

*Application for Resource Consent in accordance  
with Schedule 4 of the Resource Management  
Act 1991*

*To establish a Visitor Accommodation Activity*

**Annabel Shadbolt**  
**361 Puketiro Road,**  
**Puketiro, Catlins**

Surveying, Planning and Engineering Consultants

**DUNEDIN**  
03 477 4783

dunedin@terramark.co.nz

**MOSGIEL**  
03 489 7107

mosgiel@terramark.co.nz

**BALCLUTHA**  
03 418 0470

balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

[Terramark.co.nz](http://Terramark.co.nz)

30 September 2024

The Chief Executive Officer  
Clutha District Council  
PO Box 25  
BALCLUTHA 9240

ATTENTION: Olivia Restieaux

Dear Olivia

**Re: Resource Consent Application – 361 Puketiro Road, Puketiro, Catlins**

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On behalf of Annabel Shadbolt, we submit for consideration by your Council an application for land use consent to undertake a visitor accommodation activity on their property at 361 Puketiro Road Catlins.

Please find enclosed the following documents:

1. Form 9
2. Land use Consent Application
3. McLaren Architecture.Design plans D01 – D10

Appendix A - Record of Title OT15D/867

For reference, the applicant's details are:

Annabel Shadbolt  
361 Puketiro Road,  
Owaka, 9586

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited  
330 Moray Place  
Dunedin 9016

Attention: Caitlin Moseley  
Phone: 03 477 4783  
Email: caitlin@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully  
**Terramark Ltd**



Caitlin Moseley  
**Resource Management Planner**

## Quality Assurance Statement

### Revision History

Rev. No.	Prepared By	Description	Date
1	Caitlin Moseley	Draft for Internal Review	26/09/2024
2	Caitlin Moseley	Draft for Applicant Review	27/09/2024
3	Caitlin Moseley	Final Amendment	30/09/2024

### Document Review

Actrion	Name	Signed	Date
Prepared by:	Caitlin Moseley		26/09/2024
Reviewed by:	Darryl Sycamore		27.09.2024
Approved by:	Darryl Sycamore		27.09.2024
On behalf of	Terramark Limited	 <b>Terramark</b> Setting New Boundaries	

## Land Use Consent Application 361 Puketiro Road, Puketiro, Catlins

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The applicant is seeking to establish a visitor accommodation activity within the Rural Resource Zone.

### Existing Title Structure

The property at 361 Puketiro Road, Puketiro, Catlins is legally described as Part Section 31 Block XIV Rimu SD. It is comprised in RT OT15D/867, has an area of 94.7539ha more or less, and is in the name of Warren Burgess, Stephanie Burgess and Shand Thomson Nominees Limited.

There are no existing consent notices or easements registered on the Record of Title – See Appendix A.

### Site Description

The site is an irregular parcel of land, with rolling topography, located over 15km southwest of the Owaka township. The site is currently used for rural activities and there are no existing dwellings or buildings on the site. The site has frontage to Puketiro Road, with the Catlins Forest Park adjoining the site to the north.

The site is zoned Rural Resource Area under the Clutha District Plan, with no overlays.

The adjacent land is predominantly rural in nature being undeveloped and predominately in pasture and indigenous forest. The area comprises a mix of rural as well as sporadic residential dwellings. See Fig.1.

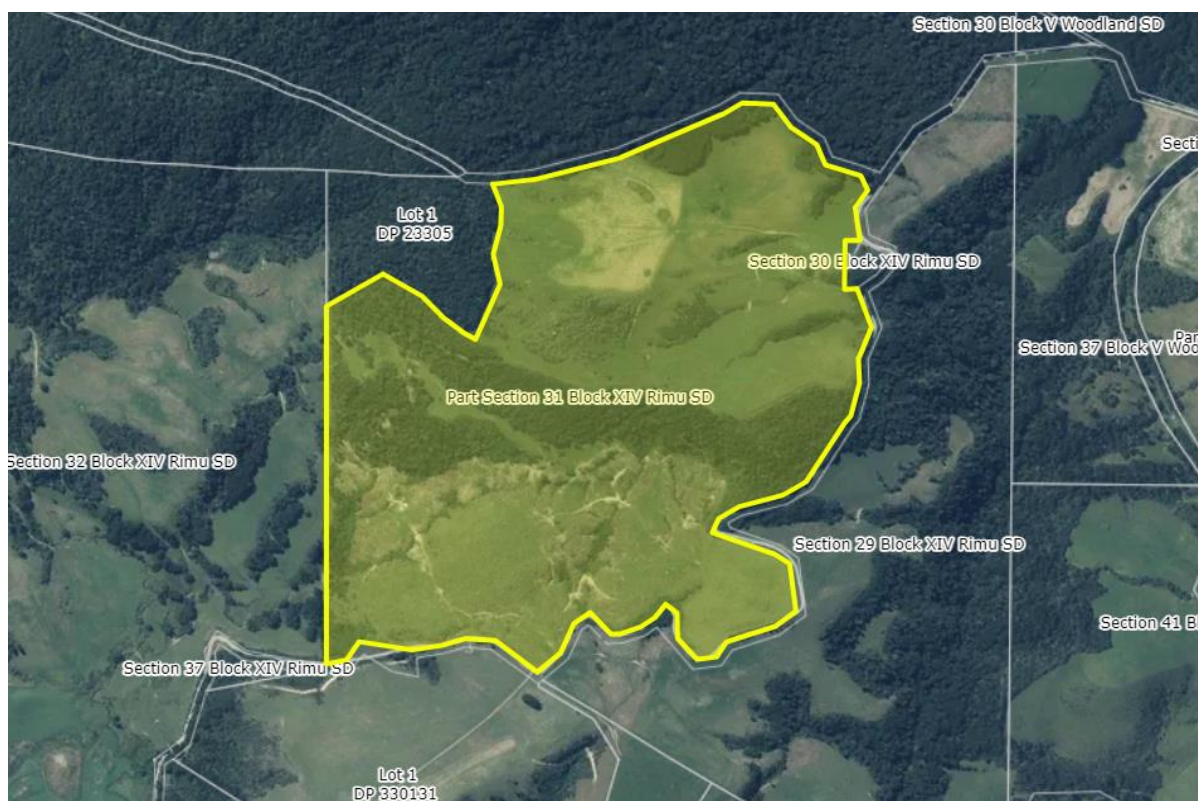


Figure 1 - Aerial of Site

### Consent Proposal

The applicant seeks resource consent to construct a cabin on the site with the intention to use the cabin for temporary visitor accommodation.

## Design and Location

The proposal involves the construction of a single storey, one bedroom cabin with metal roofing and metal cladding, both to be finished in recessive colours. The maximum height of the cabin is less than 3m tall (above finished floor level).

McLaren Architecture.Design building consent plans D01 – D10 details the proposal – See enclosed building plans.

The cabin will be located over 400m from the eastern boundary with Puketiro Road, and over 200m from the north and west boundaries. See fig.2.



Figure 2 - Site Plan of Visitor Accommodation

## Access

Access to the cabin will be via an existing formed crossing from Puketiro Road. Access to the cabin will be over a partially formed track and farmland. There is sufficient area for onsite manoeuvring for all vehicles to exit the site in a forward manner.

## Services

It is proposed that the cabin shall be fully self-sufficient, with foul being directed to a foul water treatment system (north of the cabin) and water to be supplied from a rainwater and pump system (south of the cabin). It is anticipated that services shall be addressed at the time of building consent, to ensure appropriate servicing methods are provided.



## Reasons for Application

Clutha District Plan Maps identify the subject site as being zoned Rural Resource Area, with no overlays present. The construction of the cabin itself is considered a residential activity; however the use of the cabin as visitor accommodation is defined by the Clutha District Plan as a 'Commercial Service Activity' –

*COMMERCIAL SERVICE ACTIVITIES include but are not limited to tourist, hospitality, accommodation and motorist service activities.*

## Land Use

Activities within the Rural Resource Area are outlined within Section 4.1 – Rural Resource Area of the Clutha District Plan.

Residential activities within the Rural Resource Area are permitted, if they are no closer than 200m to any existing or proposed dwelling, as identified in Rule RRA.3I.

The location of the cabin ensures that this setback is compliant, with the nearest dwelling being located over 1000m from the eastern boundary of the site. See fig.3.

Any Commercial Activity that has the effect of attracting the general public to the site to utilise facilities or services provided, (including roadside stalls) are *restricted discretionary activities* provided it complies with relevant site criteria rules of this plan and the selling of goods is not the principal activity on the site.

It is not the intention for goods to be sold from the site, rather to attract visitors to stay and utilise the cabin for temporary accommodation purposes.

Council shall restrict the exercise of its discretion to the following matters:

- the effect on the safe and efficient operation of the adjoining road
- effects on indigenous vegetation and habitats of wildlife
- effects on amenity values, including visual amenities
- access and parking
- signage.

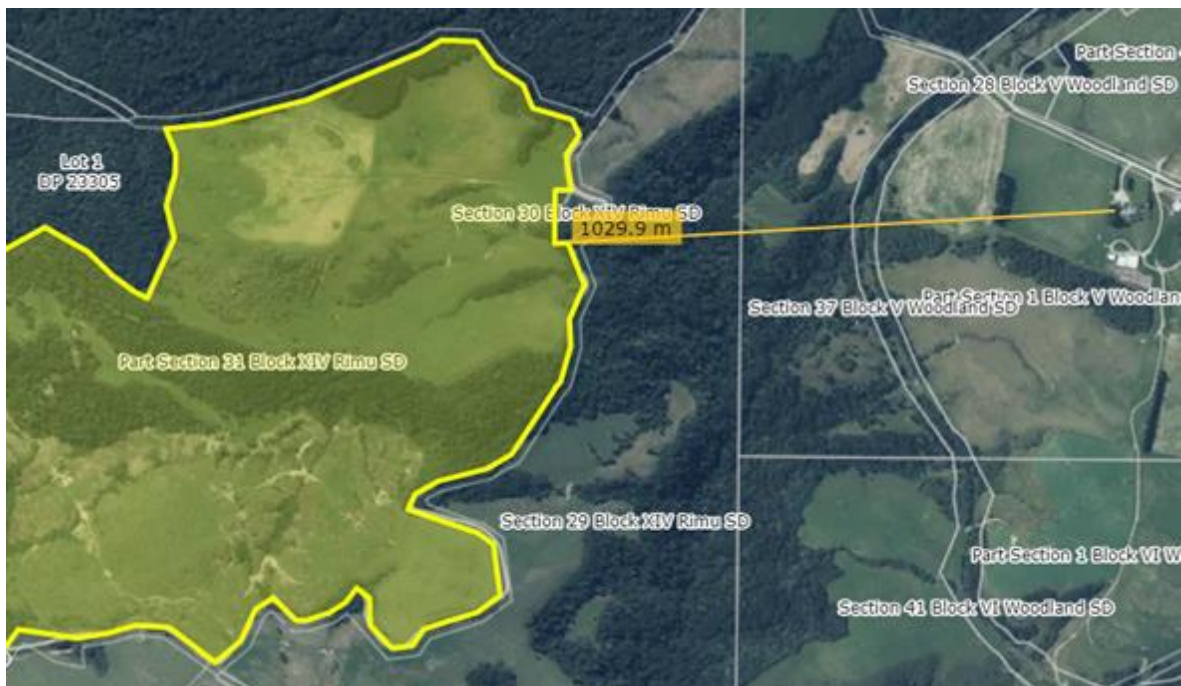


Figure 3 - Distance to nearest dwelling

## Overall Activity Status

Overall, the proposal shall be assessed as a **restricted discretionary** activity and will be assessed in accordance with section 104 and 104C of the RMA. Only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.

## Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
  - (i) A national environmental standard;
  - (ii) Other regulations;
  - (iii) a national policy statement
  - (iv) a New Zealand coastal policy statement
  - (v) a regional policy statement or proposed regional policy statement
  - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

## Assessment of Environmental Effects

Section 104(1)(a) requires consideration of the actual and potential effects on the environment of the activity.

### Permitted Baseline and Receiving Environment

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of the activity on the environment if the district plan or a national environmental standard permits an activity with that effect. In this instance, standard residential activity is permitted.

The District Plan does not allow for any commercial activity to occur as of right. All commercial activities (except for roadside stalls) are either restricted discretionary activities or discretionary activities, depending on the nature of the activity and if the performance standards of the District Plan are complied with.

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises a rural site with no existing residential development, located in the rural setting of the Puketiro area.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises a mixture of pastoral grazing land with associated sporadic housing and native forestry.

It is the effects arising from the proposal, beyond the permitted baseline and existing and lawfully established receiving environment that are the crucial elements for consideration, and which form the basis of this assessment of effects.

### **Affected Persons**

No other persons are considered to be adversely affected by this proposal for the reasons outlined below.

### **Assessment Matters**

#### The effect on the safe and efficient operation of the adjoining road

Puketiro Road is an unsealed, formed local road in the District Plan roading hierarchy schedule. There is an existing, formed, vehicle crossing from Puketiro Road, that is proposed to be retained to provide access up to the cabin.

It is not considered that there will be any significant effects on the roading network in the immediate vicinity or the wider environment, given the temporary and periodical use of the cabin. As discussed previously in this report, the nearest dwelling is located over 1000m from the site and there are limited other residential activities within proximity, suggesting the use of Puketiro Road is minimal and infrequent.

It is expected that Puketiro Road should comfortably cater for the additional traffic movements from the cabin in the wider area. Overall, the effects on the roading network are considered to be less than minor.

#### Effects on indigenous vegetation and habitats of wildlife

The site for the cabin has been selected as it is flat and will not involve clearance of any indigenous vegetation.

The cabin itself will have little impact on the natural environment and the wildlife habitats within the area. The cabin seeks to offer temporary accommodation that emphasises the indigenous forest to the north of the site.

Overall, the effects on indigenous vegetation and wildlife habitats are considered to be less than minor.

#### Effects on amenity values, including visual amenities

Using the cabin for visitor accommodation ensures there is minimal impact on the surrounding sites rural amenity. The cabin is one bedroom, which means that it would be aiming to provide accommodation for a single person or couple. The cabin having a small footprint, single storey and exterior cladding being of recessive finish, means that from outward appearances there would be minimal if any perceptible change to the rural character of the surrounding environment.

Essentially, the cabin is no different to a rural farm shed or dwelling being constructed, as of right on the site.

As part of the wider site, there is extensive setbacks from the site's boundaries, to retain the expansive views and open space around the cabin, to preserve an enhanced sense of rural amenity, whilst also providing some concealment of the cabin from surrounding properties and vehicles travelling on Puketiro Road.

Overall, it is considered that there will be minimal if any adverse effects arising from the visitor accommodation activity on the surrounding rural environment.

#### Access and parking

As discussed previously in this report, access to the site and to the cabin shall be via an existing access from Puketiro Road. The site has substantial parking and onsite manoeuvring areas sufficient to provide any necessary carparking for the proposed visitor accommodation activity. Traffic movements to and from the site associated with the visitor accommodation activity are generally expected to be 2-4 movements per day as visitors leave in the morning to go sightseeing and then return at the end of the day.



Overall, we consider that the addition of visitors to the cabin will have no more than minor adverse effects on the existing transportation network.

### Signage

There is no signage proposed as part of the proposal.

### ***Relevant Provisions under Section 104(1)(ab)***

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures offered nor are any deemed necessary.

### ***Relevant Provisions under Section 104(1)(b)***

This application must also be considered in terms of Section 104(1)(b)(vi) being against the relevant Otago Regional Plans, including the objectives and policies of the plan alongside the rules.

### ***Section 104(1)(b)(i) National Environmental Standard***

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

The NES-CS came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken.

A search of the ORC database has been undertaken and following discussions with the landowner we did not identify any former activity or have any knowledge of HAIL activity on the site or in the immediate vicinity of the site.

There are no other National Environmental Standards triggered by this application.

### ***Section 104(1)(b)(ii) Other Regulations***

All works will be required to comply with the Health and Safety at Work Act 2015.

### ***Section 104(1)(b)(iii) National Policy Statement***

#### National Policy Statement for Highly Productive Land (NPS-HPL)

The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022 and gave Councils more clarity on how to identify the map highly productive land and manage subdivision, use and development of highly productive land.

Land that is classified as Land Use Capability (LUC) 1, 2, or 3 is considered as highly productive land for the purpose of the NPS-HPL. The subject site is classified as having a mixed productive capacity of LUC 3 and 6. See fig.4.

Following the Guide to Implementation (Dec 2022) document, Restricted Discretionary activities are considered on page 11.

The relevance and impact of the NPS-HPL is determined by the matters of discretion identified within the District Plan. If a restricted discretionary activity does not have any matters of discretion relating to matters covered by the NPS-HPL, then the NPS-HPL must be recognised in the assessment under section 104, but it is given less weight, and it cannot be a reason to decline the application.

Following this guidance, the matters of discretion covered under RRA.4(II) do not explicitly reference, nor have any relevance to Highly Productive Land, generic matters relating to rural productivity and protecting the rural environment for primary production activities.

Therefore, I consider the NPS-HPL has no restriction on the land use consent, should it be granted.

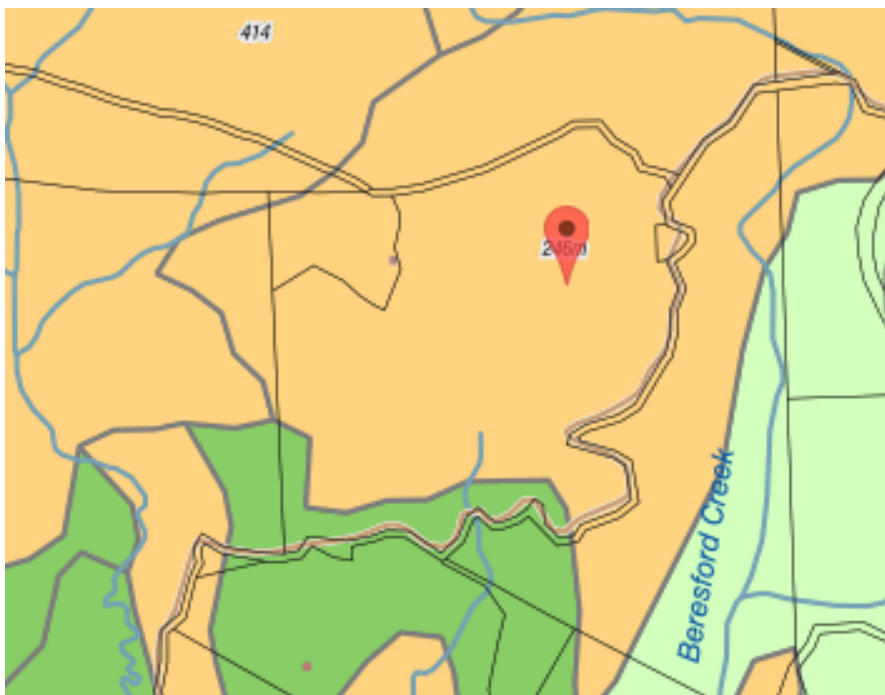


Figure 4 - Land Use Capability of site – 3 & 6

**Section 104(1)(b)(iv) A New Zealand Coastal Policy Statement**

The NZ Coastal Policy Statement is not applicable to this proposal.

**Section 104(1)(b)(v) Assessment of Regional Policy Statements**

The Regional Policy Statement for Otago (RPS) and Proposed Otago Regional Policy Statement has been reviewed in respect of this proposal. No policies specifically relevant to this proposal were identified. Overall, the proposal is considered consistent with either policy document.

**Section 104(1)(b)(vi) Clutha District Plan**

The following objectives and policies of the Clutha District Plan are considered to be relevant to this application and have been addressed. The relevant rules are considered when determining the Activity Status above.

Objectives	Supporting Policies	Assessment
<p>Objective RRA.1: To provide a management framework for the rural environment that promotes the sustainable management of the resources of the District.</p>	<p>Policy RRA.1 To avoid a restrictive development framework within the rural environment except where this will not be effective in achieving the purpose of the Resource Management Act.</p>	<p>The proposal does not inhibit the sustainable management of resources within the Clutha District.</p> <p>It is anticipated that the proposed commercial activity will have little to no effects on the rural environment and overall amenity of the area. Details of the development also address key issues so that all effects from the intended activity can be appropriately assessed.</p> <p>The proposal is considered <b>consistent</b> with this objective and policy.</p>

<p>Objective RRA.5: To maintain the amenity values of the rural environment.</p>	<p>Policy RRA.7 To manage the effects of activities and buildings to ensure that any adverse effects on the open space and natural character amenity values of the rural environment are avoided, remedied or mitigated.</p> <p>Policy RRA.8 To ensure the adverse effects that buildings, structures and vegetation can have on</p> <ol style="list-style-type: none"> <li>i. amenity values of adjoining properties, and</li> <li>ii. the safety and efficiency of the roading network are avoided, remedied or mitigated.</li> </ol>	<p>The proposal will not introduce any perceptible change to the existing rural environment as the cabin complies with the required development standards.</p> <p>Expansive views and open space around the cabin contribute to overall onsite amenity.</p> <p>The access for the site utilises an existing crossing that has been formed and established prior to the land use consent and the expected vehicle movements are unlikely to create any discernible effects on the roading network.</p> <p>The proposal is assessed as <b>generally consistent</b> with this objective and policy.</p> <p>The proposal is considered <b>consistent</b> with these objectives and the policies.</p>
<p>Objective INF.1 To recognise the essential and positive contribution that infrastructure, including the transportation network, and its ongoing operation, maintenance, upgrading and development makes to the social, economic, and cultural wellbeing, and to the health and safety of the District's people and communities.</p>	<p>Policy INF.1 To ensure that the ongoing operation and maintenance of existing infrastructure is protected, and to enable the upgrading and development of that existing infrastructure where the environmental effects of such work are:</p> <ol style="list-style-type: none"> <li>(i) no greater than existing at the time of adoption of this Plan; or</li> <li>(ii) are compatible with the existing environment; and</li> <li>(iii) that the values found within the land listed in and/or identified via the application of the following rules: <ul style="list-style-type: none"> <li>• Table 9 (SSWI Database);</li> <li>• Table 13.3A (Potentially Outstanding Landscapes);</li> <li>• Table 13.3B (Outstanding natural Features);</li> <li>• Table 13.5 (Significant Wetlands);</li> <li>• Table 13.6 (Waahi Tapu);</li> <li>• Table 13.7 (Waahi Taoka and Mahika Kai);</li> <li>• Table 13.8 (Areas of Significant Habitat): and</li> <li>• Any areas as defined by Rules RRA.13 or COA.6 as requiring a resource consent</li> </ul> </li> </ol> <p>of the District Plan are not significantly adversely affected.</p>	<p>The visitor accommodation activity is utilising an existing access to the site, and ensures sufficient onsite parking and onsite manoeuvring is provided, such that there is minimal adverse effects on the transportation network.</p> <p>The proposal is therefore considered <b>consistent</b> with this objective and the relevant policies.</p>

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions set out in the Clutha District Plan.

### Other Planning Instruments

Section 104(1)(b) requires consideration of other relevant planning instruments. There are no other planning instruments considered relevant to this proposal.

## **Other Matters**

### **Draft Conditions**

In previous years, your Council has circulated to Applicants, draft consent conditions for comment prior to the formal consent decision being issued. We wholeheartedly support this initiative as it provides an early opportunity for any contentious consent issues or unworkable conditions to be resolved at a departmental level. This clearly is of mutual benefit as a potential Section 127 Review or Section 357 Objection could be avoided. While there are unlikely to be any significant issues in respect of this application, it is considered appropriate that such draft conditions be circulated in this same manner. We look forward to receiving those in due course.

### **Notification and Affected Parties**

With regard to notification:


- The applicant does not request notification.
- The proposal does not relate to the exchange of reserves land, does not involve a statutory acknowledgement area and does not involve an affected protected customary rights group.
- There are no rules in the District Plans or NES which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed above that the effects of the proposal on the wider environment are less than minor.

### **Conclusion**

Resource consent is sought to construct a cabin on the site at 361 Puketiro Road, Owaka with the intention to use the cabin for temporary visitor accommodation. The proposed activity is considered a Restricted Discretionary Activity as per the Clutha District Plan. The proposal remains consistent with the District Plan provisions, and results in no more than minor adverse effects on the environment.

Accordingly, we consider that the proposal remains consistent with the overall policies and objectives of the Clutha District Plan and would ask for Council's favourable consideration to the approval of this application.

Yours faithfully,  
**Terramark Ltd**



Caitlin Moseley  
**Resource Management Planner**  
[caitlin@terramark.co.nz](mailto:caitlin@terramark.co.nz)

## APPENDIX A – Record of Title



### RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD

Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** OT15D/867

**Land Registration District** Otago

**Date Issued** 05 July 1994

#### Prior References

OT14A/956

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<b>Estate</b>	Fee Simple
<b>Area</b>	94.7539 hectares more or less
<b>Legal Description</b>	Part Section 31 Block XIV Rimu Survey District

#### Registered Owners

Warren Terence Burgess, Stephanie Anne Burgess and Shand Thomson Nominees Limited

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#### Interests

Subject to Section 3 Petroleum Act 1937

Subject to Section 8 Atomic Energy Act 1945

Subject to Section 3 Geothermal Energy Act 1953

Subject to Section 6 Mining Act 1971

Subject to Section 8 Mining Act 1971

Subject to Section 5 Coal Mines Act 1979

Subject to Section 261 Coal Mines Act 1979

Subject to Part IV A Conservation Act 1987

5135211.2 Mortgage to (now) Warren Terence Burgess and to Stephanie Anne Burgess and to Warren Terence Burgess and Noel Howard O'Malley as Executors in shares - 10.1.2002 at 9:00 am

10105656.6 Mortgage to Rabobank New Zealand Limited - 16.7.2015 at 9:06 am

10134756.1 Mortgage Priority Instrument making Mortgage 10105656.6 first priority and Mortgage 5135211.2 second priority - 24.7.2015 at 10:50 am



