

# Submission on Notified Resource Consent PL250336085

01



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

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



## Submission on Notified Resource Consent

|           |             |           |                   |
|-----------|-------------|-----------|-------------------|
| Reference | PL250336085 | Submitted | 19 Mar 2025 09:56 |
|-----------|-------------|-----------|-------------------|

### Notified Submission

## SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

### Section 95A (public) Resource Management Act 1991

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

This is a submission on the following resource consent application:

|                                  |  |
|----------------------------------|--|
| Resource Consent Number          | 240186   |
| Valuation Number                 | 2842107723   |
| Applicant                        | Enfield Limited  |
| Location of Site                 | 191 Fay Lane, Queensberry  |
| Brief Description of Application | Subdivision consent to subdivide property into 11 lots and land use consent to establish 9 residential building platforms in a rural resource area |
| Submissions Close                | 4.00pm on Thursday 3 April 2025  |

# Writing a submission

The following will be required during this process:

- Your full name and address, telephone number and email address
- Whether you support or oppose the application for resource consent
- The reason for your submission
- The decision you wish the Council to make, including any conditions sought
- Whether you wish to be heard.

## Important information so you don't lose your data

If you wish to take some time completing this form, we strongly recommend that you **create a [login](#) and log in to your account prior to starting to complete the form.** This gives you the ability to save a draft and return to it later.

If you are a club or organisation, please use an email that is associated with the club rather than your work or personal email.

Logging in before starting to enter information into the form also means you won't lose your information if the form times out, or if you accidentally navigate away from the screen you're working on.

You cannot save your information and return to it later unless you log in before you start the form.

Regardless whether you are logged in, once you have completed and submitted the form, you will receive a copy of your submission to the email address you specify in the form.

Either go to our [Online Services](#) page to create an account (or log in if you already have an account) or continue below to start without logging in.

## Privacy

The information you provide is official information and is used to help process your application. The information is held and used in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. Under the Privacy Act 2020 you have the right to see and correct any personal information that Council may hold about you.

## Declaration

**By continuing with this application you certify that: The Yes information you provide is true and correct to the best of your knowledge.**

## Notified Submission

## Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:

It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**In lodging this submission, your submission, including contact details, become public information and will be available for anyone to view.**

## DETAILS OF SUBMITTER

|   |   |
|---|---|
| Full name   | Jacob Dexter and Esther Dexter (Hinton)           |
| Contact person (if applicable)  | Jacob   |
| Electronic address for service of submitter:  | jakedexter@gmail.com                              |
| Phone number - day time   | 0274064223  |
| Postal address (or alternative method of service under <a href="#">section 352</a> of the Act): | 60c MacFarlane St, Hamilton East<br>HAMILTON 3216 |

## Your Application

|  |                             |
|--|-----------------------------|
| Please select one regarding the application  | I neither support or oppose |
| Do you wish to be heard in support of this submission?   | Yes - I wish to be heard    |
| Are you a trade competitor for the purposes of <a href="#">section 308B</a> of the Resource Management Act 1991? | I am not                    |
| I would consider presenting a joint case if others make a similar submission                                     | Yes                         |

## Details of submission

The specific parts of the application that my submission relates to are: Refer to uploaded Form 13 for this information

The submission - include:

Refer to uploaded Form 13 for this information

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

[RC 240186 Enfield subdivision -Form 13 Submission, J and E Dexter.pdf](#) (338 kb)

I seek the following decision from the consent authority.

*Give precise details, including the general nature of any conditions sought* Refer to uploaded Form 13 for this information

Select below - Pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 (second tab) as you may incur costs relating to this request." I do not request

Any other comments?

Refer to uploaded Form 13 for full information of our Submission

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Yes

Please sign (click on the words CAPTURE)



Date signed:

19/03/2025



# SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

## Section 95A Resource Management Act 1991

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340  
[resource.consent@codc.govt.nz](mailto:resource.consent@codc.govt.nz)

## DETAILS OF SUBMITTER

Full name:

**Jacob Dexter and Esther Dexter (Hinton).**

**Landowners of 141 Fay Lane, RD3 Queensberry, 9383,**

**Legal description: Lot 2 DP 454158**

Electronic address for service of submitter: [jakedexter@gmail.com](mailto:jakedexter@gmail.com)

Telephone: **0274064223**

Postal address (or alternative method of service under [section 352](#) of the Act):

**Jacob Dexter  
60c MacFarlane St  
Hamilton East  
Hamilton 3216**

This is a submission on the following resource consent application: RC No: **240186**

Applicant: **Enfield Limited** Valuation No: **2842107723**

Location of Site: **191 Fay Lane, Queensberry**

Brief Description of Application: **Subdivision consent to subdivide property into 11 lots and land use consent to establish 9 residential building platforms in a rural resource area.**

Submissions Closing: **4.00pm on Thursday 3 April 2025**

The specific parts of the application that my submission relates to are:

1. Paragraph 5 in the Response to Council's request for Additional Information (Maddy Albertson, Patersons Land Professionals, dated 2 December 2024), specifically: *"The applicant is proposing to retain the ROW status in name only and upgrade Faye (sic) Lane Where Required."*
2. The Wildlands Ecological Assessment and suggested consent conditions on page 11 of the application, specifically, the recommendation of *"robust formal protection of higher value parts"* and *"A woody indigenous plant community restoration plan to be prepared by a suitably qualified ecologist"*, and the *"suggested areas of formal protection"* and *"suggested locations of wetland enhancement plantings"* as shown in the plan in Figure 7 on page 48 of the Wildlands report appended in the Application Appendix
3. Potential effects on Land, Flora and Fauna, specifically Waterbodies (Table on page 18 of the application).

### **This submission is:**

#### **Summary**

Overall, we are not opposed to the subdivision proceeding. However, we seek clarity on certain matters and currently oppose one aspect of the application where we seek certain conditions, as detailed below:

#### **Details**

1. The Applicant has proposed to retain Fay Lane as a ROW. The ROW is approximately 1.2 kilometres in length from the end of the legal road to the Applicant's farm gate, with steep gradient in places.

We support the proposed upgrade to Fay Lane to roading standard. We would also support vesting of Fay Lane in Council as road, according to the requirements of Council's Addendum to NZS 4404:2004 Engineering and Subdivision Standards Policy.

We understand the Applicant's rationale for requesting that Fay Lane be retained as a ROW due to the large number of easements and parties attached to it, which would make the cost and effort to extinguish these an expensive and time-consuming exercise.

Precise costings for rural road construction and maintenance per kilometre in New Zealand are difficult to pinpoint. According to one source (Ultimate Guide To Cost Of Civil Construction NZ, retrieved 16 March 2025), costs can range from \$1 million to \$5 million per kilometre for road construction. Subsequent maintenance costs also varies widely, for example, one source quotes \$5,020 per kilometre in 2023/24 (NLTF Report 2023/24 Section B: Detailed results, page 231, retrieved 16 March 2025) up to an estimated \$33,000 per kilometre costing for a surface renewal (<https://rcaforum.org.nz/wp-content/uploads/2024/05/20240423-RCAF-Forum-Driving-efficiency-in-road-maintenance-Andrew-Clark.pdf>, page 1, retrieved 16 March 2025).

While we are not opposed to the ROW being retained by the Applicant, we are concerned about incurring additional maintenance expenses because of the upgrade and the subdivision adding an eleven further properties' worth of vehicular traffic. To date we, as holders of a ROW dominant tenement on Fay Lane, have not reached agreement with the Applicant over responsibility for ongoing maintenance of the ROW if it is upgraded. Therefore, if Fay Lane is upgraded because of the consent to subdivide, our preference

is for Council to take over its ownership and/or responsibility for its maintenance going forward.

We seek clarification from Council on the following matter:

Is there a possibility the ROW status of Fay Lane can be retained (given the Applicant's circumstances) but it otherwise be vested, or managed and maintained by Council, as if it were a road in every other respect?

2. The Applicant has included a thorough assessment of the ecological values within the application area and has proposed methods to mitigate and remedy adverse effects. We support the recommendations within the Wildlands report, and for these to be formalised as conditions of consent, specifically the "*suggested areas of formal protection*", "*suggested locations of wetland enhancement plantings*" and "*suggested locations of underplanting within Kanuka scrub*" shown in the plan in Figure 7 on page 48 of the Wildlands report.
3. Regarding 'Potential effects on Land, Flora and Fauna', specifically Waterbodies (Table on page 18 of the application), I wish to inform Council that there is a population of Clutha flathead galaxias (*Galaxias* "Species D") in the permanently flowing stream on my property at 141 Fay Lane, the headwaters of which are located within the gullies and wetlands within the application area. This fish population was recorded by a DOC freshwater ranger and me in 2015, but the record was not recorded on the National Freshwater Fish database.

**We seek the following decision from the consent authority:**

***(give precise details, including the general nature of any conditions sought)***

That consent be approved subject to the following conditions, or similar that achieves same:

1.
  - (a) That once upgraded, Fay Lane be vested in Council as a road, according to the requirements of Council's Addendum to NZS 4404:2004 Engineering and Subdivision Standards Policy.

OR

- (b) That the Applicant and Council reach an agreement whereby Fay Lane remains a ROW in name only, but that ownership and/ or subsequent maintenance pass to Council, and for Council to effectively manage it as if it were a public road, e.g. ROW with public access.

ALTERNATIVELY;

- (c) If (a) or (b) are not achievable, we would consider supporting a consent condition requiring the Applicant to reach agreement(s), with ourselves and other ROW dominant tenement holders residing on Fay Lane, regarding ongoing responsibilities and apportionment of costs for ROW maintenance and upkeep.<sup>1</sup>

---

<sup>1</sup> Option 1(c) is suboptimal, as there is no guarantee parties can reach agreement, nor that upkeep of Fay Lane will continue to keep the ROW to Council's roading standard. Consequently, our preferred options are 1(a) or 1(b) above.

2.

- (a) That recommendations within the Applicant's Wildlands report, particularly the *"suggested locations of wetland enhancement plantings"* and *"suggested locations of underplanting within Kanuka scrub"* as shown in the plan in Figure 7 on page 48 of the Wildlands report, be installed as conditions of consent, to mitigate effects of vegetation removal resulting from the subdivision.
- (b) That *"suggested areas of formal protection"* as shown in green and green/ yellow hatching in the plan in Figure 7 on page 48 of the Applicant's Wildlands report receive some form of legal protection in perpetuity. Such protection mechanisms include for example, QEII covenants or privately owned Conservation Reserve under s77 of the Reserves Act 1977, or any other appropriate legal protection mechanism.
- (c) That beyond vegetation clearances consented for the subdivision, remaining indigenous vegetation be protected, e.g. by consent condition or as an encumbrance on the new titles, to prevent:
- clearance of indigenous vegetation beyond consented clearances, and
  - widespread irrigating or 'greening' of the landscape, except for the purposes of irrigating native vegetation.
3. We seek adequate engineering controls (e.g. sedimentation traps, not working in wet areas, or areas prone to become wet during rains) be included as conditions of consent. This is to ensure that downstream water quality, fish population(s) and other instream biota are not adversely affected by sedimentation or other contaminants entering waterways during earthworks to establish the subdivision, including subsequent building activities and road construction.

**We neither support nor oppose the application\*.**

\* If the three matters outlined above are addressed to our satisfaction, we would consider amending our position from 'neither support nor oppose' to 'support'.

**We wish to be heard in support of this submission**

**We are not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)**

**\*We are directly affected by an effect of the subject matter of the submission that:**

- (a) adversely affects the environment; and

**\*We will consider presenting a joint case if others make a similar submission**

**We do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See note 4 below as you may incur costs relating to this request."**



17 March 2025

**Signature**

**Date**

(to be signed by submitter or person authorised to sign on behalf of submitter)



In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

---

### **Notes to submitter**

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.