

CENTRAL OTAGO DISTRICT COUNCIL

APPLICATIONS RC250155 & RC220396V3

COUNCIL RESPONSE TO MINUTE 1 - ACCESS SIGHT DISTANCES

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Purpose

This response addresses the two questions in paragraph [6] of Minute 1 concerning the proposed deferral of accesses that may not comply with the sight-distance requirements of Rule 12.7.1(ii).

Council engineering advice

Following consultation with Council's Roding Asset Engineer, Council's Land Development Engineering Manager, Mr Walt Denley, provided the following advice:

"I have spoken to our Roding Asset Engineer, and we concluded that we would recommend dealing with the issue now as part of this application. By imposing a consent notice on properties that require maximum available sight lines to be maintained for the benefit of adjoining properties during the current consent process would give us the best available outcome. We come to this conclusion because leaving this known issue to the future lot owners to gain a consent largely removes our ability to have any real control on trying to maximise these sight lines at a location where we already know there is likely to be an issue due to the topography involved. Accounting for both reaction and stopping times, sightlines of less than 40m leave very little safety margin within the local roading network. By requiring consent notices on properties adjoining those with a likely marginal sight distance from future vehicle crossings allows us better control of future structures and planting in sight line corridors to ensure these are maximised as much as possible. If we left the consents to the future landowners, then we would have no real ability to put controls on the neighbouring properties who would not be subject to the future application."

- Walt Denley, Land Development Engineering Manager

1. Appropriateness of approving allotments without compliant access

In my opinion, it is not appropriate from a transportation safety and efficiency perspective to approve new allotments where a practicable access complying with Rule 12.7.1(ii) has not been demonstrated and a breach is anticipated.

The applicant's decision not to seek consent for any sight-distance infringement does not resolve the underlying issue. It means that the present consent could not authorise an infringement, while leaving future owners to establish whether compliant access is achievable or to seek separate consent. As the access constraint arises from the proposed subdivision layout and site topography, it should be addressed as part of the subdivision rather than transferred to future owners.

If the Panel is minded to grant consent, the applicant should first identify a practicable access location for each proposed residential allotment, demonstrate the available sight distance in each direction, identify any infringement and its effects, and show any sightline corridor extending across another proposed allotment. The decision and conditions can then secure the approved crossing locations, necessary earthworks and ongoing sightline protection before titles issue.

2. Ability to impose consent notices through later access consents

No later individual land-use consents will not afford the consent authority the opportunity to impose a consent notice on the subject allotment or an adjoining allotment. A consent notice under section 221 of the Resource Management Act 1991 secures the continuing performance of a condition of subdivision consent. The current subdivision process therefore provides the appropriate opportunity to impose sightline-protection conditions on all affected proposed allotments and register consent notices against the resulting Records of Title.

After subdivision and separate ownership, Council could impose conditions on a later access consent controlling the access and sightline maintenance within the application site. However, it could not use that application to impose a section 221 consent notice on the subject allotment, nor unilaterally impose restrictions on a separately owned adjoining allotment that is not part of the application. Protection across adjoining land would then depend on that owner's agreement to an appropriate legal instrument and this kind of third party agreement could not be a requirement imposed by conditions of consent.

Conclusion

Council's recommendation is that the access and sightline issue be resolved through the present subdivision application. Where a sightline corridor crosses another proposed allotment, it should be identified now and appropriate mitigation measure put in place. Importantly, these mitigation measures could include consent notices registered on lots adjoining the sightline breaches. Deferring the issue would reduce Council's ability to secure the maximum available sightlines and could leave future owners with allotments for which compliant access is not possible and the ability to mitigate effects is constrained.