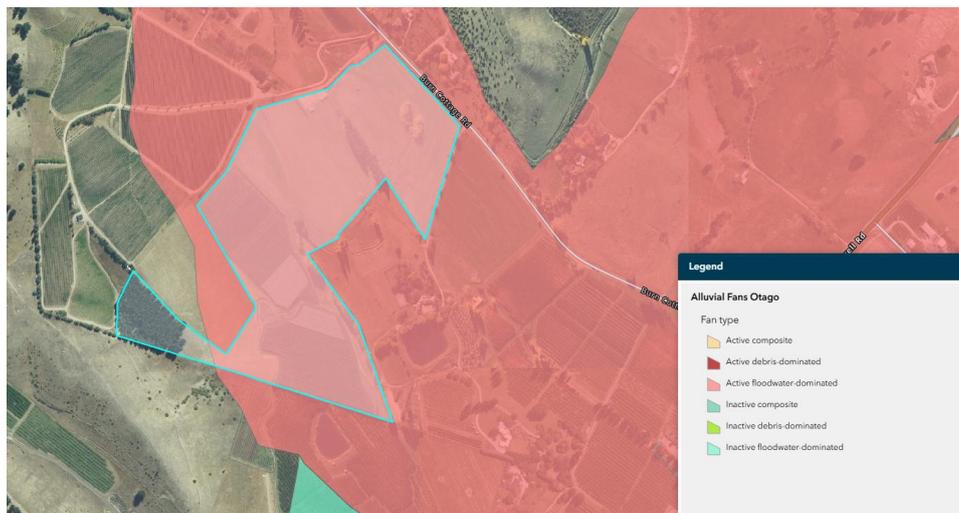


Figure One: Extract from the Otago Regional Council's Natural Hazards Portal showing the identified alluvial fan hazard as it applies to the site. Retrieved from <https://experience.arcgis.com/experience/30bb9b65ada445b5af4ab4a0bc2d6d93/page/Alluvial-Fans>

The proposal creates allotments that have an average area of less than 8 hectares and is on land that may be subject to damage from inundation associated with the alluvial fan. This breaches the average allotment size standard for rural subdivisions in Rule 4.7.4.iii.b of the District Plan. The lots bear limited resemblance to the existing lots and, therefore, cannot be considered a boundary adjustment under Rule 4.7.2.ii.b of the District Plan.² Therefore, the proposed subdivision is a non-complying activity under Rule 4.7.5.iii of the District Plan.

Resource Management Act 1991

The existing properties contain consent notice conditions that would be rendered irrelevant as a result of the proposed subdivision. Section 221(3)(b) allows Council to review and vary or cancel conditions of consent notices.

National Environmental Standards

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 or might require resource consent.

The application site includes activities that may have introduced HAIL activities to the site. In particular, horticultural activities on Lot 2 DP 541460 can involve the bulk application of persistent pesticides, which is Item A10 on the HAIL. In terms of Lot 2 DP 404713 and Lot 1 DP 541460, I have reviewed Council's records on both properties and have not identified any potential HAIL activities on either lot. The applicant has not provided any preliminary or detailed site investigation on the basis that the land that has been used for horticulture is production land and will remain in production as a result of the proposal. Given this, the site is not subject to the NES-CS through a combination of Regulations 5(5), 5(7) and 5(8).

² Based on the definition of boundary adjustment in *McNamara v Tasman District Council* (1999) NZEnvC W10/99.

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

Overall Status

Under the particular circumstances of this case, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 ('the Act').

EFFECTS ASSESSMENT

Affected Persons

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

Effects on the Environment

Permitted Baseline

Under section 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan 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.

There are no permitted activity subdivisions in the Central Otago District. There is no relevant permitted baseline to be applied to the proposal.

Receiving Environment

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

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

For the subject site, the existing and reasonably foreseeable receiving environment comprises land held in three separate titles and used for primary production, with a mixture of pastoral and horticultural activities currently present on the site.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of land based primary production, including pastoral, horticultural and viticultural activities, mixed with residential activities on a range of allotment sizes.

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

Assessment of Effects

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

Intensive subdivision in rural areas can have effects on rural character and amenity values, impact the provision of infrastructure, impact biodiversity values, cause a loss in the productive capacity of the soil, contribute to reverse sensitivity, affect water quality and quantity and exacerbate natural hazard risks.

Rural Character and Amenity Values

Intensive subdivision can typically affect rural character and amenity values through introducing opportunities for additional development, particularly residential development, that can detract from the open space and natural character values that the District Plan seeks to maintain in the district's rural areas. While the proposal creates lots with an average area of less than 8 hectares, it does not result in any additional developable allotments. This means that it does not create any additional opportunities for intensification of development beyond what might occur currently. Of the three existing lots, two are relatively small (2-3.5 hectares) and the proposed subdivision will result in there being one small allotment and two somewhat larger lots with a more rationalised layout. The surrounding landscape is highly modified, with a range of smaller and larger allotments present. This has resulted in higher variation in land use, including land based primary production and lots used primarily for residential purposes. I consider that the proposed lots would be sized consistently with these surrounding lots, and would likely encourage a similar range of land uses. In this context, I consider that the proposal would have minimal adverse effects on amenity values and would adequately maintain the prevailing rural character of the area.

Infrastructure Provision

The application proposes to repurpose existing infrastructure to service the new lots. On balance, given that no additional developable titles are proposed, I consider that the proposal would have minimal effects on demand for infrastructure. The adequacy of specific infrastructure provisions and whether any conditions are necessary will be discussed below.

Access to all three lots would be from two existing vehicle crossings. These vehicle crossings should be confirmed to be compliant with Part 29 of Council's roading policies as a condition of consent. Additionally, I recommend that the right of way servicing proposed Lots 1 and 3 be upgraded as needed to comply with the rural right of way standard in Table 3.2(a) of Council's 2008 addendum to NZS 4404:2004. Provided these are undertaken (Enforced through conditions of consent), I consider that the proposal would have adequate provision for access.

In terms of water supply, I understand from the application that all three lots are proposed to have a potable water supply, repurposed from existing connections to the Burn Cottage Water Scheme. Based on information provided with RC 190226, Lot 2 DP 541460 does not have a potable water connection, as it was not intended to accommodate residential activity. Lot 1 DP 541460 and Lot 2 DP 404713 both have one. This means that a third connection would need to be established and I recommend a condition of consent for this to occur.

The applicant has proposed that all three lots retain access to the Burn Cottage Irrigation Company Ltd's irrigation scheme and has provided a letter from the company to confirm that each proposed allotment will have access to water from the scheme. I understand that the scheme is operated on a consensus basis between the shareholders. The water allocation is regularly considered between the shareholders, depending on each shareholder's anticipated demand for water during the given time period. This means that it is not possible to identify a specific volume rate at which any of the proposed properties would be entitled to irrigation water. While this provides a degree of uncertainty, the proposed subdivision will not in any way change or hinder the ability for the currently productive areas of the site to be provided with irrigation.

Wastewater and stormwater are both proposed to be managed on-site as required. I consider that all three lots are large enough and have no obvious limitations on disposing wastewater

and stormwater provided any necessary systems are designed in accordance with AS/NZS 1547:2012, if they are required in the future. I consider that this can reasonably be addressed at the point an activity that would generate on-site wastewater is proposed.

In terms of electricity and telecommunications provision, Lot 1 DP 541460 and Lot 2 DP 404713 have existing electricity and telecommunications provision. Lot 2 DP 541460 does not (On the basis that it was intended to be used for primary production only). I consider that all three lots should have an operational electricity connection installed at the time of subdivision. An electricity connection can be useful for rural production activities (For example to power sheds or assist with moving irrigation water). I recommend a condition of consent for this The land has reasonable access to cellular telecommunications connections.³ This means that I do not consider new physical telecommunications connections for the proposed lots to be necessary.

Biodiversity Values

I understand that the site predominantly includes exotic plant species, such as pastoral grasses fruit trees and pine trees. The stated intent of the subdivision is to retain productive uses of the land, similar to its current uses. It is not proposed to undertake any construction or new land uses that could affect biodiversity values. Given the limited extent of change, I consider the proposal to have a less than minor effect on biodiversity values, particularly indigenous biodiversity values, and accordingly associated adverse effects will be acceptable

Productive Capacity of the Soil

As previously noted, the proposal represents a rearrangement of existing land parcels without creating any additional titles. As such, I consider that the productive capacity of the soil would be unlikely to be affected by the proposal. Any effects would be caused by the rearrangement of lot boundaries impacting on the ability of individual sites to be used viably for land based primary production. As previously noted, the site contains Highly Productive Land (LUC-3). An assessment of this is included later in this report.

Currently the bulk of the potential productive land of the site is contained in Lot 2 DP 541460. Lot 1 DP 541460 and Lot 2 DP 404713 were subdivided on the assumption that they would be used primarily for residential activity. Lot 2 DP 541460 currently winds around the other two lots. I concur with the applicant that to a degree this inhibits the ability of the overall site to be used coherently for rural activities. The application proposes to rationalise land boundaries, reducing those limitations. The new boundary between Lots 2 and 3 will separate the flatter land closer to Burn Cottage Road, and the more elevated hills to the southwest. This will result in a separation of productive areas that is better aligned with the site topography and will not compromise the ability of each terrace to be used coherently.

Both proposed Lots 2 and 3 would contain existing productive land uses and associated infrastructure, with Lot 3 containing the orchard and woodlot, and Lot 2 containing irrigated pasture. Lot 1 would also contain a smaller area of irrigated pasture, with the applicant indicating that this lot would likely accommodate a more intensive land use, such as olive production. In my opinion, a smaller lot would have less flexibility to respond to changes in market conditions over the long term, which can mean the land becomes less useable for land based primary production. However, relative to the existing environment, I do not consider that the productive capacity of the site will be reduced. This is because the site currently contains two smaller lots primarily intended for residential purposes and one larger lot. The changed lot arrangement will result in there being only one small allotment (Lot 1) which is relatively similar in nature scale and productive potential to Lot 2 DP 4004713, while Lot 1 DP 541460 (3.4ha) will be adsorbed into Lot 3.

³ Based on network coverage maps from Spark and One NZ. Retrieved from <https://www.spark.co.nz/shop/mobile/network/> and <https://one.nz/network/coverage/> respectively.

Productive capacity in Central Otago can be greatly impacted by the availability of irrigation water. In particular, more intensive land uses, such as horticulture and viticulture, tend to be more heavily reliant on irrigation. The applicant proposes for each lot to have access to the Burn Cottage Irrigation Company Ltd's irrigation scheme. In my opinion, the application would benefit from more detail on the specific allocation for each allotment and that information was requested. However, the applicant maintains that, because of the way the scheme is run, it is not possible to identify a set irrigation entitlement for each lot. Instead, water is allocated periodically among the parties to the scheme, based on the irrigation needs of the owners at that point in time. However, provided that all three lots have access to the scheme, I consider that they would have sufficient access to irrigation water.

Overall, I consider that the proposal is not likely to change the characteristics of the land in a way that may change how the lots are used. However, particularly given all three lots would retain access to irrigation water, I consider that it is highly unlikely to have an adverse effect on the overall productive capacity of the site.

Reverse Sensitivity

A risk of reverse sensitivity can eventuate where potentially sensitive activities, such as residential activities, located in areas where the undertaking of permitted activities has an effect beyond the boundaries of the property the activity is being undertaken on. In this case the proposal would not intensify residential activity or other sensitive activities in the area, as it is not creating any new developable allotments. It would shift land currently in Lot 2 DP 404713 to the proposed location of Lot 1, which brings it closer to viticultural activities to the north-east. However, at the same time, it would remove Lot 1 DP 541560, which would be anticipated to include a dwelling relatively close to that same viticultural activity. Both Lot 1 DP 541460 and Lot 2 DP 404713 are also fully located within 300m of a frost fan on Lot 2 DP 541460 (Figure Two). This may result in higher than anticipated noise levels in and around a dwelling on these lots (Even if the operation of the frost fan complied with Rule 4.7.6E.c of the District Plan, which limits fan noise to 65 dBA L₁₀ at 300m. The proposed subdivision layout would, instead, result in two lots both with land outside 300m, allowing for any future noise sensitive activities to be constructed where the frost fan has to be operated to comply with the noise limits in Rule 4.7.5E.c. The only lot entirely within 300m would be the lot containing the frost fan, itself. This would reduce the potential for reverse sensitivity effects from this source. In the context of the proposal, I consider this change to have a minimal effect on the risk of reverse sensitivity effects outside the application site, and a potential net positive effect related to sources of potential reverse sensitivity within the site.



Figure Two: Aerial photograph showing a 300m buffer around the frost fan on the site. Beyond this radius, Rule 4.7.6E.c limits frost fan noise to 65 dBA L₁₀. Noise from the frost fan inside this radius can be higher than this level.

Water Quality and Quantity

As already noted, I consider that all three lots could reasonably manage wastewater within their respective boundaries in accordance with AS/NZS 1547:2012, if required in the future. The subdivision is unlikely to result in changes of land use that would exacerbate erosion into water bodies. I consider the proposal to have minor effects on water quality and quantity, at most.

Natural Hazard Risks

Given the proposal creates no additional developable titles, I consider that it does not notably intensify development potential within the alluvial fan identified by the Otago Regional Council. The proposal does will realign the boundaries within this identified hazard. For the purposes of this application, where the most likely locations for buildings on Lot 2 DP 541460 and Lot 2 DP 404713 are in or close to the alluvial fan, I am of the opinion that risks on the proposed lots are not substantially different. Should residential buildings or building platforms be proposed, they could be considered on a case-by-case basis at that time. The applicant has provided a memo dated on the 14th of January 2026 and a further email on 28 January 2026 assessing the alluvial fan risk. The applicant maintains that no buildings or platforms are specifically proposed with the application and that the proposed allotments would each provide opportunities for buildings to be located within higher and more suitable areas. Future development, particularly proposals for dwellings and building platforms will be subject to resource consent processes where there would be an opportunity to consider specific hazard risks. While this assessment has not been prepared by a suitably qualified geotechnical

specialist as requested, I generally agree with this information. In my opinion the hazard risks resulting from the proposal are neutral at worst when compared to current risks. The alluvial fan hazard is shown on ORC maps as being Active Flood Water Dominated and not debris dominated, and each lot contains elevated terraces which would enable buildings to be located outside of the higher risk areas. Overall, with consideration to the existing and receiving environment, I do not consider that the proposal will exacerbate any particular hazard risks and the effects relating to hazards are appropriately mitigated.

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 proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposal are no more than minor and acceptable in terms of a determination under s104(1)(a) Conditions can be imposed and effects can be adequately managed through conditions of consent.

Offsetting or Compensation Measures

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

Objectives and Policies

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

Objectives:

- 4.3.1 – Needs of the District's People and Communities
- 4.3.3 – Landscape and Amenity Values
- 4.3.5 – Water Resources
- 4.3.7 – Soil Resource
- 16.3.1 – Adverse Effects on the Roding Network
- 16.3.2 – Services and Infrastructure
- 16.3.3 - Hazards
- 16.3.4 – Amenity Values
- 16.3.5 – Water and Soil Resources
- 16.3.7 – Open Space, Recreation and Reserves
- 16.3.9 – Physical Works Involved in Subdivision
- 16.3.11 -Effluent Disposal
- 17.3.1 – Avoidance or Mitigation of Hazards

Policies:

- 4.4.2 – Landscape and Amenity Values
- 4.4.3 – Sustainable Management of Infrastructure
- 4.4.5 – Effects on Water Quality
- 4.4.6 – Adverse Effects on the Soil Resource
- 4.4.8 – Adverse Effects on the Amenity Values of Neighbouring Properties
- 4.4.9 – Effects of Rural Activities
- 4.4.10 – Rural Subdivision and Development
- 16.4.1 – Adequate Access
- 16.4.3 – Adequate Infrastructure
- 16.4.4 – Unreticulated Areas
- 16.4.6 – Construction Standards
- 16.4.7 – Subdivision Design

- 17.4.2 – Control of Land Use in Hazard Areas
- 17.4.3 – Subdivision and Erection of Buildings
- 17.4.4 – Intensification of Hazards

While the proposed allotments do not maintain the average allotment sizes anticipated by the District Plan, no additional developable allotments would be created. This avoids further fragmentation of land and keeps the same overall density of development as could currently be anticipated. The proposal would not result in notable effects on the amenity or production values of neighbouring properties. I consider that the proposal would adequately maintain the rural character and amenity values of the area. I consider the proposal to be consistent with Objectives 4.3.3 and 16.3.4, and Policies 4.4.2, 4.4.8, 4.4.9 and 16.4.7

All three allotments would have adequate provision of infrastructure, having regard to their intended use, in a way that would have minimal adverse effects on the environment or on the operation of the roading network, and would be consistent with relevant standards. I consider the proposal to be consistent with Objectives 16.3.1, 16.3.2, 16.3.7, 16.3.9 and 16.3.11, and Policies 4.4.3, 16.4.1, 16.4.3, 16.4.4 and 16.4.6.

For the reasons provided in my assessment of effects, I consider that the proposal would have minor effects on soil and water qualities, at most. The proposal is considered unlikely to directly result in activities that would cause instability of loss on topsoil, soil contamination or compaction, or a reduction in vegetation cover. The sites can, in principle, manage wastewater within their boundaries in compliance with relevant national standards and Otago Regional Council rules. I consider the proposal to be consistent with Objectives 4.3.5, 4.3.7 and 16.3.5, and Policies 4.4.5 and 4.4.6.

The proposal would not result in the intensification of land use on the alluvial fan relative to what could currently reasonably be anticipated, given Lot 2 DP 404713, located in the alluvial fan, was created on the basis of being used as a rural lifestyle block. It would result in changes to the locations of some lots within the alluvial fan. However, I do not consider this to substantially change the probability of material damage, given they are intended for productive land uses and consider that this can reasonably be resolved at the time any of the lots are developed. I consider that the proposal is consistent with Objectives 16.3.3 and 17.3.1, and Policies 17.4.3 and 17.4.4.

Policy 4.4.10 is a catchall policy intended to ensure that development in rural areas adequately manages its effects on matters such as open space and landscape character values, the character and values of water bodies, amenity values of neighbouring land, soils with special qualities, heritage and cultural values and the operation of the roading network. For the reasons provided throughout this assessment, I consider that the proposal, subject to conditions, would adequately manage its effects on these matters and would be consistent with this policy.

Objective 4.3.1 is a catchall objective, intended to provide for a range of different activities in the district's rural areas in order to allow rural communities to provide for their wellbeing, provided those activities maintain a rural character. For the reasons provided throughout this report, I consider that the proposal adequately maintains the rural character of the area and would help contribute to the wellbeing of the owners of the land. I consider the proposal to be consistent with this objective.

Operative and Proposed Regional Policy Statements

The Otago Regional Policy Statement 2019 (RPS2019) was declared operative on 04 March 2024. Decisions on the Proposed Otago Regional Policy Statement 2021 (PRPS2021) were notified on 30 March 2024. This decision is subject to a number of appeals. With the additions and provisos outlined below, I broadly agree with the assessment of the proposal against both policy statements provided in support of the application.

Objective 5.3 and Policy 5.3.1 of the RPS2019 seek to ensure that the region's economy and communities are supported, through measures such as enabling primary production and supporting activities, minimising the loss of significant soils and minimising the subdivision of productive land into smaller lots that may result in a loss of productive capacity or efficiency. Similarly, LS-LS-O11, LF-LS-O12, UFD-O4, LF-LS-P19, UFD-P7 and UFD-P8 of the PRPS 2021 seek to maintain the life supporting capacity of the soil, ensure development in rural areas prioritises land based primary production on highly productive land, in line with the National Policy Statement for Highly Productive Land (NPS-HPL), provides for primary production generally, restricts development that may result in reverse sensitivity, and only allows rural lifestyle development to occur where it will minimise impact on primary production, avoiding highly productive land (Unless provided for under the NPS-HPL).

In this case,

HAZ-NH-O1, HAZ-NH_P3, HAZ-NH-P4 and HAZ-NH-P5 seek to ensure that existing natural hazard risks are managed appropriately, and that new activities manage risks to avoid intolerable levels and maintain risk at a level that is acceptable.

In this case,

For the reasons provided above and in support of the application, I consider that the proposal would be consistent with the operative provisions of both regional policy statements.

National Policy Statement for Highly Productive Land 2022

The overarching objective of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) is to protect land identified as highly productive land for use in land based primary production, both now and into the future. Policy 7 of the NPS-HPL requires subdivision of highly productive land be avoided, except as provided for in the NPS. Clause 3.8 sets out the subdivision provisions of the NPS-HPL. Under this clause, Council is directed to avoid the subdivision of land unless the applicant demonstrates that the overall productive capacity of the land will be retained in the long term. Council must also take measures to ensure that the subdivision avoids, if possible, or otherwise remedies or mitigates any cumulative loss of highly productive land and any increase in the risk of reverse sensitivity.

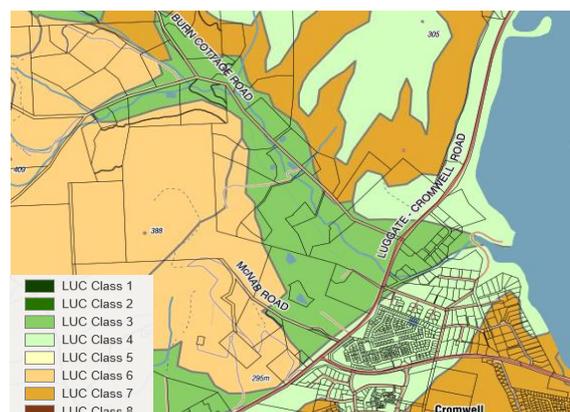


Figure Three: Extract from LUC mapping available from Manaaki Whenua Landcare Research showing the application site (Middle of the image) and surrounding area. Retrieved from https://ourenvironment.scinfo.org.nz/maps-andtools/app/Land%20Capability/lri_luc_main.

Figure Three above shows the distribution of LUC 3 and LUC 6 land in the area. As previously noted, the proposal is, in effect, a shifting of existing land boundaries. The identified LUC 3 land is currently fragmented between all three lots. The proposal would change how the land is fragmented, but not increase the overall level of fragmentation. The applicant has argued that all three lots can continue to be used for land based primary production.

I consider that Lot 1, with its area of 2 hectares, would have the least productive capacity, and least versatility. The applicant has argued that the lot could be used for growing olives for oil, supported by a statement from Mr Steve Morris⁴ that suggests such a plantation would be economically viable with a roughly five-year return on investment. However, it is not as clear from the application what other productive land uses the site could be put to if the market for olives was to change. In my opinion, smaller allotments provide less flexibility to respond to changes in market conditions over the long term, which can mean the land would be less viable for use in land based primary production. This outcome would be contrary to the objective of the NPS-HPL. In this case, I am only able to be satisfied that the proposal would maintain the overall productive capacity of the land by comparing the proposed subdivision to the existing environment. In particular, I consider that Lot 1 is comparable to Lot 2 DP 404713 in terms of its productive capacity. Both have similar land areas and contain land entirely identified as LUC 3. The existing lot is more encumbered by the presence of water races and was intended to be primarily used for residential activity. Proposed Lot 1 would have fewer such encumbrances, allowing for the productive use of a larger proportion of the lot's land area. In this context, I consider that, overall, the new location of Lot 1 would have minimal effects on the overall productive capacity of the site relative to the existing location of Lot 2 DP 404713, even if Lot 1 were to prove unviable for use in other types of land based primary production if the market for olives shifts in a way that makes that land use no longer viable.

In terms of Lots 2 and 3, these lots are both larger than Lot 1 and, therefore, in principle, should be able to be used for a broader range of primary production activities. Both would also incorporate existing, separate production activities, indicating that they can each be used coherently and productively. While Council concluded that this land had limited productive potential in its decision on RC 190226, I am in agreement with the applicant that the land could still be used for supporting activities in association with existing or future land based primary production. In this context, I am satisfied that the proposal adequately retains the overall productive capacity of the land subject to the application.

Given the proposal would not result in any additional developable lots, I consider that it would avoid cumulative loss of availability of productive capacity of the highly productive land in the area. The proposal would not result in increased opportunities for potentially sensitive activities to locate in the area because it would not increase the number of developable titles. I consider the proposal to avoid increasing the risks of reverse sensitivity for nearby production activities. Overall, I consider that the proposal would comply with Policy 7 of the NPS-HPL and would be consistent with its overall objective.

Cancellation of Consent Notices 7969007.2 and 11795464.4

All three lots are subject to two separate consent notices. These conditions are proposed to be updated by conditions of this consent and would become irrelevant. For completeness, I note that consent notice 7969007.2 now refers to national standards that have been superseded. Section 221(3)(b) of the RMA allows Council to vary or cancel a condition that forms part of a consent notice. Furthermore, the applicant volunteers the inclusion of conditions of consent that would see the introduction of a new Consent Notice that would potentially be at odds with these existing consent notices. Given the proposed subdivision would result in changes to the conditions that need to be complied with on an ongoing basis, and result in changes to the intended use of the land away from rural lifestyle on Lot 1 DP 541460 and Lot

⁴ While not considered an economic or agronomic expert for the purposes of this application, Mr Morris has governance experience in growing olives in the Central Otago area and currently operates an olive oil manufacturing facility in the district.

2 DP 404713, I consider it appropriate that, as a consequential effect of any decision approving the subdivision consent, Council also approve the cancellation of these consent notices, in full, subject to this subdivision consent being given effect to. In order to avoid the consent notices being removed from the property titles if the subdivision were not given effect to, certification of this cancellation could be provided at the time of issue of Section 224(c) certification for the subdivision.

Other Matters

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

Section 104D Gateway Test

The proposal is a non-complying activity under Rule 4.7.5.iii of the Central Otago District Plan. Accordingly, it must satisfy at least one of the gateway tests in section 104D(1) of the Resource Management Act 1991.

Having regard to the assessment of effects set out above, I am satisfied that the actual and potential adverse effects of the proposal on the environment are no more than minor and the proposal is not contrary to the relevant objectives and policies of the Central Otago District Plan.

Accordingly, the application satisfies section 104D(1) and may be considered under sections 104 and 104B of the Act.

Part 2

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

RECOMMENDATION

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

1. The Council grant consent to the proposed activity, in accordance with sections 104, 104B and 104D of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below.
2. The Council grant the cancellation of consent notices 7969007.2 and 11795464.4, in accordance with Section 221(3) of the Resource Management Act 1991.



Tim Anderson
Planning Officer - Consents

Date: 16 February 2026

Proposed Conditions:

1. The subdivision must be undertaken in general accordance with the plans and details submitted with the application for resource consent, further information received on 29 October 2025, and the plan of subdivision attached as Appendix One, as amended by the following conditions.
2. Unless modified by other conditions, all designs and approvals are to be in accordance with NZS 4404:2004 and the July 2008 CODC Addendum. Together these two documents form the Council's Code of Practice for subdivision.
3. 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.
4. Any easements required to protect access or for access to services must be duly granted or reserved. These easements must be shown on the plan provided for Section 223 certification.
 5. Prior to Section 224(c) certification, Lots 1 to 3 must be provided with connections to the Burn Cottage Water Scheme or a similar, secure, potable water supply. The connections must be to the specifications of the operator of the supply.
 6. Prior to Section 224(c) certification, Lots 1 to 3 must be provided with connections and any necessary shares in the Burn Cottage Irrigation Company or a similar irrigation water supply. The connections must be to the specifications of the operator of the supply.
 7. Prior to Section 224(c) certification, vehicle crossings to serve Lots 1 and 3, and Lot 2 must be constructed in accordance with the requirements of the Vehicle Crossing Policy set out in Part 29 of the Council's Roading Policies dated January 2015.
 8. Prior to the issue of Section 224(c) certification, The Right-of-Way (ROW) extending off Burn Cottage Road providing access to Lots 1 and 3 must be constructed 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 4.5 metres.
 - (b) Minimum legal width of 10.0 metres.
 - (c) Camber of 5-8%.
 - (d) Subgrade >CBR of 7.
 - (e) Durable well-bound wearing course to be constructed over pit-run base to provide all-weather traction and prevent surface ravelling.

- (f) Shallow trafficable side-drains / water channels over level sections.
 - (g) Rock armouring of side channels over steeper sections.
 - (h) Stormwater discharging to soak pits within the ROW or to natural water courses.
 - (i) Accessway/crossings to adjoining lots must be provided off the ROW in compliance with Part 29 of Council's Roading Policies January 2015.
9. Prior to Section 224(c) certification, operational power connections must be provided underground to the boundary of Lots 1, 2, and 3.
10. It is resolved that pursuant to Section 221(3) of the Resource Management Act 1991 that, prior to s224(c) certification, Consent Notices 7969007.2 and 11795464.4 as they relate to Lots LOT 2 DP 404713, LOTS 1 AND 2 DP 541460 shall be cancelled.

Note: This decision is does not automatically change the consent notice on the Record of Title. The consent notice held by Land Information New Zealand on the Record of Title remains the legally binding document. A certificate to cancel the existing consent notice will be provided, along with the approval of any new (draft) consent notices, prior to 224(c). It is the responsibility of the consent holder to deposit notice of the change with LINZ

11. The following conditions must be imposed as a consent notice on Lot 1, pursuant to Section 221 of the Resource Management Act 1991:

- [1] At the time residential activity is established, minimum domestic water and firefighting storage is to be provided by:
- a. A standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres must be maintained at all times 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. In order to ensure that connections are compatible with Fire and Emergency New Zealand (FENZ) equipment the fittings are to comply with the following standards:
 - i. 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.
 - ii. All connections must be capable of providing a flow rate of 25 litres per second at the connection point.
 - iii. 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 maintained at all times to the hardstand area.

- iv. 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: 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. 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.

- b. Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the Fire and Emergency New Zealand is obtained for the alternative method.
- c. Any new water tanks must be coloured dark green, dark grey, or dark brown, and located in such a manner as to ensure it is not visible against the skyline when viewed from any public place.

[2] At the time residential activity is established, 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. 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 will be responsible for maintaining the system in good working order to prevent surface flooding and nuisance effects on neighbouring properties.

[3] The consent holder or successor is responsible for sourcing and meeting all costs associated with the installation of telecommunication services for any future land use on Lots 1 to 3. Any new telecommunication services must be laid underground, or provided wirelessly.

12. The following conditions must be imposed as a consent notice on Lots 2 and 3, pursuant to Section 221 of the Resource Management Act 1991:

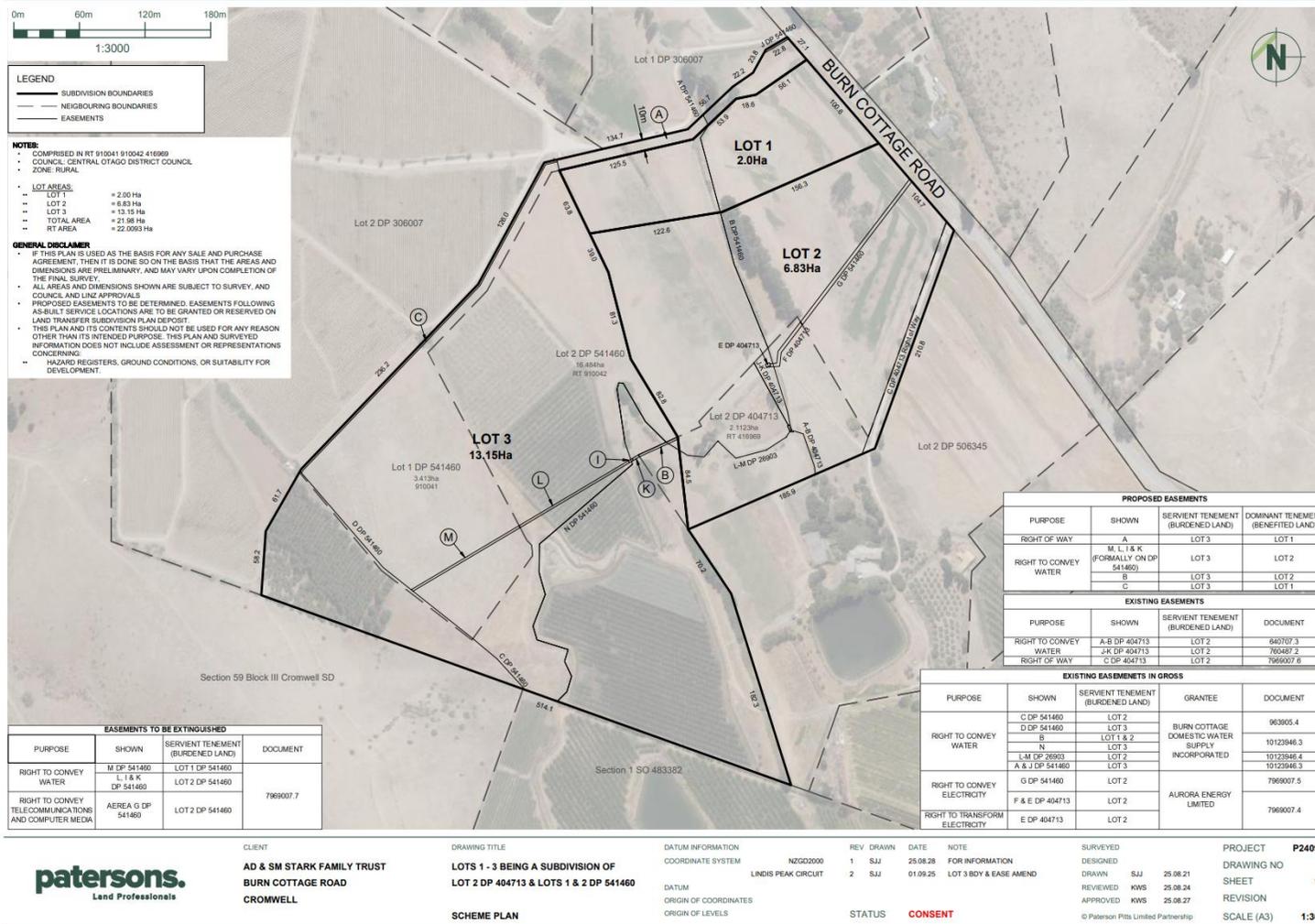
[1] Lots 2 and 3 have been subdivided on the basis that they are unserviced productive lots, and provision of potable water, wastewater disposal, power, firefighting supply, and telecommunications will be the future responsibility of the owner at the time of building.

Advice Notes:

1. 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.

2. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

Appendix One: Approved Plan for RC250265 (scanned image, not to scale)



CENTRAL OTAGO DISTRICT COUNCIL S95A-F DECISION FOR RC250265 Burn Cottage Road, Cromwell

INTRODUCTION

The application seeks subdivision consent for a boundary rearrangement in the rural resource area at Burn Cottage Road, Cromwell.

Proposed Lot 1 would have an area of 2 hectares, Lot 2 and area of 6.83 hectares, and Lot 3 and area of 13.15 hectares. The overall site is made up of mostly flat, irrigated land adjoining Burn Cottage Road, which rises up into more sloping terrain to the west. Lot 1 would be vacant mostly flat land adjacent to Burn Cottage Road. Lot 2 would contain the remainder of the flat land facing the road Lot 3 would contain the balance land, including an orchard and small woodlot. An extract from the application showing the proposed layout is shown as Figure One.

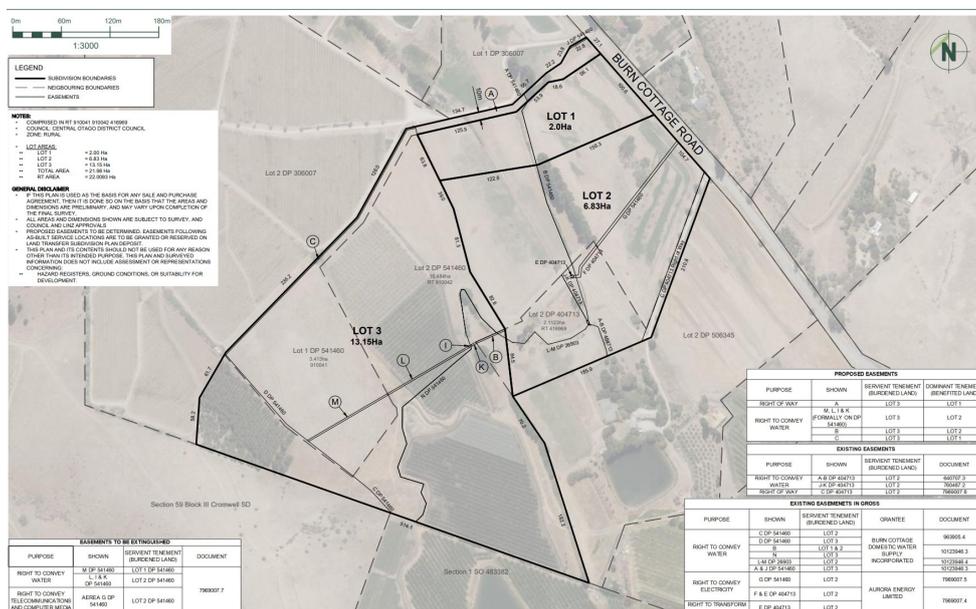


Figure One: Proposed subdivision plan as shown in the application.

The site is identified in the Otago Regional Council’s Natural Hazards Database as being within an alluvial fan. This result in a risk from water and debris flows over the site, for example during heavy rain events upstream.

The proposal creates allotments that have an average area of less than 8 hectares. The lots bear limited resemblance to the existing lots and, therefore, cannot be considered a boundary adjustment under Rule 4.7.2.ii.b of the District Plan.¹ Therefore, the proposed subdivision is a non-complying activity under Rule 4.7.5.iii of the District Plan.

SECTION 95A NOTIFICATION

¹ Based on the definition of boundary adjustment in *McNamara v Tasman District Council* (1999) NZEnvC W10/99.

Step 1 – Mandatory public notification

Public notification has not been requested. (s95A(3)(a)).

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

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

Step 2 – Public notification precluded

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

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

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

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

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

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

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

PERMITTED BASELINE (S95D(B))

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

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The proposal would not result in the creation of any additional developable titles. Given no intensification of built development is anticipated beyond what could currently occur on the site, I consider the proposal likely to result in no more than minor effect on rural character or wider landscape values.

The application site includes land identified under the National Policy Statement for Highly Productive Land as being highly productive (Figure Two).



Figure Two: Image (Not to scale) showing approximate distribution of LUC 3 (Dark green) and LUC 6 and 7 (Orange) land across the site. Under the interim definitions in the NPS-HPL, LUC 3 land is considered highly productive land and LUC 6 and LUC 7 are not. LUC mapping sourced from Manaaki Whenua (n.d.) *Our Environment* https://ourevironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_main.

The proposal would rearrange the boundaries of land across this highly productive land. In particular, it would split the largest area of LUC 3 land, currently in Lot 2 DP 541460, between Lots 2 and 3. This may have an adverse effect on the overall productive capacity of the land, given it reduces the area of highly productive land in this larger title and creates one lot (Lot 1) that is small in area and entirely over LUC 3 land. However, in light of the fact that the proposal creates no additional titles, Lot 1 being entirely LUC 3 land, like the current Lot 2 DP 404713, and in reliance on the assessment indicating that Lot 1 can be used productively provided on behalf of the applicant by Mr Steve Morris, I consider that the effect of the proposal on the productive capacity of the soil will likely be minor, at most.

The existing infrastructure provisions for all three lots are proposed to be re-purposed from existing potable and irrigation water allowances, access points and electricity connections. All

three lots are adequately sized that I consider they would, more likely than not, be able to accommodate on-site wastewater disposal in line with AS/NZS 1547:2012. I consider that the proposal would have a minor effect on the environment due to the provision of infrastructure.

Given the proposal is not anticipated to result in the intensification of built form on the site, I consider the proposed subdivision likely to have a minor effect on the hazard profile of the area, at most.

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

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

Step 4 – Public Notification in Special Circumstances

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

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

In this case, the proposal constitutes a realignment of existing title boundaries in a way that creates no new built development opportunities. There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

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

EFFECTS ON PERSONS

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

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

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

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

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

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

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

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

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

PERMITTED BASELINE (s95E(2)(a))

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

ASSESSMENT: EFFECTS ON PERSONS

No written approvals have been provided. No effects on any party will be disregarded.

The proposal would not result in the creation of any additional developable titles. It could change where likely development opportunities are located on the site through relocating site boundaries. However, given it doesn't create any opportunities for additional development, and an equivalent level of development could happen on the land, in the same locations, without the proposed subdivision consent, I consider the proposal to have a less than minor effect on the amenity and rural character values of nearby landowners or occupants.

The site is not in the vicinity of any site or item with elevated heritage, social or cultural significance. I do not consider the proposal to have any particular effects on parties with an interest in these items.

Step 4: Further limited notification in special circumstances

Special circumstances do not apply that require limited notification.

DECISION: EFFECTS ON PERSONS (s95B(1))

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

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a non-notified basis. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Adam Vincent
Planning Officer

Date: 07 November 2025

Approved under Delegated Authority by:

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

Tanya Copeland
Team Leader – Planning

Date: 10 November 2025

Application for a resource consent - Form 9

APP250939876



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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



Date and Time Created 16/09/2025 04:40
Submitted to Council 17/09/2025 08:10

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

Property Details

Property Address Burn Cottage Road (no address).
Valuation Number 2842120506, 2842120507, 2842120602
Record of Title Number 910041, 910042, 416969
Legal Description(s) of the specific parcels that the resource consent application is for Lot 1 & 2 DP 541460, Lot 2 DP 404713

What is your role in this application? Agent acting on behalf of the applicant

Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

Organisation Patersons
First name Jared
Last name Brensell
Phone number 021 675 180
Email address jared.brensell@patersons.co.nz
Note that the applicant will also receive a copy of all correspondence.
Postal address: 229 Moray Place, Dunedin Central, Dunedin 9012, New Zealand
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 Grove Farm Trustee Limited
Contact Person
First name David
Last name Stark
Phone number (03) 445 0616
Email address davidstark@meadstark.co.nz
Postal address: 23 The Mall, Cromwell, Otago 9310, New Zealand

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

Application type	Subdivision consent
Short description of your proposal	The applicant seeks consent to undertake a boundary rearrangement. The purpose of the rearrangement is to create a better pattern of land ownership across the site. The proposed boundaries will also better align with existing activities already being undertaken on the site.

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](#).

[Burn Cottage Road RCA.pdf](#) (2 mb)

Assessment of the activity

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

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

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

Other activities

Other applications

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

Is this project related to a building consent? No

Pre-application information

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

Site visit requirements

Who is the site contact?

Applicant

Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- If an affected party does not give approval to your proposal this may impact on the way that the application is processed.
- Council's duty planner can provide you with advice on which parties may be affected by your proposal.

[Download an affected party approval template form.](#)

Do you need affected party approval?

No

Reason

Not a boundary activity

National Environmental Standard – Contaminated Soil (NES-CS)

National Environmental Standard – Contaminated Soil - option selected

A review has been undertaken of District and Regional Council records and no records have been found suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application. NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.

Fast-Track Processing

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing.

I opt out of the fast-track consent process

Please select one:

Public Notification

Please confirm whether you request public notification for this application.

No

If you choose "Yes" - Please note a "notified to formal hearing" deposit fee is payable. Please refer to Council's current Fees and Charges on our website.

LIST OF FILES

[Burn Cottage Road RCA.pdf](#) (2 mb)

[P240990 004 100 SCHEME PLAN.pdf](#) (390 kb)

[910042 Title Search Copy.pdf](#) (221 kb)

[910041 Title Search Copy.pdf](#) (220 kb)

[416969 Title Search Copy.pdf](#) (429 kb)

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Surveying • Engineering • Planning

Resource Consent Application

Burn Cottage Road

Boundary Rearrangement

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Land Professionals

Patersons South Island

Dunedin Cromwell Oamaru
Queenstown Alexandra Christchurch
Wānaka

**Knowledge.
Commitment.
Communities.**

Client	AD & SM Stark Family Trust
Job Number	P240990
Date	16 September 2025

DOCUMENT CONTROL

Version	Date	Prepared by	Reviewed by	Comments
0	15/09/2025	Jared Brensell	Maddy Albertson	Working draft
1	16/02025	Jared Brensell	Maddy Albertson	Final

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1. Application Details

Applicant(s)	Grove Farm Trustee Limited
Site Address	Burn Cottage Road (no address).
Legal Descriptions	Lot 1 & 2 DP 541460 Lot 2 DP 404713
Record of Title	910041 910042 416969 <i>To note, the land subject to this application is all owned by Grove Farm Trustee Limited and Susan Margaret Stark. This project is being progressed by the Stark Family on behalf of all the landowners, with the contact being David Stark (the applicant).</i>
Site Area	RT 910041 – 3.42 ha RT 910042 – 16.51 ha RT 416969 – 2.12 ha
District Plan	Central Otago District Plan (CODP)
Zoning	Rural Resource Area
Hazards	Alluvial Fan – Regional Scale. Areas of <i>active</i> and <i>less recently active</i> Liquefaction Awareness – A Domain (Low to no risk).
Resource Consent	Subdivision consent for a boundary rearrangement
Activity Status	Non-complying

2. Background

2.1 Site Description

The site is Lot 1 & 2 DP 541460 and Lot 2 DP 404713. A copy of the Record of Title for the site is included in **Appendix A**.

The application site consists of three irregular shaped sites with a total area of 22.05 hectares. The land is located approximately 1km to the northwest of the Cromwell Township.

Each underlying title has legal access from Burn Cottage Road. While Lot 1 DP 541460 and Lot 2 DP 404713 has formed crossings to Burns Cottage Road, Lot 2 DP 541460 does not. However, because the site is managed as one agricultural unit, Lot 2i DP 541460 t is accessed via informal farm tracks.

The sites topography is generally flat along the Burn Cottage Road frontage and becomes rolling towards the western boundary. The general elevation slopes down in towards the unformed portion of McNab Road to the west of the site.

The site's soils are described in the Manaaki Whenua Land Use Capability (LUC) register as containing 19ha of LUC 3 land, 3ha of LUC 6, and >1ha of LUC 7 land. The soil characteristics are identified as shallow and moderately deep "*semiarid*", and have a "*moderate to low, and moderate*" profile available water PAW. NIWA mapping for Otago¹ shows the site as having a mean annual rainfall (MAR) of approximately 500-600mm per year (less than most of Otago) and approximately 2,050–,2100 sunshine hours per year (some of the most in Otago). This means that while the soils are highly productive, they are generally considered non-arable with limitations on pastoral use without irrigation.

The applicant owns shares in the Burn Cottage Irrigation Company Scheme. This abstracts irrigation water from Lake Dunstan and delivers it to the site via irrigation races which meanders through neighbouring properties and under Burn Cottage Road before reaching the site. Water is managed via a water sharing agreement.

Long Gully is identified as an overland flow path, as is a western gully. Neither are obviously wet. There are no obvious signs of erosion across the site, which has an open characteristic due to being primarily covered in dry pasture, broken up by some pine shelter clusters and scattered smaller groups.

The above currently allows for a mixture of horticultural and pastoral grazing activities to occur on the site, albeit at a lower intensity. These activities demonstrate that the site currently has some level of productive capacity, however on-site production could be maximised by way of introducing other forms of agricultural activities.

The site in relation to the surrounding environment is shown in the figure below.

2.2 Consenting Background

The site was granted resource consent in 2019 for subdivision (RC 190226).

A consent Notice was imposed for proposed Lot 1. This site is now identifiable as RT 910041. The consent notice states that Lot 1 will function as off-grid for any future residential activity on the site, it also sets out requirements to water, wastewater and firefighting supply.

There are no other matters of relevance in RC190226 or the associated consent notice. It is considered appropriate to retain the consent notices on the new proposed allotments.

¹ <https://niwa.co.nz/climate-and-weather/otago>



Figure 1. Subject site in relation to the surrounding environment (source: www.grip.co.nz).

2.3 Receiving environment

At a broad scale, the site is located within a semi-rural setting, being situated on the foothills of the Pisa Range close to the Cromwell Township and Lake Dunstan.

The immediately surrounding landholdings vary in size, generally ranging from 1.7 ha to 100 ha. Based on aerial imagery, the surrounding land use comprises a mixture of stock grazing, vineyards, and orchards. Therefore, the surrounding environment contains a rural character, but at the same time is close to the Cromwell township, an area with residential characteristics.

3. Description of Proposal

The applicant seeks consent to undertake a boundary rearrangement. The purpose of the rearrangement is to create a better pattern of land ownership across the site. The proposed boundaries will also better align with existing activities already being undertaken on the site. The boundary of underlying Lot 2 DP 541460 will be rearranged to create proposed **Lot 1**. This will have an area of 2.0ha, be accessed via a ROW over the access leg of proposed Lot 3.

The boundary of underlying Lot 2 DP 404713 will be rearranged to create proposed **Lot 2**. This will have an area of 6.83ha. The western boundary of Lot 2 will generally align with the agricultural activities being undertaken on the grounds, as it will loosely follow the fence along the eastern boundary. This boundary realignment will result in an allotment which is of a size which can better support agricultural activities.

The boundary of underlying Lot 1 DP 541460 will be realigned to create proposed **Lot 3**. This will have an area of 13.15 ha. Again, this will also result in an allotment which is of a size that will better enable productive activities to occur.

Overall, the proposal will rearrange the boundaries of underlying titles. Currently the three titles function as one irregular productive block plus two smaller titles with limited production potential. These will be replaced by three lots, one of which is smaller, and two larger lots which better align with the land use of the underlying land.

No earthworks, new network connections, and no new vehicle crossings are proposed by this application.

The proposed lot arrangement is shown on the subdivision plan in Appendix C.

3.1 Servicing

3.1.1 Vehicle crossings

Proposed lots 1 and 3 will use the existing crossing for Lot 1 DP 541460, and Lot 2 will use the existing crossing to 67 Burn Cottage Road. In both cases, the crossings will either comply with Part 29 of Central Otago District Council's Roading Policies 2015 or be upgraded accordingly.

3.1.2 Right of way

A Right of Way will be formed along Area A to serve Lots 1 and 3. This will be constructed to the following standards:

- ▶ Minimum formed carriageway width of 4.5 metres.
- ▶ Camber of 5-8%.
- ▶ Subgrade >CBR of 7.
- ▶ 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.
- ▶ Rock armouring of side channels over steeper sections.
- ▶ Stormwater discharging to soak pits within the ROW or to natural water courses.

3.1.3 Watter Supply

Irrigation water will remain available to the subject land via ongoing entitlements from the Burn Cottage Irrigation Company, as confirmed in the attached letter from the company's Chairperson.

Potable water will continue to be supplied via the Burn Cottage water scheme, which is sourced from Cromwell's town supply at the McNab Road connection.

3.1.4 Electricity Supply

The subject land is serviced for electricity by Aurora Energy Limited, with network cables available in Burn Cottage Road. An electrical transformer is located near the centre of Lot 2, and Lots 1 and 3 have frontage to Burn Cottage Road with services available there. Note that the underlying Lot 1 DP 541460 is not serviced for electricity or telecommunications and has a consent notice stating that these services are not provided or guaranteed; off-grid solutions are likely and considered appropriate for the site's horticultural and agricultural use.

3.2 Production Assessment

As mentioned above, the site contains three separate titles comprising one, large, irregular shaped productive agricultural lot, and two smaller lots within limited production potential due to their size. The proposal seeks to rearrange these boundaries to consolidate productive land into two larger, more practically farmable allotments (Lots 2 and 3) and create one smaller allotment (Lot 1) suited to intensive horticulture. Rearranging the boundaries to better align with existing activities reduces inefficiencies from irregular paddock layouts.

The proposed layout is expected to increase total site-wide productive output relative to the current pattern by enabling:

- ▶ Intensive horticulture on Lot 1; and
- ▶ More efficient pastoral/arable operations on Lots 2 and 3 due to block shape and scale

An independent report has been sought for the site which provides advice on establishing a small-lot olive grove (**Appendix D**). The author of the report operates a cold-press olive processing facility which services over 140 small-scale Central Otago olive growers.

The report concludes that the property would be suitable for growing olives for oil production, with the exception of approximately 1,800m² which is too close to the Burn Cottage Creek. This is because the soils would be too moist for olive production. However, we note that due to standard agricultural practices, land surrounding waterbodies is generally excluded from productive activities- particularly stock grazing.

The report also demonstrates that olive oil production could be financially viable on the site. Overall, the property is considered suitable for small-lot olive oil production. This is demonstrated by the report, which shows a viable establishment pathway, proven local processing, and realistic yield and revenue expectations.

Overall, the proposal removes some of the barriers to productive activities being undertaken on the site by enabling a clearer and more efficient pattern of production across the site.

3.3 Proposed conditions

It is requested that draft conditions are circulated to the applicant prior to the consent being issued by Council.

4. Resource Consents Required

A CODP rule assessment has been provided in **Appendix E**. This concludes that the site is zoned Rural Resource under the CODP and requires resource consent as a **non-complying activity** subdivision consent under rule 4.7.5.iii.a for a boundary rearrangement in the Rural Resource Area that complies with the minimum allotment size of 2ha, but does not meet the 8ha average rule.

It is noted that if Council is of the view that consent is required for alternative or additional matters than those identified in the proposal or AEE section Council has the ability under section 104(5) of the Resource Management Act (RMA) to process the application regardless of the type of activity that the application was expressed to be for.

5. Notification Assessment

The application has been prepared considering the reasons for consent above, and the public and limited notification tests that Council is required to follow under the RMA. Our assessment under the relevant notification tests is set out below.

5.1 Public Notification (s95A)

Table 1. S95A Assessment

Section 95A Matter	Response
Step 1: Mandatory Public Notification	
Does the applicant request public notification (s95A(3)(a))	No
Is the application made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? (s95A(3)(c))	No
Step 2: Is Limited Notification Precluded	
Is each activity to which consent is sought, subject to a rule or national environmental standard that precludes public notification? (s95A(5)(a))	No
The application is for <u>only</u> either a controlled activity, or a boundary activity (be it restricted discretionary, discretionary or non-complying)? (s95A(5)(b))	No
Step 3: Is Public Notification Required in this Circumstance?	
Is consent sought for an activity that is subject to a rule or national environmental standard that requires public notification? (s95A(8)(a))	No

Under section 95D, does the activity have adverse effects that are more than minor? (s95A(8)(b))	No
Step 4: Do any Special Circumstances apply?	
Is there anything exceptional or out of the ordinary in this application that would constitute a special circumstance to warrant public notification.	No

5.2 Limited Notification (s95B)

Table 2. S95B Assessment

Section 95B Matter	Response
Step 1: Certain Affected Groups or Persons to be Notified	
Are there any customary rights groups; or customary marine title groups affected? (s95B(2))	No
Is the proposed activity in on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement; and the person to whom the statutory acknowledgement is made is affected under s95E? (s95B(3))	No
Step 2: Is Limited Notification Precluded	
Is each activity to which consent is sought, subject to a rule or national environmental standard that precludes limited notification? (s95B(6)(a))	No
Is the application for <u>only</u> a controlled activity under a district plan (other than subdivision)? (s95B(6)(b))	No
Step 3: Must certain other affected persons be notified?	
Is the activity a boundary activity, and under s95E the owner of the infringed boundary is an affected person? (s95B(7))	No
Is any other person an affected person under section 95E? (s95B(8))	No
Step 4: Do any Special Circumstances apply to any other person?	
Is there is anything exceptional or out of the ordinary in this application that would constitute a special circumstance to warrant notification to any other person. (s95B(10))	No

6. Effects Assessment

The following effects assessment addresses the relevant matters in **Clauses 6 and 7 of Schedule 4 of the RMA**, with an assessment commensurate to the nature and scale of the application.

As determined below, we consider the application does not and is not likely to result in significant adverse effects. As such the consideration of alternatives is not required.

6.1 Effects Permitted by the Plan

Under sections **95D and 104(2) of the RMA 1991**, the consent authority may disregard adverse effects if a rule or national environmental standard permits an activity with the same or similar effect.

This is a boundary rearrangement only: the number of titles is unchanged, no dwellings or building platforms are created, and no earthworks or new network connections are sought. Productive activities will still be able to occur on all lots as a result of the subdivision. Each title already has legal access to Burn Cottage Road; the proposal simply formalises Lot 1's access via ROW over Lot 3's access leg, without requiring a new vehicle crossing. Existing irrigation allocations and services remain in place and are not intensified by this consent.

The permitted baseline already enables ongoing farming activities (fencing, irrigation race maintenance, internal farm access, minor day-to-day works) with comparable or greater on-the-ground effects than the proposed rearrangement. Accordingly, the incremental environmental effects are nil to de minimis, and the baseline strongly frames this as an administrative change rather than any change in land-use intensity or effects profile.

6.2 Effects on the Environment

As a non-complying activity, the Council may consider all actual and potential effects associated with the proposal.

To structure the assessment of effects, guidance has been taken from:

- ▶ Relevant objectives and policies of the District Plan
- ▶ Subdivision assessment matters from the CODP
- ▶ The permitted baseline, where relevant

The following sections address the identified effects with reference to this framework.

6.2.1 Rural Character and Amenity

The receiving environment is semi-rural on the Pisa foothills near Cromwell/Lake Dunstan, with stock grazing, vineyards, and orchards on blocks ranging from ~1.7–100 ha. The site is flat to rolling, sloping west toward McNab Road, with open dry pasture and areas of clustered trees pine clusters.

Rearranging boundaries to existing fence lines and activity edges creates more of a paper-based activity in terms of effects on rural character and amenity, with no additional capacity for development

or new activities being created on the site as a result of the proposal. There are no large, physical changes to the site which are not already allowed for by the underlying title arrangement.

We therefore consider the effects on rural character and amenity to be **less than minor**.

6.2.2 Productive Land Use

The site contains ~19 ha of LUC 3 land, along with smaller LUC 6–7 areas. The proposal will rearrange the underlying titles to create more practical blocks for pastoral and arable use. This removes inefficiencies from irregular paddock geometry, so the overall productive output is expected to increase relative to the current pattern of underlying titles. The proposal therefore better protects and enables use of highly productive land than the current arrangement, rather than fragmenting it.

Overall, we believe the effects on productive land use to be **less than minor**.

6.2.3 Safety and Efficiency of the Transport Network

Each title currently has legal access to Burn Cottage Road. The subdivision does not create additional capacity for residential development, so the traffic generation remains the same as the permitted baseline. With no change proposed to vehicle classes beyond those typical for rural production land, the network safety and efficiency is maintained.

Overall, we believe the effects on the safety and efficiency of the transport network to be **less than minor**.

6.2.4 Infrastructure and Servicing

For the most part, the proposal seeks to retain the existing infrastructure and servicing arrangement. There is no additional development enabled by the proposal. In terms of irrigation water, the subdivision does not expand take volumes or alter allocation. Stormwater will continue to be managed within rural land-use practices, and no new impervious areas are proposed as part of this consent.

Overall, we believe the effects on infrastructure and servicing to be **less than minor**.

6.2.5 Natural Hazards

Council mapping identifies an alluvial fan (with active and less-recently-active components) and low-to-no liquefaction risk. The proposal does not introduce sensitive receptors (no dwellings or earthworks). Rearranging boundaries does not increase exposure of people or property to hazard processes relative to the existing environment. On this basis, the proposal does not exacerbate the risks to natural hazards. The effects are therefore **less than minor**.

6.2.6 NES-CS

Because subdivision is proposed, the NES-CS is relevant. A Preliminary Site Investigation has not been undertaken; however, no change of land use is proposed—the land remains rural production—and there is no obvious evidence of HAIL activities having been undertaken on the site. Should future building platforms be established, any NES-CS obligations can be addressed at that time. The effects are therefore **less than minor**.

6.2.7 Reverse Sensitivity

The rearrangement does not introduce new sensitive activities or residential dwellings. Furthermore, the rearrangement does not create any additional capacity for this to occur. Existing rural activities on the surrounding sites (spray, frost fans, machinery, harvest traffic) in the wider area will continue unaffected. The effects are therefore **less than minor**.

6.2.8 Cultural, Archaeological and Accidental Discovery

The site is not within a wāhi tūpuna or statutory acknowledgement area and contains no identified heritage places. Should koiwi tangata, archaeology or taoka be encountered during any future works, an Accidental Discovery Protocol will be implemented (stop work, secure, notify, manage per authority). The effects are therefore considered to be less than minor.

6.2.9 Positive Effects

The proposal will have positive effects. The key positive effect is that the underlying titles can be better utilised to support agricultural activities on the site. By increasing the size of two allotments, and decreasing the size of the other, all three allotments can contain productive rural activities (rather than just one).

6.2.10 Precedent

The subdivision is a boundary rearrangement that maintains rural use and *improves* productive efficiency. It does not introduce new sensitive activities, urban servicing, or lifestyle fragmentation. Because the outcome enables rural productivity objectives (rather than reduces productive) approving it supports plan integrity rather than eroding it. This is considered to be the case for the following reasons:

1. No increase in lot numbers or development intensity.

The proposal reconfigures the same number of titles. The proposal does not create additional development potential on the site and therefore does not allow for unintentional development of the site.

2. Narrow, fact-specific circumstances.

The justification is based on site-specific attributes that are not easily replicated at scale:

- The distribution of LUC 3 land and existing activity areas.
- Irrigation scheme participation and water-sharing arrangements.
- Legal access patterns (ROW over an existing access leg) that avoid new crossings or network effects.
- Mapped hazards (alluvial fan / low liquefaction) with no added exposure because no new receptors are introduced.
- Because these factors are highly specific, other applicants would need to prove the same functional gains and neutral effects—most won't be able to, so the decision is not generalisable.

3. No “softening” of key rules or standards.

The application doesn't rely on broad policy exceptions or significant infringements that could be read as a green light for further rural fragmentation.

4. Cumulative effects are contained.

On-the-ground effects are **neutral** (no earthworks, no extra traffic, no additional development allowed by activity). Even if similar activities also occurred, it wouldn't accumulate into a pattern that undermines rural character or productivity—because each case must still demonstrate productivity gains without new effects.

Overall, we believe that granting this consent will not set an unwanted precedent. It is a policy-aligned, effects-neutral boundary rearrangement with productivity benefits and no intensification. Any future applications would still be assessed case-by-case against their own facts and the Plan; this decision would not oblige Council to approve dissimilar proposals.

6.2.11 Summary: Effects on Environment

The above assessment concludes that the environmental effects of the proposed boundary rearrangement on the environment will be acceptable and less than minor.

6.3 Effects on Persons

Under **Schedule 4 Clause 6(3)** of the RMA, there is no obligation or expectation for an applicant to consult any person. In this case, no person has been consulted.

6.3.1 Assessment of Affected Persons

Following consideration of the actual and potential effects of the proposal, the following assessment has been made in relation to potentially affected persons:

The actual and potential adverse effects of the proposed subdivision and resultant land use are largely internal to the site. Given the assessment through section 6.3 above, and that there will be no perceptible difference in terms of how the site is used from the density infringement, no person is considered adversely affected by the proposed subdivision and resultant land use activities.

6.4 Conclusion

The above assessment concludes that the actual and potential effects of boundary rearrangement proposal on the environment and persons will be **less than minor**.

7. RMA S104 (1) (B) Matters

The application has been assessed against the relevant provisions of the documents referred to in RMA section 104(1)(b) as detailed below.

7.1 District Plan Objectives and Policies

The application is required to be assessed against the objectives and policies of the CODP. This assessment has been attached as **Appendix E** and concludes that the proposal is consistent with relevant objectives and policies.

In summary, the proposed subdivision enables the applicant's wellbeing by allowing the boundaries on the sites to be rearranged to provide for a more logical layout. As explained in section 6, this will be undertaken without adversely affecting the quality of the surrounding environment. The proposed new locations of boundaries have been strategically placed to align with existing boundary fences and existing activities, reducing the area which will need to be disturbed to action the subdivision. The proposal is therefore considered to maintain the open space, landscape, and amenity values which already existing on the site, in accordance with the relevant objectives.

The subdivision will not adversely impact soil resources. In fact, it will better enable productive activities to occur on all three titles, with the pre and post development potential of the site remaining unchanged as a result of the proposal. The proposed lot sizes and shapes are compatible with the surrounding rural resource zoned properties. The proposal will not adversely affect the open space and natural character of the rural environment and is consistent with the relevant policies.

No new services are proposed as part of the proposal, and no new demands arise. Legal and physical access is provided to all the lots.

The subdivision does not change the current land use, being rural, however it does allow for an additional agricultural activity to be established on the site. The proposal will not generate reverse sensitivity effects for neighbouring and rural activities, as the surrounding areas contain rural activities which are consistent with the rural zoning.

Given the above, and as outlined with more detail in **Appendix E**, the proposed subdivision is consistent with the relevant objectives and policies of the Rural Resource Area, and Subdivision sections of the CDDP.

7.2 National Environmental Standards (NES)

7.2.1 NES for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS) is relevant to this application as it involves subdivision (reg 5(5)).

A Preliminary Site Investigation has not been undertaken however, this subdivision does not propose to change the use of land, as it will remain as rural production land. We note that the areas surrounding any dwelling which are established on the any sites in the future would entail a change to rural residential use. However, we note that this use is already largely provided for, as no additional residential capacity is being created by the site.

Regardless of whether the land is described in reg 5(7) or not, the proposal seeks to subdivide rural land in a way that enables it to continue being used as production. It therefore does not meet any of the requirements of reg 5(8), therefore the NES-CS does not apply.

The remaining National Environmental Standards are not relevant to this application.

7.3 National Policy Statements

7.3.1 Highly Productive Land

The NPS for Highly Productive Land 2022 came into force on 17 October 2022 and has the purpose to protect highly productive land for use in land-based primary production.

Areas of 'Highly Productive Land' are required to be identified and mapped in a Regional Policy Statement within 3 years of the operative date, and within a District Plan 6 months after this. Until this time, highly productive land is defined under clause s3.5(7) of the NPS to be land that:

- a. *is*
 - (i) *(zoned general rural or rural production; and*
 - (ii) *LUC 1, 2, or 3 land; but*

- b. *is not:*
 - (i) *identified for future urban development; 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.*

The mapped identification of Land Use Capability (LUC) 1,2 and 3 is held by Landcare Research. According to the Land Use Capability mapping, the subject site is identified as containing 19ha of LUC 3 land. As the site is LUC 3 and zoned rural, the NPS-HPL applies and in accordance with RMA section 104(1)(b) the consent authority must have regard to the NPS-HPL. The proposal has been assessed against its relevant objectives and policies and is considered consistent with the intent to protect productive land. This is because, as it currently stands, the site contains two smaller titles, and one larger title. The proposal seeks to rearrange the boundaries in a way which will result in two medium sized lots and one smaller lot.

As explained in Section 3.2, the proposal removes some of the barriers to productive activities being undertaken on the site by enabling a clearer and more efficient pattern of production across the site.

7.4 Otago Regional Policy Statement

7.4.1 Operative Otago Regional Policy Statement (oRPS)

The Otago Regional Policy Statement 2019 (oRPS) became fully operative on 4 March 2024 and provides a high-level policy framework for the integrated management of resources within the region, identifying regionally significant issues, and objectives and policies that direct how natural and physical resources are to be managed.

The oRPS is currently under review with the new Proposed Otago Regional Policy Statement (pORPS) notified on 26 June 2021. Following a determination by the High Court, the pORPS was separated into two parts: a freshwater and a non-freshwater planning instrument, with each proceeding through a separate RMA plan change process. The ORC notified its decisions on submissions on both the

freshwater and non-freshwater parts on 30 March 2024. The appeal period has now closed, and the pORPS is currently in the mediations phase.

The proposed boundary realignment does not propose any activities within significant waterways or wetland areas, does not propose earthworks and will largely maintain the rural use of the site. To the limited extent it is relevant, the subdivision is consistent with the oRPS and the pORPS.

8. RMA Part II Matters

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. The CODP has already given substance to the principles in Part 2 of the RMA and, therefore, no further assessment against Part 2 matters is required for this application (Environmental Defence Society Incorporated v New Zealand King Salmon (2014) NZSC 38, (2014) 1 NZLR 593).

Regardless, the application is considered to represent a sustainable management of natural and physical resources having had regard to the section 6 and 7 matters of the RMA.

8.1 Section 5 – Purpose and Principles

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. The application seeks to subdivide a rural site that is assessed as being capable of absorbing the development proposed and therefore protects natural and physical resources. It is considered that the proposal contributes to the social and economic wellbeing of the applicant and future landowners and any adverse environmental effects have been avoided or mitigated.

8.2 Section 6 – Matters of National Importance

Section 6 of the Act requires matters of national importance to be recognised and provided for. The application does not affect any outstanding natural features or landscapes, or areas of significant indigenous vegetation or habitats. There are no identified historic heritage sites or buildings located on site, nor are there any waterbodies or margins of waterbodies. The site is also not identified as being subject to any wāhi tūpuna or other cultural area. As discussed throughout this report it is also considered that there is no increase in risk of natural hazards at this location. It is therefore considered that there are no relevant Section 6 matters that require consideration as part of this application.

8.3 Section 7 – Other Matters

Section 7 of the Act requires all persons exercising functions and powers in relation to managing the use, development, and protection of natural and physical resources, to have regard to a number of factors. The only Section 7 matters of particular relevance to this application are (b) the efficient use and development of natural and physical resources, (c) the maintenance and enhancement of amenity values, and (f) maintenance and enhancement of the quality of the environment.

An assessment of landscape and visual amenity affects has determined that the site is able to absorb the development proposed with 'very low' effects. It is therefore considered that the proposal will

maintain visual amenity, and the proposed landscape planting and native regeneration of indigenous vegetation will result in some enhancement to the quality of the environment. As such, the proposed development provides for the relevant matters of Section 7 of the Act.

8.4 Section 8 – Principles of the Treaty of Waitangi

Section 8 requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi when managing the use, development and protection of natural and physical resources. The application site is not located within a wāhi tūpuna area or a Statutory Acknowledgement Area. As such this Section of the Act is not considered relevant to this application.

9. Section 104D Matters

Section 104D of the Resource Management Act allows for a consent authority to grant a resource consent for a non-complying activity if it is satisfied that either -

a. the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

the application is for an activity that will not be contrary to the objectives and policies of—

- (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) both the relevant plan and the relevant proposed plan if there is both a plan and a proposed plan in respect of the activity.*

The proposal for a boundary re-alignment is non-complying because it does not meet the minimum average site size requirement of 8ha. This is because the average of the sites subject to this application are also less than 8ha. Therefore, there is no change to the current environment proposed. Nonetheless, the proposal is still technically a non-complying subdivision.

As discussed through the assessment above, the effects on persons and the environment are assessed as being less than minor, and while contrary to the minimum average site size site requirements, it is consistent with relevant objectives and policies of the Operative District Plan.

Therefore, Council can grant the resource consent for the proposal under s104D.

10. Section 106 Matters

Section 106 of the RMA provides that the Consent authority may refuse subdivision consent in certain circumstances as follows:

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that:

- a. there is a significant risk from natural hazards; or*
- b. {Repealed}*

- c. *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

- a. *the likelihood of natural hazards occurring (whether individually or in combination); and*
- b. *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- c. *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

10.1 Access

Legal and physical access is maintained to each lot. As such, Council can grant consent with respect to this matter.

10.2 Natural Hazards

The proposal does not create any further development potential than what is already permitted by the underlying titles. Therefore, the proposal does not exacerbate the risks to natural hazards. As such, Council can grant consent with respect to this matter.

11. Application Conclusion

Resource consent is sought as a Non-Complying Activity under the CODP to rearrange boundaries on the site to allow for a more efficient pattern of land use.

The proposal has a non-complying activity status because it does not meet the minimum average site size requirement for the rural resource area. We note that the underlying titles also do not meet the minimum average site size requirement.

As the environmental effects of the proposal are considered to be less than minor, the proposal is consistent with the CODP objectives and policies, and no parties are considered to be adversely affected, it is considered that the application may be granted and processed on a non-notified basis.

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Appendix A – Record of Title



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




 R.W. Muir
 Registrar-General
 of Land

Identifier **910041**
Land Registration District **Otago**
Date Issued 09 July 2020

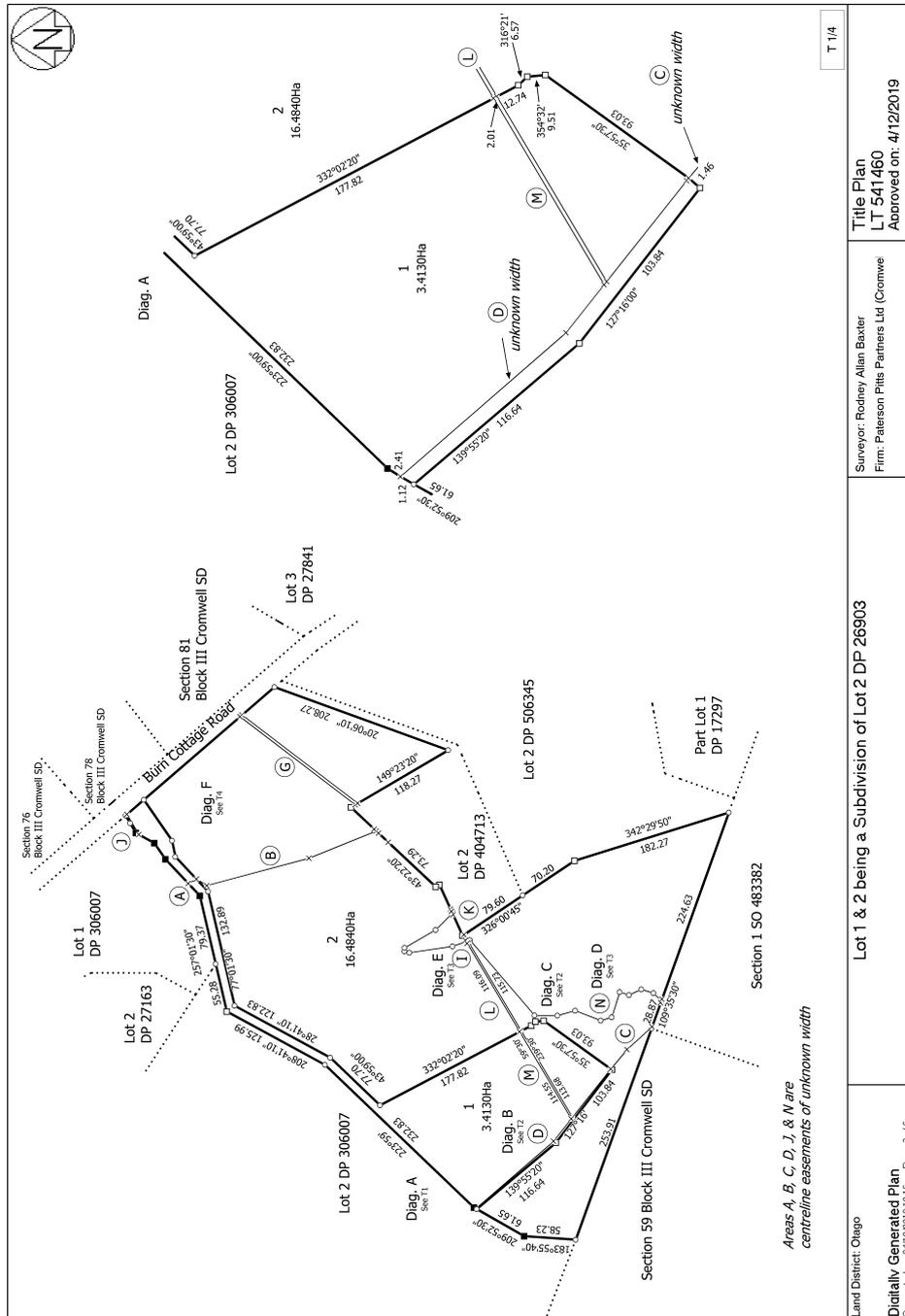
Prior References
 OT18D/821

Estate Fee Simple
Area 3.4130 hectares more or less
Legal Description Lot 1 Deposited Plan 541460
Registered Owners
 Grove Farm Trustee Limited

Interests

Part Section 93 Block III Cromwell Survey District is subject to Section 8 Mining Act 1971
 Part Section 93 Block III Cromwell Survey District is subject to Section 168A Coal Mines Act 1925
 Subject to a right (in gross) to convey water over part marked D on DP 541460 in favour of Burn Cottage Domestic Water Supply Incorporated created by Transfer 963905.4 - 12.3.1999 at 10:54 am
 Subject to a right to convey water over part marked M on DP 541460 created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
 The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991 8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am
 8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am
 Subject to a right (in gross) to convey water over part marked A and J on DP 541460 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.3 - 14.7.2015 at 2:49 pm
 11795464.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.7.2020 at 3:59 pm

Identifier **910041**



Transaction ID 6552412
 Client Reference P240990

Search Copy Dated 21/08/25 5:03 pm, Page 2 of 2
 Register Only



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




 R.W. Muir
 Registrar-General
 of Land

Identifier **910042**
Land Registration District **Otago**
Date Issued 09 July 2020

Prior References
 OT18D/821

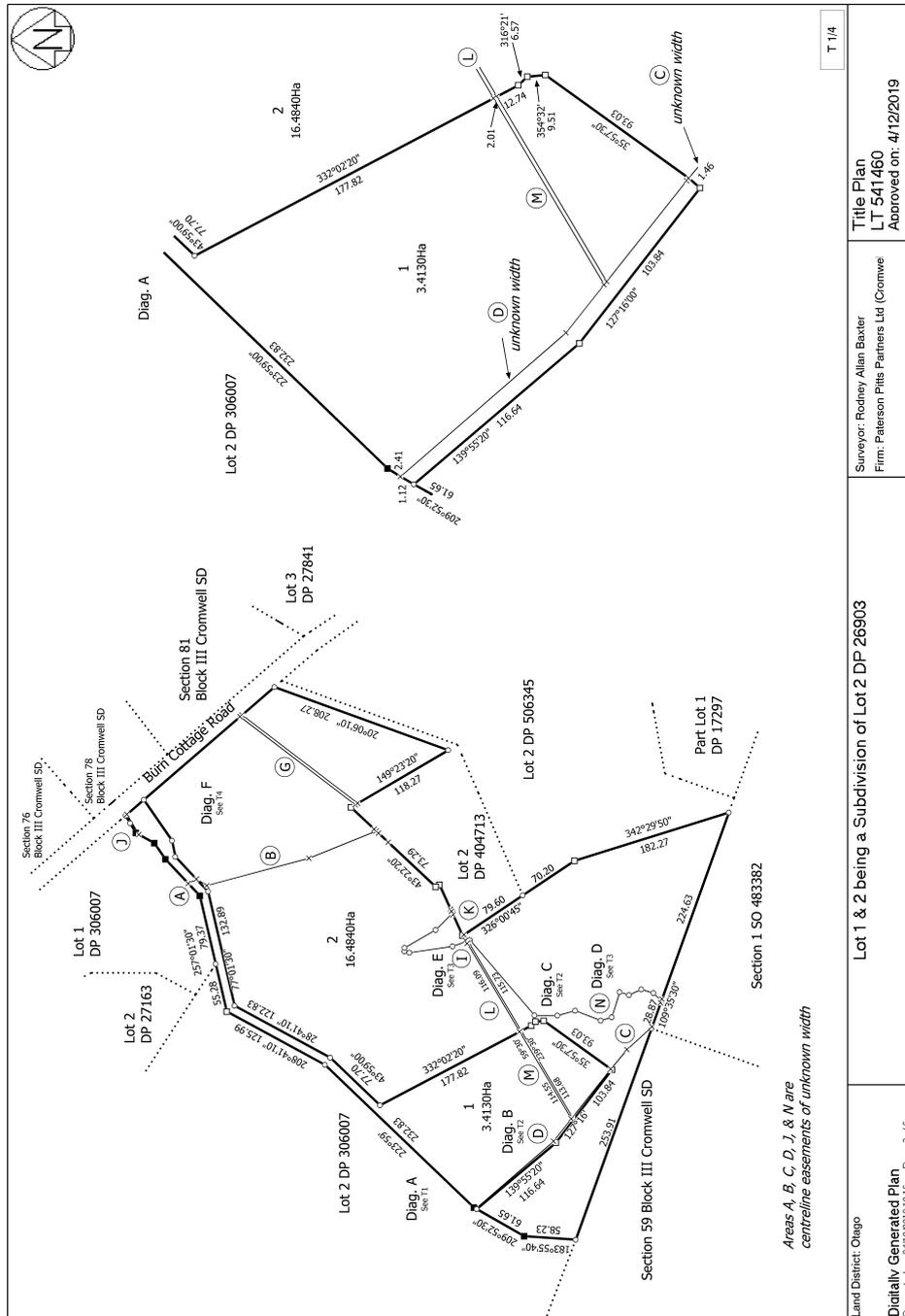
Estate Fee Simple
Area 16.4840 hectares more or less
Legal Description Lot 2 Deposited Plan 541460
Registered Owners
 Grove Farm Trustee Limited

Interests

Part Section 93 Block III Cromwell Survey District is subject to Section 8 Mining Act 1971
 Part Section 93 Block III Cromwell Survey District is subject to Section 168A Coal Mines Act 1925
 Subject to a right (in gross) to convey water over part marked C on DP 541460 in favour of Burn Cottage Domestic Water Supply Incorporated created by Transfer 963905.4 - 12.3.1999 at 10:54 am
 Subject to a right to convey electricity in gross over part marked G on DP 541460 in favour of Aurora Energy Limited created by Easement Instrument 7969007.5 - 16.10.2008 at 9:00 am
 The easement created by Easement Instrument 7969007.5 is subject to Section 243 (a) Resource Management Act 1991
 Subject to a right to convey telecommunications and computer media over part marked G and a right to convey water over part marked I, K and L, all on DP 541460 created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
 The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991
 8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am
 8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am
 Subject to a right (in gross) to convey water over part marked B and N on DP 541460 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.3 - 14.7.2015 at 2:49 pm
 11795464.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.7.2020 at 3:59 pm

Identifier

910042



Transaction ID 6552412
Client Reference P240990

Search Copy Dated 21/08/25 5:03 pm, Page 2 of 2
Register Only



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



R. W. Muir
Registrar-General
of Land

Identifier 416969
Land Registration District Otago
Date Issued 16 October 2008

Prior References
OT18D/822

Estate Fee Simple
Area 2.1123 hectares more or less
Legal Description Lot 2 Deposited Plan 404713
Registered Owners
Susan Margaret Stark

Interests

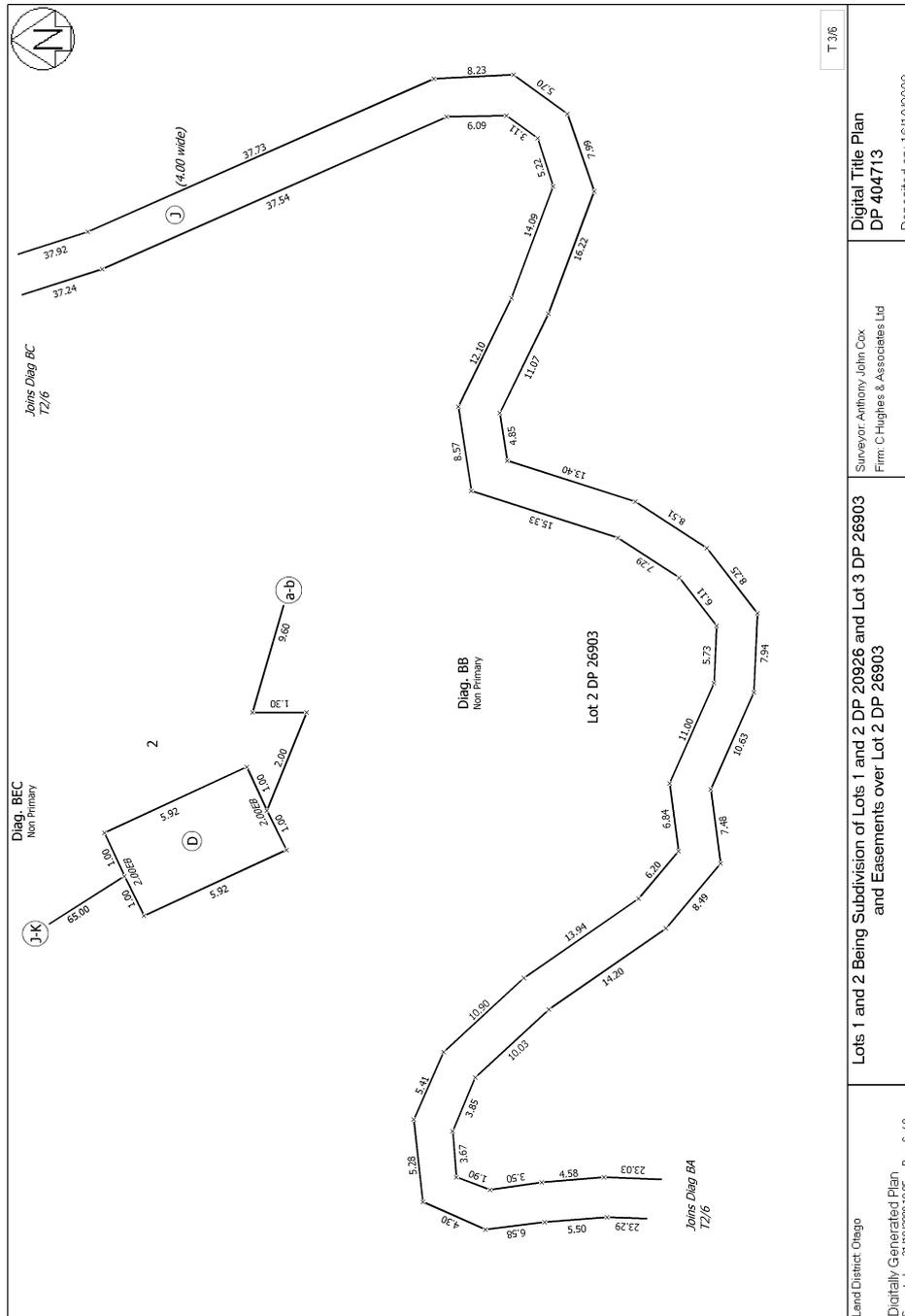
Subject to Section 8 Mining Act 1971 (Affects part formerly part Section 93 Block III Cromwell Survey Distirct)
Subject to Section 168A Coal Mines Act 1925 (Affects part formerly part Section 93 Block III Cromwell Survey Distirct)
Subject to a right to convey water over parts marked a-b on DP 404713 created by Transfer 640107.3 - 5.8.1985 at 9.07 am
Subject to a right to convey water over parts marked J-K on DP 404713 specified in Easement Certificate 760487.2 - 8.8.1990 at 9:47 am
Appurtenantas to the part formerly Lot 2 DP 20926 is a right of way and right to covney water specified in Easement Certificate 760487.2 - 8.8.1990 at 9:47 am
Land Covenant in Deed 840923 - 20.10.1993 at 9.33 am (Affects part formerly Lot 2 DP 20926)
7969007.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.10.2008 at 9:00 am
Subject to a right to convey electricty in gross over parts marked F & E and right to transform electricity in gross over part marked E on DP 404713 in favour of Aurora Energy Limited created by Easement Instrument 7969007.4 - 16.10.2008 at 9:00 am
Some of the easements created by Easement Instrument 7969007.4 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right of way over part marked C on DP 404713 created by Easement Instrument 7969007.6 - 16.10.2008 at 9:00 am
The easement created by Easement Instrument 7969007.6 is subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right to convey telecommunications, computer media and water created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991
8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am

Identifier **416969**

8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am

Subject to a right (in gross) to convey water over part marked L and M on DP 26903 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.4 - 14.7.2015 at 2:49 pm

Identifier **416969**

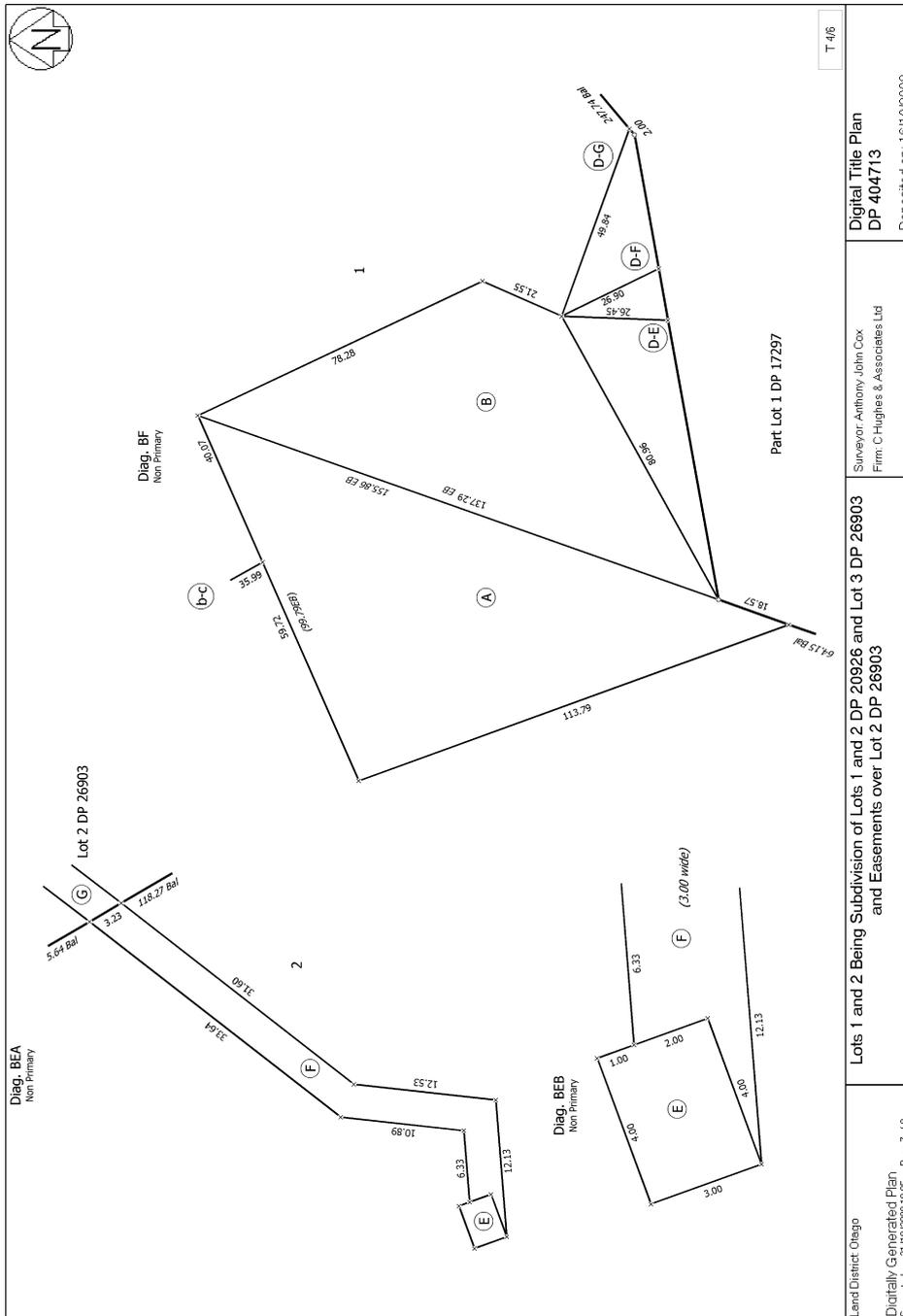


Transaction ID 6552412
 Client Reference P240990

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Identifier

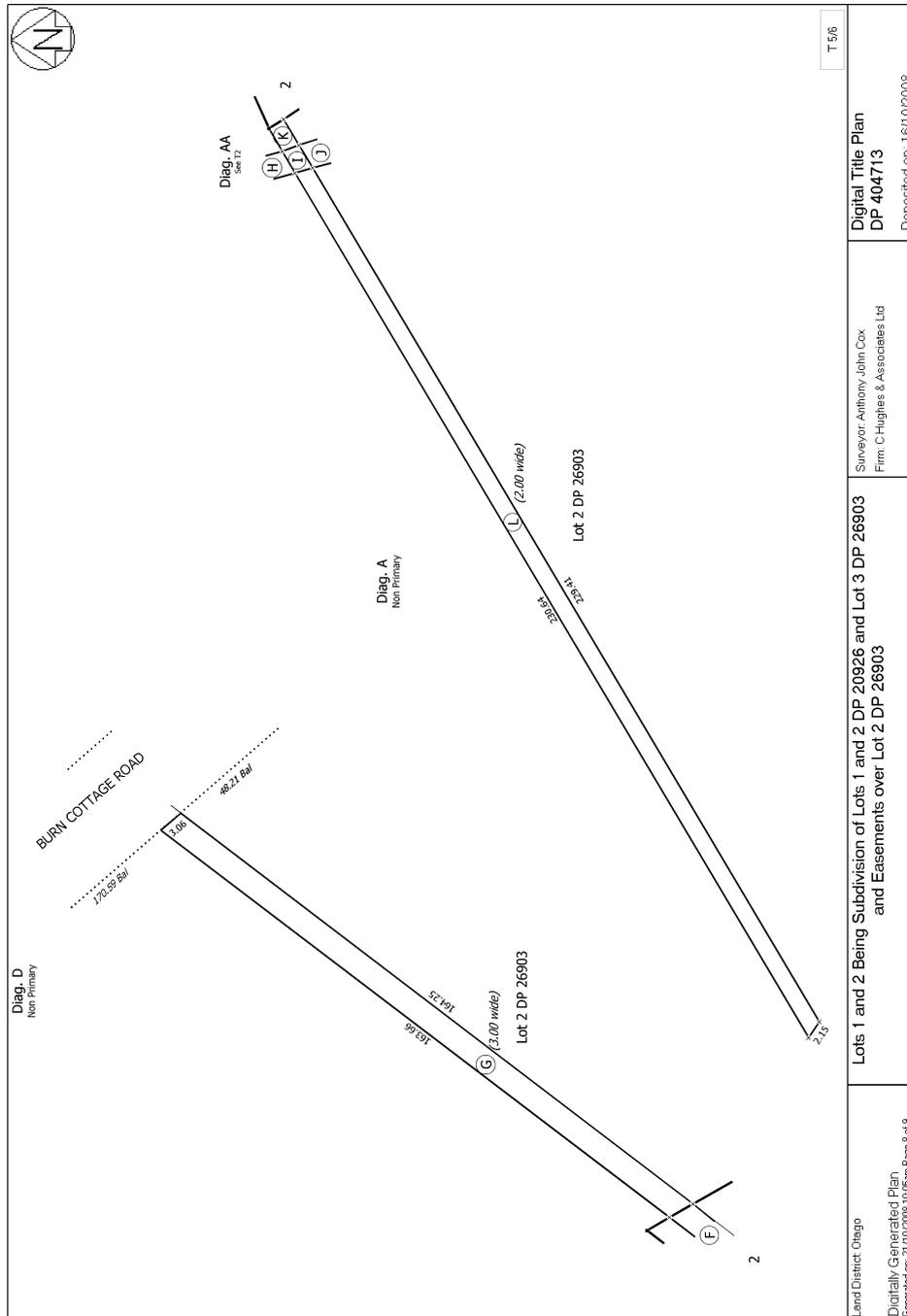
416969



Transaction ID 6552412
Client Reference P240990

Search Copy Dated 21/08/25 5:03 pm, Page 6 of 8
Register Only

Identifier **416969**



Transaction ID 6552412
Client Reference P240990

Search Copy Dated 21/08/25 5:03 pm, Page 7 of 8
Register Only

Appendix B – Title Instruments

View Instrument Details



Instrument No 11795464.4
Status Registered
Date & Time Lodged 09 July 2020 15:59
Lodged By Evans, Doreen Leslie
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
910041	Otago
910042	Otago

Annexure Schedule Contains 4 Pages.

Signature

Signed by Doreen Leslie Evans as Territorial Authority Representative on 30/06/2020 09:58 AM

*** End of Report ***

Annexure Schedule: Page:1 of 4

IN THE MATTER of Lots 1 and 2 DP 541460 being a subdivision of
Lot 2 DP 26903, RT OT18D/821

AND

IN THE MATTER of resource consent RC 190226 from the Central Otago
District Council to subdivide the above land.

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

PATERSON PITTS LIMITED PARTNERSHIP
P O Box 84
CROMWELL

In accordance with a condition of resource consent RC 190226 of the Central Otago District Council granted pursuant to Section 104, 104B, 104C and 104D of the Resource Management Act 1991 dated 2 August 2019, the following conditions are to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 1 and 2.

5. At the time a residential activity is established on Lot 1 or 2 hereon domestic water and firefighting storage is to be provided by;
- a) 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 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:
- i. Either: For flooded sources, a 70mm Instantaneous Couplings (Female) NZS 4505 or, for suction sources - 100mm and 140mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100mm coupling has 100mm 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 firefighting purposes.
 - ii. All connections shall be capable of providing a flow rate of 25 litres per second at the connection point.
 - iii. 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 in 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.
 - iv. 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: 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.*
- b) Firefighting water supply may be provided by means other than that provided for in a) if the written approval of the New Zealand Fire Service is obtained for the alternate method.

Annexure Schedule: Page:3 of 4

6. The consent holder or successor shall be responsible for sourcing and meeting all costs associated with the installation on-site wastewater disposal services for any future residential use on Lots 1 and 2.

7. No reticulated power and telecom services have been provided to Lot 1. There is no indication that such a supply can be made available, nor have any easements been provided to facilitate a supply to the lot boundaries.

The owner of Lot 1 will need to rely on alternative "off-grid" services for both power and telecom.

9. The consent holder/s is/are aware of and will take reasonable and appropriate steps to advise all purchasers, lessees, licensees or tenants, or any other users having an interest in Lots 1 and 2 hereon of:

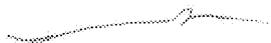
- a. Horticultural, viticultural, and agricultural activities that can occur as of right in the Rural Resource area; and
- b. The usual incidence of these activities including (but not limited to) stock handling, haymaking, chemical spraying, pest control (including by use of poison, night shooting and helicopters), deer stag roaring, irrigation, frost control and bird scaring, which may have amenity impacts beyond the boundaries of adjoining properties.
- c. The need for appropriate siting, design and screening to mitigate adverse effects associated with noise and spray drift from adjacent horticultural activities.

DATED this 16th day of February 2020

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

BY ITS Manager Planning and Environment


.....
(Louise van der Voort)

Pursuant to delegated authority

Annexure Schedule: Page:4 of 4

Appendix C – Scheme Plans



LEGEND

- SUBDIVISION BOUNDARIES
- NEIGHBOURING BOUNDARIES
- EASEMENTS

NOTES:

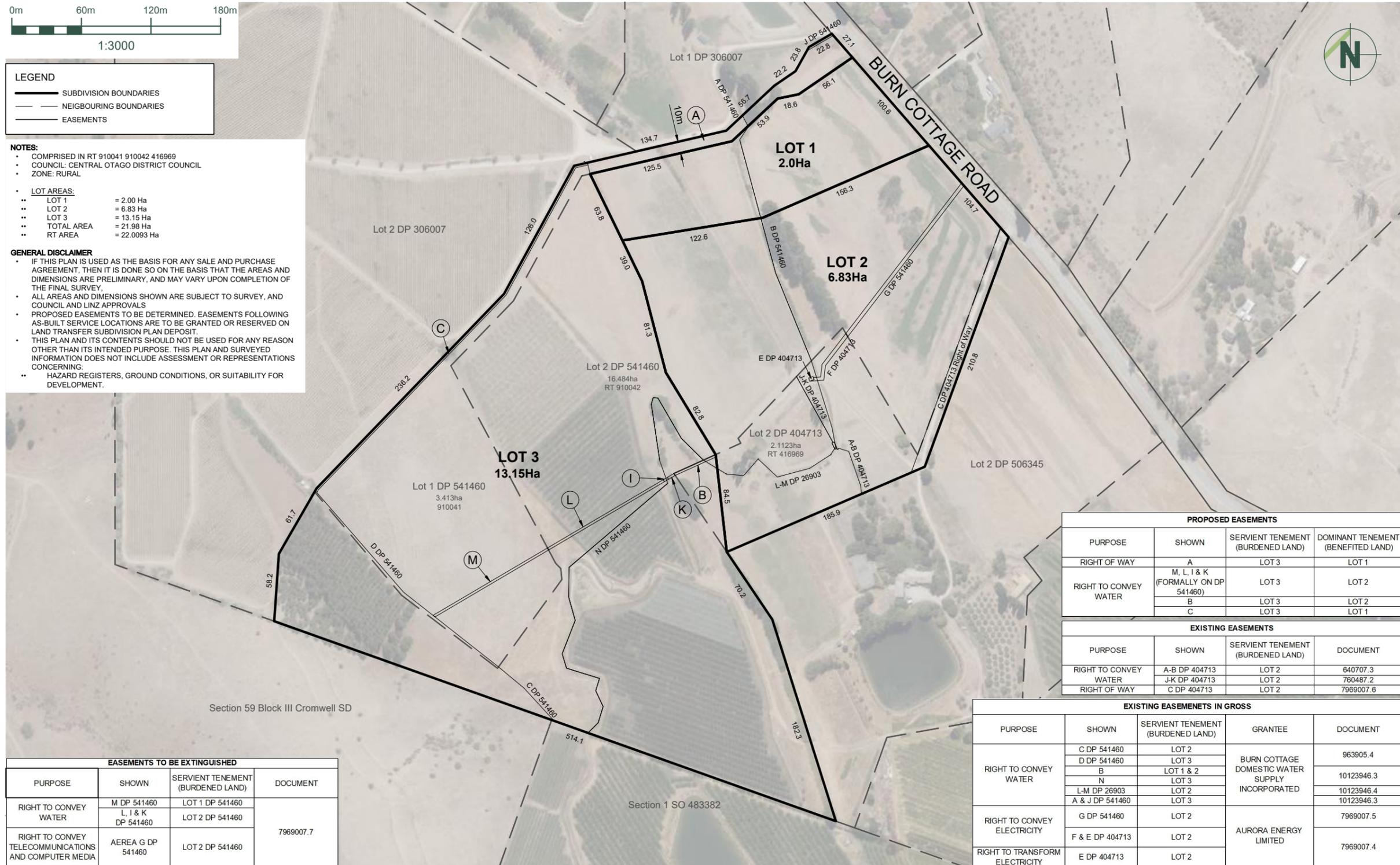
- COMPRISED IN RT 910041 910042 416969
- COUNCIL: CENTRAL OTAGO DISTRICT COUNCIL
- ZONE: RURAL

LOT AREAS:

- LOT 1 = 2.00 Ha
- LOT 2 = 6.83 Ha
- LOT 3 = 13.15 Ha
- TOTAL AREA = 21.98 Ha
- RT AREA = 22.0093 Ha

GENERAL DISCLAIMER

- IF THIS PLAN IS USED AS THE BASIS FOR ANY SALE AND PURCHASE AGREEMENT, THEN IT IS DONE SO ON THE BASIS THAT THE AREAS AND DIMENSIONS ARE PRELIMINARY, AND MAY VARY UPON COMPLETION OF THE FINAL SURVEY.
- ALL AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO SURVEY, AND COUNCIL AND LINZ APPROVALS
- PROPOSED EASEMENTS TO BE DETERMINED. EASEMENTS FOLLOWING AS-BUILT SERVICE LOCATIONS ARE TO BE GRANTED OR RESERVED ON LAND TRANSFER SUBDIVISION PLAN DEPOSIT.
- THIS PLAN AND ITS CONTENTS SHOULD NOT BE USED FOR ANY REASON OTHER THAN ITS INTENDED PURPOSE. THIS PLAN AND SURVEYED INFORMATION DOES NOT INCLUDE ASSESSMENT OR REPRESENTATIONS CONCERNING:
 - HAZARD REGISTERS, GROUND CONDITIONS, OR SUITABILITY FOR DEVELOPMENT.



EASEMENTS TO BE EXTINGUISHED

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOCUMENT
RIGHT TO CONVEY WATER	M DP 541460 L, I & K DP 541460	LOT 1 DP 541460 LOT 2 DP 541460	7969007.7
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	A AREA G DP 541460	LOT 2 DP 541460	

PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)
RIGHT OF WAY	A	LOT 3	LOT 1
RIGHT TO CONVEY WATER	M, L, I & K (FORMALLY ON DP 541460)	LOT 3	LOT 2
	B	LOT 3	LOT 2
	C	LOT 3	LOT 1

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOCUMENT
RIGHT TO CONVEY WATER	A-B DP 404713	LOT 2	640707.3
	J-K DP 404713	LOT 2	760487.2
RIGHT OF WAY	C DP 404713	LOT 2	7969007.6

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	GRANTEE	DOCUMENT
RIGHT TO CONVEY WATER	C DP 541460	LOT 2	BURN COTTAGE DOMESTIC WATER SUPPLY INCORPORATED	963905.4
	D DP 541460	LOT 3		10123946.3
	B	LOT 1 & 2		10123946.4
	N	LOT 3		10123946.3
RIGHT TO CONVEY ELECTRICITY	L-M DP 26903	LOT 2	AURORA ENERGY LIMITED	7969007.5
	A & J DP 541460	LOT 3		10123946.3
	G DP 541460	LOT 2		7969007.5
RIGHT TO TRANSFORM ELECTRICITY	F & E DP 404713	LOT 2	AURORA ENERGY LIMITED	7969007.4
	E DP 404713	LOT 2		7969007.4



CLIENT
AD & SM STARK FAMILY TRUST
BURN COTTAGE ROAD
CROMWELL

DRAWING TITLE
LOTS 1 - 3 BEING A SUBDIVISION OF
LOT 2 DP 404713 & LOTS 1 & 2 DP 541460

SCHEME PLAN

DATUM INFORMATION
COORDINATE SYSTEM NZGD2000
LINDIS PEAK CIRCUIT

DATUM
ORIGIN OF COORDINATES
ORIGIN OF LEVELS

REV DRAWN DATE NOTE
1 SJJ 25.08.28 FOR INFORMATION
2 SJJ 01.09.25 LOT 3 BDY & EASE AMEND

STATUS **CONSENT**

SURVEYED
DESIGNED
DRAWN SJJ 25.08.21
REVIEWED KWS 25.08.24
APPROVED KWS 25.08.27

PROJECT **P240990**
DRAWING NO **1**
SHEET **100**
REVISION **1**
SCALE (A3) **1:3000**

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Appendix D – Production Assessment

OLLIE'S

CENTRAL OTAGO

*New Zealand*125 Smiths Way
Pisa, RD3
Cromwell

14 April 2025

AD & SM Stark Family Trust
Grove Farm
RD2
Cromwell 9384

Dear Trustees

FEASIBILITY OF SMALL LOT OLIVE OIL PRODUCTION**Background**

The SE & OJ Morris Partnership operates a business growing, harvesting and pressing olives and marketing premium extra virgin olive oil, all under the Ollie's Oil brand. We provide advice to Central Otago olive growers, harvest olives under contract, and operate a cold-press olive processing facility that services over 140 small-scale Central Otago olive growers.

I am the former president of Central Otago Olive Growers and continue to be a member involved in the governance of that group.

We have been asked by the AD & SM Stark Family Trust to provide advice on the feasibility of establishing a small-lot olive grove on land located on Burn Cottage Road to address whether a lot arising from a 2ha subdivision could be used to establish an olive grove.

Introduction

The demand for olive oil has increased globally due to its health benefits, culinary versatility, and increasing consumer interest in premium and organic products. Olive oil production can be a sustainable, profitable agricultural business when managed properly. This report investigates whether small-scale olive farming for oil production is feasible in Cromwell and evaluates the profitability of such an enterprise.

Site analysis

Olives generally thrive in temperate climates with long, hot, dry summers. Olive varieties frantoio and leccino are ideally suited to the cold winters of Central Otago as they can handle more frost pre-harvest and thrive in our hot summers.

Olive trees require 500 to 800 mm of rainfall annually. During the growing season, low rainfall with dry conditions is preferred. Cromwell's average annual rainfall is around 400mm, however the property has access to irrigation water from the Burn Cottage Irrigation Company to supplement rainfall.

Olive trees grow best in well-drained, moderately fertile soils. Olives prefer slightly-alkaline soil with a pH between 6.5 and 8.5 consistent with soils in the Cromwell basin. The preference is for well-draining soils, such as loamy or sandy loam, heavy clay soils can lead to root rot and other issues. Olive trees do not tolerate standing water; therefore, good drainage is essential to prevent waterlogging and root diseases.

www.olliesoliveoil.co.nz

There is an established olive grove planted on the same terrace to the south of the subject property that produces good quality olives in appropriate quantities. This demonstrates that the area and soils are ideally suited for producing olives.

The Burn Cottage Creek runs through the centre of the property creating a natural lower-lying area that would not be suitable for growing olives due to increased soil moisture arising from the creek. There are also periods when the creek has a significant flow, usually only following heavy spring rain events. However, the area affected by the creek represents a small proportion of the overall land area, we estimate that it rules out approximately 1,800m² of the total area available for planting.

We conclude that the property would be suitable for growing olives for oil production.

Establishment cost

An olive grove could be established by an owner-operator for a total cost of \$20,500 per hectare as follows:

Olive Trees	500/ha	\$15.00	\$7,500
Stakes & spray guards	500/ha	\$5.00	\$2,500
Sprinklers	250/ha	\$4.00	\$1,000
Irrigation pipe	2,000m	\$1.50	\$3,000
Pump			\$1,500
Planting	500/ha	\$10.00	\$5,000
Total cost (per ha)			\$20,500

Small-scale growers can manage 500 to 1,000 trees equating to a planted area of one to two hectares.

Production per hectare

It takes 3 to 4 years before the olive trees produce a crop that is worth harvesting, however once established, the olive grove can be expected to produce around 1,000 litres per hectare.

	Year 3	Year 4	Year 5	Year 6	Year 7
Fruit Kg	500	1,500	3,000	5,000	7,500
Oil Ltrs	50	180	390	650	975
Costs	1,000	3,000	6,000	10,000	15,000
Sales @\$50 per ltr	2,500	9,000	19,500	32,500	48,750
Net Return	1,500	6,000	13,500	22,500	33,750

The above financial information does not include selling costs, however most small-scale producers sell their own oil through their personal networks. We would consider taking some of the oil produced to be sold under our Ollie's Oil brand.

www.olliesoliveoil.co.nz

General comments

Olive production is a good use of land arising from lifestyle-scale rural properties, it would represent an increase in production from the current land use which comprises extensive sheep grazing with little irrigation input. We have many customers that produce good quality olive oil from similar areas of land and the oil produced is sought after in high-end restaurants including Blanket Bay, Millbrook, Cloudy Bay, Amisfield and Sherwood, as part of the local-sourced wine and food story.

Yours sincerely,

Steve Morris

021 886 404

stbathansvineyard@gmail.com

www.oilliesoliveoil.co.nz

12 June 2025

AD & SM Stark Family Trust
c/- David Stark
Grove Farm
RD2
CROMWELL 9384

Dear David

Burn Cottage Irrigation Company Ltd – Supply of Irrigation Water to Proposed New Lot

I confirm that the approximately 2ha area of land, bordering Burn Cottage Vineyard and Burn Cottage Road, that you are proposing to subdivide, in exchange for the existing the separate hill title, will be entitled to irrigation water supplied by the Burn Cottage Irrigation Company Ltd.

Yours sincerely,



Simon Webb
Chairperson

Appendix E – District Plan Standards Assessment

The application has been assessed against the relevant District Plan Standards. These are assessed below by chapter.

Ref	Standard and Non-Compliance Status	Compliance	
		Y/N	Comments
Section 4 Rural Resource Area			
4.7.4.iii Subdivision	<p>Except as otherwise provided for in Rule 4.7.2.ii.b subdivision that:</p> <ul style="list-style-type: none"> a. Creates an allotment fails to comply with any of the standards set out in Rules 4.7.2.ii.a.iii to v, OR b. Creates allotments with an average allotment area of no less than 8 hectares and a minimum allotment area of no less than 2 hectares in an area not identified on the planning maps as Rural-Residential, Rural Resource Area (1) or Rural Resource Area (2) or Rural Resource Area (3), OR c. [...] d. 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, e. [...], 	N	<p>The proposal boundary rearrangement of the three underlying titles will also result in three titles. All allotments will have an area greater than 2ha, and the site average will be maintained. However, the site average is less than the required average of 8 hectares. It therefore does not comply with rule 4.7.4.iii.b.</p> <p>The site is not subject to any natural hazards on the CODC planning maps. The ORC natural hazard maps identify an inactive Alluvial fan crosses the site and the ground has low to none probability of liquefaction. As such we do not consider the land is likely to be subject to material damage from any hazard.</p> <p>The proposal is therefore a non-complying activity under rule 4.7.5.iii.</p>
16.7 GENERAL STANDARDS			
16.7.1 Subdivision Code of Practice	<p>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 Code of Practice for Subdivision (see Method 16.5.2 page 16:11). Modification may be made to the requirements of this Code by any conditions of consent.</p>	Y	<p>Upgrading the access and the installation of services where required will be undertaken in accordance with the CoP. No other physical work is required.</p>



16.7.2 Services, Infrastructure and Rooding Within a Subdivision	(a) 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. All costs of tying into existing services and infrastructure (including roading, footpaths and kerb and channel (or other similar systems)) shall rest with the subdivider.	Y	Rural servicing applies. Existing service connections will be retained, and new private connections/easements will be created where necessary. No public reticulation extensions are required. As shown on the scheme plan, appropriate easements will be created to ensure water can be supplied to each lot.
	(b) 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.	N/A	
	(c) Lighting shall be installed within all urban subdivisional roads and shall be designed and installed in accordance with the requirements of NZS 6701:1983. Lighting reticulation to be installed shall be cost effective with regard to future availability, operating costs and maintenance. Lighting components must be approved by Council.	N/A	
	(d) 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.	Y	Where required, the existing vehicle crossings will be upgraded with this subdivision. Otherwise, the existing crossings will be retained where possible.
	(e) 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.	N/A	
	(f) 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.	N/A	
16.7.3 Services, Infrastructure and Rooding Servicing the Subdivision	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.	Y	Each of the lots will remain largely un-serviced as rural lots, with water supply being installed where required. Otherwise, the existing connections will be maintained. This is adequate for the intended use.

16.7.5 Minimum Access Widths - Rural Areas	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	Y	The minimum width is provided for, and the access will be upgraded where required to meet this.
16.7.6 Maximum Gradients for Carriageways	The maximum gradients for carriageways shall be as follows – Private access - 1 in 5	Y	The existing accessways will be upgraded where required and maintained to provide access to each of the lots. The existing carriageways have a maximum gradient of 1 in 5.
16.7.7 Access to Back Land	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.	N/A	
16.7.8 Existing Buildings or Other Developments	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 toby's may be consented to.	N/A	There are no buildings proposed on the resultant sites. Therefore, this standard does not apply.
16.7.9 Stability of Land	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	Y	A geotechnical assessment is not required because the proposal does not create any additional titles or development potential (including residential use). There is therefore no increase in activities that would warrant a geotechnical investigation.
16.7.10 Electricity and Telephone Services	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.	N/A	Each lot will be vacant, and no residential development is proposed. Therefore, this standard does not apply.

<p>16.7.11 High Voltage Transmission Lines</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) such subdivisions shall, through the design of sites and the location of roads and reserves under the route of the line:</p> <p>(a) Ensure that ease of access to transmission lines is maintained so that maintenance and inspections of transmission lines to avoid risk of injury and/or property damage can occur;</p> <p>(b) Be designed so that there will be no need to erect buildings within 20 metres of the centre line on each of high voltage transmission lines; and</p> <p>(c) Facilitate building platforms for residential dwellings where the main living area will not face the transmission lines.</p>	<p>N/A</p>	<p>There are no HV power lines within or near the site.</p>
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Appendix E – Objectives and Policies Assessment

The application has been assessed against the relevant District Plan objectives and policies. These are assessed below by chapter.

Objective / Policy	Assessment
Section 4 Rural Resource Area Zone	
<p>4.3.1 Objective - Needs of the District's People and Communities <i>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.</i></p>	<p>The subdivision provides for the wellbeing of the people and community as it will allow for an additional agricultural operation to be established on the site, providing for an additional production activity to be undertaken on the site. It can be undertaken without adverse effects on the surrounding environment.</p>
<p>4.3.3 Objective - Landscape and Amenity Values <i>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.</i></p>	<p>Any new boundary fencing will be traditional post-and-wire, consistent with rural character. No new buildings are proposed. The open space landscape and amenity values of the site and surrounds will be maintained consistent with this objective.</p>
<p>4.3.7 Objective - Soil Resource <i>To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.</i></p>	<p>The subdivision will have no additional impact on the soil resources. The subdivision facilitates more efficient use of soils by aligning boundaries to productive areas. No earthworks are proposed.</p>
<p>4.4.2 Policy – Landscape and Amenity Values <i>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</i></p> <ul style="list-style-type: none"> a) <i>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,</i> b) <i>Development which is compatible with the surrounding environment including the amenity values of adjoining properties,</i> c) <i>The ability to adequately dispose of effluent on site,</i> d) <i>Controlling the generation of noise in back country areas,</i> e) <i>The location of tree planting, particularly in respect of landscape values, natural features and ecological values,</i> 	<p>The proposal introduces no buildings and no earthworks. Lot shapes and sizes maintain rural open space and are compatible with the surrounding Rural Resource Area. Effluent disposal and noise are unchanged. Tree planting and wilding spread are not affected. The site is not within the Wooing Tree Overlay.</p> <p>As such, the proposed subdivision is not considered to adversely impact the open space and natural character of the rural environment and is therefore consistent with this policy.</p>

<p>f) <i>Controlling the spread of wilding trees.</i></p> <p>g) <i>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.</i></p> <p>h) <i>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.</i></p>	
<p>4.4.3 Policy – Sustainable Management of Infrastructure</p> <p><i>To ensure that the development of infrastructure in the rural environment promotes sustainable management by:</i></p> <p>a) <i>Requiring developers to contribute a fair and reasonable proportion of the costs involved, and</i></p> <p>b) <i>Maintaining and enhancing the safe and efficient operation of the <u>infrastructure</u> network (including roading), while avoiding, remedying or mitigating adverse effects.</i></p>	<p>The proposal will not require many physical changes to the site. The proposal will not change the development potential on the site; three dwellings could be constructed on three separate titles. Given the lots are rural zoned, the existing water connections will be maintained and no new services will be installed.</p> <p>We believe that because the proposal will not entail any development than already allowed by the permitted baseline, it is consistent with this policy.</p>
<p>4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.</p> <p>To ensure that the effects associated with some activities including (but not limited to):</p> <p>a. Noise (including noise associated with traffic generation, night time operations), and vibration,</p> <p>b. The generation of a high level of traffic, in particular <u>heavy vehicles</u>,</p> <p>c. Glare, particularly from <u>building</u> finish,</p> <p>d. A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the <u>site</u>,</p> <p>e. The generation of odour, dusts, wastes and <u>hazardous substances</u>, and</p> <p>f. The use and/or storage of hazardous goods or <u>substances</u></p> <p>do not significantly adversely affect the amenity values and privacy of neighbouring <u>properties</u> or the safe and efficient operation of the roading network.</p>	<p>The proposed re-arrangement will result in allotments which align with the underlying rural zoning and current land use, being low-scale farming and residential. The average lot density is not changed by the proposal, therefore the proposal is not considered to adversely impact neighbours rural amenity.</p>

<p>4.4.9 Policy - Effects of Rural Activities</p> <p>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 <u>developments</u> locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.</p>	<p>The proposal will not cause any reverse sensitivity effects to neighbouring rural activities as the application does not propose to change the use of the land, from that existing. Furthermore, the proposal will actually allow for an additional, viable agricultural unit to be created, therefore allowing for an additional agricultural operator in the area.</p>
<p>4.4.10 Policy – Rural Subdivision and Development</p> <p>To ensure that the subdivision and use of land in the Rural Resource Area avoids, remedies or mitigates adverse effects on:</p> <ul style="list-style-type: none"> 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) <u>allotment</u> sizes. 	<p>The proposed subdivision will entail the rearrangement of the underlying titles. No additional allotments will be created and no additional development will be allowed on said sites as a result of this proposal (i.e. three underlying titles will be rearranged, and result in three underlying titles). Because of this, the proposal will not have adverse effects on the natural character of the site and surrounding rural and rural lifestyle character and amenity values.</p> <p>The proposed subdivision achieves the requisite minimum lot size for the zone, but not the average. However, neither do the existing underlying titles. The existing accesses are appropriate for future use, and will be upgraded if and where nessecary. Overall, it is considered the subdivision and future use of the site is adverse effects on the natural character of the site and surrounding rural and rural lifestyle character and amenity values, including farm productions values.</p> <p>There is no known historic heritage of relevance on the site, nor any specific ecological values, and as the use and intensity of use is not fundamentally changing, will have no impact on water quality.</p> <p>The proposal is consistent with this policy.</p>
<p>Section 16 Subdivision</p>	

<p>16.3.1 Objective - Adverse Effects on the Roding Network - To ensure that subdivision avoids, remedies or mitigates adverse effects on the safe and efficient operation of the district's roding network.</p>	<p>The existing vehicle crossing access will be upgraded to Council standard ensuring the access remains safe and efficient to use, consistent with the objective and policies.</p>
<p>Policy: 16.4.1- Adequate Access To require that all subdivisions have legal and physical access that:</p> <ul style="list-style-type: none"> a. Is of a standard that is adequate for the intended use of <u>allotments</u> 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 roding network in a safe and efficient manner <p>Policy: 16.4.2 – Existing Access To encourage the use of existing access points to rural State highways and arterial <u>roads</u> to avoid or mitigate adverse effects on the safe and efficient operation of these <u>roads</u>.</p>	
<p>16.3.2 Objective - 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.</p>	<p>Potable: No additional demand is created. Existing dwelling supply is retained via easement if required.</p>
<p>Policy: 16.4.3 – Adequate Infrastructure To require that the land to be subdivided is supplied with services and <u>infrastructure</u> that are adequate for the intended use of the land to be subdivided without the public interest being adversely affected.</p> <p>Policy 16.4.4 – Unreticulated Areas To require that subdivisions within unreticulated areas are designed to ensure that each <u>allotment</u>:</p> <ul style="list-style-type: none"> a. Has the ability to adequately dispose of effluent and stormwater on <u>site</u> 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 <u>properties</u>; and that, b. An adequate supply of water can be provided, <p>where this is appropriate to the intended use of the <u>allotment</u>.</p>	<p>Rural lots: No public reticulation extensions are required.</p> <p>The proposal is consistent with these policies.</p>
<p>16.3.3 Objective – Hazards - To ensure that subdivision does not facilitate development that may potentially be at risk from hazards.</p>	<p>No significant hazards are identified on the site. The proposal does not change any residual hazard risk, and will not result in any changes or additional activities on the site. Therefore, the</p>
<p>Policies: 16.4.8 - Hazards</p>	

	application is considered consistent with this objective and associated policy.
16.3.4 Objective - Amenity Values - <i>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.</i>	The proposed subdivision will not result in any physical change to the rural amenity values. The proposal does not increase or change the intensity of development and does not introduce any new structures or features. The bulk of the site will remain in rural use with the existing dwelling separated into its own title.
Policies: 16.4.7 – Subdivision Design	
16.3.5 Objective - Water and Soil Resources - <i>To ensure that subdivision does not facilitate development that may compromise the life-supporting capacity of the district's water and soil resources.</i>	The subdivision does not allow for any additional development to be undertaken on the site. There is therefore no change to the life-supporting capacity of the district's water and soil resources.
16.3.9 Objective - Physical Works Involved in Subdivision - <i>To ensure that the physical works involved in preparing land that is part of the subdivision avoids, remedies or mitigates adverse effects on:</i> <i>(a) The stability of land.</i> <i>(b) Water quality within natural watercourses and the stability of their margins.</i> <i>(c) Neighbouring properties in respect of the effects of noise, dust and vibration.</i>	There are no significant physical works required to prepare the land for subdivision. The proposal is consistent with this object and policies.
Policies: 16.4.6 Construction 16.4.7, 12.4.3 12.4.7	



LEGEND

- SUBDIVISION BOUNDARIES
- NEIGHBOURING BOUNDARIES
- EASEMENTS

NOTES:

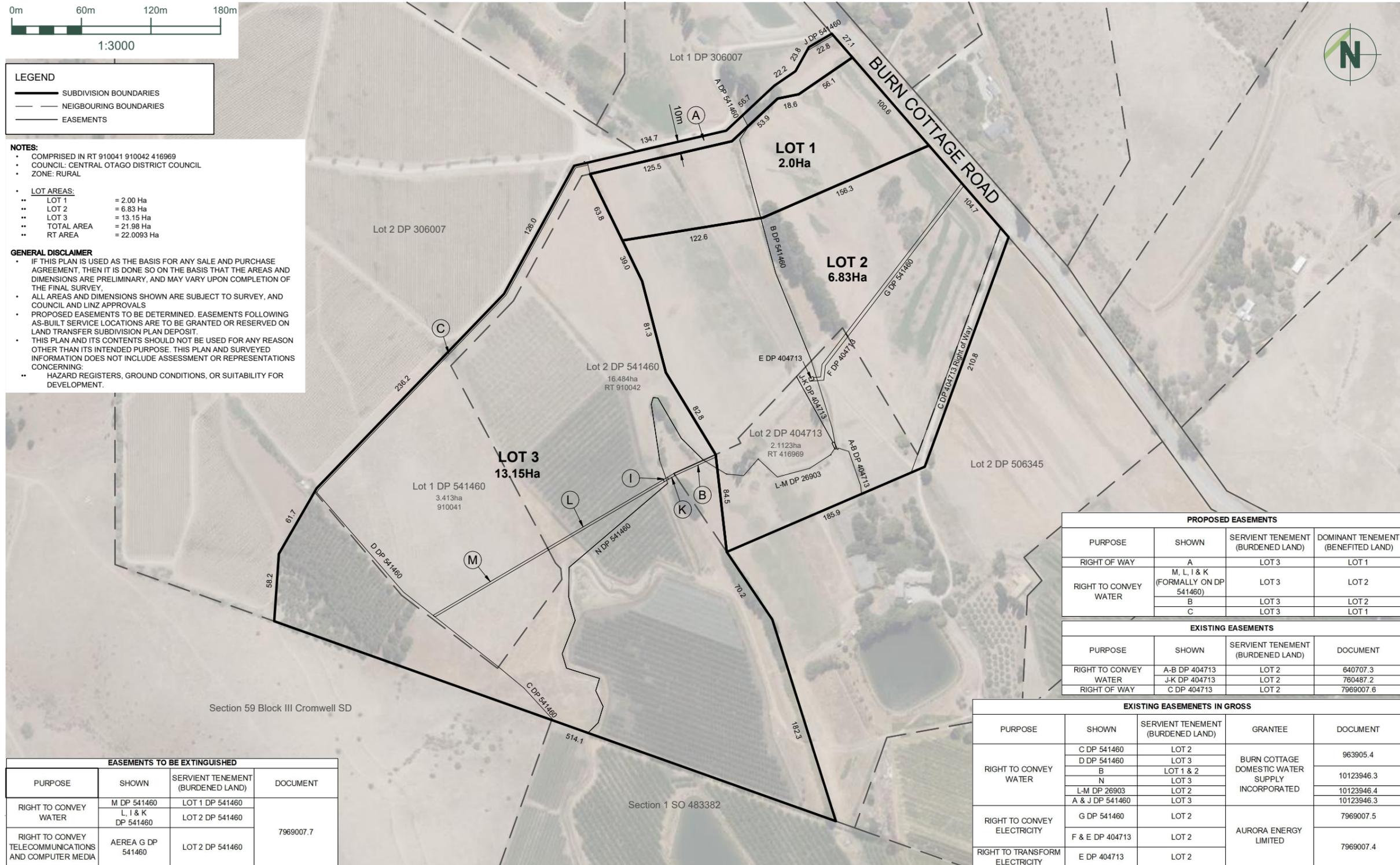
- COMPRISED IN RT 910041 910042 416969
- COUNCIL: CENTRAL OTAGO DISTRICT COUNCIL
- ZONE: RURAL

LOT AREAS:

- LOT 1 = 2.00 Ha
- LOT 2 = 6.83 Ha
- LOT 3 = 13.15 Ha
- TOTAL AREA = 21.98 Ha
- RT AREA = 22.0093 Ha

GENERAL DISCLAIMER

- IF THIS PLAN IS USED AS THE BASIS FOR ANY SALE AND PURCHASE AGREEMENT, THEN IT IS DONE SO ON THE BASIS THAT THE AREAS AND DIMENSIONS ARE PRELIMINARY, AND MAY VARY UPON COMPLETION OF THE FINAL SURVEY.
- ALL AREAS AND DIMENSIONS SHOWN ARE SUBJECT TO SURVEY, AND COUNCIL AND LINZ APPROVALS
- PROPOSED EASEMENTS TO BE DETERMINED. EASEMENTS FOLLOWING AS-BUILT SERVICE LOCATIONS ARE TO BE GRANTED OR RESERVED ON LAND TRANSFER SUBDIVISION PLAN DEPOSIT.
- THIS PLAN AND ITS CONTENTS SHOULD NOT BE USED FOR ANY REASON OTHER THAN ITS INTENDED PURPOSE. THIS PLAN AND SURVEYED INFORMATION DOES NOT INCLUDE ASSESSMENT OR REPRESENTATIONS CONCERNING:
 - HAZARD REGISTERS, GROUND CONDITIONS, OR SUITABILITY FOR DEVELOPMENT.



PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)
RIGHT OF WAY	A	LOT 3	LOT 1
RIGHT TO CONVEY WATER	M, L, I & K (FORMALLY ON DP 541460)	LOT 3	LOT 2
	B	LOT 3	LOT 2
	C	LOT 3	LOT 1

EXISTING EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOCUMENT
RIGHT TO CONVEY WATER	A-B DP 404713	LOT 2	640707.3
	J-K DP 404713	LOT 2	760487.2
RIGHT OF WAY	C DP 404713	LOT 2	7969007.6

EXISTING EASEMENTS IN GROSS

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	GRANTEE	DOCUMENT
RIGHT TO CONVEY WATER	C DP 541460	LOT 2	BURN COTTAGE DOMESTIC WATER SUPPLY INCORPORATED	963905.4
	D DP 541460	LOT 3		10123946.3
	B	LOT 1 & 2		10123946.4
	N	LOT 3		10123946.3
RIGHT TO CONVEY ELECTRICITY	L-M DP 26903	LOT 2	AURORA ENERGY LIMITED	7969007.5
	A & J DP 541460	LOT 3		7969007.4
RIGHT TO TRANSFORM ELECTRICITY	G DP 541460	LOT 2		
	F & E DP 404713	LOT 2		
	E DP 404713	LOT 2		

EASEMENTS TO BE EXTINGUISHED

PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOCUMENT
RIGHT TO CONVEY WATER	M DP 541460	LOT 1 DP 541460	7969007.7
	L, I & K DP 541460	LOT 2 DP 541460	
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	A AREA G DP 541460	LOT 2 DP 541460	



CLIENT
AD & SM STARK FAMILY TRUST
BURN COTTAGE ROAD
CROMWELL

DRAWING TITLE
LOTS 1 - 3 BEING A SUBDIVISION OF
LOT 2 DP 404713 & LOTS 1 & 2 DP 541460

SCHEME PLAN

DATUM INFORMATION
COORDINATE SYSTEM
NZGD2000
LINDIS PEAK CIRCUIT

DATUM
ORIGIN OF COORDINATES
ORIGIN OF LEVELS

REV DRAWN DATE NOTE
1 SJJ 25.08.28 FOR INFORMATION
2 SJJ 01.09.25 LOT 3 BDY & EASE AMEND

STATUS **CONSENT**

SURVEYED
DESIGNED
DRAWN SJJ 25.08.21
REVIEWED KWS 25.08.24
APPROVED KWS 25.08.27

© Paterson Pitts Limited Partnership

PROJECT **P240990**
DRAWING NO **1**
SHEET **100**
REVISION **1**
SCALE (A3) **1:3000**



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



R. W. Muir
Registrar-General
of Land

Identifier 416969
Land Registration District Otago
Date Issued 16 October 2008

Prior References
OT18D/822

Estate Fee Simple
Area 2.1123 hectares more or less
Legal Description Lot 2 Deposited Plan 404713
Registered Owners
Susan Margaret Stark

Interests

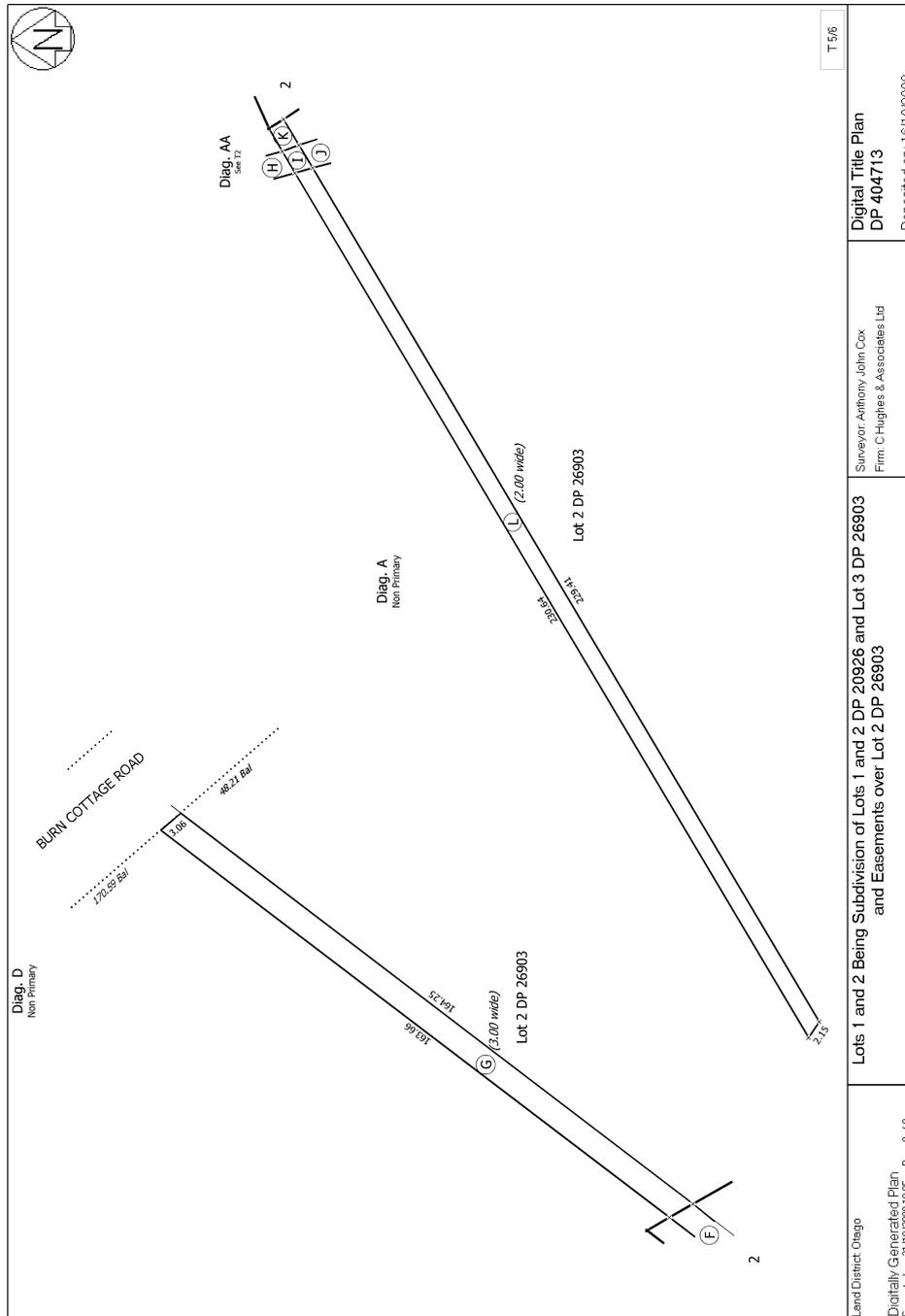
Subject to Section 8 Mining Act 1971 (Affects part formerly part Section 93 Block III Cromwell Survey Distirct)
Subject to Section 168A Coal Mines Act 1925 (Affects part formerly part Section 93 Block III Cromwell Survey Distirct)
Subject to a right to convey water over parts marked a-b on DP 404713 created by Transfer 640107.3 - 5.8.1985 at 9.07 am
Subject to a right to convey water over parts marked J-K on DP 404713 specified in Easement Certificate 760487.2 - 8.8.1990 at 9:47 am
Appurtenantas to the part formerly Lot 2 DP 20926 is a right of way and right to covney water specified in Easement Certificate 760487.2 - 8.8.1990 at 9:47 am
Land Covenant in Deed 840923 - 20.10.1993 at 9.33 am (Affects part formerly Lot 2 DP 20926)
7969007.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.10.2008 at 9:00 am
Subject to a right to convey electricty in gross over parts marked F & E and right to transform electricity in gross over part marked E on DP 404713 in favour of Aurora Energy Limited created by Easement Instrument 7969007.4 - 16.10.2008 at 9:00 am
Some of the easements created by Easement Instrument 7969007.4 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right of way over part marked C on DP 404713 created by Easement Instrument 7969007.6 - 16.10.2008 at 9:00 am
The easement created by Easement Instrument 7969007.6 is subject to Section 243 (a) Resource Management Act 1991
Appurtenant hereto is a right to convey telecommunications, computer media and water created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991
8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am

Identifier **416969**

8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am

Subject to a right (in gross) to convey water over part marked L and M on DP 26903 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.4 - 14.7.2015 at 2:49 pm

Identifier **416969**



Transaction ID 6552412
Client Reference P240990

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Register Only



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




 R.W. Muir
 Registrar-General
 of Land

Identifier **910041**
Land Registration District **Otago**
Date Issued 09 July 2020

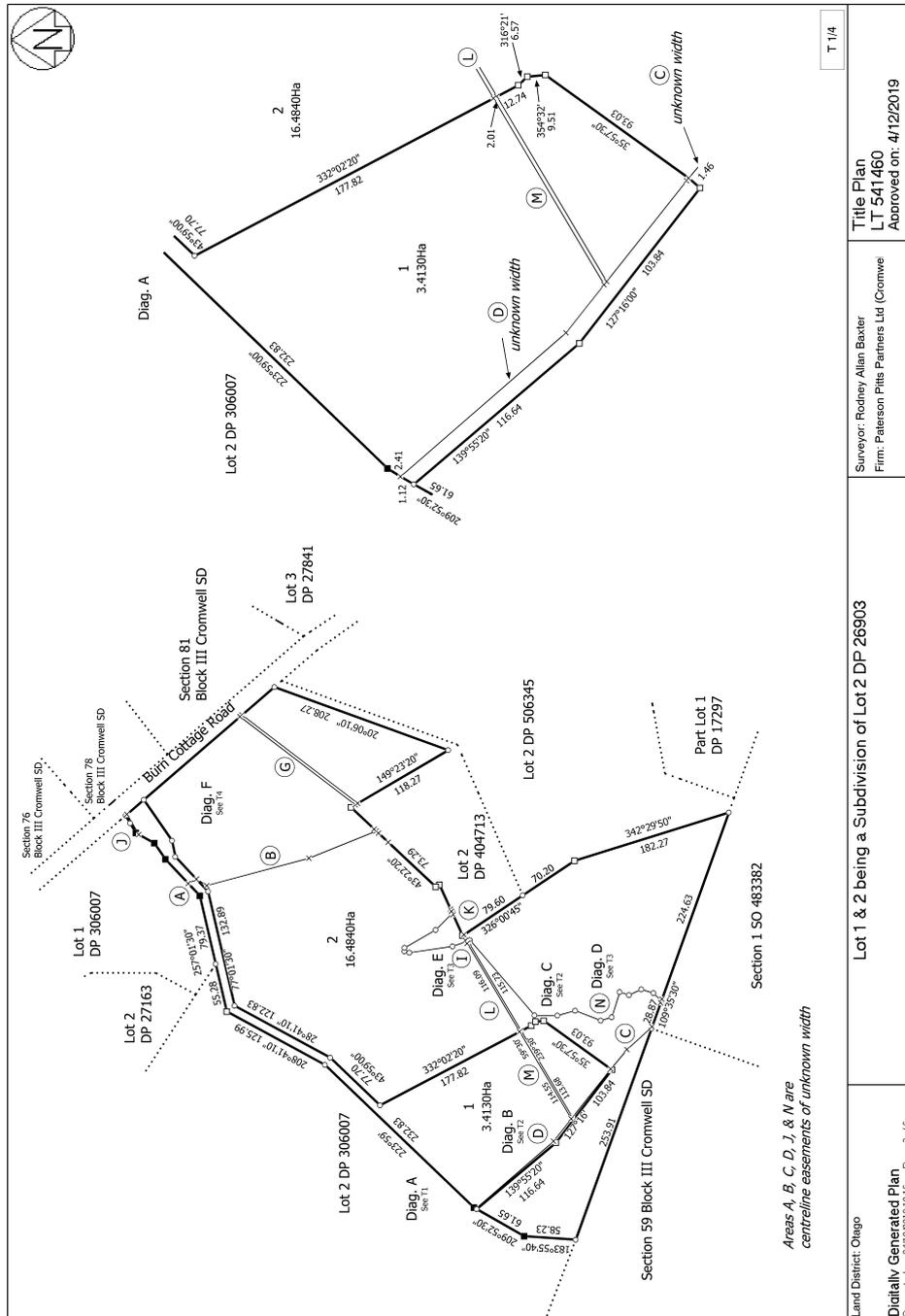
Prior References
 OT18D/821

Estate Fee Simple
Area 3.4130 hectares more or less
Legal Description Lot 1 Deposited Plan 541460
Registered Owners
 Grove Farm Trustee Limited

Interests

Part Section 93 Block III Cromwell Survey District is subject to Section 8 Mining Act 1971
 Part Section 93 Block III Cromwell Survey District is subject to Section 168A Coal Mines Act 1925
 Subject to a right (in gross) to convey water over part marked D on DP 541460 in favour of Burn Cottage Domestic Water Supply Incorporated created by Transfer 963905.4 - 12.3.1999 at 10:54 am
 Subject to a right to convey water over part marked M on DP 541460 created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
 The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991 8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am
 8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am
 Subject to a right (in gross) to convey water over part marked A and J on DP 541460 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.3 - 14.7.2015 at 2:49 pm
 11795464.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.7.2020 at 3:59 pm

Identifier **910041**



Transaction ID 6552412
Client Reference P240990

Search Copy Dated 21/08/25 5:03 pm, Page 2 of 2
Register Only



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




 R.W. Muir
 Registrar-General
 of Land

Identifier **910042**
Land Registration District **Otago**
Date Issued 09 July 2020

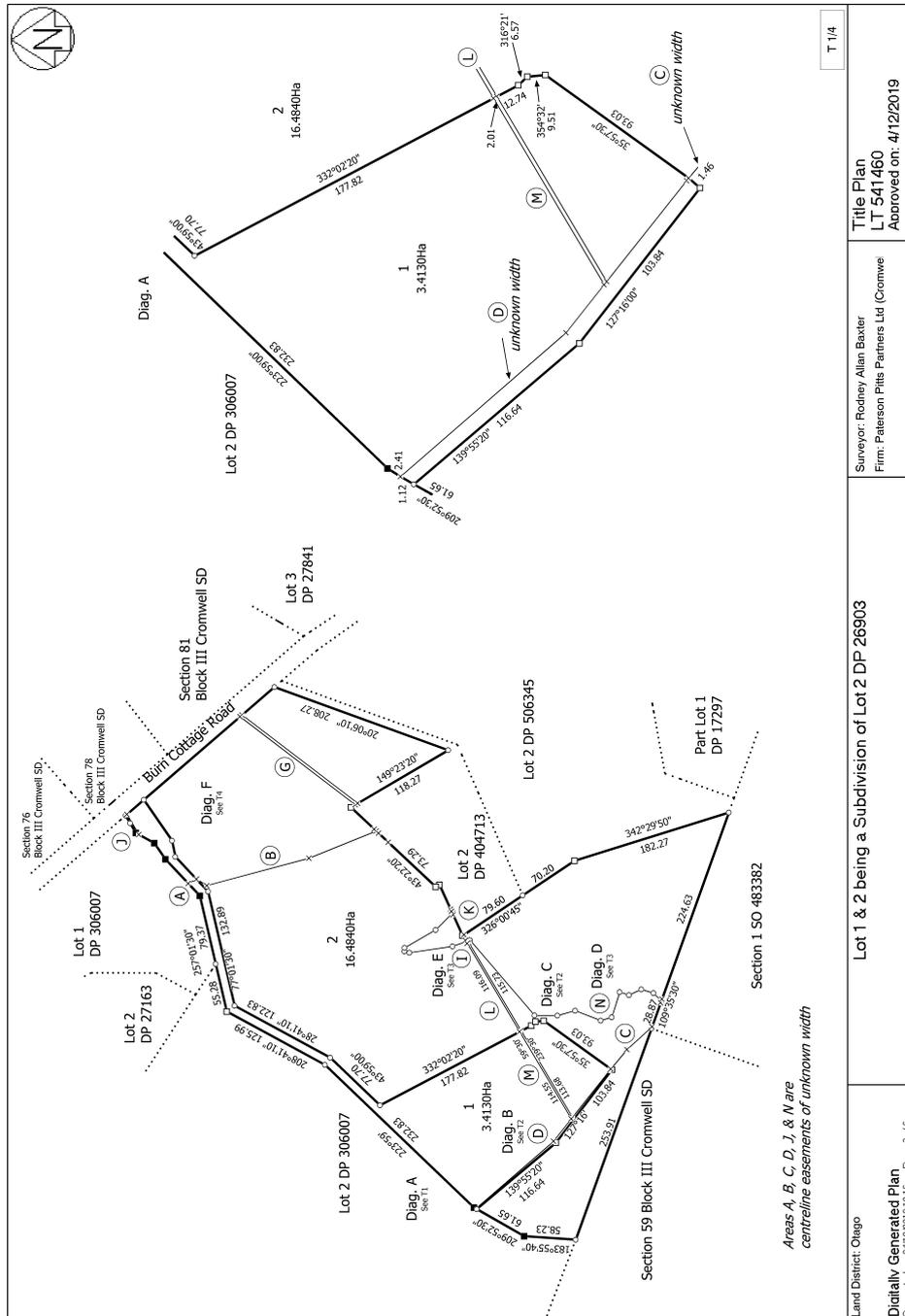
Prior References
 OT18D/821

Estate Fee Simple
Area 16.4840 hectares more or less
Legal Description Lot 2 Deposited Plan 541460
Registered Owners
 Grove Farm Trustee Limited

Interests

Part Section 93 Block III Cromwell Survey District is subject to Section 8 Mining Act 1971
 Part Section 93 Block III Cromwell Survey District is subject to Section 168A Coal Mines Act 1925
 Subject to a right (in gross) to convey water over part marked C on DP 541460 in favour of Burn Cottage Domestic Water Supply Incorporated created by Transfer 963905.4 - 12.3.1999 at 10:54 am
 Subject to a right to convey electricity in gross over part marked G on DP 541460 in favour of Aurora Energy Limited created by Easement Instrument 7969007.5 - 16.10.2008 at 9:00 am
 The easement created by Easement Instrument 7969007.5 is subject to Section 243 (a) Resource Management Act 1991
 Subject to a right to convey telecommunications and computer media over part marked G and a right to convey water over part marked I, K and L, all on DP 541460 created by Easement Instrument 7969007.7 - 16.10.2008 at 9:00 am
 The easements created by Easement Instrument 7969007.7 are subject to Section 243 (a) Resource Management Act 1991
 8193899.1 Mining Certificate WR 1097 pursuant to Section 417 Resource Management Act 1991 to Burn Cottage Irrigation Company Limited, David Keith George, John Patrick Webb, J R Webb & Sons Limited, Kenneth Moody, Vivienne Jean Moody, Alma Myrtle Elizabeth Jack and Lachlan Angus Ross - 15.6.2009 at 9:00 am
 8375533.1 Certificate Specifying Mining Rights pursuant to Section 417 Resource Management Act 1991 - 16.12.2009 at 9:00 am
 Subject to a right (in gross) to convey water over part marked B and N on DP 541460 in favour of Burn Cottage Irrigation Company Limited created by Easement Instrument 10123946.3 - 14.7.2015 at 2:49 pm
 11795464.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.7.2020 at 3:59 pm

Identifier **910042**



Transaction ID 6552412
 Client Reference P240990

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2842120506
RC250265

24 September 2025

Grove Farm Trustee Limited
23 The Mall
Cromwell 9310



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

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



Via email

Dear Grove Farm Trustee Limited

FURTHER INFORMATION REQUIRED FOR RC 250265

LOCATION: BURN COTTAGE ROAD, CROMWELL

PROPOSAL: SUBDIVISION CONSENT FOR A BOUNDARY REARRANGEMENT IN THE RURAL RESOURCE AREA

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

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

1. Section 2.2 of the application states that consent notice conditions should be carried down to the new allotments. As the proposed allotments bear no relation to the location or orientation of the existing allotments, it is not clear which conditions are proposed to relate to which new allotments. Please explain which consent notice conditions are proposed to be carried down to which allotments.
2. Section 3.1.3 of the application states that potable water will be provided from the Burn Cottage Scheme. Is a potable/domestic water proposed to be provided to all three lots? If so, what volume and from what source?
3. Clause 3.8(1) of the National Policy Statement for Highly Productive Land requires Council avoid the subdivision of highly productive land unless, among other things, the applicant demonstrates that the overall productive capacity of the land will be maintained in the long term. For Lot 1, the application relies solely on potential for olive production. From this assessment, it is not clear how the long-term productive capacity of the land will be retained. For example, could the land still be used productively for other purposes when the market for olives changes, or if the costs and revenue assumptions made by Steve Morris are not correct?
4. How will the proposal retain the productive capacity of Lots 2 and 3 relative to the existing lots, particularly Lot 2 DP 541460? The proposed subdivision splits a larger area of land in Lot 2 DP 541460 into two lots, reducing the area available for any individual primary production activity. On face value, this reduces the types of primary production activities that the land could be used for. At a minimum, please provide evidence to substantiate the claims in Sections 3.2 and 6.2.2 of the assessment of effects that any reduction in paddock layout inefficiency resulting from the subdivision will be sufficient to offset the bulk of the land (Identified in RC 190226 as being maintained for primary production) being split over two allotments.
5. How is irrigation water currently split between the allotments?
6. How much irrigation water is proposed to be available to Lots 1, 2 and 3? The letter from Simon Webb provided in support of the application provides no information about how much water would be available to Lot 1, and has no information about availability of irrigation water to Lots 2 or 3.

2

7. CODC does not apply a permitted baseline to subdivision as there are no permitted subdivisions in the District Plan. In Section 6.1 of the application, the existence of a permitted baseline is argued. The applicant is invited to amend their assessment of effects as they see fit, so it does not factor in a permitted baseline.

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 24 September 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 on the basis of the information that you have provided with the application. The Council may decline the application on the basis of insufficient information.

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

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

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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'A. Vincent'.

ADAM VINCENT
Planning Officer - Consents

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MEMO

TO	Adam Vincent, CODC Processing Planner	DATE	13/10/2025
CC	Maddy Albertson	OUR REF	P240990
FROM	Jared Brensell, Planner		
REVIEWED	Maddy Albertson, Planner		
RE	RC250265 – Response to RFI		

1. This section is incorrect – we propose to cancel the consent notice completely.
2. Correct, potable water will be supplied to the lots from the Burn Cottage Road Private Scheme, which is also fed from the Cromwell water supply network (via a 100mm via PVC pipe at the intersection of Burns Cottage Road and Luggate-Cromwell Road. The water will be of a quality which does not require any form of treatment, and shall be adequate in quantity (approximately 300 litres per person per day per site).
3. Overall, there will not be any increase in the number of overall titles on the site, the layout provides for a more efficient pattern of land use, as the existing orchard is looking at the possibilities of extending into existing Lot 1 DP 541460 which is more appropriate for the needs of an orchard than the land identified to be in proposed Lot 1 of the subdivision. The olive trees are one example of how proposed lot 1 can maintain productive capacity when separated from the existing orchard block. This has been explained below against clauses 3.8(1) and 3.8(2) of the NPS-HPL.

3.8 Avoiding subdivision of highly productive land

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

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

The applicant has demonstrated one way which the site could retain the overall productive capacity at the result of the proposal. The site is not bound only to olive production because of this assessment and could be used for other productive activities which are common on irrigated land with drier climates. Other productive activities on smaller allotments are seen in the areas surrounding the sites (e.g. small vineyards and horticulture).

Additionally, there is an existing orchard already on the western part of the site. This



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boundary realignment will allow for the orchard to expand within proposed Lot 3, rather than following the underlying land use pattern of Lot 2 DP 541460, which would not create a logical nor practical pattern of land use. At the conclusion of the proposal, the orchard will all be held in one title, with Lot 1 DP 541460 being surrounded by Orchard land. Is it likely that this will also be used as an orchard. However, this proposed re-arrangement of titles will provide for better onsite and future management of the existing orchard to ensure its productive use is maintained and enhanced.

(b) the subdivision is on specified Māori land:

Not applicable.

(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.

Not applicable.

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

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
We are not making any new titles. Therefore, there is no cumulative loss of the availability and productive capacity of highly productive land as a result of the proposal. It is considered that the allotments subject to this application if left "as is" would be a worse use of the productive land and would result in a reduced ability for the land to be used productively.

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

We are not proposing any new titles. We do not have any reverse sensitivity effects.

As such it is concluded that the proposal is consistent with Clause 3.8 of the National Policy Statement on Highly Productive Land.

4. I reiterate we are not making any new titles as a result of the proposal. I have made some notes below in response to this question.
 - ▶ Lot 1 retains the existing productive capacity of underlying Lot 2 DP 404713 as it is the same size. However, it now includes land which is currently irrigated. This enables more productive activities to occur (especially when the piece of land is smaller) – arguably the productivity is increased if anything.
 - ▶ Lots 2 and 3 are oriented in a way which would better enable the existing orchard to be extended across the site. We believe that an important consideration of productive capacity retention should be the pattern of productive activities which is allowed by the proposal. Therefore, the rearrangement retains (and is likely to improve) productive capacity by enabling a more efficient block layout consistent with surrounding orchard land uses.
 - ▶ As explained below, the existing consent allows for the whole site to be irrigated. Therefore, irrigated areas can be increased to support the activities mentioned above. Increasing the irrigated

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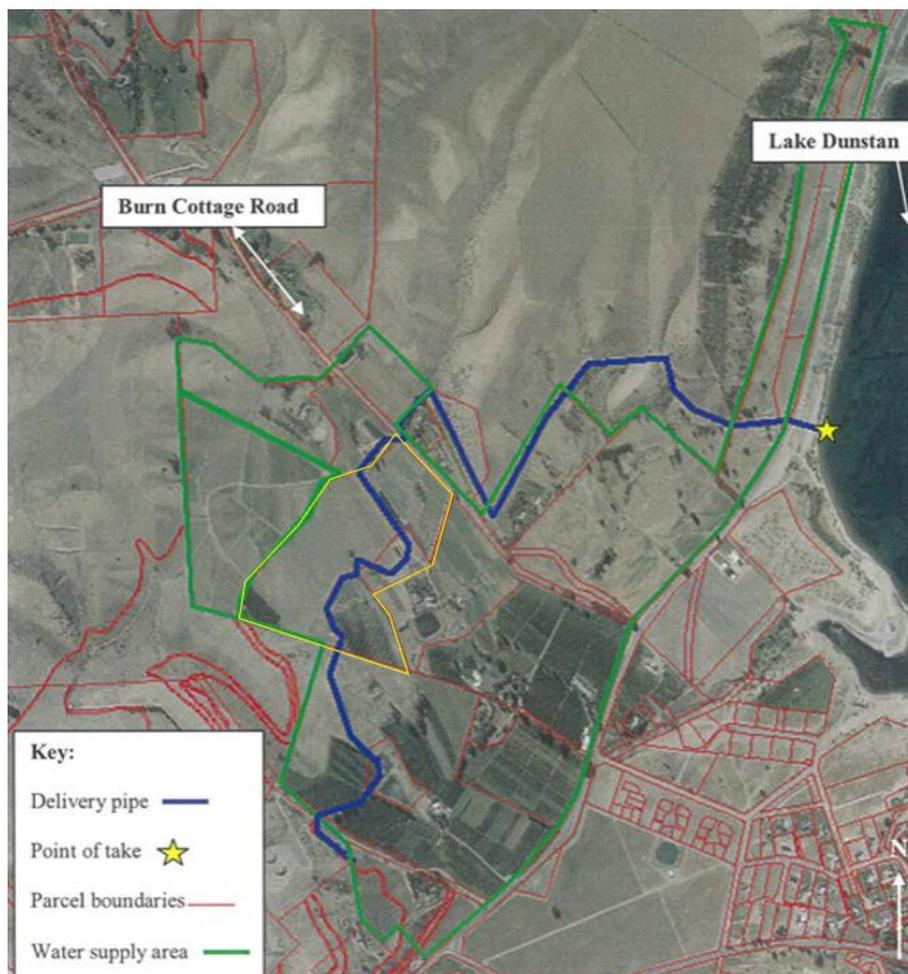
areas will become easier as a result of the proposal as it allows for a more logical layout of development.

5. Resource Consent 2009.069.V1 allows for Burn Cottage Irrigation Company Limited to take and use water from Lake Dunstan for the purpose of irrigation. This has an expiry date of September 2044, providing the landowners surety of supply for the foreseeable future (something which is not common in the Otago Region at this time). This allows for the following abstraction rates:
 - i. 150 l/s
 - ii. 23,680 m³ p/day for up to 21 days, and 12,960 m³ per day at all other times.
 - iii. 407,953 m³ per month.
 - iv. 1,027,751 m³ per year.

The landowner holds 19.2% of the Burns Cottage Irrigation Company (5,701 shares). I note that shareholders can obtain more shares if and when more water for irrigation is required (if there is additional water allocation available within the scheme).

Under the resource consent 2009.069.V1, any area of the whole site can be irrigated (shown in the figure below) because the whole site is included in the water supply area. Therefore, it will ultimately be up to the landowner as to where irrigation water goes- they may elect to send more water to one portion of the site over another. Therefore, there is no answer as to how water is currently split between the allotments as it is informal and entirely dependent on demand.

It is likely that the flatter areas of the site, and the portion of the site containing existing and future orchard activities will receive bulk of the water allocation.



6. As mentioned above, it is not practicable to provide council with an exact volume. As also mentioned above, the whole site can be irrigated under the current consent. If Council is concerned about lots being created without access to irrigation water supply, we are amenable to the following being made a condition of consent;

“Each lot will be provided with access to irrigation water from the Burns Cottage Irrigation Scheme”.

7. Please disregard the permitted baseline sections.

END OF MEMO

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MEMO

TO Adam Vincent, CODC Processing Planner DATE 29/10/2025
 CC Maddy Albertson OUR REF P240990

FROM Jared Brensell, Planner
 REVIEWED Maddy Albertson, Planner

RE RC250265 – Response to RFI

1. This section is incorrect – we propose to cancel the consent notice completely.
2. Correct, potable water will be supplied to the lots from the Burn Cottage Road Private Scheme, which is also fed from the Cromwell water supply network (via a 100mm via PVC pipe at the intersection of Burns Cottage Road and Luggate-Cromwell Road. The water will be of a quality which does not require any form of treatment, and shall be adequate in quantity (approximately 300 litres per person per day per site).
3. Overall, there will not be any increase in the number of overall titles on the site, the layout provides for a more efficient pattern of land use, as the existing orchard is looking at the possibilities of extending into existing Lot 1 DP 541460 which is more appropriate for the needs of an orchard than the land identified to be in proposed Lot 1 of the subdivision. The olive trees are one example of how proposed lot 1 can maintain productive capacity when separated from the existing orchard block. This has been explained below against clauses 3.8(1) and 3.8(2) of the NPS-HPL.

3.8 Avoiding subdivision of highly productive land

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

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

The applicant has demonstrated one way which the site could retain the overall productive capacity at the result of the proposal. The site is not bound only to olive production because of this assessment and could be used for other productive activities which are common on irrigated land with drier climates. Other productive activities on smaller allotments are seen in the areas surrounding the sites (e.g. small vineyards and horticulture).

Commented [JB1]: From Adam: I know the site would not be bound only to olive production as a part of this application. How do we know whether it can practically be used for these other purposes? This reads like anecdote

Commented [JB2R1]: We believe that we have satisfied the requirement of 3.8(1)(a) as we have demonstrated one way that the proposed lots will retain the overall productive capacity over the long term. There is no need to show that it can be used for other purposes under this regulation.



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Additionally, there is an existing orchard already on the western part of the site. This boundary realignment will allow for the orchard to expand within proposed Lot 3, rather than following the underlying land use pattern of Lot 2 DP 541460, which would not create a logical nor practical pattern of land use. At the conclusion of the proposal, the orchard will all be held in one title, with Lot 1 DP 541460 being surrounded by Orchard land. Is it likely that this will also be used as an orchard. However, this proposed re-arrangement of titles will provide for better onsite and future management of the existing orchard to ensure its productive use is maintained and enhanced.

(b) the subdivision is on specified Māori land:

Not applicable.

(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.

Not applicable.

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

(a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
We are not making any new titles. Therefore, there is no cumulative loss of the availability and productive capacity of highly productive land as a result of the proposal. It is considered that the allotments subject to this application if left "as is" would be a worse use of the productive land and would result in a reduced ability for the land to be used productively.

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

We are not proposing any new titles. We do not have any reverse sensitivity effects.

As such it is concluded that the proposal is consistent with Clause 3.8 of the National Policy Statement on Highly Productive Land.

4. I reiterate we are not making any new titles as a result of the proposal. I have made some notes below in response to this question.
- ▶ Lot 1 retains the existing productive capacity of underlying Lot 2 DP 404713 as it is the same size. However, it now includes land which is currently irrigated. This enables more productive activities to occur (especially when the piece of land is smaller) – arguably the productivity is increased if anything.
 - ▶ Lots 2 and 3 are oriented in a way which would better enable the existing orchard to be extended across the site. We believe that an important consideration of productive capacity retention should be the pattern of productive activities which is allowed by the proposal. Therefore, the

Commented [JB3]: Comment from Adam: One thing I am trying to work through is that, in support of the application that created Lot 1 DP 541460, Pattersons (Then Patterson Pitts) staff argued that this land was the unproductive part of the parent site and the rest would continue to be productive, but now it's being argued that Lot 1 DP 541460 is an impediment to productive capacity compared to splitting the flat land to the north-east of Lot 2 DP 541460 from the hills to the south-west.

Commented [JB4R3]: The underlying Lot 1 DP 541460 is not mapped as containing the LUC 3 land. Furthermore, it is currently unproductive as it is unplanted and unirrigated. Once provided with irrigation infrastructure, it will be able to support the expansion of the orchard (such as the case with a lot of land in Central Otago - it is not mapped as HPL but can support productive agricultural activities). The expansion of the orchard activity may include orchard infrastructure or other necessary parts of the activity that are not directly growing the orchard.

The previous application identified the lot with the now residential activity as unnecessary for the orchard as a family member was going to live there and would have no reverse sensitivity issues with the family orchard operations. However that approved residential activity is no longer going ahead and the land owner has decided it would make more sense for the orchard supporting activities to happen on that lot, rather than the lot which fronts Burn Cottage Road.

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rearrangement retains (and is likely to improve) productive capacity by enabling a more efficient block layout consistent with surrounding orchard land uses.

- ▶ As explained below, the existing consent allows for the whole site to be irrigated. Therefore, irrigated areas can be increased to support the activities mentioned above. Increasing the irrigated areas will become easier as a result of the proposal as it allows for a more logical layout of development.

5. Resource Consent 2009.069.V1 allows for Burn Cottage Irrigation Company Limited to take and use water from Lake Dunstan for the purpose of irrigation. This has an expiry date of September 2044, providing the landowners surety of supply for the foreseeable future (something which is not common in the Otago Region at this time). This allows for the following abstraction rates:

- i. 150 l/s
- ii. 23,680 m³ p/day for up to 21 days, and 12,960 m³ per day at all other times.
- iii. 407,953 m³ per month.
- iv. 1,027,751 m³ per year.

The landowner holds 19.2% of the Burns Cottage Irrigation Company (5,701 shares). I note that shareholders can obtain more shares if and when more water for irrigation is required (if there is additional water allocation available within the scheme).

Under the resource consent 2009.069.V1, any area of the whole site can be irrigated (shown in the figure below) because the whole site is included in the water supply area. Therefore, it will ultimately be up to the landowner as to where irrigation water goes- they may elect to send more water to one portion of the site over another. Therefore, there is no answer as to how water is currently split between the allotments as it is informal and entirely dependent on demand.

It is likely that the flatter areas of the site, and the portion of the site containing existing and future orchard activities will receive bulk of the water allocation.

Commented [JB5]: Comment from Adam: Let me rephrase this question. How much water (Total) is currently available to the site, and how is this intended to be split across the new lots? This informal arrangement doesn't seem to provide any certainty to landowners. For example, I get the impression that a person could effectively preclude other people from getting water by saying they need the whole consented abstraction

Commented [JB6R5]: My reply: Compliance with the regulations (including registration of the supply with the regulator and any management plans , monitoring , water testing and treatment required) is a separate statutory matter from the RMA, with different (longer) compliance timeframes from those of a subdivision/ issue of a sec 224c certificate and Council cannot now impose conditions of a subdivision consent attempting to regulate the operation and management of the scheme.





- 6. As mentioned above, it is not practicable to provide council with an exact volume. As also mentioned above, the whole site can be irrigated under the current consent. If Council is concerned about lots being created without access to irrigation water supply, we are amenable to the following being made a condition of consent;

"Each lot will be provided with access to irrigation water from the Burns Cottage Irrigation Scheme".

- 7. Please disregard the permitted baseline sections.

END OF MEMO

Commented [JB7]: Comment from Adam: Availability of irrigation water forms an important part of your argument about the productive capacity of Lot 1, in particular. I want to see evidence that all three lots will have an adequate irrigation water supply so that I can be confident the productive capacity of the land is not being impacted due to not being provided enough irrigation water. This condition would not provide that certainty. For example, I could provide 50 litres of irrigation water per day from the scheme and the condition would be complied with.

Commented [JB8R7]: See comment above.



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MEMO

TO Adam Vincent, CODC Planner **DATE** 14/01/2026
OUR REF P240990

FROM Jared Brensell, Planner
REVIEWED Maddy Albertson, Planner

RE **RC 250265** Burn Cottage Road Alluvial Fan Assessment

1. Site Details

Applicant(s)	Grove Farm Trustee Limited
Site Address	Burn Cottage Road (no address).
Legal Descriptions	Lot 1 & 2 DP 541460 Lot 2 DP 404713
Record of Title	910041 910042 416969
Site Area	RT 910041 – 3.42 ha RT 910042 – 16.51 ha RT 416969 – 2.12 ha
District Plan	Central Otago District Plan (CODP)
Zoning	Rural Resource Area
Hazards	Alluvial Fan – Regional Scale. Areas of <i>active</i> and <i>less recently active</i> (figure 1 shows the alluvial fan in relation to the proposal) Liquefaction Awareness – A Domain (Low to no risk).



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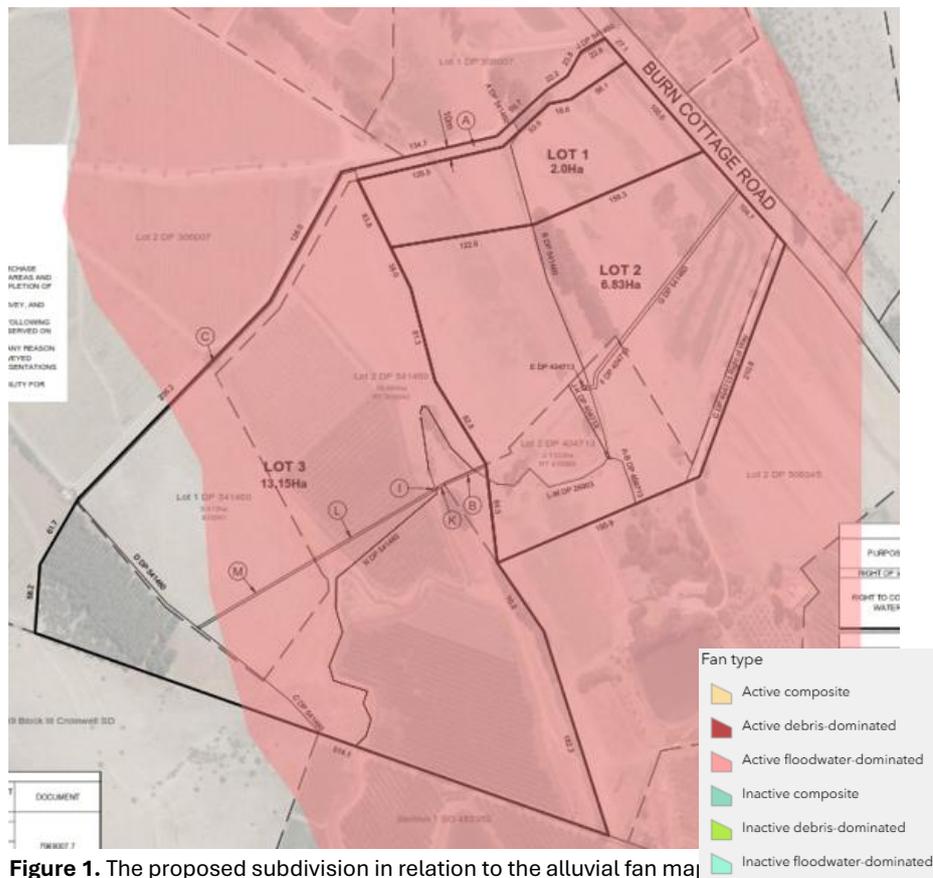


Figure 1. The proposed subdivision in relation to the alluvial fan map hazards portal. The red overlay shows 'Active Floodwater Dominated' Alluvial Fans

2. Introduction

The proposed subdivision seeks to rearrange the underlying titles so that a more logical pattern of ownership can be achieved, while maintaining the status quo. There will be no increase in the number of overall titles or allotments, and the proposal does not, of itself, approve or authorise any additional land use.

Policy 16.4.8 of the Central Otago District Plan supports granting consent where subdivision proposals do not materially change the status quo. In this case, the subdivision will not increase risk to the community or individuals from a hazard event, as it does not introduce any additional development or intensification.

3. Scope

This assessment addresses natural hazard considerations arising from the boundary rearrangement only. It does not assess the design and siting of any future dwellings or building platforms, as these are

not proposed as part of this application. If dwellings or building platforms are proposed in the future, they will be assessed against the relevant District Plan and Building Act requirements at that time.

4. Hazard context

As shown in Figure 1, the site is mapped within an “Active Floodwater Dominated” alluvial fan on the Otago Regional Council Natural Hazards Database. This is a regional/high-level dataset, and the mapping is indicative only and not a substitute for site-specific investigation.

ORC’s information notes that alluvial fans can experience flooding and debris-laden flows during significant rainfall events, and that climate change may increase the frequency and/or intensity of such events over time.

5. Assessment

The key consideration for this application is whether the subdivision changes exposure to natural hazard risk. Because the proposal does not enable additional land use or intensification, it will not change or alter the existing risk profile associated with the mapped hazard.

To avoid doubt, this subdivision consent will not create or approve any building platforms or establish any specific building locations. Any future building proposal would be assessed (including hazard risk and any required mitigation) at the time a subsequent application was lodged, when the relevant siting, design, earthworks, and servicing details are known. Any site-specific hazard response (including any supporting technical assessment) is most appropriately considered at the time of any future dwelling/building platform proposal, when siting, earthworks and servicing details are known.

The District Plan provides that Council may require a report from an appropriately qualified and experienced person where hazards may affect land subject to an application. In the context of this non-intensifying boundary rearrangement, a hazards report is not considered necessary to understand or assess the effects of the subdivision itself. Any future dwelling/building platform or associated earthworks would be the more practical and proportionate stage to confirm whether any site-specific technical input is required, given the relevant design details would then be available.

The site is mapped within an “Active Floodwater Dominated” alluvial fan on ORC’s Natural Hazards Database, which is indicative, regional-scale mapping and not a substitute for site-specific investigation. The proposal is a boundary/title rearrangement only, with no increase in allotment yield and no intensification enabled by the subdivision. The proposal does not change the hazard process or increase exposure to risk. Any future dwellings or building platforms would be assessed separately at the time of any future application, when siting, design, earthworks and servicing details are known and any site-specific technical input can be confirmed if required.

3

Tim Anderson

From: Jared Brensell <jared.brensell@patersons.co.nz>
Sent: Wednesday, 28 January 2026 10:55 am
To: Adam Vincent
Cc: Maddy Albertson; Tim Anderson
Subject: RE: [PAT P240990] RC 250265

Follow Up Flag: Follow up
Flag Status: Completed

Hi Adam,

Thanks for your email. Its unfortunate that its taken longer to review, which now means we will not make the February hearing.

Based on the level of risk the proposal will create, we really do not think that an expert assessment of the natural hazards risk in relation to the mapped alluvial fan is appropriate for what is effectively a boundary adjustment where no additional development is proposed on the site. On the information available, we do not believe that the request is proportionate to the proposal, or the actual risk proposed by the activity. This is for the reasons listed below.

1) Lot size and ability to avoid risk areas

Each proposed lot comprises a large land area, which provides clear and practical flexibility for future development to be located on higher, more suitable parts of each lot (explained further below). The subdivision does not propose any building platforms, nor will it require any subdivision works to occur in lower-lying areas. Furthermore, this application will not result in a net increase of titles or allotments, as such there is no increase in effects and the ability to quantify any increase in risk will be high level discussion at best.

2) Terrace setting above the mapped alluvial fan environment

The site includes a terrace approximately 10 metres above the lower lying area on the site (adjacent to Burn Cottage Road). That elevation difference is material. It means the obvious and most appropriate building areas are available on the terrace, outside the lower-lying land where alluvial fan processes would be expected to be relevant. This can be confirmed through the previous consenting on the site that authorised a dwelling on the higher elevated portion of the site. However, the actual location of any potential building platform would be something to consider at a future consenting stage. As the natural hazard overlay is present, CODC will require further consent to establish any structures within the hazard overlay. This will ensure if any consent is granted it has considered the natural hazard in relation to an actual proposed building, ensuring that the designs are able to be checked appropriately at the building consent stage. All that matters here is that we know there are elevated areas on each site which would pose a very low risk, and then lower lying areas which would be higher risk. I must note, this is no different to the current situation.

3) Appropriate point of assessment if building is proposed in lower areas

If a future owner chooses to construct a building in the lower-lying parts of a lot (i.e. closer to, or within, the area where alluvial fan hazards may be relevant), then it is entirely reasonable for Council to require a natural hazard assessment during the resource consent process for that specific building location and the specific building design. That is the appropriate time to assess building-specific hazard risk and design response,

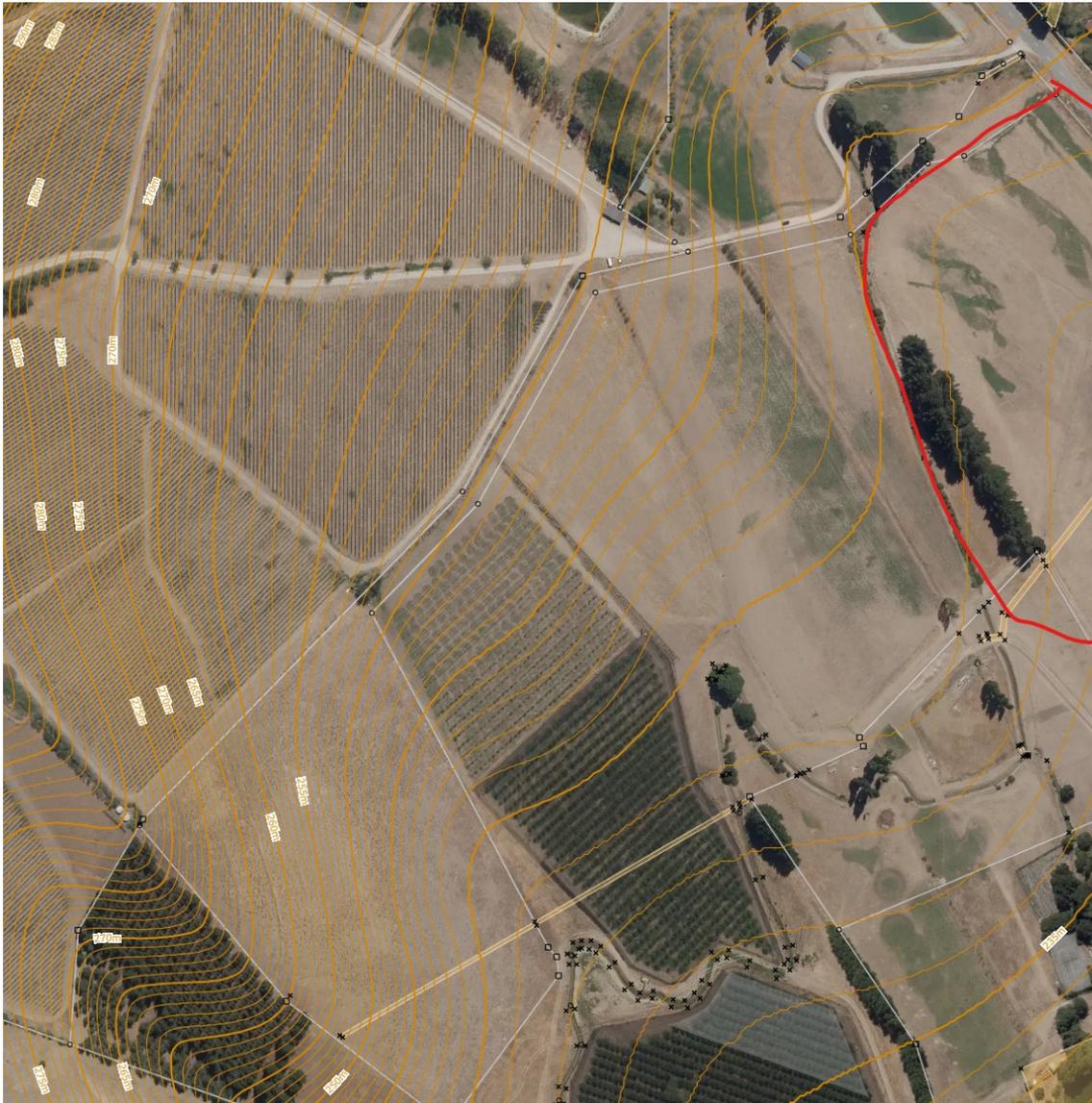
rather than requiring specialist evidence over the entire landholding when the subdivision itself does not seek, nor even require development in hazard-prone areas.

To address Council's concern in a clear and enforceable way, I have provided an indicative figure with the lower lying areas circled in red. This is the lower-lying areas of the site where an alluvial fan / natural hazard assessment should be required if a future building is proposed there. This can be implemented through an appropriately worded consent condition and/or consent notice (or similar mechanism Council prefers), applying only to those lower areas. I believe this is a practical solution to the issue at hand. There is also a google streetview image showing the lower, flat area and the higher terraced area.

On that basis, please confirm that Council will accept this approach, and no longer require a site wide assessment. If Council maintains that a site-wide specialist assessment is still necessary, please can you provide the exact rationale as to why you would be requiring this assessment, and I can inform the applicant.

Furthermore, as I understand, the request for an additional assessment was undertaken after the first s92 request/RFI was completed. I also do not believe that the further information has been requested at a reasonable time before the hearing of the application, which has now been extended due to this additional request. This has been disappointing as we would have preferred to discuss these minor issues earlier in the process. As this application is not resulting in any additional titles or allotments, it already seems overly cautious to request for this application to proceed to a hearing rather than allowing for a delegated decision under S100 of the RMA. All of these events have resulted in tremendous delays to the applicant and now will result in this application being processed by a different planning officer.

We request for Council to use their discretion appropriately in the instance of this application given the reasons and discussion above.





Ngā mihi,

Jared Brensell

Planner
BASc, MPlan

021 675 180 | jared.brensell@patersons.co.nz | patersons.co.nz

Dunedin Office

03 477 3245
229 Moray Place
Dunedin 9058



Please consider the environment before printing this email.

From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Friday, 23 January 2026 11:17 am
To: Jared Brensell <jared.brensell@patersons.co.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>; Tim Anderson <Tim.Anderson@codc.govt.nz>
Subject: RE: [PAT P240990] RC 250265

Kia ora Jared,

Unfortunately, Kirstyn fell ill suddenly, so it's taken us a bit longer than anticipated to review.

We're now too late to make February's hearing, so the next available time would be 10 March 2026. Both Kirstyn (independent commissioner helping us with review work) and Tim Anderson (my team leader) ended up agreeing with each other that the hazard assessment needs to be undertaken by someone with geotechnical/hydrological expertise, so they didn't think your assessment would be sufficient. Do you think the applicant would be able to provide an

assessment from someone with specific expertise in assessing alluvial fan hazards and put the application on hold in the meantime?

In addition, I'm going to be finishing up with CODC on the 18th of February, so Tim Anderson will be picking this one up after I depart.

Ngā mihi,

Adam Vincent
Planning Officer



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

If you have received this email and any attachments to it in error, please take no action based on it, copy it or show it to anyone. Please advise the sender and delete your copy. Thank you.

From: Adam Vincent
Sent: Tuesday, 20 January 2026 10:52 am
To: 'Jared Brensell' <jared.brensell@patersons.co.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265

Kia ora Jared,

Kirstyn's started looking over it, but wants to talk a few points over with me this afternoon.

Adam

From: Jared Brensell <jared.brensell@patersons.co.nz>
Sent: Tuesday, 20 January 2026 9:23 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265

Morning Adam,

Just following up on this one. Have you managed to have a look over the assessment?

Ngā mihi,

Jared Brensell
Planner
BASc, MPlan

021 675 180 | jared.brensell@patersons.co.nz | patersons.co.nz

Dunedin Office

03 477 3245
229 Moray Place
Dunedin 9058



Please consider the environment before printing this email.

From: Jared Brensell
Sent: Thursday, 15 January 2026 4:51 pm
To: Adam Vincent <Adam.Vincent@codc.govt.nz>; Resource Consents <Resource.Consents@codc.govt.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265

Kia ora Adam,

Thanks for your reply, and for sending that report through.

Please see a natural hazard assessment attached. If you could please confirm if you are satisfied with the level of information provided in this report, that would be great.

Ngā mihi,

Jared Brensell
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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, 14 January 2026 11:03 am
To: Jared Brensell <jared.brensell@patersons.co.nz>; Resource Consents <Resource.Consents@codc.govt.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265

Kia ora Jared,

S95 report attached. The application is not currently set down for Feb because my superiors were not comfortable with clearing the s42A report for inclusion without additional consideration of natural hazard risk from both the applicant and myself.

If I was to ask if the application could be included in Feb's hearing on the basis that additional information would be forthcoming, how confident would you be that you could circulate any additional expert evidence by the 26th of Jan (10 working days prior to the hearing)?

Ngā mihi,

Adam Vincent
Planning Officer



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

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From: Jared Brensell <jared.brensell@patersons.co.nz>
Sent: Wednesday, 14 January 2026 10:17 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>; Resource Consents <Resource.Consents@codc.govt.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265
Importance: High

Kia ora,

I understand Adam is currently on leave. Could you please confirm whether the hearing for this application is scheduled for 10 February, as discussed with Adam?

Could you also please provide a copy of the section 95 report?

In addition, as noted in Adam's email below, there are some concerns relating to natural hazards. Could you please confirm whether these matters can also be addressed during said hearing?

Ngā mihi,

Jared Brensell
Planner
BASc, MPlan

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229 Moray Place
Dunedin 9058



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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Wednesday, 7 January 2026 9:07 am
To: Jared Brensell <jared.brensell@patersons.co.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>
Subject: RC 250265

Kia ora Jared,

I've been discussing the application for Grove Farm Trustee Ltd's subdivision on Burn Cottage Road with my superiors after they reviewed my s42A report, and there is a bit of concern about how the changes to the lot layout might change the natural hazard profile of the land, given ORC's alluvial fan information. We have decided it would be preferable to have some expert assessment of the hazard in relation to potential buildings on the new lots, so that we can be satisfied that the new lots weren't resulting in notable increase in risk (and not be needing to pass that consideration onto future landowners). Would you and your client be happy to obtain that assessment?

Ngā mihi,

Adam Vincent
Planning Officer



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Adam.Vincent@codc.govt.nz
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www.codc.govt.nz

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Tim Anderson

From: Tim Anderson
Sent: Monday, 9 February 2026 12:18 pm
To: 'Jared Brensell'
Subject: RE: [PAT P240990] RC 250265

Hi Jared,

Thankyou for your time on the phone.

The application is provisionally set for a hearing on the 10th of March.

As things stand, I will accept the information you have provided thus far in respect of hazards and the NPS-HPL. I cannot speak for how this would be viewed by the hearings panel however, and for that reason reports provided by suitably qualified persons would be preferable.

As discussed, I am intending to get to the site to have a look in the next couple of days.

I see that Adam in his report has recommended that the historic Consent Notices on the title be cancelled as part of this process, does the applicant agree to this?

Kind Regards

Tim

Tim Anderson**Team Leader - Planning - Cromwell**

+64 3 262 7926
Tim.Anderson@codc.govt.nz
42 The Mall, Cromwell 9342
www.codc.govt.nz

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From: Jared Brensell <jared.brensell@patersons.co.nz>
Sent: Monday, 9 February 2026 11:42 am
To: Tim Anderson <Tim.Anderson@codc.govt.nz>
Subject: RE: [PAT P240990] RC 250265

Hi Tim,

Hope you had a good weekend.

Just checking in to see if you have looked over this?

Ngā mihi,

Jared Brensell

Planner
BASc, MPlan

021 675 180 | jared.brensell@patersons.co.nz | patersons.co.nz

Dunedin Office

03 477 3245
229 Moray Place
Dunedin 9058



Please consider the environment before printing this email.

From: Tim Anderson <Tim.Anderson@codc.govt.nz>
Sent: Wednesday, 28 January 2026 12:08 pm
To: Jared Brensell <jared.brensell@patersons.co.nz>
Subject: RE: [PAT P240990] RC 250265

Hi Jared,

Thank you for your email. As discussed by Adam, I will be taking this over as processing planner. We will consider give consideration to this and I will get back to you after I have had a chance to discuss this with Adam.

Kind Regards

Tim

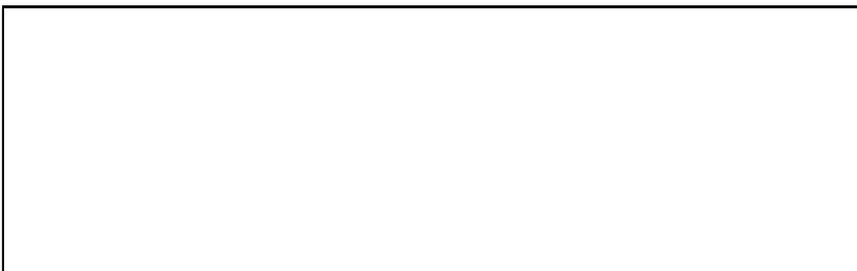
Tim Anderson

Team Leader - Planning - Cromwell



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Tim.Anderson@codc.govt.nz
42 The Mall, Cromwell 9342
www.codc.govt.nz





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From: Jared Brensell <jared.brensell@patersons.co.nz>
Sent: Wednesday, 28 January 2026 10:55 am
To: Adam Vincent <Adam.Vincent@codc.govt.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>; Tim Anderson <Tim.Anderson@codc.govt.nz>
Subject: RE: [PAT P240990] RC 250265

Hi Adam,

Thanks for your email. Its unfortunate that its taken longer to review, which now means we will not make the February hearing.

Based on the level of risk the proposal will create, we really do not think that an expert assessment of the natural hazards risk in relation to the mapped alluvial fan is appropriate for what is effectively a boundary adjustment where no additional development is proposed on the site. On the information available, we do not believe that the request is proportionate to the proposal, or the actual risk proposed by the activity. This is for the reasons listed below.

1) Lot size and ability to avoid risk areas

Each proposed lot comprises a large land area, which provides clear and practical flexibility for future development to be located on higher, more suitable parts of each lot (explained further below). The subdivision does not propose any building platforms, nor will it require any subdivision works to occur in lower-lying areas. Furthermore, this application will not result in a net increase of titles or allotments, as such there is no increase in effects and the ability to quantify any increase in risk will be high level discussion at best.

2) Terrace setting above the mapped alluvial fan environment

The site includes a terrace approximately 10 metres above the lower lying area on the site (adjacent to Burn Cottage Road). That elevation difference is material. It means the obvious and most appropriate building areas are available on the terrace, outside the lower-lying land where alluvial fan processes would be expected to be relevant. This can be confirmed through the previous consenting on the site that authorised a dwelling on the higher elevated portion of the site. However, the actual location of any potential building platform would be something to consider at a future consenting stage. As the natural hazard overlay is present, CODC will require further consent to establish any structures within the hazard overlay. This will ensure if any consent is granted it has considered the natural hazard in relation to an actual proposed building, ensuring that the designs are able to be checked appropriately at the building consent stage. All that matters here is that we know there are

elevated areas on each site which would pose a very low risk, and then lower lying areas which would be higher risk. I must note, this is no different to the current situation.

3) Appropriate point of assessment if building is proposed in lower areas

If a future owner chooses to construct a building in the lower-lying parts of a lot (i.e. closer to, or within, the area where alluvial fan hazards may be relevant), then it is entirely reasonable for Council to require a natural hazard assessment during the resource consent process for that specific building location and the specific building design. That is the appropriate time to assess building-specific hazard risk and design response, rather than requiring specialist evidence over the entire landholding when the subdivision itself does not seek, nor even require development in hazard-prone areas.

To address Council's concern in a clear and enforceable way, I have provided an indicative figure with the lower lying areas circled in red. This is the lower-lying areas of the site where an alluvial fan / natural hazard assessment should be required if a future building is proposed there. This can be implemented through an appropriately worded consent condition and/or consent notice (or similar mechanism Council prefers), applying only to those lower areas. I believe this is a practical solution to the issue at hand. There is also a google streetview image showing the lower, flat area and the higher terraced area.

On that basis, please confirm that Council will accept this approach, and no longer require a site wide assessment. If Council maintains that a site-wide specialist assessment is still necessary, please can you provide the exact rationale as to why you would be requiring this assessment, and I can inform the applicant.

Furthermore, as I understand, the request for an additional assessment was undertaken after the first s92 request/RFI was completed. I also do not believe that the further information has been requested at a reasonable time before the hearing of the application, which has now been extended due to this additional request. This has been disappointing as we would have preferred to discuss these minor issues earlier in the process. As this application is not resulting in any additional titles or allotments, it already seems overly cautious to request for this application to proceed to a hearing rather than allowing for a delegated decision under S100 of the RMA. All of these events have resulted in tremendous delays to the applicant and now will result in this application being processed by a different planning officer.

We request for Council to use their discretion appropriately in the instance of this application given the reasons and discussion above.





Ngā mihi,

Jared Brensell

Planner
BASc, MPlan

021 675 180 | jared.brensell@patersons.co.nz | patersons.co.nz

Dunedin Office

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229 Moray Place
Dunedin 9058



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From: Adam Vincent <Adam.Vincent@codc.govt.nz>
Sent: Friday, 23 January 2026 11:17 am
To: Jared Brensell <jared.brensell@patersons.co.nz>
Cc: Maddy Albertson <Maddy.Albertson@patersons.co.nz>; Tim Anderson <Tim.Anderson@codc.govt.nz>
Subject: RE: [PAT P240990] RC 250265

Kia ora Jared,

Unfortunately, Kirstyn fell ill suddenly, so it's taken us a bit longer than anticipated to review.

We're now too late to make February's hearing, so the next available time would be 10 March 2026. Both Kirstyn (independent commissioner helping us with review work) and Tim Anderson (my team leader) ended up agreeing with each other that the hazard assessment needs to be undertaken by someone with geotechnical/hydrological expertise, so they didn't think your assessment would be sufficient. Do you think the applicant would be able to provide an

assessment from someone with specific expertise in assessing alluvial fan hazards and put the application on hold in the meantime?

In addition, I'm going to be finishing up with CODC on the 18th of February, so Tim Anderson will be picking this one up after I depart.

Ngā mihi,

Adam Vincent
Planning Officer



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