

WAITAKI PROPOSED DISTRICT PLAN

FURTHER EVIDENCE IN SUPPORT OF SUBMISSION 108.1

Proposed rezoning of land at Homestead Road / Charles Street, Weston from Rural Lifestyle Zone to General Residential Zone

Submitter: Gary Kircher

Submission Point: 108.1

Hearing Stream: Residential Rezoning Requests

1. Purpose of this further evidence

1. This further evidence is provided in response to Waitaki District Council's letter of 30 July 2026 concerning Submission 108.1.
2. Submission 108.1 seeks the rezoning of an area generally located to the north of Charles Street and Homestead Road, Weston, from the proposed Rural Lifestyle Zone to General Residential Zone.
3. Council has advised that further information would assist its assessment particularly in relation to:
 - housing capacity and whether sufficient zoned and available residential capacity exists in Weston to meet projected demand;
 - three-waters servicing, including water supply and firefighting, wastewater and stormwater; and
 - transport effects and whether any upgrades may be required.

Council has requested this evidence ahead of the residential rezoning hearing commencing on 9 December 2026.

4. This evidence responds to those matters and also addresses the broader strategic planning considerations that I consider relevant to determining an appropriate long-term urban boundary for Weston.
5. In particular, I consider that the appropriate zoning should not be determined solely by whether a numerical ten-year housing supply can presently be demonstrated.
6. A District Plan is a long-term land-use planning instrument. Decisions made through this review will influence the physical form, housing choices, infrastructure investment and development opportunities of Weston for many years.
7. The relevant question is therefore not, "Is there enough theoretically zoned land for the next ten years?"
8. In my view, the broader planning question is, "Does the Proposed District Plan establish a logical, adequately serviced and resilient urban form for Weston that can respond to housing demand over the realistic life of the planning framework?"
9. For the reasons set out below, I consider that General Residential zoning of the area identified in Submission 108.1 would provide a more appropriate long-term planning outcome.

2. The planning horizon should extend beyond ten years

10. Council's request for further information specifically refers to projected housing demand over the next ten years. That is clearly relevant evidence, but I do not consider ten years should be treated as the outer limit of the planning exercise.
11. The National Policy Statement on Urban Development 2020 (NPS-UD) establishes a national framework directed towards well-functioning urban environments and provision for future housing and business development. Tier 3 authorities are also subject to ongoing housing monitoring requirements.
12. The need to look beyond the immediate future is also consistent with Council's own strategic planning.
13. The Ōamaru, Weston and Kakanui Spatial Plan was adopted by Council in May 2022 as a guiding document for growth and development over approximately 30 years. Council's current description of that Plan records potential population growth of approximately 4,950 people by 2051.
14. The Spatial Plan considered low, high and demand-shock growth scenarios. Under the high-growth scenario, approximately 1,900 additional dwellings could be required over 30 years, with up to approximately 65 new dwellings per annum. It also recorded that 85% of new homes being consented in and around Ōamaru were detached dwellings, with the majority of those located in Weston and Ardgowan.
15. Of particular relevance, the Spatial Plan stated that, without intensification, there was then insufficient residential-zoned land to accommodate the high-growth scenario.
16. However, the spatial plan is contradictory as it refers to Weston being a residential hub with its own community, including commercial activities, but it was constrained by not considering land immediately north of the township which was already fragmented.
17. Council's Residential Zones section 32 report subsequently adopted a high-growth basis for its planning. It projected 912 additional houses for Ōamaru between 2020 and 2030 and a further 914 between 2030 and 2050, giving 1,826 additional houses over the 30-year period. The report records that actual growth over the preceding seven years had been higher than anticipated.
18. Those figures do not prove that all additional housing should be provided in Weston, nor do they establish a present shortage within Weston itself. They do, however, demonstrate why a longer-term and resilient approach to residential capacity is appropriate.
19. There is also a practical reason for taking that approach. Statutory planning processes take time. A shortage of appropriately zoned land cannot necessarily be remedied immediately once it becomes obvious.
20. It is therefore preferable, where environmental effects and infrastructure can appropriately be managed, for a District Plan to contain a reasonable range of development opportunities rather than planning precisely to a forecast minimum.
21. Additional zoning does not mean that all of the land will immediately be subdivided. Zoning enables development; it does not compel it.
22. In my view, the Panel should therefore consider whether Weston's zoning provides adequate choice, resilience and realistically developable capacity over the longer term, rather than relying solely upon a ten-year theoretical capacity calculation.

3. Weston as a location for residential growth

22. Weston is an established township immediately adjoining the wider Ōamaru urban area.

23. The area sought to be rezoned is particularly closely associated with that existing settlement.
24. As shown on the accompanying aerial and planning maps, the submission area:
- directly adjoins established Residential-zoned land;
 - is located immediately north of Charles Street and Homestead Road;
 - is close to Weston School and Weston Playcentre;
 - is close to Weston Domain and established sporting and recreational facilities;
 - has convenient access to the existing Weston community and local services;
 - adjoins existing urban roads and infrastructure;
 - contains numerous existing residential dwellings and fragmented landholdings; and
 - has an identifiable relationship with Parsons Creek and the changing landform towards its northern/eastern extent.
25. The majority of the submission area is associated with the existing 50 km/h section of Charles Street/Homestead Road. The eastern portion extends into the 60 km/h section.
26. I do not suggest that road speed determines appropriate zoning. It is, however, another indication of the area's transitional relationship between the established Weston settlement and the more rural environment beyond it.
27. Importantly, the requested rezoning does not create an isolated residential enclave separated from Weston.
28. It represents a contiguous extension of an existing residential area.

4. The existing zoning pattern

29. The Operative District Plan zoning pattern is particularly relevant to understanding the relief sought.
30. Residential zoning already extends north of Charles Street/Homestead Road in a relatively narrow band.
31. Immediately behind that Residential-zoned strip is Rural Residential land. Under the Proposed District Plan, that distinction is broadly carried forward through General Residential and Rural Lifestyle zoning.
32. The substantive effect of Submission 108.1 is therefore to widen an existing residential band, rather than introduce residential zoning into an isolated rural location.
33. This distinction is important.
34. The present boundary produces a relatively shallow strip of Residential-zoned land along Charles Street/Homestead Road, with Rural Residential land immediately behind it.
35. In places, the boundary appears to reflect historic property and zoning arrangements rather than an obvious contemporary physical boundary between urban and rural environments.
36. The area identified in Submission 108.1 provides an opportunity to establish a more coherent and durable long-term urban edge.
37. The requested rezoning would also provide greater opportunity for coordinated subdivision design.
38. Rather than development occurring principally through individual frontage lots, incremental subdivision and non-complying applications, a wider General Residential area could allow future development to consider:
- internal road and access arrangements;

- pedestrian connections;
- water and wastewater infrastructure;
- coordinated stormwater infrastructure;
- safe overland-flow paths;
- landscaping and open space; and
- appropriate staging of development.

39. That is a potentially better planning outcome than retaining a narrow residential strip with larger but increasingly residential-type holdings immediately behind it.

40. In this sense, Submission 108.1 is best characterised not as a new urban enclave, but as the rationalisation and widening of an existing residential edge.

5. Housing demand and realistic development capacity

41. The Spatial Plan demonstrates that Council has been planning for significant longer-term housing growth across Ōamaru, Weston and Kakanui.

42. It also records that the majority of new detached homes being consented around Ōamaru at the time were located in Weston and Ardgowan.

43. This suggests that Weston is more than theoretical residential capacity on a planning map. It has been an area in which actual residential development has been occurring.

44. Council's letter asks about housing land that is both zoned and available and that distinction is important.

45. A parcel may produce a substantial theoretical dwelling yield when assessed by reference to zoning and minimum lot size. That does not necessarily mean those dwellings will become available to the market.

46. Actual delivery is affected by:

- landowner intentions;
- existing dwellings and improvements;
- fragmented ownership;
- access;
- infrastructure requirements;
- development economics;
- land configuration; and
- development sequencing.

48. There is, of course, nothing improper about an owner choosing not to subdivide.

49. However, from a strategic planning perspective, theoretical capacity should not automatically be treated as equivalent to realistically available capacity.

50. Providing additional appropriately located General Residential land creates greater choice between properties and landowners and reduces reliance upon a limited number of particular sites being developed within a particular timeframe.

51. It also creates an ability for the market to respond if actual growth exceeds projections or housing preferences change.

52. I acknowledge that I have not undertaken a formal parcel-by-parcel Housing and Business Development Capacity Assessment for Weston.

53. My evidence should therefore not be interpreted as establishing a precise numerical shortfall in Weston's ten-year housing capacity.

54. Rather, my position is that the strategic evidence demonstrates longer-term demand, Weston has demonstrated residential development activity, and the planning

framework should provide sufficient realistic and resilient capacity rather than relying only upon a theoretical calculation of existing zoned land.

6. Efficient use of township-edge land

- 55. Rural Lifestyle zoning has an important function where larger holdings genuinely provide a transition between urban development and productive rural land.
- 56. The question is whether that remains the most appropriate long-term function for this particular area.
- 57. Much of the submission area has already become fragmented into relatively small holdings containing residential dwellings.
- 58. My own property provides a practical example. The original holding was approximately 2.3 hectares. It has been subdivided on three occasions and there are now four homes located on that original landholding.
- 59. Approximately 1.3 hectares remains associated with our property.
- 60. Although the land is grassed, it does not function as a viable farming unit. The grass is generally mown or cut approximately twice each year. Its scale and configuration mean that even harvesting the grass for hay has not generally been worthwhile.
- 61. The relevant planning question is therefore not simply whether the soil is capable of growing pasture.
- 62. It is whether maintaining relatively small, fragmented and substantially residentialised holdings in a Rural Lifestyle Zone represents an efficient long-term use of land immediately adjoining an established township.
- 63. There is a risk of creating an inefficient middle ground in which holdings are too small and fragmented to make a meaningful contribution to land-based primary production; but subject to minimum lot sizes that prevent them making an efficient contribution to housing supply.
- 64. Larger residential sections may certainly be desirable and should remain part of the housing market. However, General Residential zoning does not require every site to be developed at minimum lot size.
- 65. It instead enables a range of section sizes to respond to demand.
- 66. That flexibility can provide larger residential sections for households wanting additional outdoor space without requiring those households to consume approximately a hectare of land.

7. The 41 Charles Street consent

- 67. Recent Council decisions concerning 41 Charles Street provide particularly relevant evidence because that property is within the same immediate locality.
- 68. Council granted Resource Consent 201/202.2025.2753 to Paragon Ventures Limited for subdivision into seven allotments, together with associated land-use infringements.
- 69. The property is 8,154m² and is split between Residential and Rural Residential zoning under the Operative District Plan and General Residential and Rural Lifestyle zoning under the Proposed District Plan. The PDP also identifies LUC 2 land at the property.
- 70. Council's planner expressly described the property as being within the Weston township, with residential units to the south, east and west and larger rural properties and Parsons Creek to the north.
- 71. This is directly relevant to the character of the receiving environment.

72. The consent demonstrates that Council has recently considered substantially residential development across the existing Residential/Rural Residential boundary in this locality and found that the effects could appropriately be managed.
73. The consent was processed as a non-notified, non-complying application and was granted subject to conditions.
74. I acknowledge that an individual resource-consent decision does not determine a District Plan zoning question.
75. Nevertheless, it provides useful site-specific evidence about:
- residential character;
 - infrastructure;
 - stormwater;
 - access;
 - road capacity; and
 - the practicality of further residential development in this locality.
77. It also illustrates a broader planning issue.
78. Where development increasingly takes an essentially residential form, maintaining a rural-residential boundary can result in otherwise acceptable development repeatedly needing to be considered through non-complying resource-consent processes.
79. A District Plan review provides an appropriate opportunity to consider whether the zoning itself should instead better reflect the anticipated long-term form of the area.

8. A logical and durable urban boundary

80. Good strategic zoning should establish boundaries that make sense both on a planning map and on the ground.
81. The existing Residential zone already establishes the urban direction along the northern side of Charles Street/Homestead Road.
82. Submission 108.1 would broaden that established residential area rather than leapfrog over rural land.
83. The accompanying planning map demonstrates this particularly clearly.
84. The proposed boundary follows the outside edge of the existing Residential zone before extending across the adjoining Rural Residential/Rural Lifestyle land.
85. In my view, this produces a more coherent long-term planning proposition than retaining a relatively shallow strip of Residential zoning along the road frontage.
86. The wider boundary would also allow future subdivision and infrastructure to be considered comprehensively rather than parcel by parcel.
87. That is particularly important for stormwater, access and infrastructure, where coordinated solutions across a wider development area may produce better outcomes than a succession of independent developments.

9. Weston Amenity Rating Area

88. A further indication of the functional relationship between the submission area and Weston is the application of Council's Weston Amenity Rate.
89. My entire property is subject to the Weston Amenity Rate, calculated by reference to its capital value.
90. This occurs because the property's access to Homestead Road falls within the defined Weston Amenity Area.

91. As a consequence, the approximately 1.3-hectare property is treated for this rating purpose as part of the Weston amenity community despite its limited residential development potential under the Rural Lifestyle zoning.
92. The other properties within the wider submission area are also included within the Weston Amenity Rating Area.
93. I acknowledge that rating boundaries and District Plan zoning boundaries have different purposes. Inclusion within an amenity rating area does not itself justify General Residential zoning.
94. It is nevertheless relevant contextual evidence. The properties contribute to Weston amenities and have access to essentially the same community facilities and services as neighbouring residential properties.
95. When considered alongside the existing Residential zoning, road-speed environment, residential development pattern, proximity to Weston School and Weston Park, and access to urban infrastructure, the rating boundary provides another indication that the area already has a functional relationship with Weston.
96. In practical terms, the submission area is not simply rural land remote from the township. It already forms part of the wider Weston community.

10. Water supply and wastewater

99. Council has specifically requested evidence concerning the ability to provide water supply, including firefighting supply, and wastewater infrastructure.
100. The 41 Charles Street consent provides useful recent engineering evidence.
101. Council's Development Engineer confirmed that public water reticulation is available in the vicinity and that there is capacity for additional demand from that development. New on-demand connections were required for Lots 1 and 3–7.
102. Council similarly confirmed that public sewer reticulation is available in the vicinity and that there is capacity for additional loading. The consent requires extension of the 150mm sewer main at the consent holder's expense.
103. These findings do not establish unlimited network capacity across the entire submission area.
104. Nor do they remove the need to confirm firefighting flows and pressures for any future subdivision.
105. They do, however, demonstrate that this is not an isolated rural location without urban infrastructure.
106. Public water and wastewater networks are already present in the immediate locality and have recently been assessed by Council as capable of accommodating additional residential development.
107. Future subdivision would appropriately remain subject to detailed engineering design, confirmation of network capacity, firefighting requirements, development contributions and any necessary extensions or upgrades.
108. Rezoning does not require Council to construct all future infrastructure immediately.
109. The relevant issue at zoning stage is whether there is a credible pathway to servicing development.
110. The available evidence indicates that such a pathway exists, while detailed capacity and design can appropriately be addressed as the scale and staging of development becomes known.

11. Stormwater and hydraulic neutrality

111. Stormwater management is particularly important when considering increased residential density.
112. Poorly planned development increases peak runoff through additional roofs, driveways and other impermeable surfaces and thereby exacerbate downstream flooding.
113. I consider that future development within the submission area should therefore be based on the principle of hydraulic neutrality.
114. In practical terms, post-development stormwater discharge should not increase peak discharge rates beyond appropriate pre-development levels.
115. Additional runoff generated by development should be captured, attenuated and released at an appropriately controlled rate.
116. The physical characteristics of my property provide a particularly good opportunity for this approach.
117. The topography lends itself to the creation of a substantial stormwater attenuation basin or pond at the lower part of the property.
118. Stormwater from future development could potentially be directed to such a facility by gravity, stored during significant rainfall events and progressively released at a controlled rate.
119. A gravity-fed solution would have an important resilience advantage because its primary attenuation function would not depend upon electrical pumping.
120. It could therefore continue to operate during power outages, including those associated with severe weather events when stormwater infrastructure may be under greatest pressure.
121. Detailed engineering would determine the appropriate storage volume, discharge rate, freeboard, treatment requirements, emergency overflow arrangements and downstream effects.
122. I am not suggesting that those engineering matters can be predetermined through this rezoning submission.
123. My point is that the site's topography provides a credible opportunity for an effective and resilient stormwater solution.
124. Such infrastructure need not be viewed only as a drainage utility.
125. A well-designed attenuation basin or pond can potentially incorporate landscaping and planting and become an amenity feature within a future residential development, while also contributing to water treatment and biodiversity.
126. There is also direct evidence from immediately adjoining land that attenuation is practicable.
127. The 41 Charles Street consent requires a specifically designed stormwater management system and detailed engineering approval. It also requires discharge to Parsons Creek to comply with the applicable Otago Regional Council requirements.
128. Of particular relevance, Council imposed a consent notice requiring future development on one lot to attenuate stormwater so that there is no increase in pre-development discharge flows beyond the property boundary.
129. That is consistent with the hydraulic-neutrality approach I propose.
130. The adjoining consent therefore demonstrates that stormwater in this locality can be managed through engineered attenuation rather than being an inherent barrier to residential development.
131. A wider General Residential area may actually provide greater opportunity for comprehensive stormwater management than a succession of unrelated Rural Lifestyle subdivisions or non-complying consents.
132. Future subdivision design could coordinate:

- natural low points;
- attenuation and treatment facilities;
- safe overland-flow paths;
- controlled discharge;
- landscaping; and
- development staging.

133. I therefore do not consider stormwater, on the available evidence, to be a reason in itself to retain Rural Lifestyle zoning.

134. It is an important engineering constraint that should shape future development, but the land provides credible opportunities for it to be addressed positively.

12. Transport

135. The submission area is already connected to the Weston road network through Charles Street and Homestead Road.

136. The majority of the area is associated with the 50 km/h section of that route, while the eastern portion is associated with the 60 km/h section.

137. The 41 Charles Street consent again provides useful evidence about existing road capacity.

138. Council's planning assessment records Charles Street as a sealed road approximately 9.5 metres wide, with an estimated traffic volume of approximately 834 vehicle movements.

139. For the seven-lot development, approximately 70 additional daily vehicle movements were estimated.

140. Council's Development Engineer raised no concern regarding safety, traffic or manoeuvring, and the planner concluded that the relevant access effects would be less than minor subject to conditions.

141. That assessment cannot simply be extrapolated to the whole submission area. Development of the wider area would generate additional traffic and would require appropriate transport assessment at subdivision stage.

142. Depending upon ultimate yield and layout, frontage, pedestrian, intersection or other road improvements may be appropriate.

143. However, the available evidence does not identify a fundamental transport constraint that would make General Residential zoning inherently unsuitable.

144. The location also has the advantage of proximity to Weston School, Weston Park and other community amenities, providing opportunities for some local trips to be undertaken by walking or cycling.

13. Highly Productive Land

145. I acknowledge that parts of the submission area may be identified as Land Use Capability Class 2.

146. The importance of protecting genuinely highly productive land for land-based primary production is recognised.

147. However, it is important to distinguish between an underlying LUC classification and land that meets the legal definition of highly productive land under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL).

148. The NPS-HPL was amended in December 2025, with the current amendments taking effect on 15 January 2026.

149. Until an operative regional policy statement contains the required HPL maps, clause 3.5(7) establishes a transitional test.
150. Under that provision, the relevant starting point is land that, at the NPS-HPL commencement date of 17 October 2022, was zoned General Rural or Rural Production and LUC 1, 2 or 3, subject to the exclusions specified in clause 3.5(7).
151. This is potentially important to Submission 108.1.
152. An LUC2 classification does not by itself establish that land falls within the current transitional definition of highly productive land. Its zoning at the commencement date is also relevant.
153. The Operative District Plan mapping identifies the relevant township-edge land as Rural Residential rather than General Rural or Rural Production, while an existing Residential strip already extends north of Charles Street/Homestead Road. Council's current website continues to provide the operative Weston planning maps and separately identifies the NPS-HPL LUC mapping.
154. The recent 41 Charles Street decision independently records that property as being zoned Residential and Rural Residential under the Operative District Plan, notwithstanding its PDP LUC2 notation.
155. Accordingly, the Panel should not assume that land is presently HPL for NPS-HPL purposes merely because the Proposed District Plan identifies an LUC2 overlay.
156. The first question is whether the relevant land actually meets the transitional definition in clause 3.5(7).
157. I acknowledge that the final interpretation and application of the NPS-HPL is a matter for the Hearing Panel, informed by the relevant planning and legal advice.
158. My point is simply that LUC classification and NPS-HPL status are not interchangeable concepts under the current instrument.
159. The current NPS-HPL is also informative about the nature of land ultimately intended to be mapped as HPL.
160. Clause 3.4 requires regional councils to map relevant land where it is in a General Rural or Rural Production Zone, is predominantly LUC1, 2 or 3, and forms a large and geographically cohesive area.
161. That provides relevant context when considering this particular township edge.
162. The submission area contains numerous established residential dwellings and fragmented holdings, immediately adjoins existing Residential-zoned land, is associated with an urban road environment and is close to existing community facilities and infrastructure.
163. My own property illustrates this fragmentation particularly well. An original holding of approximately 2.3 hectares now accommodates four households, with approximately 1.3 hectares remaining in our ownership.
164. The remaining land has negligible practical utility as a commercial farming unit.
165. I do not suggest that present land use alone determines the productive capability of soil.
166. The relevant planning question is instead whether retaining small, fragmented township-edge holdings at very low residential densities meaningfully protects land-based primary production.
167. There is an important distinction between protecting a large, geographically cohesive productive area and preserving small, already residentialised holdings simply because their underlying soils have productive capability.

168. If the Panel concludes that any part of the submission area does meet the NPS-HPL definition, that land will of course need to be assessed under the applicable provisions of that NPS.
169. Relevant considerations would then include the actual spatial context, productive opportunity, alternative capacity, infrastructure, housing need and the environmental, social, cultural and economic costs and benefits of the zoning decision.
170. Conversely, if the land does not fall within the NPS-HPL definition, its soil capability remains a relevant environmental consideration but should not be treated as though the NPS-HPL itself creates a statutory barrier to rezoning.

14. Housing choice and efficient land use

171. Housing supply is not simply a question of maximising dwelling numbers.
172. A well-functioning housing market requires a range of choices.
173. Some households seek compact sections. Others seek conventional suburban sections. Others want a larger residential property with room for children, gardens, sheds or outdoor activities without wanting or needing a one-hectare lifestyle block.
174. Weston is well suited to providing those choices.
175. General Residential zoning provides flexibility for a range of lot sizes and development forms.
176. That can allow a household seeking a generous residential section to obtain one without consuming approximately a hectare of land.
177. In this respect, General Residential zoning has the potential to use land more efficiently while still retaining the spacious residential character that attracts people to Weston.
178. Additional zoned land can also increase competition and choice in the land market, although I acknowledge that zoning by itself does not guarantee lower house or section prices.

15. Planning for uncertainty and resilience

179. Population and housing projections are necessarily uncertain.
180. Migration, household size, employment, economic development and housing preferences can all alter actual demand.
181. The Spatial Plan itself deliberately considered multiple scenarios, including a demand-shock scenario, and was designed as a 30-year strategy capable of responding to different growth outcomes.
182. That is a useful approach to District Plan zoning as well.
183. Providing appropriately located residential capacity does not cause development to occur.
184. It creates an ability to respond if demand emerges.
185. Conversely, waiting until available capacity is demonstrably exhausted before beginning another rezoning process creates unnecessary delay.
186. The preferable approach is therefore to establish durable urban boundaries where:
- the land logically adjoins the existing settlement;
 - servicing has a credible pathway;
 - environmental effects can appropriately be managed; and
 - additional development would contribute to a coherent urban form.

187. I consider the submission area meets those strategic characteristics.

16. Wider benefits to Weston and Waitaki

188. Housing supply is not merely a statistical exercise.

189. The availability of appropriately located housing affects the ability of a district to accommodate families, workers, older residents and people at different stages of life.

190. Weston already provides an established community, school, recreation facilities and close proximity to Ōamaru.

191. Residential growth in this location therefore builds upon an existing settlement rather than creating an entirely new community requiring all supporting facilities to be established from the beginning.

192. Council itself identifies the General Residential Zone as serving the need for sufficient residential land in a diversity of locations to meet the needs of present and future urban populations, and General Residential zoning already applies to Weston.

193. The submission area provides an opportunity to reinforce that existing community while increasing housing choice and making more efficient use of fragmented township-edge land.

17. Overall planning assessment

194. In my view, the following considerations collectively support the requested rezoning.

Long-term demand: Council's Spatial Plan and section 32 work anticipate significant longer-term housing growth and deliberately plan around higher-growth scenarios.

Demonstrated Weston development: the Spatial Plan recorded that a majority of new detached homes being consented around Ōamaru were occurring in Weston and Ardgowan.

Realistic capacity: nominal zoning capacity should not automatically be equated with land that will actually become available for housing.

Existing urban form: Residential zoning already extends north of Charles Street/Homestead Road. The submission seeks to widen that existing residential band rather than establish an isolated residential enclave.

Logical boundary: the proposed area would allow a more coherent and durable urban edge than the existing relatively shallow strip of Residential zoning.

Community relationship: the land is closely associated with Weston and some of it, including my property, is already within the Weston Amenity Rating Area.

Infrastructure: public water and wastewater networks are present in the locality and were recently confirmed as having additional capacity for the seven-lot 41 Charles Street development.

Stormwater: the topography provides opportunities for gravity-fed attenuation and hydraulic neutrality, while the adjoining 41 Charles Street consent demonstrates that engineered attenuation is practicable locally.

Transport: the adjoining seven-lot development was assessed without significant transport concerns, although larger-scale development of the submission area would appropriately require further transport assessment.

Land efficiency: much of the area is already fragmented and residentialised, reducing the practical value of retaining very large residential holdings solely as a transition to rural land.

HPL: LUC2 classification should not be treated as synonymous with legal HPL status. The current transitional NPS-HPL definition specifically refers to LUC1–3 land zoned General Rural or Rural Production at the commencement date.

Amenity and accessibility: Weston School, Weston Playcentre, Weston Domain, recreation facilities, existing residential streets and local services are all close to the submission area.

195. No single one of these factors determines the zoning outcome.
196. Their significance is that multiple independent indicators point in the same direction.
197. Existing Residential zoning already extends into the area. The majority of the submission area is associated with the 50 km/h road environment. Surrounding land use is increasingly residential. The land is close to established community facilities. Urban infrastructure exists in the locality. The adjacent resource consent demonstrates that further residential development and associated engineering solutions are achievable.
198. Taken collectively, these factors make it difficult to characterise the relief sought simply as expansion of urban development into an intact rural environment.
199. I consider it more accurately characterised as the rationalisation, consolidation and logical extension of an existing residential edge.

18. Conclusion and relief sought

200. The Proposed District Plan will shape the development of Weston for many years.
201. Council's own strategic work looks well beyond ten years. The 2022 Spatial Plan is a 30-year growth strategy and identifies potentially substantial additional housing demand.
202. In that context, I consider it prudent to ensure that Weston has an adequate range of realistic residential development opportunities rather than planning only for a minimum forecast requirement.
203. The area identified in Submission 108.1 is closely connected to the existing Weston settlement.
204. Importantly, Residential zoning already forms a band north of Charles Street/Homestead Road.
205. The rezoning sought would widen and rationalise that existing residential edge rather than create an isolated new urban area.
206. The land is close to Weston School, Weston Park, recreation and other community amenities. The majority of the area is associated with the existing 50 km/h road environment, with the eastern portion associated with the 60 km/h environment.
207. Urban water and wastewater infrastructure already exists in the immediate locality and has recently been demonstrated to accommodate further residential

development, although detailed capacity and engineering assessment would remain necessary for any larger subdivision.

208. Stormwater should be treated as an important design requirement rather than an afterthought.

209. In particular, I support hydraulic neutrality as a fundamental principle for future development.

210. The topography of my property provides an opportunity for a substantial gravity-fed attenuation facility capable of storing runoff and releasing it progressively, while potentially creating an attractive landscape and environmental amenity.

211. The adjoining 41 Charles Street consent provides direct evidence that Council has already accepted engineered attenuation in this locality and has required future development to avoid increasing pre-development discharge flows beyond the property boundary.

212. The HPL issue also requires careful treatment. The current NPS-HPL does not make LUC2 classification alone determinative. Before operative regional mapping is in place, its transitional definition applies to specified LUC1–3 land that was zoned General Rural or Rural Production at the commencement date.

213. Given the existing Rural Residential and Residential zoning pattern in this location, the Panel should first determine whether the relevant land actually falls within that definition before treating HPL as a constraint upon the requested rezoning.

214. More broadly, the existing fragmentation and residentialisation of the area raises a legitimate question about whether maintaining very low residential densities meaningfully protects productive land or simply results in inefficient occupation of township-edge land.

215. The purpose of providing additional residential capacity is not to ensure that every property is immediately subdivided.

216. It is to provide choice, resilience and an orderly framework within which housing can be delivered as demand occurs.

217. In considering the appropriate long-term boundary for Weston, I ask the Panel to consider the actual characteristics of this location: its existing zoning pattern, residential character, relationship with the township, community amenities, infrastructure, road environment, fragmented landholdings, potential for coordinated development and ability to incorporate appropriately engineered stormwater management.

218. Taken together, I consider those characteristics support the relief sought.

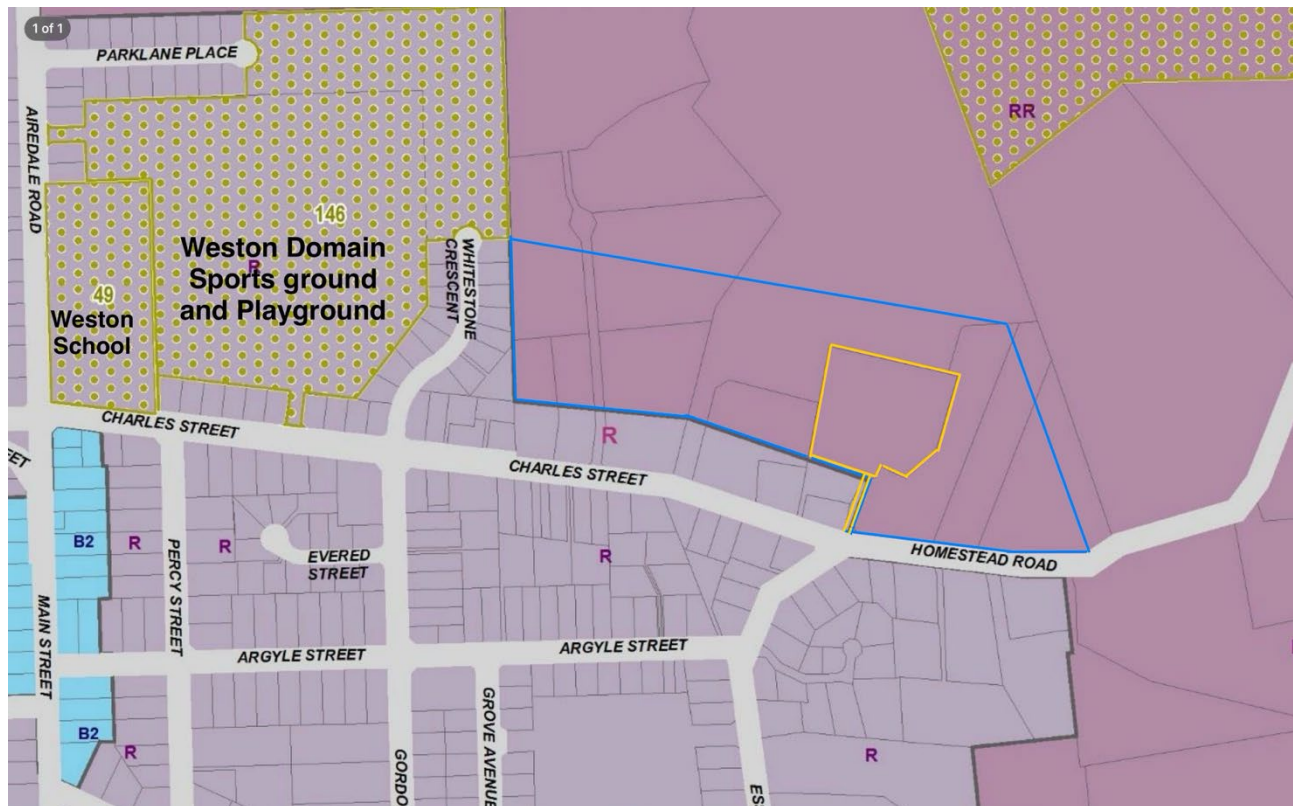
219. I therefore ask the Hearing Panel to accept Submission 108.1 and amend the Proposed District Plan maps so that the Rural Lifestyle-zoned land identified within the submission area is zoned General Residential.

Gary Kircher
Submitter 108

Appendix 1

Operative District Plan Zoning and Submission 108.1 Area

The annotated planning map shows the additional Rural Residential land sought for residential rezoning outlined in blue, with the submitter's property outlined in yellow. Also showing are the Weston School and the Weston Domain which includes rugby & cricket grounds, netball and



tennis courts, a disc golf course and Weston's principal playground.

NOTE:

1. The entirety of the area being requested to be rezoned is in the Weston Amenity Area.
2. Approximately 80 % of the properties connect into the 50kmh zone, with the remainder (to the east) being in the 60 kmh zone.

Appendix 2 – Supporting Strategic Planning Extracts



Spatial Plan
May 2022



Snapshot of Weston

Weston has strong ties to the rural community and has its own character due to the surrounding rural residential development and smaller population base of approximately 900 residents.

Weston was a kāika nohoaka situated where the heads of Te Awa Kōkōmuka and Ōamaru (Ōamaru Creek) meet. It is an important point on the trails connecting the coastal communities with inland resources and settlement sites, such as Te Ana Raki, and the rich mahika kai that was provided by the Waiareka and associated repo and forests.

Today, Weston is slowly transitioning towards become a suburb of Ōamaru, as new housing areas spread westwards. During engagement, the community expressed mixed views on whether Weston should retain its own identity, or just become part of Ōamaru. People value being able to live in a country town that is just five minutes to work, and are attracted to the larger sections than in urban Ōamaru. A key challenge identified included the lack of urban infrastructure, e.g. footpaths to assist with safe walking and cycling in the town. Many people also noted that a bigger centre would support the growing population. Protecting the remaining high quality soils from further urban development was also seen as important.

In terms of infrastructure, extension of urban services (such as access to mains water and footpaths) will be beneficial for the existing community and to support future growth. Structure planning will assist in ensuring efficient use of infrastructure. Urbanisation (e.g. sealing, lighting) of the A2O route will also be a critical piece of infrastructure that can provide an attractive and convenient, year-round active transport corridor between Weston and Ōamaru. Future development within the SP02 area should be required to feed onto the upgraded A2O route to ensure that private vehicles are not the only viable mode of transport for future residents.

Longer-term consideration of a fixed or on-demand public transport service to link Weston with Ōamaru and employment opportunities and schools in Ōamaru North should be investigated to support a shift away from private vehicles. In addition, a potential recreational route linking Weston and Ōamaru North via Homestead Road and Ardgowan should be considered to provide an alternative active travel route between these key centres.

Relevant extracts from the Ōamaru, Weston and Kakanui Spatial Plan

Appendix 3

Resource Consent 201/202.2025.2753 – 41 Charles Street

Contains relevant parts of the Council decision and planning assessment concerning zoning, residential character, water supply, wastewater, stormwater and transport.

20 January 2026

Paragon Ventures Limited
C/- Patersons
Level 2
19 Eden Street
Oamaru 9400

+64 3 433 0300
0800 108 081

service@waitaki.govt.nz

20 Thames Street
Oamaru, 9400

Private Bag 50058
Oamaru 9444, NZ

Email: mandy.lambert@patersons.co.nz

Dear Mandy,

Pursuant to section 133A of the Resource Management Act this consent is being reissued. This is due to a minor mistake or defect. The decision was made, and the reissue authorised by David Campbell, as delegate for Council, this re-issue is made 7 days after the original granting of consent.

Council has granted the landuse and subdivision Resource Consent to your application 201/202.2025.2753 pursuant to sections 104(5), 104 D, 108 and 220 of the Resource Management Act 1991.

The decision on your resource consent was made by the Planning and Heritage Manager pursuant to authority delegated in accordance with Section 34A (1) of the Resource Management Act 1991.

Consent Number:	201/202.2025.2753
Granted to:	Paragon Ventures Limited
Consent to:	To undertake the subdivision of land into seven allotments with non-complying vehicle access and landuse for setback, density and building coverage breach in the Residential and Rural Residential Zones.
Original Date Granted:	23 December 2025
Date of Reissue:	20 January 2026
Legal Description:	Lot 2 Deposited Plan 454011 (CT 591520)
Location:	41 Charles Street, Weston
ODP Activity Status:	Non-Complying
PDP Activity Status:	Non-Complying (rules do not have immediate legal effect)
ODP Zoning:	Residential and Rural Residential
ODP Notations:	NA
PDP Zoning:	General Residential and Rural Lifestyle

PDP Notations:

Highly Productive Land – LUC 2

District Plan:

Planning Map 52 Weston; and Planning Map 26 Oamaru

Commencement of Consent

Your attention is drawn to Section 116 of the Resource Management Act 1991 which provides that any resource consent which has been granted shall, unless stated otherwise, commence either, when the time for lodging appeals expires and no appeals have been lodged, or when the Environment Court determines the appeals, or all appeals are withdrawn.

Lapsing of Consent

Your attention is also drawn to Section 125 of the Resource Management Act 1991 which provides that a resource consent lapses on the date specified in the consent or, if no date is specified, five years after the date granted of the consent unless before the consent lapses the consent is given effect to or an application is made to the Council to extend the period after which the consent lapses, and the Council decides to grant an extension.

Right of Objection

Please note that pursuant to Section 357A of the Resource Management Act 1991, you may, within 15 working days of being notified of this decision, object by notice in writing to the Council in respect of any aspect of this decision. The Council is required by the Act to consider any objection and to decide whether to dismiss or uphold the objection wholly or partly. (There is a right of appeal, pursuant to Section 358 of the Resource Management Act 1991, to the Environment Court against Council's decision on any such objection).

Right of Appeal

As an alternative to your right of objection pursuant to Section 357 of the Resource Management Act 1991, please note that pursuant to Section 120 of the Resource Management Act 1991, you may, within 15 working days of receiving notification of this decision, appeal to the Environmental Court against the whole or any part of Council's decision, in accordance with Section 121 of the Act, by writing to:

The Registrar, Environment Court, P O Box 2069 Christchurch.

Cost of Processing Consent

Where the costs incurred in processing the application exceed the deposit paid, an invoice will be sent to the applicant within the next few weeks. If you would like to make alternative arrangements for paying the invoice, then please contact us.

Customer Survey

To enable us to provide an efficient and friendly service to our customers we would appreciate your feedback on how we in the Planning Department handled your resource consent.

By answering a few short questions in our on-line survey, we can continuously improve our service to you. The link may be found as follows:

<https://www.waitaki.govt.nz/wdcplanningsurvey>

Yours faithfully



Nikki Canham

Planning Administration

Email: planningadmin@waitaki.govt.nz

DECISION OF WAITAKI DISTRICT COUNCIL ON A NON-NOTIFIED NON-COMPLYING LANDUSE AND SUBDIVISION RESOURCE CONSENT APPLICATION

Considered under Delegated Authority under Section 34 of the Resource Management Act 1991 (RMA). This resource consent is granted by the Waitaki District Council pursuant to section 104D of the RMA and is subject to the attached conditions imposed in accordance with sections 108 and 220 of the RMA.

The recommendation contained within the Officer's Section 42A Report has been reviewed and adopted as the reasons for decision under Section 113 of the RMA.

That the Waitaki District Council hereby grants this resource consent to undertake the subdivision of land into seven allotments with non-complying vehicle access and landuse for setback, density and building coverage breach in the Residential and Rural Residential Zone on land held in Record of Title 591520, subject to the following conditions.

SUBDIVISION

1. **That** this subdivision 202.2025.2753 be in accordance (taking into account any conditions imposed) with the application and plans submitted with application received by Waitaki District Council on the 07 November 2025 prepared by Patersons and the further information supplied on the 03 December 2025. A copy of the approved plans is attached being:
 - a. Paragon Ventures Limited, 41 Charles Street, Weston, entitled "*Subdivision Scheme Plan*", drawn by DNS and approved by DNS dated 19 December 2025, project P240365, drawing no. 002, revision B.
 - b. Paragon Ventures Limited, 41 Charles Street, Weston, entitled "*Stormwater Disposal Plan*", drawn by DNS and approved by DNS dated 19 December 2025, project P240365, drawing no. 002, revision A.
 - c. Paragon Ventures Limited, 41 Charles Street, Weston, entitled "*Concept Engineering Design*", drawn by DNS and approved by DNS dated 19 December 2025, project P240365, drawing no. 002, revision A.

Monitoring and Review

2. Pursuant to Section 36 of the Resource Management Act 1991, in addition to the fees payable for the processing of this application, where further site inspections are required because of non-compliance with any of the conditions, the Council may render an account to the consent holder for additional monitoring fees based on time involved.
3. Within six months of the date of this decision; and/or upon the receipt of the information identifying non-compliance with the conditions of consent, and/or within twenty working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a. To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered, and which is appropriate to deal with at a later stage.
 - b. To deal with any adverse effects on the environment which may arise from the exercise of the consent, and which could not be properly assessed at the time the application was considered.
 - c. To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent, and which have been caused by a change in circumstances or which may be more appropriately addresses as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - d. To deal with the contravention of a condition of consent.

PRIOR TO SECTION 223

Easements

4. The consent holder shall ensure all easements as required are duly shown on the Land Transfer Plan, or in a memorandum of easements attached to the Land Transfer Plan. The consent holder shall be responsible for all costs associated with the creation and registration of any easements, including the partial or full cancellation of consent notices and/or easements on the current title.

Amalgamation

5. The consent holder shall indicate on the survey plan the amalgamation condition approved by Land Information New Zealand as follows:

"That Lot 8 (legal access) be held as to four undivided one-quarter shares by the owners of Lots 4-7 as tenants in common in the said shares and that individual record of titles be issued in accordance therewith."

LINZ Request Number (1972563)

PRIOR TO SECTION 224(c)

New Vehicle Crossing (Lot 1):

6. A new sealed vehicle crossing is required to access proposed Lot 1. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Council's Infrastructure Department by the consent holder and an authorised roading contractor must carry out the construction.
7. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Council's Development Engineer by the consent holder and included with the application for 224(c).

New Vehicle Crossing (Lot 3):

8. A new sealed vehicle crossing is required to access proposed Lot 3. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Council's Infrastructure Department by the consent holder and an authorised roading contractor must carry out the construction.
9. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Council's Development Engineer by the consent holder and included with the application for 224(c).

New Vehicle Crossing (Vehicle Access Lot 8):

10. A new sealed vehicle crossing is required to access Vehicle Access Lot 8. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Council's Infrastructure Department by the applicant and an authorised roading contractor must carry out the construction.
11. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Council's Development Engineer by the Consent Holder and included with the application for 224(c).

Vehicle Access Lot 8:

12. The Vehicle Access Lot shall be formed in accordance with Rule 14.4.2.3 and Rule 14.4.2.4 of the Waitaki District Plan and NZS 4404:2010 including but not limited to:
 - a. A minimum legal width of 4m and a formed width of 3.5m.
 - b. Subgrade testing to achieve a suitable CBR value and the use of these test results in an appropriate pavement design. Pavement design life to be 30 years. Sub-base and Basecourse shall be placed and compacted in accordance with to NZTA B/2.
 - c. Surfaced with an all-weather surface.
 - d. Passing Bays also required every 50m where the formed width is below 5.5m.

13. The engineering design and specifications of the Vehicle Access Lot shall be submitted to Council's Development Engineer for approval prior to commencement of any physical works.
14. Each lot accessing off the Vehicle Access Lot shall have a compliant Vehicle Crossing constructed.
15. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Council's Development Engineer.
16. Photographic evidence and compaction test results of the Vehicle Access Lot and vehicle crossings is required to be supplied to Council's Development Engineer.

Water Supply

17. There is public water supply reticulation in the vicinity of this development and there is capacity for additional demand. The existing water connection shall be allocated to Lot 2.
18. Lots 1, 3-7 shall have new on-demand water connections. To connect the new lots to the public water supply, an Application for Services form shall be completed and submitted. Development Contributions, physical works charges, sundry water charges, and engineering charges may be payable and will be quoted at the time of application.
19. The consent holder shall provide evidence of separate and legal water connections from the Council water main to the boundary of the net area of the lot to all proposed new allotments for water supply at the consent holder's expense, to Council's Development Engineer.

Sewerage Supply

20. There is public sewer reticulation in the vicinity of this development and there is capacity for additional loading. The 150mm diameter sewer main shall be extended west to the frontage of proposed Lot 3 to Council specifications by Council's Approved Contractor at the consent holder's expense. The extended sewer main shall be vested in Council as an asset.
21. The existing 100mm diameter PVC private sewer lateral pipe servicing 39 Charles Street shall be relocated and connected into the new extended sewer main infrastructure.
22. The engineering design and specifications of the proposed sewer works shall be submitted to Council's Development Engineer for approval prior to commencement of any physical works.
23. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Council's Development Engineer prior to application for 224(c).
24. To connect Lots 1-3 to the public sewer, an Application for Services form shall be completed and submitted. Development Contributions, physical connection charges, and engineering charges may be payable and will be quoted at the time of application.
25. Lots 4-7 will require a private, internal pumped sewer system which shall discharge via gravity to Council's sewer main on Charles Street.
26. The consent holder shall provide evidence, at their expense, of the completed sewer connections to the Council sewer main laid at least 600mm into the net area of the lot and infrastructure to all proposed new allotments, and as-built drawings and testing results of the extended sewer main to Council's Development Engineer.

Stormwater Management System

27. The proposed stormwater management system shall be designed in accordance with the document "*Patersons Land Professionals; Stormwater Attenuation Calculations, 41 Charles Street, Weston, Oamaru*".
28. The engineering design and specifications of the stormwater management system shall be submitted to Council's Development Engineer for approval prior to commencement of any physical works.
29. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Council's Development Engineer.
30. Photographic evidence of the stormwater management system is required to be supplied to Council's Development Engineer by the consent holder and included with the application for 224(c).
31. Stormwater discharge to Parsons Creek shall be in accordance with Otago Regional Council Regional Plan: Water for Otago permitted rules, or a resource consent obtained from ORC for a stormwater discharge that does not meet the permitted rules.

Consent Notice: Stormwater (Lot 2):

32. The consent holder shall ensure that a consent notice is prepared pursuant to Section 221 of the Resource Management Act 1991 and is subsequently registered on the title of Lot 2 (arising from this subdivision) to include the following:

“Upon future development on this site, provision to attenuate and release stormwater runoff from dwellings and other impervious areas which ensures there is no increase to pre-development discharge flows beyond the boundary, is required by the landowner. Rainwater storage tanks with controlled outlets to the roadside kerb are recommended.”

Consent Notice: Stormwater (Lot 5):

33. The consent holder shall ensure that a consent notice is prepared pursuant to Section 221 of the Resource Management Act 1991 and is subsequently registered on the title of Lot 5 (arising from this subdivision) to include the following:

“The management and maintenance of the stormwater pond constructed on the land within Lot 5 is the sole responsibility of the landowner.”

Energy Supply

34. The consent holder shall ensure that confirmation be supplied from an energy network operator that separate energy supply cabling has been provided to the boundary of the net area of Lots 2-7 and their connection requirements have been satisfied.

Telecommunication Services

35. The consent holder shall ensure that confirmation be supplied from a telecommunications network operator that separate telecommunication cabling has been provided to the boundary of the net area of Lots 2-7 and their connection requirements have been satisfied.

As Built Plans

36. At the completion of all the service installations, the consent holder shall provide to the Council a full set of as-built plans showing the location of all the newly installed underground services at the time of application for Section 224(c). Such plans shall be drawn to scale and have all the services dimensioned to the nearest physical features such as a property boundary.
37. The prepared plans shall be submitted to the Council in an electronic format.

Removal of Existing Shed

38. The existing shed located over the boundary of Lot 6 and 8 shall be removed.
39. Photographic evidence is required to be supplied by the consent holder and included with the application for 224(c).

No Build on Lot 7:

40. The consent holder shall prepare a plan showing the location of no build area in relation to the surveyed boundaries. The plan shall be attached to the consent notice of condition 40 below
41. The consent holder shall ensure that a consent notice is prepared pursuant to Section 221 of the Resource Management Act 1991 and is subsequently registered on the title of Lot 7 (arising from this subdivision) to include the following:

“This property is subject to a no build area as illustrated on the plan, no houses and/or buildings, as defined in the relevant District Plan, shall be constructed within the identified area.”

Restrictions on Future Development

42. The consent holder shall ensure that a consent notice is prepared pursuant to Section 221 of the Resource Management Act 1991 and is subsequently registered on the title of Lots 5-7 (arising from this subdivision) to include the following:

"This site is restricted to:

(i) a maximum building coverage of 20% of the site area while it remains zoned Rural Residential and/or Rural Lifestyle;

(ii) no further subdivision unless there is a plan change that permits smaller allotments"

Financial Contribution

43. The consent holder shall submit a registered independent valuation, supported with a minimum of ten relevant and recent property sales in the surrounding area.
44. The consent holder shall pay a financial contribution for the purposes of open space and recreation up to a maximum rate of 7.5% of the market value of Lots 2-4 in accordance with the valuation report specified in condition 42 above and shall be calculated in accordance with Rule 14.5.4 of the Operative Waitaki District Plan.
45. The consent holder shall pay a financial contribution for the purposes of open space and recreation of \$11,250 for three additional rural residential allotments for residential development, calculated in accordance with Rule 14.5.4 of the District Plan.

LANDUSE

46. That landuse 201.2025.2753 be in accordance (taking into account any conditions imposed) with the application and plans submitted with application received by Waitaki District Council on the 07 November 2025 prepared by Patersons and the further information supplied on the 03 December 2025:
 - a. Paragon Ventures Limited, 41 Charles Street, Weston, entitled "*Lots 5-7 Buildable Areas*", project 240365, drawing no. 002.

Monitoring and Review

47. Pursuant to Section 36 of the Resource Management Act 1991, in addition to the fees payable for the processing of this application, where further site inspections are required because of non-compliance with any of the conditions, the Council may render an account to the consent holder for additional monitoring fees based on time involved.
48. Within six months of the date of this decision; and/or upon the receipt of the information identifying non-compliance with the conditions of consent, and/or within twenty working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - e. To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered, and which is appropriate to deal with at a later stage.
 - f. To deal with any adverse effects on the environment which may arise from the exercise of the consent, and which could not be properly assessed at the time the application was considered.
 - g. To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent, and which have been caused by a change in circumstances or which may be more appropriately addresses as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - h. To deal with the contravention of a condition of consent.

Construction

49. All sediment and dust from the construction activity shall be contained within the extents of the site. This includes and tracking of mud and debris on to legal roads.

50. Any damage to existing roading infrastructure is to be reinstated and repaired at the consent holder's cost. This includes but is not limited to road, vehicle crossings, drainage infrastructure, grass verges, signs and street furniture.
51. A Corridor Access Request (CAR) is required to carry out works within the road corridor. An application is to be made to Council's Infrastructure & Operations Department by the consent holder via Submitica and an authorised roading contractor must carry out the construction.
52. A Temporary Traffic Management Plan shall be submitted to Council's Infrastructure Department as appropriate for each work activity within the legal road corridor 14 working days prior to works commencing.

Advisory Notes

Building

1. *Building Consent will be required for buildings/building work that does not fall within the exemptions outlined in Schedule 1 of the Building Act 2004. Building consent will be required for buildings/building work that does not fall within the exemptions outlined in Schedule 1 of the Building Act 2004. Council GIS software shows no record of known hazards or proposed work being located within known flood zones. All proposed new private sewer and stormwater drainage systems for the new & existing lots will require a building consent application.*
2. *Setback of existing buildings to the new proposed boundaries will need to consider fire separation requirements from C/AS1. Proposed partially demolished existing sheds - Under Section 112 of the Building Act 2004, a building consent application will need to include consideration that Structural stability-bracing - and if required means of escape from fire, and access and facilities for persons with disabilities comply as near as is reasonably practicable with the provisions of the building code. Regional mapping indicates 'low to moderate' liquefaction vulnerability. Residential developments may use 'TC2-type' foundations as outlined in the MBIE (2012) Canterbury foundation guidance without further liquefaction investigation.*
3. *Alternatively, applicants may choose to provide supporting ground liquefaction investigation to support a less conservative approach. Non-residential construction may require a more detailed liquefaction assessment.*

Infrastructure

4. *Road Development Contributions will not be charged on this subdivision resource consent but will be assessed on each building consent application received in the future. Road Development Contributions are not related to vehicle crossings which may access the property.*
5. *Complaints to Council regarding dust or sediment will be referred to the developer or their agent for action.*
6. *All vehicle crossings must comply with the Waitaki District Plan and Specifications for New Vehicle Entrances whether they are new or an upgrade of existing. An approved contractor must carry out the construction. The 'Application for Vehicle Crossing' form is available on the Council website. Once the application form has been completed and forwarded to Council, the Infrastructure & Operations Department will assess and notify you of the requirements for construction and will enclose a list of approved contractors in an information pack.*
7. *New public sewer infrastructure shall be subject to the Inspection and Acceptance procedures of NZS 4404:2010. In addition, CCTV inspections, Leakage testing, Pressure testing shall be carried out in accordance with Appendix C and D of NZS 4404:2010 and in the presence of an Inspector from Council's Infrastructure & Operations Department, unless otherwise agreed prior to testing taking place.*
8. *Only Council's Approved Agent (at the date of consent is SouthRoads Oamaru) can make the connection to the public Water, Sewer or Stormwater mains. A private drainlayer contractor may carry out the works to that point and excavate the main ready for connection. Please ensure an Application for Services has been made to Council prior to commencing this stage of the works. 4. A multi-manifold toby box is recommended to service water supply to the proposed lots.*

9. *The sewer lateral is a private pipe to the point of connection at the public sewer main.*

General Advisory Notes

10. *The consent holder shall ensure that, should any human remains or archaeological items be exposed while undertaking works to give effect to conditions of consent, works in that area will cease immediately. The Police, Heritage New Zealand, and Kaumatua representing the local Tangata Whenua shall be contacted and work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.*
11. *The consent holder shall ensure that, should any contaminated land, hazardous activities, or storage of contaminants be found on the property while giving effect to the conditions of this consent, works in that area will cease immediately, and the regional council shall be contacted. Works shall not recommence until the affected area has been deemed free of contaminants and all necessary statutory authorisations and/or consents have been obtained.*

Amalgamation

12. *All normal LINZ requirements apply to the issuing of amalgamated titles. These include requirements that the land is in the same ownership and that any existing joint family home settlements are cancelled or extended to include all the land being amalgamated.*

Addressing

13. *The addressing is to be as follows, unless the access way is named:*
- a. *Lot 1 – 41 Charles Street*
 - b. *Lot 2 – 41A Charles Street*
 - c. *Lot 3 – 39A Charles Street*
 - d. *Lot 4 – 39B Charles Street*
 - e. *Lot 5 – 39C Charles Street*
 - f. *Lot 6 – 39D Charles Street*
 - g. *Lot 7 – 39E Charles Street*
14. *If a road name is required, street name posts and signs is to be supplied and installed at the developers cost and in accordance with Council's Infrastructure Department design requirements prior to 224(c).*
15. *If an access name is required, the developer is required to adhere to the road naming policy and supply options to Council's Planning Manager prior to s224(c).*

Reasons for Decision

- A. Having considered the effects of the activity on the environment in accordance with Section 104(1)(a) of the Resource Management Act 1991, Council is satisfied that the actual and potential effects of the activity on the environment will be less than minor provided that the recommended conditions are complied with.
- B. The granting of the consent will not be contrary to the intent of the policies and objectives contained within the Operative Waitaki District Plan in accordance with Section 104(1)(b) of the Resource Management Act 1991.
- C. The granting of the consent is not contrary to the intent of the policies and objectives contained within the Proposed Waitaki District Plan. This is relevant under Section 104(1)(b) of the Resource Management Act 1991. However, as the Proposed District Plan was notified on 1 March 2025 and the submission period has recently closed, greater weighting is to be given to the Operative Waitaki District Plan.
- D. Notification was not required under Section 95A of the Resource Management Act 1991. No persons were considered to be potentially affected pursuant to Section 95B and 95E of the Resource Management Act 1991. Limited notification was not required under Section 95B of the Resource Management Act 1991.

- E. This subdivision proposal is located in the Residential and Rural Residential Zone and has been assessed as a Non-Complying Activity under the Operative Waitaki District Plan, Map 26 and 52, for which consent may be granted under section 104D of the Resource Management Act 1991.
- F. Pursuant to Section 104D and Section 108 and Section 220 of the Resource Management Act 1991 specific conditions have been imposed to mitigate any adverse effects of the activity on the environment.



Charlotte Hunt
Resource Management Planner

Consent Granted:



David Campbell
Heritage and Planning Manager

Date: 20 January 2026

**RECOMMENDING REPORT WAITAKI DISTRICT COUNCIL ON A NON-NOTIFIED
NON-COMPLYING LANDUSE AND SUBDIVISION RESOURCE CONSENT APPLICATION**

Prepared for:	David Campbell – Heritage and Planning Manager
Prepared by:	Charlotte Hunt – Resource Management Planner
Consent Number:	201/202.2025.2753
Applicant:	Paragon Ventures Limited
Activity:	To undertake the subdivision of land into seven allotments with non-complying vehicle access and landuse for setback, density and building coverage breach in the Residential and Rural Residential Zone.
Operative Plan Activity Status:	Non-Complying
Proposed Plan Activity Status:	Non-Complying (rules do not have immediate legal effect)
Site Address:	41 Charles Street, Weston
Legal Description:	Lot 2 Deposited Plan 454011 (CT 591520)
Operative Plan Zoning:	Residential; and Rural Residential
Proposed Plan Zoning:	General Residential and Rural Lifestyle; Highly Productive Land – LUC 2
Operative District Plan Map:	Planning Map 52 Weston and Planning Map 26 Oamaru
Site Visit Undertaken:	24 November 2025
Iwi consulted:	NA
Planning Report Date:	19 December 2025

1. INTRODUCTION

This is a report has been prepared under s42A of the Resource Management Act 1991 (RMA) on an application for a subdivision and landuse in the Residential and Rural Residential Zone and to make a recommendation. The application has been processed on a non-notified basis, pursuant to the notification provisions contained in sections 95-95G of the RMA. This report also forms the decision and reasons for that decision as is required by Section 113(4) of the RMA.

This resource consent is granted by the Waitaki District Council pursuant to s104D of the RMA and is subject to the attached conditions imposed in accordance with sections 108 and 220 of the RMA.

2. SITE DESCRIPTION

The subject site is located at 41 Charles Street on land legally described as Lot 2 Deposited Plan 454011 held within Records of Title 591520, respectively. The site area is 8154m² and is zoned Residential and Rural Residential under the Operative Waitaki District Plan (ODP) and General Residential and Rural Lifestyle under the Proposed Waitaki District Plan (PDP). The site can be found on Planning Maps 52 and 26.

The site is located within the Weston township; the site is situated between other residential units to the south, east and west. To the north of the site is Parsons Creek and larger rural based properties. The site currently contains an existing dwelling and an accessory building which is to be partially demolished to make way for the proposed access allotment. The Records of Title contain no instruments of note that would affect the proposal.

The topography of the site is flat from the road and drops off to the northwest and north of the site towards the direction of the Parsons Creek.

Figure 1 shows an aerial of the site and the surrounding environment.

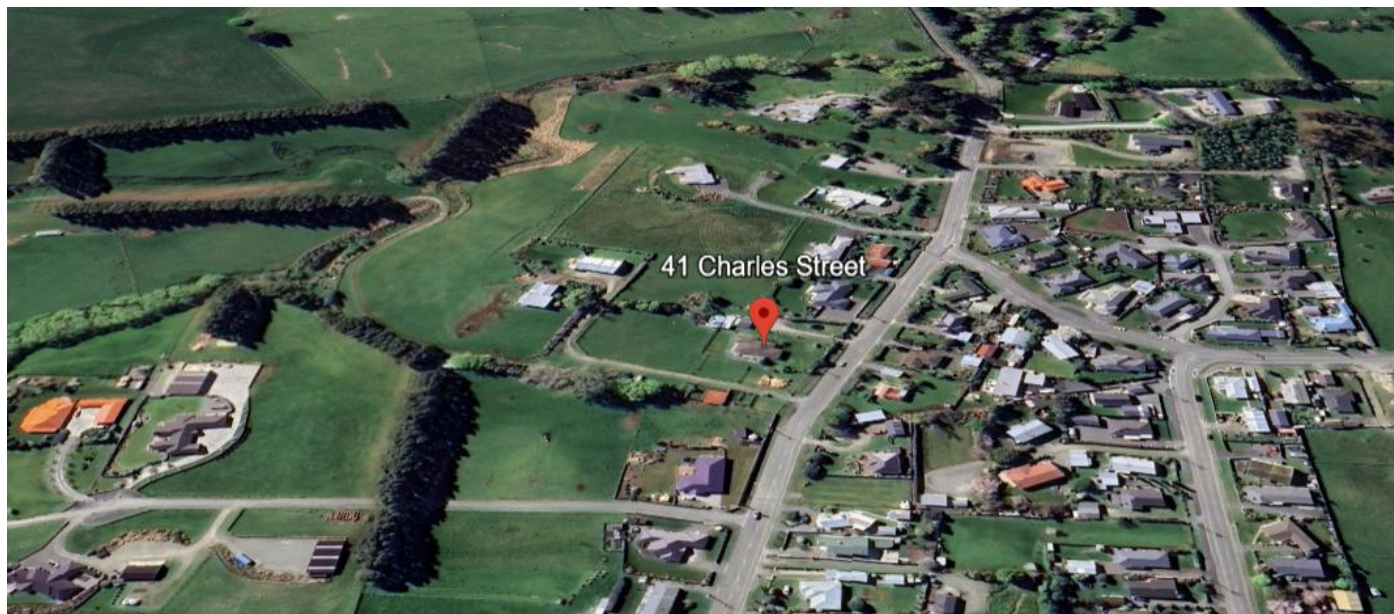


Figure 1: Site; surrounding environment (source, Google Earth).

The site is not identified on the Otago Regional Council's Listed Land register for contaminated sites, further information pertaining to the site's history in relation to the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health is discussed at section 7.4.

The following ODP zoning affect the property (see Figure 2).

- Residential.
- Rural Residential.

The following PDP zoning and overlays affect the property (see Figure 3 and Figure 4):

- Highly Productive Land – LUC 2.
- General Residential.
- Rural Lifestyle.



Figure 2: Aerial view of the site showing the ODP zoning and cadastral boundaries (lighter purple being the Residential zoning; and the darker purple being Rural Lifestyle) (source, Council's GIS).

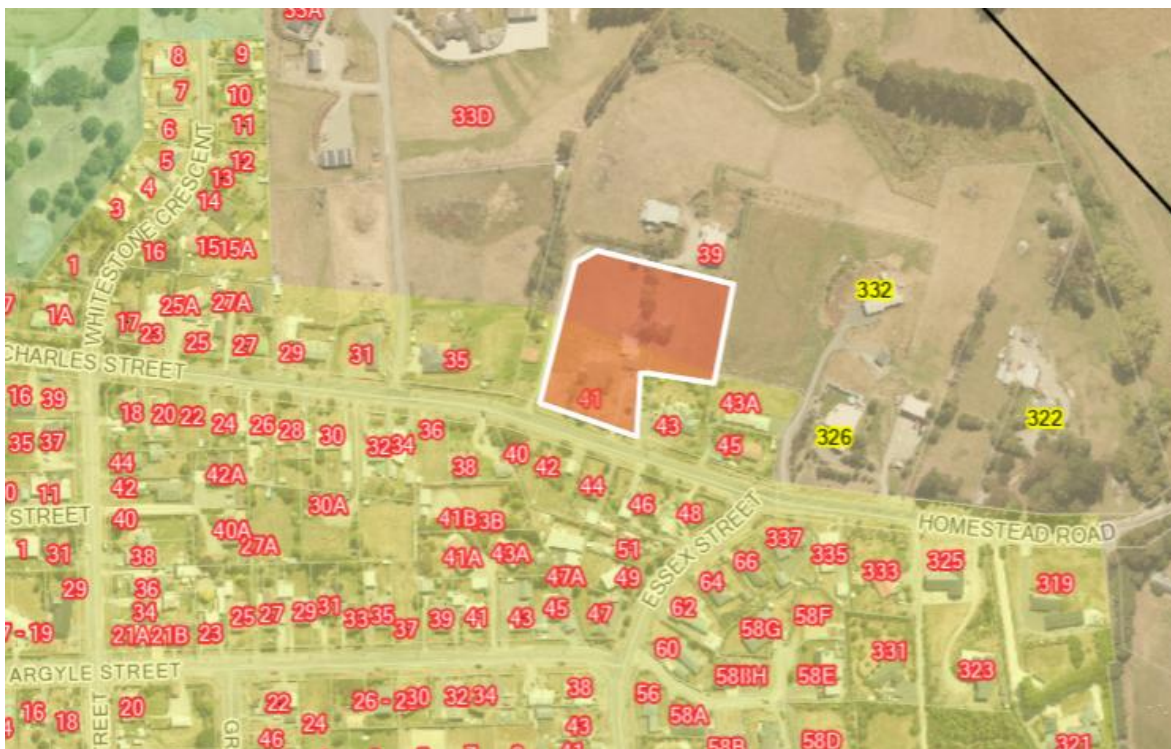
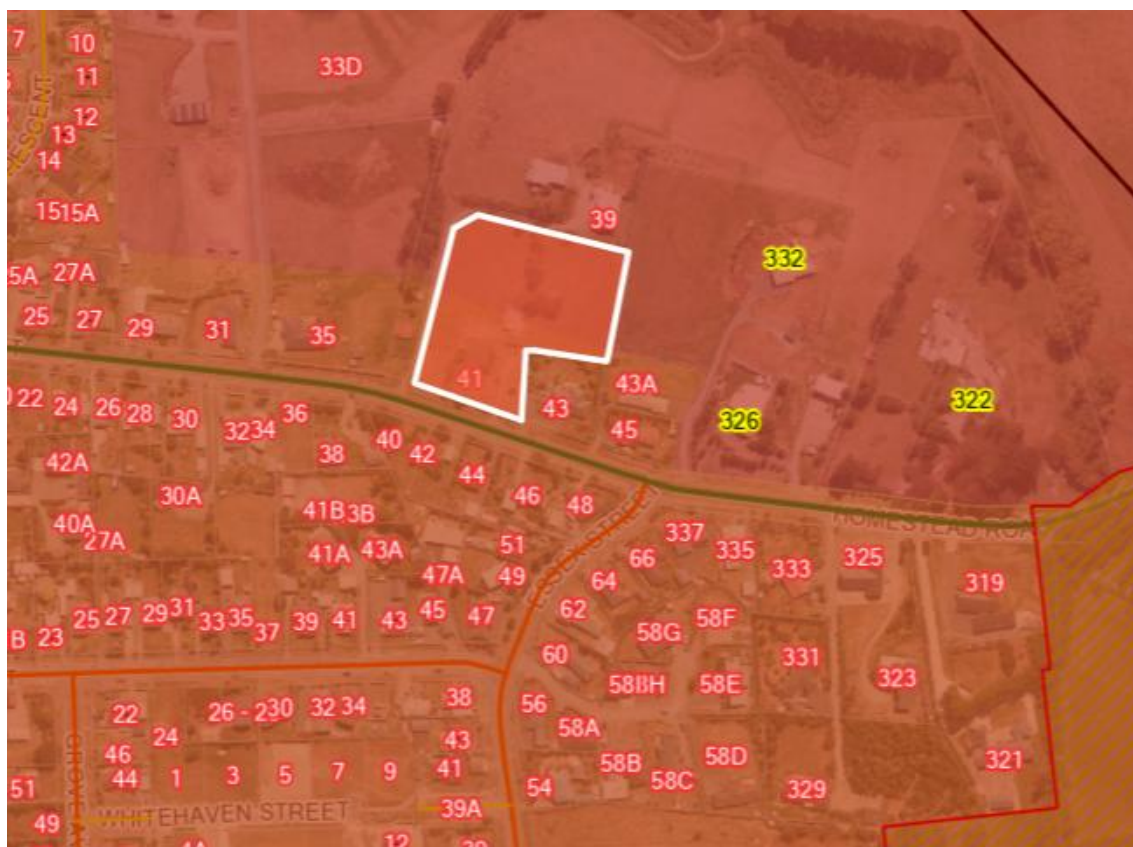


Figure 3: Aerial view of site showing the PDP overlays and cadastral boundaries (darker yellow being the General Residential zoning; and lighter yellow being Rural Lifestyle Zone) (source, Council's GIS).



Lots 3 and 4 will be a breach of the Residential Zone building coverage. The garage located on Lot 1 will breach the setback between the boundary and the access allotment.

The Applicant also wishes to undertake construction works prior to titles being issued, this will result in a breach of density, setbacks and building coverage for both zones on the existing title.

Figure 5 below shows the proposal below.

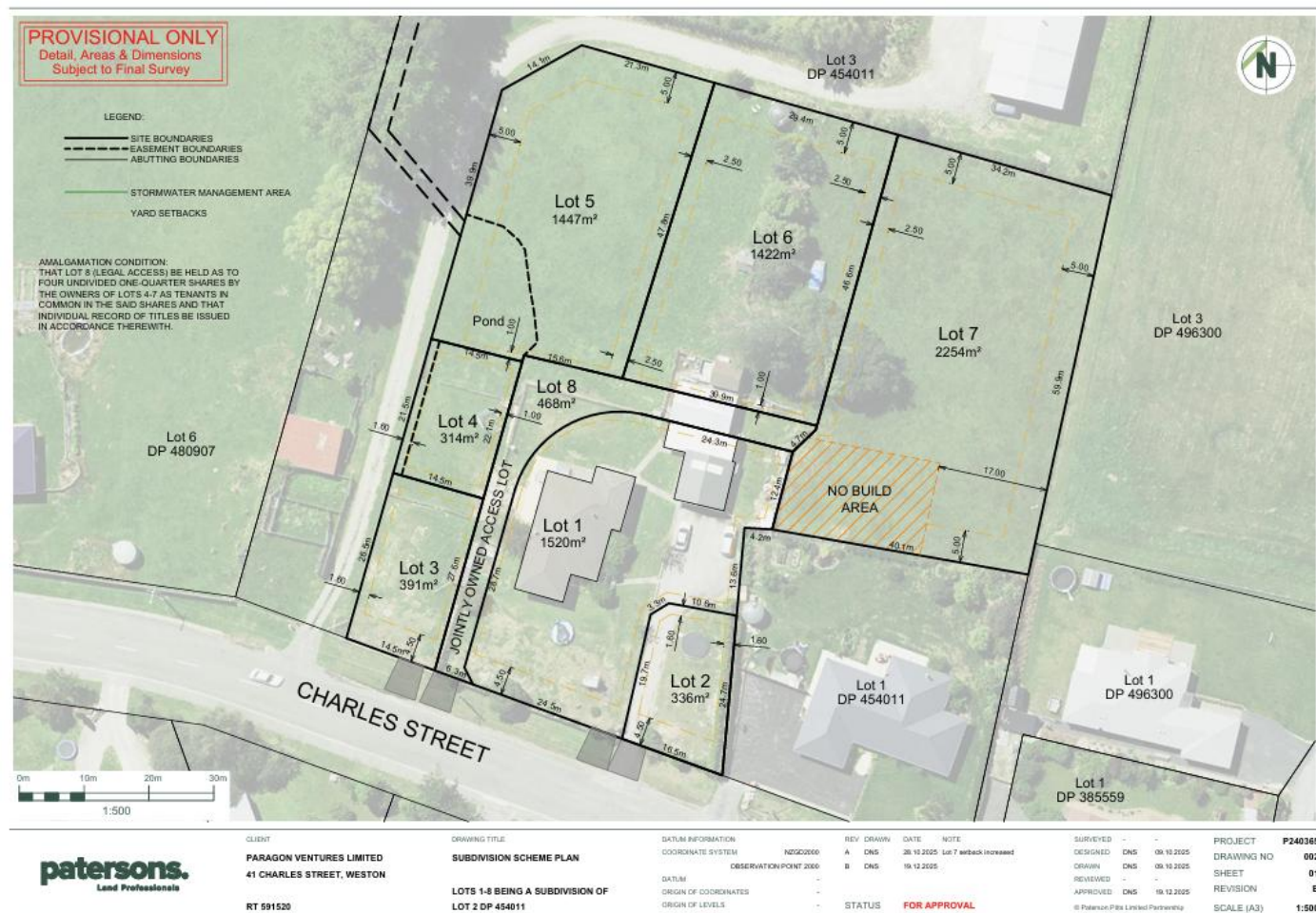


Figure 5: Subdivision Scheme Plan which includes proposed setbacks (source, amended Scheme Plan dated 19 December 2025)

4. ACTIVITY STATUS

This application has been considered under the requirements of the ODP, the only rules with immediate legal effect requiring consideration under the PDP is Stormwater.

ODP

Subdivision

All subdivision activities require resource consent under Rule 14.3.2 of the ODP pursuant to Section 11 of the RMA.

The Rural-Residential zoned allotments are unable to comply with the minimum allotment sizes per Critical Zone Standard 14.4.1(a) as Lots 5-7 will be less than 1ha. As such the proposal is considered a **Non-Complying Activity**.

The access requirements for the allotments are governed by Rule 12.2.2 and the proposal does not comply with (e) and the vehicle accesses are closer than the required 7m. Therefore, the proposal is considered a **Discretionary Activity**.

Taking into account *Newbury Holdings Ltd v Auckland Council* [2013] NZHC 1172 the most restrictive activity status applies. Therefore, the subdivision requires a **Non-Complying** resource consent per Rule 14.3.5.

Landuse – proposed titles

Residential zone

Residential activities are permitted in the Residential zone provided that they comply with all of the Site Development Standards and Critical Zone Standards for the zone. None of the Critical Zone Standards are applicable for the proposal. The Site Development Standards have been assessed below:

Site Development Standards	Description	Complies/Does not comply
2.4.1 Residential Density	Minimum net area for any site for each residential unit contained within the site shall be 300m ² in the Residential Zone.	Complies – each of the residential allotments are over 300m ² .
2.4.2 Building Coverage	The combined total areas of all buildings on each site shall not exceed a maximum building coverage of 40%	Does not comply – the building coverage on Lot 3 is up to 46% and Lot 4 will be up to 43%.
2.4.3 Height of Buildings	Maximum height of any building(s) for an activity shall be 8m	NA – there are no plans for residential units on the sections. This will be assessed at building time.
2.4.4 Recession Lines	Buildings for an activity shall not project beyond a building envelope constructed by recession lines from points above internal boundaries, as shown in Appendix H	NA – there are no plans for residential units on the sections. This will be assessed at building time.
2.4.5 Setback from Road and Neighbours	Minimum setback of buildings for an activity shall be as follows: 1 All Sites Other Than Corner Sites a) Front yard - 4.5m b) Side and rear yards - 1.6m	Does not comply – The existing garage on Lot 1 is to be partially demolished to remove the part within Lot 8 being the access lot. The remaining garage will be located within the setback with a length greater than 10m so does not fall within the accessory building exception.
2.4.6 Outdoor Living Space	For each residential unit, there shall be a minimum area for outdoor living space, contained in one area within the net area of the site, of 50m ² with a minimum dimension of 4m.	NA – there are no plans for residential units on the sections. This will be assessed at building time.
2.4.8 Access	Each residential unit shall have legal access to a formed road.	Complies – each allotment will have access to Charles Street

		either directly via vehicle crossings or via an access lot.
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As the proposal fails to comply with Site Development Standards 2.4.2 and 2.4.5 this will require a **Discretionary Activity** resource consent pursuant to Rule 2.3.2(8)(a) of the ODP.

2.3.2 Discretionary Activities

The following activities shall be Discretionary Activities

- 8(a) Any Activity which is listed as a Permitted Activity and which complies with all of the relevant Critical Zone Standards under Rule 2.5, but does not comply with one or more of the relevant Site Development Standards under Rule 2.4;

Rural Residential Zone

Residential activities are permitted in the Rural-Residential Zone provided that they comply with all of the Site Development Standards and Critical Zone Standards for the zone. None of the Critical Zone Standards are applicable for the proposal. The Site Development Standards have been assessed below:

Site Development Standards	Description	Complies/Does not comply
3.4.1 Residential Density	Minimum net area for any site shall be 1ha for each residential unit contained within a site. There shall be only one residential unit on any land comprised in a separate site.	Does not comply – the site cannot comply with 1ha per residential unit after the subdivision with the smallest allotment being 1422m ² .
3.4.2 Building Coverage	The combined total areas of all buildings on each site shall not exceed a maximum building coverage of either 500m ² or 5% of the site area, whichever is larger.	Does not comply – based on the buildable areas provided for Lots 5-7 and erring on the side of caution with regard to the size of a residential unit and accessory building the building coverage will likely exceed 500m ² .
3.4.3 Height of Buildings	Maximum height of any building(s) for an activity shall be 10m.	NA – there are no plans for residential units on the sections. This will be assessed at building time.
3.4.4 Setbacks from Roads	Minimum setback of buildings for an activity from road boundaries shall be 15m.	Complies – the buildable areas are setback further than the required 15m from Charles Street.

3.4.5 Recession Lines	Buildings for an activity shall not project beyond a building envelope constructed by recession lines from points above internal boundaries, as shown in Appendix H	NA – there are no plans for residential units on the sections. This will be assessed at building time.
3.4.6 Setback from Neighbours	Minimum setback of buildings for an activity from internal boundaries shall be: for residential units - 10m for buildings, other than principal residential buildings, designed and/or used for the housing of the following animals: Poultry and other birds - 4.5m Dogs - 4.5m Other animals associated with farming - 30m for other buildings greater than 15m ² in gross floor area - 6m for other buildings less than 15m ² in gross floor area. - 1.6m	Does not comply – the Applicant has indicated a 5m setback from neighbouring properties of 39 Charles Street and 332 Homestead Road, setbacks between Lots 5 and 6; 6 and 7 will be 2.5m.
3.4.7 Family Flats	Where a family flat does not on its own account separately comply with the Residential Density and Parking Standards for residential units: the family flat building shall be relocatable; the landowner shall enter into a bond with the Council (in a form able to be supported by a caveat) to ensure that the family flat is removed when there is no longer required for the housing of a dependent relative.	NA
3.4.8 Access	Each residential unit shall have legal access to a formed road.	Complies – each allotment will have access to Charles Street either directly via vehicle crossings or via an access lot.

As the proposal fails to comply with Site Development Standards 3.4.1; 3.4.2 and 3.4.6 this will require a **Discretionary Activity resource** consent pursuant to Rule 3.3.3(10) of the ODP.

3.3.3 Discretionary Activities

The following activities shall Discretionary Activities:

- Any other Activity, which is not listed as a Permitted, Discretionary Activity or Non-Complying, and which complies will all of the relevant Critical Zone Standards (Rule 3.5).

Landuse – existing title

Rural Residential Zone

Residential activities are permitted in the Rural-Residential zone provided that they comply with all of the Site Development Standards and Critical Zone Standards for the zone. None of the Critical Zone Standards are applicable for the proposal. The Site Development Standards have been assessed below:

Site Development Standards	Description	Complies/Does not comply
3.4.1 Residential Density	Minimum net area for any site shall be 1ha for each residential unit contained within a site. There shall be only one residential unit on any land comprised in a separate site.	Does not comply – rural residential portion of the site is unable to comply with the 1ha. Building is due to commence on the site thus there will be a more than one residential unit on the site.
3.4.2 Building Coverage	The combined total areas of all buildings on each site shall not exceed a maximum building coverage of either 500m ² or 5% of the site area, whichever is larger.	Does not comply – The total area of proposed Lots 5 to 7 is 5,123m ² the land being developed prior to titles being issued will result in a building coverage of would be a building coverage of 20.5% and greater than 500m ² .
3.4.3 Height of Buildings	Maximum height of any building(s) for an activity shall be 10m.	NA – there are no plans for residential units on the sections. This will be assessed at building time.
3.4.4 Setbacks from Roads	Minimum setback of buildings for an activity from road boundaries shall be 15m.	Complies – the buildable areas are setback further than the required 15m from Charles Street.
3.4.5 Recession Lines	Buildings for an activity shall not project beyond a building envelope constructed by recession lines from points above internal boundaries, as shown in Appendix H	NA – there are no plans for residential units on the sections. This will be assessed at building time.

3.4.6 Setback from Neighbours	Minimum setback of buildings for an activity from internal boundaries shall be: for residential units - 10m for buildings, other than principal residential buildings, designed and/or used for the housing of the following animals: Poultry and other birds - 4.5m Dogs - 4.5m Other animals associated with farming - 30m for other buildings greater than 15m ² in gross floor area - 6m for other buildings less than 15m ² in gross floor area. - 1.6m	Does not comply – the Applicant has indicated a 5m setback from neighbouring properties of 39 Charles Street and 332 Homestead Road.
3.4.7 Family Flats	Where a family flat does not on its own account separately comply with the Residential Density and Parking Standards for residential units: the family flat building shall be relocatable; the landowner shall enter into a bond with the Council (in a form able to be supported by a caveat) to ensure that the family flat is removed when there is no longer required for the housing of a dependent relative.	NA
3.4.8 Access	Each residential unit shall have legal access to a formed road.	Complies – each allotment will have access to Charles Street either directly via vehicle crossings or via an access lot.

As the proposal fails to comply with Site Development Standards 3.4.1; 3.4.2 and 3.4.6 this will require a **Discretionary Activity resource** consent pursuant to Rule 3.3.3(10) of the ODP.

3.3.3 Discretionary Activities

The following activities shall Discretionary Activities:

- Any other Activity, which is not listed as a Permitted, Discretionary Activity or Non-Complying, and which complies will all of the relevant Critical Zone Standards (Rule 3.5).

Taking into account *Newbury Holdings Ltd v Auckland Council* [2013] NZHC 1172 the most restrictive activity status applies. Therefore, the landuse requires a **Discretionary** resource consent per Rule 14.3.5. under the ODP.

PDP

Subdivision

The subdivision creates vacant allotments in the General Residential Zone and does not comply with SUB-S5 would be considered a **Discretionary Activity**.

The subdivision creates vacant allotments in the Rural Lifestyle Zone and does not comply with SUB-S5 and would be considered a **Discretionary Activity**.

The subdivision creates vacant allotments

The accesses for the subdivision are unable to comply with TRAN-R1 PER 1 and would be considered a **Restricted Discretionary Activity**.

Landuse – new titles and existing

The landuse in the General Residential Zone for Lots 3 and 4 does not comply with GRZ-R1 due to a building coverage over 40% per GRZ-S4 and setbacks per GRZ-S6 and would be considered a **Restricted Discretionary Activity**.

The landuse in the Rural Lifestyle for Lots 5-7 does not comply with RLZ-R1 due to a non-compliance with RLZ-S3 being building coverage and RLZ-S5 as the setback is unable to comply with the 10m minimum and would be considered a **Restricted Discretionary Activity**.

Lots 5-7 would also not be able to comply with RLZ-R5 as the density breaches 1 principal per site under RLZ-S1 and would be considered a **Non-Complying Activity**. However, the rules do not have immediate legal effect.

Overall, the proposal would be considered as a **Non-Complying Activity** per the PDP. However, the rules resulting in the non-compliance do not have immediate legal effect. It is noted that the Stormwater rules with immediate legal effect are complied with and considered permitted.

Conclusion

Taking into account *Newbury Holdings Ltd v Auckland Council* [2013] NZHC 1172 the most restrictive activity status applies.

Overall, the combined subdivision and landuse proposal requires a **Non-Complying** resource consent under the ODP.

5. NOTIFICATION PROVISIONS

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

5.1 Public Notification

Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification.

Step 1: Mandatory public notification in certain circumstances

- If the answer to any of the below questions is yes, then public notification is required and consideration of the other steps in Section 95A is not needed.

Question	Yes	No	N/A
Has the applicant requested public notification? (s95A(3)(a))	–	✓	–
Is public notification required under Section 95C (applicant has not provided or refuses to provide further information; or, applicant refuses to agree to commissioning of report or does not respond to report commissioning request)? (s95A(3)(b))	–	✓	–
Has the application been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))	–	✓	–

In this case, the answer to all the questions set out in Step 1 is no and mandatory public notification is not required under this step.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- If the answer is yes to any of the below questions, then Step 3 must be skipped and Step 4 considered.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A
Does a rule or national environmental standard preclude public notification of each activity in the application? (s95A(5)(a))	–	✓	–
Is the application for one or more of the following, but no other, activities?			
A controlled activity? (s95A(5)(b)(i))	–	✓	–
A restricted discretionary, discretionary or non-complying 'boundary activity'? (s95A(5)(b)(iii))	–	✓	–

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

Mandatory Exclusions from Assessment (s95D)

- A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).
- B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below).
- C: In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).
- D: Trade competition and the effects of trade competition (s95D(d)).
- E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).

Permitted Baseline (S95D(B))

Under section 104(2) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In determining whether the adverse effects are minor or more than minor, the Consent Authority may disregard an adverse effect of the activity if the ODP/PDP (where applicable) permits an activity with that effect (i.e. the permitted baseline principle).

Subdivision

In this case, there are no permitted activity subdivisions under the ODP and there is no permitted baseline to be applied.

Landuse – Residential Zone

There is a permitted baseline with respect to residential activity in the Residential Zone outlined in the Site Development Standards. The permitted building coverage allows for a maximum building coverage of 40% over a minimum site density of 300m² per residential unit and provides for an outdoor living area of 50m² with a minimum dimension of 4m. Each residential unit is also required to have legal access to a formed road. Buildings are required to have a minimum front yard setback of 4.5m and side and rear setback of 1.6m for residential units, accessory buildings are permitted to be located within the setback providing they are less than 10m in length along the internal boundary encroached and does not have windows. Building activity is not permitted to extend beyond the building envelope constricted by recession lines from internal boundaries in accordance with Appendix H of the ODP. This is the permitted baseline I consider is appropriate to be applied to the landuse activity, zoned Residential, to be considered as part of the proposal.

Landuse – Rural-Residential Zone

There is a permitted baseline with respect to residential activity in the Rural-Residential Zone outlined in the Site Development Standards. The permitted building coverage allows for a maximum building coverage of 5% or 500m² (whichever is greater) over a minimum site density of 1ha per residential unit. Each residential unit is also required to have legal access to a formed road. Buildings are required to have a minimum front yard setback of 15m and side and rear setback of 10m for residential units, accessory buildings over 15m² gross floor area 6m from the boundary, less than 15m² gross floor area can be 1.6m from the internal boundary. Building activity is not permitted to extend beyond the building envelope constricted by recession lines from internal boundaries in accordance with Appendix H of the ODP. This is the permitted baseline I consider is appropriate to be applied to the landuse activity, zoned Residential, to be considered as part of the proposal.

In terms of potential adverse effects resulting from the proposal, the following potential effects have been identified.

Assessment: Effects on the Environment

The proposed subdivision and landuse breaches are not considered to have adverse effects on the wider environment.

Decision: Effects on the Environment (S95A(2))

Overall, the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined 'special circumstances' as those "outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique." The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC* [(1997) NZRMA 433 (HC), *Urban Auckland v Auckland Council* [(2015) NZHC 1382, (2015) NZRMA 235].

Step 4: Public notification in special circumstances

- If the answer is yes to this question, then the application must be publicly notified.
- If the answer is no, then the application needs to be considered for limited notification.

Question	Yes	No	N/A
Do special circumstances exist that warrant the public notification of the application? (s95A(9))	–	✓	–

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is not required as identified in the assessment above.

EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

5.2 Limited Notification

Section 95B of the Resource Management Act 1991 sets out a step-by-step process for determining limited notification. The Council must decide whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.

Step 1: Certain affected groups and affected persons must be notified

If there is any affected protected customary rights group or affected customary marine title group, or any person to whom a statutory acknowledgement has been made that is affected in a minor or more than minor way, then the application must be limited notified to these parties unless their written approval has been obtained.

Irrespective of the above, Step 2 must then be considered.

Question	Yes	No	N/A	Assessment Notes
Is the activity in a protected customary rights area?	–	✓	–	
Will the activity have adverse effects on the protected customary right?	–	–	✓	n/a, the activity is not in a protected customary rights area.
Has the protected customary rights group given written approval for the activity and it has not been withdrawn?	–	–	✓	n/a, the activity is not in a protected customary rights area.

Is the activity an accommodated activity in a customary marine title area?	–	✓	–	
Does the activity have adverse effects on the exercise of the rights applying to a customary marine title group?	–	–	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Has the customary marine title group given written approval for the activity and it has not been withdrawn?	–	–	✓	n/a, the activity is not an accommodated activity in a customary marine title area.
Is the activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement? (s95B(3) and s95E(2)(c))	–	✓	–	
Is the person to whom the statutory acknowledgement made affected in a minor or more than minor way and has their written approval been obtained? (s95B(3) and s95E(2)(c))	–	–	✓	n/a, the activity is not on or adjacent to, or might affect, land that is subject of a statutory acknowledgement.

Therefore, limited notification is not required under Step 1.

Step 2: If not required by Step 1, limited notification precluded in certain circumstances

- If the answer is yes to any of these questions, then Step 3 does not apply and Step 4 applies.
- If the answer is no to all of these questions, then Step 3 must be considered.

Question	Yes	No	N/A
Is the application for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification?	–	✓	–
Is the application for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land	–	✓	–

Step 3: If not precluded by Step 2, certain other affected persons must be notified

Question	Yes	No	N/A
In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.	–	✓	–
In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.	–	✓	–

PERMITTED BASELINE (s95E(2)(a))

The permitted baseline has been established above and is not being applied.

ASSESSMENT: EFFECTS ON PERSONS

Step 4. Further notification in special circumstances

Question	Yes	No	N/A
Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),	–	✓	–

There is nothing exceptional or unusual about the application that makes limited notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being limited notified as all identified affected parties have provided their approval.

WRITTEN APPROVALS

Written approval for the proposal has been provided by the Applicant from the following adjoining properties:

- 39 Charles Street – R.J Cranston & T.J Cranston
- 332 Homestead Road – G.M Kircher & K.L Kircher
- 43 Charles Street – D.O. Brown, S.M Brown & A.L McIntosh
- 43A Charles Street – Q.B Diedrichs & R.L Diedrichs
- 35 Charles Street – D.R Atkinson & B.J.X Tan
- 41 Charles Street – I.S.D Aker & F.L Caldwell

Section 104(3) of the Resource Management Act 1991 states that Council must disregard any effect on a person who has given written approval to the application. With neighbouring approval, the effects of amenity are unable to be considered pursuant to s104(3)(a)(ii) as those who have given approval are considered to understand the effects that are associated with the proposal and consent to them within reasonable limits.

DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no other person is considered affected by this proposal.

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a non-notified basis. 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.

6.0 Assessment of Environmental Effects

To determine the extent of effects of the activity, an assessment of environmental effects carried out below. The following sections detail the exclusions to the assessment and its findings.

6.1 Receiving Environment

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 the proposal) that are likely to be implemented.
- The existing environment, as modified by any resource consents granted and likely to be implemented.
- The environment as likely to be modified by activities permitted in the ODP.

For the subject site, the existing and foreseeable receiving environment comprises of residential and rural residential activities. Residential density across the road from the site on the southern side of Charles Street and to the west beyond 27 Charles Street consists of smaller allotment sizes consistent with the Residential Zoning density. To the north and the northeast side of Charles Street the pattern reflects the larger allotments of Rural Residential Zoning. Parsons Creek runs to the north of the site.

The land surrounding the site has been altered by the following resource consents and are considered as part of the receiving environment in accordance with the Hawthorn¹ principle:

Surrounding sites:

- 202.2012.160: 43 Charles Street – subdivision of land into three allotments.
- 202.2015.729: 326 Homestead Road – subdivision into three allotments.
- SRC 07/01: 45 Charles Street – subdivision into two allotments.
- 202.2024.513: 29 Charles Street – subdivision of land into seven allotments and landuse for haybarn within setback.

¹ *Queenstown-Lakes District Council v Hawthorn Estate Ltd (2006) 12 ELRNZ 299*

- 202.2021.1711/2: 283 Parsons Road – s127 amendment to change telecommunications condition for subdivision in the Rural Residential Zone.
- 202.2021.1711: 283 Parsons Road – two allotment subdivision.
- 202.2022.1921/3: 280 Homestead Road – s357 objection.
- 202.2022.1921: 280 Homestead Road- six allotment subdivision.
- SRC09/48: 319 Homestead Road – change of condition pertaining to sewage and roading.
- SRC09/48: 319 Homestead Road – subdivision of land into two allotments.
- SRC06/72: 48 Essex Street – subdivision of land to create 10 residential sites and an access allotment.
- 202.2013.435/2: 48 Essex Street – s127 amendment for conditions relating to vehicle entrance and supply of energy and telecommunications.
- 202.2013.435: 48 Essex Street – subdivision of land into two allotments.
- 202.2020.1630/3: 6 Whitehaven Street – s127 amendment to access.
- 202.2020.1630/2: 6 Whitehaven Street – s127 amendment to access.
- 202.2020.1630: 6 Whitehaven Street – Ten allotment subdivision with road to be vested.
- 202.2017.939: 4 Whitehaven Street – subdivision of land into two allotments.
- SRC07/23: 31 Essex Street – boundary adjustment and amalgamation.
- 202.2018.1063: 19 Gordon Street – stage 1 of four allotment subdivision.
- 202.2017.949: 19 Gordon Street – subdivision of land into three allotments.
- 202.2017.968: 269 Homestead Road – boundary adjustment.
- 202.2025.2648: 106 Tutu Hill Road – two stage subdivision.

6.2 Permitted Baseline:

In determining whether the adverse effects are minor or more than minor, the Consent Authority may disregard an adverse effect of the activity if the ODP permits an activity with that effect (i.e. the permitted baseline principle). In this case, as traversed above I consider it appropriate to apply the permitted baseline to the landuse activity and not appropriate to apply the permitted baseline to the subdivision activity.

In terms of potential adverse effects resulting from the proposal, the following potential effects and matters of control have been identified:

6.3 Relevant Effects

6.3.1 Subdivision

Lot Size and Dimensions

The proposal is to subdivide the existing 8154m² site onto seven allotments and one access lot as follows:

- Lot 1 being 1520m² which includes the existing residential unit and garage to be partially demolished.
- Lot 2 being 336m² and does not comply with the rectangular 15x15 lot dimension required.
- Lot 3 being 391m² and does not comply with the rectangular 15x15 lot dimension required.
- Lot 4 being 314m² and does not comply with the rectangular 15x15 lot dimension required.
- Lot 5 being 1447m² and will include the stormwater pond.
- Lot 6 being 1422m² which contains existing water tanks to be removed.
- Lot 7 being 2255m² and contains an amenity no build area.
- Lot 8 being 468m² which is exempt from the minimum density and dimension requirements per Rule 14.4.1(a)(iii).

Due to the access allotment Lots 3 and 4 are unable to comply with the minimum 15x15m dimensions required as part of Site Development Standard 14.4.2.1. Lot 2 is also unable to comply due to the eastern boundary between 41 Charles Street and 43 Charles Street being skewed.

Lot 3 and 4 have a width of 14.5m, a departure from the standard by 0.5m and Lot 2 has a width of 10.6m with a departure from the standard by 4.4m at the rear. It is noted that fronting the streetscape Lot 2 has an allotment width of 16.5m. The effects from Lot 2 and 4 are experienced internally while Lot 3 is imperceptible from the street, that the allotment will not comply with the Site Development Standard. The proposal will not be out of place visually, nor create effects that are considered to be anything more than less than minor due to the non-compliance with the lot dimensions.

Lot 8 is exempt from the minimum dimensions as per Rule 14.4.2.1.

Lots 1-4 comply with the Residential Zone minimum allotment size of 300m². Lots 5-7 are significantly undersized for the Rural-Residential Zoning.

The Rural-Residential portion of the site is unable to comply with allotment size prior to the subdivision. As traversed in the amenity effects above. It is noted that the Applicant has chosen larger allotments at the rear being between 1422m² and 2254m². It is noted that the sites to the east being 29-35 Charles Street share similar split zoning with undersized Rural Residential allotments that are large for the Residential Zone, the pattern therefore gently blends into the wide-open area anticipated in the Rural-Residential Zone to the smaller Residential Zone without being a noticeably jarring zone boundary. I would also note that the sites are able to comply with the one residential unit per site rule under the density rule. A condition of consent will include a restriction on further subdivision by way of consent notice, unless there is a plan change, to maintain the boundary between Rural Residential and Residential, noting that this zoning is not proposed to change as part of the Proposed District Plan.

As such, taking into account the pattern development, lot sizes and dimensions, subject to compliance with the conditions, the proposal will be less than minor.

Property Access

Lot 2 will be utilising the existing vehicle crossing that provides access onto Charles Street.

Lots 1 and 3 are proposed to have new sealed vehicle crossings to be formed and sealed from the road edge to within the allotment. Conditions of consent will reflect this.

Lots 4-7 are proposed to be accessed via an access allotment from Charles Street. The allotment is to be held within equal shares between the owners of Lots 4-7. Council's Development Engineer has reviewed the application and has recommended conditions with respect to the construction of the allotment to be formed in accordance with Rule 14.4.2.3 and 14.4.2.4 of the ODP and NZS 4404:2010 which requires a legal width of 4m and a minimum formed width of 3.5m and specifies the following particulars with respect to construction being an appropriate pavement design with a design life of 30 years; sub-base and basecourse layers which shall be placed and compacted in accordance with the NZTA B/2 Specification; and surfaced with concrete, chipseal or asphalt for the full formed width. The Development Engineer also recommends passing bays to be formed every 50m where the width is less than 5.5m. Each vehicle access to lots 4-7 is to have a compliant vehicle crossing and the engineering design and specifications is to be provided to the Development Engineer for approval prior to the commencement of physical works. Conditions of consent will reflect these recommendations.

The vehicle crossings for Lots 1-3 and the access allotment are not able to comply with the Rule 12.2.2(e) as they are to be located within 7m of each other. The Development Engineer has reviewed the proposal and has not raised any concerns with respect to safety, traffic or manoeuvring to and from the site. Charles Street is a sealed road with a width of approximately 9.5m with approximately 834 vehicle movements as an estimated traffic volume as a Secondary Collector². Taking an estimate of 10 vehicle movements to and from each allotment per day for general residential use that is an increase of 70 movements onto Charles Street. There is ample space for manoeuvring to and from the site and the new vehicle crossings comply with site visibility. Therefore, I consider the effects of the location of the access ways within 7m of each other to be less than minor.

Subject to compliance with the recommended conditions, I consider the effects to be less than minor.

Esplanade Provision

The property does not contain any waterways, nor is it located near the margins of any waterways, named in the ODP or otherwise. Therefore, I consider that an esplanade strip is not required.

Natural Hazards

The site is not located within any natural hazards as identified in the ODP.

Water Supply

Lot 2 will retain the existing water connection at 41 Charles Street. Lots 1, 3 and 4, being in the Residential Zone are to have a new on demand water connections in compliance with Rule 14.4.1(c), a condition of consent will reflect this.

² New Zealand Transport Agency Waka Kotahi One Network Road Classification data accessed on the 18 December 2025.

Lots 5-7 are to also have new on demand water connections as the allotments are less than 1ha, noting that water is not required in the Rural-Residential Zone, however as this is volunteered by the Applicant it is appropriate to require a consent condition.

Council's Development Engineer has reviewed the proposal and raised no issue with respect to the capacity of reticulated network to supply water to the site. It is noted that Development contributions may be payable upon application for connection and an advice note reflects this information for the Applicant.

As such, I consider the effects in terms of water supply, subject to compliance with the conditions, will be less than minor.

Stormwater Disposal

The Applicant proposed Lot 1 which includes the existing house and garage (albeit a smaller garage once partially demolished) and Lot 2 will have stormwater drain to the existing roadside stormwater drain on Charles Street. Council's Development Engineer has reviewed the application and recommends a consent notice to be registered on the title of Lot 2 that states the following:

"Upon future development on this site, provision to attenuate and release stormwater runoff from dwellings and other impervious areas which ensures there is no increase to pre-development discharge flows beyond the boundary, is required by the landowner. Rainwater storage tanks with controlled outlets to the roadside kerb are recommended"

The Applicant proposes a stormwater management system being a stormwater pond will be constructed on Lot 5. The owner of Lot 5 is to be solely responsible for the management and maintenance of the stormwater pond. To mitigate the potential risk that any future purchaser is unaware of the responsibility and as Council has an interest in ensuring the stormwater management system is maintained, I consider it is appropriate to include a consent notice on Lot 5 stating that the management of the stormwater pond and maintenance is the sole responsibility of the owner. The pond is to be setback 1m from the internal boundary between Lot 5 and Lot 4. There is no requirement under the Building Act 2004 to fence the pond. The Applicant proposed on site, that planting will be undertaken around the pond for amenity purposes and to demarcate the pond location.

Discharge from the pond will be via swale (to be constructed) to Parsons Creek via culvert under the access of 39 Charles Street which is to be protected via easement. The owners of 39 Charles Street have provided their written approval to the proposal.

The stormwater pond is to be 1.6m in depth and will have a 29mm diameter outlet at the base of the pond and a 21mm outlet 0.89m above the base of the pond. An emergency overflow weir is proposed near the top of the pond to prevent inundation in rain events. The pond will store 220m³ of water. Council's Development Engineer has reviewed the proposal and recommends that the engineering design and specifications of the stormwater management system is to be submitted for approval prior to the commencement of any works and shall be in accordance with the stormwater management system documents and attenuation calculations as provided with the application. A condition of consent will reflect this.

The Applicant considers that the proposed stormwater disposal is in accordance with the relevant rules for the Otago Regional Plan: Water for Otago permitted activity. A condition will be added to ensure the Applicant is aware and recommends engagement with Otago Regional Council to ensure to discharge does in fact comply, or consent obtained if it does not.

I consider, subject to compliance with the conditions, that the effects will be less than minor.

Sanitary Sewage Disposal

The Applicant has stated that all allotments will have a sewage connection to the reticulated network located in Charles Street pursuant to Rule 14.4.1(d) for the Residential Zone, it is noted that connection to reticulated network for wastewater is not a requirement for the Rural Residential Zone, however as the Applicant has volunteered the condition, it is appropriate to require it in the circumstances.

Council's Development Engineer has reviewed the application and recommends that the existing 150mm diameter sewer main shall be extended to the west to the frontage of proposed Lot 3 which is to be vested in Council. In addition, the existing 100mm diameter PVC private sewer lateral pipe which currently services 39 Charles Street shall be relocated and connected into the new sewer main infrastructure. The Development Engineer also has recommended a condition, based upon the application for Lots 4-7 to require a private internal pumped sewer system which shall discharge via gravity to Council's sewer main on Charles Street.

I consider the effects in terms of sanitary sewage connection, subject to compliance with conditions, will be less than minor.

Trade Waste Disposal

There is no trade waste component to the proposal.

Energy Supply and Telecommunications

The Applicant has stated that both energy and telecommunication services will be supplied to all allotments as required pursuant to Rule 14.4.1(e). Conditions of consent will reflect this.

As such, with respect to energy and telecommunication services, subject to compliance with the conditions, I consider the effects to be less than minor.

Cultural, Heritage, Landscape, Vegetation, and Margins of Waterways

The site does not have any noted cultural, heritage, landscape or vegetation features/values that will be affected by the proposal. As already covered, the site is not within the periphery of any known waterways.

Amalgamation/Easements

The access allotment (Lot 8) is required to be held in four undivided shares by the owners of Lots 4-7. The wording of the amalgamation as approved by LINZ is as follows:

"That Lot 8 (legal access) be held as to four undivided one-quarter shares by the owners of Lots 4-7 as tenants in common in the said shares and that individual record of titles be issued in accordance therewith."

Easements for access and services will be included within the access allotment (Lot 8) as shown on the scheme plan. An easement for the draining of the stormwater pond over 39 Charles Street's land is also required as is an easement for the right to drain water over Lots 4 and 5 as shown on the scheme plan.

Relevant conditions of consent will be included prior to s223. Should any additional easements be required prior to s223 they will be shown on the Land Transfer plan, submitted to Council for approval.

Building Location

The existing dwelling to be located in proposed Lot 1 has an existing associated accessory building, being a garage, which currently sits over proposed Lots 6 and 8. As part of the development the Applicant will remove the garage so that it is contained wholly within proposed Lot 1 and has sought landuse dispensation for the setback breach as the area is over 10m in length and does not come within the exception that allows garages within the setback due to the length along the encroached boundary being over 10m. The residential unit on Lot 1 is able to comply with all setbacks.

In order to gain written approval from 43 Charles Street the Applicant has volunteered a no build area, as shown on the Scheme Plan on Lot 7. This is to preserve the views and amenity of the owners/occupiers of 43 Charles Street. As this is volunteered by the Applicant it is appropriate to include a consent notice reflecting this in the title of proposed Lot 7 which states the following:

"This property is subject to a no build area as illustrated on the plan, no houses and/or buildings shall be constructed within those identified areas."

I consider the effects in terms of building location, subject to compliance with conditions, will be less than minor.

Reserve Fund Contribution

Under the ODP, conditions may be included on subdivision consents for the purposes of providing and upgrading land and/or facilities for open space and recreation, including streetscaping up to a maximum of 7.5% of the market value of the land in the additional lots, authorised by this subdivision consent. In the Rural Residential Zone, the market value of the land in the lots shall be the market value of 1000m² of each lot assessed as a site for a residential unit in accordance with Rule 14.5.4.

The subdivision creates three additional titles. It is considered appropriate to require a reserve fund contribution in this instance of \$11,250.

Three additional lots are being created by this subdivision. It is considered necessary to require a reserve fund contribution condition to be imposed on this consent for each stage. The financial contribution is subject to conditions and requires an independent valuation be submitted prior to s224(c).

The financial contribution is to be imposed via conditions and requires an independent valuation and payment to be submitted prior to s224(c).

Amenity Effects

Amenity is defined in the ODP as having the same meaning as defined in Section 2 of the Act for Amenity Values.

The RMA defines 'amenity values' as³:

'Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic, coherence, and cultural and recreational attributes'

With neighbouring approval provided by all adjoining neighbours aside on the eastern, western and northern boundaries the effects of amenity are unable to be considered in relation to those properties pursuant to s104(3)(a)(ii) as those who have given approval are considered to understand the effects that are associated with the proposal and consent to them within reasonable limits. As the effects of amenity (being visual in terms of density, building coverage, noise and dust during the construction period) are localised to the immediate surrounds it is therefore considered that the effects are limited to nearby properties.

Maintenance and enhancement of both amenity values and the quality of the environment relate firstly to the existing environment and secondly to the environment as it is perceived in terms of the appropriate plans⁴. It is generally accepted that the standard approach when assessing amenity is to assess the context of a proposed development and to emphasise the present neighbourhood character in assessing amenity values. Amenity values are assessed in terms of cultural and physical qualities that contribute to people's appreciation of the environment⁵.

In the context of Charles Street, the south side of Charles Street and to the east from 29 Charles Street consists of larger residential allotments not dissimilar to proposed Lots 5-7 and replicate the differing sizes of allotments within the Weston area from very low density to low density. The northern part of Charles Street consisting of the site and to the east are larger allotments, consistent with the lower density Rural Residential pattern of development. It is noted however, that the land around the site has been subdivided over time from a larger landholding to smaller allotments consistent with the relevant zone standards.

The proposal with the breach of the Rural Residential for density and building coverage are more in keeping with the pattern of development in the Residential Zone density.

The zone statement for the Rural-Residential Zone states the zone covers areas adjoining towns being Weston and provides for very low-density residential opportunities to provide for alternatives to the suburban living areas typical of the District. The purpose of the zone is to maintain very low-density residential areas with ample open space, tree and garden plantings and with minimal adverse environmental effects experienced by residents with farming to remain the

³ Section 2, Resource Management Act 1991

⁴ *Wilson v Selwyn DC* EnvC C023/04.

⁵ *Shell Oil NZ Ltd v Auckland CC* W008/94 (PT); *O'Brien v Upper Hutt CC* EnvC W091/99; *Guardians of North Taieri Inc v Dunedin CC* (2004) 10 ELRNZ 286 (EnvC).

widespread use of the land in the zone and an integral part of the rural residential environment. At this point I would observe that the written approvals provided by the neighbours does provide for minimal adverse effects experienced by residents, I would also note that due to the development that breaches density is at the rear of the site and difficult to be seen from the road and due to the undulating nature of the northern areas beyond the site, the extent of the effects are ringfenced, see Figure 6, I consider, to likely being minor to those properties which have provided approval and cannot be considered.

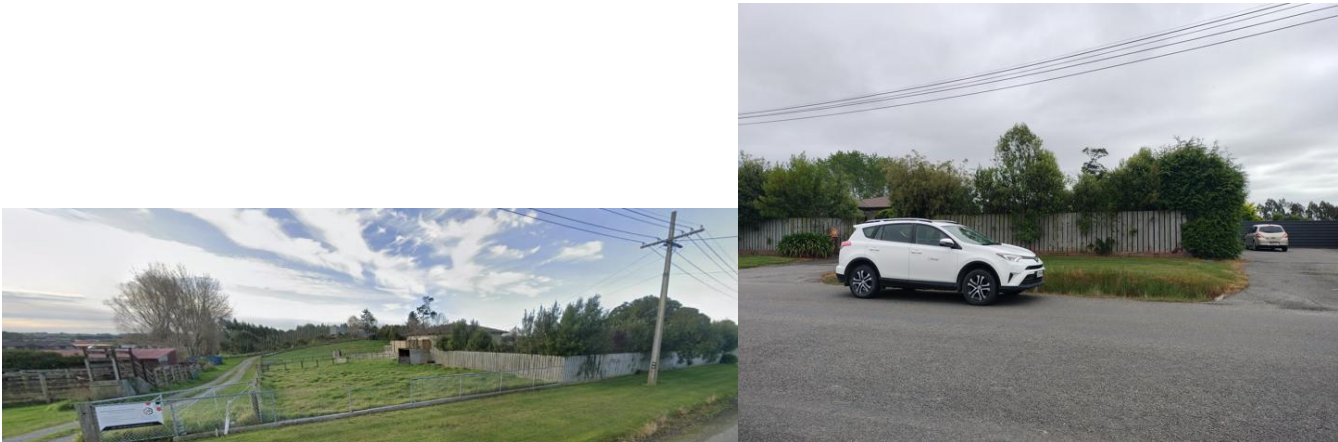


Figure 6: view from the road on the other side of the road outside 42 Charles Street (left) and 44 Charles Street (left) (source, google earth and site visit respectively)

With respect to the building coverage and the cumulative effect, taking into account the development of Lots 5-7, the Residential Zone purpose states the purpose of the zone is to maintain residential areas with ample open space for tree and garden plantings and with minimal adverse effects experienced by residents. The building coverage for Lot 3 will be 46% and Lot 4 will be 43%. Whilst not a huge departure from the permitted baseline, the increased coverage does have a cumulative effect when assessing the zones separately. Due the interrelatedness and taking into account the development of a whole, it is effectively a zone change for the rear allotments from Rural-Residential to Residential, which can comply with the Residential Zone standards in terms of density, building coverage and setbacks.

There are many assessment matters in the ODP that aim to limit the loss of amenity. Although the proposal is for a residential activity, being inconsistent with the surrounding environment, the considerable density and bulk introduce amenity effects on the surrounding environment, particularly in relation to adjoining sites. I consider the effects of the proposal depart from the purpose of the Rural Residential Zone will not maintain the amenity values anticipated within the zone and are more suited to that of the Residential Zone of the northern portion of the site. However, as written approvals have been provided from all identified affected parties the effects of the density and building coverage breach are unable to be considered in relation to those properties pursuant to s104(3)(a)(ii) as those who have given approval are considered to understand the effects that are associated with the proposal and consent to them within reasonable limits. Therefore, I consider the effects of the proposal to be less than minor with respect to the amenity values of the Rural-Residential Zone.

6.3.2 Landuse

Building Coverage Effects

Proposed Lots 3 and 4 create a breach of the building coverage within the Residential Zone being 46% and 43% respectively over and above the 40% permitted by the ODP. Building coverage is a site development standard to ensure density of buildings is managed, ensure that buildings are not overly dominant on a site and to mitigate stormwater impacts as the ODP does not have rules around permeable and impermeable surfaces, with stormwater often being managed via discharge to kerb and channel. Noting that stormwater rules in the PDP require additional measures to manage stormwater and have been considered as part of the subdivision proposal.

As the increase is 3% it is mostly imperceptible with respect to the character of the site. An increase of 6% is perceptible however the effects of that, due to the orientation of the allotments is experienced by the owners of Lots 1, 3 and 5 as well as 35 Charles Street which has provided written approval.

Proposed Lots 5-7 as they are less than 1ha will likely have a breach of the 500m² building coverage Site Development Standard when taking into consideration residential units and accessory buildings and the Applicant has provided buildable areas being 1300m² for Lot 5, 1,400m² for Lot 6 and 1900m². It is noted that the allotments are able to comply with the building coverage for the Residential Zone as Lot 5 would have a building coverage of 34.6%, Lot 6 would have a building coverage of 35.2% and Lot 7 a building coverage of 22.2%.

The Applicant also wishes to undertake works on the Rural Residential allotments prior to titles being issued, therefore there will be more than one residential unit on the site with an estimated building coverage of 1,050m² which would be a total percentage of 20.5% of the site. The effects of this building coverage breach are considered to have effects on adjoining neighbours all of which have provided written approval and cannot be considered under s104(3)(a)(ii).

Therefore, the effects of the building coverage breach are considered to be less than minor.

Residential Density Effects

The Rural-Residential portion of the site is unable to comply with allotment size prior to the subdivision. As traversed in the amenity effects above. It is noted that the Applicant has chosen larger allotments at the rear being between 1422m² and 2254m². It is noted that the sites to the east being 29-35 Charles Street share similar split zoning with undersized Rural Residential allotments that are large for the Residential Zone, the pattern therefore gently blends the wide-open area anticipated in the Rural-Residential Zone to the smaller Residential Zone without being a noticeably jarring zone boundary. I would also note that the sites are able to comply with the one residential unit per site rule under the density rule. A condition of consent will include a restriction on further subdivision by way of consent notice, unless there is a zone change, to maintain the boundary between Rural Residential and Residential, noting that this zoning is not proposed to change as part of the PDP with an additional restriction imposed by way of condition which will limit one the buildable area on the allotments to be a maximum site coverage of 20%. As the effects are limited to neighbours that adjoin the site to the north, east and west in terms of amenity and visual effects, and all neighbours have provided written approval, and the effects cannot be considered. Therefore, I consider the effects will be less than minor.

The assessment of the effect of the increased building coverage has been broken down into parts below in accordance with the Assessment Matters (18.2) below:

(i) Residential Density and Building Coverage – Residential, Rural Residential and Township Zones

a. Dominance of buildings – the extent to which the character of site will remain dominated by open space and garden plantings, rather than buildings

The character of the site at the front, along the street will largely be retained as that anticipated within the Residential Zone and complies with the front yard setback. There is the option for planting at the front, side and rear along the boundary. From the street and adjoining neighbours, the increased building coverage on Lots 3 and 4 will be largely imperceptible, particularly due to the orientation of the allotments with Lot 4 not likely to be visible from the street. The effects are largely to be internal with Lots 1 and 5 having amenity/visual effects from less garden and open space on the allotments, the owners of proposed Lot 1 have provided their written approval. The same effects will also be observed from 35 Charles Street; however, they have provided written approval. Overall, I consider the effects of the increase in building coverage on Lots 3 and 4 to be less than minor.

The rear Lots 5-7 are Rural Residential however they are consistent with the pattern of low-density allotments surrounding the site to the south, north, and west. The Applicant proposes to start developing the site prior to titles being issued and will be over the building coverage of 500m² as they intend to develop more than one house at a time. After titles are issued, taking into account the buildable areas provided and the consent notice registered on the titles that restrict the building coverage to 20%, the separate titles are also unable to comply with building coverage. It is noted that Lot 7 has been provided with a no build area, this was in agreement with the neighbours located at 43 Charles Street to protect views and outlook. The effects of the increased building coverage, similarly to Lots 3 and 4 will be noticeable to the internal site, proposed Lot 1 (who has provided written approval) 332 Homestead Road, 39 Charles Street and 35 Charles Street, all of whom have provided written approval. The character of the site will largely be of a low-density residential environment, taking that into account I would observe that the building coverage for Lots 5-7 does in fact comply with the Residential standards. Regardless, the sites will retain the ability for plantings to be undertaken

and post subdivision it is largely unlikely that the entire buildable area will have building coverage, rather it provides future owners and the developer the option to locate residential units and accessory buildings. Overall, taking into account the fact that I consider the effects are limited to the adjoining neighbours to the north, east and west, all of which have provided written approval I consider the effects to be less than minor.

b. Mitigations – the ability to provide adequate opportunity for garden and tree planting around buildings.

There are no additional mitigations proposed by the Applicant. For the reasons outlined above, I do not consider there an amenity issue with respect to the receiving environment that requires further consideration noting the effects extend only to those which have provided written approvals.

c. The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.

There appears on the face of the application that there is no necessary requirement to breach the building coverage to undertake the proposed activity except for the chosen design by the Applicant to achieve a seven-allotment subdivision.

d. the extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building coverage which is out of character with the local environment.

The increased building coverage on Lot 3 is largely imperceptible from the street being 3%. Lot 4 will not be visible from the street has a larger 6% building coverage breach. The effects of the breach on Lot 4 are limited to those properties that have provided written approval. I would note that the pattern of density is lower around the site and becomes denser leading into the Weston township, however being zoned Residential without the subdivision building on a 300m² complying with Site Development Standards is a permitted activity.

Similarly, with respect to the Rural Residential allotments to the rear (Lots 5-7) both pre and post title, the scale of the buildings will be consistent with the building coverage to the south, west and east because they are effectively larger residential allotments rather than Rural Residential lots. For the reasons outlined above, I do not consider there an issue with respect to compatibility with the surrounding environment that requires further consideration outside of those which have provided written approvals.

e. The ability to provide adequate vehicle parking and manoeuvring space on site.

The Development Engineer has reviewed the application and raised no issues with vehicle parking and manoeuvring space on site, largely due to the fact that the landuse application has not provided actual plans of future dwellings and this can be assessed at a later point.

f. The extent to which decreased site size or increased building coverage would have adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and day light and loss of opportunities for views.

As discussed above, and throughout the report the increased building coverage will have some adverse effects on adjoining properties mainly in terms of dominance of buildings. I would note that loss of privacy, access to sunlight and daylight will be assessed at the time of PIM and building consent once the house plans have been submitted. In terms of dominance of buildings and the effects resulting, the effects do not extend beyond those that have provided written approval and as such per 104(3)(a)(ii) the effects cannot be considered.

g. The ability to provide for adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.

An assessment of outdoor living space for Lots 3 and 4 has not been undertaken by the Applicant – however they have acknowledged they may require consent in the future, again this is dependent upon the house design chosen by the future owners of the allotment. I consider that, in this instance, it is appropriate to defer this to a later date, noting compliance is largely possible.

h. Whether the residential units are to be used for elderly persons housing and the extent to which the decreased site size will adequately provide for outdoor needs of the activities on the site and retain the dominance of open space over the buildings.

This is not applicable to the proposal as no future development of the bare allotments has been included as part of the application.

i. The ability to mitigate any adverse effects of increased coverage or site density.

The non-complying building coverage is the result of the subdivision of land. The Applicant has provided mitigation for the owners of 43 Charles Street as a no build area has been agreed to protect the views and outlook already enjoyed and to maintain that privacy. In terms of the affected properties, the setbacks of the Residential Zone are complied with and in the case of the Rural Residential allotments, the setback distance has been halved which enables compliance with the Residential Zone standards and a partial buffer. Due to the nature of the development, outside of the aforementioned, the ability to mitigate is minimal hence the need for written approval, which have been provided in their entirety. I would note that by virtue of the design of the subdivision the effects are largely internal to those allotments which are new.

j. In the case of recreational activities, the extent to which the additional building coverage will affect the degree to which the land is able to be enjoyed by the general public; which will result in loss of open space which is valuable within the built environment; or will enable the establishment of activities which could adversely affect the surrounding environment by way of noise, glare, traffic generation, loss of privacy or security.

This is not applicable to the proposal.

(v) Setback from Neighbours

(a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.

The intrusion on the setback for Lot 1 is necessary as the garage is to be partially demolished to make way for the development of the rear allotments and the access lot. The owners of Lot 1 wish to retain the garage on the boundary and by virtue of being longer than 10m in length by 1m, the garage is not able to utilise the exception for accessory buildings within a setback in the Residential Zone.

With respect to the Lots 5-7, the Applicant seeks landuse consent for buildable areas to encroach. Lot 5 will have a setback from the boundary of 39 Charles Street of 5m, Lot 7 will have a setback of 5m from 332 Homestead Road of 5m. Lots 5, 6 and 7 where will have buildable areas setback from the internal boundaries of 2.5m. and Lot 6 will have a 1m setback from the access allotment which is within both the Residential and Rural Residential zoning. Due to the narrow width of the allotments, Residential units would be unable to comply with the 20m setback, noting that this setback includes accessory buildings, therefore the breach is necessary to for the sites to be used for residential activity.

(b) The extent to which alternative practical locations are available for the building.

For the purposes of the garage on proposed Lot 1, it is already existing and is unable to be relocated on the site to comply.

(c) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.

Written approvals have been provided by all adjoining sites and amenity was discussed above in detail. As such I cannot consider the effect on adjoining sites per 104(3)(a)(ii) of the RMA.

(d) Any adverse effects on adjoining sites of the proximity of the building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the surrounding environment.

Given the orientation of the allotments and the setback of adjoining properties, the effects are likely to be contained internally to the site. I would note that the Rural Residential allotments do comply with the Residential Zone setbacks, therefore loss of privacy is unlikely to be an issue. The Applicant has also agreed a no build area to be located in Lot 7 to protect the privacy and amenity of the owners of 43 Charles Street. The breach of the garage borders an access allotment whereby the effects are de minimis.

(e) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.

Future dwellings on all undeveloped allotments will need to comply with recession lines and height requirements, these site developments also control the loss of daylight to adjoining sites. Given the orientation of the allotments and the setback of adjoining properties, the effects are likely to be contained internally to the site. I would note that the Rural Residential allotments do comply with the Residential Zone setbacks, therefore loss of daylight is unlikely to be an issue. The breach of the garage borders an access allotment whereby the effects are de minimis.

(f) The ability to provide adequate opportunities for garden and tree plantings around buildings.

There is ample space on the larger allotments for garden and tree planting around buildings.

(g) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.

(h) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration.

Written approvals have been provided by all adjoining sites and amenity was discussed above in detail. As such I cannot consider the effect on adjoining sites under (g) and (h) above per 104(3)(a)(ii) of the RMA.

(i) Any adverse effects of the proximity of buildings housing animals in terms of noise, odour, flies or vermin on adjoining sites.

This is not applicable to the site.

(j) Any adverse effects on adjoining sites of the proximity of buildings housing scheduled community facilities in terms of noise, glare or vibration which is inconsistent with the surrounding environment.

This is not applicable to the site.

(k) The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.

Noting that written approvals have been provided on the basis of the application without landscape planting, I do not see an additional requirement for landscape planting as necessary in this instance.

Conclusion of Assessment of Effects:

Overall, it is considered that the proposal will result in adverse effects on the wider environment which are less than minor.

Step 4: Further notification in special circumstances

- If the answer is yes to the below question, then the application must be limited notified to these other persons.

Question	Yes	No	N/A
Are there special circumstances that warrant the application being limited notified to any other persons not already determined to be eligible for limited notification (excluding persons assessed under Section 95E as not being affected persons)? (s95B(10))	–	✓	✓

Special circumstances are not considered to apply to the proposal, as the proposal is considered neither unusual nor exceptional.

Conclusion

Having regard to the step-by-step process for considering public notification and limited notification, it is determined that the application can be processed on a non-notified basis.

7. CONSIDERATION ASSESSMENT

7.1 Section 104 Consideration of Applications

Applications for resource consent are considered under s104 of the Resource Management Act 1991 (the Act). Section 104 sets out the matters Council shall have regard to when considering an application for resource consent. Subject to Part II of the Act, which contains the Act's purpose and principles, Council must have regard to:

- any actual and potential effects on the environment of allowing the activity; and
- any relevant provisions of a national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement, a plan or proposed plan; and
- any other matters that the consent authority considers relevant and reasonably necessary to determine the application.

It should be noted that, other than giving pre-eminence to Part II, s104(1) gives no priority to other matters. They are all matters to have regard to, and the consent authority must exercise its discretion as to what weight it gives certain matters, depending on the circumstances of the case.

7.2 Part 2 Matters

The purpose of the RMA is to promote the sustainable management of natural and physical resources in a way that enables people to provide for their social, economic, and cultural well-being. It is considered that the current proposal will give effect to the above and avoid, remedy, and mitigate any adverse effects on the environment. Overall, the proposal is considered to meet the purpose and principles of the RMA.

7.3 Actual and Potential Environmental Effects

An assessment of the actual and potential environmental effects from this proposal was undertaken as part of the notification provisions assessment at section 5 and the s104 assessment at section 6 above.

7.4 Assessment of Relevant Policy Documents

National Environmental Standards for Managing Contaminants in Soil to Protect Human Health

The site is not listed on Otago Regional Council's contaminated land register as per NES Regulation 6(2). The Applicant has provided further information as per the NES Regulation 6(3) in the AEE.

The Applicants as part of the AEE has not identified any potential HAIL activities, including any asbestos or lead paint, on the site that require active consideration for the subdivision or the partial removal of the garage. The assessment has been relied upon for the purpose of the NES assessment.

Therefore, the assessment concludes, based on the information available to the Applicant it is unlikely that there would be a risk to human health as a result of the proposed land disturbance and subdivision.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (NPSFM) sets out the objectives and policies for the management of freshwater under the RMA. The NPSFM came into effect on the 3 September 2020 and incorporates subsequent amendments.

The fundamental concept contained in the NPSFM is Te Mana o te Wai. Te Mana o te Wai is relevant to all freshwater management, not just to the specific aspects of freshwater management referred to in the NPSFM⁶. Six principles underpin Te Mana o te Wai those of⁷:

- Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.

⁶ National Policy Statement for Freshwater Management 2020 at clause 1.3(3)

⁷ Ibid at clause 1.3(4)

- Kaitiakitanga: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
- Stewardship: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

The hierarchy of obligations in Te Mana o te Wai prioritises (in order of importance) the health and well-being of water bodies and freshwater ecosystems; the health needs of people (such as drinking water); and the ability of people and communities to provide their social, economic, and cultural well-being now and into the future⁸.

For the purposes of this application the policies of relevance are identified as follows⁹:

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.
- Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.
- Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
- Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.
- Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
- Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration promoted.
- Policy 9: The habitats of indigenous freshwater species are protected.
- Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out and future over-allocation is avoided.
- Policy 13: The condition of waterbodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.
- Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

Territorial authorities must adopt an integrated management approach to recognising the interconnectedness of the whole environment when managing freshwater, land-use and development in an integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environment¹⁰.

The NPSFM has been incorporated into the Regional Plan: Water for Otago in 2011. An assessment of the application against the regional plan is below.

Following consideration of the proposal it is not determined to be inconsistent with the policies of the NPSFM, subject to the inclusion of advice notes with respect to the discharge of wastewater in accordance with the Regional Plan. The Applicant in their further information response have confirmed that earthworks associated with the swale will not be located within 25m of Parsons Creek. The calculations provided as part of the stormwater management system and as reviewed by the Development Engineer will achieve hydraulic neutrality which can be inferred from there that the extent of Parsons Creek will not be changed. I would note that the jurisdiction for the discharge lies with the Otago Regional Council, so too do rules which pertain to earthworks for residential development.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

⁸ Ibid at clause 1.3(5)(a)-(c)

⁹ Ibid at clause 2.2

¹⁰ NPSFM 2020 at clause 3.5(1) and (4).

The site is located over 10m away from Parsons Creek. As noted above, the earthworks for the swale will not be within 10m of the waterway. As such, based on compliance with the plans provided I consider the proposal is not contrary to the NES-F.

7.5 Assessment of relevant Planning Documents

Otago Regional Policy Statement 2019

The Otago Regional Policy Statement 2019 became fully operative on 4 March 2024. Of relevance to the proposal are the objectives and policies below:

Otago Regional Policy Statement 2019		
Resource Management in Otago is integrated		
Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.		The proposal is consistent with the objective for reasons outlined.
Policy 1.1.1	Economic wellbeing: Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.	The proposal is consistent with the policy.
Policy 1.1.2	Social and cultural wellbeing and health and safety: Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources.	The Development Engineer has reviewed the access arrangements for the application and has raised no concerns. Therefore, the proposal is consistent with the policy.
Objective 1.2 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.		The proposal is consistent with the objective.
Policy 1.2.1	Integrated resource management: Achieve integrated management of Otago's natural and physical resources.	The proposal is consistent with the policy.
Kai Tahu Values and interests are recognised and Kaitiakitaka is expressed		
Objective 2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.		The decision-making process is consistent with the objective with the site not identified as having any cultural or historical value to kai Tahu or local Runaka.
Communities in Otago are resilient, safe and healthy		
Objective 4.1 Risk that natural hazards pose to Otago's communities are minimised.		The proposal is consistent with the objective for the reasons outlined.
Policy 4.1.1	Identifying natural hazards a) Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following: c) Hazard type and characteristics; d) Multiple and cascading hazards; e) Cumulative effects, including from multiple hazards with different risks; f) Effects of climate change; g) Using the best available information for calculating likelihood; h) Exacerbating factors.	The site is not identified as being located within a natural hazard overlay. Proposal is consistent with the policy.
Policy 4.1.8	Precautionary approach to natural hazard risk Where natural hazard risk to people and communities is uncertain or unknown, but potentially significant or irreversible, apply a precautionary approach to identifying, assessing and managing that risk.	As above. Proposal complies.

People are able to use and enjoy Otago's natural and built environment		
Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised.		The proposal is consistent with the objective for the reasons outlined.
Policy 5.4.3	Precautionary approach to adverse effects by applying a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.	Following an assessment in section 6 above I do not consider that the proposal will result in adverse effects, subject to compliance with the conditions. Therefore, I consider the effects to be less than minor.

Operative Waitaki District Plan

The following objectives and policies of the ODP are considered relevant to this proposal:

<u>OPERATIVE WAITAKI DISTRICT PLAN</u>		
RESIDENTIAL AND RURAL RESIDENTIAL		
13.4.2 Objectives 2 (a) & (b) (a) A compact urban form that is readily distinguished from the rural environment and promotes the efficient use of fossil fuels, existing services and infrastructure. (b) The central commercial areas within the District's settlements being the main focus of economic and community activity in the urban context, with the concentration of residential activity being related to these.		The proposal is consistent with the objective for the reasons outlined.
13.4.3.1 Policy	To promote compact urban areas and efficient use of energy, services and infrastructure by containing the outward spread of urban areas and concentrating rural-residential development around the urban areas.	The site is split zoned and by default promotes the compact urban form by melding the two zones. Proposal complies.
13.4.3.2 Policy	To promote the concentration of residential and rural-residential activity in and around urban areas, as opposed to enabling residential activity to be dispersed throughout the rural areas, in order to encourage the use of shared transport and maintain the potential for public transport.	The site is located within the Weston township and has the boundary of the two zones within the site. Proposal is consistent with the policy.
13.5.2 Objective 3 A diverse range of living environments expressed in built form, density of development and housing types.		The proposal is consistent with the objective for the reasons outlined.
13.5.3.1 Policy	To enable a mixture of housing and lifestyles in urban areas by avoiding the distinction between, and restrictions on, various residential types.	The proposal does not include any additional development than what is currently on the site. The allotments include complying and non-complying sizes this enables various housing typologies should they be built on in the future and creates a less jarring boundary between the two zones. Proposal is consistent.
13.5.3.2 Policy	To provide for low to medium density development residential housing to satisfy the needs of the community while restricting building coverage to ensure open space and planting maintains the character and amenity of the residential neighbourhood.	The proposal is for a low-density residential allotment size. The rear allotments are of a larger residential size while not being the overly burdensome 1ha whilst still providing for open space and can enable planting to maintain an aspect of the Rural Residential amenity, whilst managing the denser Residential amenity anticipated.

		Proposal is consistent with the policy.
13.5.3.4 Policy	To encourage individual and community expression in building design whilst protecting the residential amenities of neighbours.	The proposal as noted above does maintain the residential amenity, noting where there are effects that are adverse written approval has been provided. Proposal is consistent with the policy.
13.5.3.6 Policy	To distinguish between the District's smaller townships and the larger towns, recognising that these offer an alternative living environment from that of the residential areas in the larger towns.	It is noted that the Weston township can accommodate the low-density proposal. Proposal is consistent.
13.6.2 Objectives 4 (a) & (b) (a) The location of appropriate activities within residential or rural-residential areas which benefit local communities or constitute an appropriate interim use of residential land, but do not detract from the amenities of the area. (b) Individual and community expression in built form, while otherwise controlling development in order to achieve a pleasant residential or rural-residential environment.		The proposal is consistent with the objective for the reasons outlined.
13.6.3.4 Policy	To ensure the design and siting of development - building height, building coverage, recession lines and setbacks, provision of outdoor living and service areas - is such that: • development will not unreasonably deny neighbouring properties of privacy, outlook, sunlight or daylight; • ample on-site provision of outdoor living space oriented to the sun; • an open and attractive street scene; and • maintenance of a character and scale of buildings and open space which is compatible with the anticipated residential environment.	The proposal does not comply with the building coverage rules or setback rules. Outdoor living will be assessed at the time of building consent. Lot 3 complies with the setback from the streetscape and will provide for the streetscape anticipated in the Residential Zone. In terms of character, the development is consistent with the existing residential character rather than the Rural Residential character. Proposal is largely consistent with the policy.
13.6.3.6 Policy	To limit traffic in residential areas, for the convenience and safety of residents and visitors and to maintain the amenity of residential streets.	The Development Engineer has assessed the proposal and has not raised any issues with respect to the traffic. Proposal complies.
13.6.3.7 Policy	To ensure all activities meet standards in respect of noise and glare measured at or within the property boundary, the level of such standards being that which will not compromise the qualities of the residential or rural-residential environment generally.	Noise is expected to be complied with during the construction period or services being implemented. Proposal is consistent.
13.6.3.11 Policy	In assessing resource consent applications, to avoid or mitigate development which would detract from the predominant character, scale and amenity of the particular residential or rural-residential environment	I do not consider the proposal will detract from the predominant character or amenity of the residential and rural residential environment due to the reasons outlined in the preceding policies and Assessment of Effects. Proposal is consistent.
SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS		

8.2.2. Objective 1 The provision of necessary services to subdivided lots, in anticipation of the likely effects of land use activities on those lots.		The proposal is consistent with the objective for the reasons outlined.
8.2.2.1 Policy	To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.	The Development Engineer has reviewed the application and raised no concerns, particularly noting the non-compliance with the distance between vehicle crossings. As such the proposal is consistent.
8.2.2.2 Policy	To ensure safe and effective vehicular access to properties in subdivisional developments.	As above, the proposal is consistent with the policy.
8.2.2.3 Policy	To achieve provision of pedestrian and amenity linkages where useful linkages can be further developed.	It is noted that the northern side of Charles Street does not have pavement, therefore no pedestrian linkages can be made.
8.2.2.4 Policy	To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment.	As assessed above, aside from the no build area on one lot, there are no mitigations provided by the applicant as they rely on the written approvals from all adjoining neighbours. Proposal complies.
8.2.2.5 Policy	To encourage in the residential or rural-residential zones subdivision design that develops or uses subsidiary roads, in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.	Charles Street is a secondary collector and not an arterial road. Proposal complies.
8.2.2.6 Policy	To ensure that water supplies to subdivided lots are of a sufficient capacity and of a potable standard for the anticipated landuses on each lot or development, including fire fighting requirements.	Each allotment is to be provided with a reticulated water supply. Proposal complies.
8.2.2.7 Policy	To ensure that the provision of any necessary additional infrastructure for water supply, stormwater control or sewerage treatment disposal infrastructure and the upgrading of existing infrastructure is undertaken by subdividers, in recognition of the scale and nature of the anticipated land uses.	The proposal will require new connections and upgrades as conditions as well as the construction of the stormwater pond. Proposal complies.
8.2.2.8 Policy	To encourage the disposal of stormwater to land and the retention of natural open waterbodies or areas of land suitable for stormwater disposal, where safe and practical, and to ensure disposal in a manner which maintains or enhances the quality of surface and ground water, and avoids inundation of land within the subdivision or adjoining land.	The proposal will have stormwater for Lots 1 and 2 disposed to kerbside and attenuated suitable on Lot 2 prior to discharge. Lots 5-7 discharge stormwater to Parsons Creek via the stormwater pond, which also includes an emergency overflow weir to avoid inundation of Lots 4 and 5 in a heavy rain event. Proposal complies.
8.2.2.9 Policy	To ensure, upon subdivision or development, that anticipated land uses are provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and which avoids, remedies or mitigates adverse effects on the environment.	Each allotment will be connected to Council's reticulated sewage network. Proposal complies.
8.2.2.10 Policy	To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such reticulated systems are available.	All allotments are to be connected. Proposal complies.

8.2.2.12 Policy	To ensure that adequate provision is made for the supply of reticulated energy, including street lighting, and communication facilities for the anticipated land uses, and the method of reticulation is appropriate to the visual amenity value of the area.	All allotments are to be connected. Proposal complies.
8.2.2.13	To ensure that the requirements of the Otago and Canterbury Regional Councils are fully integrated into the subdivision/development process.	The proposal can comply with the relevant ORC plans; however, it is noted that discussion with ORC is encouraged to ensure such compliance, or consent obtained. Proposal complies.
8.3.2 Objective 2 The costs of the provision of services within a development or the upgrading of services necessitated by a development (including subdivision) must be met by the developers.		Proposal complies with the objective for the reasons outlined.
8.3.3.1 Policy	To require developers to meet the costs of upgrading services (including head works), which are attributable to the impacts of the development and subdivision, including where applicable: • roading and access (vehicular, cyclist, pedestrian); • water supply; • sewage collection, treatment and disposal; • stormwater collection, treatment and disposal; • trade waste disposal; • provision of energy; • provision of telecommunications.	The Applicant as the developer is responsible for the infrastructure. Proposal complies.
8.4.2 Objective 3 Subdivision and development is managed so that the amenity, nature conservation and landscape values which includes the natural character of an area is maintained or enhanced.		Proposal complies with the objective for the reasons outlined.
8.4.3.3 Policy	To avoid or mitigate any adverse effects on visual amenity values associated with subdivision and associated development works.	As assessed above, aside from the no build area on one lot, there are no mitigations provided by the applicant as they rely on the written approvals from all adjoining neighbours. Proposal complies.

Following close inspection and given the above effects assessment of the proposal, I consider that the proposal is consistent with the relevant objectives and policies contained within the ODP.

Proposed Waitaki District Plan

The PDP was notified on the 1 March 2025 and submission closed on 16 May 2025.

<u>PROPOSED WAITAKI DISTRICT PLAN</u>	
RESIDENTIAL ZONE	
RESZ-O2 Scale, form and design of development in Residential Zones New development in Residential Zones is of a form, scale and design that: 1. achieves high standards of amenity; and 2. supports community health, safety and well-being; and 3. provides for the changing character of higher density living environments; and	The proposal will allow for a varying range of densities on the site in the future with respect to Lots 1-4 the building coverage breach is largely within keeping with the amenity and character of the receiving environment. The proposal is largely consistent with the proposal.

4. allows for a range of densities, housing typologies and living environments.		
RESZ-O4 Sustainable residential development Urban residential environments: 1. provide for efficient and sustainable use of land; and 2. support reductions in greenhouse gas emissions; and 3. are resilient to the future effects of climate change.		The proposal provides for more efficient use of vacant land but does not provide for resilience for the future effects of climate change as no specific measures are proposed for climate change nor does the proposal propose mechanisms for the reduction in greenhouse gases. Proposal is not entirely consistent with the objective.
RESZ-P1	Location of residential development Locate residential development to ensure: 1. a clear distinction between urban residential and rural areas; and 2. a compact urban form is maintained and attached to existing towns and settlements; and 3. it occurs in a co-ordinated pattern of development and is sequenced with the delivery of infrastructure, including roading, potable water, and stormwater and wastewater disposal; and 4. reverse sensitivity effects on rural and industrial land uses, and infrastructure, are minimised; and 5. provision is made for residential intensification near the Town Centre Zone and areas with good accessibility to commercial activities and community services; and 6. that the expansion of urban areas onto highly productive land is avoided, unless there are no reasonably practicable alternatives.	The proposed site is located within the Weston township and blurs the boundary between rural lifestyle and residential. The development will be suitably serviced. Proposal is largely consistent with the policy.
RESZ-P2	Design of new development Ensure that new development in residential areas is well designed and laid out, including by: 1. introducing Residential Design Guidelines to guide development in residential areas; and 2. ensuring that the bulk, scale and location of buildings is consistent with the environment anticipated for the zone, and that any external dominance, privacy and shadowing effects are minimised; and 3. ensuring that the combination of buildings and impervious surface coverage do not substantially reduce the landscaped component of residential sites or reduce the ability to manage stormwater on the site, and where this is reduced, that it is offset	The Development Engineer has reviewed the application and raises no concerns with manoeuvring on the site. The proposed development complies with residential setbacks but does breach the building coverage. Where effects are experienced externally as a result written approvals have been provided. Such breaches are not incompatible with the character of the residential area of Weston. There may be further breaches of amenity-based standards at a future date.

	by suitable planting or other green surface treatment; and 4. maintaining or enhancing streetscapes through: a. the setback of garaging and buildings, and where these setbacks are reduced, that sufficient space is still available for vehicle manoeuvring, and impacts of dominance on the streetscape are minimised; and b. limiting the height and permeability of fences, unless the fencing is required for acoustic insulation; and 5. ensuring that internal building setbacks provide for the physical maintenance and upkeep of buildings within the site and on adjoining sites, and that impacts from reverse sensitivity on other zones, or from the keeping of domestic livestock, are minimised; and 6. requiring that residential activities are provided with sufficient on-site amenity value for residents through access to outdoor living space that complements the housing typology, and consider reductions only where alternative arrangements for open space are available (either within the site or within close proximity to the site); and 7. facilitating passive surveillance and active residential frontages by requiring glazing, avoidance of blank façades, and provision of habitable rooms facing the street, and consider any modification only where other active design features, such as verandas, are incorporated; and 8. minimising any impacts associated with outdoor storage; and 9. ensuring all development is appropriately serviced including wastewater, stormwater and water supply with sufficient capacity for firefighting purposes.	The development will be suitably serviced. Proposal is largely consistent.
GENERAL RESIDENTIAL ZONE		
GRZ-O1 Purpose of the General Residential Zone The General Residential Zone consists of a range of residential activities and a mix of housing types as well as some non-residential activities, where these support the local community and are compatible with the character and amenity values of the zone.		The proposal can accommodate a range of development types. Proposal is consistent with the objective.
GRZ-O2 Character of the General Residential Zone The General Residential Zone: 1. provides for suburban character on larger sites, primarily with detached residential units; and 2. provides opportunities for multi-unit development on larger sites; and		The site is split zoned and can offer larger and smaller sections to provide a lower density suburban character with detached residential units. Proposal is largely consistent with the objective.

3. has sites generally dominated by landscaped areas, with open spacious streetscapes; and 4. through careful design provides a range of higher density living choices to be developed within the zone, including minor residential units and retirement villages; and 5. provides for small scale commercial activities that service the local community and home businesses at a scale consistent with surrounding residential character and amenity values; and 6. provides for emergency service facilities where the activity has an operational need or functional need to locate in the zone and is of a scale and design consistent with the surrounding residential character and amenity values.		
GRZ-P1	General Residential Zone character and amenity values Provide for use and development that support and maintain the character and amenity values anticipated in the Zone.	The proposal is largely within keeping of the anticipated character of the General Residential Zone. Proposal is consistent with the policy.
STORMWATER		
STORM-O1 Stormwater quantity neutrality There is no increased flooding risk or increase in peak demand on stormwater management systems, or a change in characteristics in any flows off site or from a site as a result of subdivision and development in Urban Zones or Settlement and Rural Lifestyle Zones.		Proposal is able to achieve hydraulic neutrality and is not anticipated to increase any flooding risk. Proposal is consistent with the objective.
STORM-O2 Stormwater management The management of stormwater from subdivision, use and development contributes to protecting the health and well-being of waterbodies and improving water quality where it is degraded within Waitaki district's waterbodies.		The proposal is able to comply with the objective subject to compliance with the conditions imposed and the stormwater management system design submitted. Proposal is consistent with the objective.
STORM-P1	Hydraulic neutrality in Urban Zones and Settlement and Rural Lifestyle Zones Require all new subdivision and development in Urban Zones and Settlement and Rural Lifestyle Zones to achieve hydraulic neutrality for the critical duration, as far as reasonably practicable, and, where hydraulic neutrality cannot be achieved, only allow subdivision and development to proceed where it can be demonstrated: 1. there are site-specific constraints or opportunities that mean that hydraulic neutrality is not required; and 2. there is sufficient capacity within the local reticulated stormwater network to accommodate the additional peak demand; and 3. there will be no increase in the risk of downstream flooding to health and safety, property, or the environment.	The proposal will be hydraulically neutral. The Development Engineer has confirmed the proposal has supplied sufficient information to confirm that at development can achieve hydraulic neutrality subject to compliance with the conditions and the stormwater management system designs submitted with the application. Proposal complies.
STORM-P2	Stormwater management Require efficient and sustainable stormwater control and disposal systems to be designed and installed at the time	Conditions of consent will require a consent notice to be registered on the title of Lot 2 in the event of any

	of subdivision or development that minimise the effects of development on-site.	future building work the stormwater must be attenuated prior to any legal point of discharge at the kerbside. Proposal complies.
STORM-P3	Stormwater management areas Encourage the use of stormwater management areas to avoid inundation within the subdivision or development, or on adjoining land, especially if sufficient infrastructure capacity is not available, and where feasible, utilise stormwater management areas for multiple uses while ensuring they have a high quality interface with residential activities or commercial activities.	The proposal does have a stormwater management area which includes an overflow weir to avoid any inundation of the nearest allotments in a rain event. Proposal complies with the policy.
STORM-P4	Water sensitive design Encourage sustainable stormwater management and water sensitive design principles in subdivision and development, including: 1. the use of green infrastructure; and 2. the incorporation of indigenous vegetation that is appropriate to the specific site; and 3. imitating natural processes; and 4. a multi-disciplinary approach; and 5. the provision of on-site rainwater collection for non-potable use.	The proposal is not consistent with this policy as this has not been incorporated. Proposal is not consistent with the policy.
SUBDIVISION		
SUB-O1 Subdivision Subdivision creates allotments and patterns of land development that are compatible with the purpose, character and qualities of each zone and achieve the objectives of overlays.		The proposal aligns with the pattern of residential development, while not entirely consistent with the pattern of rural lifestyle development the site is split zoned and is a melding of both. Proposal is largely consistent. Proposal complies with the objective.
SUB-O2 Subdivision design Subdivision occurs in a sequenced and coherent manner and is designed so that it: 1. reflects and responds to: a. the physical characteristics and constraints of the site; and b. considerations for passive solar gain for dwellings in the subdivision; and c. the character and amenity values of the surrounding area; and 2. is accessible and is connected to and integrated with existing communities and the transport network; and 3. consolidates urban development; and 4. promotes good quality urban design; and 5. maintains rural character in rural areas; and 6. avoids the sprawl of existing settlements or creation of new settlements; and 7. has an efficient, safe and accessible layout; and 8. provides for the health and well-being of communities; and		The proposal, largely reflects the character and amenity of the surrounding environment, noting where it does not, written approval has been provided. The access is considered to be safe and efficient by the Development Engineer, and it is noted the subdivision does not comply with the location of vehicle crossing separation however complies with all other standards in the Transport chapter. Proposal largely complies with the objective.

9. provides accessible, usable and well-designed open space areas; and 10. maintains or enhances the productive capacity of highly productive land.		
SUB-O3 Infrastructure Subdivision is serviced by infrastructure that has sufficient capacity for the development of the land and has been planned or provided for in an integrated manner to be in place or installed at the time of the proposed subdivision.		The subdivision will be appropriately serviced. Proposal complies with the objective.
SUB-P1	Creation of allotments Enable subdivision that creates allotments which: 1. reflect the intended pattern of development and are consistent with the anticipated role, character and amenity values of the zone; and 2. are of a size and dimensions that are sufficient to accommodate the intended or anticipated use and development form for the applicable zone.	The proposal site is located within the Weston township and within split zoning for General Residential and Rural Lifestyle. The pattern of development for General Residential is expected and the larger rear allotments are a buffer between the zone and Rural Lifestyle rather than complying with the zone standards. The proposal site is located within a residential/ rural lifestyle area and is unlikely to experience reverse sensitivity effects, where there are effects on adjoining neighbours written approval has been provided. Proposal is largely consistent with the policy.
SUB-P3	Provision of infrastructure Require infrastructure to be provided in an integrated and comprehensive manner by: 1. ensuring that the subdivision will be appropriately serviced and integrated with existing and planned infrastructure; and 2. ensuring that infrastructure meets WDC standards and has sufficient capacity to accommodate the development or anticipated future development; and 3. requiring infrastructure to be installed at the time of subdivision; and 4. requiring connections to reticulated systems, where reticulation services are available for the allotment, or are within close proximity to the site; and 5. ensuring that appropriate on-site wastewater, stormwater and water supply infrastructure, which avoids or mitigates adverse effects on the environment and human health and with sufficient capacity for firefighting purposes, is provided on-	All allotments are to be supplied with the required infrastructure. Proposal complies with the policy.

	site where reticulated services are not available for the site; and 6. ensuring telecommunications and power supply is provided to all allotments.	
SUB-P4	Transport network Ensure that subdivision does not compromise the safe and efficient functioning of the transport network by: 1. requiring roads, access lots and rights of way to meet minimum design standards to allow for safe and efficient traffic movements; and 2. including transport network connections within and between communities where opportunities exist; and 3. avoiding subdivision design and layout that would constrain the ability to connect to future developments on adjoining sites; and 4. providing for a variety of travel modes that reflect the role, function and character of the zone, including walking, cycling and access to public transport; and 5. achieving safe and efficient access onto and from State Highways, where applicable.	Council's Development Engineer has reviewed the proposal and has not raised any concerns with respect to the safe and efficient functioning of the roading network, taking into account the non-complying location of the vehicle crossings onto Charles Street. Due to the location of the site to amenities within the town, there are various transport options available including active travel modes. The proposal is consistent with the policy.
SUB-P12	Subdivision Design Ensure that subdivision is designed and located to: 1. maximise accessibility and connectivity with the surrounding community through walkways, cycleways and an interconnected transport network; and 2. reflect and respond to physical site characteristics, constraints and opportunities; and 3. minimise earthworks and land disturbance by designing building platforms that integrate into the natural landform; and 4. achieve hydraulic neutrality in urban zones; and 5. align streets and design open spaces to focus on significant views or landmarks; and 6. create allotment sizes and shapes that support a range of housing types and sizes and appropriate business activities; and 7. when within any scheduled wāhi tūpuna in SCHED5 – Sites and Areas of Significance to Māori for any greenfield subdivision, incorporate mātauraka Māori principles and provide	The proposed subdivision design can enable various housing typologies. Public spaces are within walkable distance. Hydraulic neutrality can be achieved subject to compliance with the conditions. The proposal has not considered the New Zealand Urban Design Protocol or principles of Crime Prevention Through Environmental Design to achieve safe environments. The site is not located within an overlay or close proximity to a sensitive environment. With respect to zone boundaries, the undersized rural lifestyle allotment creates a softer boundary with residential and the effects mitigated by way of written approvals that is

	opportunities to maintain or strengthen the relationship of takata whenua with their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna and other taoka, where these have been identified through engagement with takata whenua and the subdivision has the potential to compromise takata whenua values and interests; and 8. minimise future conflicts with roading and infrastructure, including as a result of the planting of new vegetation; and 9. maximise sunlight access, outlook and amenity, including opportunities for future buildings to maximise solar gain, reduce energy and water consumption, and use renewable energy; and 10. provide public open spaces that are within walkable distance (400-800m) from residential allotments; and 11. provide sufficient separation from zone boundaries and transport networks to minimise the potential for any reverse sensitivity effects and/or conflict with existing and permitted activities on adjoining sites. 12. be consistent with any relevant design guidelines which promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005); and 13. incorporate principles of Crime Prevention Through Environmental Design to achieve safe environments.	not jarring with respect to amenity and character. Proposal is largely consistent with the policy.
SUB-P13	Subdivision in the Residential Zones Provide for subdivision in Residential Zones, including infill subdivision, where the design, size and shape of allotments: 1. is consistent with and complement the anticipated residential density and form of development for the relevant zone; 2. support a range of housing types and sizes and offer different housing choices; 3. allow sufficient sunlight to living and outdoor spaces and enable on-site amenity values and privacy; and 4. maximise opportunities for buildings to face the road or overlook public space; and 5. is consistent with any relevant design guidelines, including the Medium Density Residential Design Guidelines.	The subdivision provides allotments which can support a range of housing typologies as it has the minimum allotment size. The subdivision design does not enable all allotments to face the roads or public spaces, noting Lot 4 is unable to do so. Outdoor living is to be assessed at a later date. The proposal has not considered relevant design guidelines. Lots 2-4 are unable to comply with the shape expected being narrower. The proposal on balance is largely able to comply with the intent of the policy.

SUB-P16	Subdivision in the Rural Zones Provide for subdivision in the Rural Zones where the design, size and shape of allotments: 1. is consistent with and complement the role, function and anticipated scale, type and form of use and development for the relevant zone; 2. maintain prominent ridgelines, natural features and landforms, and areas of indigenous vegetation; 3. avoids buildings and access points being located in prominent locations, as viewed from public places; 4. incorporates physical site characteristics, constraints and opportunities into the design; 5. minimise earthworks and land disturbance by locating and designing building platforms to integrate into the natural landform; 6. maintain rural character and amenity; and 7. incorporates sufficient separation from zone boundaries and transport networks minimise the potential for any reverse sensitivity effects and/or conflict with existing and permitted activities on adjoining sites; 8. protects the productivity of the land for primary production activities in the General Rural Zone by limiting fragmentation of land through avoiding new sites being created that are less than 20 hectares unless: 9. associated with a utility and any balance lot associated with the development of a utility; or 10. the subdivision occurs on a Māori Reserve	The proposal does not maintain the rural character and amenity expected as it is largely a residential subdivision. Largely inconsistent.
RURAL LIFESTYLE ZONE		
RLZ-O1 Purpose of the Rural Lifestyle Zone The Rural Lifestyle Zone provides for residential activities on larger lots within rural environments, adjoining Ōamaru, Weston, Kurow, Ōmārama, Herbert and Palmerston, while still providing for primary production to occur.		Primary production is unable to occur on the Lots 5-7 as they are too small. Proposal is not consistent with the objective.
RLZ-O2 Character of the Rural Lifestyle Zone The Rural Lifestyle Zone maintains a semi-rural character and amenity values distinct from both urban and rural zones, which: 1. is predominantly characterised by low density detached residential units set on larger sites; and 2. provides opportunities for agricultural, horticultural and pastoral production activities; and		Lots 5-7 will allow for low density detached housing, a condition of consent will ensure that no further subdivision is permitted or two residential units unless there is a plan change. There is no opportunity for primary production.

	3. retains a rural character, including an absence of curb and channelling and streetlighting; and 4. has a balance of open space over built form; and 5. has an open character and provides an opportunity for a rural outlook from within the zone; and 6. is an environment where some noise, traffic, outdoor lighting, odour and dust may be generated from primary production activities occurring within the zone and from adjoining rural zones.	Rural character is not retained, the subdivision is largely residential in nature. Proposal is not consistent with the objective.
	RLZ-O5 Rural lifestyle amenity values A range of activities anticipated in the Rural Lifestyle Zone are provided for, while rural lifestyle amenity values are maintained.	Proposal is largely consistent.
RLZ-P1	Maintenance of clear urban, rural lifestyle and rural areas Maintain a clear distinction between urban, rural lifestyle and rural areas through the use of clear zones and avoidance of ad-hoc subdivision where growth to settlements or rural lifestyle areas has not been planned for.	With respect to zone boundaries, the undersized rural lifestyle allotments creates a softer boundary with residential and the effects mitigated by way of written approvals that is not jarring with respect to amenity and character. Proposal complies.
RLZ-P2	Rural Lifestyle Zone character and amenity values Maintain the qualities, character and amenity values of the Rural Lifestyle Zone by: 1. achieving a low-density residential environment with a built form dominated by detached residential units which, other than minor residential units, are established on their own separate sites; and 2. ensuring the scale and location of buildings on sites maintain a sense of openness and space between residential units and buildings on adjoining sites; and 3. ensuring that open space predominates over built form on every site; and 4. retaining the open character and outlook from sites to rural areas through standards for boundary fences, including height, visual permeability and materials; and 5. ensuring that there are low levels of noise, outdoor lighting, dust and odour; and 6. providing for rural activities on larger sites, where adverse effects are able to be internalised within the site; and 7. providing for a more limited range of services within the zone than would be available in Residential or Rural Zones, with limited opportunities for activities other than those ancillary activities to a residential or rural activity; and	The proposal will enable residential units which are on low density allotments. Open space will be limited and not likely to be dominant. Amenity will reflect the blend of residential and lifestyle zoning and where the amenity values are incompatible where there are effects experienced external from the site, written approvals have been provided. The proposal does include landuse for setbacks and building coverage. It is noted that the proposal does comply with Residential Zone setbacks and coverage. There is no capacity for the allotments to be used for primary production, and the sole use is for residential. The proposal is largely inconsistent with the policy.

	8. ensuring any activity: - as a built form and scale of activity consistent with the rural lifestyle character and amenity values of the zone; and - does not result in adverse effects which are incompatible with the character and amenity values of the zone.	
RLZ-P3	Design of development in rural lifestyle areas Ensure that new development is well designed and laid out, including by: - ensuring that the bulk, scale and location of buildings on sites is appropriate for the environment of the zone, and that any dominance, privacy and shadowing effects are minimised; and - limiting the number and scale of buildings on sites in the rural lifestyle environment unless they are of a type that is for a rural lifestyle purpose; and - requiring sufficient water supply for firefighting to ensure personal safety; and - avoiding adverse effects from higher density development in areas where no wastewater reticulation is available.	Due to the nature of the development being split zoned the allotments will be fully serviced from Council's reticulated network. Where there is a dominance of the built form the amenity will reflect the blend of residential and lifestyle zoning and where the amenity values are incompatible where there are effects experienced external from the site, written approvals have been provided. Proposal is largely inconsistent with the policy.

Following close inspection and given the above effects assessment of the proposal, I consider that the proposal is largely consistent with the relevant objectives and the policies of the PDP. It is noted the proposal is inconsistent with the objectives and policies of the Rural Lifestyle Zone in terms of character, amenity and productive capacity where the effects are considered to be minor, written approval from adjoining landowners indicates acceptance of the effects, particularly with respect to amenity and character.

Weighting

Section 104(1)(b) requires the Council to take account of any relevant plan or proposed plan. Where there is conflict between an operative and proposed plan, a weighting assessment is required to consider which objectives and policies in which plan should be given dominant weight.

In this instance, there is a conflict between the objectives and policies of the ODP and PDP. Section 104(1)(b) requires the Council to take account of any relevant plan or proposed plan. Where there is conflict between an operative and proposed plan, a weighting assessment is required to consider which objectives and policies in which plan should be given dominant weight. In this instance, there is conflict between the objectives and policies of the ODP and PDP. As the PDP was notified on 1 March 2025 and the submission period closed on 16 May 2025 with the summary of submissions yet to be finalised before further submissions are open, therefore at this stage of the PDP process greater weighting is to be given to the ODP.

7.6 Other Matters

Staff Comments

The following comments were received from Council's Infrastructure and Building departments and have been included in this report where appropriate:

INFRASTRUCTURE

Recommendations

New Vehicle Crossing (Lot 1):

1. A new sealed vehicle crossing is required to access proposed Lot 1. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Councils Infrastructure Department by the applicant and an authorised roading contractor must carry out the construction.
2. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Councils Development Engineer by the Consent Holder and included with the application for 224c.

New Vehicle Crossing (Lot 3):

3. A new sealed vehicle crossing is required to access proposed Lot 3. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Councils Infrastructure Department by the applicant and an authorised roading contractor must carry out the construction.
4. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Councils Development Engineer by the Consent Holder and included with the application for 224c.

New Vehicle Crossing (Vehicle Access Lot 8):

5. A new sealed vehicle crossing is required to access Vehicle Access Lot 8. The vehicle crossing shall be formed and sealed from the road edge to 5.5m within the lot. A Vehicle Crossing application is to be made to Councils Infrastructure Department by the applicant and an authorised roading contractor must carry out the construction.
6. Photographic evidence the completed new vehicle crossing and completed Works Completion Notice (WCN) is required to be supplied to Councils Development Engineer by the Consent Holder and included with the application for 224c.

Vehicle Access Lot 8:

7. The Vehicle Access Lot shall be formed in accordance with Rule 14.4.2.3 and Rule 14.4.2.4 of the Waitaki District Plan and NZS 4404:2010 including but not limited to:
 - a. A minimum legal width of 4m and a formed width of 3.5m.
 - b. Subgrade testing to achieve a suitable CBR value and the use of these test results in an appropriate pavement design. Pavement design life to be 30 years. Sub-base and Basecourse shall be placed and compacted in accordance with to NZTA B/2.
 - c. Surfaced with an all-weather surface.
 - d. Passing Bays also required every 50m where the formed width is below 5.5m.
8. The engineering design and specifications of the Vehicle Access Lot shall be submitted to Councils Development Engineer for approval prior to commencement of any physical works.
9. Each lot accessing off the Vehicle Access Lot shall have a compliant Vehicle Crossing constructed prior to 224c.
10. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Councils Development Engineer prior to application for 224c.
11. Photographic evidence and compaction test results of the Vehicle Access Lot and vehicle crossings is required to be supplied to Councils Development Engineer by the Consent Holder and included with the application for 224c.

Stormwater Management System:

	12. The proposed stormwater management system shall be designed in accordance with the document <i>"Patersons Land Professionals; Stormwater Attenuation Calculations, 41 Charles Street, Weston, Oamaru"</i> 13. The engineering design and specifications of the stormwater management system shall be submitted to Councils Development Engineer for approval prior to commencement of any physical works. 14. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Councils Development Engineer prior to application for 224c. 15. Photographic evidence of the stormwater management system is required to be supplied to Councils Development Engineer by the Consent Holder and included with the application for 224c. 16. Stormwater discharge to Parsons Creek shall be in accordance with Otago Regional Council Regional Plan: Water for Otago permitted rules. Consent Notice: Stormwater (Lot 2): 17. The consent holder shall ensure that a consent notice is prepared pursuant to Section 221 of the Resource Management Act 1991 and is subsequently registered on the titles of Lot 2 (arising from this subdivision) to include the following: a. Upon future development on this site, provision to attenuate and release stormwater runoff from dwellings and other impervious areas which ensures there is no increase to pre-development discharge flows beyond the boundary, is required by the landowner. Rainwater storage tanks with controlled outlets to the roadside kerb are recommended. Water Supply: 18. There is public water supply reticulation in the vicinity of this development and there is capacity for additional demand. The existing water connection shall be allocated to Lot 2. 19. Lots 1, 3-7 shall have new on-demand water connections. To connect the new lots to the public water supply, an Application for Services form shall be completed and submitted. Development Contributions, physical works charges, sundry water charges, and engineering charges may be payable and will be quoted at the time of application. 20. Prior to certification pursuant to Section 224c under the RMA, the consent holder shall provide evidence of separate and legal water connections to all proposed new allotments for water supply at the consent holders expense, to Councils Development Engineer by the Consent Holder and included with the application for 224c. Wastewater: 21. There is public sewer reticulation in the vicinity of this development and there is capacity for additional loading. The 150mm diameter sewer main shall be extended west to the frontage of proposed Lot 3 to Council specifications by Councils Approved Contractor at the Consent Holders expense. The extended sewer main shall be vested in Council as an asset. 22. The existing 100mm diameter PVC private sewer lateral pipe servicing 39 Charles Street shall be relocated and connected into the new extended sewer main infrastructure. 23. The engineering design and specifications of the proposed sewer works shall be submitted to Councils Development Engineer for approval prior to commencement of any physical works. 24. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Councils Development Engineer prior to application for 224c.
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	25. To connect Lots 1-3 to the public sewer, an Application for Services form shall be completed and submitted. Development Contributions, physical connection charges, and engineering charges may be payable and will be quoted at the time of application. 26. Lots 4-7 will require a private, internal pumped sewer system which shall discharge via gravity to Councils sewer main on Charles Street. 27. Prior to certification pursuant to Section 224c under the RMA, the consent holder shall provide evidence, at their expense, of the completed sewer connections and infrastructure to all proposed new allotments, and as-built drawings and testing results of the extended sewer main to Councils Development Engineer by the Consent Holder and included with the application for 224c.
Advice Notes	
Roading	1. <i>Roading Development Contributions will not be charged on this subdivision resource consent but will be assessed on each building consent application received in the future. Roding Development Contributions are not related to vehicle crossings which may access the property.</i> 2. <i>A Temporary Traffic Management Plan is to be submitted to Councils Infrastructure Department as appropriate for each work activity within the legal road corridor.</i> 3. <i>All construction sediment and dust is to be contained within the extents of the construction site. Complaints to Council regarding dust or sediment will be referred to the developer or their agent for action.</i> 4. <i>If a road name is required, street name posts and signs is to be supplied and installed at the developers cost and in accordance with Councils Infrastructure Department design requirements prior to 224c.</i> 5. <i>A Corridor Access Request (CAR) is required to carry out works within the road corridor. An application is to be made to Councils Infrastructure & Operations Department by the applicant via Submitica and an authorised roading contractor must carry out the construction.</i> 6. <i>All vehicle crossings must comply with the Waitaki District Plan and Specifications for New Vehicle Entrances whether they are new or an upgrade of existing. An approved contractor must carry out the construction. The 'Application for Vehicle Crossing' form is available on the Council website. Once the application form has been completed and forwarded to Council, the Infrastructure & Operations Department will assess and notify you of the requirements for construction and will enclose a list of approved contractors in an information pack.</i>
Water and sewer	7. <i>New public sewer infrastructure shall be subject to the Inspection and Acceptance procedures of NZS 4404:2010. In addition, CCTV inspections, Leakage testing, Pressure testing shall be carried out in accordance with Appendix C and D of NZS 4404:2010 and in the presence of an Inspector from Councils Infrastructure & Operations Department, unless otherwise agreed prior to testing taking place.</i> 8. <i>Only Councils Approved Agent (SouthRoads Oamaru) can make the connection to the public Water, Sewer or Stormwater mains. A private drainlayer contractor may carry out the works to that point and excavate the main ready for connection. Please ensure an Application for Services has been made to Council prior to commencing this stage of the works. 4. A multi-manifold toby box is recommended to service water supply to the proposed lots.</i> 9. <i>The sewer lateral is a private pipe to the point of connection at the public sewer main.</i>
Building	10. <i>Building consent will be required for buildings/building work that does not fall within the exemptions outlined in Schedule 1 of the Building Act 2004. Council GIS software shows no record of known hazards or proposed work being located within known flood zones. All proposed new private sewer and stormwater drainage systems for the new & existing lots will require a building consent application.</i>

	11. <i>Setback of existing buildings to the new proposed boundaries will need to consider fire separation requirements from C/AS1. Proposed partially demolished existing sheds - Under Section 112 of the Building Act 2004, a building consent application will need to include consideration that Structural stability-bracing - and if required means of escape from fire, and access and facilities for persons with disabilities comply as near as is reasonably practicable with the provisions of the building code. Regional mapping indicates 'low to moderate' liquefaction vulnerability. Residential developments may use 'TC2-type' foundations as outlined in the MBIE (2012) Canterbury foundation guidance without further liquefaction investigation.</i> 12. <i>Alternatively, applicants may choose to provide supporting ground liquefaction investigation to support a less conservative approach. Non-residential construction may require a more detailed liquefaction assessment.</i>
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7.7 Section 104D Assessment

The application has been assessed as a Non-Complying Activity, Section 104D of the RMA states that Council, after considering an application for a resource consent, cannot consider granting consent to the application unless the effects of the activity will be no more than minor or the activities are not contrary to the objectives and policies of the relevant ODP and PDP for which consent is sought.

The proposal is consistent with the ODP policies and objectives and largely consistent with the objectives and policies of the PDP. Noting there is some incompatibility with the PDP objectives and policies relating to the Rural Lifestyle Zone. Overall, and noting the weighting of the PDP, the proposal is not contrary to the objectives and policies when assessing them cumulatively.

The proposal has been robustly assessed and the inclusion of conditions which are able to mitigate the effects of the proposal and where they are unable to, I rely on the written approvals, to the extent I consider the effects to be less than minor.

I conclude, based on the preceding report, that there are sufficient grounds to grant consent to this proposal.

7.8 Section 106 and 106A Assessment

Having reviewed the application and relevant District and Regional mapping there are no natural hazards affecting the property which require mitigation or result in the consented activity requiring refusal

7.9 Conclusion

For reasons outlined in the above s104 assessment, the proposal is not considered to be contrary to any relevant provisions of the ODP or PDP.

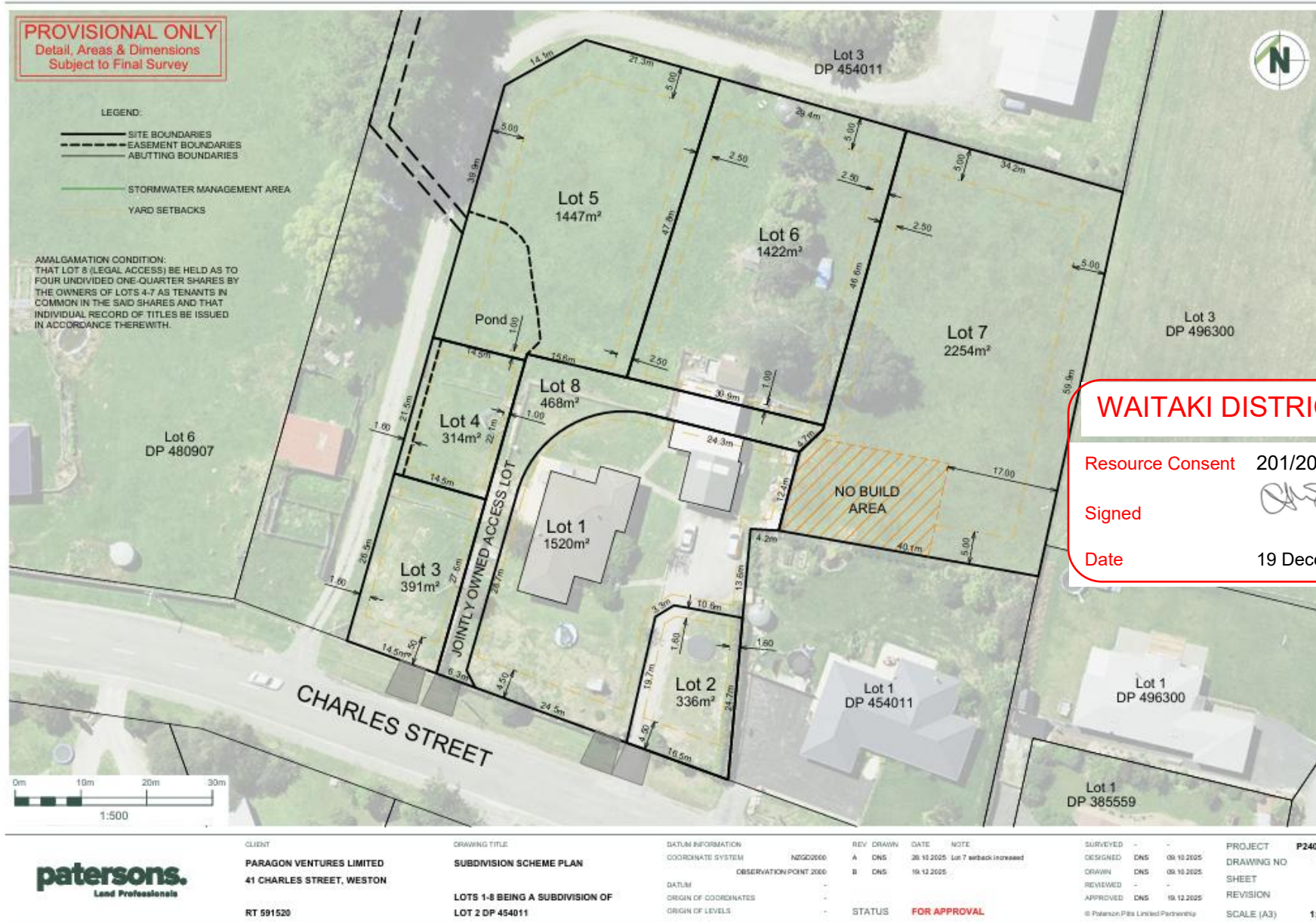
It is considered that any actual and potential effects on the environment of allowing this proposal to undertake the subdivision of land into seven allotments with non-complying vehicle access and landuse for setback, density and building coverage breach in the Residential and Rural Residential Zone will be less than minor and can be consented to subject to the conditions in the recommendation.



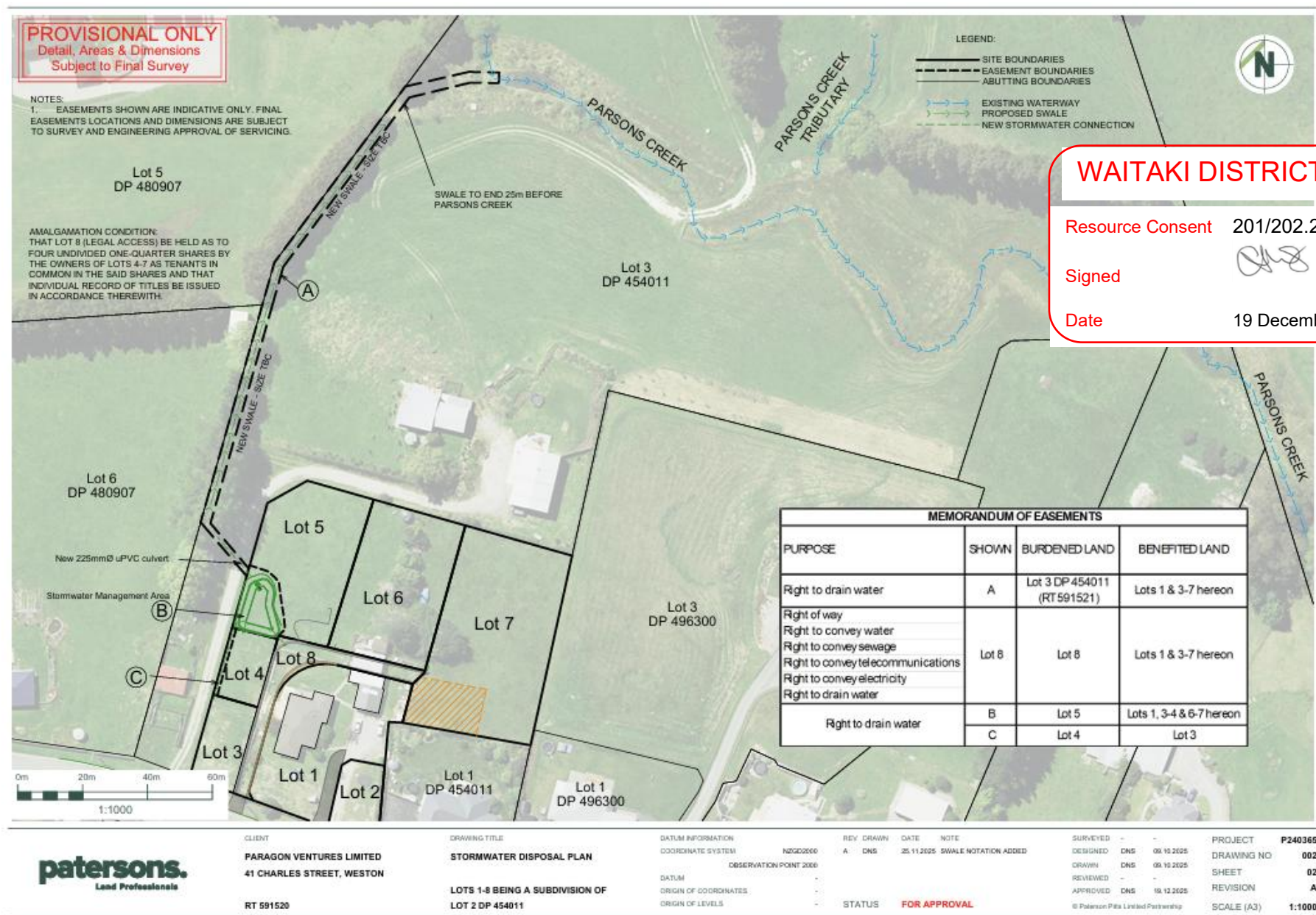
Charlotte Hunt
Resource Management Planner

Date: 19 December 2025

Signed Plans – Scheme Plan



Signed Plans – Stormwater Disposal Plan



Signed Plans – Buildable Areas



WAITAKI DISTRICT COUNCIL

Resource Consent 201/202.2025.2753

Signed

Date

19 December 2025

patersons.
Land Professionals

CLIENT
PARAGON VENTURES LIMITED
41 CHARLES STREET, WESTON

RT 591520

DRAWING TITLE
LOTS 5-7 BUILDABLE AREAS

**LOTS 1-8 BEING A SUBDIVISION OF
LOT 2 DP 454011**

DATUM INFORMATION
COORDINATE SYSTEM NZGD2000
OBSERVATION POINT 2000

DATUM
ORIGIN OF COORDINATES
ORIGIN OF LEVELS

REV	DRAWN	DATE	NOTE
0	-	-	-

STATUS **FOR APPROVAL**

SURVEYED	DESIGNED	DRAWN	REVIEWED	APPROVED
-	DNS	DNS	-	DNS
-	09.10.2025	24.11.2025	-	19.12.2025

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PROJECT **P240365**
DRAWING NO **002**
SHEET **05**
REVISION **0**
SCALE (A3) **1:500**

Environmental Risk Assessment (refer Guidance Notes p.2)

Resource Consent No: 201/202.2025.2753
Officer completing assessment: Charlotte Hunt
Assessment date: 19 December 2025

* *Written approvals*

No.	Criterion	Assessment	Score
1	WDC priority site (refer guidelines)	No = 0 Yes = 4	0
2	WDC priority site – More than 1 priority applies	No = 0 Yes = 4	0
3	Sensitivity of receiving environment ((eg. cultural, biodiversity, heritage, geological, high-class soils, visual impact and landscape, proximity of residences – refer guidance notes)	Low = 0  High = 5	0
4	Activity scale and intensity	Low = 0  High = 5	3
5	Activity duration	Short term = 0  Long term = 4	4
6	Community interest/expectations	Low = 0  High = 5	2
7	Notified consent	No WAs= 0 Was* = 1 Limited = 2 Notified = 4	1
8	Earthworks – Volume (all zones)	100m ³ – 500m ³ = 0 500m ³ – 1000m ³ = 1 - 2 1,000m ³ – 5,000m ³ = 3 - 4 5,000m ³ – 10,000m ³ + = 5	0
9	Residential subdivision	1 to 5 units = 0 5 to 10 units = 1 - 2 10 to 20 units = 3 - 4 20+ units = 5	2
10	Activity within 20m of any river, lake, stream or wetland, or within any wetland	No = 0 Yes = 4	0
11	Large scale infrastructure/irrigation project	No = 0 Yes = 4	0
12	Mining	No = 0 Yes = 4	0
13	Zone overlay applies	No = 0 Yes = 4	0
14	Contaminated site/Potential contaminated site/HAIL site/Hazardous substances	No = 0 Yes = 4	0
15	Consent includes payment of a bond	No = 0 Yes = 4	0
		TOTAL SCORE	12
		RISK ASSESSMENT (L, M, H) **	L

**

Low = 0 to 15 Medium = 16 to 25 High = 26 +

Planner's comments:

Consent notice for stormwater attenuation for lot 2, stormwater management maintenance. No build as well as the restriction for no further subdivision and on residential allotment per site on the Lots 5-7.

Risk Assessment Guidelines

The priority sites/activities (Q1.) are:

- Activity in the Mackenzie basin
- Earthworks or indigenous vegetation clearance in wahi tapuna sites
- Significant Natural Areas/features
- Geopark sites
- Heritage items or sites
- Significant coastal landscape/or natural character
- Outstanding natural landscapes'/features

When assessing 'scale and intensity', consider how the consented activity generally compares to an established activity of a similar type in a local (town, district) context and at zone level. For example, a large-scale retail development may be synonymous with certain retail chain-stores, however it may be a significant project at local level resulting in more intense activity on a commercial site than has occurred previously. If an activity is difficult to assess against comparable activities, consider its environmental effects, such as vehicle movements, hours of operation, noise and odour, construction activity, building footprint and height.

When assessing 'Community Interest/Expectations', consider how much interest the consent has generated or may generate. If there are affected parties who have not provided approval or are a number of opposing submissions, or a hearing has been held, those factors would increase the score. Special interest groups may also have expressed a particular interest in the activity, or the application may have been controversial.

'Activity duration' refers to the duration an activity will/may be conducted. In the case of resource consents granted for permanent structures such as sheds or dwellings, irrigation ponds and infrastructure, or resource consents granted for breaches of site development standards, 'activity duration' should be treated as the period within which the building or structure will be established (or is likely to be established).

The risk assessment may be shared with the consent holder. If there is any uncertainty around any of the criteria scoring it may be useful to contact the consent holder to discuss the criteria and how it relates to the activity. This may help form provide further evidence to score with greater certainty.

The free text section 'Planners Comments' can be used to record any considerations towards the criteria, or where an actual or likely risk has been identified that has not been captured elsewhere.

To add further value to the risk assessment, the Planner and Compliance Monitoring Officer should discuss the environmental risk assessment score when it is high to help identify important points for ongoing monitoring of the consent.