

**CENTRAL OTAGO DISTRICT COUNCIL**  
**S95A-F DECISION FOR RC230173**  
**55 Totara Place, Queensberry**

**INTRODUCTION**

The application seeks to undertake a subdivision of an 8.024ha property into two lots at 55 Totara Place, Queensberry. The subject site is legally described as Lot 16 DP 328097, held in record of title 114457. The application seeks to establish a residential building platform on proposed Lot 2.

The applicant proposes to establish the subdivision as follows:

- Proposed Lot 1 will comprise 6.02ha and includes the existing dwelling and the depression in the site which runs north-south along the western portion of the site.
- Proposed Lot 2 will comprise 2ha and will include a 960m<sup>2</sup> (32m x 30m) residential building platform and a defined domestic curtilage area (52m x 52m) intended to contain residential activity and associated domestic elements.

Access to the existing dwelling on Lot 1 will remain unchanged by the proposal. Lot 1 is accessed directly from Totara Place, a private right of way (ROW). A new entranceway will be established from Totara Place for proposed Lot 2, along the northern boundary of this allotment.

The application offers the imposition of a consent notice on the title to restrict the establishment of a dwelling to the defined residential building platform and the establishment of other domestic elements to the defined curtilage area. Further information provided with the application confirms that a height restriction of 4.5m for built form within the platform is volunteered as part of the proposed consent notice conditions.

The application confirms that the existing dwelling on Lot 1 is provided with suitable electricity, telecommunication and water supply connections which will be extended to serve the proposed building platform on Lot 2, pursuant to the necessary easements. Potable water is supplied to the site at a rate of 5,000L per day from the Queensberry Irrigation Scheme. The application states that this allocation will be split between proposed Lots 1 and 2 providing 2,500L per day. Irrigation water from the Queensberry Irrigation Scheme will be allocated as 75,000L per day to proposed Lot 1 and 25,000L per day to proposed Lot 2.

Information provided confirms that the wastewater disposal field for proposed Lot 1 will be confined to within the site boundaries. Proposed Lot 2 is confirmed to be suitable to receive wastewater disposal.

The applicant has provided an assessment of how the productive use of the soils on site will be maintained as a result of the proposal.

With the agreement of the applicant, Council commissioned a Transport Review Report from Abley Consultants under section 92 (2) of the Resource Management Act. The report concludes with a suite of recommendations to mitigate against cumulative adverse traffic or transport effects on Queensberry Terrace and Totara Place. The report recommends:

- a) The applicant be required to upgrade at least the first 53m of the unsealed section of Queensberry Terrace to a 'Local Sealed' standard, to the satisfaction of CODC, and vested in Council as road.
- b) Totara Place, north of Lot 1's vehicle crossing, should be upgraded to match the standard south of Lot 1's vehicle crossing.
- c) No further subdivision of Lots 1 or 2 is permitted, to avoid 'creep'

- d) Pursuant to Schedule 5 of the Property Law Act 2007, a formal agreement be drawn up between the owners/users of all private accesses in order to clarify their maintenance responsibilities.

Upon review of the Abley Transport Review, the applicant has provided their agreement to the recommendations referenced (b) and (c) above. In relation to (d) the applicant has confirmed that Queensberry Irrigation Ltd manages the maintenance of the Queensberry Terrace and Totara Place as private ROW and submits that recommendation (d) is not warranted at this time. The applicant has rejected the recommendation referenced (a) above and does not support an obligation to upgrade Queensberry Terrace to “Local Sealed” standard.

## SECTION 95A NOTIFICATION

### Step 1 – Mandatory public notification

Public notification has 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)).

## EFFECTS ON PERSONS

Section 95B (1) requires a decision whether there are any affected persons (under s95E).

The applicant’s have obtained the written approval of the following parties, who are not treated as affected in accordance with s95E(3) of the RMA:

Persons	Property Address	Location in Relation to Application Site
Melanie Mueller	167 Pukerangi Drive	Property to the north
Sharon McIntyre and Sharex Trust	23 Miharo Lane	Property adjacent to the east
Mac, Daniel, Anthony and Nicholas Gardner	41 Totara Place	Property adjacent to the south
Craig Barr and Jessica Maddock	29 Totara Place	Property to the south
Carlton and Louise Carney	11 Totara Place	Property to the south
Andrew Keene and Sorrelle Pearson	175 Queensberry Terrace	Property to the east
Stephen and Megan Burke	109 Pukerangi Drive	Property to the east
Rachel Predergast and Matt Ragg	54 Totara Place	Property adjacent to the east on the opposite side of Totara Place
Lyndon Stott and Sophie Copley	189 Pukerangi Drive	Property adjacent to the north

Figure 1: Table of written approvals obtained (Source: Application)



Figure 2 : Application site and neighbouring properties that have provided written approval for the development indicated by a green star.

The following parties are considered affected by the proposal in accordance with s95E(3) as landowners who access from the private right of ways named Queensberry Terrace and Totara Place which will be impacted by the potential roading upgrades. Parties are also identified who have direct views over the subject property:

Person (s)	Property address	Reason for affected party
Katie Medley and Simon Orbell	118A Queensberry Terrace	Access from Queensberry Terrace
Guy and Patricia Jacques	Lot 2 DP 574007	Access from Queensberry Terrace
Clive Jones and Catherine Thomson-Bush	118B Queensberry Terrace	Access from Queensberry Terrace
Robbie Campbell and Neville Martin	118 Queensberry Terrace	Access from Queensberry Terrace
Amanda and Blair Allen	144 Queensberry Terrace	Access from Queensberry Terrace
David Corrigan and Rebecca Barrett	170 Queensberry Terrace	Access from Queensberry Terrace
Bridget and Alan Williams	172 Queensberry Terrace	Access from Queensberry Terrace
Shana and Danielle Pullar	174 Queensberry Terrace	Access from Queensberry Terrace
James Dale and Sarah Jane Taylor	176 Queensberry Terrace	Access from Queensberry Terrace
Julia Einberger	175 Queensberry Terrace	Access from Queensberry Terrace
David and Beth Krehic	97 Queensberry Terrace	Access from Queensberry Terrace
Warrick and Lisa Pearson	Lot 1 DP 575673	Access from Totara Place
Bradley White and Andrea	21 Totara Place	Access from Totara Place

Champion		
Phala Gunson	Miharo Lane Lot 33DP 509713	Property to the west
Kirsten Macfarlane and Andrew Perkins	27A Miharo Lane	Property to the west
Wendy and Peter Davie	27B Miharo Lane	Property to the west
Queensberry Irrigation Scheme		Water supply

In terms of 95E of the RMA, the above parties are considered to be adversely affected by the application and from whom affected party approval has not been obtained. However, given the notification decision above, these parties will have the opportunity to engage in the consent process through the public notification process.

### OVERALL NOTIFICATION DETERMINATION

Public notification is required under Step 1, pursuant to s95A (3)(a).

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:



Tanya Copeland  
**Planning Officer**

Date: 18 September 2023

Reviewed by:



Oli McIntosh  
Approved under Delegated Authority by:

Date: 19 September 2023



Lee Webster  
**Planning & Regulatory Services Manager**

Date: 21 September 2023