

UNDER

the Resource Management Act 1991 ('the Act')

IN THE MATTER

the proposed Far North District Plan ('the proposed District Plan')

AND

IN THE MATTER

of submissions on that proposed District Plan

STATEMENT OF EVIDENCE OF JOHN ANDREW RIDDELL

HEARING 16 – SUBDIVISION

14 OCTOBER 2025

A. INTRODUCTION

1 My name is John Andrew Riddell.

Qualifications

2 I hold the qualification of Bachelor of Resource and Environmental Planning with First Class Honours.

Experience

3 I have been practising as a resource management planner for over 30 years, on a part-time basis since 1989, and a full-time basis since 1993. Until November 1998 I was self-employed, although I did work for Nugent Consultants Limited on a part time basis from 1993 until 1996. Between November 1998 and June 2013 I was employed by the Department of Conservation. Since then, until very recently, I operated as consultant planner for my company CEP Services Matauwhi Limited.

4 My experience includes providing evidence and advice on the provisions of plans and policy statements provisions, participating in mediation and negotiations over policy statement and plan provisions, and presenting evidence to the Environment Court on matters under appeal.

5 In terms of resource consents, my experience covers limited processing of consent applications for the Far North District Council, reviewing consent applications for the Department of Conservation, giving evidence on notified applications at council hearings, giving evidence to the Environment Court on applications, and preparing resource consent applications for a range of activities, including a medical centre, jetties and slipways, discharges from fish processing

factories, houses, huts, 1080 and brodifacoum aerial pest control operations, indigenous vegetation clearance, wetland weir structures, water takes, treated wastewater discharges, and earthworks.

- 6 Much of my resource management work has been in Northland, although it has extended to Auckland, Thames-Coromandel, Bay of Plenty, Gisborne, sub-Antarctic islands, Waikato and Kaikōura.
- 7 Directly relevant to my evidence on my submission on the proposed Far North District Plan is the background knowledge I have from my active participation in
 - submissions and appeals¹ on earlier district plans for the Far North, including the Second Review of the Bay of Islands District Scheme, the first draft District Plan (which was withdrawn and replaced) and the current operative Far North District Plan ('the operative District Plan');
 - submissions and appeals on the current and preceding Regional Policy Statements for Northland and the current Regional Plan for Northland;
 - whilst employed by Department of Conservation, commenting on many resource consent applications located in the coastal environment of the Far North and/or where Far North indigenous biodiversity values were relevant;
 - preparing resource consent applications for private clients in the Far North.
- 8 Whilst employed by the Department of Conservation I participated in meetings with the District Council over the proposed District Plan's development and prepared comments for the Department on the early draft of the proposed District Plan.
- 9 Experience particularly related to the subdivision matters discussed in this statement includes

¹ This includes a joint appeal lodged with my wife on zoning heritage matters in Kororāreka/Russell not relevant to the scope of Hearing 16.

- evidence to the Environment Court on the initial management plan rule in then proposed (now operative) Far North District Plan;²
- evidence to the Environment Court on the coastal subdivision provisions in Plan Change 5 to the Whangarei District Plan;³
- evidence to the Environment Court on residential subdivisions in the Far North and in Hamilton;
- whilst employed by the Department of Conservation I reviewed and commented on most rural and coastal subdivision applications in the Far North, where necessary giving evidence at Council hearings, this included most – if not all – of the management plan subdivision applications received by the Far North District Council up to around 2018.⁴

Code of Conduct

- 10 I have read the Code of Conduct for Expert Witnesses produced by the Environment Court (section 9 of their Practise Note 2023) and undertake to follow it for this hearing. My qualifications as an expert are set out above. Other than those matters identified within my evidence as being from other experts, I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 11 It is important to note that this evidence is presented to support my own submissions and further submissions on the subdivision provisions in the proposed District Plan. I consider that what I say in this evidence is my professional opinion. However, it is up to the Hearing Panel to decide what weight to give to this evidence.

² Decision A29/2005, Bay of Islands Coastal Watchdog Inc., Environmental Defence Society, Royal Forest and Bird Protection Society of NZ Inc., Director-General of Conservation, and Eastern Bay of Islands Preservation Society Inc. v Far North District Council.

³ Decision A024/2006, Director-General of Conservation, Landco Limited and MJ Dunn v Whangārei District Council.

⁴ I also commented on and gave evidence on subdivisions in Whangarei and Kaipara Districts where habitat protection and natural character effects were an issue.

- 12 I record that I live on a freehold property in Kororāreka. The proposed District Plan zoning for the property is Kororāreka Russell Township zone, with a Coastal Environment and a Part D Kororāreka Russell Part D overlay. A portion of the property is Coastal Flood Hazard 1, 2 and 3.

Other points to note

- 13 The section 42A report refers to accepting recommended amendments to provisions in section 42A reports relating to hearing 4 (coastal, landscape and indigenous biodiversity), hearing 9 (Rural), hearing 11 (infrastructure and transport) and hearing 14 (Urban). In this evidence I comment as necessary on the changes recommended in these other hearings.
- 14 Although I gave written evidence for hearing 4 (Coastal) that evidence was not directed at the subdivision provisions except SUB-R20 submission S431.089. I have repeated my evidence on that rule at the end of this statement.
- 15 I lodged a further submission in opposition to submission S6.001 by Rodney and Anne Jess for the minimum lot sizes set out in SUB-R1 applying to the Kororāreka Russell Township Zone be reduced to the same as the minimum lot sizes for the General Residential zone. I addressed this further submission in my evidence for hearing on the Kororāreka Russell Township Zone (Hearing 12).
- 16 Submission point 38(c) in the subdivision section of my submission (S431.071) needs no further comment or evidence. It concerns the incorrect spelling of a place name in the notified proposed District Plan. This has since been corrected.
- 17 I record, but not comment further on, the following further submissions I lodged on submissions related to the subdivision provisions:
- SUB-R6 – Qualified support for submissions S255.002 A B Macrae and S279.003 M B Macrae

- SUB-R18, SUB-R19, SUB 21 – Support for submissions S364.059, S364.060 and S364.062 Director-General of Conservation
 - SUB-R6 – Oppose submission S359.026 Northland Regional Council
 - SUB-S1 – Oppose submission S6.001 R & A Jess
 - SUB-O1, SUB-O2, SUB-O3, SUB-O4 – Qualified support submissions S179.090, .091, .092 and .093 Russell Protection Society
 - SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P5, SUB-P6, SUB-P8, SUB-P9, SUB-P11 – Qualified support for submissions S179.095, .096, .097, .098, .099, .100, .102, .103, and .105 Russell Protection Society
 - SUB-S1 – Oppose submission S286.002 Tristan Simpson
- 18 My evidence covers management plan subdivision, benefit lot subdivision, further matters of control and matters of discretion, and coastal subdivision rule SUB-R20.
- 19 In this evidence I refer to the versions of the proposed District Plan chapters with the officers' recommended amendments are the base documents for my assessment.
- 20 I have noted relevant resource management provisions in paragraphs 6 to 8 of my submission and in my Hearing 4 evidence.

B. MANAGEMENT PLAN SUBDIVISION

Background

- 21 Management plan subdivision was introduced to the operative District Plan following the review of the transitional District Plan. The provisions in the operative District Plan were subject to appeal proceedings. The provisions were finalised at a Environment Court Settlement Conference,⁵ after a lengthy process of negotiations, mediation, and directions from the Environment Court.⁶
- 22 Important characteristics of management plan subdivision established through this process are, in my opinion
- this is a once off opportunity;
 - long term (restorative) management of the land is required;
 - the averaging provisions provide site-specific design flexibility to achieve a better environmental result;
 - there is an (implicit) emphasis on recognising and providing for the matters of national importance;⁷
 - the minimum average lot size set in the rule varies depending on the underlying characteristics and values associated with zoned areas;
 - a detailed level of documentation is required to demonstrate that superior environmental results are likely to be achieved.
- 23 There have been changes to relevant resource management documents since the management plan subdivision rule in the operative District Plan was finalised on 2007 and before the proposed District Plan was publicly notified. These are

⁵ This final Court Settlement Conference appears to be held on or about 16 April 2007.

⁶ See the discussion at paragraphs 38 to 41 of decision A29/2005 on directions to assist the discussion and mediation between the parties.

⁷ The Environment Court records "The DA Management Plan provisions (Rule 12.9.2), subject to necessary amendments, have merit in securing some s.6 matters and implementing some NZCPA (sic), RPS and GCZ objectives/policies." First sentence in paragraph 41 of Decision A29/2005. The paragraph continues by identifying matters needing further consideration. 'GCZ' is General Coastal Zone.

- a replacement New Zealand Coastal Policy Statement became operative on 3 December 2010;
 - Regional Policy Statement for Northland, made fully operative in May 2016 (“Regional Policy Statement”)
 - National Planning Standards introduced in April 2019;
 - Regional Plan for Northland.⁸

24 Since the proposed District Plan was notified two other national policy statements of some relevance have been released

 - National Policy Statement for Highly Productive Land, September 2022
 - National Policy Statement for Indigenous Biodiversity in May 2023

25 Two further matters of national importance – on protected customary rights and on natural hazards – have been added to section 6 of the Act since 2007.

26 In my opinion, these changes do not materially change the national and regional policy environment supporting management plan subdivision, or the reasoning of the Environment Court in its decision on proposed Plan Change 5 to the Whangārei District Plan relating to the minimum size of subdivision lots in the coastal environment.⁹

27 For example the New Zealand Coastal Policy Statement 2010 continues policy themes from the New Zealand Coastal Policy Statement 1994¹⁰ with the following objective and policy provisions which support management plan subdivision¹¹

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

⁸ The Regional Plan is of peripheral interest in terms of my submissions on management plan subdivision provisions in the proposed District Plan.

⁹ See for example paragraphs 78 to 84, 97 and 103 to 105 of Decision A024/2006.

¹⁰ See paragraph 23 of Decision A29/2005 for examples of relevant policies from the 1994 Coastal Policy Statement.

¹¹ To an appropriate average lot size.

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Policy 6 Activities in the coastal environment¹²

(1) In relation to the coastal environment:

- (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
- (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
- (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

28 Other relevant policies in the New Zealand Coastal Policy Statement 2010, if anything, reinforce the need to continue with the more stringent approach to management plan subdivision in the coastal environment that is provided for in the operative District Plan.

29 There is policy 11 on indigenous biodiversity, policy 13 on preservation of natural character, policy 15 on natural features and natural landscapes, and policy 17 on historic heritage identification and protection.¹³

¹² Not all the clauses in this policy are quoted.

¹³ Other policies which relate to the design detail of a management plan subdivision include policy 18 on public open space, policy 19 on walking access and the natural hazard policies 24, 25 and 26.

- 30 Since then management plan subdivisions that have been approved range from well funded and well planned proposals to proposals that are, in my opinion, under-funded and unlikely to achieve the stated purpose for such subdivisions. In general, I consider that management plan subdivision as an effective resource management tool requires a much higher level of information, and long term funding and resourcing than other types of subdivision.
- 31 Policy 14 of the New Zealand Coastal Policy Statement 2010 reinforces the appropriateness of a provision for management plan subdivision:

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

- (a) identifying areas and opportunities for restoration or rehabilitation;
- (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;
- (c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:
 - (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
 - (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
 - (iii) creating or enhancing habitat for indigenous species; or
 - (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
 - (v) restoring and protecting riparian and intertidal margins; or
 - (vi) reducing or eliminating discharges of contaminants; or
 - (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised

by required permits, including an archaeological authority under the Historic Places Act 1993; or

- (viii) restoring cultural landscape features; or
- (ix) redesign of structures that interfere with ecosystem processes; or
- (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

32 This national policy direction has been carried through to the Regional Policy Statement.

33 Subsections (1)(b) and (3) of Policy 4.6.1 from this Regional Policy Statement, in particular, provide guidance relevant to providing for management plan subdivision in the coastal environment:

Policy 4.6.1

(1) In the coastal environment:

- b) Where (a)¹⁴ does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:
 - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
 - (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
 - (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

(3) When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural

¹⁴ Part (a) is an avoid adverse effects on outstanding natural character and natural landscapes statement derived from policies 13 and 15 of the New Zealand Coastal Policy Statement 2010.

features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:

- a) Recognise that a minor or transitory effect may not be an adverse effect;
- b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - (ii) May be dynamic, diverse or seasonal;
- c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and
- d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.

- 34 Policy 4.7.1 of the Regional Policy Statement also supports management plan subdivision as it is a policy on recognising and promoting the positive effects of activities that contribute to active management, including re-vegetation with indigenous species, protection of indigenous biodiversity, natural character and landscape values, and restoration or creation of natural habitat or processes.
- 35 Similarly, policy 4.7.3 of the Regional Policy Statement is a policy on promoting rehabilitation and restoration of natural character including on undeveloped or largely undeveloped natural landforms between settlements, areas of high natural character, and remnants of indigenous coastal vegetation.
- 36 Policy 5.1.2 on development in the coastal environment seeks to, among other things, avoid sprawling or sporadic patterns of development. Well designed management plan subdivision can ensure this.
- 37 Overall, my conclusion is that the more recent national and regional resource management policy directives are in essence the same as the policy directives that existed when the Environment Court stated

The [discretionary activity] Management Plan provisions (Rule 12.9.2), subject to necessary amendments, have merit in securing some s.6 matters and implementing some NZCPA (sic), RPS and GCZ objectives/policies.¹⁵

Average lot size

Submission S431.087, further submission in opposition by Morrison. Paragraph 338 of Section 42A Report.

38 I now turn to my three specific management plan submissions, starting with submission S431.087 which seeks

Amend DIS-1.1 of rule SUB-R7, management plan subdivision, so that it sets out a 6 ha average lot size for Rural Production Zoned land which is also in the Coastal Environment Overlay, and a 2 ha average lots (sic) size for Rural Lifestyle Zone land which is also in the Coastal Environment Overlay.

39 The section 42A report records, at paragraph 338, a disagreement with the relief sought on three grounds. The first is that the notified version of the proposed District Plan did not provide for different allotment sizes for Rural Production and Rural Lifestyle zoned land within the Coastal Overlay. Instead all subdivision within the Coastal Overlay is a discretionary activity under SUB-R20. This somehow makes it inappropriate to support the relief sought.

40 The second ground is “The use of 'average' lot sizes can result in perverse outcomes where a large 'balance' used to increase an average of one subdivision can be further subdivided under a separate application.”

41 The third ground is that effects can be appropriately managed through the discretionary activity status.

42 I do not understand the second ground. It points to a potential that cannot occur under rule SUB-R7 whatever the minimum discretionary activity average lot size is. This is because the larger lots used to achieve the required average are part of a management plan subdivision. This must be, because DIS-1(1) of rule SUB-R7 refers to ‘the average size of all lots in the management plan subdivision’, but

¹⁵ First sentence, paragraph 41, Decision A29/2005.

excluding certain lots¹⁶ from that calculation. This is followed by DIS-1(2) which provides that this is the only management plan subdivision for the specified portion of the site. In my opinion this means that any larger lot used for averaging cannot then be resubdivided.

- 43 Whilst it is not within my relief sought, I note that this could be made absolutely clear by adding the following from the original version of the rule to DIS-1(2).

The averaging provisions contained in this Rule can only be used for each specified portion of the site once.

- 44 Notwithstanding, in my experience of reviewing many management plan applications, I cannot recall any instance where the perverse outcome identified in the section 42A report has occurred.
- 45 On the third ground we are in agreement that the effects of a management plan subdivision can be dealt with through the discretionary activity process where the application meets the required standards. It is the average lot size minima for management plan subdivision where we differ.
- 46 I do not agree with the first ground in the Subdivision Section 42A report for not accepting the relief sought. The suggestion that the notified version of the proposed Plan does not provide for different allotment sizes within the Coastal Environment Overlay is too narrow a perspective of the effects of the rules. It overlooks the fact that controlled activity subdivision in the Rural Production Zone, for example, becomes a discretionary activity in the Coastal Environment Overlay under rule SUB-R20. It is the combination of allotment size and category of consent that should be considered together. From that perspective it is clear that, with some notable exceptions, the proposed District Plan does have more stringent provisions for subdivision in the Coastal Environment Overlay. One of those exceptions is the Management Plan Subdivision rule SUB-R7.

¹⁶ The original management plan rule only allowed an exception for a lot used solely for access. The notified version adds 'utilities, roads and reserves' as being excluded from any averaging.

- 47 It is, I suggest, widely accepted resource management practice that subdivision provisions should be more stringent in the coastal environment, given the directives from section 6(a) of the Act, the New Zealand Coastal Policy Statement and the Regional Policy Statement policies discussed above.
- 48 For example, in his Section 42A report on the Coastal Environment chapter Mr Lee makes the following comment on rule SUB-R20
- The rules provide a more stringent activity status for subdivision than in the underlying zone, recognising the greater potential for adverse effects on the coastal environment resulting from subdivision (particularly the associated land-use activities that subdivision typically enables). (from paragraph 459 of the Coastal Environment Section 42A Report)
- 49 In my opinion, an management plan minimum average of 2 ha in the Rural Production Zone is too intense within the Coastal Environment Overlay given the strong policy directives applying in the coastal environment. It would potentially allow extensive and sporadic lifestyle subdivision.
- 50 The original management plan provisions mandated an minimum average of 6 ha for management plan subdivision what is now Rural Production Zone within the Coastal Overlay.¹⁷ This was arrived at after careful consideration of the policy requirements. As I have explained above those policy requirements have not been changed to any extent by the New Zealand Coastal Policy Statement 2010 or by the Regional Policy Statement.
- 51 Nor is any new or changed resource management issue that I am aware of that justifies the departure from the original management plan average lot sizes.
- 52 Management plan subdivision to an average of 2 ha for Rural Production zoned land within the Coastal Overlay is, in my opinion, inconsistent with the policy direction from section 6 of the Act, from the New Zealand Coastal Policy Statement, the Regional policy Statement

¹⁷ Outside the Coastal Overlay the original management plan rule provided for an average of 2ha for management plan subdivision in the Rural Production Zone. The Reporting Officer is recommending this be reduced to 1 ha. For more on recommendation see my paragraphs 58 to 63.

for Northland, and from policies within the proposed District Plan such as CE-P4¹⁸

Policy CE-P4

Preserve the visual qualities, character and integrity of the coastal environment by

- a. consolidating land use and subdivision around existing urban centres and rural settlements; and
- b. avoiding sprawl or sporadic patterns of development.

- 53 A management plan subdivision proposal would comply with the current 2 ha average requirement where all the lots are 2 ha in size. This would, though, likely result in sporadic rural lifestyle subdivision in the coastal environment..
- 54 SUB-R7 does not include any statement of environmental outcomes, but does include a requirement that the application contains the information listed in appendix APP3, subdivision management plan criteria.
- 55 Appendix APP3 includes a preamble on the purpose of management plan subdivision. It includes the following statement:
- Management plans allow subdivision and development where the location, form and scope of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage and cultural values.
- 56 In my opinion, sustainable environmental management with management plan subdivision in those parts zoned Rural Production and within the Coastal Environment Overlay are much more likely to be achieved where the starting requirement is an average minimum lot size of 6 ha, not 2 ha or less.
- 57 For completeness I note I am no longer seeking a 2 ha minimum average for management plan subdivision for land that is zoned Rural Residential and is within the Coastal Environment Overlay. This is because the management plan rule in the operative District Plan provided a 0.5 ha minimum average in the Coastal Living zone (the

¹⁸ In terms of coastal environment objectives and policies, see also CE-O2 and CE-P3

equivalent of which in the proposed District Plan is Rural Residential with Coastal Environment Overlay.

1 ha v 2 ha average

58 The amendments recommended in the Section 42A report include changing the 2 ha minimum average lot size in management plan rule SUB-R7 to a 1 ha minimum average lot size.

59 I have reviewed the reasoning behind this recommended change and consider that it cannot be justified.

60 Paragraph 368 of the Section 42A report sets out the reasoning behind the change. This is part of the discussion on amendments sought to rule SUB-R6, which provides for environmental benefit subdivision in the Rural Production Zone.

Matthew Otway seeks to reduce the minimum lot size from 2ha to 1ha. I consider this relief is appropriate as Ms Pearson in the S42A Rural report has recommended a reduction in the controlled minimum lot size for the Rural Lifestyle zone, alignment with this change is appropriate. In my opinion, the 1ha minimum still ensures sufficient land area for rural living while maintaining environmental and amenity values. As a consequential amendment I also recommend amendments to SUB-R7 (Management plan subdivision) for consistency.

61 The main problem I see with the recommended consequential amendment to rule SUB-R7 for consistency is that the recommended amendment to the management plan rule is fundamentally inconsistent with the amendment to the environmental benefit rule.

62 The change to the environmental benefit rule is a change to a minimum lot size for all lots, i.e. a minimum lot size. The recommended 'consequential' change to the management plan is to change the average lot size not the minimum lot size. This is not a consequential change.

63 It follows that the recommended change to a 1 ha average has no submission or legal basis to support it.

Management plan policies

Submission S431.064, further submission of support in part by Bentzen Farm Limited. Paragraph 333 of Section 42A Report.

Submission S431.065, further submission in opposition by Bentzen Farm Limited. Paragraphs 204 to 210 of Section 42A report.

- 64 These two submissions seek that two operative Plan policies which relate, directly and indirectly, to management plan subdivision guidance be included in the subdivision chapter of the proposed Plan.
- 65 The Reporting Officer does not agree with either submission, including because it is considered “that the matters raised are already addressed through existing provisions or are more appropriately managed through other chapters of the PDP”;¹⁹ “introducing a new policy with overlapping content risks unnecessary duplication and may reduce clarity for plan users”;²⁰ and the new policy requested “is not necessary” because the recommendations made in the Section 42A report and “previous recommendations from Hearing 4 provides appropriate policy direction for management plans.”²¹
- 66 The only explicit policy guidance on management plans in the subdivision chapter (with the Reporting Officer's recommended amendments included) is policy 8 which sets out the policy intent that rural lifestyle subdivision in the Rural Production zone is avoided unless one of three exceptions are met. One of the exceptions is a management plan subdivision.
- 67 Appendix APP-3, which sets out information requirements for a management plan application, does include include some descriptive statements about the purpose of management plan subdivision and the expected environmental results. However this is not, in my opinion, a satisfactory way of providing policy guidance for such subdivisions. The contents of the district plans set out in section 75 of the Act and the requirements of National Planning Standards both strongly expect policy guidance to be in the policy section of the plan, not in preamble paragraphs in appendices to a plan.

¹⁹ Assessment of submission S431.065, paragraph 210 of Section 42A report.

²⁰ Assessment of submission S431.065, paragraph 210 of Section 42A report.

²¹ Assessment of submission S431.064, paragraph 333 of the Section 42A report.

- 68 In my opinion, there should be a policy specifically setting out the intentions for management plan subdivision, as sought by submission S431.064:

Provide for more intensive, innovative development and subdivision which recognises site specific characteristics through the management plan rule where this will result in superior environmental outcomes.²²

- 69 Submission S431.065 seeks the insertion of a policy from the operative District Plan that provides more detail on subdivision design that is, in my opinion, of particular relevance to management plan subdivision design given it potentially introduces pockets of more intense settlement in largely undeveloped (in a built sense) rural areas. Such areas are often areas where several matters of national importance apply. With management plan subdivision building envelopes are required to be identified in advance, so a policy primarily directed to good building location against the matters of national importance is of benefit to applicants and decision makers considering management plan applications, and ensuring superior environmental outcomes occur.

- 70 The policy is:

Subdivision, use and development shall preserve and where possible enhance, restore and rehabilitate the character of the applicable zone in regards to s6 matters. In addition subdivision, use and development shall avoid adverse effects as far as practicable by using techniques including:

- (a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;
- (b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;
- (c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

²² Wording rearranged slightly from that set out in the submission to better reflect the drafting style of the proposed Plan.

- (d) through siting of buildings and development, design of subdivisions, and provision of access that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District
- (e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;
- (f) protecting historic heritage through the siting of buildings and development and design of subdivisions.
- (g) achieving hydraulic neutrality and ensuring that natural hazards will not be exacerbated or induced through the siting and design of buildings and development.

71 I have reviewed the policies in the Coastal Environment, Land and Natural Features, Hazards and Indigenous Biodiversity chapters of the proposed District Plan²³ and do not consider that there are any policy conflicts arising.

72 However I consider the policy as set out above would apply unnecessarily broadly. It is an apt policy for providing guidance on management plan subdivision and environmental benefit lot subdivision, but not particularly relevant to some other types of subdivision.

73 Therefore I consider the policy should be limited in its application to applications under rules SUB-R6 and SUB-R7.

Management plans and bonding

Submission S431.088. Paragraphs 335, 336 and 340 of Section 42A Report

74 This submission seeks an addition of a further note on the limits of bonding to section (d) of Appendix APP-3, management plan subdivision:

Council retains the discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which present a significant risk in its assessment to successful re-

²³ The versions of those chapters that include the relevant Reporting Officer's right of reply amendments.

establishment or management plan implementation. Evidence of the degree of risk should be included in the information required in part a, description of proposal, of Appendix APP3.

- 75 The Reporting Officer's assessment is that this insertion is "broad and may introduce uncertainty". Rather the Reporting Officer considers that any consideration of the use of a bond should be deferred until specific applications "where there is significant risk in managing adverse effect".²⁴ The Reporting Officer considers that adding this matter is unnecessary as the issue can be dealt with as part of a discretionary consent application, whether the potential matter is signalled in advance or not.
- 76 It must be acknowledged that there are harsh environments in the Far North especially coastal environments. In such environments that is an elevated risk that superior subdivision outcomes dependent on restoring and enhancing indigenous vegetation and habitats will not be achieved or will be compromised. There are reported instances of this occurring such as indigenous planting associated with coastal subdivision at Pakiri, for example.
- 77 In my view, it is better resource management practice to include a cautionary note of the sort proposed in Appendix APP-3 so applicants are aware that this may occur, and as an aide-memoire for decision makers, than it is to stay silent about this risk until it arises during the processing and consideration of a subdivision application.

C. ENVIRONMENTAL LOT SUBDIVISION

S431.086; further submission of support by Director-General of Conservation; further submissions in opposition by Bentzen Farm Limited and D & L Morrison. Paragraphs 357 and 358 of Section 42A Report.

- 78 This submission seeks that rule SUB-R6, environmental benefit rule and its supporting policies be amended by the addition of six matters of consideration.
- 79 The Reporting Officer considers that the matters identified in the submission are already covered, with rule SUB-R6 already having "a robust framework, including ecological assessment requirements

²⁴ Assessment of submission S431.088, paragraph 340 of the Section 42A report.

(RDIS2), legal protection mechanisms (RDIS-4), and ecological management planning (RDIS-5). Further the submission requests, but does not specify more details, additions to content and objectives of an ecological management plan. Finally “the inclusion of a fixed 20m buffer between house sites and protected ecological features” is not supported as it is seen as “better addressed through site-specific ecological assessment and subdivision design”. Rule NH-R5 which requires a 20 m setback from bush is also cited.

80 I now assess each of the matters in the following table.

Matter	Comment	Recommendation
all of the ecological feature is protected	<p>The benefit of protecting all of an ecological feature on a property is clear, including the consistent management across all of a ecological feature that is then possible.</p> <p>What is not clear is whether rule SUB-R6 requires all of the ecological feature on a property to be protected. RDIS-1 refers to 'total area to be legally protected', RDIS-2 refers to 'each separate area', RDIS-4 applies to 'all areas', R-DIS 5 refers to 'the covenanted area'.</p> <p>Missing is any explicit requirement for all of a ecological feature on a property to be protected.</p>	<p>Add a further RDIS</p> <p>All of an area of indigenous vegetation, indigenous habitat or natural wetland assessed as significant under RDIS-2 is protected</p> <p>with not achieving this RDIS being a non-complying activity</p>
the ecological significance of the feature is considered	<p>The ecological significance of a feature will be established or confirmed by the ecological assessment required under RDIS-2.</p> <p>The ecological significance is indirectly considered in matter of discretion b on ecological benefits</p>	<p>No wording alteration or addition required.</p>

Matter	Comment	Recommendation
any additional lots have a suitable house site at least 20 metres away from any protected ecological feature	<p>There is a risk where houses are located within 20 metres of protected bush area that safety would be compromised because of limited opportunity for an adequate fire break where buildings are closer than 20 metres from a protected ecological area.</p> <p>An application for an environmental benefit lot subdivision is the best time to address this risk issue.</p>	<p>Add a further RDIS</p> <p>All proposed new environmental allotments must identify a building site located at least 20 m from the protected feature</p> <p>with not achieving this RDIS being a discretionary activity</p>
more details are provided on the content and objectives of an ecological management plan (including how the management plan actions will be monitored and reported on	<p>There is a partial list of ecological management plan content requirements in RDIS-5.</p> <p>In my experience this is a very incomplete list. Important omissions include no explicit requirement for management plan objectives, no explicit requirement for monitoring and reporting against those objectives, no requirement to show how the necessary actions will be funded,²⁵ no provision for how an ecological plan may be amended (although this might have to be by way of amendment of consent condition).</p> <p>Other matters for an ecological plan to include are to be found in the policies in the Ecosystems and Indigenous Biodiversity chapter, including resilience of the area to climate change and using eco-sourced plants.</p>	<p>Add further matters to RDIS on objectives, monitoring and reporting, funding of necessary actions.</p> <p>Add a further matter of discretion the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.</p> <p>(Note the 'any relevant' is a term already used in matter of discretion i)</p>
sprawling or sporadic subdivision and development is avoided	Listed matters of discretion a (subdivision design and layout), d (effects on rural character) and i (referencing SUB-R3) collectively address this matter.	No wording alteration or addition required.

²⁵ In my opinion, ensuring there is sufficient long term funding for the necessary ecological management and restoration is fundamental to a successful management plan proposal. This is more likely to occur where an endowment-type fund is set up at the beginning rather than relying on annual payments from those within the subdivision.

Matter	Comment	Recommendation
natural character is protected and preserved	<p>Listed matters of discretion d (effects on rural character) and i (referencing SUB-R3) collectively address this matter.</p> <p>In addition SUB-R20 would apply where the ecological benefit subdivision is on Rural Production zoned land in the Coastal Environment Overlay, allowing direct consideration of effects on natural character.</p>	No wording alteration or addition required.

D MATTERS OF CONTROL AND DISCRETION

S431.072 to S431.085; further submissions of support Director-General of Conservation (re climate change), Waka Kotahi (re active transport); further submissions in opposition by Bentzen Farms Limited. Paragraphs 128, 373 and 571 of Section 42A Report.

- 81 This submission seeks the insertion of three further items in the matters of control and matters of discretion in all subdivision rules which include either controlled or restricted discretionary activity status.
- 82 The three matters are
- consistency with the scale, density, design and character of the environment and the purpose of the zone
 - measures to mitigate and adapt to climate change
 - where relevant, measures to provide for active transport, protected cycleways and for walking.
- 83 The Reporting Officer considers that these additional matters are not appropriate to include, in large part because it is considered that “the matters proposed are not sufficiently specific and could result in uncertainty”.
- 84 I do not agree that, compared to matters of control and discretion already listed, these matters are not sufficiently specific.
- 85 I also note that one of the other matters under section 7 of the Act to which particular regard must be had is the effects of climate change.

Further, the additional proposed criteria give effect to objectives and policies in the proposed Plan.

86 However I do not consider that all three matters are necessary in all the relevant subdivision rules.

87 These are, in my opinion, of particular relevance when a subdivision application could involve the creation of a number of residential/rural residential lots.

88 Therefore, I consider that the following matters should be added to matters of control or discretion (as relevant) in SUB-R3, SUB-R5, SUB-R6 and SUB-R7:

measures to mitigate and adapt to climate change

where relevant, measures to provide for active transport, protected cycleways and for walking

effects on the existing or planned local character and sense of place

SUBDIVISION WITHIN COASTAL ENVIRONMENT OVERLAY

S431.089 Coastal Environment Officer's Report paragraphs 455 and 460

89 This submission concerns rule SUB-R20, a rule making any subdivision of a site²⁶ within the coastal environment is a discretionary activity. The submission seeks that this rule not apply to urban areas in the coastal environment. I am repeating the evidence given earlier in relation to this subdivision rule.

90 Mr Lee offers the following reasoning in support of retaining rule SUB-R20 unchanged:

The rules provide a more stringent activity status for subdivision than in the underlying zone, recognising the greater potential for adverse effects on the coastal environment resulting from subdivision (particularly the associated land-use activities that subdivision typically enables). (from paragraph 459 of the Coastal Environment Officer's Report)

91 I generally agree with this reasoning, except for some urban areas within the Coastal Environment Overlay.

²⁶ Excluding Outstanding Natural Character Areas which are the subject of rule SUB-21.

- 92 A more stringent activity status for subdivision in the coastal environment than the underlying zone follows from addressing section 6(a) the Act, within the limiting confines of national planning standards that largely preclude coastal environment specific zones.
- 93 I say 'largely preclude coastal environment specific zones' because there is one specific coastal environment urban zone – the Kororāreka Russell Township Zone. This already has subdivision standards set that are appropriate and that, among other things, reflects the coastal location.
- 94 Further more stringent activity status for subdivision in urban parts of the coastal environment is at odds with the clear policy direction to consolidate settlement in a round existing urban settlements.
- 95 In my opinion, this means that SUB-R20 should not apply to Kororāreka Russell Township Zone.
- 96 There are other zones where SUB-R20 may produce an unintended result. For example the areas zoned Mixed Use that are also within the coastal environment. Or the areas of General Residential that are also within the coastal environment.²⁷
- 97 I conclude that SUB-R20 should apply to all zones except General Residential, Mixed Use, Light Industrial, Kororāreka Russell Township Zone, Māori Purpose Zone - Urban, and Hospital Zone.

Andrew Riddell

14 October 2025

²⁷ Noting that specific General Residential areas in the coastal environment are yet to be identified following further study by the District Council.