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**FW: 2a Maude St and 30 Beach Road Oamaru**

4 messages

Janelle Bilcliffe <jbilcliffe@waitaki.govt.nz>  
To: "janellebilcliffe@gmail.com" <janellebilcliffe@gmail.com>

Fri, Sep 19, 2025 at 2:48 PM

**Janelle Bilcliffe**  
Property Officer

Waitaki District Council  
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**From:** Building <[building@waitaki.govt.nz](mailto:building@waitaki.govt.nz)>  
**Sent:** Friday, 19 September 2025 2:36 pm  
**To:** Janelle Bilcliffe <[jbilcliffe@waitaki.govt.nz](mailto:jbilcliffe@waitaki.govt.nz)>  
**Subject:** RE: 2a Maude St and [30 Beach Road Oamaru](#)

Hi Janelle,

Thank you for your query.

We don't have any "extra" rules – they lie with planning. Our team considers the compliance with the Building Act 2004 and the NZ Building Code.

Given the size of the sites/building below and the nature of a 'house' you will require a building consent and the design and work will need to comply with the Building Code.

Any habitable building will need to be designed by a Licensed Building Practitioner (or you can undertake this under the owner/builder exemption).

Is there anything specific you are considering?

Thanks

Karen Nicholson  
Building Control Officer.

## Building Team

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**From:** Janelle Bilcliffe <jbilcliffe@waitaki.govt.nz>  
**Sent:** Thursday, 18 September 2025 4:12 pm  
**To:** Building <building@waitaki.govt.nz>  
**Subject:** 2a Maude St and 30 Beach Road Oamaru

Good afternoon Building

Could you please advise, under the current and proposed Building regulations **all permitted and discretionary activities** for the below two titles. These titles are joined by a section 77 if this is relevant.

**Valuation: 26310/02212 - Assessment: 116205**

Legal Description                      Lot: 58 DP: 203

Certificate of Title                      OT261/206

**Valuation: 26310/02211 - Assessment: 115757**

Legal Description                      Lot: 57 DP: 203

Certificate of Title                      OT44/256

Specifically I am considering the activities

- Build a house in the area 87.62 square specified below
- Putting a small shed (either 29.8m2 or 69.8m2) with solar power on the 69m2 square specified below



Any and all information you can provide I would be grateful for. I have sought guidance also from Planning.

Many thanks

**Janelle Bilcliffe**  
Property Officer

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Janelle Bilcliffe <jbilcliffe@waitaki.govt.nz>  
To: "janellebilcliffe@gmail.com" <janellebilcliffe@gmail.com>

Fri, Sep 19, 2025 at 3:27 PM

Great question — it feels a bit circular at first glance, doesn't it?

Here's why Councils (via the **Building Act**) sometimes require the two lots on a **single Record of Title** to be tied (amalgamated), even though they haven't been subdivided into separate titles:

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#### Legal definition of "allotment"

- The Building Act uses the term **allotment**, which means each **lot shown on a Deposited Plan** — even if multiple lots sit under one title.
- So if you have Lot 1 and Lot 2 on the same title, they are still considered **two separate allotments** for building law purposes.

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## Building Act s.75 trigger

- Section 75 says Council **must not issue building consent** if a proposed building straddles an allotment boundary (the line between Lot 1 and Lot 2).
- To fix this, the Act requires the allotments to be **amalgamated** (legally tied) so they are treated as one site forever.
- This avoids the risk that, later, one lot could be sold off leaving a building cut in half.

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## Why amalgamation even without subdivision?

- Even though the lots are on the same title today, in theory they **could be separated** by subdivision or title adjustment in the future.
- The amalgamation covenant prevents this by saying: "These two lots can never be dealt with separately."
- That gives Council certainty that the building won't end up partly on land that belongs to someone else.

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## Plain answer:

You need to tie (amalgamate) lots together if you're building across the lot boundary, because the law treats each lot as a separate "allotment." The amalgamation covenant is a safeguard to stop future separation — even though right now they sit on the same title.

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Would you like me to draft a **diagram-style explanation** (like a one-pager) that visually shows:

1. one title with two lots,
2. building straddling the boundary, and
3. how amalgamation locks them together?

That way you'd have a simple explainer to use with your manager or Council.

**Janelle Bilcliffe**  
Property Officer

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**From:** Janelle Bilcliffe  
**Sent:** Friday, 19 September 2025 3:07 pm  
**To:** Building <[building@waitaki.govt.nz](mailto:building@waitaki.govt.nz)>  
**Subject:** RE: 2a Maude St and 30 Beach Road Oamaru

Hi Karen

Thanks I will keep that in mind when planning my 'she shed'

Lot 56 and 57 are on the same title and both titles are linked with a section 77 but if there is something else I need would appreciate the advice.

Have a great weekend

**Janelle Bilcliffe**  
Property Officer

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**From:** Building <[building@waitaki.govt.nz](mailto:building@waitaki.govt.nz)>  
**Sent:** Friday, 19 September 2025 3:01 pm  
**To:** Janelle Bilcliffe <[jbilcliffe@waitaki.govt.nz](mailto:jbilcliffe@waitaki.govt.nz)>  
**Subject:** FW: 2a Maude St and 30 Beach Road Oamaru

Hi Janelle,

Your shed may require consent if it is over 30m<sup>2</sup>.

Also, when you get a consent, you may also need to "link" the lots on the Record of Title if you are building over them – ie Lot 56 and 57, this can be undertaken through the consent process.

cheers

**Karen Nicholson**  
Building Control Officer

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**From:** Building <building@waitaki.govt.nz>  
**Sent:** Friday, 19 September 2025 2:48 pm  
**To:** Karen Nicholson <knicholson@waitaki.govt.nz>  
**Subject:** FW: 2a Maude St and 30 Beach Road Oamaru

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**From:** Janelle Bilcliffe <jbilcliffe@waitaki.govt.nz>  
**Sent:** Friday, 19 September 2025 2:47 pm  
**To:** Building <building@waitaki.govt.nz>  
**Subject:** RE: 2a Maude St and 30 Beach Road Oamaru

Hi Karen

Thanks so much

Yes the main item we are considering is the shed (either 29.8m<sup>2</sup> or 69.8m<sup>2</sup>) with solar power on the 69m<sup>2</sup> square specified below, it won't be a 'habitable' shed just a 'she shed' for some hobbies. I don't believe I need consent for that but please let me know if I am incorrect.

We also wanted to check if we could build another small house on there, perhaps we would be best to wait until the Granny flat rules come in. I believe I would still need consent for the plumbing and if it had a kitchen.

I know (think) a garage requires consent 😊 if we decided about that

Thanks for the help, especially on a Friday

Janelle

**Janelle Bilcliffe**  
Property Officer

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[Quoted text hidden]

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**Janelle Bilcliffe** <jbilcliffe@waitaki.govt.nz>  
To: Nelle Bilcliffe <janellebilcliffe@gmail.com>

Mon, Sep 22, 2025 at 9:39 AM

[Quoted text hidden]

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**Nelle Bilcliffe** <janellebilcliffe@gmail.com>  
To: bilcliffemcfadgenfamilytrust@gmail.com

Sat, Sep 27, 2025 at 11:39 AM

Nelle Bilcliffe  
[Quoted text hidden]

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**3 attachments**



image002.png  
18K



image003.png  
880K



image002.png  
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