

30 January 2024

Our Reference: JW21070

Central Otago District Council  
PO Box 122,  
Alexandra, 9340

Attention: Kirstyn Royce, Consultant to Central Otago District Council

**via email only:** [kirstyn@planningsouth.nz](mailto:kirstyn@planningsouth.nz)

**RE: Response to RFI for RC230340**

Thank you for your consideration of resource consent application RC230340. Please see a response to your request as follows:

- 1. Please confirm the HAIL status of the site in accordance with Regulation 6 of the NESCS. If the site is a HAIL site, please provide an assessment of this and apply for any required consents to subdivide the site.**

Please see attached in **Appendix [A]** an NES search from Council, dated 18/12/23 which confirms no record is held by CODC that the site was subject to past HAIL activities.

A check of Otago Regional Council's HAIL register does not detail any HAIL activities on the subject site.

As such, it appears that an activity or industry described in the HAIL, which could have resulted in the contamination of the site, is unlikely to have been undertaken on the site and as such the provisions of the NES need not apply.

- 2. The application provided the Abley's Transport Review, prepared for RC230173, in support of the application. However, the application states that *"it is not proposed to make any changes to the access recognising that as a private road, all effects are largely limited to the immediate residents that utilise the access"*. In this regard, the applicant does not appear to take up any of the recommendations contained in the Abley's review. As a result, the application appears to be inconsistent with the documentation submitted in support of the application.**

**How is Council to reconcile your assessment with the recommendations made by Abley's, given that they are recognised traffic experts? [Note: The applicant is advised that RC230173 has been publicly notified and one key issue for the notification issue was the rejection of the sealing recommendation made by Abley's].**

The applicant does not propose to upgrade the access as is currently the case. The gravel nature of the access plays a role in the amenity values of the area by emitting a somewhat rural feel to the area. As described in the Abley report, the gravel nature of the access ensures speed is kept to a minimum (30km) which the applicant considers works well for the residents in the subdivision where many use the access for informal walking and horse riding

purposes. Any upgrades to the road are likely to alter these amenity values and potentially result in increased speeds.

The Abley report makes a recommendation as part of RC230173 to upgrade 53 metres of the first section of Queensberry Terrace to a Local Sealed standards as a means to improve the standard of the access to accommodate the demand generated by the proposed subdivision in RC230173. The recommendation to upgrade a section of the road was a suggestion by Abley to get around the piece-meal approach to subdivision and the additional loading on the access. This recommendation is despite the fact that the report determined that the access as currently the case was capable of accommodating additional traffic, and two way vehicle movements (detailed in Sections 3.1 to 3.3).

The access is private. The responsibility for maintenance falls directly on all users of the access. All effects on the access are effectively internalised to the residents that utilise the access.

Recognising the private nature of the access whereby all effects will be limited to the Lots which have a right to the access, Council may consider notification on the relevant landowners is appropriate, with a reference of the intention to not upgrade the access. This will enable Council to determine whether the residents that would directly experience the proposal have any concerns with the current state of the access.

The client reports that family visits to the property occur at most, twice a month, and therefore minimal usage on the road.

**3. Queensberry Irrigation Company appears to maintain the ROW (Queensberry Terrace/Totara Place) currently. Please show the extent of ROW AH, AE, AA, Y, AJ, L, M, N, J, I and E covered by the Water Supply and Right of Way Maintenance Agreement dated 20 February 2012.**

Please see below an extract of the Title plan showing the ROW as requested. I have attached a copy of the Title Plan in **Appendix [B]**:

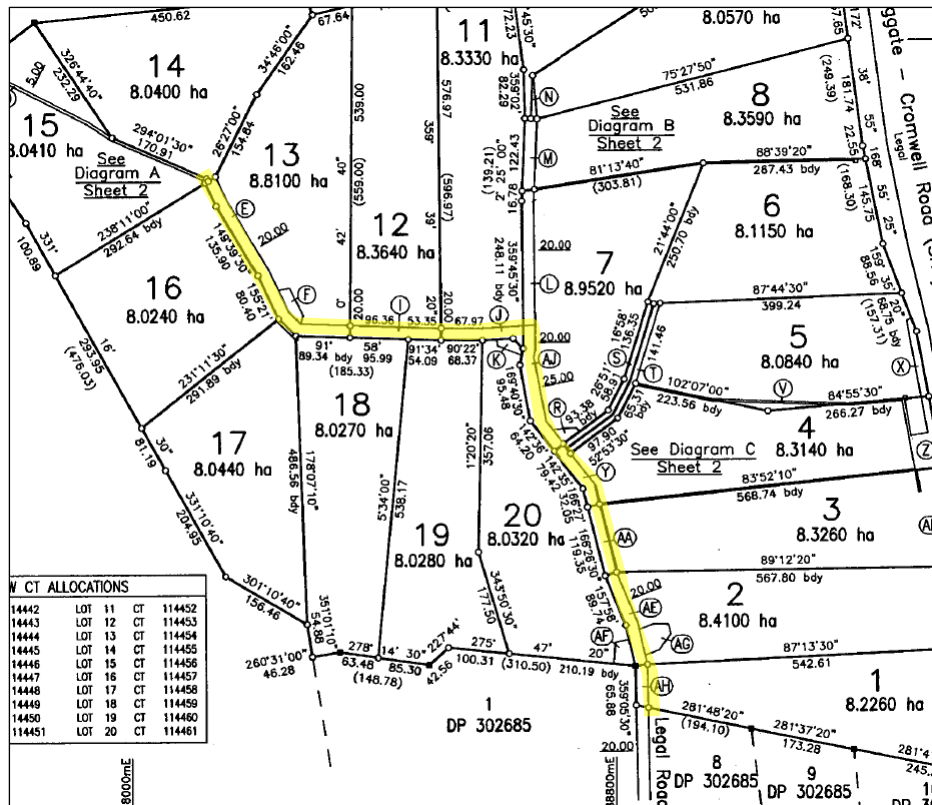


Figure 1: Extract of Title plan detailing Right of Way areas.

- Please provide evidence of consultation (and or written approval) that Queensberry Irrigation Company support an additional user to the ROW. Please include any discussion the applicant has had with Queensberry Irrigation Company regarding the sealing of Queensberry Terrace.

Please see attached (**Appendix [C]**) correspondence from Guy Steven, solicitor for Queensberry Irrigation Company (QIC) confirming that QIC has no interest in the access.

- The application states that the access to Lot 1 will remain the same. Currently this access is unformed. Please confirm whether it is the applicant's intention to upgrade this access to Council Standards.

The access (vehicle crossing) will be upgraded in accordance with Part 29 of Council's roading policy. The reference to remaining the same is in relation to the location.

- The signed Water Supply and Right of Way Maintenance Agreement dated 20 February 2012, submitted with the application, confirms an allocation of 2500L/day for domestic water and 100000 L/day for irrigation as relied upon in the application. Please confirm Lot 17's legal right to a water allocation of 5000L/day for domestic water and 50000 L/day for irrigation.

The signed water agreement is indeed for 5,000 Litres per day for Drinking Water and 100,000 Litres per day for irrigation. The copy included in the AEE was of poor scanned quality. An updated scan is attached in **Appendix [D]**. Advice from QIC's lawyer Guy Steven's confirms this is the case.

- Please provide evidence that the Queensberry Irrigation Company are agreeable to the water allocation be divided to serve two lots.

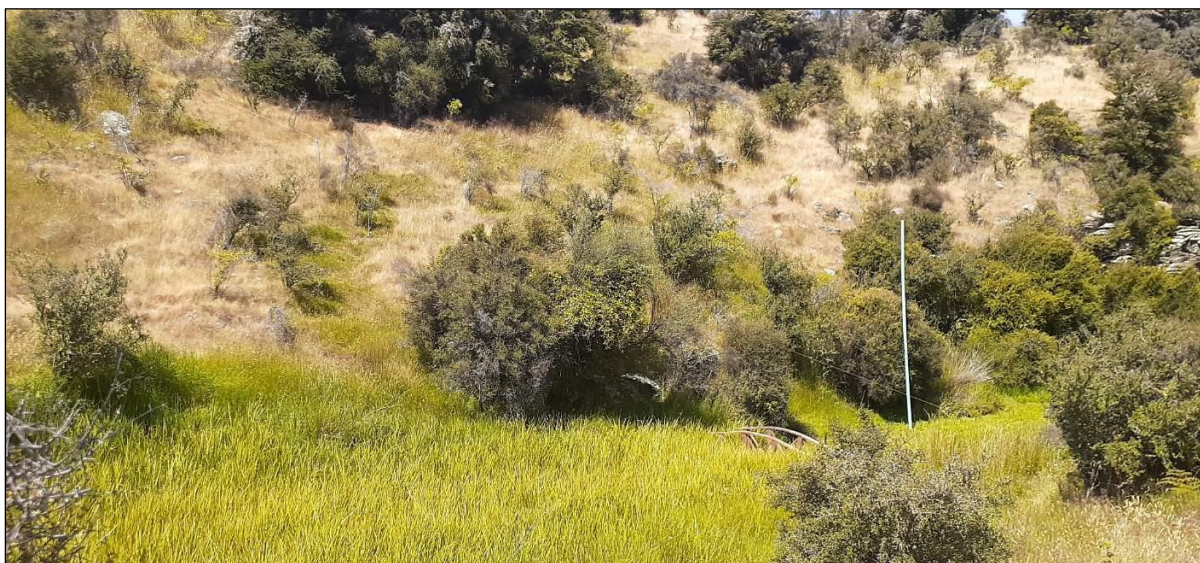
I have attached the latest AGM Minutes from the QIC in **Appendix [E]**. Refer to item 6 whereby QIC simply needs to be notified of a completed subdivision and will update the share transfer documents accordingly. It is inferred that no approval is required from QIC to split the shares.

**8. The curtilage areas outside of the RBPs appear to extend in the proposed QEII covenant area. Please explain how the extent of the curtilage area is consistent with the QEII covenant.**

I have re-checked the plans and the RBP and the curtilage remains clear of the proposed covenant area. The overlay encroaching into the covenant area is detailed on the landscape plan as Fire Risk Management Area. For all intents and purposes, there will be no domestication in the covenant area.

**9. The application states that there are no hazards identified for the site, but the Otago Natural Hazards portal shows a fan form channel flowing through the gully system. Please provide an assessment of this.**

There is no survey of the gully floor in relation to this site however the applicant erected a 4.5 metre pole in the gully which does not reach around halfway up the gully to the terrace in which the activities are proposed. Coupled with existing residential dwellings located at the same elevation as the proposed dwelling site and no report flooding concerns, it is considered unlikely that the gully poses a risk to development in terms of flooding/flows.



*Figure 2: Photo looking into gully showing 4.5 metre pole at base of gully for reference.*

**10. Please confirm the distance to the closest frost fan.**

The nearest frost fan observed is located over 900 metres away at 68 Queensberry Terrace. The distances are such that no further consideration is considered necessary for this application.





Figure 3: Extract of Council GIS detailing distance of site from frost fan.

**11. In the Landscape assessment a small stone cottage and three small outbuildings are identified as being located within the site. The landscape assessment suggests that this building is used for accommodation at times. Other than the landscape assessment, the application does not refer to the cottage. At the time of my site visit, when viewed from Totara Place, the cottage appeared occupied. There does not appear to be any Council records of this building (either building or resource consent). Please provide details of:**

- a) the age of the stone cottage (and outbuildings),**
- b) any records for the legal establishment of this building (and outbuildings),**
- c) how the building is serviced (in particular how wastewater is managed),**
- d) the applicant's intention for this building post-subdivision.**

*Background to cottage structure*

The applicant built the cottage structure in 2012.

The design brief was to achieve a heritage look hence it may appear to have been onsite for an extended period of time. This is not the case and the applicant confirms that it was built by them under their direction.

The applicant advises that there are no consents for the cottage. The floor area is under 10m<sup>2</sup> which, at that time, the applicant was advised did not meet a threshold for needing a building consent. The applicant advises that the structure initially started out as a shed for storage, however the applicant soon began using it as accommodation for when they visit the site (which is only a few weeks per year and very sporadic). This has resulted in establishing bunks in the structure, and the establishment of a separate toilet and shower block.

*Buildings and power/water:*

Water is achieved via a freestanding tap connected to the applicant's allocated water supply, with an extension to the bath house.

Shed 1 – Stone cottage as above. There is no mains power to the structure and it simply contains bunks. There is one tiny 12 volt light. There is no water supply therein.

Shed 2 – Bath House. The applicant advises that wastewater from the bath house is achieved by capturing waste material in a 44-gallon drum, buried under the ground (a "mini septic tank"). The wastewater then seeps from the drum to land. The applicant advises that the site is only occupied, in total, less than a month of the year and therefore usage of the toilet has been minimal. The shower simply drains to land. Power for the shower comes from a solar panel on the bath house roof to a 12 volt battery.

Shed 3 – Storage. No power/water.

Shed 4 – A child's play house. No power/water.

*Intended use of cottage post-subdivision*

The applicant advises that they wish to relocate the cottage structure to proposed Lot 2 as shown on the Landscape Plan prepared by Anne Steven Landscape Architecture. The applicant would then seek to enable continued use of the cottage as a residential activity. The cottage will continue to only contain bunks. The applicant has been advised that servicing needs to accord to Council standards and therefore an upgrade to the current wastewater system may be necessary. That being so, the applicant would propose, post subdivision, to build a "proper", fully consented cottage/small dwelling on Lot 2 (as per the Anne Steven plan), which would include a standard bathroom, with a proper septic tank. The present bath house would have the toilet facility disestablished.

To authorise the use of the structure for residential purposes, resource consent pursuant to Rule 4.7.3(vii) for the establishment of a residential activity on a single Title is necessary. The provision of two residential activities would default to a **discretionary activity** under Rule 4.7.4(i). Recognising that proposed Lot 2 will contain a residential building platform as well as the cottage, it is appropriate to consider the occupation of the cottage as a discretionary activity.

In terms of effects on the environment, these are briefly considered as follows:

- In terms of visual and landscape effects, the structure occupies a very small footprint and has the appearance of a miner's cottage or musterer's hut (refer to following figure). Such a structure in the context of the receiving environment is not considered to generate any adverse visual or landscape effects but rather is one that is considered to contribute to the amenities of the area attributed to its appearance. Landscape and visual effects are therefore no more than minor.





Figure 4: Photo of existing stone cottage.

- In terms of environmental effects, this is considered to be largely limited to wastewater disposal. The site is sporadically occupied and used on a handful of occasions by the applicant as a holiday retreat. The lack of occupation means that little wastewater is generated. Notwithstanding, it is considered appropriate to impose a condition, post subdivision, requiring the wastewater arrangements of the site to be upgraded in accordance to Council's standards. This would effectively require the applicant to obtain specific wastewater engineering advice and determine the appropriate level of servicing so to meet the necessary standards. Through compliance with Council's standards, it is considered adverse environmental effects will be adequately mitigated.
- In terms of domestic water supply, it is considered there is sufficient supply to cater for the existing cottage as is. Once a future dwelling is constructed, the cottage will effectively function as a sleep out noting there are no services to the cottage at present.
- In terms of domestication effects, the provision of residential use of the site has been determined in the AEE as appropriate in the rural residential context in which the site is located.

#### *Other matters pertaining to the cottage*

The applicant will look to obtain independent advice from a Licensed Building Practitioner in relation to any building consent requirements, and will form part of the relocation process if resource consent is approved to relocate the structure.

Should you have any questions regarding this letter, you are welcome to contact me for further advice.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Jake Woodward'.

**Jake Woodward**  
**Resource Management Planner**

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**Appendices**

- RFI Appendix [A]**    NES Record Search
- RFI Appendix [B]**    Title Plan
- RFI Appendix [C]**    Correspondence from Guy Steven, Lawyer for QIC re consultation
- RFI Appendix [D]**    Water Agreement
- RFI Appendix [E]**    QIC AGM Minutes