



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

**I hereby give notice that the
District Plan Review Sub-Committee Meeting
will be held on:**

Date: Tuesday, 9 September 2025
Time: 10:00 a.m.
Location: Council Chamber, Third Floor
Office of the Waitaki District Council
20 Thames Street, Oamaru

Agenda

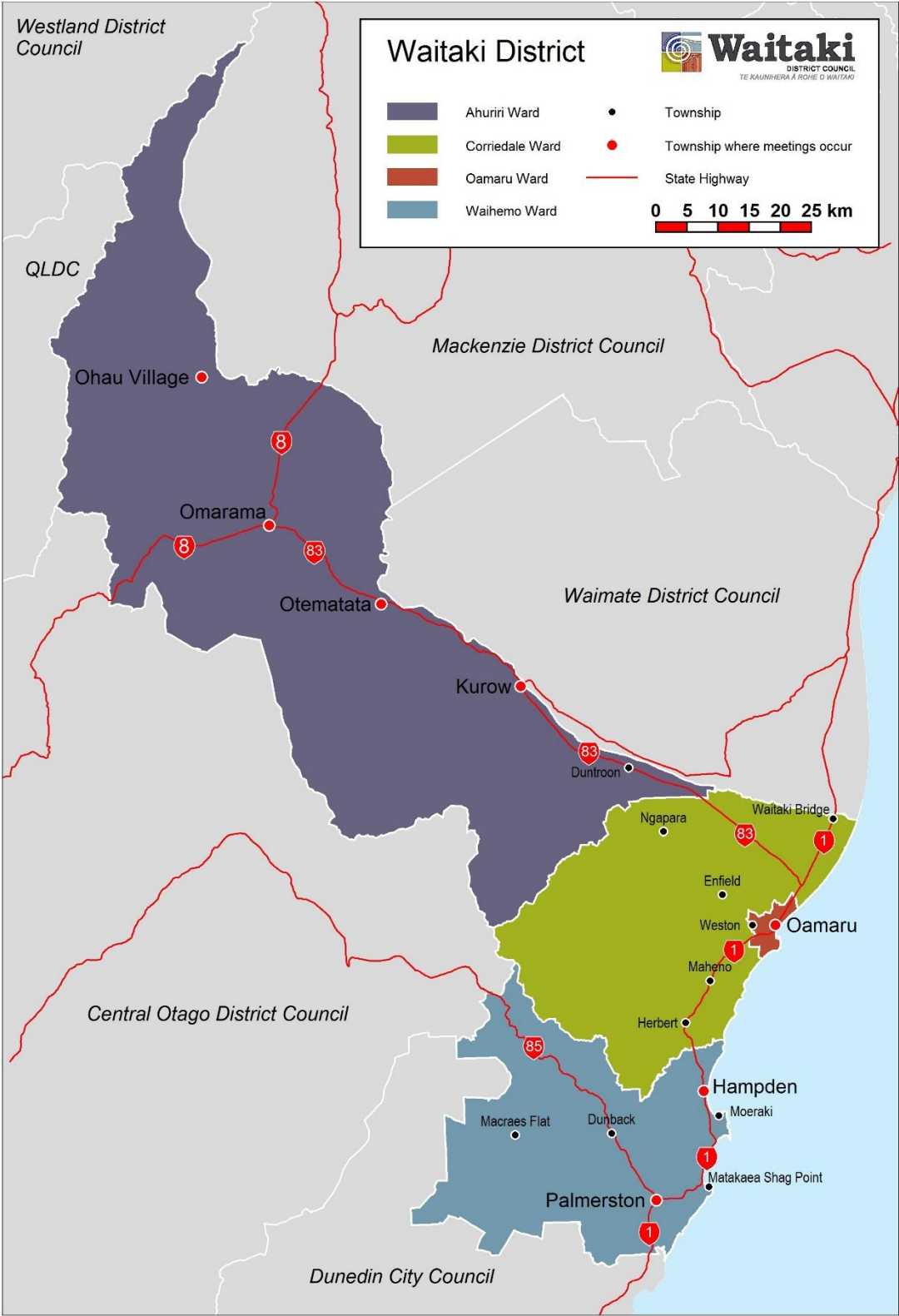
District Plan Review Sub-Committee Meeting

9 September 2025

**Alex Parmley
Chief Executive**

Note: This meeting was originally scheduled for 11am but has been moved forward an hour to 10am to allow more time for discussion.

Livestream link: <https://www.youtube.com/watch?v=wimuKQbXgwo>





Agenda Items

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- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**

3 CONFIRMATION OF PREVIOUS MEETING MINUTES

**3.1 PUBLIC MINUTES OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD ON 10 APRIL 2025**

Author: Arlene Goss, Governance Services Lead

Attachments: 1. Public minutes of the District Plan Review Sub-Committee Meeting
held on 10 April 2025

RECOMMENDATION

That the District Plan Review Sub-Committee confirms the Public minutes of the District Plan Review Sub-Committee Meeting held on 10 April 2025, as circulated, as a true and correct record of that meeting.

UNCONFIRMED MINUTES

**OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR, OFFICE OF THE WAITAKI DISTRICT
COUNCIL, 20 THAMES STREET, OAMARU
ON THURSDAY, 10 APRIL 2025 AT 9:00 AM**

PRESENT: Cr Jim Thomson (Chair), Cr Tim Blackler, Cr Jim Hopkins, Cr John McCone, Cr Guy Percival

IN ATTENDANCE: Roger Cook (Director, Natural & Built Environment)
David Campbell (Heritage & Planning Manager)
Katrina Clark (Senior Planner - District Plan) – until 10.30am
Mike Butler (Senior Planner - District Plan)

Meeting Livestream Recording

This meeting was livestreamed on Council's YouTube page. A direct link to that livestream location is provided below

[District Plan Review Sub-Committee Meeting - 10 April 2025](#)

MEETING OPEN

The Chair declared the meeting open at 9.06am and welcomed everyone present.

1 APOLOGIES

APOLOGY

RESOLVED DPRSC 2025/001

Moved: Cr John McCone

Seconded: Cr Tim Blackler

That the apology received from Crs Gary Kircher and Courtney Linwood be accepted.

CARRIED

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 DECISION REPORTS

3.1 STAFF SUBMISSIONS TO PROPOSED WAITAKI DISTRICT PLAN

Mr Campbell introduced new staff member Mike Butler, Senior Planner – District Plan.

Mr Campbell introduced the report, confirming the purpose is to endorse the Waitaki District Council's (WDC's) submission to the Proposed Waitaki District Plan and recommend it to the Waitaki District Council at the meeting scheduled for 29 April 2025, in line with delegations.

Mr Campbell noted the WDC submission does not pre-empt an outcome or a change to the Proposed District Plan. The WDC submission will be treated the same as all submissions and considered by the Hearing Panel, as defined by the Resource Management Act (RMA) process.

The submission includes matters raised by the Sub-Committee at previous meetings, and matters identified by planners (staff recommendations). It was noted that some matters may require additional work or have been included for information today prior to going to Council, for example some of the Heritage matters listed.

Direction is sought from the Sub-Committee on which matters are to be progressed in the submission.

Discussion on individual District Plan Review Sub-Committee (DPRSC) recommendations. Mr Campbell responded to questions.

Definitions: Review agricultural intensification definition in the PDP

Discussion regarding the previous DPRSC resolution to review the definition to move away from all intensification being defined by irrigation only.

It was noted by the Committee that the Central Government Resource Management Reform seeks to “narrow the scope of the resource management system and the effects it controls, with the enjoyment of property rights as the guiding principle.”

The Committee sought clarification on the consequences of approving the submission points and whether that approval would create changes to the Proposed District Plan. It was confirmed that today’s discussion was restricted to the submission itself. If the Council approved the submission, then the submission would be considered by the Hearing Panel alongside all other submissions. The outcome of the Hearing Panel would result in a change to the Plan.

Further discussion and questions related to:

- Paring back of the definition to Ecosystems and Indigenous Biodiversity chapter, Natural Features and Landscapes chapter, and the Sites and Areas of Significance to Māori chapter while preserving the values of these chapters.
- Cost for consent applicant and status of request for staff to explore financial support, if possible.
- Implications of RMA reform on the Proposed District Plan.

The Sub-Committee determined to reject the officer recommendation on this particular chapter. Cr Hopkins put forward a motion.

RESOLVED DPRSC 2025/002

Moved: Cr Jim Hopkins

Seconded: Cr John McCone

That the District Plan Review Sub-Committee reconfirms its 12 December 2024 resolution seeking a reviewed definition of agricultural intensification in the PDP with possible removal of references to irrigation as part of that review.

CARRIED

Cr Blackler against

Historic Heritage: Town Centre Design Guidelines for Ōamaru Historic Area

Discussion related to guidelines; testing and enforcement; standards; impeding on individual property rights; process of heritage officer review or appropriate expertise. Cr Hopkins put forward a motion.

RESOLVED DPRSC 2025/003

Moved: Cr Jim Hopkins

Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee endorses the officer submission regarding Town Centre Design Guidelines for Ōamaru Historic Area and recommends Council adopts that approach.

CARRIED

Ecosystems and Indigenous Biodiversity

Discussion regarding the previous DPRSC request to use a percentage-based threshold instead of a fixed area. Comments, questions and responses acknowledged potential impacts and difficulty to ascertain how a percentage-based threshold could be applied. There was a recognition of further work being necessary. Cr Hopkins put forward a motion.

Clarity was sought as to when the variation be required: Upon receipt of other submissions or a variation outright. It was indicated a variation would be explored if other submissions supported this.

Confirmation was sought that the DPRSC can request officers to amend submission on behalf of the Council.

RESOLVED DPRSC 2025/004

Moved: Cr Jim Hopkins

Seconded: Cr John McCone

That the District Plan Review Sub-Committee recommends that this matter be considered as a variation to the Plan to allow time and resources required to collect evidence regarding the thresholds.

CARRIED

Cr Blackler abstained

Discussion on individual Officer recommendations. Mr Campbell responded to questions.

The following individual Officer recommendations remain, awaiting further clarity:

- Historic Heritage: Define extent of quarry site heritage items
- Historic Heritage: Change the term '*exceptional*' used to describe Category A heritage items to '*outstanding*'
- Historic Heritage: HH(ŌHA)-R8
- Historic Heritage: Additional mapping for HH 87 Ōamaru Borough Water Race
- Historic Heritage: Refinement (reduction) in the setting of HH 175 Teschemakers Complex
- Historic Heritage: Refinement (reduction) in the setting of HH 240 Palmerston WWI Memorial Arch
- Historic Heritage: Refinement (reduction) in the setting of HH 166 Totara Estate Complex.

The following individual Officer recommendations listed in the table were supported:

- Transport
- Stormwater: Amendment to STORM-S3(2a)
- Stormwater: Amendment to STORM-S1(2) and STORM-S2(1c)
- Natural Hazards: Deletion of note in rule NH-R8
- Natural Hazards: Deletion of note in rule NH-R9
- Natural Hazards: Updated flood mapping received from ORC for Frenchs Road area
- Natural Hazards: NH-R6
- Notable Trees

- Subdivision
- Temporary Activities
- General Residential Zone
- Town Centre Zone
- Natural Features and Landscapes.

The following individual Officer recommendations were not supported:

- Historic Heritage: Re-insertion of HH 111 Doctor's House Kurow as a Category A item
- Historic Heritage: Re-insertion of HH 223 Shag Point Miners Cob Cottage as a Category A item
- Natural Features and Landscapes: Change of terminology in NFL Matters of Discretion – reference from 'dry grassland character' to 'vegetation character'
- General Rural Zone.

Cr Hopkins proposed a draft motion "That the District Plan Review Sub-Committee recommends to Council that HH 111 Doctor's House Kurow remain as a Category B item and HH 223 Shag Point Miners Cob Cottage remain as a Category B item." Following advice from Mr Campbell, Cr Hopkins put forward an amended motion.

RESOLVED DPRSC 2025/006

Moved: Cr Jim Hopkins

Seconded: Cr John McCone

That the District Plan Review Sub-Committee recommends to Council that WDC does not submit on the matter of Heritage items HH 111 Doctor's House Kurow and HH 223 Shag Point Miners Cob Cottage.

CARRIED

A question was raised by Cr Thomson (Chair) on behalf of Mayor Kircher regarding Rural/Residential subdivision. Clarity was sought on the belief that there was agreement to reduce the areas but the 1 hectare minimum still applies.

Mr Campbell responded that it was agreed in the Rural Lifestyle zone to reduce the minimum to 5000 sqm (½ hectare) and have an average of 1 hectare to enable a range of block sizes.

Officers were requested to amend the submission on the matter of

- Natural Features and Landscapes: Change of terminology in NFL Matters of Discretion – reference from 'dry grassland character' to 'vegetation character'

to reflect the preference to preserve dry grassland character or vegetation character to address those areas of ONL, ONF, SNF, RSL that are not within a dry grassland area.

Officers were advised that the submission on the matter of

- General Rural Zone: Add in a user note to clarify that rule ECO-R1 (Indigenous vegetation clearance outside of a Significant Natural Area) may apply to activities within the General Rural Zone (GRUZ)

did not have the support of the DPRSC as their view is that a user note that references may not provide the intended clarity and has no bearing to the applicability of the actual rule ECO-R1.

Cr Hopkins put forward a motion.

RESOLVED DPRSC 2025/005

Moved: Cr Jim Hopkins

Seconded: Cr John McCone

That the District Plan Review Sub-Committee recommends to Council the implementation of responses to Officers recommendations contained in today's agenda, as agreed.

CARRIED

GENERAL DISCUSSION

Cr Thomson raised a matter for discussion and posed a question for consideration.

In light of the information that is coming from Central Government, is it prudent to ask staff to prepare a report that examines three possible scenarios in relation to the Proposed District Plan:

1. Continue with the notified plan process as is
2. Progress chapters relating to non-contentious matters of the proposed plan and ensure that land is available for housing but withdraw chapters that are contentious particularly in the Rural Zone (parking part of the plan)
3. Pause the whole Proposed District Plan for a period of 6 months while we await new legislation (holding pattern).

Sub-Committee members discussed the suggestion, covering a range of perspectives and considerations.

Officers sought clarity and guidance on several points including: what chapters are contentious given few submissions at this stage; the governance process - report to the Sub-Committee and then Council - Decision paper or a workshop (public) or a briefing (public excluded); timing to respond to the request; continuation of the current in-flight process (statutory consultation until 9 May).

Officers noted the full work program for the Council, staff and the up-coming public holidays further constraining the time available to respond to such a request.

Officers advised a range of process matters: the locked-in process as defined by the RMA; submission process in progress; the requirement for process matters to be addressed by an Independent Commissioner; the Council resolution on the submission period and the obligations that creates including a two-year window from notification to make decisions on submissions to the Plan. This includes that the Proposed District Plan includes certain rules that have immediate legal effect.

The District Plan Review Sub-Committee noted that:

- the preparation of the District Plan has taken a long time to develop and is for the betterment of the community.
- the current proposed plan is unlikely to endure for the intended 10 years given the RMA reform and the Central Government's indication that implementation will be swift.
- an informal discussion will be held with officers on a matter that has been discussed informally and generated considerable concern in the community relating to the Proposed District Plan, approved on 17 December 2024 and notified on 1 March 2025.

The District Plan Review Sub-Committee requested officers prepare a response to the request, covering the three scenarios, for a workshop with the whole Waitaki District Council in the first instance.

4 MEETING CLOSE

The Chair declared the meeting closed at 11.59am.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Tuesday, 9 September 2025.

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CHAIRPERSON

4 DECISION REPORTS

4.1 PROPOSED WAITAKI DISTRICT PLAN PROGRESSION

Author: David Campbell, Heritage & Planning Manager

Authoriser: Roger Cook, Director Natural and Built Environment

RECOMMENDATION

That Council:

1. Seeks an exemption from the relevant Minister to progress the following parts of the Proposed Waitaki District Plan:
 - a) Rezoning and Residential, Settlement and Rural Lifestyle zone provisions to provide for future housing; and,
 - b) Listed heritage items that are not opposed by submitters; and,
 - c) Geosites that are listed in the Waitaki Whitestone Geopark that are not opposed by submitters (i.e. seeking deletion); and,
 - d) Sites that are listed in the Ōamaru Historic Town Centre and Port National Historic Landmark proposal by Heritage New Zealand; and,
 - e) Large industry zones for Macraes Mine, Pukeuri Freezing Works, Lean Meats; and,
 - f) Energy, Infrastructure, Stormwater and Transport; and,
 - g) Designations
 - h) Provisions that have had unintended consequences, are unworkable, or have led to inefficient outcomes, limited to the Earthworks, Temporary activities and Noise provisions in the Operative District Plan.

Or

2. Seeks an exemption from the relevant Minister to progress all of the Proposed Waitaki District Plan, **except** for the provisions relating to:
 - a) Sites and Areas of Significance to Maori; and,
 - b) Outstanding Natural Landscapes; and,
 - c) Outstanding and Significant Natural Features, except where these protect Geosites listed in the Waitaki Whitestone Geopark that are not opposed by submitters (i.e. seeking deletion); and,
 - d) Significant Natural Areas where these are opposed by landowners; and,
 - e) Heritage items where these are opposed by landowners.
3. Notes that those parts of the Proposed District Plan that are automatically exempt will be progressed (this only includes natural hazards under section 80U(2)(f) Resource Management Act 1991).
4. Delegates to the Chief Executive to make application for any exemption resulting from the Council's decision on this matter.
5. Delegates to the Chief Executive the appointment of a Hearing Panel comprising a minimum of three commissioners, one of which is a current or recent (2022-25 term) Waitaki District councillor that holds a valid Making Good Decisions certification.

6. Agrees to compensate the cost to prepare a submission for landowners affected by the additional heritage listing for the Oamaru Borough water race agreed by Council on 29 April 2025 due to the short notice period within which to lodge a submission.

DECISION OBJECTIVE

To provide information about RMA reforms relating to Plan Stop, an analysis of submissions made to the Proposed Waitaki District Plan (PDP) in order to inform options for progressing the PDP. In addition, to seek approval to appoint a Hearing Panel for hearing submissions to the PDP and consider a minor compensation request relating to the cost of lodging an urgent submission.

SUMMARY

This report seeks the Subcommittee's direction for what elements of the PDP could be progressed by way of an exemption application to the Minister for Environment, based on important issues for the district as well as feedback from submissions made to the PDP. It also traverses the Hearing Panel appointment membership and delegates to the Chief Executive to appoint the panel in due course, with at least one current or former councillor included. An additional item to request compensation to a submitter affected by the late inclusion of a heritage item has been included.

DECISION-MAKING EXPECTATIONS

Governance Decision-Making:	To make a recommendation to Council on the matters included in the report
Operational Decision-Making:	To implement the decision of Council
Communications	Media Releases – contributed to by officers and Elected Members Media/public enquiries regarding governance decision-making topics above can be addressed by governance Media/public enquiries regarding operational decision-making topics above can be addressed by officers

SUMMARY OF DECISION-MAKING CRITERIA

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	Key
Legal	Moderate	Cultural Considerations	Moderate
Significance	Moderate	Social Considerations	Moderate
Financial Criteria	No	Economic Considerations	Moderate
Community Views	No	Community Board Views	No
Consultation	No	Publicity and Communication	No

BACKGROUND

At the Council meeting on 17 December 2024, Council agreed to approve the Proposed District Plan and to publicly notify it for submissions under Schedule 1 of the RMA. The submission period was agreed to be from 1 March – 9 May 2025. This was subsequently extended by a week by way of Council resolution on 29 April 2025, with submissions closing on 16 May 2025. A total of 314 submissions were received on this date with a further dozen or so late submissions received since

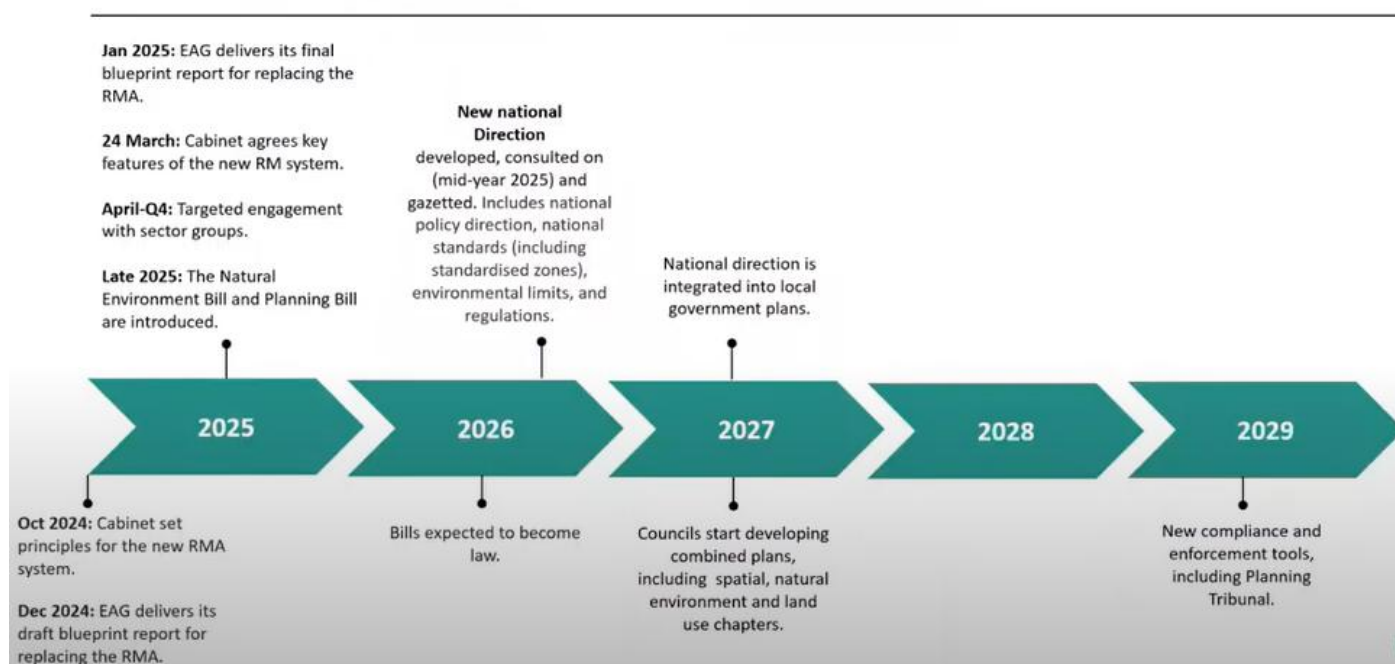
then, two of which sought an extension to lodge a late submission, which was granted. The Schedule 1 RMA process then provides that following the close of submissions, these are summarised, then notified for further submissions for a minimum period of 10 working days. At the close of this period, recommending reports are prepared for hearings, the earliest of these anticipated by the end of this year, then spilling into next year. Before hearings commence, a Hearing Panel would need to be appointed by Council, which can contain independent commissioners and elected members who hold the Making Good Decisions accreditation.

Since the Council meeting last year, central government has released the Expert Advisory Group (EAG) report¹ on resource management reform. Around the same time a Cabinet paper² was also released, which set out government's intentions to replace the RMA, as well as changes to national direction. Much of this drew on the EAG report but did not adopt all of the report's recommendations. The timing of changes is expected as follows:

- Consultation on draft national direction – June 2025 (underway now)
- Consultation on draft bills for Planning Act and Natural Environment Act – September/October 2025

The diagram below shows the anticipated changes and implementation timeframes (both for new legislation and new national direction):

Timeline of legislation's development



The Ministry for the Environment has estimated a 6-month process for the 'new RMA' Bills to progress through parliament from when they are released. Based on previous experiences with changes to RMA legislation, this is a very optimistic timeframe. Ministry officials also noted that the content of the Bills can often change and our experience on previous drafting is that it is often toned down from the first released version as a result of submissions and recommendations on these.

Recently government announced a Plan Stop that was introduced during the Committee of the whole House debate in Parliament as an Amendment Paper to the Resource Management (Consenting

¹ Blueprint for resource management reform – A better planning and resource management system 2025, March 2025

² Replacing the Resource Management Act 1991 – Approach to development of new legislation, 24 March 2025

and Other System Changes) Bill. The Bill has passed its final reading and come into effect in late August. Further details of this are described below:

- Proposed plans or regional policy statements that are already notified but haven't reached the hearings stage will stop.
- Any proposed plans that have a hearing date scheduled within 5 days of enactment or have already commenced or concluded hearings can continue. *The PDP is not captured by this given the timings of each.*
- Work that is important to deliver on the Government's priorities (such as housing growth and urban development, or upholding Treaty settlement obligations) or is related to natural hazards will have pathways to continue.
- Changes to implement new national direction provisions where the national direction specifies that its implementation, or parts of its implementation, are to occur through a plan-making process before 31 December 2027.
- Councils will determine if a proposed plan, or part of a plan, is automatically exempt under the criteria in the legislation.
- The proposed plan, or parts of the proposed plan, will continue if they meet these criteria.
- Councils with proposed plans or parts of proposed plans that are not automatically exempt will be able to apply to the Minister for the Environment for a plan-stop exemption to continue necessary work. Guidance will be provided to support applications, which the Minister will have the discretion to approve or decline.
- Exemption applications must be submitted within three months of the amendment becoming law.
- Public notice must be given that a proposed plan has been withdrawn in part or in whole.

From the information currently available, the Phase 3 RM reform transitional arrangements provided for the following:

- Plan reviews that have been notified under the RMA are allowed to continue until they have finished (all appeals and objections resolved). The requirement to progress a notified plan is not being suspended by the government.- ***The proposed Plan Stop policy has overridden this previous position from government.***
- Existing district plans will be deemed to be part of a combined plan under Planning Act.
- A spatial plan prepared under Local Government Act is deemed to be spatial plan under the new Act. (Note - we can and should review the Oamaru, Weston and Kakanui Spatial Plan once RM reform is implemented).
- Change in planning functions of local authorities commences on the development of spatial and/or regulatory plans. This applies to ONFLs, SNAs, contaminated land and natural hazards.
- The new legislation will include full transitional provisions that direct how any PDP process is to be managed in the context of the legislation changes being made.

Implications of the new approaches for a new Waitaki district plan including requirement to become part of combined regional plans:

- Required to implement the regional spatial plan (two for Waitaki), select from the menu of standardised zones, and apply them according to local context.
- Will be a chapter in each of the Canterbury and Otago regional plans and potentially also a range of specific provisions within other general chapters e.g. Rural, Residential, Infrastructure etc. It is critical to have an up-to-date Waitaki focused district plan going into

regional level plan development process to be able to support bespoke treatment of our district's key issues.

- Regional council functions will combine ONFL, SNA, contaminated land and natural hazard provisions.
- District council functions limited to subdivision and regulating land use. This will include typical aspects of 'neighbourhood friction', such as noise, shading, odour, glare, light spill and natural hazard risk. Some amenity considerations will potentially be reduced or removed.
- Submissions on both combined district plans and natural environment plan heard together by an Independent Hearing Panel.
- Non-regulatory functions of biodiversity and heritage (and potentially others) to be reconsidered.

Implications for new spatial plan under Planning Act:

- Environmental constraints will also be included – hazards, HPL³, SNAs, ONFLs, environmental limits.
- Provision for existing and future key infrastructure, as well as other key infrastructure, e.g. schools, open space, community facilities.
- Sequenced future urban development areas over short, medium and long term (10-year periods).
- Pattern of urban, rural, industrial and other development types and separation of incompatible activities.
- Statutory acknowledgements from Treaty settlements and SASMs to be included.
- Other major or existing development to be provided for, e.g. Pukeuri freezing works, Macraes mine.
- LTPs and Regional Land Transport Plans to be aligned with spatial plans for funding of infrastructure.
- Local authorities to enter into agreements to guide the process. May include sub-regional spatial plans, then brought together to form regional spatial plan.

PDP implications

Under the Plan Stop policy and associated exemptions, a much-reduced proposed plan can proceed through the Schedule 1 process. Automatic exemptions (section 80U) that apply to the PDP only cover natural hazards. Aside from this, if anyone lodged a private plan change, then this would also be exempt. This could potentially happen if parts of the PDP were withdrawn and parties then sought a plan change to reinstate.

The proposed section 80W RMA sets out the criteria for the Minister's consideration of an application for an exemption:

(2) The criteria are that an exemption would—

- (a) better enable the local authority to provide, operate, or maintain municipal drinking water, stormwater, or wastewater in accordance with the Water Services Act 2021:

³ Agriculture zone – reflect existing intensive growing areas

- (b) rectify any provisions in a plan or policy statement that have had unintended consequences, are unworkable, or have led to inefficient outcomes:
- (c) respond to changes made to this Act:
- (d) better enable climate change to be managed:
- (e) support the transition of high-risk land so as to better manage the risk of erosion:
- (f) better enable any relevant Treaty of Waitangi settlement Act or deed of settlement and the Crown's obligations under that settlement, to be upheld:
- (g) enable a response to be made to a recommendation from the Environment Court:
- (h) enable work to be progressed that, for any other reason, the Minister considers appropriate.

The Ministry has also signalled that councils can seek a pre-application sense-check from the Minister on whether it's worth progressing to a full application. If the Subcommittee recommends seeking an exemption, then officers will seek a pre-application direction from the Minister in between the date of this Subcommittee meeting and the final consideration of Council on 30 September. There is no cost to this process, and it will not delay the timeframes but will help inform Council of the potential likely outcome of any exemption application.

There are other strategic matters that Council should consider progressing to compliment other workstreams and commitments already made. These include:

- Waitaki Whitestone Geopark – provisions that address the UNESCO recommendations, such as protection of geosites.
- Ōamaru Historic Town Centre and Port National Historic Landmark status for the Heritage Precinct and Historic Harbour area of Oamaru – provisions that protect the heritage values of these areas.
- Oamaru, Weston and Kakanui Spatial Plan – provisions that implement the spatial plan actions, including growth areas.
- Retaining the heritage schedule for heritage items that are not opposed, noting some of these were removed in accordance with a previous Council resolution.
- Large industry zones, e.g. Macraes Mine and Pukueri Freezing works.
- Energy, Infrastructure, Stormwater and Transport;
- Designations

If Council is of a mind to seek an exemption to progress some or all of these, then officers can immediately start work on this, noting that an application to seek an exemption must be submitted within three months of the Plan Stop policy becoming law, which was passed into law on 20 August 2025 and is expected to be enacted in September 2025.

The budgetary implications of this recent legislative change have not been quantified. We can expect that hearings would be greatly shortened and appeals to the Environment Court less likely if less contentious provisions are progressed. Greater clarity will emerge once the scope of exemptions is known and progressed through the process, if approved by the Minister.

Significant benefits will result in exemptions being progressed as they largely relate to growth, large employers and infrastructure. We are aware of future infrastructure projects in the pipeline that will be better aligned with the PDP provisions, as well as being more agile to react to changes in national direction already progressing through parliament. Likewise, key national/international initiatives for heritage and geosites can be progressed and better managed under the PDP framework.

Hearing Panel appointment

Once the elements of the PDP that are exempt are confirmed, the summary of submissions on these elements can be completed and notified for further submissions to be made, as anticipated under Schedule 1 of the RMA. Following this short process, reports are then prepared to inform hearings on the submissions. A Hearing Panel is needed to consider the submissions and make decisions on them. The ultimate approval of the PDP remains with Council following this process and decisions on submissions are subject to appeal.

Neighbouring councils have recently conducted hearings on their proposed plans/plan changes and there is a pool of independent commissioners with experience in rural and provincial planning matters. Until such time as the extent of the PDP is confirmed and then hearing dates set, the availability of commissioners cannot be confirmed. This means that we cannot necessarily lock in any particular commissioner this early. It is therefore suggested that the Chief Executive be given delegation to appoint the commissioners within any criteria that Council deems necessary. One such criteria is to include a current or former (2022-25 term) councillor that holds a Making Good Decisions certification under the RMA. This will ensure that local representation is included on the panel. Other commissioners can then be selected on their merits and availability.

Oamaru Borough Water Race heritage item extension to feature – submitter cost request

At the Council meeting on 29 April 2025, it was resolved to include the extension of this heritage listing from the Oamaru reservoir to Eden Street by way of a staff submission. At the same meeting Council also asked officers to directly consult with affected landowners before the close of submissions on 16 May 2025. As a result, this left a very short time period for those landowners to submit and one of them was away at the time, so engaged their lawyer to lodge a submission. Since this time, one landowner has come back to request consideration of compensating them the cost of this (\$1097.33). In total, two landowners lodged submissions on this item, therefore any additional requests for compensation will be minimal if Council agrees to the request.

SUMMARY OF OPTIONS CONSIDERED

Option 1 – Seeks an exemption from the relevant Minister to progress the following parts of the Proposed Waitaki District Plan:

- a) Rezoning and Residential, Settlement and Rural Lifestyle zone provisions to provide for future housing

The PDP includes provisions that will allow for further growth to be provided, which also directly implements aspects of the Oamaru, Weston and Kakanui Spatial Plan. This is essential to ensure adequate opportunity is provided for future growth, particularly given the ODP was made operative in 2010, some 15 years ago. In addition to this, some rezoning requests have been made, and it would be an opportunity to allow these to progress through the process to enable the requests to be decided upon. All zones contained in the PDP, as prescribed under the National Planning Standards, can then be used for consistency and provide scope to facilitate the zoning changes needed, both in terms of mapped areas and provisions.

- b) Listed heritage items that are not opposed by submitters

This matter has been traversed by Council and resolution 2024/155 stated:

“That officers remind owners of Category B heritage items listed in Schedule 2 that are not already listed in the Operative District Plan, that if they are opposed to a listing (within 20 working days of being notified), then Council would only consider listing their heritage item when the item has received funding from Council’s Waitaki Heritage Fund.”

Since the resolution was passed, a small number of items were removed from Schedule 2 and the remaining heritage items that were notified in the PDP have remain unchallenged

by their owners (except for one that is likely to be demolished). Given the lack of resistance from owners of the remaining items, it would be in keeping with Council's intent to retain these going forward. This also allows for the owners of newly listed sites to apply to the Heritage Fund, which was also an incentive for them to list.

- c) Geosites that are listed in the Waitaki Whitestone Geopark that are not opposed by submitters (i.e. seeking deletion);

A key recommendation⁴ of the UNESCO assessors included the protection of geosites as follows:

"The Geopark Geo-conservation Committee should discuss, decide and propose all the necessary measures for the enhancement and protection of geological heritage sites and the necessary infrastructure for geosite protection and visitors access."

Many of the geosites are protected by the proposed ONL/ONF/SNF overlays and these should remain in place to support the UNESCO recommendation above. These are more discrete sites and do not cover expansive areas.

Submissions and their sentiment to overlays that affect geosites includes:

- Site 01 – Ahuriri (reduce extent)
- Site 02 – Ōhau Moraines (reduce extent)
- Site 03 – Clay Cliffs (reduce extent)
- Site 04 – Ostler Fault (reduce extent)
- Site 10 – Maerewhenua Rock Art Site (reduce extent)
- Site 11 – Te Kōakaumu / Kokoamu Bluff (delete)
- Site 16 - Valley of the Whales (delete)
- Site 24 - Jackson's Paddock (delete/reduce extent)
- Site 27 - Boatman's Harbour (delete)
- Site 28 - Makotukutuku / Old Rifle Butts (delete)
- Site 41 – Puketapu (confirm existing use rights)

The Waitaki Whitestone Geopark submission supports the inclusion and recognition of numerous geosites within the Waitaki District Plan and seeks that all geosites be included as a map layer in the District Plan to ensure visibility and protection (unclear as to the type of protection if not covered by ONL/ONF/SNF overlays). Given there is not a high level of opposition to the geosites within ONL/ONF/SNF overlays, it would seem appropriate to try and uphold the recommendation of UNESCO. For any sites that a submitter seeks deleting from the PDP, the Geopark team could engage with these parties on other ways to acknowledge and support the geosites.

- d) Sites that are listed in the National Historic Landmark proposal by Heritage New Zealand

In April 2025, Council agreed to give consent for Council owned properties and Council's legal registered interests in other properties to be included in the Ōamaru Historic Town Centre and Port National Historic Landmark. These and other sites are also listed in the PDP Schedule 2 Historic Heritage Items along with the corresponding provisions in the updated Historic Heritage chapter. Retaining these will ensure that the Landmark proposal remains supported and enduring.

⁴ UNESCO Global Geoparks, Evaluation Mission Report July 2022

e) Large industry zones for Macraes Mine, Pukeuri Freezing Works, Lean Meats

These key and large employers within the district have bespoke zones that provide for their ongoing operation and potential expansion. The submissions relating to these have been analysed with the key matters being:

- Support from Oceana Gold Limited for Special Purpose Zone: Macraes Mining (SPZMM), noting some opposition from neighbours.
- Alliance supports many provisions in the Proposed Plan but requests specific amendments.
- No specific submission from Lean Meats.

Seeking an exemption for these will provide an opportunity to allow these to progress through the process to enable the requests to be decided upon.

f) Energy, Infrastructure, Stormwater and Transport

Many of these chapters contain new provisions to better support the matters they seek to manage through the district plan. These align with current best practice, national direction and standards. As new and amended national direction is promulgated, it will be easier to realign with these under the PDP process, rather than seek to introduce new variations or changes to the ODP. The Infrastructure and Stormwater provisions in particular will also meet one of the key exemption criteria (s80W (2)(a) described above), which will support the delivery of 3 Waters infrastructure moving forward.

g) Designations

The updated mapped and listed designations are included in the PDP as part of the Schedule 1 process as it provides an opportunity for all of the designations to be updated at once. Most designations are for infrastructure and are on land owned by the infrastructure provider (requiring authority) or covered by operational easements (e.g. NOIC irrigation pipework). By seeking an exemption to progress these will ensure that the infrastructure protected by the designation can continue to operate, be maintained and upgraded. The designation also protects the land from other non-designated activities taking place without the requiring authority's approval.

h) Provisions that have had unintended consequences, are unworkable, or have led to inefficient outcomes.

Through the district plan review, including the Draft District Plan consultation in 2022 and further workshops with the Subcommittee thereafter, improvements to less efficient provisions have been made. This includes the earthworks provisions that currently have very low thresholds in the ODP (50m² and 100m³ for the Rural General Zone), which has triggered many consents for activities that have minimal, if any effects.

Accordingly, the PDP provisions have sought to increase these thresholds considerably (500m², excluding building platform) and reduce the consent burden on landowners. Such provisions fit one of the key exemption criteria (s80W (2)(b) described above).

The provisions for Temporary activities in the Operative District Plan are very limited and the new provisions in the Proposed District Plan provide greater scope for these. By progressing these provisions will reduce the consent burden and provide greater clarity for temporary events in future.

The Operative District Plan contains very outdated Noise provisions which makes it difficult to assess compliance for complaints as well as ongoing interpretation. For these reasons, it is recommended that the noise provisions in the PDP are progressed.

Option 2 – Seeks an exemption from the relevant Minister to progress all of the Proposed Waitaki District Plan, **except** for the provisions relating to:

- a) Sites and Areas of Significance to Maori; and,
- b) Outstanding Natural Landscapes; and,
- c) Outstanding and Significant Natural Features, except where these protect Geosites listed in the Waitaki Whitestone Geopark that are not opposed by submitters (i.e. seeking deletion); and,
- d) Significant Natural Areas where these are opposed by landowners; and,
- e) Heritage items where these are opposed by landowners.

This option is more straight forward and efficient to manage going forward. It clearly aligns with previous concerns signalled by parts of the community and some elected members and will reduce significant further costs and time for submitters. Most of these provisions have attracted high levels of opposition/low levels of support across the submissions made.

Option 3 - Do not seek an exemption from the relevant Minister to progress parts of the Proposed Waitaki District Plan.

Option 4 - Delegate to the Chief Executive the appointment of a Hearing Panel comprising a minimum of three commissioners, one of which is a current or recent (2022-25 term) Waitaki District councillor that holds a valid Making Good Decisions certification.

Option 5 - Do not delegate to the Chief Executive the appointment of a Hearing Panel comprising a minimum of three commissioners, one of which is a current or recent (2022-25 term) Waitaki District councillor that holds a valid Making Good Decisions certification.

Option 6 – Agrees to compensate the cost to prepare a submission for landowners affected by the additional heritage listing for the Oamaru Borough water race agreed by Council on 29 April 2025.

Option 7 – Does not agree to compensate the cost to prepare a submission for landowners affected by the additional heritage listing for the Oamaru Borough water race agreed by Council on 29 April 2025.

ASSESSMENT OF PREFERRED OPTION

Option 1 - Officers have considered a minimal suite of provisions that could be progressed. If these are accepted, the PDP will require a significant rewiring to decouple these provisions from the core of the Plan and identify where the ODP provisions apply instead. In general, this approach aligns with where matters are supported and/or promote key economic, social, cultural, and environmental outcomes and are suggested as being suitable to seek an exemption for.

Option 2 - Officers have noted previous concerns around those parts of the PDP that are supported and not supported in order to inform the Subcommittee. Most of these have a higher degree of opposition from submissions made, which will also need greater resource for hearings and further potential challenge through appeals to the Environment Court. These matters are not suggested as appropriate to seek an exemption for as they are less likely to be supported by the Minister. The remaining parts of the PDP would remain intact and submissions to these able to be considered by a Hearing Panel and amendments made as appropriate. This option would not require a significant rewiring of the Plan and be simpler and more efficient to progress. Exceptions for Significant Natural Areas and Heritage items not opposed by landowners is included to both align with previous Council direction, but also to ensure that non-regulatory support from the Biodiversity and Heritage funds can still be delivered. **Preferred option**

Option 3 - By not seeking an exemption will leave Council with a 15-year-old ODP that will not be fit for purpose and limit future growth options for the district and its key employers. An updated PDP will include key fit for purpose changes to infrastructure and designation provisions to ensure these can continue to be operated, maintained and upgraded as required. Furthermore, not seeking an exemption will go against previous commitments for nationally and internationally endorsed resources, such as the Waitaki Whitestone Geopark and Ōamaru Historic Town Centre and Port National Historic Landmark. It will also leave submitters “stranded” with sunk costs of preparing submissions that will not be considered. Likewise, Council will have sunk costs for the entire District Plan Review (since 2014) that will deliver little to no benefit to the district. The next opportunity for review will be commenced in 2027 at the earliest and be subsumed into a regional planning framework.

Option 4 - A Hearing Panel will be needed to consider submissions to any of the topics Council supports seeking an exemption for that are also agreed to by the Minister. While the timeframe for this is unknown, it is clear that hearings will not be scheduled this year and would be likely held in the first half of next year. The make up for the Panel is an important consideration and officers have listened to previous elected member preferences to suggest potential options that the Chief Executive can be delegated to implement. **Preferred option**

Option 5 – If Council chooses to leave the Hearing Panel appointment unresolved, then there will be a further administrative step to be undertaken by the new Council, and this may be delayed by induction and is an unnecessary burden on the new Council. Even the reduced process will need some form of Hearing Panel support and experience.

Option 6 – The relatively minor cost for one submitter and potential additional cost for the other submitter could be considered a gesture of goodwill noting the short timeframe available for them to submit on the late inclusion of the heritage item. This option is restricted to only this specific situation.

Preferred option

Option 7 – Refusing the request could be more of a reputational risk to Council.

CONCLUSION

Recent changes announced by government have implications for progressing the PDP. This means that topics that can be progressed by default and/or seek an exemption to progress will reduce the proposed plan to a partial proposed plan that just focusses on these topics. A Hearing Panel will still be needed to hear the relevant submissions on the exempt topics.

ADDITIONAL DECISION-MAKING CONSIDERATIONS

Waitaki District Council Strategic Framework

Outcomes

Community Outcomes

Prosperous District

- Attractive to new opportunities
- Supporting local businesses
- Fostering a diverse and resilient economy

Strong Communities

- Enabling safe, healthy communities
- Connected, inclusive communities
- Promoting a greater voice for Waitaki
- Celebrating our community identity

Quality Services

- Robust core infrastructure and services
- Community facilities and services we are proud of

Valued Environment

- Protecting our diverse landscapes and water bodies
- Meeting environmental and climate change challenges

Policy and Plan Considerations

The recommendations of the Subcommittee will directly influence the PDP.

Community Views

The community has submitted on the PDP and their views are taken into account as part of the Subcommittee's considerations for this report.

Financial Considerations

The Long Term Plan has budgeted for the full PDP work to proceed. It is expected that some savings (mainly consultant costs) can be made to progress the exempt provisions.

Legal Considerations

The progression of the PDP is governed by the Resource Management (Consenting and Other System Changes) Bill, as enacted.

Environmental Considerations

The PDP directly addresses environmental matters, as required by the RMA.

Publicity and Community Considerations

Once the extent of the exemption is confirmed, Council will be required to publicly notify what is happening to the PDP to ensure the public remains informed about any changes.

5 MEETING CLOSE