

SECTION 32 REPORT

Subdivision

May 2022

Table of Contents

1	Executive Summary	3
2	Introduction and Purpose	4
2.1	Purpose of report	4
2.2	Overview of topic.....	4
3	Statutory and Policy Context	7
3.1	Resource Management Act 1991	7
3.2	Higher order planning instruments	8
3.2.1	National Planning Standards.....	8
3.2.2	National Policy Statements.....	8
3.2.3	National Environmental Standards.....	8
3.2.4	Regional Policy Statement for Northland	9
3.3	Regional Plan for Northland	9
3.4	Iwi and Hapū Environmental Management Plans	10
3.5	Other Legislation and Policy Documents	10
3.5.1	Far North District Long Term Plan 2021-2031	10
3.5.2	Far North District Infrastructure Strategy 2021-2051	10
3.5.3	Far North District Council Engineering standards April 2022	10
3.5.4	The Building Act 2004	11
3.5.5	Te Ture Whenua Māori Act 1993.....	11
3.5.6	Land Transfer Act 2017	11
3.5.7	Unit Titles Act 2010.....	11
3.5.8	Local Government Act 1974	12
3.5.9	Local Government Act 2002	12
4	Current State and Resource Management Issues	12
4.1	Context	12
4.1.1	Summary of current management approach	12
4.1.2	Limitations with current approach	13
4.2	Key issues identified through consultation.....	13
4.2.1	Summary of issue raised through consultation	13

4.2.2	Summary of advice from iwi authorities.....	13
4.3	Summary of resource management issues.....	14
5	Proposed District Plan Provisions.....	14
5.1	Strategic Objectives	14
5.2	Proposed Management Approach.....	15
5.3	Summary of proposed objectives and provisions.....	15
5.3.1	Summary of objectives	15
5.3.2	Summary of provisions	16
5.3.3	Responding to advice from iwi authorities.....	20
6	Approach to Evaluation	22
6.1	Introduction.....	22
6.2	Evaluation of scale and significance	22
6.3	Summary of scale and significance assessment	24
7	Evaluation of Objectives	24
8	Evaluation of Provisions to Achieve the Objectives	27
8.1	Introduction.....	27
8.2	Quantification of benefits and costs.....	28
8.3	Evaluation of options.....	29
8.3.1	Option 1: Status quo.....	29
8.3.2	Option 2: Proposed approach.....	30
9	Summary	33

1 Executive Summary

This section 32 evaluation report relates to subdivision. Subdivision is the process whereby areas of land are divided into separate allotments with separate titles which can then be sold. Subdivision is a legal process that has no physical effects on land or other resources as it just redefines the legal boundaries of title for separate sale. Yet subdivision is a fundamental precursor to further development. There is an expectation that if a site is purchased it can have a house erected on it. It is therefore important to control subdivision to ensure that this is the case.

Key resource management issues for subdivision for the Far North District are:

- Rural land fragmentation
- Well-functioning environments
- Inconsistency with higher order planning documents
- Plan structure format and clarity
- Connections with the Tangata whenua chapter

The proposed Subdivision chapter takes on the hybrid plan approach. It simplifies the provisions, provides clearer direction and largely carries over the technical requirements for subdivision. The main changes to the overall proposed management approach include:

- Tightening up of subdivision in the rural environment with new minimum allotment sizes and stronger policy direction around protection of highly productive land
- More focus on subdivision that is integrated, accessible and connected.
- Streamlining rules and standards for clarity and ease of readability with linkages to other chapters.
- Integration of the new Far North District Council Engineering Standards 2022.

It is anticipated that the proposed Subdivision chapter will provide clear direction for people seeking to subdivide. In addition, the management of the effects on the environment will be clearly aligned with activity status and outcomes for the resource affected.

The proposed provisions in the Subdivision chapter strike a balance between retaining provisions that are currently functioning well and addressing existing issues with the existing provisions in the Operative District Plan (**ODP**). The balance of old and new provisions is considered to be both an efficient and effective approach for the revised Subdivision chapter in the Proposed District Plan (**PDP**). Overall, this section 32 evaluation concludes that the objectives for the Subdivision chapter in the PDP are the most appropriate way to achieve the purpose of the RMA and the proposed provisions are the most appropriate way to achieve the objectives, based on an assessment of effectiveness, efficiency, benefits and costs.

2 Introduction and Purpose

2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for Subdivision in the Proposed Far North District Plan (**PDP**). This assessment is required under section 32 of the Resource Management Act 1991 (**RMA**).

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

This report addresses subdivision, consideration needs to be given to the zone, overlay and district wide chapters section 32 reports.

2.2 Overview of topic

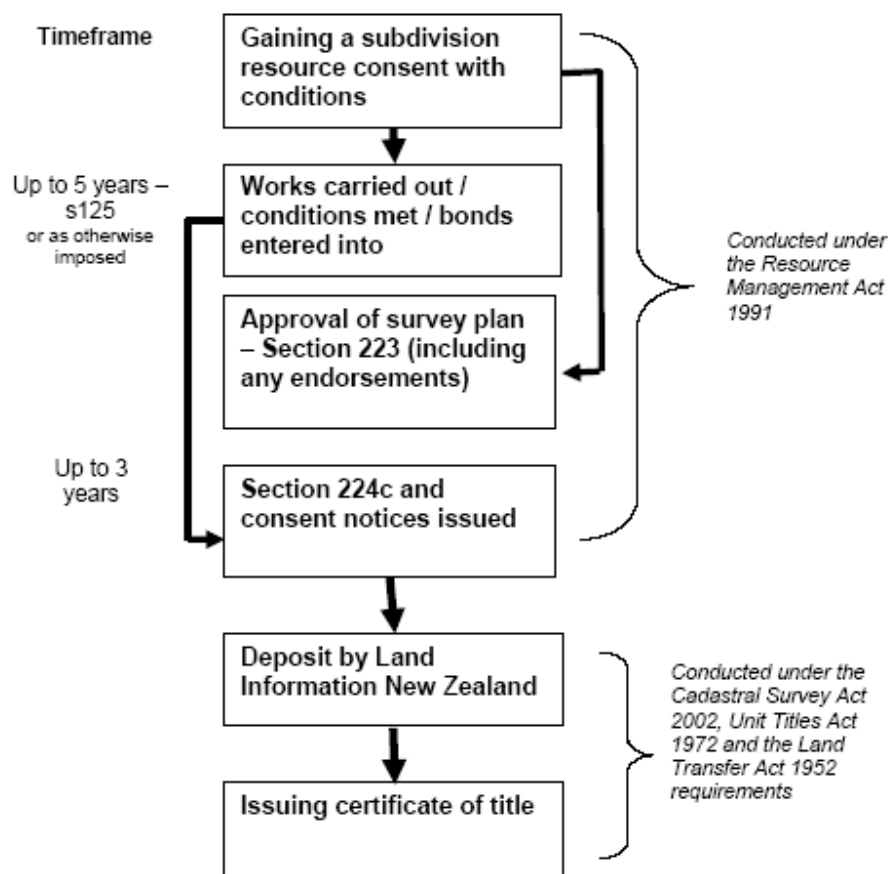
This section 32 report relates to the provisions in the PDP that manage Subdivision. The Subdivision provisions are of significance because they enable people to provide for their social, cultural and economic wellbeing through provision of land for housing, but also for commercial and industrial purposes, as well as open spaces, public access and potential for protection and enhancement of natural and physical resources.

Subdivision is the process of creating records of title that allow for individual properties to be bought and sold. Subdivisions can range in scale from two-lot infill subdivisions through to the creation of new settlements, with thousands of properties. As subdivision is the process of splitting land parcels into individual properties, there can be a range of effects including:

- Defining the amenity and character of an area;
- Determining the suitability of a site to be used for future activities;
- Impacts on infrastructure
- Impacting the traffic safety of a roadway and required extensions to existing transport network.
- Changing or impacting natural values associated with an area; and
- Changing the natural hazard risk.

The RMA is the primary piece of legislation that manages subdivision and its resulting impacts on the environment. Given the requirements under the Act, most subdivisions are required to go through a resource consent process to allow for the relevant effects to be assessed and to allow for conditions to be imposed on the consent to address the resulting effects. The following diagram sets out the subsequent processes that occur to allow a new record (certificate) of title to be issued:

Process of subdivision



Subdivision of land should be of an appropriate size, scale and character for the zone. To ensure that zones remain fit for their intended use, there are often differing requirements between zones pertaining to subdivision. One of those requirements is the minimum lot size. Due to the impact of subdivision on natural and cultural values, there are often more restrictive provisions in the environmental overlays and certain areas to protect the values (for example Significant Natural Areas (SNA), Outstanding Natural Landscapes and Features). The more restrictive provisions allow for a more robust and full consideration of the effects of the subdivision on the values of the Overlays or certain areas. In some instances, subdivision may be discouraged due to the potential effects on the values associated with the Overlay or certain areas. While this s32 assessment does not explore the subdivision provisions pertaining to the Overlays or areas, the subdivision chapter does contain rules that address the impacts of subdivision within the overlays and areas.

Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the RMA and these are administered by the Māori Land Court. However, full partitions are subject to the subdivision provisions.

The overall management approach for the Subdivision chapter in the PDP is largely consistent with the ODP. However, the PDP provisions update and refine the ODP approach to give effect to national and regional policy direction and be consistent with current best practice. This has included a redrafting of the Subdivision objectives and policies and provides:

- Greater policy direction on the protection of highly productive land.
- Greater policy direction on the protection and enhancement of natural and physical features.
- Clearer direction around infrastructure integration and requirements.
- Increased emphasis on cultural values throughout the framework.
- Management of the efficient use of land though zone, overlay and district wide objectives.

The subdivision rules and standards have also been updated and restructured to be more user friendly and consistent with other second-generation electronic plans. In addition, the Subdivision chapter introduces new subdivision rules for some special purpose zones and a new Environmental Benefit subdivision rule in the Rural Production Zone that requires protection and enhancement of SNA in exchange for the right to subdivide a rural lifestyle sized lot.

3 Statutory and Policy Context

3.1 Resource Management Act 1991

The **Section 32 Overview Report** for the PDP provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6.
- Have particular regard to a range of other matters in section 7.
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are relevant to subdivision:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:
- (f) The protection of historic heritage from inappropriate subdivision, use, and development:
- (h) The management of significant risks from natural hazards.

Section 6 matters are of relevance for subdivision, yet most are addressed in the relevant overlay area chapters and assessed in those section 32 reports (eg. Subdivision in the coastal environment in addressed in the Coastal Environment s32). Specific to this Chapter is the maintenance of public access, as this has a direct relationship to the taking or settling aside of esplanade reserves or strips as part of subdivision. Esplanades can also be used for natural hazard mitigation.

The following section 7 matters are directly relevant to subdivision:

- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:

Section 7 (b) is relevant to the urban environment in terms of allotment sizes and also location, as well as the location of rural and rural residential development. More intensive development is focused in areas that are walkable and have access to development infrastructure. It is also important that the provisions have a strong focus on 7 (c) (f) and (g).

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities have been involved in the district plan review process. Feedback from iwi authorities has informed the section 32 report, including more acknowledgment throughout the plan of Tangata whenua inclusion in processes.

3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments - National Policy Statement (**NPS**), the New Zealand Coastal Policy Statement (**NZCPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to subdivision.

3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The following standards and directions in the planning standards are of direct relevance to Subdivision:

- The national planning standards require a single chapter for subdivision including objective and policies and any technical subdivision requirements of Part 10 of the RMA.
- The definition of site ('allotment' is defined in the s218 RMA and adopted by the national planning standards).
- The definition of 'boundary adjustment' and 'subdivision' are as defined in s218 RMA and adopted by the national planning standards.
- National guidance documents relevant to individual zones and district wide matters are discussed in the s32 reports for those topics. Some of these have implications for subdivision.

3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any NPS. The following NPS's have some relevance and are addressed in other section 32 reports, with provisions reflected in the Subdivision chapter.

- New Zealand Coastal Policy Statement 2010.
- National policy statement for freshwater management.
- Proposed national policy statement on indigenous biodiversity.
- National policy statement on urban development capacity

The NPS on urban development capacity holds some relevance, although the Far North District is not considered a third tier Council. Consideration is appropriate for the creation of well-functioning urban environments. The Subdivision chapter places emphasis on integrated planning of land use, development and infrastructure provision. The provisions proposed for each zone contribute to the provision of sufficient development capacity.

3.2.3 National Environmental Standards

Under section 74(1)(f) of the RMA, a district plan must be prepared in accordance with any regulations, which includes NES. Section 44A of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict or duplicate with provisions in a NES. The following NES are directly relevant to Subdivision:

National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health 2011 (NESCS).

- The NESCS imposes additional requirements for the subdivision of land where land contamination may be a concern. As such, the district plan provisions for subdivision do not need to address the potential for land contamination.

3.2.4 Regional Policy Statement for Northland

Section 75(3)(c) of the RMA requires district plans to ‘give effect’ to any RPS. The RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS that are directly relevant to subdivision. There are numerous other provisions that have relevance to the zones and overlay provisions in the Subdivision chapter, they are addressed in the applicable s32 reports.

RPS	
Objective 3.8	Efficient and effective infrastructure
Objective 3.11	Regional form
Policy 5.1.1	Planning and coordinated development
Policy 5.1.3	Avoiding the adverse effects of new use(s) and development
Policy 5.2.1	Encourage development and activities to efficiently use resources
Policy 5.2.2	Encourage the development of infrastructure that is flexible, resilient, and adaptable
Policy 5.2.3	Promote the provision of infrastructure as a means to shape economic growth and development
Policy 6.1.1	District plans shall only contain...

These provisions are provided in full in the appendices in Section 10. In summary, these RPS policies and the implementation method require the PDP to:

- Give effect to Policy 5.1 when developing objectives, policies and methods.
- Ensure subdivision is located, designed and built to ensure good community outcomes and servicing is integrated effectively.
- Regulation should include incentives to encourage subdivision, use and development involving restoration and protection of ecosystems and indigenous biodiversity
- Shall give effect to Policy 6.1.1

The provisions in the PDP are consistent with, and give effect to, these RPS objectives and policies.

3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plan must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. Section 74(2)(a) of the RMA states that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**.

The Northland Regional Water and Soil Plan has rules around wastewater discharges, and setbacks for discharge, potentially contaminated land and earthworks which have some relevance for Subdivision.

Requirements around servicing for both rural land and sites that are serviced by development infrastructure are included in the Subdivision performance standards.

3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the Section 32 Overview Report. The key issues in these plans that have been taken into account in the preparation of the provisions of Subdivision chapter are as follows:

- Development and growth is putting increasing pressure on ageing and less than adequate infrastructure.
- Subdivision and development can result in damage to wahi tapu, taonga and cultural landscapes if not undertaken appropriately.
- Coastal land fragmentation is reducing coastal/ rural outlook.

3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires council to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP. This section provides an overview of other strategies and plans directly relevant to Subdivision.

3.5.1 Far North District Long Term Plan 2021-2031

The Subdivision chapter aligns with the strategic priorities and community outcomes in the long-term plan. These include:

- Better asset management.
- Enable sustainable economic development.
- Adapt to climate change.
- Protect our water supply.
- Deepen our sense of place and connection.
- Communities that are healthy, safe, connected and sustainable.
- A wisely managed and treasured environment that recognises the role of tangata whenua as kaitiaki.

The plan identified a number of priorities around infrastructure. Additionally, the plan recognises that subdivision is an important component in the accommodation of growth.

“Council estimates subdivision activity to result in an annual increase in rateable properties of 0.5% in year 2 reducing to 0.3% in year 10. There are currently over 7,000 undeveloped residential and lifestyle blocks and these will accommodate growth within the District over the life of the plan.”

3.5.2 Far North District Infrastructure Strategy 2021-2051

The Infrastructure Strategy includes priorities around integrating Asset Management planning with the new District Plan. The strategy contains several goals and actions relating to how infrastructure should be managed in the Far North District. The Infrastructure Strategy is targeted at Council owned and managed infrastructure, so the most relevant parts of the Strategy to the PDP provisions relate to connection with three waters infrastructure (wastewater, stormwater and water supply).

3.5.3 Far North District Council Engineering standards April 2022

Councils Engineering Standards have recently been updated. The standards contain detailed technical and engineering requirements. This document is the key technical standard that is applied when new

infrastructure assets are constructed, and existing infrastructure is upgraded. The standards encourage best practice design while emphasising liveability and environmental quality.

The engineering standards include up to date design principles and some of the changes include:

- Low impact design solutions for stormwater management and urban design principles for roading design.
- Roads – updated urban and rural design criteria and detailed constructions controls. Road design criteria to cater for the different district plan zones.
- Stormwater – consideration of Māori values and climate change with greater details on design.
- Wastewater- greater details around design.

These standards have been referred to in the Subdivision chapter.

3.5.4 The Building Act 2004

The Building Act 2004 regulates the construction of buildings and includes provisions governing the risk from natural hazards.

3.5.5 Te Ture Whenua Māori Act 1993

This Act sets out the laws relating to Māori land in accordance with its preamble, as summarised below:

- Recognise land is a taonga to Māori.
- Promote the retention of that land in the hands of its owners/whānau/hapū.
- Protect wāhi tapu.
- Facilitate the occupation, development and utilisation of that land for the benefit of its owners/whānau/hapū.

This act covers the Partition of Māori land (Part 14) into parcels for various purposes, the equivalent of subdivision of general land. The partitioning of Māori land is exempt from the subdivision process under the RMA and must be undertaken through the Māori Land Court under Te Ture Whenua Māori Act.

3.5.6 Land Transfer Act 2017

This Act maintains the Torrens system of land title in New Zealand, providing a register of land that describes and records the ownership of estates and interests in land, and facilitates the transfer and vesting of dealings with estates and interests in land. It sets out a Registrar that is required to hold records of title in a register for freehold estates, leasehold estates and stratum estates, and provides a unique identifier for the record of title. The Registrar can amalgamate or separate records of title. The Land Transfer Act covers registration of leases of title, as well as registering a mortgage of an estate or interest in land. Easements and covenants created under the Property Law Act and their registration on records of title are also managed via the Land Transfer Act, as well as the merging, variation to, or extinguishing of, easements or covenants already registered. Access strips on titles are also covered under this Act.

3.5.7 Unit Titles Act 2010

This Act provides a legal framework for the ownership and management of land and associated buildings / facilities by communities of individual owners. In particular, the Unit Titles Act allows for the subdivision of land and buildings into unit title developments, comprising units that are owned in stratum estate in freehold / stratum estate in leasehold, and common property that is owned by the body corporate on behalf of the unit owners. This Act also creates body corporates to operate and manage unit title developments and creates a regime for the governance of unit title developments.

3.5.8 Local Government Act 1974

Although largely repealed, Council retains powers and responsibilities under the Local Government Act 1974 in relation to infrastructure such as roads, drainage, and fire hydrants.

3.5.9 Local Government Act 2002

Section 10 of the Local Government Act 2002 sets out the purpose of local government as including meeting the current and future needs of communities for good-quality local infrastructure and local public services in a way that is most cost-effective for households and businesses. The design and layout of land development via subdivision is one of the methods by which this is achieved.

4 Current State and Resource Management Issues

This section provides an overview of the relevant context for subdivision, current approach to manage subdivision through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for subdivision that are to be addressed through the PDP.

4.1 Context

Subdivision in urban areas and on the rural urban fringe is strongly correlated to population growth, economic trends and residential demand. Subdivision in the rural environment is strongly correlated to the profitability of production. Primary producers subdivide to get through periods of low commodity prices or to gain capital to invest in their remaining production land. However, due to development pressure, land use incompatibility or increasing land values some production units are converted entirely to residential lots.

A limited set of information on subdivision was analysed through the section 35 report¹. Between 2013 and 2018 of the total number of subdivision consents, 54% of those were in the Rural Production zone alone, with majority of these consents in the Kerikeri area. This significantly increased from the previous section 35 reporting period. A large number of these lots were of a size smaller than we would expect in the rural environment. This is largely the result of the grandfathering rule framework for the rural production zone. In addition to the enabling nature of the subdivision standards under the ODP.

"in the rural production zone between 2000 and 2007, 28% of all titles created were between 1ha and 4ha. There has been moderately more 1,000-3,000sqm lots created per annum between 2008-2008 compared to the 2000-2007 period....²".

This indicates that growth has not occurred where the plan anticipated. Other contributing factors could be things such infrastructure supply issues. For example, development within the Kerikeri urban area was largely hamstrung by the completion of the new Kerikeri Wastewater system.

1. Council - Review of the Efficiency and Effectiveness of the Far North District Plan – April 2020.
2. 4sight Consulting - Rural Environment Economic Analysis – September 2018.

4.1.1 Summary of current management approach

The relevant section of the ODP is Chapter 13– Subdivision.

- Subdivision provisions are contained within the Subdivision chapter with links to the other chapters, excluding provisions around esplanades
- Objectives and policies are detailed and in some cases duplicate other chapters of the plan.
- The provisions contain significant front-end information that is either unnecessary or could be better housed in the 'how the plan works' section of the plan.
- Provisions are effects based.
- Controlled, to discretionary limits for subdivision minimum] lot sizes.

- Standards for things such as utilities and access.
- In the Rural Production zone there is a pathway for smaller lot sizes for titles dating pre April 2000.
- A section on other methods.
- Encouragement of the consideration of iwi documents.
- Development bonus provisions.
- Management plan subdivision

4.1.2 Limitations with current approach

The Council has reviewed the current ODP approach, internal workshops and feedback from the community and stakeholder feedback. A number of limitations with the current ODP approach have been identified through this process, including:

- Lack of integration with Tangata whenua principals throughout the Subdivision chapter.
- Confusion with the subdivision lot sizes for outstanding landscape, outstanding landscape feature and outstanding natural features rule.
- Integration issues with other plan chapters.
- Chapter is not up to date with the direction from the Planning Standards.
- Chapter jumps around and includes a large amount of additional information which is either repeating the Act or could be better placed in the front end of the plan.
- Updates needed to reflect higher order planning documents and subdivision status such as controlled subdivision within an ONL and ONF.
- The ODP rural subdivision framework has created a legacy of small lots.
- Limited protection of versatile soils has meant there has been the fragmentation highly productive land and areas supplied by the irrigation network.
- Subdivision that has lacked integration and connections with the wider environment.
- Management subdivision framework is not well used due to, onerous information requirements, complicated consent conditions and on-going monitoring requirements.

4.2 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to Subdivision and a summary of advice received from iwi authorities on Subdivision.

4.2.1 Summary of issue raised through consultation

There was a moderate level of interest in Subdivision from the community through consultation and engagement of the PDP. Key issues identified through this process include:

- Consideration of clarity and rewording for objectives and policies.
- Consideration of planned and coordinated development so it makes the best use of infrastructure and connectivity opportunities.
- Consideration of an easier pathway for subdivision with an approved land use resource consent.
- Other feedback around the zone and overlay provisions which are sitting in the proposed subdivision provisions.

4.2.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with Tangata whenua and iwi authorities in the development of the PDP and

key issues raised through that process. In relation to Subdivision, iwi authorities provided the following advice:

- Linkages and triggers to iwi and hapū management plans.
- Further consideration of highly productive land.
- Further consideration of recharge of aquifers and groundwater and streams in the framework.
- Consistency with Te Mana o te wai needed.
- Further consideration be given to effective consultation with affected Tangata whenua and clarity around cultural impact assessments is necessary.

Section 3.4 above provided a summary of the key concerns and issues raised in hapū and iwi environmental management plans.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

4.3 Summary of resource management issues

The topic itself has not been identified as a significant resource management issue (SRMI) in the development of the PDP. However, the following SRMI are of relevance to Subdivision:

- Urban sustainability.
- Rural sustainability.
- Affordable infrastructure.

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for Subdivision to be addressed through the PDP are:

- Rural subdivision and zone function and character.
- Well-functioning accessible environments.
- Connections with Tangata whenua chapter.
- Updates with higher order planning documents and policy direction.
- Clarity and streamlining of rules.
- Clear objective and policy links.

5 Proposed District Plan Provisions

The proposed provisions are set out in the Subdivision chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended as high level direction for the PDP and guidance on how best to implement the Council's community outcomes set out in its Long Term Plan and Far North 2100. The strategic objectives from the PDP of direct relevance to Subdivision are:

Environmental Prosperity

- **EP-04** – *Protection of versatile soils from inappropriate development to ensure their potential for generations to come.* The framework since the draft has been rewritten to clearly place importance on the protection of Highly productive land.

Urban form and development

- **UFD-02** – *Urban growth and development consolidation around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a*

mix of housing typologies. The subdivision framework focuses on getting the right development in the right place, taking direction from the General Residential framework.

- **UFD-03** – *Appropriate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.* There are provisions in the subdivision framework that address the provision of infrastructure.

5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for Subdivision focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based planning and an updated plan format and structure to align with the national planning standards.

The main changes in the overall proposed management approach are:

- Include objectives, policies and rules that direct the outcomes that reflect the form and function of the various zones, overlays and district wide provisions;
- Include objectives, policies and rules that relate directly to the servicing of allotments and the provision of esplanade strips and reserves;
- Set a starting point of subdivisions being a controlled activity, with the matters of control covering the relevant matters of consideration associated with a subdivision; and
- Within the overlays and other district wide provisions provide a stricter level of assessment than the standard zones provisions. These additional levels of assessment are tailored to the outcomes sought within the overlays.

The proposed provisions are essentially a refinement and update of the existing subdivision provisions to reflect changes in how the District has, and will, continue to develop. The proposed approach seeks to remove some of the existing complexities around subdivision and provides a more nuanced framework. The proposed provisions correspond more directly to the potential level of effect arising from the subdivision on the form, function and character of the zone.

The subdivision chapter contains the rules pertaining to the various overlays. The rules within the overlays have more matters that require consideration than the standard zone based provisions. The starting consent category for subdivision in the overlays may be higher than the standard zone-based provisions. This is because in some instances it may not be appropriate to approve subdivision within the various overlays and certain areas. The objectives and policies pertaining to subdivision in the overlays can be found in the respective overlays chapter. The rationale for the objectives, policies and rules pertaining to the overlays can be found in the respective s.32 assessment pertaining to the overlay.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for Subdivision.

5.3 Summary of proposed objectives and provisions

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

5.3.1 Summary of objectives

The proposed management approach for Subdivision includes objectives that seek to:

- Achieve the efficient use of land.
- Provide for the protection, restoration or enhancement of natural and physical features.
- Ensure appropriate infrastructure.
- Ensure subdivision is accessible, connected and integrated.

5.3.2 Summary of provisions

For the purposes of section 32 evaluations, ‘provisions’ are the “*policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change*”.

The proposed management approach for Subdivision includes policies that:

- Enables boundary adjustments and subdivision for the purpose of public works, infrastructure, reserves or access.
- Provide for subdivision based on efficient use of land and zone-based objectives where development is consistent with the purpose, characteristics, and qualities of each of the zone values.
- Manages subdivision in overlays, and certain areas.
- Ensures subdivision is safe connected and accessible.
- Requires infrastructure to be provided in an integrated and comprehensive manner.
- Requires vesting of esplanade where applicable.
- Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule and will not result in the loss of versatile soils for primary production activities. Clearly showing that we do not want allotments that do not comply with the minimum allotment size and residential density in the Rural Production zone.
- Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule. Clearly showing that we do not want allotments that do not comply with the minimum allotment size and residential density in these zones.
- Avoids the subdivision of minor residential units, clearly showing that we do not want allotments that do not comply with the minimum allotment size and residential density.

The proposed management approach for Subdivision includes rules and standards that:

- Address different subdivision types and reasons for subdivision in addition to a set of rules that control subdivision in different overlays and areas.
- Provide for the following activities as controlled activities, subject to compliance with various standards and matters over which control is restricted:
 - Boundary adjustments;
 - Allotments for public works, network utilities, reserves or access;
 - Subdivision of and to create allotments within all zones (including unit title subdivisions) except in the Open Space zones, Motorua Island, Quail Ridge, Airport and Maori purpose zone in accordance with controlled standard minimum allotment sizes and subject to effects standards and limited to matters of control;
 - In the Orongo Bay and Carrington Estate special zones in accordance with the corresponding development plans and controls;
 - Subdivision that creates a private accessway that serves a maximum of 8 sites;
 - Subdivision around an approved multi-unit development subject to controls; and
 - Subdivision of land that includes land susceptible to land instability in accordance with standards.
- Provide for the following activities as Restricted discretionary activities:
 - Subdivision that does not comply with the subdivision performance standards listed;
 - Subdivision in the Kauri Cliffs special zone in accordance with listed standards;
 - Environmental benefit subdivision subject to matters of restricted discretion including but not limited to total area of significant indigenous vegetation or significant indigenous habitat or natural wetland, scheduling these areas in the plan, legal

- protection through other methods, balance lot sizes, one time subdivision allowance and controls around percent of versatile soils within an allotment;
 - Subdivision within the National Grid Corridor where building platforms are outside the National Grid Yard and subdivision of land within 32m of the centre line of a Critical Electricity Line to prevent reverse sensitivity;
 - Subdivision in flood hazard areas where buildings are located wholly outside the spatial extent of the 1 in 100 year floodplain, and allotments must not increase flood hazard risk beyond the site, and private roads, accessways and ROWs are located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level, in order to manage the hazard risk;
 - Subdivision in coastal hazard areas where all building platforms and associated access for each site are located wholly outside the spatial extent of the coastal hazard area in order to manage the hazard risk;
 - Subdivision of a site that contains a scheduled heritage resource and subdivision of land within a Heritage Area Overlay, to ensure protection of values sites; and
 - Subdivision of a site that contains a site or area of significance to Māori, to ensure protection of the sites or areas.
- Provide for the following activities as Discretionary activities:
 - Subdivision to create allotments in the General Residential, Kororareka Russell Township zone, Settlement zone, Mixed Use zone, Light Industrial zone, Heavy Industrial zone and Horticultural Processing zone that comply with the discretionary minimum allotment sizes;
 - Subdivision in the Kauri Cliffs zone that does not comply with the restricted discretionary standard;
 - Subdivision in the Māori Purpose and Ngawha Innovation and Enterprise Park zones;
 - Subdivision in the Rural Production and rural lifestyle zones under the subdivision management plan rule;
 - Subdivision under the environmental benefit rule if some of the matter of restricted discretion are not met;
 - Subdivision of a site containing a Mineral Extraction overlay where a building platform for each allotment can be setback 100m or more from the Mineral Extraction overlay, to minimise reserve sensitivity;
 - Subdivision of a site containing a scheduled SNA where the site is located outside the coastal environment and does not divide a SNA to ensure protection; and
 - Subdivision within an ONL, ONF, within the coastal environment excluding Outstanding Natural Character Areas and within wetland, lake and river margins to ensure protection.
- The following activities are Non-complying activities:
 - Subdivision in all zones where the discretionary minimum allotment sizes (or provisions for the special zones) are not met;
 - Subdivision in the Open Space zones, Motorua Island, Quail Ridge, and Airport zone;
 - Subdivision of a site containing a Mineral Extraction overlay that does not meet the building platform requirement;
 - Subdivision of a site containing a scheduled SNA in the coastal environment or where a scheduled SNA is divided; and
 - Subdivision of land within Outstanding Natural Character Areas in the Coastal Environment.
- Matters of Control
 - The proposed matters of control are those that directly relate to the effects of subdivision and include:

- The design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;
- The provision of easements or registration of an instrument for the purpose of public access, and reserves;
- The effects of development phase works on the surrounding area;
- Extent of potential effects on sites and areas of significance to māori, ancestral lands, water, site, wāhi tapu and other taonga;
- Adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand threat classification system lists;
- Natural hazards or geotechnical constraints;
- Where relevant compliance with Far North District Council Engineering Standards 2022; and
- Adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.

The matters of control allow Council to impose conditions on the relevant effects associated with subdivision to ensure that the outcomes sought are appropriate.

- Performance standards include:
 - Minimum allotment size table;
 - Requirements for building platforms for each allotment;
 - Water supply;
 - Stormwater management;
 - Wastewater disposal;
 - Telecommunication and power supply;
 - Easements for any purpose; and
 - Esplanades.

Minimum lot size table

Zone	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha	2ha
General Residential	600m ²	300m ²
Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²

Horticulture	10ha	4ha
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
All other zones	N/A	N/A
All allotments created for public works, network utilities, reserves or access	No minimum lot size	no minimum lot size

Minimum lot sizes have increased from the operative for the Rural Production zone. The subdivision framework focused on preventing further fragmentation of land to ensure it is available for primary production activities for current and future generations. This requires the minimum lot size in the Rural Production zone to increase to 40ha as a controlled activity and 8ha as a discretionary activity. This replaces the permissive framework that allowed rural lifestyle and rural residential sized lots, ranging in size from 2,000m² to 4ha, anywhere within the rural environment.

The Rural Lifestyle zone has a subdivision framework that provides for 2-4ha sized lots. This lot size supports rural lifestyle activities (residential, small scale keeping of animals/stock or farming) so that people can continue to live in a rural setting with rural amenity values without needing to purchase a large, productive rural land parcel. Comparatively the Coastal Living zone in the ODP previously provided for lots ranging in size from 5,000m² to 4ha in size. Increasing the minimum lot size in the zone from 5,000m² to 2ha ensures that the lots still have a connection with the rural environment, can continue to provide rural amenity and avoid potential reverse sensitivity effects on the boundary with Rural Production zoned land. Larger lot sizes in this area also reduces the pressure to further fragment the zone and provide reticulated infrastructure.

The Rural Residential zone now provides for lots down to 2,000m², the OPD Rural Living zone was a minimum of 3,000m². This is primarily a result of advances in technology and the association of these areas with urban areas.

The Horticulture zone subdivision framework provides for smaller lots compared to the Rural Production zone under the PDP (reflecting the existing fragmented land pattern and the fact that horticulture activities can still be productive and economically viable on smaller land parcels), with a minimum lot size of 10ha as a controlled activity and 4ha as a discretionary activity. However, this is still more stringent than the subdivision framework under the ODP that provided for rural lifestyle and rural residential lots ranging in size from 2,000m² to 4ha. The framework requires subdivision to avoid fragmentation that would result in the loss of highly productive land for use by horticulture activities and ensures the long-term viability of the highly productive land resource to undertake a range of horticulture activities.

The settlement zone subdivision framework was based on ensuring subdivision provisions provide for lots consistent with the character of the settlement and have sufficient land area to provide for onsite infrastructure. Controlled activity subdivision is allotments of 3,000m² and 1,500m² as a discretionary activity.

Subdivision allotment sizes for General Residential, Mixed use, light industrial, heavy industrial, special zones in the ODP are unchanged, but a rule has been created in the subdivision framework for a controlled pathway for subdivision around an approved multiunit development in the General Residential zone. Subdivision is still non-complying in Open space and recreation zones.

There is no minimum allotment size in SUB-S1 for all other zones. This is because the nature and tenure of allotments within these zones means that subdivision is uncommon. As a discretionary activity, the full range of effects can be considered thorough a resource consent process.

Subdivision of land in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan have Restricted dictionary, discretionary and non-complying status as they offer additional protection of these areas.

SUB – R6 Environmental Benefit Subdivision

The ODP had a discretionary activity rule, 13.9.3 ‘Development bonus’ provides for “*where any proposed plan of subdivision provides for the formal protection of ... areas of significant indigenous vegetation or significant habitats of indigenous fauna (refer to criteria in Method 12.2.5.6 of the Plan) ... the Council may grant a development bonus, on application for a resource consent. Notwithstanding the rules referred to below, bonus lots may not be located in Natural Resource Overlay Areas or in the General Coastal Zone*”. This rule was not heavily used in the ODP the new rule in the PDP is more tailored and should be more widely used as it now has a restricted discretionary status. The rule allows for rural lifestyle subdivision in the Rural Production zone where the total area of significant indigenous vegetation or significant indigenous habitat is greater than 4 ha, or natural wetland greater than 0.5ha and where the land to be subdivided contains less than 15% of versatile soils. Legal protection and scheduling in the plan will be exchanged for rural lifestyle size lots. This tool and its associated avoid policy SUB-P8 allows the Rural Production zone to be clear on the type of subdivision anticipated in the Rural Production zone.

SUB – R7 Management Plan subdivision

This rule is a direct rollover from the ODP, while it has not been as widely used as hoped it has created some superior environmental outcomes for example in some of the large stations of the district. It has been retained as the environmental benefit subdivision rule is a pathway for the protection of SNA’s, the management plan framework allows for the sustainable management of natural and physical resources. The management plan rule provides a once-off opportunity for integrated subdivision or development which results in superior outcomes to more traditional forms of subdivision, use or development. Management plans allow subdivision and development where the location, form and scale of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values. Management plans provide flexibility to create innovative and site specific proposals. This tool and its associated avoid policy SUB-P9 allows the Rural Production and Rural Lifestyle zones to be clear on the type of subdivision anticipated in the Rural Production and Rural Lifestyle zone.

5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the Subdivision chapter.

Te Runanga O Te Rarawa provided feedback on the draft district plan Subdivision chapter as follows:

- *That the overview of the chapter be amended to state that the subdivision rules should be read in conjunction with any iwi/hapū management plans for the affected area.* It is noted that iwi/hapū management plans were reviewed when the provisions for this chapter were written and the Policies direct plan users to Tangata whenua Policy 6, which outlines the things to consider when assessing subdivision applications that may result in adverse effects on the relationship of Tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga.
- *Objective 3 should adequately provide for the protection of high quality soils and aquifers or the protection of cultural values.* Objectives have been redrafted to reconsider the protection of highly versatile soils. Suggestions around the inclusion of the recharge of aquifers and ground water and streams have not been included as they relate to regional council functions.

- *Amend Policy 5 to adequately protect te mana o te Wai consistent with Tangata whenua values.* The policies have been redrafted, with SUB-P11 now including the clause “managing adverse effects on the relationship of Tangata whenua with their ancestral land, water sites of wāhi tapu and other taonga with regard to Tangata whenua policy 6”.
- *Greater consideration be given to require effective consultation with affected Tangata whenua in that it is either undertaken or given regard to.* As mentioned above, consultation with Tangata whenua will be addressed through the clause added to SUB- P11 and through matters of control on applications for the creation of a new allotment.

Kahukuraariki, Matauri X, Ngati Kuri, Ngai Takoto, Whaingaroa, Ngati Kuta, Te Aupori provided feedback as follows:

- Support for Objective 3 as it includes protection or enhancement of historic heritage and cultural values.
- Identification of an amendment with the consistency in wording of between Objective 3 and Policy 2 in that protection and enhancement wording in relation to cultural values should be used instead of management. This has been updated.
- *Request for clarity around when a Cultural Impact Assessment would be required to fulfil the consideration of cultural values, and who can undertake such an assessment.* As per a new clause that has been inserted into SUB-P11 “managing adverse effects on the relationship of Tangata whenua with their ancestral land, water sites of wāhi tapu and other taonga with regard to Tangata whenua policy.” Tangata whenua policy 6

“Consider the following when assessing applications for subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral land, water, sites, wahi tapu and other taonga:

 - (a) Any consultation undertaken with iwi, hapū or marae with an association to the site or area;*
 - (b) Any iwi and or hapū management plans lodged with council;*
 - (c) Any identified sites and areas of significance to māori;*
 - (d) Whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the iwi, hapū or relevant marae;*
 - (e) Any protection, preservation or enhancement proposed;*
 - (f) Any relevant treaty settlement legislation;*
 - (g) Any relevant statutory acknowledgement area identified in app6 - statutory acknowledgement areas;*
 - (h) The te oneroa-a-tōhe beach management plan;*
 - (i) Any relevant relationship agreements or arrangement between council and any iwi authority or hapū.”*

In addition to the above Ngati Kuta supports larger minimum allotment sizes, especially those allotments that cover both rural and coastal outlooks. Ngati Kuta also supports the removal of legacy subdivisions or grandfather clauses depending on title dates. Ngati Kuta express support for rules with the requirement for subdivisions to consider the effects of cultural values. Along with support for Objective 3 in that it ensures that it protects or enhances historic heritage and cultural values.

6 Approach to Evaluation

6.1 Introduction

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA.
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options and assessing the efficiency and effectiveness of the provisions, including an assessment of environment, economic, social and cultural economic benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions.

6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for Subdivision are evaluated in the table below. It is important to note here further detail can be found in the zone and overlay/district wide section 32 reports.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The proposed provisions have limited significance in relation to the principles of the Treaty of Waitangi. The proposed policy direction is to protect or enhance natural and cultural features. The matters of control and policies direct consideration of any historical, spiritual or cultural association held by Tangata whenua with regard to matters set out in the Tangata whenua policies.	Low
Degree of change from the Operative Plan	The degree of change from the ODP is medium, considering the technical standards for subdivision throughout the district are generally being retained, but there is greater direction and emphasis on good quality subdivision design, and low impact design solutions. There is the introduction of different allotment sizes predominately for the rural environment and changes in the status of subdivision within different overlays/ district wide provisions	Medium

Criteria	Comment	Assessment
Effects on matters of national importance	The provisions address matters of national importance. In particular, there are a number of provisions in s6 which seek to avoid inappropriate subdivision, as a means for protecting certain natural and physical resources. These are assessed in the appropriate section 32 report. The proposed provisions seek to ensure that the s6 matters are addressed and protected from inappropriate subdivision.	Low
Scale of effects – geographically (local, district wide, regional, national).	The whole Far North District is affected by changes to the PDP provisions for subdivision, yet the changes relating to subdivision itself are low and zone and overlay changes are addressed in the separate reports.	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	The wider community are likely to be affected positively by the proposal as it is expected to result in improved subdivision design that is compatible with the role, function and predominant character of each zone, there will be greater consideration of low impact design principles and an integrated transport network.	Low
Scale of effects on those with specific interests, e.g., Tangata Whenua	Matters of control for subdivision and policies direct assessment in a manner that corresponds with the Tangata whenua policies, as a result this should facilitate a more effective relationship and recognition of Tangata whenua principles when assessing applications	Low
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The proposed subdivision provisions are considered to be in accordance with Higher order direction, planning standards, best practice, and similar to the approach adopted in similar second generation plans throughout New Zealand.	Low

6.3 Summary of scale and significance assessment

Overall, the scale and significance of the effects from the proposal are assessed as being low. Consequently, a low level of detail is appropriate for the evaluation of the objectives and provisions for Subdivision in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP - minor changes to provisions for clarification and to reflect new national and regional policy direction are not included in the evaluation in section 7 and 8 below.

7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for Subdivision is against four criteria to test different aspects of 'appropriateness' as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> Is the objective directly related to a resource management issue? Is the objective focused on achieving the purpose of the RMA?
Usefulness	<ul style="list-style-type: none"> Will the objective help Council carry out its RMA functions? Does the objective provide clear direction to decision-makers?
Reasonableness	<ul style="list-style-type: none"> Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?
Achievability	<ul style="list-style-type: none"> Can the objective be achieved by those responsible for implementation?

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking at each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA.

Existing Objectives:

13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural wellbeing of people and communities.

13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.

13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.

13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.

13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.

13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices. **13.3.7** To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.

13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the

activities that will establish on the new lots created.

13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).

13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.

13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities

Relevance	These objectives are relevant in that they provide for subdivision development and environmental protection, they also address infrastructure servicing, allow for a pathway for subdivision with superior outcomes, and addresses linkages with cultural values.
Usefulness	These objectives provide direction with respect to subdivision to achieve the intended purposes.
Reasonableness	Costs associated with implementation will be generated by the requirement to apply for resource consent (on any future developer) and monitoring (on Council). The proposed objectives therefore do not result in any unjustifiable costs on individuals or developers wanting to subdivide.
Achievability	The objectives and associated provisions are somewhat achievable although there is some ambiguity.

Overall evaluation

The intent of these objectives is appropriate albeit they are repetitive, wordy and do not address the full suite of objectives needed and direction necessary as a result of changes in direction from the RPS and Planning standards. As such, retaining the subdivision objectives of the ODP is not considered to be the most appropriate way to give effect to the purpose of the RMA.

Proposed Objectives:

SUB – O1 Subdivision results in the efficient use of land...

SUB-O2: Subdivision provides for the protection and enhancement of the districts natural and physical features and values.....

Relevance	<p>Directly related to a resource management issue</p> <p>These objectives link to the identified character for each of the zones, recognising that subdivision has an impact on the character and amenity and well-functioning environments. The objectives offer protection and enhancement of natural and physical features which are identified as Significant resource management issues of the plan.</p> <p>Focused on achieving the purpose of the RMA</p> <p>These objectives achieve the purpose of the Act in that the sustainable management of natural and physical resources is promoted through efficient use of land with the right things in the right location, therefore effects can be better managed. Protection and enhancement also is in line with managing use development and protection of natural and physical resources, the following section 6 matters (a) (b) (c) (e) an (f).</p>
Usefulness	<p>Assists in addressing resource management issues</p> <p>The proposed objectives address the resource management issues by clearly identifying the outcomes sought and provides direction for the subdivision of land. It will help guide decision making when considering resource consent applications.</p>
Reasonableness	<p>Consistent with desired community and iwi /hapū outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p>

	<p>The objectives must take into account desired community and iwi/hapū outcomes but should not result in unjustifiably high costs on the community or parts of the community.</p> <p>The objectives are not considered to create unjustifiably high costs on the community, either through implementation, resource consenting or compliance.</p>
Achievability	<p>Ability to achieve the objective with available powers, skills and resources of Councils</p> <p>The objectives must be able to be achieved with the available powers, skills and resources of councils, while resulting in an acceptable level of uncertainty and risk. These objectives can be implemented within the skills and resources available to the District Council as they seek to align the Subdivision chapter with the management of land. The proposed provisions are consistent with the previous level of regulation within the ODP, which reduces uncertainty.</p> <p>It is not anticipated that the objectives will substantially increase resource consenting / compliance requirements beyond available resource levels.</p> <p>The objectives are achievable and measurable against the zone /overlay/ district wide provisions</p> <p>An acceptable level of uncertainty and risk</p> <p>The objectives does not introduce a high degree of uncertainty or risk. The objectives are based on current best practice being implemented nationally to manage subdivision and natural and physical resources.</p>
<p><u>Overall evaluation</u></p> <p>The objectives address the resource management issues relevant to subdivision. The objectives will ensure that subdivision is consistent with the zone, overlay and district wide objectives, and offer enhanced environmental outcomes through protection and enhancement objectives. The above assessment concludes that the proposed objectives are the most appropriate way to achieve the purpose of the RMA, in terms of relevance, usefulness, reasonableness and achievability, and is preferred over the status quo.</p>	

<p>Proposed Objectives: SUB-03: Infrastructure is planned to service the proposed subdivision and development where... SUB-04: Subdivision is accessible, connected and integrated with the surrounding environment....</p>	
Relevance	<p>Directly related to a resource management issue</p> <p>Well-functioning environments are those that are connected, integrated and accessible. The proposed objective seeks to ensure that urban areas (General Residential, Mixed use and Light Industrial zones) are connected to development infrastructure. The proposed objectives ensures that on site conditions are appropriate to service subdivisions within the rural environment where there is no connection to the Council reticulated system. The objective is directly relevant to the significant resource management issues of rural and urban sustainability and affordable infrastructure.</p> <p>Subdivision is often a precursor to further development, and so this likely development needs to be considered when considering the design and form of a subdivision. For example, the movement networks (roads and paths) provided as part of a residential subdivision will affect the walkability of the neighbourhood.</p> <p>Focused on achieving the purpose of the RMA</p> <p>These objectives are the most appropriate way to achieve the purpose of the RMA because they provide for a framework to ensure subdivision is designed and serviced with regard to roading and access, non-vehicular connections and potable water,</p>

	<p>wastewater, stormwater, energy supply and telecommunications, along with the provision of easements to facilitate services and infrastructure. These objectives also seeks to ensure esplanades are provided at the time of subdivision.</p> <p>They also gives effect to:</p> <ul style="list-style-type: none"> • Section 6(a) of the Act as it allows for the preservation of the natural character of waterbodies. • Section 6(d) of the RMA as it provides for public access to rivers and the coastal marine area. • Section 6(e) – of the RMA as it assists with improving the relation of Māori and their culture to ancestral water sites. • Section 6(h) as it assists with the management of natural hazard risk.
Usefulness	<p>Assists in addressing resource management issues</p> <p>The proposed objectives identify the outcome sought, and provides the direction for the servicing of allotments, they will guide decision making when considering a resource consent application. It also outlines the outcomes sought in relation to esplanade reserves.</p>
Reasonableness	<p>Consistent with desired community and iwi / hapū outcomes, and will not result in unjustifiably high costs on the community or parts of the community</p> <p>The objective promotes the efficient and effective provision of infrastructure including transportation and roads and as such is a reasonable response to the development of infrastructure as part of subdivision and development. It will not impose unjustifiably high costs on the community. While some additional costs can be anticipated these are relatively moderate when compared to the cost of a development, many of the costs incurred by this objective are already being realised by the developers. Esplanades were already a requirement of the Act and of the ODP.</p>
Achievability	<p>Consistent with identified Tangata whenua and community outcomes</p> <p>Appropriate servicing will assist with reducing the occurrences of discharge of wastewater in rainfall events into the coastal waters and streams. Pipes leak as a result of damage over time and could contaminate coastal waters and streams. Access to the coast and waterbodies can be achieved through subdivision. This is also consistent with Tangata whenua and community outcomes.</p> <p>Realistically able to be achieved within the Council's powers, skills and resources</p> <p>The outcomes sought in the objectives can be achieved within the Councils powers, skills and resources</p>
<p><u>Overall evaluation</u></p> <p>The objectives address the resource management issues relevant to subdivision. The objectives provide clear direction around infrastructure. Having assessed the proposed objectives it is considered that they are the most appropriate way to achieve the purpose of the Act and to give effect to higher order direction.</p>	

8 Evaluation of Provisions to Achieve the Objectives

8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*

(iii) summarising the reasons for deciding on the provisions.

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

This section provides an assessment of reasonably practicable options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in section 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues.
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

8.2 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs if practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in Section 6.2, the scale and significance of the effects of proposed changes for Subdivision are assessed as being low. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for Subdivision. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions.

8.3 Evaluation of options

8.3.1 Option 1: Status quo

<i>Option 1: Retention of operative plan district plan approach</i>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> The status quo provisions offer user and Council familiarity, this means ‘business as usual’ with no disruption the consenting and compliance of subdivision. Controls are generally well understood by both Council staff and plan users <p><u>Economic growth and employment opportunities</u></p> <ul style="list-style-type: none"> As the status quo seeks to retain ‘business as usual’, no increase in economic growth or employment opportunities are anticipated 	<ul style="list-style-type: none"> The existing provisions have resulted in land being potentially subdivided in a manner that has resulted in fragmentation which can make the land difficult to use for its intended purpose, for example rural lifestyle subdivision in the Rural Production zone, through lack of strong policy direction and existing grandfather clauses. Potential environmental impacts if provisions are not aligned with other chapters of the PDP. Policy direction around protection rather than protection and enhancement can result in missed environmental enhancement opportunities, in addition to not having an extensive list of natural and physical resources in the operative policies. Potential cultural impacts if the matters of control and policy framework do not appropriately recognise all cultural values. Limited policy direction on connectivity and well-functioning environments. The rules duplicate information that can be found in the act and add to complexity with the rule framework. The minimum allotment size tables can be complex to read. 	<p>It is considered that there is enough information on subdivision, the risk of not acting and retaining the status quo are significant for the following reasons.</p> <ul style="list-style-type: none"> The existing provisions will continue to result in rural land fragmentation. Missed environmental enhancement opportunities. Missed opportunities to create well-functioning urban environments. Missed opportunities to extensively consider tangata whenua values.

	<ul style="list-style-type: none"> Infrastructure provisions do not reference Councils most recent Engineering Standards. Limited policy guidance on highly productive land. 	
<p><u>Effectiveness</u></p> <p>The status quo provisions (policies and rules) are considered to not be effective for achieving the proposed objectives for the following reasons:</p> <ul style="list-style-type: none"> The existing provisions will result in outcomes that are inconsistent with the zone, overlay or district wide objectives The existing provisions have assisted with contributing to the issues that are being experienced and it is expected these issues would continue under the status quo. 	<p><u>Efficiency</u></p> <ul style="list-style-type: none"> The provisions are less efficient for achieving the objectives as they do not focus on the importance of highly productive land, protection and enhancement of natural and physical features, creation of well-functioning environments and extensive consideration of tangata whenua values. In terms of useability, the plan is not efficiently useable and would benefit from improved clarity. 	
<p><u>Overall evaluation</u></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> The operative policy framework does not resolve the subdivision issues experienced. The operative provisions need to be updated to reflect best practice and enhance readability. The operative provisions do not align well with the regional direction in the RPS and direction from other higher order documents. 		

8.3.2 Option 2: Proposed approach

<i>Option 2: The proposed provisions of the Subdivision chapter of the PDP</i>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> Clear easy to understand framework with links to other sections in the plan. Using the RMA and how to use the plan section rather than containing all that information within the chapter. Greater environmental protection though use of RPS wording around protection and enhancement. Better quality subdivision design, connectivity and community environments which results in economic and social benefits. As the provisions ensure that 	<ul style="list-style-type: none"> Slight changes in the policy direction in the short term may result in higher compliance costs and associated time and uncertainty to landowners or developers in obtaining resource consent. Potential developer costs in regard to servicing requirements For some properties the ability to subdivide will be reduced compared to the existing situation, 	<ul style="list-style-type: none"> The PDP performance standards and provisions are largely a continuation of the ODP provisions, the Council has a good understanding of the nature of the activities, their operational requirements, and their associated effects on the environment. The proposed provisions comply with the National Planning Standards, RPS and other higher order documents.

<p>subdivision is appropriate for the form and function of the zones,</p> <ul style="list-style-type: none"> • The proposed provisions allow for a wider consideration and protection of natural and physical features and values • Allows a pathway for the creation of rural lifestyle lots in the Rural Production zone and for rural residential lots in the Rural Lifestyle zone when the application offers protection and enhancement of other natural, cultural and heritage values through the management plan subdivision rule • Certainty for neighbours that subdivision on adjacent sites will be compatible with the role, function and predominant character of the zone. • Consistency with recently updated Engineering Standards. • For some sites the proposed provisions will increase the development opportunities when compared with the existing situation, due to up zoning and changes in minimum lot sizes. For example use of the settlement zone has created up zoning opportunities in previously zoned Rural Production zoned land, and the Rural Residential special zone has a discretionary subdivision lot size of 2,000m², compared to 3,000m² in the Operative Rural Living zone. • Clearer pathway for increased development rights, for the creation of rural lifestyle lots in the in Rural Production zone where significant natural areas are protected through the environmental benefit rule. This tool adds an avoid policy to the provisions and only through this rule and the management plan subdivision rule are lots to be smaller than what is expected in the zone. <p><u>Economic growth and employment opportunities</u></p>	<p>due to changes in minimum lot sizes, strong policy around avoiding the subdivision of minor residential units and more restrictive overlays and other areas identified and not identified in the plan, which in some cases have been identified in more detail such as Natural Hazards.</p>	<p>There is a low risk of acting in the manner proposed.</p>
--	--	--

<ul style="list-style-type: none"> • Subdivision generally contributes to the economy of the district, providing opportunities for development to take place which in turn has a positive impact for employment for both business and in the construction industry. • The PDP subdivision provisions combined with General Residential provisions will provide more flexibility and allow developers and property owners to optimise the development potential of land, and hence economic benefits from better utilisation of urban land. 		
<p><u>Effectiveness</u></p> <p>The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> • They address the relevant effects associated with subdivision and ensure that Council is able to impose the required conditions of consent for activities. • Ensures efficient use of land which achieves the objectives of the zone, overlays and district wide matters • Give effect to higher order statutory documents • Enable Council to fulfil its statutory obligations. • Ensure that adverse effects on the environment are managed appropriately by rules and assessment criteria that results in allotments that are in keeping with the zone • Only allows smaller lot subdivision in the rural production and rural lifestyle zones where natural and physical features are offered additional protection and or enhancement • Enable Council to effectively administer its District Plan and to monitor the outcomes of the provisions clearly. 	<p><u>Efficiency</u></p> <p>The proposed provisions are considered to be an efficient means of achieving the objectives in that:</p> <ul style="list-style-type: none"> • Streamlined simplified rules that are easier for plan users to interpret and apply. • The reduced duplication and clear policy direction is expected to result in an increase in compliance and effective monitoring. • The proposed provisions align so that the outcomes sought within the objectives and policies are reflected in the rule framework • Although the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits will outweigh these costs. 	
<p><u>Overall evaluation</u></p> <p>On balance the provisions are considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> • The proposed policy framework is clearer and easier to interpret and has improved cross chapter alignment. • The proposed provisions respond to plan and chapter resource management issues. • The proposed provisions respond to direction from higher order documents. 		

9 Summary

An evaluation of the proposed objectives and provisions for the Subdivision chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA, and the provisions are the most appropriate way to achieve the objectives, for the following reasons:

- Best gives effect to higher order documents, including the national planning standards;
- Results in provisions that clearly provide for the subdivision process;
- Responds to the different character of zones and overlays, and other important values in the District such as cultural, heritage and values associated with the natural environment;
- Ensures adverse effects, including those on future generations are recognised and managed; and
- Is the most effective and efficient way to achieve the proposed objectives, the purpose of the Act and the Proposed District Plan's strategic objectives.