

ORC MEMORANDUM
RE-NOTIFICATION-RM20.360- CROMWELL CERTIFIED CONCRETE

ID Ref: A1477996
Application No: RM20.360
Prepared for: Manager Consents
Prepared by: Sarah Davidson
Date: 11th May 2021

Subject: Re-notification under Section 95B for Resource Consent RM20.360

1. Background

A decision on notification for RM20.360 was made on the 20 April 2021 under delegated authority. The decision was made to limit notify RM20.360 to the following parties:

- Lowburn Land Holdings Limited Partnership;
- Lindsay Allan More;
- Wanaka Road Wine Holdings Ltd;
- Manukau Fifty Limited;
- Jane Marie Miscisco;
- Felton Park Limited;
- Amisfield Orchard Limited;
- Irrigation and Maintenance Limited;
- Bryson David Clark;
- Malcom James Little; and
- Department of Conservation

Notice was served to the above affected parties on 27 April 2021. Limited notification letters were sent to the landowners identified as affected in Otago Regional Council's GIS System. It has now become apparent that the landowners identified on Council's GIS System are not up to date. There are also discrepancies between the well owner names and current water permits drawing from existing bores.

It is recommended to re-notify RM20.360 under Section 95B to the following affected parties:

- Bryson and Nicola Clark (Lots 2 and 7 DP 301379)
- CP Trustees Limited, Hayden Little and Malcom Little (Lot 2 DP 508108 and owner of land where G41/346 and G41/0340 are located)
- Lindsay Allan Moore and Rosemary Sidey (Lot 2 DP 384908, Lot 1 DP 384908 and Lot 3 DP 26218 where G41/0111, G41/0220, and G41/0321 are located)
- Amisfield Orchard Limited (Lot 1 DP 508108)
- Lowburn Land Holdings Limited Partnership (Lot 3 DP 304530, owner of G41/0222, groundwater permit 2003.363)
- Amisfield Orchard Limited (Lot 1 DP 508108)
- Manukau Fifty Limited (Lot 1,6, 10-11 DP 301379)
- Department of Conservation (Lot 1 DP 301671 and Lot 2 DP 300388)

- Amisfield Farm Ltd (owner of G41/0295)
- Wanaka Road Wine Holdings Limited (owner of G41/0222, groundwater permit 2010.152.V1)
- Irrigation and Maintenance Limited (Owner of G41/0321, groundwater permit RM14.211)
- Douglas Cook (owner of G41/0326)
- Walnut Ridge Limited (owner of G41/0265)

A map has been provided below to show the takes affected by the proposed groundwater take:

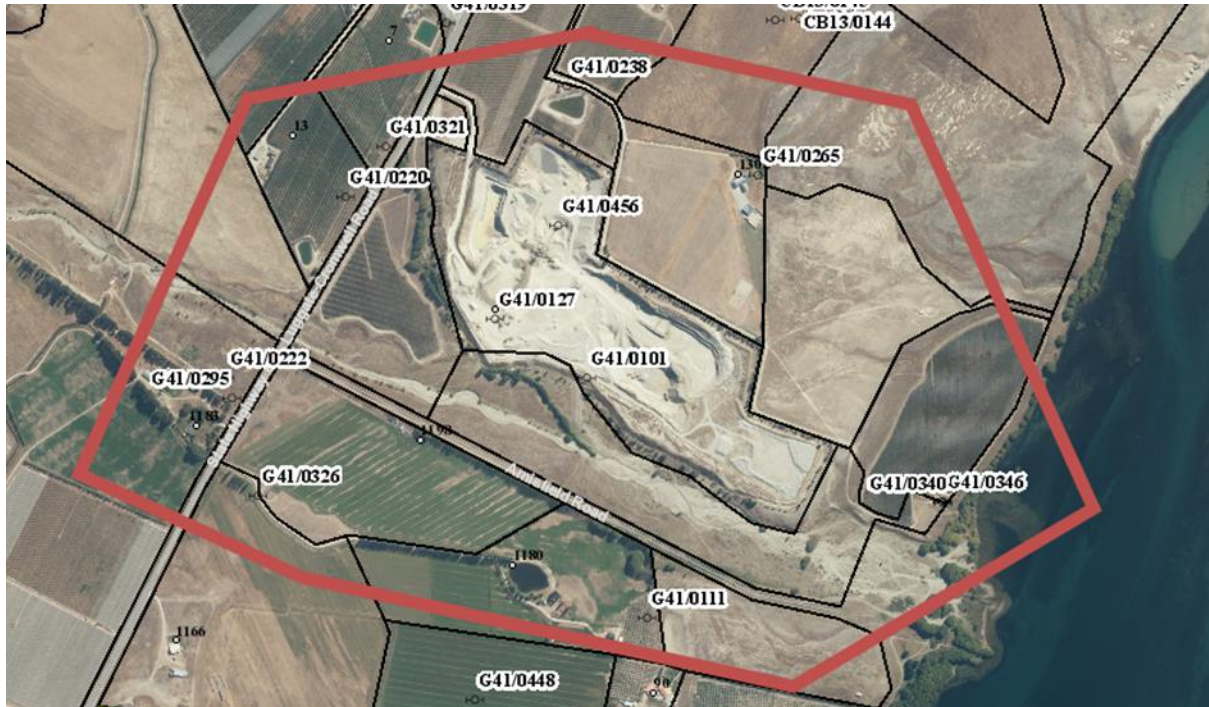


Figure 1. Location of bores that are likely to experience drawdown effects greater than 0.2m (Source: Otago Maps)

In addition to the above, Figure 13 from the s95 notification report has been reproduced below to show the properties affected by adverse dust discharge effects:



Figure 2. Location of affected parties affected by adverse dust effects (shown as red points). The property the activity relates to is shown in red (Source: Otago Maps).

2 Notification and Written Approvals

2.1 Section 95A Public Notification

Step 1: Is public notification mandatory as per questions (a) – (c) below?

- (a) Has the applicant requested that the application be publicly notified? **No**
- (b) Is public notification required by Section 95C? **No**
 Has further information been requested and not provided within the deadline set by Council? **No**
 Has the applicant refused to provide further information? **No**
 Has the Council notified the applicant that it wants to commission a report but the applicant does not respond before the deadline to Council's request? **No**
 Has the applicant refused to agree to the Council commissioning a report? **No**
- (c) Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? **No**

Step 2: Is public notification precluded as per questions (a) – (b) below?

- (a) Is public notification precluded by a rule in the plan or a NES? **No**
- (b) Is the application for one or more of the following activities but no other activities:
- (i) A controlled activity? **No**
 - (ii) A restricted discretionary, or discretionary activity, but only if the activity is a subdivision of land or a residential activity? **No**
 - (iia) A restricted discretionary, discretionary or non-complying activity but only if the activity is a boundary activity? **No**
 - (iii) A prescribed activity (see section 360G(1)(a)(i)? **No**

Step 3: Does the application meet either of the criteria in (a) or (b) below?

- (a) Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? **No**
- (b) Will the activity have or be likely to have adverse effects on the environment that are more than minor in accordance with Section 95D? **No**

The adverse environmental effects on the environment from the proposal are discussed elsewhere of this report. Based on this review, I consider that there will not be more than minor adverse effects on the environment (discounting the site and adjacent sites).

Step 4: Do special circumstances exist in relation to the application that warrant the application being publicly notified? No

2.2 Section 95B Limited Notification

Step 1

Section 95B(2) Are there any affected groups or persons identified under Section 95B(2):

- (a) Protected customary rights groups? **No**
- (b) Customary marine title groups? **No**

Section 95B(3)(a) Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11? **No**

Section 95B(3)(b) Is a person to whom a statutory acknowledgement is made an affected person under Section 95E? **No**

Step 2

Is Limited Notification precluded under Section 95B(6)?

- (a) Is the application for a resource consent for one or more activities, and each activity is subject to a rule or national environmental standard that preclude limited notification? **No**
- (b) (i) Is the proposal a Controlled Activity that requires consent under the District Plan (other than a subdivision of land)? **No**
- (ii) Is it a prescribed activity under Section 360H(1)(a)(ii)? **No**

Step 3

Having regard to Section 95E of the Resource Management Act, identify persons who would be adversely affected by the proposed activity by effects that are minor or more than minor, but not less than minor and give reasons why affected parties were identified.

The following parties have been identified to be affected parties due to available drawdown at the identified bores estimated to be greater than 0.2m for an unconfined aquifer in accordance with Policy 6.4.10B and Schedule 5 of the Regional Plan: Water for Otago.

In addition to this, properties located within 100 metres of the existing quarry and proposed expansion area may experience adverse dust effects on occasion that are considered to be minor or more than minor. As such the effects on these parties are considered to minor or more than minor for the reasons stated below. There are no circumstances that justify why it would be unreasonable to require these approvals to be obtained.

- Bryson and Nicola Clark (Lots 2 and 7 DP 301379)

- CP Trustees Limited, Hayden Little and Malcom Little (Lot 2 DP 508108 and owner of land where G41/346 and G41/0340 are located)
- Lindsay Allan Moore and Rosemary Sidey (Lot 2 DP 384908, Lot 1 DP 384908 and Lot 3 DP 26218 where G41/0111, G41/0220, and G41/0321 are located)
- Amisfield Orchard Limited (Lot 1 DP 508108)
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- Amisfield Orchard Limited (Lot 1 DP 508108)
- Manukau Fifty Limited (Lot 1,6, 10-11 DP 301379)
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- Douglas Cook (owner of G41/0326)
- Walnut Ridge Limited (owner of G41/0265)

Have all persons identified as affected under Step 3 provided their written approvals?
No

Step 4 Further notification in special circumstances

Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under Section 95E as not being affected persons)? **No**

NOTIFICATION RECOMMENDATION:

In accordance with the notification steps set out above, it is recommended that the application proceed on a limited notified basis under Section 95B to the parties in Step 3 above.



Name: Sarah Davidson
 Title: Senior Consents Officer
 Date: 12 May 2020

DECISION ON RE-NOTIFICATION

Sections 95A to 95G of the Resource Management Act 1991

Date: 12 May 2021

Application No: RM20.360

Subject: *Decision on notification of resource consent application under delegated authority*

Decision under Delegated Authority

The Otago Regional Council decides that this resource consent application is to be processed on a **limited notified** basis in accordance with sections 95A to 95G of the Resource Management Act 1991.

The above decision adopts the recommendations and reasons outlined in the Notification Recommendation Report in relation to this application. We have considered the information provided, reasons and recommendations in the above report. We agree with those reasons and adopt them.

This decision is made under delegated authority by:



Joanna Gilroy
Manager Consents

