



27 March 2025

Brian and Trudy Mowart-Gainsford
C/o Liam Rees, Davis Ogilvie (Aoraki) Ltd

liam@do.nz

Dear Liam,

Subdivision No. 101.2025.16.1
Two Lot Subdivision
1 Darby Street Geraldine

I advise that resource consent was **GRANTED** for **Subdivision No. 101.2025.16.1** under delegated authority by Timaru District Council on 27/3/2025.

Please find attached with this letter:

- The decision and any conditions of consent;
- any approved plan; and
- the officers report or 'planning assessment'.

An invoice for the additional fees payable for the processing of the resource consent will be issued separately.

In accordance with Sections 357A and 357B of the Resource Management Act (RMA) 1991, you have the right to object to any of the attached conditions of consent or the additional administrative charges. An objection must be lodged with Council within 15 working days of receiving the decision.

If you have any queries on this matter please contact me using the details listed below.

Yours faithfully,

William Halkett

Resource Consents Planner

Email: william.halkett@timdc.govt.nz



Decision of Timaru District Council

Subdivision No. 101.2025.16.1

Acting under the delegated authority from Timaru District Council, I have considered the subject application at 1 Darby Street Geraldine for a two lot subdivision and determined:

- A. That the application is processed on a **non-notified** basis in accordance with Sections 95A – 95G of the Resource Management Act 1991.
- B. That subdivision consent **is granted** pursuant to Sections 104, 104A, and 108 of the Resource Management Act 1991, for the reasons contained in the officer's report subject to conditions (listed below)

Conditions

General

1. The subdivision shall proceed in accordance with the information submitted for the application (Council reference 101.2025.16.1) including the following:
 - i. Report prepared by Liam Rees entitled Application for Subdivision and Land Use Consent, dated 12 February 2025 and referenced Project Number "TM 30880".
 - ii. Further Information response prepared by Liam Rees, sent via email, subject line "RE: [#DOA 30880] 101.2025.16.1 - RFI 1 Darby Street", dated 25/03/2025, 12:30 pm.
 - iii. Council approved plans prepared by Davis Olgilvie (Aoraki) Ltd entitled "Lots 1 & 2 Being a Proposed Subdivision Lot 1 DP 27874", dated 27/03/2025 and included attached to this document.

Water Supply

2. Lot 2 shall be connected to the Timaru District Council water supply network via a new independent connection to the main in Darby Street. Evidence of a compliant water supply constructed to the requirements of the Timaru District Council must be supplied to the Subdivision and Monitoring Officer prior to the application of Section 224(c).

Advice note: Evidence should be in the form of a service consent Infrastructure Compliance Certificate (ICC).

Wastewater Supply

3. Lot 2 shall be connected to a Timaru District Council sewer main with a lateral installed to a minimum length of one metre into the Lot and in accordance with an approved Building Consent or Service Consent. Evidence of a compliant wastewater disposal constructed to the requirements of the Timaru District Council must be supplied to the Subdivision and Monitoring Officer prior to the application of Section 224(c).

Stormwater Disposal & Land Drainage

4. The stormwater generated by the built development and hardstand areas of Lot 2 shall be contained and attenuated before discharge to the Council stormwater main in accordance with an approved stormwater discharge certificate from the Timaru District Council.

In accordance with section 221 of the Resource Management Act this condition shall be registered as a consent notice on the record of title for Lot 2 to be complied with on an ongoing basis with the following text:-

‘The stormwater generated by the built development and hardstand areas shall be contained and attenuated before discharge to ground in accordance with an approved stormwater discharge certificate from the Timaru District Council and in accordance with the Canterbury Regional Council’

Land Transport

5. The consent holder shall form and seal the crossing servicing Lot 2 in accordance with the approved scheme plan, to comply with the standard drop crossing design G103 and provisions of the Timaru District Plan, unless otherwise permitted by a service consent. Evidence of a compliant crossing constructed to the requirements of the Timaru District Council shall be supplied to the Subdivision and Monitoring Officer.

Advice note: The evidence would be the service consent Infrastructure Compliance Certificate (ICC).

Easements

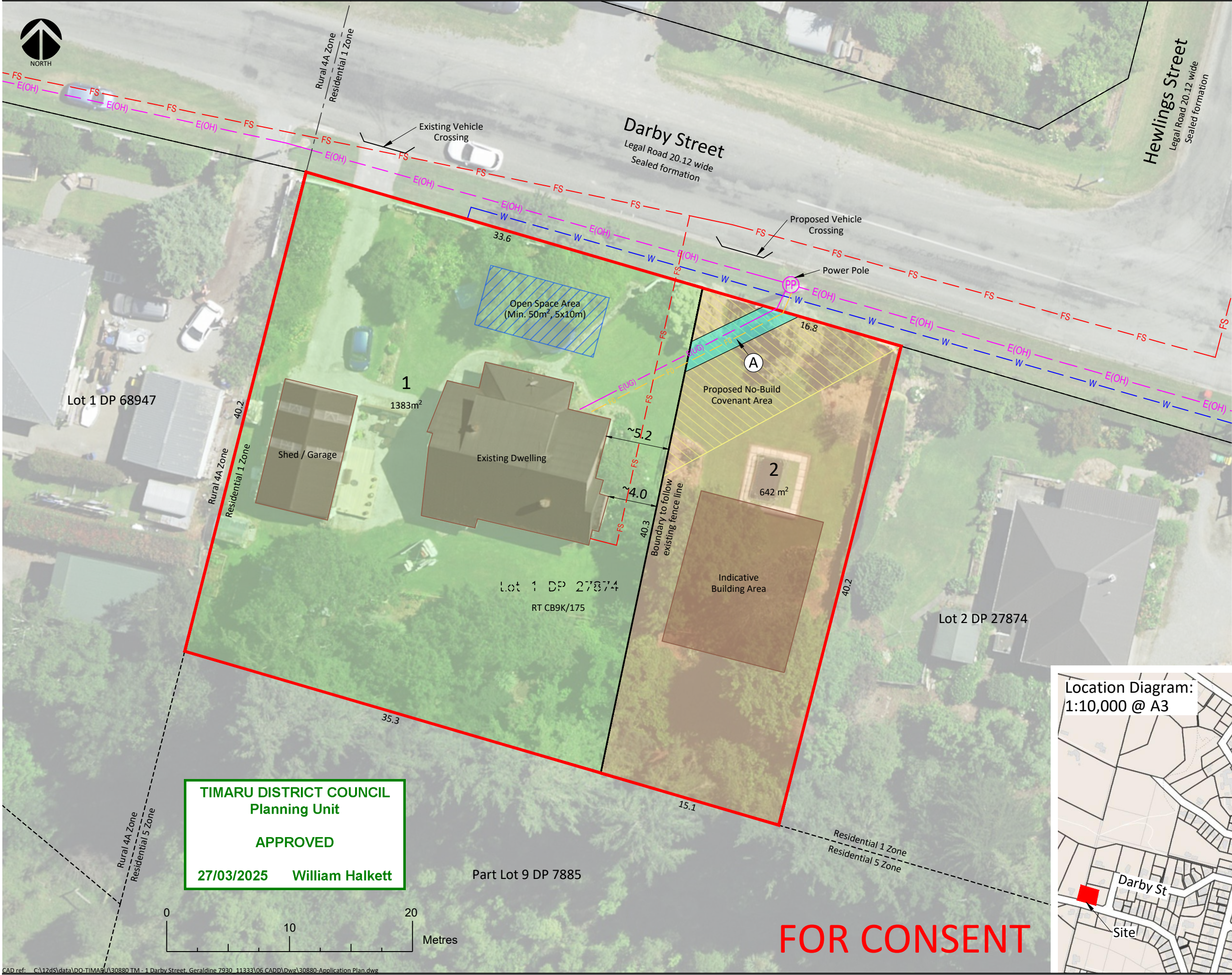
6. The consent holder shall attach to the application for section 224(c) certification correspondence from a suitably qualified person stating that all services for Lots 1 and 2 that pass over or through any other lot have been disconnected or are protected by an appropriate easement.
7. Proposed easements shall be duly granted and reserved.

Financial Contributions

8. Prior to certification pursuant to section 224(c) of the Act, the consent holder shall pay to Council a financial contribution towards open space and recreation of \$500 for Lot 2 (being \$500 per allotment created for residential purposes in accordance with Rule 6.5.2.2(1) of the Timaru District Plan).

Other Matters

9. Prior to an application for 224(c), any damage to Council assets within the road reserve caused by site development works shall be remediated to Council standard.



Issue	Date	Reason	Approved
A	02/25	For Consent	LHR

Notes:

- Applicant:

Owners:

Appellation:

RT Reference:

Total Area:
- Brian Mowat-Gainsford

Brian Clifford Mowat-Gainsford, Trudy Cathryn Mowat-Gainsford

Lot 1 DP 27874

RT CB9K/175

2026m²
- All dimensions in metres unless shown otherwise;
 - Existing boundaries adopted from LINZ online database;
 - Aerial Photography: Sourced from LINZ Database under Creative Commons Attribution 4.0 International;
 - This plan is in terms of NZGD2000 Timaru Circuit;
 - This plan has been prepared for the sole purpose of obtaining subdivision consent pursuant to Section 88 of the Resource Management Act 1991;
 - Use of this plan for other purposes or its reproduction in part or full is not permitted without the prior consent of Davis Ogilvie (Aoraki) Ltd;
 - A full assessment of easements will be undertaken prior to final survey and subsequent to proposed servicing and engineering requirements being confirmed;
 - All dimensions and areas are subject to final legal survey;
 - Services are sourced from Canterbury Maps and are indicative only;
- Proposed Timaru District Plan overlays over entire site
 - General Residential Zone
 - Light Sensitive Area
 - Visual Amenity Landscape (VAL-3) - Geraldine Downs
 - Urban Area - Geraldine

Key:

Site Boundary

FS

Foul Sewer

W

Water Supply

E(OH)

Overhead Electricity

E(UG)

Underground Electricity

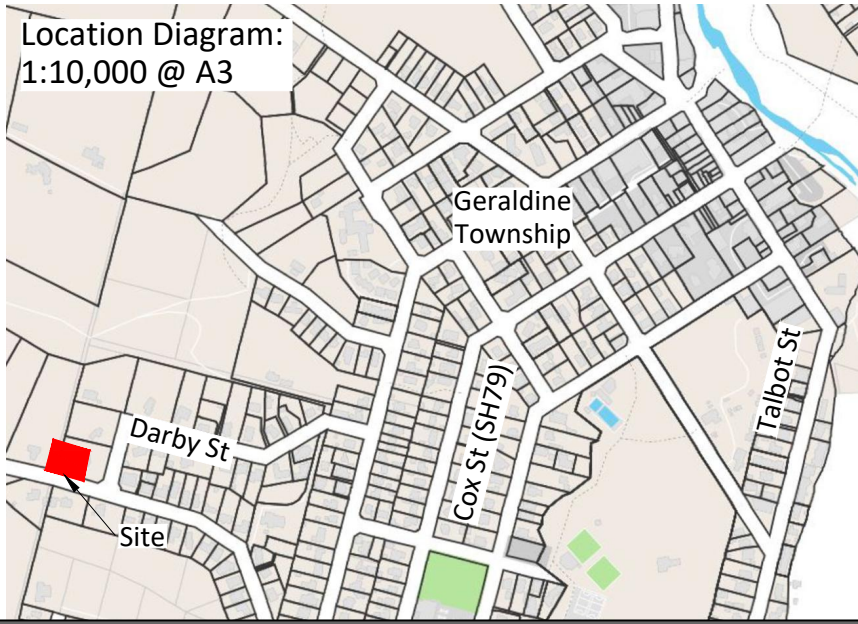
PP

Power Pole

FS

Underground Fibre

Memorandum of Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to Convey Electricity and Telecommunications	A	Lot 2	Lot 1



CAD ref: C:\12d5\data\DO-TIMARU\30880 TM - 1 Darby Street, Geraldine 7930_11333\06 CADD\Draw\30880-Application Plan.dwg

FOR CONSENT

ADVICE NOTES - GENERAL

Conditions of Consent

It is the consent holder's responsibility to comply with any conditions imposed on this resource consents prior to and during (as applicable) exercising these resource consents.

Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

Right of Objection

If you do not agree with any of the conditions of this consent, you have a right to object to the condition under section 357A of the Resource Management Act. Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

You may, when making an objection, under section 357A(1)(f) or (g), request that the objection be considered by a hearings commissioner(s), who is not a member of the consent authority.

Subsequent Right of Appeal to the Environment Court

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

Appeal Direct to the Environment Court

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

However, there is no right of appeal under this section against the whole or any part of a decision of a consent authority to the extent that the decision relates to 1 or more of the following, but no other, activities:

- (a) a boundary activity, unless the boundary activity is a non-complying activity:*
- (b) a subdivision, unless the subdivision is a non-complying activity:*
- (c) a residential activity as defined in section 95A(6), unless the residential activity is a non-complying activity.*

A person who made a submission on the application or review of consent conditions may appeal only in respect of a matter raised in the person's submission (excluding any part of the submission that is struck out under section 41D).

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (PO Box 2069, Christchurch 8013) within 15 working day's notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 20 working days of the

grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

Lapsing of Consents

Pursuant to section 125 of the Act, a land use consent is deemed to have lapsed if not given effect within five years from the date of commencement. In the case of a subdivision consent, it will be deemed to have lapsed if the survey plan is not deposited in accordance with section 224 of the Act within five years of commencement. An application can be made to extend the period after which consent would have lapsed pursuant to Section 125 (1A) (b) but the application must be received before it has lapsed.

Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

Review of Consent

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Should all the conditions of consent be complied with, a single monitoring visit will occur and therefore no further monitoring charges will be incurred. However, should conditions of consent not be met, further monitoring will be required which will generate additional costs as outlined above. Please note that some consents will require periodic or on-going monitoring and therefore despite compliance, monitoring will occur and costs will be charged for that monitoring.

Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legally established.
- Conduct any activity that requires resource consent from Environment Canterbury (ECan). You are advised to contact ECan to ascertain if consent is required for the proposed development.
- Authorise building or utility services construction work that requires separate consent/approval.

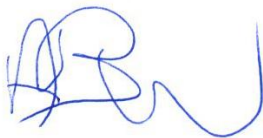
District Services Advice Notes In accordance with TDC Bylaws, Clause 1003.1, no person shall drive or operate any vehicle over any footpath or berm other than at a specifically designed and constructed vehicle crossing.

- In accordance with TDC Bylaws, Clause 1004.1, any proposed new vehicle access to a private property or any modification to any such existing vehicle access shall require specific approval by Council.
- In accordance with TDC Bylaws, Clause 1502.1, every person who proposes to:
 - (a) Draw water from the water network infrastructure; or
 - (b) Discharge sewage to the sewer network infrastructure; or
 - (c) Discharge stormwater to the stormwater network infrastructure; or

- (d) Discharge to the sewer network infrastructure any trade waste (either continuously, intermittently or temporarily); or
- (e) Vary the characteristics of a consent or approval to discharge that has previously been granted; or
- (f) Vary the conditions of consent or approval that has previously been granted; or
- (g) Vary the location of the point of supply or discharge that has previously been granted; or
- (h) Significantly change the method or means of pre-treatment for discharge under an existing consent; or
- (i) Disconnect from any network infrastructure service;

shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.

- In accordance with TDC Bylaws, Clause 1505.3, no person shall provide any network infrastructure service to any other party without approval from Council.
- In accordance with TDC Bylaws, Chapter 15, Clause 1515.4, no person shall carry out excavation work in a road reserve or public place without approval from Council.
- Downlands Water Supply reallocation requires new tanks for each unit supplied to a record of title with the tank being the responsibility of the landowner and the supply line up to the ball caulk being an asset of the Downlands Water Supply Scheme.
- In accordance with the Canterbury Land and Water Regional Plan, Chapter 5, Section 96, on-site stormwater from up to and including a 10 year rain event is not permitted to enter a neighbouring property, therefore appropriate attenuation is required.
- Bylaws that the applicant should be made aware of include those relating to access, services and cross boundary connections. These are detailed in the recommended advice notes.
- Unless otherwise stated, all the conditions of consent described above are to be complied with prior to Section 224.
- In accordance with TDC Bylaws, Clause 1003.1, no person shall drive or operate any vehicle over any footpath or berm other than at a specifically designed and constructed vehicle crossing.
- In accordance with TDC Bylaws, Clause 1004.1, any proposed new vehicle access to a private property or any modification to any such existing vehicle access shall require specific approval by Council.
- In accordance with TDC Bylaws, Chapter 15, Clause 1515.4, no person shall carry out excavation work in a road reserve or public place without approval from Council.
- In accordance with the Canterbury Land and Water Regional Plan, Chapter 5, Section 96, on-site stormwater from up to and including a 10-year rain event is not permitted to enter a neighbouring property, therefore appropriate attenuation is required.



Alex Wakefield

Team Leader: Consents and Compliance

Date: 27 March 2025

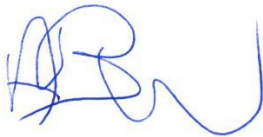
Notification Decision

With regard to notification, the officers report considered the application in respect to the steps prescribed by sections 95A-95E of the RMA and recommended that the application be processed on a non-notified basis because:

- The proposed activity will have or is likely to have adverse effects on the environment that are no more than minor.
- There is no rule, or National Environmental Standard that requires public or limited notification of the application.
- The applicant did not request public notification of the application.
- No permitted baseline applies.
- There is no relevant statutory acknowledgment.
- Effects on the parties who have provided written approval have been disregarded
- The activity will NOT have adverse effects that are minor or more than minor on any person(s) or order holders(s)
- There are no special circumstances that exist in relation to the application.
- No further information was requested, or report commissioned in relation to the application to which the applicant refused to provide or did not provide within the given deadline.

Having reviewed the recommendation, I concur with that assessment.

Acting under the delegated authority from Council, it was decided, pursuant to sections 95A-95D of the Resource Management Act 1991 that the application be processed on a non-notified basis.



Alex Wakefield

Team Leader Consents and Compliance

Date: 27 March 2025



**OFFICERS REPORT ON A RESOURCE CONSENT APPLICATION
(s95A and 95B and s104 and 104A)
OF THE RESOURCE MANAGEMENT ACT 1991**

Consent No:	101.2025.16.1
Applicant:	Brian Mowat-Gainsford and Trudy Mowat-Gainsford
Application:	Application under section 88 of the Resource Management Act 1991 to undertake a two-lot subdivision.
Location:	1 Darby Street, Geraldine.
Legal Description:	Lot 1 DP 27874
Features:	ODP: Residential 1 PDP: General Residential Zone Visual Amenity Landscape Light Sensitive Area
Activity Status:	Controlled Activity
Lodgement date	14 February 2025

This report has been prepared under section 42A of the Resource Management Act 1991 to document the assessment of the subject resource consent application. This report also constitutes the reasons for the decision as required under section 113 of the RMA.

Description of the Proposal

Consent is sought to subdivide 1 Darby Street into 2 residential allotments.

The applicant has provided a description of the proposal, the site, surrounding environment and locality in section 2 of the report attached with the application. This description is considered adequate and is adopted for the purpose of this report.

The subdivision involves Lot 1 DP 27874 with an area of 2026 square metres and is situated at 1 Darby Street, Geraldine.

Thus, the subdivision will create 2 lots, being:-

Lot 1 – 1383 m² – Existing House

Lot 2 – 642 m² – Vacant

Location map



Background

A search of council records revealed no information regarding previous resource consent applications.

Planning Framework

TDC has an Operative District Plan (ODP) and a Proposed District Plan (PDP).

Operative Timaru District Plan 2005

The subject site is zoned Residential 1 in the ODP and the proposed activity requires resource consent for the following reason:

- In accordance with General Rule, Part D6.3.4 (i), any subdivision that complies with all Performance Standards and General Rules shall be a controlled activity and shall be non-notified with the exercise of Council's discretion restricted to the following relevant matters:
 - the provision of physical services other than for unstaffed utility services, unstaffed public utilities, unstaffed telecommunication facilities and unstaffed radiocommunication facilities
 - traffic access and circulation
 - whether the site is of a regular shape and able to accommodate the proposed activity
 - vulnerability of the site to natural hazards
 - the location, size and extent of roads, walkways, cycleways, parks/open space areas, sewer, water and/or stormwater services and/or other necessary incidental equipment

Proposed Timaru District Plan 2022

The PDP was notified on 22 September 2022, and no rules relevant to the proposal have legal effect.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

The NES-CS was given effect to on the 1st January 2012. The regulations provide a consistent set of planning controls and soil contaminant criteria. These are in place to ensure that land affected by contaminants are identified and assessed appropriately.

The application includes an LLUR Enquiry and Hail Declaration that no activities have occurred on the land to the best of their knowledge, that no activities which are included in the Ministry for the Environment Hazardous Activities and Industries List (HAIL) have occurred on the land. I have visited the site, and I did not see any evidence of historic land use activity that might give rise to land contamination. I am therefore satisfied that the NES-CS does not apply.

Other NES

There are eight other National Environmental Standards that have been prepared under Sections 43 and 44 of the RMA and are in force as regulations. These cover marine aquaculture, fresh water, air quality, human drinking water, plantation forestry, telecommunications facilities, electricity transmission, and storing tyres outdoors.

No other NES apply.

Activity Status Summary

Overall, the application is being considered and processed as a Controlled activity.

Notification consideration under Sections 95A of the Resource Management Act

Section 95A – Public Notification

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

Step 1 – Mandatory public notification

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required because of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

Step 2 – Public notification precluded

Public notification is precluded by section 95A(5)(b) of the RMA because it is a controlled activity.

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is precluded.

Step 4 – Public Notification in Special Circumstances

If public notification is not required under Steps 2 or 3 it must be determined whether special circumstances exist that warrant public notification of an application. There are no special circumstances in relation to this application.

Notification consideration under Section 95B of the Resource Management Act
--

Section 95B – Limited Notification

Section 95B(1) requires a decision on 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.

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

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group. Therefore, limited notification is not required.

Determination under s95B(3)

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is or is not determined an affected person under section 95E (s95B(3)).

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

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is a controlled activity, but for subdivision rather than land use (s95B(6)(b)).

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

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity where the owner of an infringed boundary has or has not provided their approval.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the 'any other activity' category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

Section 95E – Considerations in assessing adverse effects on Persons

- (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section, —*
 - (a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) A person is not an affected person in relation to an application for a resource consent for an activity if—*
 - (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) Subsection (3) prevails over subsection (1).*

Persons who have provided written approval (s95E(3))

No persons have provided written approval for the application.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3), the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Other Persons

Given that the site complies with all other performance standards for the zone, particularly with respect to minimum sizing, I consider that the proposal is anticipated by the district plan. Therefore I consider that no neighbouring person is adversely affected by the proposal.

Conclusion on Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected. Therefore, limited notification is not required under Step 3.

Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

Notification Recommendation

Having followed the steps prescribed by sections 95A-95G of the Act it is recommended that the application be processed on a non-notified basis because:

- The proposed activity is unlikely to have adverse effects on the environment that are no more than minor.
- There is no rule, or National Environmental Standard that requires public or limited notification of the application.
- The applicant did not request public notification of the application.
- There are no special circumstances that exist in relation to the application.
- The activity will not have adverse effects that are minor or more than minor on any person(s) or order holders(s)
- No further information was requested or report commissioned in relation to the application to which the applicant refused to provide within the given deadline.

Section 104 Requirements

This section of the report details the provision of the RMA that are relevant to the consideration and determination of the application. The remainder of this report has been set out to address these provisions.

Consideration of Applications

When considering a resource consent application and any submissions, section 104 of the RMA provides that the consent authority, must, subject to Part 2, have regard to the following:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of:
 - a national environmental standard:
 - other regulations:
 - a national policy statement:
 - a New Zealand coastal policy statement:
 - a regional policy statement or proposed regional policy statement:
 - a plan or proposed plan;
- any positive effects;
- any other matter it considers relevant and reasonably necessary to determine the application.

When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, subsection 104(2) RMA states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Subsection 104(3) RMA states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

Subsection 104(3) RMA also provides that a consent authority must not grant a resource consent:

- To do something that will, or is likely to, have a significant adverse effect on a recognised customary activity, unless written approval is given to conduct the activity from the holder of the customer rights order.
- If the application should have been notified and was not.

Subsection 104(6) RMA states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

Determination of Application

Section 104A

After considering an application for a resource consent for a controlled activity, a consent authority—

(a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and

(b) may impose conditions on the consent under section 108 only for those matters—

(i) over which control is reserved in national environmental standards or other regulations;
or
(ii) over which it has reserved its control in its plan or proposed plan.

Assessment for the purpose of making a decision on the application

Adequacy of information

It is considered that the information provided by the application is adequate to determine the application in terms of section 104(6) of the RMA.

Section 106 Matters

A Consent authority may refuse to grant a subdivision consent or may grant a subdivision consent subject to conditions if it considers that there is a significant risk from natural hazards or materials that would damage the land by the consent sought or if sufficient provisions have not been made for legal and physical access to each allotment created by the subdivision.

- The proposed subdivision has sufficient legal access.
- The site is not at risk of any known natural hazard.

Assessment Environmental Effects

Earlier in this report an assessment adverse effects on the environment was undertaken (for the purposes of making a notification decision), which concluded that the activity would have or is likely to have adverse effects that are no more than minor. That assessment was limited to actual or reasonably likely adverse effects (which will not be repeated here) and did not include potential effects (including cumulative effects and precedent effects). With respect to this application:

Provision of Physical Services

A report has been provided by the Subdivision Officer, Wendy Gillett, reflecting the requirements of the Timaru District Council's Infrastructure Group. That report requests a number of conditions, which have been adopted for the purposes of this report, and outlines the following with regards to the infrastructure-

Water supply

Lot 1 will retain its existing connection to the water main in Darby Street and Lot 2 will require a new independent connection to the same main. There is sufficient gravity to the street to enable a gravity connection.

Wastewater Disposal

Lot 1 will retain its gravity connection to the sewer main in Darby Street and Lot 2 will require a new independent connection to the Darby Street main. It is claimed there is adequate fall to the street to enable a gravity connection.

Stormwater Disposal and Land Drainage

The current situation is the stormwater discharges to ground, and this will be retained for Lot 1. It is proposed that Lot 2 stormwater management and attenuation be dealt with by the future owners at the time of building consent

Easements

This site is not subject to any existing easements but propose a right to convey electricity and telecommunications over Lot 2 in favour of Lot 1.

Traffic Access

The site is located close to the confluence of Darby and Hewlings Street, with the proposed new crossing for Lot 2 being approximately 35 metres to the east and extending in a northerly direction.

With regards to the above infrastructure matters, the proposal is able to be accommodated by existing infrastructure with no undue strain to it, provided compliance with the conditions proposed by the Subdivision Officer (of which have been shared with the applicant, and approved), there will be no material adverse impact to the environment. I am therefore satisfied that adverse effects to the environment in this regard are less than minor.

Shape of Site

The shape of the two sites are somewhat rectangular in form, with both lots able to provide adequate living spaces for residential activities. I therefore consider effects associated with the shape of the site to be less than minor.

Positive Effects

For the purposes of Section 104(1)(ab) there are no measures proposed or agreed to for off-setting adverse effects that require assessment.

How do any relevant objectives, policies, rules or other provisions of the District Plan relate to the proposal?

Timaru District Plan		
Clause	Objective / Policy	Assessment
2.1.1.1 Objective	Recognise the importance of maintaining and enhancing the amenity values of residential areas	The proposed allotments will not compromise the amenity values of the surrounding residential area. This is because the activity establishes an additional residential allotment in a way that is anticipated by the district plan, complying with subdivision performance standards. As such, the proposal is considered to be consistent with these objectives and policy.
2.1.2.1 Policy	To protect and enhance the visual appeal, coherence, and quality of residential areas.	
2.3.1.1 Objective	The retention of residential character and a high standard of amenity.	
2.4.2.1 Policy	To avoid or mitigate the adverse environmental effects of residential land use.	The proposed subdivision will be associated with existing residential land use, and will not result in adverse environmental effects. The proposal is therefore considered to be consistent with this policy.
2.5.1.1 Objective	Avoid the occurrence of new residential development in areas with a significant flood hazard potential and reduce the risk of damage for new development in existing residential areas.	No flood hazard for the subject property is apparent on any council maps, including ECAN's flood management areas. This is likely due to the sloping topology of the site. The proposal therefore aligns with this objective.
Part B (9) Objective 1(a) & (b)	a) Avoid, remedy, or mitigate the adverse effects of development, including servicing infrastructure, on the environment. b) Ensure that an adequate level of infrastructure is provided to enable the efficient use and development of natural and physical resources by the recovery of the costs of providing that infrastructure directly from developers and, where appropriate, by apportioning	An assessment has been made based on the Subdivision Officer's report, which assessed the requirements of the infrastructure department. A number of conditions were imposed in order to avoid, remedy, or mitigate the adverse effects of development. Due to the above, the proposal complies with this objective.

Timaru District Plan		
Clause	Objective / Policy	Assessment
	costs between the developer and the community in accordance with the relative benefits of providing that infrastructure.	

Proposed District Plan		
Clause	Objective / Policy	Assessment
Objective GRZ-O1 General Residential Zone The purpose of the General Residential Zone	The General Residential Zone primarily provides for residential activities, a mix of housing types, along with other complimentary activities that support the wellbeing of residents.	The proposed subdivision will provide for residential activities, and will allow for the surrounding existing residential activities to remain. Therefore, the proposal is considered to be consistent with this objective.
Objective GRZ-O2 General Residential Zones Character and qualities of the General Residential Zone	The character and qualities of the General Residential Zone comprise: 1. a low to moderate <u>building site coverage</u> ; and 2. a built form of single and two-storey attached or detached <u>buildings</u> ; and 3. ample space around <u>buildings</u> ; and 4. provision for on-site outdoor living areas; and 5. <u>sites</u> that incorporate plantings; and 6. a good level of sunlight access; and 7. a good level of privacy between properties.	The newly created lots: 1. will fit into a 'low to moderate' roof coverage 2. are anticipated to provide for one or two story buildings 3. anticipated to provide ample spacing around the buildings. 4. Have ample room for outdoor living areas 5. Can accommodate plantings 6. Will be able to take full advantage of sunlight 7. Can provide for privacy between properties

Objective SUB-O1 General subdivision design	New subdivisions will: 1. accord with the purpose, character and qualities of the zone; and 2. respond positively to the physical characteristics of the site and its context; and 3. maintain and enhances amenity values and the quality of the environment; 4. be accessible, connected and integrated with surrounding neighbourhoods; and 5. protect significant natural and cultural values; and 6. respond appropriately to hazards, risks and site constraints; and 7. have infrastructure and facilities appropriate for the intended use; and 8. have minimal adverse effects on regional significant infrastructure or intensive primary production; and 9. provide for the health, wellbeing and safety of people; 10. not intentionally prevent, hinder or limit the development of adjoining or adjacent land.	The subdivision: 1. accords with the purpose, character and quality of the zone, as discussed in GRZ-O1 and GRZ-O2 discussions above 2. Respond positively to the character of the site, by providing a logical shape, following a format similar to other dwellings east of Darby Street. 3. Maintains amenity values, given that the residential activity is anticipated by the plan 4. Features lots that are well connected with the greater Geraldine community (sections 5-8 not relevant) 9. Has infrastructure in place 10. In no way hinders the development of adjoining or adjacent land.
Objective SUB- O2	Infrastructure required to serve subdivision is provided in an integrated, efficient and co-ordinated manner	It has been assessed that the subdivision can be appropriately serviced. Therefore, the proposal is considered to be consistent with this objective.

Objective SUB- O4	Subdivision in residential zones will: 1. respond positively to the site's and areas natural and physical features that provide amenity and contribute to local character and sense of place; and 2. ensure safe, connected, and accessible neighbourhoods; and 3. provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Areas and PREC1 - Old North General Residential Precinct; and 4. provide appropriate levels of accessible, well-design open space.	The proposed subdivision is a response to the location and context as it is around one existing dwelling, creating a compliant vacant allotment to the rear of the site. The subdivision is connected to the surrounding neighbourhood, is the consolidation of the residential zone, and will allow for appropriate open space to be provided. Therefore, the proposal is considered to be consistent with this objective.
----------------------	---	--

Weighting between Operative District Plan and Proposed District Plan

Overall, the proposal is generally consistent with the relevant objectives and policies in the ODP and PDP as discussed above. Limited weight should be given to the PDP provisions as there are no rules with immediate legal effect which relate to the subject site. Therefore, greater weight is applied to the ODP objectives and policies.

Conclusion

Based on the above assessment, it is concluded that the proposal is consistent and not contrary to Objectives and Policies of the relevant Plans.

Is the application consistent with Part II of the Act, and are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104]

Part II sets out the purpose and principles of the Resource Management Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The various principals listed in Part II support this purpose.

The proposal will maintain the anticipated amenity of the zone and surrounding area and is therefore consistent with Section 7(c) of the Act.

In summary, it is considered that grant of consent is consistent with Part II of the Act.

Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified [Section 104(3)(d)]

No

Reasons for Decision

With the above matters in mind and subject to conditions being imposed on the consent, it is considered the proposed development is acceptable in terms of the matters listed under section 104 and 104A and section 108 of the Act. The specific reasons for granting consent are as follows:

1. The subdivision complies with all relevant Performance Standards for subdivision in the Residential 1 Zone and is therefore a controlled activity which must be granted.
2. A suite of conditions to ensure the subdivision is appropriately constructed and serviced have been imposed.
3. The proposal is consistent with the objectives and policies of the relevant Plans.
4. The proposal will promote the sustainable management of natural and physical resources.

Recommendation

- A. That the applications be processed on a **non-notified** basis in accordance with Sections 95A – 95G of the Resource Management Act 1991.
- B. That for the above reasons the application for subdivision consent **be granted** pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991, subject to conditions.

The conditions are listed at front of the decision.



Reported and Recommended by: William Halkett, Resource Consents Planner
Date: 27 March 2025