

**BEFORE THE TIMARU DISTRICT COUNCIL
BY ITS INDEPENDENT COMMISSIONER**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Yedo Investments Limited and a resource consent application to enable a 25-lot rural-residential subdivision and associated development of dwellings thereon **(101/102.2025.119.1)**.

DECISION OF COMMISSIONER

Allan Cubitt

28 May 2026

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1. Introduction

- [1] I have been delegated the authority to hear and determine an application made by Yedo Investments Limited for subdivision and land use consent to develop a property at 44 Gresham Street, Geraldine for rural residential purposes.
- [2] The application was publicly notified on the 11th of December 2025. A total of eight (8) submissions were received with one of those submissions received after the submission close date. Pursuant to s37A of the RMA, I accepted the late submission on 2 March 2026 as it was only two working days late and no person's interests were directly affected by waiving the time limit. Of the submissions received, three (3) submissions were received in support of the proposal, three (3) submissions were received in opposition to the proposal, and two (2) submissions were received which were neutral.
- [3] One of those submissions was received from Donald Harvie Gibson (Trustee, Gibson Family Trust) who owns land at Pye Road, Geraldine, which is located in the Rural Residential Subzone of the Rural 4A zone. I have determined below that Mr Gibson is effectively a trade competitor of the applicants, as defined by the RMA, and his submission essentially relates to effects of trade competition. As a consequence, I have not had regard to the Gibson submission as directed by Section 104(3) of the RMA.
- [4] I advise here that I have determined that the consents should be **granted** subject to conditions imposed under Sections 108 and 220 of the Act. The conditions are shown in the attached decision certificate.

2. The Proposal

- [5] The proposal is fully described in the application documentation, the s42A report and the evidence of the applicant's witnesses, but I briefly set out the key facts here. The subject property is an irregular shaped 22.77-hectare site located on the western edge of Geraldine township. Legal frontage is provided by both Gresham Street and an unformed section of Huffey Street. The property is legally described as Lot 2 DP 68947 and Lot 3 DP 68947 held in Records of Title CB45A/603 and CB40B/148 respectively.

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- [6] The site is undulating and slopes eastwards, down towards the Geraldine township. A gully runs through the centre of the site and drains to the east, under Gresham Street. An established hedgerow lines the top (western boundary) of the property. The site is currently used for livestock grazing. At the southern end of Gresham Street, a deciduous tree-lined driveway provides access to the properties existing dwelling and the wider property. The surrounding environment is characterised by a mix of rural lifestyle and residential development typical of areas located on the periphery of a town.
- [7] The subdivision consent sought is to subdivide the property into 24 allotments over two stages for rural-residential purposes. The subdivision will include the formation of a new road connecting Gresham Street and Huffey Street, along with associated infrastructure and landscaping works. Stage 1 will comprise 12 allotments: these being Lots 2-5, 20-25, 100 (a road), and the balance Lot 300. This stage originally included a Lot 1, which comprised a 44,083m² allotment containing the existing dwelling. That allotment will now be created by a subdivision consent previously granted (RC 101.2022.71.2) so no longer forms part of this proposal. Stage 2 (being a further subdivision of Lot 300) will comprise 15 further allotments: these being Lots 6-19, 101 (a road), and 200 (a local purpose reserve).
- [8] The proposed allotments will range between 5,000m² to 11,000m². New allotments for roads will be vested in Council (Lots 100 and 101) while a local purpose reserve for stormwater purposes (Lot 200) will be created for Stage 2. The associated land use application seeks consent for residential units within defined 32-metre x 32-metre building platforms (1024m²) on each of the new allotments. A number of those platforms breach some of the setback rules in the Operative District Plan. The platforms on Lots 10 and 13-24 breach the 15-metre site-boundary setback for the Rural 4A Zone when measured from the proposed new road, and the platforms on Lots 8, 9, 14, and 25 when measured from neighbouring site boundaries.
- [9] The proposed new legal road also requires consent as it only has a compliant 20-metre width for the first 100 metres from Gresham Street before reducing to a non-compliant 17-metre width for the balance of the road width. Infrastructure works will include a water supply extension of the existing watermain (or alternative options to be confirmed at engineering approval stage), and wastewater disposal through a combination of gravity and low-pressure systems connecting to Council's reticulated network. Stormwater will be managed through on-site attenuation tanks, swales, a central gully, and two detention ponds, discharging to

Geraldine Downs Creek. A stormwater discharge consent (CRC260266) has been granted by Environment Canterbury.

3. The Process

(i) The Notification process

[10] As noted above, the application was publicly notified 11th of December 2025. While 39 neighbouring properties were identified as potentially affected by the proposal and notified directly, only a total of eight (8) submissions were received. One of those submissions was received after the submission close date but as discussed above, I accepted it under delegated authority on the 2 March 2026. The submissions are summarised in Section 7 of the s42A report and are not repeated here. Of the eight submitters, only four indicated that they wished to attend the hearing. After the receipt of the s42A report and the applicant's evidence, a number these submitters advised that they did not wish to attend the hearing.

[11] I also note here that three written approvals, encompassing 2, 8, 34 and 36 Gresham Street were provided with the proposal.

(ii) The Hearing

[12] I visited the site and its environs prior to the hearing, on the 21st April 2026. During the site visit, I attempted to visit all submitter properties, but unfortunately not all submitters were home. However, I was able to view into the site from public spaces nearby the homes of submitters who were not home.

[13] The following people attended the hearing, which was conducted at Councils Chambers in Timaru on the 22th April 2026:

The Applicant

Yedo Investments Limited was represented by the following people:

- Mr Damon Odey (Owner and Director of the applicant company)
- Mr Mark Geddes (Consultant planner)
- Ms Naomi Crawford (Landscape Architect)
- Mr Logan Copeland (Traffic Engineer via TEAMS)
- Mr Glen McLachlan (Surveyor)

- Mr Selwyn Chang (Civil Engineer)

Council Staff

The Council was represented by the following people:

- Mr Patrick O’Toole (Council Planner and s42A Report author)
- Ms Hannah Wilson (consultant Landscape Architect)
- Ms Lisa Sparks (Planning Administration Officer)

Submitters

Mr Donald Gibson and Ms Joanna Gibson (via TEAMS) were in attendance to speak to Mr Gibson’s submission. FENZ, through their consultant planner Ms O’Sullivan of Beca Limited, tabled a letter at the hearing that responded to matters raised in the Section 42A Report, the Applicant’s Evidence and Fire and Emergency’s original submission.

- [14] After the opening introductory comments, Mr O’Toole briefly addressed his Section 42A report and answered a number of questions I had arising from his report. He first addressed the activity status of the proposal, acknowledging that Mr Geddes is correct that the proposal remains a discretionary activity under the Operative District Plan (ODP), as opposed to a non-complying activity under the Proposed District Plan (PDP). Accordingly, he advised that the gateway test in section 104D is not relevant.
- [15] Mr O’Toole went on to note that he agreed with Ms Wilson’s landscape peer review, which concluded landscape character effects are more than minor in the short to medium term, particularly due to loss of openness and the westward extension of perceived urban form. He also considered the proposal to be in conflict with a number of Operative and Proposed District Plan provisions directed at maintaining large allotment sizes and rural–urban contrast within the Geraldine Downs. However, he was satisfied that adverse effects are managed satisfactorily by the recommended conditions and do not outweigh the benefits of the proposal, which he considered a single, master-planned and comprehensively serviced subdivision directly adjacent to the township, rather than being ad hoc, incremental fragmentation of the rural zone. He recommended granting the applications accordingly.
- [16] The applicant then presented their evidence by providing brief summaries of their pre-circulated evidence. Mr Odey outlined the experience his company has had in development and set out the vision for the proposed development. The focus was on achieving a ‘high-quality rural residential environment’ consistent with the objectives of the ODP, through

integration with the landscape and enhancement of natural character and biodiversity values, amongst other things. Mr Odey then provided detail on the history of the proposal, including the consultation undertaken, which had commenced in late 2021. He then focussed on the Gibson submission, outlining his reasons why he considered it to be motivated by trade competition, which he felt rendered it an invalid submission that should be disregarded.

- [17] Ms Crawford then provided her summary, which reiterated her opinion that visual effects are adverse low (less than minor) while landscape effects are adverse low (minor) due to its location on the boundary of Geraldine and the carefully designed nature of the proposal. She went on to reference two landscape studies, the Geraldine Landscape Study (2008) and the Timaru District Landscape and Coastal Study (2020), highlighting statements relevant to her evidence. Ms Crawford then addressed Ms Wilson's Peer Review, noting there is general alignment on visual effects but that they differ on landscape effects.
- [18] Ms Crawford then addressed the s42A report, noting her disagreement with the subdivision being called 'high density' and the suggestion that mitigation would take well in excess of five years to become effective. With respect to cumulative effects, Ms Crawford advised that it will not be possible to view all 24 dwellings at once from one viewpoint and that the proposal will be constructed in two stages. She also commented on the proposed conditions opining that duplication could be reduced and that consultation requirements should be refined. She also suggested that the roof reflectance values are increased to less than 30%, that the colour palette be amended, and that flexibility be provided for the plant grades.
- [19] Ms Crawford concluded that the key consideration is the effect on identified landscape character and values. In her opinion, the site has sufficient capacity to absorb the subdivision proposal.
- [20] Both Mr Chang and Mr McLachan attended the hearing while Mr Copland was available online. These experts did not present summaries as I had advised the applicant prior to the hearing that I did not need to hear from them as their evidence was not in contention. Mr McLachan was of the view that the subdivision layout "*represents a practical and coherent response to the site's physical attributes/landform, drainage, access and infrastructure considerations*" while Mr Chang confirmed that the proposal "*can be appropriately serviced by water, wastewater, stormwater and roading infrastructure...*" Mr Copland was of the opinion that the "*proposal will not adversely affect the transport network*" and he supported

it from a traffic and transport perspective. He did, however, recommend a number of conditions that were incorporated into the conditions presented by Mr Geddes.

- [21] Mr Geddes presented comprehensive planning evidence, addressing a range of issues. As discussed above, he noted that the activity remains a discretionary activity pursuant to Section 88A RMA of the RMA, so s104D does not apply. He concluded that actual and potential adverse effects on environment will range from minor, to less than minor, to positive. In relation to the key effect, landscape and visual amenity effects, he noted that there is only a slight difference in the conclusions of the landscape architects. Regardless of this, neither considered the effects to be significant and noted they would reduce over time, once planting is established.
- [22] Mr Geddes then presented a development capacity analysis of Rural Lifestyle Zoned land in Geraldine. He noted that there were significant constraints to realising the potential of the zoned Rural Lifestyle land. In his opinion, this proposal will have the positive benefits of increasing the supply of high-quality rural lifestyle properties in the area, at a more competitive rate.
- [23] With respect to the statutory planning documents, he considered the proposal consistent with Policy 5.3.1 of the Canterbury Regional Policy Statement, which relates to growth of the wider region. He was also of the view that the proposal aligned with the policy provisions of the ODP and most of the relevant PDP provisions, while acknowledging that it does not align with the policy framework on minimum allotment sizes in that plan. However, he considers it consistent with the strategic direction for rural residential development under that plan. In any event, he considered more weight should be given to the ODP given the circumstances of this application and the fact that the PDP is still subject to appeal.
- [24] Mr Gibson then addressed his submission, arguing that he was not concerned about trade competition but was concerned with the zoning issue. He was not opposed to the creation of a 2-hectare lot development but considered what was proposed to be inconsistent with the zoning and character of the area. Ms Gibson addressed similar issues, considering the proposal too intensive for the site and is not provided for by the planning framework. She considered they were directly affected by the proposal. While acknowledging the discretionary status of the proposal provides flexibility, she maintained that it must still be in keeping with the zone.

- [25] FENZ tabled a written submission responding to the s42A report and the applicant's evidence. They requested that a number of conditions be included within the final set of condition that address their concerns.
- [26] In review, Ms Wilson advised that her position had not changed. She noted there was broad agreement on visual effects, but she maintained that there was a moderate effect on landscape values in the short to medium term given what the plan anticipates for the area. However, she noted that once established the effect on character would be low to moderate. Mr O'Toole also maintained his position and only commented briefly on some of the conditions discussed, while noting in response to the comments of the Gibsons that it is not the role of the reporting officer to explore alternatives for a proposal.

(iii) The Post-hearing Process

- [27] Mr Geddes gave a brief oral reply at the hearing which addressed landscape effects, Objective 1.1.2, trade competition case law and the various conditions but sought leave to provide his final reply in writing. It was agreed that expert conferencing would occur in relation to a number of matters that not been addressed by the landscape conditions proposed by the parties, and that the Joint Witness Statements (JWS) and Mr Geddes Reply would be provided by Wednesday the 6th of May. A Minute was issued to that effect on the 23rd of April.
- [28] The JWS and Mr Geddes reply was duly received on the 6th of May. The JWS's provided an agreed set of conditions that addressed the matters raised at the hearing. The landscape architects JWS confirmed that their individual positions had not changed but both worked together to refine the conditions of consent in relation to landscape matters. The planners' JWS addressed the issue of scope around discrepancies in respect of the dimensions of the proposed building platforms, confirming there was no scope issue with consenting 1,024m² (32m x 32 m) building platforms as opposed 800m² (28.28m x 28.28m) platforms, given they were indicated on the scheme plan when the proposal was notified.
- [29] Mr Geddes' reply was comprehensive but generally focused on the relevance of Objective 1.1.2 of the ODP, the nature of the Gibson submission, the differences in the landscape evidence and the conditions proposed. Mr Geddes' evaluation of Objective 1.1.2 and the other strategic provisions of the ODP led him to conclude that the proposal was aligned with these provisions. He was also noted that the difference in opinion between the landscape

witnesses is narrow and is not pertinent or determinative to the question of whether consent should be granted or not.

[30] Copies of the statements of evidence and submissions presented at the hearing are held on file by the Council. I wish to record here my thanks to Ms Wilson and Mr O’Toole for their contribution to the reporting process and to Ms Sparks for her assistance throughout the process.

4. Preliminary Matter – the Gibson Submission

[31] The applicant raised concern with the submission from Mr Gibson on the basis that it relates to trade competition, which would mean that I could not have regard to it pursuant to s104(3) of the RMA. This concern is based on the fact that the Gibsons own a 9.87-hectare property at the nearby Pye Road, Geraldine, which is zoned Rural Residential Subzone and can be subdivided down to 5,000m². The submitter confirmed that they intend to subdivide their property, which could yield approximately 20 lots. It is reasonably clear that such a development is located within the same land market as the proposal in front of me, so it follows that the two subdivisions are potentially in competition.

[32] As a consequence of this, the Gibson submission must therefore comply with the requirements of s308B of the RMA before I can have regard to it. Section 308B of the RMA provides that a trade competitor may only make a submission if they are directly affected by an effect of the activity to which the application relates, that—

- a. adversely affects the environment; and
- b. does not relate to trade competition or the effects of trade competition.

[33] The Gibson submission does not meet the required test. That part of the submission form that requires a submitter to identify the specific part of the application their submission relates to does not in fact address the application at all. It begins with a comment on market demand and then discusses the merits of their own property. The decision requested is to ‘delay’ any development until already zoned land is developed but indicates that a 2-hectare development density would be acceptable to them. I agree with Mr Geddes that these

requests indicate *“that the submitter is concerned that the proposed subdivision will have a trade competitor effect on their future development.”*

[34] While the submission form and Mr Gibson and Ms Gibson, at the hearing, indicated that they are ‘directly’ affected by the proposal, no evidence has been provided to support that. The concerns around effects and zoning matters highlighted by the Gibsons at the hearing were outside the scope of their original submission. I am therefore unable to have regard to the Gibson submission and have not done so.

5. Assessment of Proposal

(i) Introduction

[35] The subject site is zoned Rural 4A (Rural Lifestyle Sub Zone) under the ODP and Rural Lifestyle Zone under the PDP. Section 3.1 of the s42A report contains a comprehensive assessment of the proposal against relevant rules of both plans. As discussed above, Mr O’Toole initially identified the proposal as a non-complying activity, however changed his position at the hearing to align with Mr Geddes that it remains a discretionary activity under the ODP despite it being non-complying under the PDP.

[36] Mr Geddes’ position is correct, and the proposal has been assessed as a discretionary activity. Section 104 of the Act sets out what must be considered when deciding a resource consent application, and these include:

- (a) Actual or potential effects on the environment, including both positive and adverse effects;
- (b) The relevant provisions of the planning documents, which include the CRPS and both district plans; and
- (c) Any other matter considered relevant.

[37] Section 104B provides that once those matters have been considered, I can grant or refuse an application for a discretionary activity. If the application is granted, conditions may be imposed under Sections 108 and 220 of the Act. The matters contained in Section 104 have all been considered in arriving at this decision.

[38] The main issues in contention that arose out of submissions on the proposal are as follows:

- The landscape and visual amenity effects;
- Tree shading effects;
- Stormwater management;
- Servicing effects;
- Construction effects
- Roothing effects;
- Consistency with the zoning framework.

[39] Most of these issues were raised by submitters who did not want to be heard or who withdrew their right to be heard. Those who withdrew their right to be heard, did so because their concerns were largely addressed through the evidence and conditions that the applicant (and the s42A report) promoted through the process. With respect to servicing, roading issues, construction effects, and stormwater management, these effects were considered less than minor by Mr O’Toole, subject to the appropriate conditions. These conditions, including those sought by FENZ, were addressed in the applicant’s evidence and discussed in the hearing and the final set of conditions through the JWS process. The conditions also addressed the issue of potential shading effects of the plantings associated with the proposal.

[40] Outside of the tabled letter from FENZ, no other party presented evidence on these matters. Hence, I consider that these matters are no longer in contention and I do not address them further. The only issues that remain in contention are landscape effects, with visual effects largely accepted as minor by both landscape architects, and consistency with the policy provisions of the district plans. These issues are somewhat related and I address them below.

(ii) Landscape Effects

[41] Turning now to landscape effects, Ms Wilson and Ms Crawford differ on the magnitude of landscape effects that will be generated by the proposal. This difference in opinion relates to the change from rural to rural lifestyle character and the increased density as a result of the subdivision. Ms Crawford acknowledged that the density is materially higher than contemplated by the ODP and PDP but despite that, she considered the overall adverse landscape effect from the increased density is low (minor). This was on the basis that the *“site sits on the rural-residential fringe, where lot sizes transition from larger rural land*

holdings to smaller residential lots. This is reflected in the land patterns and the zoning, with the increased density to the north and east of the site. The proposal will be a logical transition between these two areas.” In her view, the sites overall topography will largely be retained.

- [42] Ms Wilson found that the proposal would result in a moderate (more than minor) adverse effect on landscape character. This was due to the loss of the current rural character of the landscape in this part of Geraldine Downs (Rural Lifestyle Sub Zone), while effects also *“include a reduced sense of openness, and legibility of the landform, in addition to increased sense of domestication of an area adjacent to the current urban boundary of Geraldine. This would be perceived as urban sprawl into the rural lifestyle sub zone and would undermine the legibility of the settlement boundary.”* However, Ms Wilson went on to say that *“following completion and once planting within the lots and local purpose reserve is established—thereby helping to recess built form into the landscape—I consider that adverse effects will reduce to low–moderate (minor).”*
- [43] As Mr Geddes noted, the difference in opinion between Ms Wilson and Ms Crawford is relatively narrow, with Ms Wilson’s opinion being largely based on the density outcomes sought by the plans whereas Ms Crawford considered the design treatment proposed would largely retain the overall landscape values identified for the zone. She highlighted numerous references in the landscape studies to lifestyle and residential development becoming more prevalent in the Geraldine Downs. Ms Wilson did not seem opposed to the proposal and noted that landscape effects will reduce to minor with time.
- [44] I understand the position of both landscape architects on this matter but agree with Mr Geddes that these narrow differences in opinion are not significant nor determinative to the question of whether consent should be granted. They appear to agree that the landscape has capacity to absorb the change in density proposed, with the difference being the length of time over which that will happen. I agree that the landscape has capacity to absorb the change and would note that while there will be a change in this small part of the Geraldine Downs landscape, this will not significantly undermine the landscape character of the wider Geraldine Downs as a whole. I agree with Ms Crawford’s position that the location is one where lot sizes transition from larger rural land holdings to smaller residential lots, and this proposal will provide a logical transition between these two areas.

(iii) Relevant Policy Provisions

[45] The remaining area of tension is the extent to which the proposal is consistent with the relevant policy framework. The submission of Bruce and Rosa Allan is concerned that the proposal represents 'urban sprawl' and is an inappropriate urban expansion into the Rural 4A Zone. Similarly, the submission Joanne Drake is concerned at the shift in the urban boundary. Ms Wilson's concern with landscape effects largely stemmed from the policy framework of the ODP Rural 4A Zone and the PDP Rural Lifestyle zone.

[46] The policy framework of the operative Timaru District Plan (ODP) and the proposed Timaru District Plan (PDP), which was notified on the 22nd of September 2022, is set out in the s42A report and the evidence of Mr Geddes. Mr Geddes also drew my attention to Policy 5.3.1 of Canterbury Regional Policy Statement (CRPS) which is particularly relevant in this case. That policy provides as follows:

"To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. ensure that any

a. urban growth; and

b. limited rural residential development

occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;..."

[47] This is the overarching urban development policy for the region, which district plans and future development must be consistent with. The proposal quite clearly complies with this direction as it is attached to the existing Geraldine urban area and is co-ordinated with the pattern of development for that settlement. I note that when the Allan's advised Council that they no longer wished to attend the hearing, they stated that the newly available evidence, particularly from Mr Geddes, went some way to alleviating their concerns. I suspect confirmation that the proposal is not an ad hoc development, which appropriately connects to, and co-ordinates with, the infrastructure of Geraldine is what has allayed the Allan's concern in relation to urban sprawl.

[48] Mr O'Toole considered the overarching rural policies of the ODP at his section 8.6. However, his assessment focusses on the Rural 4A zone specifically, rather than the strategic direction of these policies. He notes that the proposal creates a clear contrast with that zone's intended low-density character. Despite this, he considers that ultimately the proposal does not completely compromise the overall intent of the Rural 4A Zone given how the development is to be designed to enhance ecological values, improve amenity over time, and

contribute to the long-term recreational and environmental potential of the Geraldine Downs.

- [49] In response to my questions about Objective 1.1.2, Mr Geddes stated his opinion *“that it is an overarching strategic objective of the Rural Zone that concerns management of the district’s rural land. It was intended to inform the architecture of the ODP’s Rural Chapter and the decisions on land use in the rural zones.”* I agree with that proposition and consider this applies to all the more general policy provisions in Part D of the ODP, with Section 1.1 Land and 1.2 Intensification of Development the most relevant here. The majority of these policy provisions are not overly directive and contain the full effects management suite of avoid, remedy or mitigate adverse effects. Objective 1.1.2 requires land to be managed for the greatest benefit of present and future generations and is particularly relevant where a community need is not being met. Mr Geddes’s evidence indicates that there is a shortage of Rural Lifestyle zoned properties in Geraldine and that a small rural site of limited productive potential, that is strategically located on the Geraldine township boundary, could assist in addressing that shortage.
- [50] Policy 1.1.3 (1) is to provide for *“a range of land use activities in rural areas while avoiding or mitigating the adverse environmental effects of these activities”* by way of the zones included in the ODP. The *“Explanation and Principal Reason”* for the policy notes *“Where the effects are likely to vary according to the location and scale of the activity consent for a controlled or discretionary activity is generally required. Those activities which are non-complying are either of a type which are individually or cumulatively with other proposals of the same or similar nature, anticipated to have inappropriate adverse effects within the zone.”* This comment recognises that there will be locations within a zone where development that does not necessarily comply with the density standards maybe appropriate and ‘discretionary’ status has been accorded to such activities accordingly. That is the case here.
- [51] Mr Geddes’s Figure 4 in his evidence in chief (EIC) illustrates this point in the context of the Rural 4A zone. That figure shows the sequential zoning regime in the Rural 4A zone that provides for increased densities at locations that can support it, with the lower densities at increased distance away from the Geraldine Town Centre. Mr Geddes highlighted the similarity between the zoned 5,000m² land at Pye Road and the subject site, both of which

are in close proximity to the town centre and can be serviced with the necessary infrastructure.

- [52] Objective 1.2. requires the adverse effects of intensive development in rural areas to be avoided, remedied or mitigated. The explanation to the objective talks about servicing, which is not at issue here. The zone-specific policies of the Rural 4A zone are relevant in this context as they identify what effects must be avoided, remedied or mitigated. Mr Geddes has addressed these in his paragraphs 135 to 148 of his EIC while Mr O'Toole addresses them at his page 45. Mr O'Toole links Objective 1.10.1(1) to the minimum lot size standard to determine 'appropriate area and at appropriate densities'. However, the associated Policy (1.2) states that "*quantum and density of new residential development is to be limited in order to control uncoordinated urban sprawl throughout the Geraldine Downs*" [my emphasis]. The methods for Policy 1.2 state that activities that contravene the minimum site size will be discretionary activities, which is consistent with the approach noted above under Policy 1.1.3 (1).
- [53] Hence, the proposal cannot be contrary to this objective merely because it does not comply with the minimum density standard. It can only be contrary to the objective if the '*area and density*' proposed is not appropriate. Policy 1.1 and 1.2, along with the landscape policies at 1.10.2, set out the matters that are to be considered in this context. Critically, Policy 1.2 limits development of this nature if it is 'uncoordinated urban sprawl' throughout the Geraldine Downs. All experts agree that this proposal is not 'uncoordinated urban sprawl'.
- [54] Overall, I am comfortable that the proposal does not offend the relevant policies of the ODP that require assessment when a development proposes to exceed the minimum allotment sizes for its zone. And while this is not an application for a rezoning as such, I agree with Mr Geddes that the proposal is also consistent with the outcomes sought by Part B 13 of the ODP. The objective of that section is to accommodate growth while protecting and enhancing the quality of the environment with the associated policy being to "*ensure that sufficient and appropriately zoned land is available to accommodate business and residential growth*". This proposal achieves those outcomes.
- [55] Turning now to the PDP, much of the assessment under the ODP also applies to the policy provisions of the PDP with some notable exceptions. Mr Geddes argued in his EIC that I should place less weight on the PDP given it is still subject to appeal but also for natural justice reasons. This was because the initial application was lodged on 7 July 2023 not long

after the PDP was notified 22 September 2022, at which stage little weight could be afforded to the PDP. He stated that the processing of the application was delayed for a long period for no 'good reason' with it subsequently being deferred pending the granting of stormwater consent. In his opinion the *"requirement to obtain the stormwater consent caused a substantial delay in the application that was not resolved until 30 November 2025. That delay compounded the earlier delay of Council not progressing the application. Consequently, the applicant now finds themselves in a situation where the PDP has almost completed the plan making process during this period of delay. As such the PDP can be afforded much more weight, therefore disadvantaging the applicant, despite the fact the delays was not their fault. Rather, the situation has only arisen due to the Council delays in processing application"*

[56] Without going into the merits or otherwise of the delay, I do note that the application was revised by the applicant sometime in 2025, which I understand was to avoid public notification. Hence, the delay cannot be laid entirely at Council's feet. However, I do agree with Mr Geddes that the delays incurred, for whatever reason, has made the process more difficult for the applicant due to the 'avoid' Policy SUB-14 of the PDP. I agree with Mr Geddes that the proposal is not otherwise inconsistent with the PDP framework and agree that SUB-P14 and SUB-P15 do not seem to align. Mr Geddes addressed both SD-01 and UFD-01 in his EIC which provide high level direction on what the related objectives and policies in other chapters of the Plan are seeking to achieve. I agree with Mr Geddes that the proposal is consistent with these higher order directions. On that basis, I have placed less weight on SUB-P14 and the PDP altogether, given the legal position in play when the initial application was lodged.

[57] Overall, I have come to a conclusion that essentially aligns with Mr O'Toole's final position on the planning framework, where he said at page 60 of his report:

Having regard to the planning framework as a whole, I am ultimately satisfied that the proposal does not undermine the District Plan's broader strategy for managing rural lifestyle development, infrastructure provision, and settlement growth. The outcome sits at the upper limit of what can reasonably be contemplated in this location and relies on strict conditions and controls, but in my view, it does not compromise the integrity of the objectives and policies when assessed collectively.

(iv) Conditions

[58] As I noted earlier, expert witness conferencing was directed to finetune the proposed conditions. A set of conditions was produced with the JWSs and have been adopted in this decision. I note that they include the relief sought by FENZ in respect to firefighting water supply and the construction standard of the RoW.

6. Conclusion

[59] While the proposal does not comply with the density requirement of either the ODP or the PDP, I have found that the site can accommodate a development at this density without compromising the quality of the environment. The development will attach to the existing Geraldine urban area, creating a coordinated pattern of development that integrates with the existing infrastructure in the area.

[60] Overall, the proposal does not compromise the policy outcomes sought by either district plan, and is consistent with the relevant CRPS policy direction. The development incorporates measures aimed at maintaining and enhancing amenity over time, including extensive landscaping, ecological enhancement, and the provision of a local purpose reserve.

[61] I have therefore concluded that the proposal will promote the sustainable management of natural and physical resources of the Timaru District and have granted consent accordingly.

DATED at Dunedin this 28th day of May 2026.



Allan Cubitt

Independent Hearings Commissioner