

BEFORE THE HEARING PANEL

UNDER THE

Resource Management Act 1991 ("**Act**")

IN THE MATTER OF

Submission on the Proposed Waitaki
District Plan - Area Specific Matters -
Zones

**STATEMENT OF EVIDENCE OF ANDREW HARVEY
(RESIDENT AND COMMUNITY MEMBER)**

28 September 2026

INTRODUCTION

1. My name is Andrew Charles Hilton Harvey.
2. I am a resident and ratepayer of the Waitaki District, residing at 28D Moeraki Boulders Road. I purchased the property in 2019 and permanently relocated there from Wellington in 2020.
3. The Moeraki Boulders Road subdivision services nine properties, each comprising two or more lots, which were subdivided from a larger property in 2003. Seven of these properties have built residences, one has a large built shed, and one remains empty. These properties are located at 28A, 28B, 28C, 28D, 30A, 30B, 30C, 30D, and 30E Moeraki Boulders Road, and from hereon are referred to as **“the Boulders Road Properties”** or **“the Properties”**.
4. I chose to relocate to Moeraki for the peace and quiet of a smaller semi-rural community, far away from the travails of a largely central government and corporate professional environment. Having been brought up in a rural setting I was keen to renew my engagement with that kind of environment. I am a semi-retired ICT Consultant, specialising in strategic consulting and project management. Any contracted roles I have accepted since relocating to Moeraki, or that may arise in the future, are largely delivered remotely and serviced out of my home office.
5. Since moving to Moeraki, I have been continuing to work professionally on a part-time basis, mowing my four hectares as a therapeutic activity, and have been a focal point for dealing with the rabbit infestation in the environs of the Boulders Road Properties. I have also engaged with Otago Regional Council regarding their rabbit control policies (ORC focussed on activities in the general Moeraki area in 2024/25, and are currently reviewing their Pest Management policies, including rabbits which are ranked in 2026 as the #1 public concern for pests in Otago).
6. I present this submission in my own interest, with the support of the following landowners:
 - a. Yvonne Medlicott - 28A Moeraki Boulders Road;
 - b. Trish Barrett - 28B Moeraki Boulders Road;
 - c. Kate Saxton - 28C Moeraki Boulders Road;
 - d. James Mathieson - 30B Moeraki Boulders Road (note that this property has been recently sold to Michelle McDonald, who supports my submission);
 - e. Rewa Robinson - 30C Moeraki Boulders Road;
 - f. Paul Brown - 30D Moeraki Boulders Road; and
 - g. Kate Saxton - 30E Moeraki Boulders Road.
7. The property owner at 30A Moeraki Boulders Road, Sian Keith, expressed her view as having no particular preference of either of Rural General or Rural Lifestyle zoning.

PURPOSE OF SUBMISSION

8. The Proposed Waitaki District Plan has the Boulders Road Properties zoned as General Rural.
9. My submission to the Waitaki District Council is that the Boulders Road Properties do not meet the objectives, policies and rules of General Rural, and instead meet the objectives, policies and rules of the proposed Rural Lifestyle zone and should therefore be rezoned accordingly.
10. I have received a letter, dated 3 August, written by Emily McEwan, the reporting officer for Rural Lifestyle rezoning requests, outlining planning matters related to my submission. This additional statement of evidence addresses those matters.

MATTERS ADDRESSED IN THIS SUBMISSION

11. This additional evidence addresses the following requested matters, generally arising from the withdrawal of (most of) Rural General from the Proposed District Plan (PDP), considering that the provisions of the Operative General Plan (ODP) would continue to apply:
 - a. The tests in clauses 3.7 and 3.10 of the National Policy Statement on Highly Productive Land 2022 (NPS-HPL);
 - b. whether further intensification to Rural Lifestyle density is practicable considering:
 - i. the presence of the Significant Coastal Landscape overlay, the PDP Moeraki Land Instability overlay, the PDP Coastal Erosion Hazard overlay, and covenants or consent notices,
 - ii. the coastal character of the site,
 - iii. whether additional lifestyle capacity for the Hampden-Moeraki area is needed,
 - iv. 3 waters infrastructure impacts,
 - v. impacts to the roading network.

Tests in clauses 3.7 and 3.10 of the National Policy Statement on Highly Productive Land 2022: “Evidence is required that demonstrates how rezoning would meet the tests in clauses 3.7 and 3.10 of the NPS-HPL.”

12. The submission is made on the overarching basis that the current zoning of the properties does not comport with the provisions and requirements of Rural General zoning, and cannot reasonably be configured to do so given the limitations and restrictions of the lot configuration and natural environment restrictions. This means that the key objective of the District Plan, being to support economic benefit to Waitaki District through primary production activities, is not practicably achievable. Instead, the properties are directly aligned with the general description, objectives, policies and rules of Rural Lifestyle, and should be zoned appropriately according to the nature and use of the properties.

13. This submission is permitted under clause 3.10 of the NPS-HPL, the exemption clause, as follows:
- 3.10 (1) (a) the land is demonstrably not able to support economic benefits for the District through primary production activities, for all of the reasons outlined in the submission, including the low productive quality of the soil, the presence of the meandering stream and associated marsh lands, poor drainage, slip and erosion hazards, grazability issues, and the inefficient lot layout of the various properties.
 - Clauses 3.10(1) (b) and (c) of the NPS-HPL apply for the same reasons.
14. In evaluating clause 3.10 (2) it is determined that the nature of the structure of the lots, and the environmental issues described above, that the only viable commercial activities available are low density cattle or sheep farming. This, indeed, is the predominant land use for rural commercial properties generally in the Moeraki-Hampden area. However, it is further determined that it is commercially unsustainable for such activity to take place on any of the included properties, no matter how the land is zoned, for the reasons outlined in the submission.
15. In evaluating clause 3.10 (3) (a) we confirm non-land-based primary production activities were not considered.
16. In evaluating clause 3.10 (3) (b) we confirm that commercial activities have not occurred on the land since subdivision in 2003, and accordingly no economic benefit has accrued to Waitaki District arising from primary production activities since that time. According to the definition in clause (5), noting the lack of commercial activities for the last 23 years imposed by the noted constraints, it is impossible to see how economic benefit from primary production activities could reasonably occur in the next 30.
17. Clause 3.10 (3) (c), opportunities for future use, are described in the response to 3.10 (2). There are none that have been identified as commercially sustainable.
18. In evaluating clause 3.10 (4) we note that the properties in question are comprised of 9 4-hectare properties each dispersed over 2 separate lots, totalling 18 separated lots. almost all of which are not contiguous to each other. Seven of the lots have residences built on them, an eighth has a large shed, and one property has no built structure.

This lot structure is a significant inhibitor to available commercial activities as it substantively inhibits any activities of scale to lots of 2-hectares or less each. Since most of the properties own non-contiguous lots there is a loss of efficiency in managing commercial activities across non-contiguous lots.

Significant Coastal Landscape Overlay: “an assessment of whether and how subdivision, use, and development at a Rural Lifestyle density is appropriate in the context of the coastal environment in which the site is located, considering relevant provisions in the New Zealand Coastal Policy Statement (NZCPS) and other planning documents regarding the protection of the values of the coastal environment, including landscape, biodiversity and mana whenua values.”

19. We note that the NZCPS was amended in 2025, after my submission was made to WDC. Nevertheless we will comment on the 2025 version.
20. The properties adjoin the shoreline of the Hampden-Moeraki coastal area, but it should be noted that there is a clear and distinct separation of the properties from the shoreline due to the cliff separating the beach from the properties. The properties are separated from the shoreline by the cliff and a 21m-wide Esplanade strip, which is protected by covenants. The properties generally slope down from the cliff and Esplanade strip into a shallow basin, rising again to SH1.
21. In considering Objective 1 and Objective 2, we consider that the effective separation of the properties directly from the shoreline means any additional intensification (which in the worst case would double the dwellings from 9 to 18 (see the Property Covenants and Easements section below) would have no practicable affect on the shoreline inclusive of water quality, biodiversity, physical processes, compared to the hundreds of residences in the Moeraki-Hampden area. We submit that a very much higher level of intensification than that which is permissible under Rural Lifestyle would be required before affects could be observed, if any.
22. In considering Objective 3, recognition of the Treaty of Waitangi and the role of tangata when, these obligations would be required as a necessary aspect of any resource consent application, and thus the *status quo* is preserved.
23. In considering Objective 4, for the separated and contained nature of the properties, and noting that the Esplanade strip provision for coastal access is preserved, we consider that public access to the coast is unmolested due to rezoning.
24. In considering Objective 5, we note the general issues with coastal erosion along the shoreline and cliff. These issues are extant from Moeraki / Shag Point to Oamaru and should be addressed on a district-wide basis. We do not consider that worst-case intensification will cause any particular impact to the general issues.
25. We recognise and agree with Objective 6 and Objective 7.

PDP Moeraki Land Instability Overlay

26. The Moeraki Land Instability Overlay generally applies to the properties from 30B southward. Probably about 60% of the 18 lots are impacted by the overlay (an estimate by me, not a calculation). Of the affected properties 30A, 30B, 30C and 30D are in the red zone, along with a corner of 28D. Otherwise, part of 28C and 28D, and a sliver of 30E are in the green zone.
27. 28A and 28B, and most of 30E do not appear to be impacted by the overlay.
28. Any subdivision of existing lots covered by these overlays would be required to demonstrate an acceptable level of risk pursuant to a geotechnical assessment (NH-P8), noting that any subdivided lot under Rural Lifestyle must be a minimum of 1Ha.

PDP Coastal Erosion Hazard Overlay

29. The PDP Coastal Erosion Overlay generally trails along the cliff bordering the eastern edge of the properties. In general, the overlay overlaps with the Esplanade Strip Instrument recorded against each relevant property title. The Esplanade Strip occupies 21m of any part of the Land from the mean high water spring mark. Although the Esplanade Strip largely coincides with the Erosion Hazard overlay, the overlay does intrude further inland for most properties, in a meandering way. This is most relevant for 30B and 30C which have some of their land sloping down to a high bank (as opposed to a cliff) along the beach.
30. Lots to the west of the existing road are not encroached by this overlay.
31. As a practical matter it would be difficult to build a structure across the overlay - for the most part this area is cliff. I understand there is a resource consent setback from this overlay that has been applied to each of the lots abutting this overlay, I believe of 100m. I would anticipate that this setback would apply to any new buildings permitted. Additionally, 30C and 30D have road access issues to overcome in order to achieve any viable subdivision.
32. These practical matters make it difficult to intensify lots adjoining the Esplanade strip. See the Property Covenants and Easements section below for more detail.

Property Covenants and Easements

33. The Boulders Properties as a whole have the following titled covenants and easements, except where noted:
 - a. Esplanade Strip Instrument across the eastern coastal boundaries of the properties (this does not apply to 30E).
 - b. Unable to build within 20m of the Waiwherowhero stream, or any wetland.
 - c. Standard easements for conveyance of electricity, water, sewage, telecommunications and computer media.

- d. Easements for pedestrian access across the Esplanade Strip.
 - e. Easements for right-of-way beyond 28D and two smaller rights of way for beach and back lot access (i.e. short 'farm tracks').
34. For the avoidance of doubt, the following analysis is purely academic - it does not reflect any intention or objective of any landowner for any of the Properties. Instead, the analysis is presented to address the question, raised by Ms McEwan, of the effects of 'intensification', and is intended to evaluate the possible maximal level of intensification for the purposes of consideration of rezoning.
35. The 'unusual' configuration of most of the Properties lots means that subdivision of the existing lots that subdivision of all properties to 1Ha minimums is unlikely. The analysis is presented on a per-property basis:
- a. 28A - Lot 2 could be subdivided from the property. It is unlikely that Lot 1 could be further subdivided due to the Esplanade strip setback requirements for building.
 - b. 28B - Lot 3 could not be subdivided due to the Esplanade strip setback and the current buildings, lot 4 could be subdivided from the property as a 2Ha lot only, due to the building constraints associated with the Waiwherowhero.
 - c. 28C - realistically, Lot 1 could only be subdivided into 2 lots because of the Esplanade strip setback. Lot 2 could not be subdivided.
 - d. 28D - it is unlikely that Lot 3 could be subdivided due to the location of the current built residence. Lot 14 could be subdivided from the property, but could not be further subdivided as the Waiwherowhero and wetlands would constrain building sites.
 - e. 30A - Lot 4 could theoretically be subdivided into 4 1Ha lots, two of which would be in the red Moeraki Instability overlay and subject to the geotechnical issues associated with that overlay. It is most likely only feasible to create 2x1Ha lots from Lot 4.
 - f. 30B - Lot 5 could not be subdivided. Lot 10 abuts the Waiwherowhero. It is possible that 1Ha could be subdivided for a structure, with the remaining 1Ha constrained for building activities.
 - g. 30C - Lot 11 cannot be subdivided as it is already less than 1Ha, and the presence of the Waiwherowhero means a structure is precluded. Lot 6 is the undeveloped lot. This lot could theoretically be subdivided into 3x1Ha lots, but two of those lots are in the red Moeraki Instability overlay and would be subject to the geotechnical issues attendant with that overlay, and Esplanade strip setback rules. It is unlikely that more than 1Ha could be subdivided from Lot 6.
 - h. 30D - Lot 7 could theoretically be subdivided into 3 lots. However, 2Ha adjacent to the beach would have road access issues due to the location of existing buildings, as well as geotechnical issues as they are firmly in the red Moeraki Instability overlay, together with the constraint of the Esplanade strip. It is most

likely that only the west-most 1Ha could be considered as a possible subdivided property.

- i. 30E - Lot 4 adjoins the railway line to the west, and partially abuts the Waiwherowhero. It is unlikely that this lot could be subdivided to a viable 1Ha site for building. Lot 3 cannot be subdivided.

- 36. Currently there are 9 properties in the subdivision. Analysis of potential subdivision opportunities, noting the various constraints means, that a maximum of an additional 9 properties could be subdivided from the current configuration, bringing the theoretical maximal number of properties to 18.

Need for Additional Rural Lifestyle Capacity: “an assessment of the Rural Lifestyle land that is zoned and available for further development in the Hampden-Moeraki area compared to projected demand for the next ten years, and why additional Rural Lifestyle zoned land is needed at this time.”

- 37. This submission is not made on the basis that additional Rural Lifestyle land is needed.

- 38. Note that the analysis of the constraints associated with these properties shows that only a modest increase of the number of potential properties from 9 to 18 is considered feasible.

- 39. Instead, the submission is made on the basis that the current zoning is not appropriate because, for the reasons outlined, the objectives, policies and rules of Rural General cannot reasonably be achieved, and in contrast the properties currently comport to the objectives, policies and rules of the proposed Rural Lifestyle zone.

3 Waters Infrastructure Impacts: “how water supply (including for firefighting), wastewater, and stormwater infrastructure can be provided to support development at a Rural Lifestyle density without having more than minor adverse effects on public infrastructure networks or the wider environment.”

- 40. The properties included in the submission do not have any wastewater or stormwater provisions, other those that are privately provided. The properties are connected, via restrictors, to the Hampden water supply and typically incorporate larger tank reservoirs to store and supply water.
- 41. We would anticipate that provision of water, stormwater and wastewater to subdivided properties, if any, would be addressed under a resource consent, according to the practices already in place for the Properties.
- 42. Noting the modest potential increase in intensification of properties from 9 to 18, it is considered that the impact on 3 Waters infrastructure is minimal, and this would be

limited to water supply with wastewater being managed on site, and current stormwater facilities being augmented as necessary according to a resource consent and current arrangements (being waste tanks and field dispersal trenching, assuming septic tanks are no longer permitted).

Transportation Affects (on the roading network): the nature of transport effects that would arise from development at a Rural Lifestyle density, including on the state highway, and whether any upgrades might be required to the roading network in the vicinity of the site to manage those effects.”

43. The properties included in the submission are connected to transport corridors via a single roadway to SH1. This road access is also partially used by the the Moeraki Boulders Cafe and several other properties, as well as access to the DOC carpark. The affected properties utilise a gravelled dirt road branch of Moeraki Boulders Rd, running south from the tarmaced section.
44. It is considered that even under worst-case intensification (from 9 to 18 properties), in comparison to the existing visitor traffic to the DOC carpark and Moeraki Boulders cafe, only a very minimal increase in road traffic would occur as a result of any permitted further subdivision.