



## SECTION 42A REPORT SUBDIVISON

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**Appendix 1: Officer's Recommended Amendments (Subdivision)**

**Appendix 1.1 Officer's Recommended Amendments (Rural Production zone)**

**Appendix 2: Officer's Recommended decisions on submissions (Subdivision)**

**Appendix 3: Engineering Evidence (Subdivision)**

## List of Abbreviations

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

Submitter Number	Abbreviation	Full Name of Submitter Section 32
S364	DOC	Director-General of Conservation (Department of Conservation)
S409	HNZPT	Heritage New Zealand Pouhere Taonga
S561	Kāinga Ora	Kāinga Ora Homes and Communities
S138	Kairos Connection Trust	Kairos Connection Trust and Habitat for Humanity Northern Region Ltd
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S359	NRC	Northland Regional Council
S425	Twin Coast Cycle Trail	Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust
S517	Spark and Vodafone	Spark New Zealand Trading Limited and Vodafone New Zealand Limited
S521	VKK	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)
S356	NZTA	Waka Kotahi NZ Transport Agency

**Note:** This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

**Table 2: Other abbreviations**

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
RPROZ	Rural Production zone
GRZ	General Residential zone
MDRZ	Medium Density Residential zone
TCZ	Town Centre zone



## **1 Executive Summary**

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Subdivision Chapter is located in the District-Wide Matters section of the PDP.
2. 92 original submitters (with 580 individual submission points) and 69 further submitters (with 1105 individual submission points) were received on the Subdivision topic. A total of 144 submission points expressed general support for the provisions, while 231 indicated partial support or a neutral stance. Meanwhile, 151 submission points opposed the provisions, and 54 submitters did not state a position.
3. The submissions can largely be categorised into several key themes:
  - a) Key Issue 1: General Matters
  - b) Key Issue 2: Objectives and Policies – General
  - c) Key Issue 3: Indigenous Biodiversity and Natural Character
  - d) Key Issue 4: Rural Subdivision
  - e) Key Issue 5: Infrastructure
  - f) Key Issue 6: Reverse Sensitivity
  - g) Key Issue 7: Transport
  - h) Key Issue 8: Community Open Spaces and Facilities
  - i) Key Issue 9: Esplanade Reserves/Strips
  - j) Key Issue 10: Assessment Matters
  - k) Key Issue 11: Boundary Adjustments
  - l) Key Issue 12: Building Platform Dimensions
  - m) Key Issue 13: Definitions
  - n) Key Issue 14: Consequential Amendments
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and, also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:



- a) Introduction of a new objective and policy to address highly productive land, including avoiding inappropriate subdivision of such land, supported by a new discretionary activity rule.
- b) Amendments to objectives and policies to recognise and provide for significant indigenous vegetation and habitats of indigenous fauna, with consequential deletion of references to SNAs.
- c) Minor amendments to objectives and policies to refer to precincts and development areas, and to use the term 'planned environment'.
- d) Inclusion of a new objective to ensure subdivision occurs in a manner that is supported by additional infrastructure.
- e) Refinements to objectives, policies, and rules so that subdivision enables appropriate development, including amendments to allow subdivision around existing residential units in the RPROZ where strict requirements can be met.
- f) Amendments to decrease lot sizes for environmental benefit and management plan subdivisions, to ensure consistency with lot size recommendations in the Rural Hearing.
- g) Amendments to policies to clearly provide for the outcomes of the environmental benefit and management plan subdivision rules, consistent with previous hearing recommendations.
- h) Amendments to clarify the application of the Transport Chapter, insertion of an additional note, and consequential corrections to improve clarity and usability of provisions.
- i) Removal of the requirement for subdivisions to provide telecommunications connections.
- j) Minor amendments across several objectives, policies, rules, and standards to improve internal consistency, address reverse sensitivity, and decouple the Far North District Engineering Standards from subdivision provisions.

## **2 Introduction**

### **2.1 Author and Qualifications**

- 6. My full name is Kenton Robert Owen Baxter, and I am the Policy Planner in the District Planning Team at Far North District Council.
- 7. I hold the qualification of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
- 8. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the



preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector. Code of Conduct.

## **2.2 Code of Conduct**

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

## **2.3 Expert Advice**

11. In preparing this report I have relied on expert advice provided by Tom Kiddle of Beca. His advice addresses the removal of references to the Far North District Engineering Standards from the subdivision chapter and provides an assessment of submissions relating to engineering matters (refer to Appendix 3 for specific submission points).
12. A copy of Mr Kiddle's expert advice is attached as Appendix 3 to this report.

## **3 Scope/Purpose of Report**

13. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
  - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
  - b) provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
14. This report responds to submissions on Subdivision.
15. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by "and" after the second to last standard (where all of the standards must be met to comply) or "or" after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions).



## **4 Statutory Requirements**

### **4.1 Statutory Documents**

16. I note that the Subdivision Section 32 report provides detail of the relevant statutory considerations applicable to the Subdivision.
17. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
18. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the Subdivision are discussed below.

#### **4.1.1 Resource Management Act**

19. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
  - a) A Natural Environment Act – focused on managing the natural environment
  - b) A Planning Act – focused on planning to enable development and infrastructure.
20. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand's ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

#### **4.1.2 National Policy Statements**

##### **4.1.2.1 National Policy Statements Gazetted since Notification of the PDP**

21. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be "prepared in accordance with" and "give effect to" a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.



22. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their Rohe.
23. The National Policy Statement for Highly Productive Land (NPS-HPL) took effect on 17 October 2022. The NPS-HPL has a single objective: Highly productive land is protected for use in land-based primary production, both now and for future generations. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, and subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development.

#### **4.1.2.2 National Direction – Proposed Changes**

24. On 29 May 2025 the Government began public consultation on proposed changes to national direction under the RMA. The proposed changes are broad and wide ranging, with amendments to 12 instruments and four new instruments.
25. The packages of changes are:
- a) Package 1: Infrastructure and development
  - b) Package 2: Primary sector
  - c) Package 3: Freshwater
  - d) Package 4: Going for Housing Growth
26. The changes summarised below are relevant to the submissions received on the Subdivision topic.

#### **Package 1: Infrastructure and Development**

##### **Proposed New National Policy Statement for Infrastructure**

27. Package 1 includes a proposal for new a National Policy Statement for Infrastructure (NPS-I) that will provide:
- a) Consistent definitions to support the proposed policies.
  - b) An objective setting out a range of infrastructure outcomes expected from the resource management system.





- c) General policies to better enable and protect infrastructure, while managing its effects on various environments, and recognising and providing for Māori rights and interests.
- d) Policies on managing the interface between infrastructure and other activities.
- e) Policies to enable infrastructure while managing its effects on the environment.

28. In summary it will:

- a) Cover energy (except where covered by other NPSs), three waters, transport networks and asset, social infrastructure (e.g. hospitals, emergency services, defence and corrections facilities), parks, resource recovery or waste disposal facilities, and “green” infrastructure that delivers flood management services.
- b) Apply to all RMA decisions affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to development of new infrastructure.
- c) Require decision-makers to recognise and provide for the benefits of infrastructure, and the functional need or operational need of infrastructure to locate in particular environments.
- d) Include requirements for addressing the long timeframes and costs of consenting infrastructure projects are proposed.
- e) Set national requirements for providing for Māori interests.
- f) Provide nationally consistent direction for assessing and managing adverse effects of infrastructure on the environment and aims to manage the tensions between providing long-term certainty for infrastructure services and providing for compatible housing and other development.

### **Proposed New National Policy Statement for Natural Hazards**

29. Package 1 also includes a proposal for a new National Policy Statement for Natural Hazards (NPS-NH) with the objective of focusing on the outcome anticipated for natural hazard risk management.

30. In summary the proposal will:

- a) Apply to seven hazards, namely, flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami.
- b) Require local authorities to:
  - Take a risk-based approach to natural hazard risk of new subdivision, use and development in all environments and zones.



- Take a proportionate approach to natural hazard risk.
  - Use best available information in assessing natural hazard risk.
- c) Require local authorities to consider the following matters:
- The likelihood of a natural hazard event occurring.
  - The consequences of a natural hazard event for the activity being assessed.
  - Existing and proposed mitigation measures.
  - Residual risk.
  - Potential impacts of climate change on natural hazards at least 100 years into the future.
- d) Include a definition of "significant risks from natural hazards" for the purposes of the NPS-NH and a matrix that identifies levels of natural hazard risk using combinations of defined likelihood levels and levels of consequence. The aim is to provide standardised language/definitions.
- e) Be immediately relevant to the assessment of resource consent applications and to plan changes, however, there is intended to be no short-term requirement for comprehensive plan changes to give effect to the proposed NPS-NH in existing district or regional plans (to minimise the implementation burden on councils).
- f) Be a first step towards more comprehensive national direction for natural hazards in the future.

## **Package 2: Primary Sector**

### **Proposed Changes to National Policy Statement for Highly Productive Land**

31. A range of changes to the National Policy Statement for Highly Productive Land (NPS-HPL) are proposed.
32. A summary of the proposed changes is provided below:
- a) the proposal includes that class LUC 3 land will be removed from NPS-HPL restrictions.
  - b) It provides for new special agricultural areas (SAA), intended to recognise that some areas important for primary production may be compromised by the removal of LUC 3.
  - c) Depending on consultation, further amendments to how HPL is defined may be considered.



- d) Changes to the timeframes for mapping HPL in regional policy statements to either extend the timeframes to 2027 or 2028 or suspend mapping requirements until further direction is provided in the replacement resource management system.

### **Proposed Changes to National Policy Statement for Indigenous Biodiversity**

- 33. As part of the reform package proposed to better enable quarrying and mining activities, amendments to the National Policy Statement for Indigenous Biodiversity (NPS-IB) are proposed. These amendments, which are accompanied by amendments to the NPS-FM, NES-FW and NPS-HPL have been proposed to provide consistency as to terminology, gateway tests and consent pathways for mining and quarrying across existing national direction.
- 34. The proposal to amend the NPS-IB by making changes to clause 3.11(1)(a)(ii) and (iii) which provides a consenting pathway for mineral and aggregate extraction as follows:
  - a) In clause 3.11(a)(ii) replace "mineral extraction" with "the extraction of minerals and ancillary activities" and in clause 3.11(a)(iii) replace "aggregate extraction" with "quarrying activities" (to be consistent with the National Planning Standards, NPS-FM and NES-F).
  - b) Removes "could not otherwise be achieved using resources in New Zealand", from clauses 3.11(1)(a)(ii) and (iii) for consistency with the NPS-FM and NES-F.
  - c) Removes the requirement for the benefit in clauses 3.11(1)(a)(ii) and (iii) to be "public" (i.e., allowing any benefits to be considered); and
  - d) Adds consideration of "regional benefits" to the mining consent pathway in clause 3.11(1)(a)(ii).
- 35. The proposal to amend the NPS-FM and NES-F is to amend those documents by adding "operational need" as a gateway test (to the existing "functional need" test) in wetlands in clauses 3.22(1)(d)(iii) and (e)(iii) of the NPS-FM and regulation 45A(6)(b) and 45D(6)(b) for mining and quarrying, to make the pathways consistent with the other national direction instruments.
- 36. The proposal to amend the NPS-HPL is to:
  - a) Replace "mineral extraction" with "the extraction of minerals and ancillary activities" in clause 3.9(2)(iii) and "aggregate extraction" with "quarrying activities" (to be consistent with the National Planning Standards, NPS-FM and NES-F).
  - b) Amend the test for mineral extraction in clause 3.9(2)(j)(iii) to remove the requirement that the benefits of the activity "could not otherwise be achieved using resources in New Zealand" and replacing with a requirement for proposals that provide a national or regional public benefit; and



- c) Amend the test for aggregate extraction in clause 3.9(2)(j)(iv) to remove the requirement that the benefits of the activity “could not otherwise be achieved using resources in New Zealand”).

#### **4.1.3 Draft Government Policy Statement on Housing and Urban Development (GPS-HUD)**

37. Consultation on the draft GPS-HUD 2025 closes on 21 September 2025. The Draft Proposed Government Policy Statement on Housing and Urban Development (GPS-HUD) sets a long-term (30 year) direction for housing and urban development in Aotearoa New Zealand. It was developed alongside MAIHI Ka Ora – the National Māori housing strategy. The statement sets out four main outcomes it aims to achieve:

- d) An adaptive and responsive system that that is integrated and self-adjusting and is able to deliver in response to changing circumstances. The system includes private industry and local and central government.
- e) The provision of housing that is affordable where people have a choice in quality housing in all locations and price points.
- f) Māori and the Crown working together in partnership to ensure all whānau have stable, affordable, healthy homes. Enabling Māori housing solutions led by Māori and delivered locally.
- g) Thriving and resilient communities that are well functioning with physical and community infrastructure. Where towns and cities are resilient to natural hazards and address the impacts of climate change (reducing emissions and adaptation).

38. The Government has indicated that these outcomes are intended to remain relevant and constant for future governments. He oranga kāinga, he oranga hāpori – the housing and urban development system indicators – measure progress against the GPS-HUD outcomes.

39. The Government has set five key priorities to achieve these outcomes which include reforming the resource management system to increase the supply of housing within a more efficient process, improving efficiency and competition in building and construction, and incentivising investment in the build to rent market.

##### **4.1.3.1 Going for Housing Growth Programme**

40. The Going for Housing Growth programme, released for feedback on 19 June 2025, seeks to progress the key policy and regulatory changes needed to address issues associated with the barriers to housing supply. Going for Housing Growth is structured around three pillars which span a range of legislation and work programmes across government. These are:

Pillar 1 – Freeing up land for urban development, including removing unnecessary planning barriers.



Pillar 2 – Improving infrastructure funding and financing to support urban growth.

Pillar 3 – Providing incentives for communities and councils to support growth.

41. The Pillar 1 proposals are intended to increase development capacity available for housing and business uses, improve land use flexibility, remove unnecessary planning barriers, and provide for well-functioning urban environments. The changes are aimed at ensuring that councils are providing an abundance of development capacity, including in areas of high demand and accessibility, while providing more certainty for councils and communities about what is required.

## **4.2 Council's Response to Current Statutory Context**

42. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements that are gazetted at the time of writing). I note that the proposed amendments and replacement National Policy Statements and National Environmental Standards do not have legal effect until they are adopted by Government and formally gazetted.
43. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
44. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
45. I have been mindful of this when making my recommendations, noting that at the time of writing this report, the current statutory context applies. I believe the changes I have recommended give effect to the relevant National Policy Statements (gazetted at the time of writing) and are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

### **4.2.1 National Planning Standards**

46. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how



the District Plan should be ordered. The Subdivision provisions proposed and recommended in this report follow this guidance.

#### **4.2.2 Treaty Settlements**

47. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.2.3 Iwi Management Plans – Update**

48. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Subdivision the Ngāti Hine Environmental Management Plan provides the following direction:

- a) Subdivision is mentioned in relation to section 2.4 Indigenous Biodiversity, it is identified as an issue that "*Within the rohe of Ngāti Hine the life-supporting capacity of indigenous flora and fauna is being negatively impacted by farming, subdivision, forestry practices, development and introduced pest species, leading to biodiversity loss.*"

49. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Subdivision topic, the Environmental Management Plan provides direction in relation to the following:

- a) Concerns are raised that subdivisions and land uses near the coast may affect areas such as Paraweta, and that wāhi tapu are often at risk because some sites remain unidentified or not fully documented.
- b) The plan identifies risks where subdivision does not adequately consider cultural values, with objectives and policies seeking to:
  - i. Prevent discharges of pollutants or sewage to the beach from subdivisions.
  - ii. Discourage subdivision in culturally significant or highly visible landscapes, or where significant adverse biodiversity effects could occur.
  - iii. Require accidental discovery protocols and early consultation with Ngā Marae o Ahipara before lodging subdivision applications to determine proximity to significant sites.
  - iv. Ensure mana whenua values, including water needs and culturally acceptable wastewater and stormwater treatment and disposal, are addressed in subdivision processes.



- c) The plan also raises long-standing concerns about access. Subdivision and development can impact access to the coastline, dunes, and wāhi tapu. Kaitiaki emphasise the need to protect access to sites of historic and cultural significance, particularly where these are now on private or public land. There is concern that increasing public pressure for access must not compromise the protection of such sites.

#### **4.3 Section 32AA Evaluation**

50. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.

51. The s32AA further evaluation for each key issue considers:

- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
- b) The reasonably practicable options for achieving those objectives.
- c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
- d) The efficiency and effectiveness of the provisions for achieving the objectives.
- e) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

52. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

#### **4.4 Procedural Matters**

53. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

##### **4.4.1 Proposed Plan Variation 1**

54. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2023. Proposed Plan Variation 1 makes minor amendments to; correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.



55. Plan Variation 1 does not propose any amendments that are directly relevant to Subdivision.

## **5 Consideration of Submissions Received**

### **5.1 Overview of Submissions Received**

56. A total of 581 original submissions and 1105 further submissions were received on the Subdivision Chapter.

57. The main submissions on the Subdivision Chapter came from:

- f) Central and Local Government, such as MOE (S331) and Kāinga Ora (S561).
- g) Local Planning companies, such as Northland Planning and Development 2020 Limited (S502).
- h) Hapū and marae, such as Te Rūnanga o Ngāti Rēhia (S559).
- i) Key Interest Groups, such as Kapiro Residents Association (S428) and VKK (S521).
- j) Individuals, such as Ian Diarmid Palmer (S556) and John Andrew Riddell (S431).

58. The key issues identified in this report are listed in Section 1 above.

59. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

### **5.2 Officer Recommendations**

60. A copy of the recommended plan provisions for the Subdivision chapter is provided in **Appendix 1 – Officer’s Recommended Amendments to this report**.

61. A full list of submissions and further submissions on the Subdivision chapter is contained in **Appendix 2 – Officer’s Recommended Decisions on Submissions to this report**.

62. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter section-32-overview.pdf (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).



## 5.2.1 Key Issue 1: General Matters

### Overview

Provision(s)	Officer Recommendation(s)
SUB-P11	<ul style="list-style-type: none"> <li>Consequential amendment to replace original wording with '<i>Consider the following matters where relevant when assessing and managing the effects of subdivision:</i>'</li> </ul>
Notes	<ul style="list-style-type: none"> <li>Insertion of a new note.</li> </ul>
SUB-R5	<ul style="list-style-type: none"> <li>Amendments to the rule so that it relates to existing residential development rather than just multi units and minimum lot size requirements are deleted.</li> </ul>

### Analysis of Submissions on Key Issue 1

#### Matters Raised in Submissions

##### General

63. Various submitters, including VKK (S521.007 and S521.011) and others<sup>1</sup>, propose amendments to the PDP to require best practice water sensitive and low impact design approaches across all stormwater and wastewater engineering, infrastructure and related documents. This request aims to prevent problems associated with extreme rainfall events and include provisions to implement relevant parts of the NPS-FM.
64. Te Rūnanga o Ngāti Rēhia (S559.005) seeks to amend the Subdivision Chapter to insert clauses that specify:
- Determinations regarding potential adverse effects on Sites of Significance to Māori or on Māori relationships with those sites, must be made by tangata Whenua.
  - A Cultural Impact Assessment is required in any instance where adverse effect may occur to Sites of Significance to Māori, ancestral lands, water, sites, Wāhi tapu and other taonga.
65. NRC (S359.025) seeks an amendment to the Subdivision provisions applicable to the Māori Purpose Zone and the Treaty Settlement Land Overlay, to ensure these provisions do not excessively constrain the intended use and development of such land, particularly given the absence of the defined term for '*ancestral*' use.
66. Kapiro Residents Association (S429.003) request to revise relevant chapters of the PDP to strengthen provisions for protection and maintenance of indigenous biodiversity and ecosystems, including:
- The introduction of policies and rules under the RMA to manage effects of land use, development and land protection – aligned with: Section 31:

<sup>1</sup> S442.015, S559.013, S559.051

Maintenance of indigenous biodiversity and Section 6: protection of significant indigenous vegetation and habitats of indigenous fauna.

- Provisions giving better effect to biodiversity/ecosystem provisions in the RPS and ensure the DP implements RPS Policy 4.4.1.
- Adopting provisions specifically for maintaining and protecting indigenous species that are classed as threatened or at risk in NZTCS lists to be consistent with Regional Plan provisions.
- Adopting rules to control and place consent conditions on subdivision, land use or development in or adjacent to locations where indigenous species classed as threatened or at risk are present.
- Require consent conditions for: fencing public boundaries, high standards of biodiversity protection, including predator and weed control, native vegetation restoration and restrictions on exotic planting, and legal covenants with long-term enforcement and monitoring mechanisms.
- Streetlights for subdivision and development should be suitable for nocturnal wildlife and dark sky friendly.

67. Kapiro Residents Association (S429.008) and other submitters (S442.016 and S442.017) seek amendments to the DP to ensure that subdivision, land use and development activities appropriately reflect freshwater protection principles and incorporate environmentally responsive design practices. Specifically, the amendments should:

- Apply the NPS-FM fundamental concept of Te Mana o te Wai to all freshwater related issues potentially affected by development, beyond the specific areas of freshwater management referenced in the NPS.
- Include provisions that promote positive environmental outcomes and avoid, remedy or mitigate adverse effects of urban development on the health and integrity of water bodies, freshwater ecosystems and receiving environments.
- Prevent the loss of wetlands and safeguard their ecological, cultural and hydrological values.
- Require the use of water-sensitive and low impact design approaches for stormwater and wastewater management, including the use of constructed wetlands to retain runoff and reduce sediment and pollutant discharge into waterways.
- Prioritise enclosed wastewater systems that dispose to land and where not mandated, ensure they are preferred over systems that discharge or disperse via water.

- Mandate the protection and enhancement of all waterways during subdivision and development through native planting and other restoration measures.
68. Carbon Neutral NZ Trust (S529.177) proposes the inclusion of District Plan provisions to support land-based wastewater disposal, the responsible use of treatment plant solid waste as fertiliser, and the safe application of treated wastewater for irrigation purposes.
69. Northland Fish and Game Council (S436.028) requests the inclusion of a specific reference to recreational hunting in discussions of reverse sensitivity issues, particularly in the context of subdivisions and areas identified for new growth.
70. Northland Fish and Game Council (S436.032) proposes amendments to the Plan as required, to:
- Recognise recreational game bird hunting and freshwater fishing as permitted activities across all rural zones.
  - Direct development away from known hazard areas, such as flood prone zones.
  - Implement existing ponding zones and avoid further drainage that could enable settlement expansion.
  - Encourage and prioritise water sensitive design principles for new developments to minimise runoff and contaminants.
  - Acknowledge and sustainably manage the impact of settlement growth on local avifauna.
71. Nicole Wooster (S259.015) proposes an amendment to the Plan to ensure it enables roading initiatives that address climate change and hazard-related issues, in addition to supporting urban connectivity.
72. John Andrew Riddell (S431.067) requests amendments to strengthen provisions that promote cycling, active transport and pedestrian connectivity within urban areas, settlements and their surrounding environment.
73. Julianne Sally Bainbridge (S163.002 and S163.003) requests the insertion of a requirement for all subdivisions to be supported by a management plan.
74. DOC (S364.007) seeks the inclusion of a planning framework within the District Plan to encourage the establishment of pet-free subdivisions in areas identified as high-density kiwi areas.
75. The BOI Watchdogs (S354.006) advocate for an immediate pause on dog bans or restrictions within subdivisions until thorough consultation and evidence gathering occurs. The submitter recommends legal, academic, and policy reviews, inclusive of community input, to assess current bans, explore



responsible alternatives, and evaluate the broader social, housing and conservation impacts.

### Overview

76. New Zealand Pork Industry Board (S55.013) supports the retention of the Overview as currently proposed.
77. Margaret Sheila Hulse and John Colin Hulse (S247.005) support the Overview in part and request the insertion of the following sentence:

*'Council policy in regard to development contributions payable by subdividers is contained in the council's long-term Plan, separate from this district plan'.*

### Policies

78. John Andrew Riddell (S431.148) seeks amendment to the assessment criteria within all relevant policies related to land use and subdivision, to incorporate language aligned with the phrase *'the adequacy of available or programmed development infrastructure'* for the following matters:

*'The adequacy of available infrastructure and the certainty that any or programmed further development of infrastructure will occur'.*

79. Mr Riddell (S431.149 and S431.150) additionally requests the insertion of further criteria into all relevant policies on managing land use and subdivision, as follows:

*'Any cumulative effects'.*

### Rules

80. Kāinga Ora (S561.046) requests an amendment to Note 4 as follows:

*'4. Any application for a resource consent in relation to a site that ~~potentially affected by natural hazards identified by the mapped natural hazards (as noted in the Plan definitions)~~ must be...'.*

81. FNR Properties Limited (S437.005) and NZTA (S356.087) support SUB-R2 and request that the Rule be retained as notified.
82. Several submitters<sup>2</sup>, including Bentzen Farm Limited (S167.056), seek the retention of SUB-R3 as notified.
83. FNDC (S368.098) supports SUB-R3 in part, and requests an amendment to the Rule title as follows:

*'Subdivision of land to create a new allotment (excluding multi-unit development)'.*

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<sup>2</sup> S168.057, S187.049, S243.074, S263.030, S333.049



84. Kairos Connection Trust (S138.009) support SUB-R5 in part and seek an amendment to SUB-R5 CON-2 to remove references to the following:

*'...CON-2*

*1. Subdivision complies with standards*

*~~SUB-S1 Minimum allotment sizes~~—Controlled activity ...'.*

85. Kāinga Ora (S561.048) seeks a revision of SUB-R5, proposing that the Rule be applied specifically in reference to the MDRZ. The requested amendment is outlined as follows:

*'Subdivision around approved multi-unit landuse development...'*

86. Ngā Tai Ora – Public Health Northland (S516.055) requests the introduction of rules for areas identified as being at risk of land instability, informed by improved mapping and a clearer understanding of district wide susceptibility. Alternatively, the submitter seeks a revised definition of '*instability prone land*' to improve clarity, and an amendment to Rule SUB-R8 to ensure that building platforms, access and services are located on the lowest risk portions of the parent property.

87. Setar Thirty Six Limited (S168.061) supports SUB-R18 in part and requests an amendment to the Rule as follows:

*'Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature (where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay).'*

88. John Andrew Riddell (S431.072) seeks the insertion of the following points as additional matters of control under all Controlled Activity Subdivision Rules, and as matters of discretion under all Restricted Discretionary Activity Subdivision Rules:

- *'Consistency with the scale, density, design and character of the environment and 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.'*

89. Waiaua Bay Farm Limited (S463.047) proposes amendment to clarify the activity status of subdivision activities (including boundary adjustments) that establish boundaries around, but do not traverse, land within the NOSZ.

90. Alec Brian Cox (S170.004) opposes the Rules, stating that they seek to impose minimum standards on developments. The submitter requests to apply the Subdivision Rules to Land Use Changes which create multiple units.



## Standards

91. Ian Diarmid Palmer (S556.001 and S556.002) requests an amendment to SUB-S1 to replace the term '*allotment*' with '*site*', or alternatively to clarify that the listed areas in SUB-S1 refer specifically to site areas. The submitter also seeks revisions throughout the Plan to replace the term where appropriate.
92. Reuben Wright (S178.004) supports the Standards in part but seeks amendments to clarify the activity status associated with compliance under SUB-S2-S8. In addition, submitter (S178.006) proposes the removal of SUB-S7 and its replacement with a matter of control/discretion in relation to easements for any subdivision.

## **Analysis**

### General

93. I consider that the issues raised by VKK and others relating to infrastructure requirements for new development have already been addressed to some extent in the notified provisions. The requests for requirements for water sensitive design and low impact stormwater design are broader issues that relate to the whole PDP not just the Subdivision Chapter. I note that zone chapters include specific consideration of stormwater management through the rules relating to impermeable coverage with the matters of discretion generally referring to "low impact design principles". The notified Subdivision Chapter includes specific stormwater management standards (SUB-S4) which will be amended to reflect the engineering input from Beca (see Appendix 3). It should also be noted as part of Hearing 17, plan wide consideration of using '*low impact design*' vs '*water sensitive design*' is considered comprehensively. I have discussed with the reporting officer for Hearing 17 and amended any use of 'Low Impact Design' and replaced it with "Water Sensitive Design" as recommended in the Hearing 17 s.42A report to be released online 7 October 2025.
94. In my opinion amendments to the subdivision chapter as request by Te Rūnanga o Ngāti Rēhia is already provided for. SUB-P11 is a consideration policy which provides a non-exhaustive list of matters that can be considered in relation to a resource consent where they are relevant to the application. Matter f is as follows "*any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*"
95. Policy TW-P6 is a consideration policy within the tangata whenua chapter. The policy considers a range of matters when assessing land use or subdivision applications that may affect tangata whenua, including any consultation with Iwi or Hapū, cultural impact assessments, and any identified sites of significance to Māori. Also take into account Iwi/Hapū management plans, proposed cultural protections, Treaty settlement legislation, statutory acknowledgements, the Te Oneroa-a-Tōhe Management Plan, and any formal agreements with Iwi or Hapū.
96. Matters of control within the subdivision chapter refer to "*extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site,*



*wāhi tapu and other taonga*". In my opinion this consideration is appropriate and would enable the processing planner to request a Cultural Impact Assessment should they decide it is necessary. In my opinion, these existing provisions address the matters raised by the submitter.

97. The function of SUB-P11 as a 'consideration policy' vs assessment criteria has been considered in a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: *"I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis."*
98. The recommended amendments to the chapeau of CE-P10 are equally applicable to SUB-P11 and other consideration policies in the PDP.
99. On that basis, I recommend that SUB-P11 is retained as a 'consideration policy', consistent with other PDP chapters, and the chapeau is amended to be clearer on its purpose and application.
100. The relief sought by NRC is unclear, as subdivision in ONF and ONL is already managed by the PDP (see SUB-R18) b. I do not recommend any further changes to the provisions at this point beyond those recommended to this rule as part of Hearing 4. However, if the submitter wishes to provide additional information on their reasoning and what the relief sought in evidence or at the hearing I can reconsider my position.
101. The matters raised by Kapiro Residents Association have been previously addressed in relation to Hearing 4<sup>3</sup>. In my opinion the notified subdivision rules include a matters of control *"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;"* which already enable assessment of these matters requested by the submitter and conditions in relation to these matters could be imposed on the subdivision consent. The other matter regarding streetlights was dealt with in relation to the Light topic in Hearing 6/7<sup>4</sup>.
102. In response to the submission from Kapiro Residents Association and others seeking amendments to the PDP to give effect to the NPS-FM, including incorporation of the concept of Te Mana o te Wai, I do not consider such amendments necessary. The NPS-FM came into effect in 2020, and the

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<sup>3</sup> Paragraphs 71-97 and 360-368 of the Ecosystems and Indigenous Biodiversity s.42A report, prepared by Jerome Wyeth and dated 8 July 2024.

<sup>4</sup> Paragraphs 52-62 of the Light and Noise Section s.42A report, prepared by Kenton Baxter and dated 23 September 2024.





notified provisions of the PDP have been prepared to align with this national direction to the degree that is appropriate for a District Plan and functions of a Territorial Authority. Similar submission points were addressed in Hearing 1<sup>5</sup>.

103. The regional council is responsible for implementing the NES-F and managing water quality and quantity to protect waterbodies and wetlands from degradation (Section 30 of the RMA). In Northland, this function is exercised through the Northland Regional Plan (NRP), which contains comprehensive provisions addressing freshwater quality, quantity, and ecosystem health. It is therefore not necessary or efficient for the PDP to duplicate these regional provisions.
104. The District Council is responsible for controlling land use and subdivision, for example managing development near wetlands to avoid adverse effects on their character (Section 31 of the RMA). 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 is a matter of national importance under Section 6(f) of the RMA.
105. The District Plan achieves this by having a 'Natural Character' chapter with specific policies and rules to protect the natural character of wetlands, lakes and rivers.
106. The purpose of the Hazardous Substances chapter in the PDP is to manage the interface between the use and storage of hazardous substances and sensitive land use activities. While Te Mana o te Wai is a central concept in the NPS-FM, its implementation largely sits with regional councils. Although the NPS-FM refers to some roles for territorial authorities, these are limited in scope. For these reasons, I recommend that this submission point be rejected.
107. In response to Carbon Neutral NZ Trust's requested relief, in my opinion no further provisions are necessary. NRC has the most appropriate statutory functions under the RMA relating to the management of discharges to land and water, including wastewater treatment and disposal. FNDC encourages alternative servicing options where appropriate, provided environmental effects are avoided or mitigated, as outlined in relation to SUB-O3. This objective ensures infrastructure must be planned to efficiently and cohesively serve new subdivisions and developments, using existing connections where available, or otherwise ensuring integration with the wider network for future needs. SUB-P6 also ensures infrastructure is provided comprehensively, integrated with existing or planned systems, and suited to the purpose and character of the zone.
108. SUB-S5-wastewater disposal, is referenced in the relevant subdivision rules, requiring that where Council's reticulated wastewater system is available, all allotments must connect. If such a connection is not available, each

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<sup>5</sup> Paragraphs 124-128 of the Part 1 s.42A report, prepared by Sarah Trinder and dated 29 April 2024





allotment must provide on-site wastewater disposal. Matters of discretion focus on the method and adequacy of on-site disposal, the capacity and impacts on existing systems, and the location, capacity, and environmental effects of the proposed system.

109. In my opinion, the notified provisions appropriately address the matters raised by the submitter. The District Plan provisions provide sufficient scope for the consideration of land-based wastewater disposal and use of treated effluent consistent with regional management functions.
110. In relation to the Northland Fish and Game requested relief, this is not appropriate in my opinion. These matters were addressed in relation to the Part 1 hearing, where the reporting officer recommended rejecting the relief sought by Fish and Game<sup>6</sup>.
111. In relation to the other relief sought by Northland Fish and Game, in my opinion it is not appropriate, efficient or effective and many of the matters raised are best addressed outside the PDP. As outlined in the Rural s.42A report<sup>7</sup> "*I consider that recreational hunting is already provided for as a permitted activity under RPROZ-R9 – Recreational activity*". It is also provided for as an exemption in relation to the noise aspect as outlined in the Light and Noise s.42A report<sup>8</sup>. The noise chapter includes an exemption for legal hunting and associated firearms activities within the rural environment, given that hunting typically involves short-duration noise. However, this recommended exemption does not apply to rifle ranges, pistol clubs, or other permanently established firearms ranges.
112. The relief sought by Nicole Wooster is not precluded by the PDP, and in some instances would be managed by the Natural Hazards chapter with regard to managing new roads subject to natural hazards. However, It is impractical to expect new subdivisions and/or new roading to fund or provide for roading upgrades that address climate change impacts to roads or to provide duplicate routes to arterial roads that are affected by natural hazards. The proposed NPS on Natural Hazards and Climate Change may provide further direction on these matters. It should also be noted that although development contributions are not currently used by FNDC, a Development Contributions Policy is the process of being introduced as outlined further below which could provide a mechanism for the approach sought by the submitter. However, this does not preclude the future use of Financial Contributions in the district plan under the RMA for matters for which a Development Contribution does not apply to. This approach is still being considered by Council and would need a plan change to introduce.

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<sup>6</sup> Paragraphs 152-156 of the Part 1 Section 42A report, prepared by Sarah Trinder and dated 29 April 2024.

<sup>7</sup> Paragraph 490 of the Rural Production Section 42A report, prepared by Melissa Pearson and dated 4 November 2024.

<sup>8</sup> Paragraphs 164 of the Light and Noise Section s.42A report, prepared by Kenton Baxter and dated 23 September 2024.

Further, I note the Government's intention to introduce a 'development levy' system in the near future.

113. I note that Nicole Wooster is a submitter (S259) who is employed by FNDC and related to Tammy Wooster (Manager – Integrated Planning at FNDC). Therefore, in preparing this Section 42A report, the approval of the recommendations for Ms Wooster's submission point (S259.015) has been provided by Roger Ackers - Group Manager Planning and Policy, rather than James R Witham – Team Leader District Plan. Mr Witham has not approved the recommendations on these submissions due to potential or perceived conflict of interest.
114. The relief sought by John Andrew Ridell is, in my opinion, already covered in SUB-P3. This policy states that subdivision is allowed where new allotments align with the zone's purpose and character, meet minimum size requirements, have a suitable shape and size for building, and have legal and physical access. The transport chapter also addresses the matters raised by the submitter, specifically TRAN-O5, which outlines that the transport network should enable safe and efficient movement for vehicles, cyclists, and pedestrians, including people with disabilities or limited mobility.
115. It is unclear what specific relief is sought by Julianne Sally Bainbridge. A scheme plan is required to be provided with all subdivision applications. If the submitter wishes to clarify the relief sought, they may do so at the hearing.
116. In relation to the relief sought by DOC and BOI Watchdogs, I refer to the recommendations made in the Indigenous Biodiversity s.42A report<sup>9</sup>. As outlined in the report IB-P7 and IB-P9 are intended to work together to effectively manage the adverse effects of pests on indigenous biodiversity.
  - a) IB-P7 focuses on the more supportive things that FNDC can do to encourage active management of pests.

*"Encourage and support active management control of pests and enable a timely and efficient response to biosecurity incursions of unwanted organisms."*
  - b) IB-P9 focuses on the regulatory tools that Council has available to require landowners to manage pest species to avoid risks to threatened indigenous species, with a particular focus on kiwis.

*"Require landowners to manage pets and pests within their property through consent conditions, where necessary to avoid risks to Threatened and At-Risk indigenous fauna, including avoiding the introduction of pets and pests into kiwi present or high-density kiwi areas where appropriate."*

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<sup>9</sup> Paragraph 215-222 of the Indigenous Biodiversity Section 42A report, prepared by Jerome Wyeth and dated 8 July 2024.

117. IB-P9 is intended to implement RPS requirements for controlling certain pest species, including some domestic dogs and cats, with controls primarily applied at the time of subdivision through consent conditions and title notices where necessary to protect threatened or at-risk indigenous fauna such as kiwi. DOC seeks a framework to encourage pet-free subdivisions in high-density kiwi areas, while BOI Watchdogs seeks an immediate pause on dog bans or restrictions within subdivisions until further consultation and evidence gathering is undertaken. The officers recommended version of IB-P9 aims to clarify its focus on enforceable measures at the time of subdivision, avoid impractical ongoing obligations for landowners, and retain discretion rather than impose blanket bans. This approach allows targeted restrictions where appropriate to achieve biodiversity outcomes while addressing submitters' concerns regarding fairness, practicality, and proportionality. Given these matters are addressed within the Indigenous Biodiversity chapter, I do not recommend including further provisions as requested in the Subdivision chapter. District-wide chapters such as Indigenous Biodiversity will be taken into account where there is scope to do so in relation to subdivision, and appropriate consent conditions and notices can be imposed at that time.

#### Overview

118. Margaret Sheila Hulse and John Colin Hulse request the insertion of a sentence that states Council policy in regard to development contributions payable by subdividers is contained in the Council's long-term Plan, separate from the district plan. It should be noted development contributions are not currently used by FNDC however they are in the process of being introduced to ensure those undertaking development contribute fairly to the costs associated with growth. To require and collect development contributions Council must have a development contributions policy that complies with and is adopted under the LGA. At the Council meeting scheduled for 31 July, the Council considered the new draft Utu Whakawhanake – Development Contributions Policy 2025. Council adopted the draft Policy and public consultation in accordance with the special consultative procedure under section 83 of the Local Government Act 2002 has occurred in August 2025, we are awaiting further information at the time of drafting this report. As noted above this does not preclude the future use of Financial Contributions in the district plan under the RMA for matters for which a Development Contribution does not apply to. This approach is still being considered by Council and would need a plan change to introduce. Further, I note the Government's intention to introduce a 'development levy' system in the near future.

#### Policies

119. The relief sought by John Andrew Riddell to include reference in all relevant policies to the adequacy of available or programmed development infrastructure is not necessary in my opinion. In my opinion it is already sufficiently covered by Clause (c) of SUB-P11 which allows for consideration of *"the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity;"* therefore decision-

makers can consider this, as part the standard consent process and impose conditions to ensure infrastructure is in place before development occurs. It should also be noted that if the infrastructure is already programmed, it is in the LTP, and certainty is already provided.

120. The other relief sought by John Andrew Riddell is to add further criteria into all relevant policies on managing land use and subdivision in relation to cumulative effects. In my opinion, this request is too broad. Applying a general criterion across all policies without clear parameters could create uncertainty for both applicants and decision-makers and would add unnecessary complexity to the consenting process. It should also be noted that the reporting officer for the Coastal Environment chapter recommended adding cumulative effects to CE-P10 for the following reasons:
121. *"I note that the requested clause from Pacific Eco-Logic and Kapiro Conservation Trust to refer to "any cumulative effects" is arguably already addressed by the PDP (and RMA) definition of "effect" which includes "any cumulative effect". Therefore, in relation to subdivision, cumulative effects do not need to be specifically referenced, as they are inherently considered for the matters of discretion when specified, or where full discretion is available and can be adequately assessed within the existing framework for considering effects.*

#### Rules

122. Kāinga Ora seeks that Note 4 refer only to mapped natural hazards rather than potential natural hazards. In my opinion, this amendment is not appropriate. Section 106 of the RMA sets out Council's responsibilities regarding the assessment of natural hazards in relation to subdivision. Council may refuse subdivision consent (or grant subject to conditions) if there is a significant risk from natural hazards. Specifically, there is an obligation to make an assessment of the risk associated with natural hazards in a manner set out in that section. An amendment of the RMA has broadened the matters that can be considered 'natural hazards'. However, it is clear that Council's responsibilities regarding subdivision and natural hazards are not limited to those natural hazards that are mapped. In addition, as outlined within the Natural Hazards s.42A report<sup>10</sup>, natural hazards, such as land instability, is not practical or affordable to be mapped but presents actual or potential risk and therefore actual or potential adverse effects. Retaining reference to potential natural hazards ensures these risks are appropriately addressed, as Note 4 requires that a report be prepared by a suitably qualified and experienced engineer to assess the relevant matters, to accompany a resource consent application for such sites.
123. I do not support the relief sought by FNDC to amend the title of SUB-R3 to clarify that subdivision of land to create a new allotment excludes multi-unit

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<sup>10</sup> Paragraph 332 of the Natural Hazards Section 42A report, prepared by Jerome Wyeth and dated 26 May 2025.

development. This amendment is no longer necessary, given the recommended amendments to SUB-R5 as outlined below.

124. The relief sought by Kairos Connection Trust relates to SUB-R5, which addresses subdivision around an approved multi-unit development. They request that CON-2 should not refer to SUB-S1 Minimum allotment sizes – Controlled activity. In my opinion, this request is appropriate as the rule as currently drafted does not actually provide any benefit for subdivision around an approved multi-unit development as it still needs to comply with the controlled lot size. I have looked at other second generation plans, and it is common to have no minimum lot size around an approved development as the development process will ensure that matters such as outdoor space etc will have been considered as part of the development approval. As a result I support the removal of this controlled standard. Kāinga Ora's submission (S561.048) seeks a revision to Rule SUB-R5 seeking for the rule to provide for the subdivision of an approved land use development. Kāinga Ora considers it unnecessary to retain the term "multi-unit" and instead proposes that the rule refer more broadly to an approved land use consent. To support the new MDRZ around Kerikeri township, Kāinga Ora recommends that Rule SUB-R5 be amended to apply to both the MDRZ and the GRZ. This amendment would align it with the intent of these zones to support a range of housing typologies and provide clearer implementation guidance. The proposed change supports the delivery of housing in accordance with national policy directions and the strategic growth objectives for Kerikeri. I recommend that the rule be amended to refer to approved residential development (excluding minor residential units) rather than just land use development to be clear its utility only applies to residential developments, and also to apply to the MDRZ. I also recommend the requirement as part of CON-1 to comply with SUB-S2 (Requirements for building platforms for each allotment) is not necessary as the built residential development must be existing for this rule to apply.
125. The relief sought by Ngā Tai Ora – Public Health Northland requests new rules for areas at risk of land instability, informed by improved mapping, or alternatively a revised definition of 'instability prone land' and amendments to SUB-R8 to ensure development is located on the lowest risk portions of a site. Similar matters have been addressed in the Natural Hazards s.42A<sup>11</sup>. I concur with the recommendations of the reporting officer, the relief sought is not necessary. The targeted rules in SUB-R8 provide more specific and effective conditions to mitigate these risks, and section 106 of the RMA still enables subdivision to be declined where there is a significant natural hazard risk. It should also be noted the definition of "land susceptible to instability" was informed by engineering advice specific to the Far North District<sup>12</sup>. Mapping such hazards across the district is not considered practicable or affordable at this time, and the existing framework enables these risks to be

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<sup>11</sup> Paragraph 285-286 of the Natural Hazards Section 42A report, prepared by Jerome Wyeth and dated 26 May 2025.

<sup>12</sup> 8 Appendix 4 of the section 32 evaluation report, Land Development and Exploration (2019), 'Criteria to Identify Land which may be Subject to Instability in the Far North District'. Refer: [Section 32 Natural Hazards Appendix 1-4](#).



managed at the subdivision stage through requirements for engineering assessments and the location of building platforms outside identified hazard areas.

126. I also share the Natural Hazards s.42A reporting officer's concern that requiring building platforms, access, and services to be located in the "least at-risk" portion of a site could inadvertently enable subdivision on land with a high overall risk of instability, simply because part of the site is at lower risk. For these reasons, I do not recommend additional rules or amendments of the nature sought.
127. SUB-R18 was previously addressed in the Natural Features and Landscapes topic in Hearing 4. I concur with the recommendations of the reporting officer for the s.42A<sup>13</sup> which in my opinion effectively addresses the relief sought by this submitter.
128. The relief sought by Andrew John Riddell to include additional matters of control and discretion is, in my opinion, not appropriate. The matters requested are broad, making them difficult to assess in practice. In zones that are transitional or may change in character, applying criteria requiring consistency with the current character of the environment and the purpose of the zone may not be appropriate and could result in unintended consequences. Which is why I have recommended referring to the 'planned environment' in SUB-O1 as outlined further in Key Issue 2.
129. The relief sought by Waiaua Bay Farm Limited relates to the interpretation of the subdivision and boundary adjustment provisions, specifically whether a non-complying activity status would apply where a boundary adjustment occurs on a property that contains land zoned Natural Open Space, but where the adjustment does not create a boundary through the Natural Open Space zoned land. I agree with the submitter that, in such circumstances, a non-complying resource consent should not be required.
130. Note 3 states: *"Where a site has a split zoning the more restrictive rules relating to minimum allotment sizes will apply."* This supports the submitter's position that a legitimate issue has been identified.
131. In my opinion, the subdivision provisions for the Natural Open Space Zone need to be amended to clarify that boundary adjustments or subdivision that does not create or alter a boundary within land zoned Natural Open Space is not captured by the non-complying activity status for subdivision in the zone.
132. I am recommended the following note is added to the notes section to clarify this matter:

*"a boundary adjustment or subdivision that occurs on a site and wholly outside the Natural Open Space Zone which does not create or alter a*

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<sup>13</sup> Paragraph 396-400 of the Natural Features and Landscapes Section 42A report, prepared by Benjamin Lee and dated 8 July 2024.





*boundary within land zoned Natural Open Space, shall be assessed under the subdivision rules of the zone(s) in which the boundary adjustment or subdivision occurs."*

133. The relief sought by Alec Brian Cox relates to imposing subdivision minimum lot sizes on developments such as retirement villages, which are land use activities creating multiple units. In my opinion, this is not appropriate. In some zones, there are specific land use rules that apply to retirement villages. For example, the GRZ<sup>14</sup> where retirement villages are restricted discretionary activities. However, retirement villages are not permitted in any zone except for the Quail Ridge Zone. Therefore, a resource consent for such activities is required and a broad range of relevant matters such as access and transport are to be addressed at the time of consent. One of the matters of discretion within the retirement village rule in the GRZ is the "safe integration of vehicle and pedestrian access with the adjoining road network," which provides adequate scope for transport matters to be assessed appropriately. Therefore, in my opinion, where no subdivision occurs, it is not appropriate for subdivision rules to apply. In addition, where subdivision is intended, the majority of effects have already been considered.

#### Standards

134. The relief sought by Ian Diarmid Palmer relates to amending the word allotment to site in SUB-S1 or clarify that the listed areas in SUB-S1 refer specifically to site areas. Allotment has the following definition in the notified PDP:

*'Has the same meaning as in section 218 of the RMA (as set out in the box below)*

*In this Act, the term allotment means—*

- a) any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
  - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or*
  - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or**
- b) any parcel of land or building or part of a building that is shown or identified separately—
  - i. on a survey plan; or*
  - ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or**
- c) any unit on a unit plan; or*
- d) any parcel of land not subject to the Land Transfer Act 2017.*

*For the purposes of subsection (2), an allotment that is—*

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<sup>14</sup> Urban Section 42A report, prepared by Sarah Trinder and dated 23 June 2025.



- a) *subject to the Land Transfer Act 2017 and is comprised in 1 record of title  
or for which 1 record of title could be issued under that Act; or*
- b) *not subject to that Act and was acquired by its owner under 1 instrument  
of conveyance—  
shall be deemed to be a continuous area of land notwithstanding that  
part of it is physically separated from any other part by a road or in  
any other manner whatsoever, unless the division of the allotment  
into such parts has been allowed by a subdivision consent granted  
under this Act or by a subdivisional approval under any former  
enactment relating to the subdivision of land.*

*For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.*

135. Site has the following definition in the PDP.

*means:*

- a) *an area of land comprised in a single record of title under the Land Transfer Act 2017; or*
- b) *an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- c) *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or*
- d) *despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system is the whole of the land subject to the unit development or cross lease.*

136. In my opinion, it is more appropriate to use the term “allotment” in relation to the SUB-S1 minimum allotment sizes, as this standard specifically regulates the creation of new parcels of land through subdivision. The term “allotment” is consistent with the definition in section 218 of the RMA, referring to a legally defined parcel of land shown on a survey plan or title record. This is appropriate because subdivision controls focus on the establishment of new legal land parcels—i.e., allotments in the statutory sense. Conversely, the term “site” is a planning concept primarily used to apply land use and development controls to existing properties, which may comprise one or more allotments that cannot be dealt with separately without prior council consent. Using “site” in the context of SUB-S1 could introduce ambiguity by potentially capturing existing landholdings made up of multiple allotments, thereby extending subdivision minimum size requirements to properties not subject to subdivision. Therefore, the use of “allotment” appropriately limits the minimum size standards to new legally created parcels, ensuring that the rules align clearly with the subdivision framework under the RMA and avoid unintended consequences in plan interpretation and application.



137. In relation to the relief sought by Reuben Wright, it is important to clarify how the rules and standards within the subdivision chapter interact. The submitter notes that standards SUB-S2 to SUB-S8 do not have activity statuses, which is correct and intentional. The standards are designed to support the subdivision rules rather than to carry their own activity statuses. For example, SUB-R3, which relates to the subdivision of land to create a new allotment, is a controlled activity that requires compliance with certain standards. Condition CON-1 specifies that the subdivision must comply with standards SUB-S2 (requirements for building platforms for each allotment), SUB-S3 (water supply), SUB-S4 (stormwater management), SUB-S5 (wastewater disposal), SUB-S6 (power supply), and SUB-S7 (easements for any purpose). Where these standards are not met, the activity status changes; accordingly, for instance, non-compliance with CON-1 results in the subdivision becoming a restricted discretionary activity.
138. The submitter seeks to delete SUB-S7 and replace it with a matter of control or discretion. In my opinion, it is appropriate for easements to be addressed as a standard referenced within the relevant subdivision rules rather than as a matter of control or discretion within the rules. Easements are a fundamental consideration in subdivision and must be clearly identified to ensure the provision of access and services. This standard appropriately requires easements to be provided where necessary to enable public works, utility services, and Council-required access. Such easements should be granted either in gross or in favour of specific allotments or adjoining titles and be of sufficient width to allow for maintenance and repair. The need for easements includes, but is not limited to, accessways (whether shared or private), stormwater, wastewater disposal, water supply, utilities, party walls, floor/ceilings, and other related purposes.

### Recommendation

139. For the reasons above, I recommend that these submissions are accepted, accepted in part and rejected as set out in Appendix 2.
140. I recommend the following amendments to SUB-P11.

*~~'Consider the following matters where relevant when assessing and managing the effects of subdivision:—Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application:...~~*

141. I recommend the following new note is added.

*'a boundary adjustment or subdivision that occurs wholly outside the Natural Open Space Zone, and does not create or alter a boundary within land zoned Natural Open Space, shall be assessed under the subdivision rules of the zone(s) in which the boundary adjustment or subdivision occurs'.*

142. I recommend the following amendments to SUB-R5.

SUB-R5	Subdivision Around an Approved <del>multi-unit</del> Residential Development	
<p><b>General Residential Zone</b></p> <p><b><u>Medium Density Residential Zone</u></b></p>	<p><b>Activity status: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b></p> <p>1. Subdivision complies with standards:  <del>SUB-S2 Requirements for building platforms for each allotment;</del>  SUB-S3 Water supply;  SUB-S4 Stormwater management;  SUB-S5 Wastewater disposal;  SUB-S6 Telecommunications and power supply; and  SUB-S7 Easements for any purpose.</p> <p><b>CON-2</b></p> <p>1. Subdivision complies with standards  <del>SUB-S1 Minimum allotment sizes—</del>  Controlled activity; and  SUB-S8 Esplanades</p> <p><b>CON-3</b></p> <p>1. The <del>multi-unit residential</del> development (<del>excluding minor residential units</del>) has already been constructed or the subdivision is proposed around a <del>multi-unit residential</del> development that has been approved by way of resource consent.</p> <p><b>Matters of control are limited to:</b></p> <p>a. the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;  b. the provision of easements or registration of an instrument</p>	<p><b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. matters of any infringed standard; and  b. any relevant matters of control in SUB-R45.</p> <p><b>Activity status where compliance not achieved with CON-2: Discretionary</b></p> <p><b>Activity status where compliance not achieved with CON-3: Non-complying</b></p>

	<p>for the purpose of public access and reserves;</p> <p>c. the effects of development phase works on the surrounding area;</p> <p>d. extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga;</p> <p>e. 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;</p> <p>f. natural hazards or geotechnical constraints;</p> <p>g. <del>where relevant compliance with Far North District Council Engineering Standards 2022;</del> and</p> <p>h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.</p> <p><b>NOTE:</b> If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.</p>	
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### Section 32AA Evaluation

143. The recommended amendments to the Subdivision Chapter are minor and primarily clarificatory in nature. They respond to submissions by improving drafting consistency, aligning terminology with other chapters (e.g. use of

“Water Sensitive Design”), and providing greater certainty for plan users. These changes do not alter the policy direction of the notified chapter but ensure that the provisions are clearer, more workable, and consistent across the PDP.

144. The efficiency and effectiveness of the recommended changes are considered to be higher than the notified provisions. For example, clarifying the role of SUB-P11 as a consideration policy ensures consistency across the PDP and avoids unnecessary duplication of assessment criteria. Amendments which include a specific subdivision exemption relating to the Natural Open Space Zone provide practical improvements that reduce the risk of unintended outcomes or uncertainty for applicants and decision-makers.
145. In addition, amendments to SUB-R5 to refer to approved residential development (excluding minor residential units) and to apply this rule in both the MDRZ and GRZ are considered to improve efficiency and effectiveness. These changes better align the provisions with the intent of the residential zones, support the delivery of a range of housing typologies, and provide clearer implementation guidance. Removing unnecessary references to minimum allotment size and building platform requirements avoids duplication, reflects that the built form has already been authorised, and reduces unnecessary regulatory burden.

## 5.2.2 Key Issue 2: Objectives and Policies – General

### Overview

Provision(s)	Officer Recommendation(s)
SUB-O1	<ul style="list-style-type: none"> <li>Amendments to clause (a) so that subdivision also achieves the objectives of <u>precinct</u> and <u>development area</u> overlay and amendments to clause (b) so that subdivision contributes to the <u>existing or planned</u> local character.</li> </ul>
SUB-P3	<ul style="list-style-type: none"> <li>Amendments to clause (a) to relate to '<u>planned environment</u>' and the removal of '<del>purpose, characteristics and qualities</del>'</li> </ul>
SUB-P4	<ul style="list-style-type: none"> <li>Deletion of the policy.</li> </ul>

### Analysis of Submissions on Key Issue 2

#### Matters raised in submissions

##### Objectives

146. Kiwi Fresh Orange Company Limited (S554.007) supports SUB-O1 and seeks the retention of the Objective as notified.
147. NZTA (S356.072) supports SUB-O1 in part and seeks an amendment to clarify the meaning of '*efficient use of land*'. Specifically, the submitter requests that the definition explicitly recognise Residential and Mixed Use subdivisions that enable practical access, particularly via active and public



transport between housing, employment, community services, and natural or open spaces.

148. Waiaua Bay Farm Limited (S463.041) opposes SUB-O1, on the basis that subclause (b) is not applicable in contexts where changes to local character and sense of place are anticipated as a result of subdivision activity intended by the Plan. The submitter requests an amendment to the Objective as follows:

*'Subdivision results in the efficient use of land, which:*

- a) Achieves the objectives of each relevant zone, overlays and district wide provisions;*
- b) Contributes to the existing or planned local character and sense of place including that required to be delivered by subdivision in the Special Purpose Zones;*
- c) Avoids reverse sensitivity issues that would prevent or adversely affect existing activity ~~already established on land~~ from continuing to operate;*
- ~~d) Avoids land use with patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;~~*
- e) ~~Does not increase risk from natural hazards or risks are mitigates~~ managed natural hazard risks and reduces existing risks where practicable reduces; and*
- ~~f) Manages adverse effects on the environment.'~~*

149. Russell Protection Society (INC) (S179.091), along with other submitters (S159.066 and S356.073), support SUB-O2 and request to retain the Objective.

150. Te Hiku Iwi Development Trust (S399.066 and S399.067) notes that numerous blocks of Māori land are landlocked and currently lack legal or practical access. The submitter proposes the insertion of a new clause within Objective SUB-O4 to address the issue:

*'... d. enabling and maintain access to land locked allotments.'*

151. Federated Farmers (S421.174) support SUB-O4 and request that the Objective be retained. Alternatively, should any amendments be made, they seek assurance that the revised wording continues to reflect and give effect to the original intent.

#### Policies

152. FENZ (S512.029) support the Policies and request that they be retained as notified.

153. Horticulture New Zealand (S159.067) supports SUB-P3 in part and expresses that any adequate building platform should be located within the applicable zone setbacks. The submitter requests the following amendment to the policy to reflect this requirement:

*'c. have an adequate size and appropriate shape to contain a building platform, within setbacks for the zone'.*

154. NZTA (S356.084) supports SUB-P3 in part, subject to an amendment to clause (a) to reference the Objectives and Policies of the relevant zone, rather than referring to its *'purpose, characteristics and qualities'*. The submitter seeks the following amendment:

*'Provide for subdivision where it results in allotments that:*

- a) 'Are consistent with ~~the purpose, characteristics and qualities~~ objectives and policies of the zone; ...'.*

155. Similarly, Waiaua Bay Farm Limited (S463.043) proposes the following amendment to SUB-P3:

- a) 'Are consistent with achieving the purpose and objectives ~~characteristics and qualities of the zone~~; ...'.*

156. Russell Protection Society (INC) (S179.098) supports SUB-P4 and requests that the Policy be retained as notified. In contrast, NZTA (S356.085) seeks an amendment to the Policy to improve clarity.

157. Carbon Neutral NZ Trust (S529.144) supports SUB-P4 but proposes an amendment to ensure that the Policy explicitly requires, at a minimum, the maintenance of indigenous biodiversity or ecosystems.

158. Waiaua Bay Farm Limited (S463.044) opposes SUB-P4 on the basis that its content is already addressed in Note 1, thereby rendering the Policy redundant. The submitter seeks the deletion of SUB-P4.

159. Russell Protection Society (S179.104) and NZTA (S356.083) supports the retention of SUB-P10.

## **Analysis**

### Objectives

160. The relief sought by NZTA relates to SUB-O1 and seeking amendments to clarify the meaning of 'efficient use of land' as it relates to access and transport outcomes especially for mixed use and residential subdivisions. In my opinion, these amendments are not necessary. SUB-O1 relates to subdivision that promotes efficient land use that aligns with zone objectives, supports local character, avoids conflicts and natural hazard risks, and manages environmental effects.

161. In my opinion the relief sought by NZTA, is already largely addressed at the policy level particularly in relation to SUB-P5 which states, subdivision design in residential, mixed-use, and settlement zones should create safe, accessible, and well-connected environments that support transport efficiency, social interaction, and future connectivity.
162. The relief sought by Waiaua Bay Farms limited relates to the clauses associated with SUB-O1. In my opinion there is merit to the relief sought by the submitter. The s.42A report writer for the urban topic, recommended the use of the word “planned” in relation to the residential environment for example. I agree it is appropriate to use this wording for the reasons outlined in the Urban s.42A report<sup>15</sup>. As outlined by the reporting officer, it aligns with the future of development that can be achieved through the provisions of the plan which may look different to what the current environment is.
163. I recommend amendments to the subdivision chapter to include appropriate references to precincts, given that a number have been recommended by Council officers. Development areas are a planning tool that may also be recommended by Council officers, so I have also recommended including reference to these in case they are included. Precincts and development areas establish distinct objectives and policies which sit alongside the underlying zone provisions. As a consequential amendment, it is important that the subdivision chapter recognises and refers to these other planning mechanisms where appropriate, to ensure consistency across the plan and to avoid uncertainty in implementation. I note that the use of precincts and development areas was not specifically envisaged by the plan as notified, and therefore they are not referred to within the notified subdivision chapter. For example, SUB-O1 a. refers to “*achieves the objectives of each relevant zone, overlays and district wide provisions*”. In my opinion this should also refer to precincts and development areas.
164. In terms of the other changes requested by this submitter, I do not agree it is necessary to specifically refer to special purpose zones as requested or the deletion of certain clauses, however I agree with some of the other minor wording changes requested to improve clarity.
165. The relief sought by Te Hiku Iwi Development Trust, proposes the addition of a new clause to SUB-O4 to address access issues for landlocked Māori land.
166. In my opinion, while the issue of landlocked Māori land is acknowledged and important, the proposed amendment is not appropriate within the subdivision chapter. SUB-O4 is focused on ensuring subdivision supports the creation of connected and integrated communities, particularly in relation to new allotments. It is unlikely that in all circumstances that owners of adjoining land can be compelled to provide access to landlocked land as part of an unrelated subdivision as may not be considered ‘*directly related to.... an adverse effect of the activity on the environment..*’ as required by s108AA

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<sup>15</sup> Paragraphs 302-304 of the Urban Section 42A report, prepared by Sarah Trinder and dated 23 June 2025.



of the RMA. The matter raised by the submitter cannot always be resolved through subdivision processes and is more suitably considered through broader access and land tenure mechanisms, rather than through subdivision objectives.

167. The relief sought by Horticulture New Zealand to add additional wording to ensure any building platform is located within the applicable zone setbacks, is not necessary. In my opinion, the amendment sought is too specific for inclusion within a policy. SUB-P3 is intended to guide the overall outcomes of subdivision design. The matters raised by the submitter are already managed through subdivision standard SUB-S2 which requires a building platform with specific dimensions outside the permitted boundary setback for the relevant zone. This standard is the appropriate mechanism for ensuring compliance with technical matters such as building platform location.
168. I consider that the existing policy framework, in combination with the relevant rules and standards, already achieves the outcome sought by the submitter.
169. The relief sought by NZTA and similarly Waiaua Bay Farm Limited relates to amending SUB-P3 to refer to objectives and policies of the zone" rather than its "purpose, characteristics and qualities." In my opinion, there is merit in reconsidering the terminology used in clause (a). While the notified reference to "purpose, characteristics and qualities" seeks to reflect the intended outcomes of the zone, this language may not always provide sufficient clarity, particularly in areas where the environment is expected to change over time.
170. As noted above in relation to SUB-O1, I support the use of the term "planned environment" as it better captures the future-focused intent of the plan. This terminology acknowledges that the outcomes sought through the plan may differ from the existing environment and provides a clearer link to the objectives and policies that guide development.
171. For these reasons, I recommend replacing the phrase "purpose, characteristics and qualities" in clause (a) with "planned environment." This would improve clarity and better align the policy with the anticipated outcomes of the zone provisions.
172. In relation to SUB-P4 it is unclear the amendments requested by NZTA to improve clarity, therefore I reject this submission point unless NZTA can provide further clarity on the relief sought at the Hearing.
173. Carbon Neutral NZ Trust supports SUB-P4 and seeks an amendment to require, at a minimum, the maintenance of indigenous biodiversity or ecosystems. In contrast, Waiaua Bay Farm Limited opposes SUB-P4, considering it redundant due to the content already provided in Note 1, and seeks its deletion.



174. In my opinion, the outcomes sought by Carbon Neutral NZ Trust are already achieved through the Indigenous Biodiversity chapter, which applies on a district-wide basis and will be considered as part of subdivision applications where relevant. The matters raised are more appropriately managed through that chapter, which contains specific provisions designed to protect and maintain indigenous biodiversity. When considering proposals the plan is intended to, and must be considered, as a whole.
175. I agree with the concerns raised by Waiau Bay Farm Limited. SUB-P4 refers to district-wide provisions that are already required to be considered as part of subdivision applications where relevant. Therefore, its inclusion within the subdivision policy framework adds limited value. Note 1, which states: "*There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter...*" already provides clear guidance to plan users that district-wide matters must be considered. For these reasons, I recommend that SUB-P4 be deleted.

### Recommendation

176. For the reasons above, I recommend that these submissions on objectives and policies are accepted, accepted in part and rejected as set out in Appendix 2.
177. I recommend the following amendments to SUB-O1.

*Subdivision results in the efficient use of land, which:*

- a) achieves the objectives of each relevant zone, precinct, development area overlays, and the district wide provisions;*
- b) contributes to the existing or planned local character and sense of place;*
- c) avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
- d) avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;*
- e) does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and*
- f) manages adverse effects on the environment.*

178. I recommend the following amendments to SUB-P3.

- a) ...are consistent with the planned environment purpose, characteristics and qualities of the zone or precinct;*

b) *comply with the minimum allotment sizes for each zone or precinct;*...

179. I recommend SUB-P4 is deleted.

~~*Manage subdivision of land as detailed in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan.*~~

## Section 32AA Evaluation

180. I recommend amendments to SUB-O1 and SUB-P3 to refer to the “planned environment”. This terminology better reflects the forward-looking intent of the PDP and ensures alignment with the objectives and policies of the relevant zones, particularly where the anticipated environment may differ from the existing environment.

181. As precincts have been recommended elsewhere in the plan and development areas may be, I also recommend consequential amendments to refer to these. For example, amendments have been made to SUB-O1 to recognise and refer to precincts and development areas alongside zones, overlays, and district-wide provisions. This will ensure internal consistency across the PDP and reduce uncertainty in implementation.

182. Finally, I recommend the deletion of SUB-P4. The outcomes it seeks are already addressed through the Indigenous Biodiversity chapter and other district-wide provisions. Retaining this policy would create duplication and add limited value.

183. These amendments are considered more efficient and effective than the notified provisions as they improve clarity, reduce duplication, and ensure integration with the wider framework of the PDP. The benefits of improved certainty and consistency outweigh the minimal costs.

## 5.2.3 Key Issue 3: Indigenous Biodiversity and Natural Character

### Overview

Provision(s)	Officer Recommendation(s)
SUB-O2	Amendments to the objective so that subdivision recognises and provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the removal of reference to protection of highly productive land, areas of high natural character, outstanding natural character and significant natural areas.
SUB-P8	Amendments to remove reference of SNAs and primary production activities and the inclusion to protect areas of significant indigenous vegetation or significant habitats of indigenous fauna and reference as well as additional clauses to achieve outcomes of various rules.
SUB-P9	The deletion of rural lifestyle subdivision in the RPROZ and the replacement of the management plan

Provision(s)	Officer Recommendation(s)
	subdivision rule with development now achieving the environmental outcomes required in SUB-R7.

### Analysis of Submissions on Key Issue 3

#### Matters Raised in Submissions

184. Various submitters<sup>16</sup>, including Russell Landcare Trust (S276.003), raise concerns that the provisions for protecting indigenous biodiversity are insufficient and risk enabling further incremental loss. Russell Landcare Trust seeks the reinstatement of Operative Plan Policies 13.4.12 and 13.4.13. Pacific Eco-Logic highlights gaps in the protection of indigenous vegetation, fauna habitats, and the management of contaminants affecting natural wastewaters. The submitter proposes the inclusion of additional Policies to:
185. Clarify that significant indigenous vegetation and significant habitats of indigenous fauna, (including the balance lot) are to be protected as part of a subdivision.
  1. Require cat and/or dog-free subdivision in areas of particular importance for vulnerable indigenous wildlife (e.g. kiwi, matuku, shorebirds).
  2. Require sewage and stormwater management to prevent nutrients and sediment from reaching natural waterways, including natural wetlands.
  3. Identify priorities where riparian fencing and planting should be a condition of subdivision.
186. John Andrew Riddell (S431.065) submits that a well-designed subdivision plays a critical role in achieving the sustainable use and development of natural and physical resources, while also contributing to the establishment and continuity of local character and sense of place. The submitter proposes the inclusion of the following new Policy:
 

'Subdivision, use and development shall reserve 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;

<sup>16</sup> S442.149, S442.151, S451.005, S451.007

- 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;
- d) Through siting of buildings and development, design of subdivisions and provisions of access that recognise and provide for the relationship of Māori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Māori culture makes to the character of the District (Refer to Chapter 2 and in particular Section 2.5 and Councils 'Tangata Whenua Values and Perspectives' (2004));
- 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.

187. DOC (S364.003) seeks amendment to the Subdivision Chapter to introduce more stringent controls that enables the consideration and scheduling of SNAs as part of the subdivision process.

### Objectives

- 188. Pacific Eco-Logic (S451.004) and Kapiro Conservation Trust (S442.148) support SUB-O2 in part and seeks an amendment to clause (b) to explicitly clarify that areas containing significant indigenous vegetation and significant habitats for indigenous fauna are to be protected.
- 189. Trevor John Ashford (S146.004) and others<sup>17</sup> seek amendments to SUB-O2 and SUB-P8 to better reflect a collaborative approach to the management of SNAs. The submitters advocate for recognising and supporting voluntary conservation effects by ratepayers, partnering with landowners in line with NPS-IB obligations, and providing practical incentives rather than penalties to enhance biodiversity. Mr Ashford also proposes more flexible protection

<sup>17</sup> S40.004, S40.006, S41.004, S41.005, S41.006, S77.003, S77.005, S146.006, S161.003, S161.005, S163.009, S348.010, S348.012, S377.004, S377.006, S395.004, S395.006, S410.004, S411.004, S410.006, S411.006, S439.004, S439.006, S464.004, S464.006, S470.004, S470.006, S472.041, S472.043, S485.043, S485.045, S519.043, S519.045, S541.004, S541.006, S543.004, S543.006, S544.004, S544.006, S547.004, S547.006, S569.004, S569.006



options, such as a simple bush covenant by consent notice and requests that SNA mapping be publicly accessible, regardless of inclusion in the PDP.

190. DOC (S364.053) considers that clause (a) of SUB-O2 weakens the Objective and fails to appropriately recognise and provide for matters of national importance. The submitter requests the following amendment to strengthen the Objective:

*'Subdivision recognises and provides for the:*

*a. ~~Protection of highly productive land; and ...~~'*

#### Policies

191. Pacific Eco-Logic (S451.006) and Kapiro Conservation Trust (S442.150) support SUB-P11 in part but consider that the Policy does not fully address the range of effects necessary to ensure the effective protection of indigenous biodiversity. To strengthen the Policy, the submitters request the inclusion of additional matters for consideration when Council assesses land use and subdivision consent applications:

- a) The quality and extent of the indigenous ecosystems and elements present.
- b) The potential impact of the proposed activity on the biodiversity values of the native vegetation present on and in the vicinity of the property.
- c) The type and extent of legal and practical protection being provided to protect indigenous ecosystems and elements.
- d) The type and scale of ecological restoration and protective management being proposed (e.g. Pest control).
- e) The potential hazards posed by the construction and ongoing new activities on at-risk wildlife.
- f) Controls on pet ownership to protect at risk-wildlife.

192. Transpower New Zealand Ltd (S454.094) considers that SUB-P11 should be amended to explicitly address the need to manage subdivision activities within the National Grid Subdivision Corridor. The submitter proposes the following amendment to the Policy:

*'Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application: ...*

*... g. managing effects on the National Grid from subdivision within the National Grid Subdivision Corridor'*

#### Rules

193. Tupou Limited (S487.004) supports SUB-R3 in part and seeks to amend the clause (e). The submitter proposes the following revised wording:

*'Matters of control are limited to...*

*e. Net adverse effects on areas with historic heritage and cultural values...'*

194. The BOI Watchdogs (S354.018) opposes SUB-R3, arguing that such provisions should not impose controls on dog ownership. The submitter requests the deletion of references to indigenous biodiversity from the matters of control.

195. The BOI Watchdogs (S354.023) opposes clause (c) of APP3 - Subdivision Management Plan Criteria, which relates to proposed management measures. The submitter requests that this clause be deleted:

*... c. Proposed Management Measures*

*i. ~~Measures to protect, manage and enhance indigenous vegetation and habitats, ONL and ONF, heritage resources and riparian margins, including appropriate means of controlling dogs, cats, rats, mustelids and other animal pests and the means of controlling pest plants ...'~~*

## Analysis

196. Several submitters raise concerns that the provisions for protecting indigenous biodiversity are insufficient and risk enabling further incremental loss. In particular, Russell Landcare Trust seeks the reinstatement of Operative Plan Policies 13.4.12 and 13.4.13. Pacific Eco-Logic proposes additional policies to clarify protection of significant indigenous vegetation and fauna habitats (including balance lots), restrict domestic animals in sensitive areas, manage sewage and stormwater, and prioritise riparian fencing and planting.
197. In my opinion, a number of these matters raised by these submitters are already appropriately managed through the Indigenous Biodiversity chapter, which applies on a district-wide basis and is considered as part of subdivision applications where relevant. This chapter contains specific provisions designed to protect significant indigenous vegetation and habitats. Therefore, I do not consider it necessary to duplicate these requirements within the subdivision chapter. In relation to SUB-O2 clause (b), I note that the wording "protection, restoration or enhancement" is not entirely consistent with the policy direction in the relevant chapters associated with this clause, including the coastal environment and natural features and landscapes. However, in my opinion, when read alongside these other district-wide chapters, the objective gives effect to higher order documents. Following discussion with the reporting officer for the relevant topics, I consider that, for consistency with previous recommendations, the reference to "outstanding and high natural character" should be deleted.
198. The issue of domestic animals such as cats and dogs in areas of ecological sensitivity has been addressed above in relation to Key Issue 1.



199. Standards SUB-S4 and SUB-S5 set out requirements for stormwater management and wastewater disposal. In addition, the Northland Regional Plan regulates discharges to land and water, which helps ensure appropriate management of wastewater and stormwater to prevent nutrients and sediment from entering natural waterways, including natural wetlands. These matters are also addressed under the National Environmental Standards for Freshwater (NES-FW), which include specific rules relating to wetlands—for example, restrictions on earthworks and vegetation clearance within certain setbacks. Therefore, in my opinion, these matters are managed through separate regulatory processes and are not typically addressed through district-level subdivision policies.
200. In relation to riparian fencing and planting, these outcomes can be achieved through conditions of consent where appropriate. The Indigenous Biodiversity chapter already provides the necessary policy direction to support such outcomes, and I do not consider it necessary to include additional subdivision-specific policies to achieve this.
201. For these reasons, I do not support the inclusion of the additional policies sought by the submitters within the subdivision chapter. The matters raised are either already addressed through existing provisions or are more appropriately managed through other chapters or regulatory frameworks.
202. In my opinion, it is not necessary to add Operative Plan Policies 13.4.12 and 13.4.13, or similar, to support the management plan rule. The reporting officer for Hearing 4 recommended a new policy within the Indigenous Biodiversity chapter (IB-PX) to enable subdivision and associated land use where this results in the legal protection and/or restoration of areas of significant indigenous vegetation or significant habitat of indigenous fauna, in accordance with SUB-R6 (environmental benefit subdivision) or SUB-R7 (management plan subdivision). I have also recommended amendments to SUB-P8 and SUB-P9 to align with this framework and provide for SUB-R6 and SUB-R7. Collectively, these provisions provide sufficient policy direction for the management plan rule by requiring that rural lifestyle subdivision in the RPROZ is avoided unless it achieves the environmental outcomes required through the management plan subdivision. This approach is also reflected in SUB-P9 in relation to rural residential subdivision. In my opinion, this provides adequate policy direction, and an additional policy for management plan subdivision (which is a discretionary activity) is not required.
203. In my opinion it is not necessary to clarify that significant indigenous vegetation and significant habitats of indigenous fauna, (including the balance lot) are to be protected as part of a subdivision. This is already covered within Appendix 3 – Subdivision Management Plan Criteria c. – Proposed Management Measures, which address a range of matters including the protection and enhancement of ecological, landscape, cultural and heritage values, the maintenance of open space and rural/coastal character, the protection of soils and riparian margins, ongoing stormwater and effluent management, integrated catchment management, and controls on built form and visual effects. The criteria also provide for measures to



manage animal and plant pests, protect sites of significance to Māori, and ensure that adverse effects (including reverse sensitivity) are internalised within the subdivision.

204. The relief sought by John Andrew Riddell requests a new policy that incorporates a range of design and environmental considerations, including the protection of natural character, indigenous biodiversity, historic heritage, and tangata whenua values.
205. In my opinion, many of the matters raised by the submitter are already addressed within the existing policy framework and relevant chapters of the PDP. For example:
206. Protection of indigenous biodiversity is managed through the Indigenous Biodiversity chapter, which applies on a district-wide basis and is considered as part of subdivision applications where relevant.
207. SUB-P11, as discussed above in Key Issue 1, provides a list of matters that may be considered in relation to a subdivision resource consent application. This includes reference to historical, spiritual, or cultural associations held by tangata whenua, with regard to the matters set out in Policy TW-P6, as well as historic heritage and natural hazards.
208. Public access to the coast and esplanade areas is managed through SUB-P7, which requires the vesting of esplanade reserves where applicable.
209. Stormwater and wastewater management is addressed through Standards SUB-S4 and SUB-S5.
210. While the intent of the proposed policy is acknowledged, I consider that the matters raised are either already addressed through existing provisions or are more appropriately managed through other chapters of the PDP. Introducing a new policy with overlapping content risks unnecessary duplication and may reduce clarity for plan users.
211. The relief sought by DOC relates to the consideration and scheduling of SNAs as part of the subdivision process. I do not agree with the relief given the decision made by Council to remove reference to SNAs from the PDP. The s42A report to Hearing 4 on Indigenous Biodiversity clearly sets out the regulatory barriers within the NPS-IB that preclude SNA's being listed in the PDP at this time.

### Objectives

212. Pacific Eco-Logic and Kapiro Conservation Trust seek an amendment to SUB-O2 to explicitly clarify that areas containing significant indigenous vegetation and significant habitats of indigenous fauna are to be protected.
213. I agree with the relief sought, as SUB-O2 currently refers to "Significant Natural Areas" which is no longer appropriate given reference to SNAs has been recommended to be removed from the PDP by the reporting officer in Hearing 4. Instead, the terminology recommended through Hearing Stream



4 refers to “areas of significant indigenous vegetation and significant habitats of indigenous fauna” consistent with section 6(c) of the RMA and the RPS.

214. I consider that any amendment to clause (b) of SUB-O2 should reflect this updated terminology to ensure consistency across the plan. I support the inclusion of wording that clarifies the protection of indigenous vegetation and significant habitats of indigenous fauna within the context of subdivision.
215. The relief sought by Trevor John Ashford and others is similar to that addressed above, although it specifically relates to SUB-O2 and SUB-P8, seeking a more collaborative approach to the management of SNAs. In my opinion, reference to SNAs is no longer appropriate, as outlined above and addressed in detail in Hearing 4. Therefore, I also recommend removing reference to SNAs and replacing with the wording outlined above in relation to SUB-O2 within SUB-P8 for consistency. It should also be noted that the Indigenous Biodiversity chapter recognises the role of landowners in protecting and restoring indigenous biodiversity, including through IB-O5, which states: *‘Restoration and enhancement of indigenous biodiversity is promoted and enabled.’*
216. Regarding the remaining relief sought by this submitter, the environmental benefit subdivision rule (SUB-R6) provides incentives where indigenous vegetation or habitats of indigenous fauna are protected, which in my opinion goes some way to addressing the concerns raised.
217. It should also be noted that the NPS-IB provides clear direction on the protection of indigenous biodiversity, including areas outside of identified SNAs. The amended NPS-IB (October 2024) requires councils to give effect to its objectives and policies, which include maintaining and enhancing indigenous biodiversity, managing adverse effects, and recognising the role of tangata whenua in biodiversity stewardship. These requirements apply across all land tenures and must be considered in subdivision applications where relevant.
218. DOC submits that clause (a) of SUB-O2 weakens the objective and fails to appropriately recognise and provide for matters of national importance. The submitter seeks to delete the reference to “Protection of highly productive land” from the objective.
219. I agree that the inclusion of highly productive land within SUB-O2 is not appropriate and should instead be contained within its own objective, given that it is a separate issue and requires a more nuanced approach. While highly productive land is not listed as a matter of national importance under section 6 of the RMA, it is subject to national direction through the NPS-HPL. The NPS-HPL sets out clear expectations for the protection of highly productive land from inappropriate subdivision, use, and development.
220. The new objective and associated provisions are further detailed below in relation to Key Issue 4 and reflects the commentary outlined in Hearing 9 in relation to Highly Productive Land. The new framework reflects the need to



give effect to the NPS-HPL and ensures that subdivision appropriately considers the long-term value of land for primary production.

221. For these reasons, I support the amendments sought by DOC to remove reference to highly productive land and I agree that the use of the wording “recognises and provides for” is more appropriate than the notified wording “provides for”.
222. In my opinion, no further amendments are required to address the relief sought by Pacific Eco-Logic and Kapiro Conservation Trust, which relates to adding additional matters to SUB-P11 regarding the effects on indigenous biodiversity. Clause e of SUB-P11 states: *“Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values.”* In my view, this already provides recognition that indigenous biodiversity values must be considered. The direction as to how these effects undergo assessment is addressed within the Indigenous Biodiversity Chapter, which I consider to be a more appropriate approach than duplicating these matters within SUB-P11.
223. The relief sought by Transpower New Zealand Ltd is to include an additional clause within SUB-P11 to manage the effects of subdivision within the National Grid Subdivision Corridor. In my opinion, this amendment is not necessary, as the recommended provisions in the Infrastructure Chapter, particularly Policies I-PX and I-PY, already address these matters. Policy I-PY manages subdivision in proximity to the National Grid by restricting activities within the National Grid Yard that could compromise its safe and efficient operation or create reverse sensitivity effects. Subdivision within the National Grid Subdivision Corridor is only enabled where future land use and development can be designed to avoid or minimise risks to people and property, avoid reverse sensitivity, and not compromise the operation, maintenance, upgrading, or access to the National Grid.
224. I do not agree with the relief sought by Tupou Limited in relation to SUB-R3 – Subdivision of land to create a new allotment. The submitter requests that matter of control (e), which refers to adverse effects, be amended to refer to “net” adverse effects. In my opinion, this is not appropriate. Matter of control (e) relates to a range of considerations, including historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character, and indigenous biodiversity values—including indigenous taxa listed as threatened or at risk in the New Zealand Threat Classification System.
225. Particularly in relation to matters such as historic and cultural heritage, it is important that all adverse effects are assessed. Even if the overall or “net” adverse effects are considered negligible, any adverse effect on these sensitive values should still be identified and considered. Therefore, I do not support the amendment sought.
226. In relation to the relief sought by The BOI Watchdogs with respect to SUB-R3, I do not agree that references to indigenous biodiversity should be deleted from the matters of control. Similarly, in relation to APP3 –

Subdivision Management Plan Criteria, I do not support the deletion of clause (c), Proposed Management Measures, matter (i), which requires measures to protect and enhance indigenous biodiversity, landscapes, heritage resources, and riparian margins, including the appropriate control of animal and plant pests. My reasons for this position are set out previously under Key Issue 1.

## Recommendation

227. For the reasons above, I recommend that these submissions on objectives and policies are accepted, accepted in part and rejected as set out in Appendix 2.

228. I recommend the following amendments to SUB-O2.

*Subdivision recognises and provides for the:*

*~~a. — Protection of highly productive land; and~~*

*b. ~~P~~rotection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, ~~Areas of High Natural Character, Outstanding Natural Character,~~ wetland, lake and river margins, Significant Natural Areas areas of significant indigenous vegetation and significant habitats of indigenous fauna, Sites and Areas of Significance to Māori, and Historic Heritage.*

229. I recommend the following amendments to SUB-P8.

*Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:*

*a. will protect areas of significant indigenous vegetation or significant habitats of indigenous fauna a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule;*  
*and*

*b. achieves the environmental outcomes required in SUB-R7; or*

*c. is around an existing residential unit, as provided for by SUB-R3.*

*d. ~~will not result in the loss of versatile soils<sup>18</sup> for primary production activities.~~*

230. I recommend the following amendments to SUB-P9.

*Avoid ~~subdivision rural lifestyle subdivision in the Rural Production zone and R-rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in SUB-R7~~ the management plan subdivision rule.*

## Section 32AA Evaluation

231. I recommend amendments to SUB-O2 clause (b) to delete reference to "outstanding and high natural character" for consistency with recommendations in the coastal environment and natural features chapters. In addition, I support replacing the notified reference to "Significant Natural

<sup>18</sup> S159.068



Areas” with “areas of significant indigenous vegetation and significant habitats of indigenous fauna,” consistent with section 6(c) of the RMA, the RPS, and the recommendations made in Hearing Stream 4. This change ensures alignment with higher order documents and provides clarity for implementation.

232. I further recommend consequential amendments to SUB-P8 to replace references to SNAs with the same terminology, to ensure consistency across provisions and more clearly provide for environmental benefit and management plan subdivision. Consequential amendments are also recommended to SUB-P9 for consistency.
233. I also recommend amendments to SUB-O2 to remove reference to “highly productive land.” This matter is more appropriately addressed through a separate objective and framework that gives effect to the NPS-HPL. Retaining it in SUB-O2 creates confusion by conflating indigenous biodiversity with highly productive land, which are distinct issues requiring different policy responses.
234. For these reasons, the amendments proposed will improve clarity, reduce duplication, and ensure the subdivision provisions appropriately give effect to higher order documents. The benefits of improved consistency and integration outweigh the minimal costs.

#### 5.2.4 Key Issue 4: Rural Subdivision

##### Overview

Provision(s)	Officer Recommendation(s)
SUB-OX	New objective to protect the long-term availability and productive capacity of highly productive land from inappropriate subdivision.
SUB-PX	New avoid subdivision policy that relates to the protection of highly productive land within the Horticulture Precinct and the RPROZ
SUB-P8	Amendments to clarify the specific provisions (SUB-R6, SUB-R7 and SUB-R3) that allow rural lifestyle subdivision in the RPROZ where it is otherwise to be avoided.
SUB-R9	Amendments so this policy relates specifically to the Rural Lifestyle zone and clarify the specific provision (SUB-R7) that allows rural residential subdivision in this zone where it is otherwise to be avoided.
SUB-RYY	New discretionary rule for any subdivision creating one or more allotments that contain highly productive land.
SUB-R3	Amendments to decrease the required average size of lots.
SUB-R6	Amendments to decrease the required minimum size of lots and other consequential amendments.
SUB-R3	Amendments to enable subdivision around existing residential units in the RPROZ subject to certain requirements.
RPROZ-P6	Consequential amendments because of the recommended amendments to SUB-R3.





## **Analysis of Submissions on Key Issue 4**

### **Matters Raised in Submissions**

#### **Rural Subdivision – General**

235. Puketona Business Park Limited (S45.014) seeks to amend the activity status for subdivision options applying to 759 State Highway 10, Oromahoe, should it retain its Rural Production zoning to recognise the size of sites and provide options for discretionary activity subdivision.

#### **Overview**

236. Federated Farmers (S421.170) submits that subdivision and development Policies should explicitly support the managed growth of rural communities. The submitter requests amendments to the Overview to:
- Acknowledge the need to provide a framework for the managed growth of rural communities; and
  - Expand the issue of reverse sensitivity in the rural environment so that it is addressed in detail and clearly sets out why the issue needs to be acknowledged and addressed.

#### **Objectives**

237. NRC (S359.029 and S359.030) supports the Objectives in part but recommends strengthening the subdivision provisions to more clearly discouraged the fragmentation of rural land.
238. Federated Farmers (S421.171) support the retention of Objective SUB-O1. Alternatively, if amended, the submitter requests that any revised wording continue to achieve the same purpose and intent.
239. Neil Construction Limited (S349.008, S349.009 and S349.010) objects to the Overview and Objectives SUB-O1 and SUB-O2, seeking either their deletion or amendment to better support opportunities for increased rural residential subdivision within the District.
240. Te Hiku Community Board (S257.007) and other submitters<sup>19</sup> oppose SUB-O2 and the requirement for large title sizes in the Rural Zone. The submitter requests to deletion of paragraph (a) of SUB-O2 to remove the protection of highly productive land as a stated objective of subdivision.

#### **Policies**

241. Neil Construction Limited (S349.011) opposes SUB-P3 and requests either the deletion of the policy or its amendment to reduce the emphasis placed on compliance with minimum lot size requirements.

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<sup>19</sup> S357.007, S358.007, S464.018, S472.007, S485.019, S519.019, S541.017, S543.018, S547.018





242. Te Hiku Community Board (S257.008) and other submitters<sup>20</sup> oppose SUB-P8 due to the large title sizes in the Rural Zone. The submitter proposes amending the Policy to add more circumstances where rural lifestyle blocks can be allowed in the RPROZ, especially around existing houses.
243. Neil Construction Limited (S349.013) opposes SUB-P11 and seeks either its deletion or amendment to remove the specified criteria from the Policy.

#### Rules

244. Nigel Ross Surveyor Ltd (S373.001) opposes SUB-R3 and seeks amendments to SUB-S1 and SUB-R3 to provide for discretionary activity status for the creation of one new allotment from any title that has not been subdivided since 29 April 2000 within the RPROZ.
245. Neil Constriction Limited (S349.014) opposes SUB-R3 and seeks either the deletion of the Rule or its amendment to allow for greater subdivision opportunities, including the removal of minimum lot size requirements and a reduction in the scope of the matters of control.
246. Horticulture New Zealand (S159.070) supports SUB-R3 in part, noting that Controlled Activity status for subdivision applications precludes consultation with affected parties. The submitter seeks to amend the Rule by removing references to the RPROZ and Horticulture Zone from the Controlled Activity provisions, and proposes inserting a new clause into the Rule as follows:

#### 'Activity status – Restricted Discretionary

##### RDIS-1

##### Where subdivision complies with standards:

- SUB-S1 minimum lot sizes
- SUB-S2 Requirements for building platform for each allotment
- SUB-S3 Water supply
- SUB-S4 Stormwater management
- SUB-S5 Wastewater disposal
- SUB-S6 Telecommunications and power supply
- SUB-S7 Easements for any purpose

##### Matters of discretion are limited to:

- Matters of control in SUB-R3

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<sup>20</sup> S357.008, S358.008, S464.019, S472.008, S485.020, 519.020, S541.018, S543.019, S547.019



- *The potential adverse effects on adjoining horticultural and agricultural activities, including reverse sensitivity effects.*

*NOTE: Applications for restricted discretionary subdivision within the Horticulture zone and the Rural Production zone will be notified.*

*Activity status where compliance is not achieved – Discretionary'*

### Standards

247. Wilson Hookway (S264.004) supports SUB-S1 and seeks the reinstatement of the Operative District Plan's minimum lot size Rule for the RPROZ.

### **Rural Subdivision – Management Plan**

248. Bentzen Farm Limited (S167.108) and other submitter<sup>21</sup> support the Management Plan Subdivision framework and request that it be retained.

### Policies

249. Federated Farmers (S421.175 and S421.176) opposes SUB-P8 and SUB-P9, expressing that these Policies only provide for subdivision in the rural environment in certain circumstances. The submitter suggests the removal of both Policies and replace with new Policies that address the issues of managed growth of rural areas, protection of highly productive land and the use of benefit lots.
250. Russell Protection Society (S179.103) and NZTA (S356.082) supports the retention of SUB-P9.
251. Lynley Newport (S118.003) and Thomson Survey Ltd (S202.003) oppose SUB-P9, expressing concern that the use of the word 'avoid' is overly negative and restrictive. The submitter requests that the Policy be amended with the following alternative wording:

*'Provide for ~~avoid~~ rural lifestyle subdivision in the Rural Production zone and for Rural Residential subdivision in the Rural Lifestyle Zone where ~~unless~~ the development achieves the environmental outcomes required in the management plan subdivision rule.'*

252. Various submitters<sup>22</sup>, including Bentzen Farm Limited (S167.053) and Te Hiku Community Board (S257.009), opposes SUB-P9 and request that the Policy be deleted. Carbon Neutral NZ Trust (S529.147) comments that, should the Management Plan Subdivision framework be retained, its criteria must be significantly improved to achieve better environmental outcomes. Neil Construction Limited (S349.012) alternatively recommends removing

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<sup>21</sup> S168.148, S187.095, S243.127, S333.108

<sup>22</sup> S168.054, S187.046, S243.71, S333.046, S357.009, S358.009, S464.020, S472.009, S485.021, S519.021, S527.022, S541.019, S543.020, S547.020

references in the Policy that seek to avoid Rural Residential subdivision in the Rural Lifestyle Zone.

253. John Andrew Riddell (S431.064) requests to insert a new Policy as following:

*'The more intensive, innovative development and subdivision which recognises specific site characteristics is provided for through the management plan rule where this will result in superior environmental outcomes.'*

254. Matauri Trustee Limited (S243.071) opposes SUB-P9 and requests the Policy is deleted.

### Rules

255. Bentzen Farm Limited (S167.058) and other submitters<sup>23</sup> support SUB-R7 and seek to retain the Rule.
256. Carbon Neutral NZ Trust (S529.148) opposes SUB-R7 and seeks the deletion of the Rule. Alternatively, should the concept of Management Plan Subdivision be retained, the submitter requests that the criteria be significantly improved to ensure superior environmental outcomes.
257. Sapphire Surveyors Limited (S348.003) opposes SUB-R7 and requests an amendment to the Rule to ensure alignment with the submitters proposed changes to Standard SUB-S1, specifically as it pertains to subdivision in the RPROZ.
258. John Andrew Riddell (S431.087) and VKK (S527.023) seek to amend DIS-1.1 of SUB-R7 to establish specific average lot size thresholds based on zoning and overlay. The submitters propose a 6ha average lot size for Rural Production zoned land which is also in the Coastal Environment Overlay and a 2ha average lots size for Rural Lifestyle zoned land which is also in the Coastal Environment Overlay.
259. Martin John Yuretech (S40.016) and Joel Vieviorka (S41.016) oppose SUB-R7 and propose amendments to the Subdivision Rules regarding allotment sizes. The submitters suggest allowing a limited number of smaller lots within a minimum size of 8000m<sup>2</sup> or 1ha, while generally requiring 4ha. Smaller lots should be allowed on land that isn't highly productive, and more focus should go on protecting the larger remaining land. Consequential amendments to RPROZ-R3 and SUB-R7 are sought to implement these changes.
260. Carbon Neutral NZ Trust (S529.149) opposes the Management Plan Subdivision, expressing that SUB-P9 and SUB-R7 may enable inappropriate subdivision within the Rural Production and Lifestyle Zones where developments achieve environmental outcomes under the current

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<sup>23</sup> S151.002, S168.059, S187.051, S243.076, S253.010, S333.051



Management Plan Subdivision provisions. The submitter recommends deleting APP3 to prevent such unintended outcomes.

261. John Andrew Riddell (S431.088) submits that the current guidance and rules relating to Environmental Benefit Subdivisions and Management Plan Subdivisions are inadequate to fulfil the purpose of the RMA. To address this, the submitter proposes an amendment to APP3, section (d) – Draft Management Plan, as follows:

*'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-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.'*

262. Neil Construction Limited (S349.016) opposes SUB-R7 and proposes the inclusion of provisions for 'Management Plan Subdivision' in the Rural Lifestyle Zone, with average lot sizes of 3,000m<sup>2</sup>, classified as a Restricted Discretionary Activity.

#### **Rural Subdivision – Environmental Benefit**

263. NZTA (S356.088, S356.089 and S356.090) opposes the current subdivision provisions and seeks the inclusion of new Rules and assessment criteria to address the provisions and management of access and the transport related effects of subdivision.

#### **Policies**

264. Russell Society Protection (INC) (S179.102) and NZTA (S356.081) supports the retention of SUB-P8.
265. Lynley Newport (S118.002) Thomson Survey Ltd (S202.002) consider the use of the word 'avoid' in SUB-P8 is too negative and restrictive. The submitter requests the Policy to read as follows:

*'Provide opportunities for rural lifestyle subdivision in the Rural Production Zone where the subdivision:*

- a. Will protect a qualifying SNA in perpetuity and result in the SNA being added to the District Plan SNA schedule; and/or*
- b. Will not result in the material loss of versatile soils for primary production activities.'*

266. Horticulture New Zealand (S159.068) partially supports SUB-P8 and notes the absence of a specific Policy framework for the Horticulture Zone. The submitter requests amendments to the Policy to include specific reference to the Horticulture Zone and proposes replacing the term 'versatile soils' in subsection (b) with 'highly productive land'.



267. Elbury Holdings (S519.020) opposes SUB-P8 and requests to amend the Policy to add more circumstances where rural lifestyle blocks can be allowed in the RPROZ, specifically around existing housing.
268. Carbon Neutral NZ Trust (S529.145) and others<sup>24</sup> oppose SUB-P8, contending that the Policy is poorly conceived. The submitter proposes amending it to make SNA protection a prerequisite for approving rural subdivisions, rather than a justification for granting additional lots.
269. Bentzen Farm Limited (S167.052) and other submitters<sup>25</sup> oppose SUB-P8, stating that the Policy should acknowledge the potential for limited Rural Lifestyle Subdivision to serve as a sustainable land use, particularly where land is degraded, unproductive, and capable of meaningful environmental improvements. The submitters request that SUB-P8 be deleted and replaced with the following wording:

*'SUB-P8*

*Provide limited opportunities for rural lifestyle subdivision in rural areas while ensuring that:*

- a. There will be significant environmental protection of indigenous vegetation including restoration, or wetlands;*
- b. Subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;*
- c. Subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;*
- d. Adverse effects on rural and coastal character are avoided, remedied or mitigated;*
- e. Sites are of sufficient size to absorb and manage adverse effects within the site; and*
- f. Reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production; and*
- g. Loss of versatile soils for primary production activities is avoided.'*

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<sup>24</sup> S527.020, S527.021, S529.146

<sup>25</sup> S168.053, S187.045, S243.070, S333.045



## Rules

270. New Zealand Pork Industry Board (S55.021), Our Keri Keri Community Charitable Trust (S272.009) and other submitters<sup>26</sup> support SUB-R6 and request that the Rule be retained as proposed.
271. Kapiro Conservation Trust (S445.012) seeks to retain SUB-S8 in Rule SUB-R6.
272. Top Energy Limited (S483.169) supports SUB-R6 but proposes amendments to broaden its applicability. Specifically, they seek to include provisions that would apply to all zones not currently specified in SUB-S6:

*'Easements shall be provided to the boundary of the site of the allotment to facilitate future connection'.*

273. Bentzen Farm Limited (S167.057) and other submitters<sup>27</sup> support SUB-R6 and request that the Rule be retained with amendments. The submitters propose the following revisions to the Rule:

*'1.Deleting RDIS-3; and*

*2.Amending RDIS-6 as follows*

*'All proposed new environment allotments are to be a minimum size of 2 ha in area ~~and the balance lot must be greater than 40ha.~~'*

274. Lynley Newport (S116.001) supports SUB-R6 in part, seeking to retain the Rule subject to the following amendments to the activity status:

*'Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5, RDIS-6, RDIS-7 and RDIS-8 is ~~not achieved~~: Discretionary.'*

275. Lynley Newport (S116.002) supports SUB-R6 in part, stating that the Rule fails to recognise habitat already voluntarily and legally protected by landowners. The submitter seeks the following amendments to address this concern:

*Add as part of RDIS-2*

*'Any area already legally protected must have been voluntarily protected by the landowner and not required by the Council has a condition of resource consent or previously used to obtain any bonus provision as provided for in any previous Operative District Plan'*

*Under Table 1, in the first column, amend heading to:*

<sup>26</sup> S255.002, S279.003, S358.033, S464.013, S472.034, S485.014, S519.014, S523.009, S529.064, S541.037, S543.013, S547.013

<sup>27</sup> S168.058, S187.050, S243.075



*'Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title.'*

*Amend first row of Table 1 to read:*

*'Greater than 4ha – less than up to 10ha'*

*Amend RDIS-4 as follows:*

*'The subdivision includes or proposed to protection all areas of indigenous vegetation...'*

276. Lynley Newport (S116.003) supports SUB-R6 in part, seeking the following amendment to the Rule:

*'All proposed new environmental bonus (additional) allotments are to be a minimum size of ~~2ha~~ 4,000m<sup>2</sup> in area and the balance lot must be greater than ~~40ha~~ ...'*

277. Russell Landcare Trust (S276.002) and John Andrew Riddell (S431.086) supports SUB-R6 in part and seeks to amend the Rule to provide definitions and criteria that must be met to qualify for an environmental benefit. The submitter also requests to revise the Rules so that:

- All of the ecological feature is protected.
- The ecological significance is considered.
- Any additional lots have a suitable house site at least 20m away from any protected ecological feature or greater.
- Provides more details on the required content and objectives of an ecological management plan.
- Sprawling or sporadic subdivision and development is avoided.
- Natural character is protected and preserved.

278. IDF Developments Limited (S253.009) supports SUB-R6 in part and advocates for its retention with specific amendments. The submitter proposes modifications to Table 1 and Table 2 to permit vegetation, habitat areas, and wetlands to be consolidated under a single Record of Title. They also seek to allow environmental lots to be distributed among Titles with shared ownership in the covenanted area and recommend reducing the RDIS-6 balance area requirement from 40ha to 20ha.

279. NRC (S359.026) offers partial support for SUB-R6. The Council seeks amendments to the Rule to ensure that environmental benefits are achieved by retiring erosion-prone land from production and implementing appropriate land stabilisation measures.





280. Federated Farmers (S421.178) supports SUB-R6 in part and seek amendments to RDIS-2 of the Rule to enable case-by-case approval for areas smaller than those specified in Tables 1 and 2.
281. Willowridge Developments Limited (S250.010) and Sarah Ballantyne and Dean Agnew (S386.015) express partial support for SUB-R6. The submitters request a review and amendment of the EBS provisions to address specific concerns:
- Confirm the environmental benefit of enabling greater subdivision opportunities through the protection of indigenous biodiversity with evidence prepared by an ecologist;
  - Provide for EBS where ecological enhancement and restoration is provided for;
  - Include EBS provisions for the protection of other natural environment and physical resources that are identified as being nationally importance in accordance with section 6 of the RMA.
282. PS Yates Family Trust (S333.050) offers partial support for SUB-R6 and seeks the deletion of RDIS-3. The submitter also proposes amendments to RDIS-6 as follows:

*'All proposed new environmental allotments are to be a minimum size of 2ha in area and the balance lot must be greater than 40ha.'*

283. Kapiro Residents Association (S427.057 and S427.058) partially supports SUB-R6 and seeks amendments to the Rule to ensure comprehensive evaluation of cumulative traffic impacts. This includes consideration of congestion, emissions and noise, particularly within townships and along key routes connecting to central business districts and service centres.
284. Thomson Survey Ltd (S203.001) supports SUB-R6 in part, seeking to amend the Rule as follows:

*'Activity status where compliance not achieved with RDIS-1 through RDIS-8 is Discretionary'*

*And*

~~*'Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying'*~~

*Under table 1, in the first column, amend the heading to:*

*'Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title'*

*Add in RDIS-2*



'Any area already legally protected must have been voluntarily protected by the landowner and not required by the Council has a condition of resource consent or previously used to obtain any bonus provisions as provided for in any previous Operative District Plan'

*Amend first row of Table 1 to read:*

*'The subdivision includes or proposes protection by way of a...'*

*Amend RDIS-6 to read:*

*'All proposed new environmental bonus (additional) allotments are to a minimum size of 4,000m<sup>2</sup>.'*

285. Des and Lorraine Morrison (S44.002) oppose SUB-R6 and request that the Environmental Benefit Subdivision Rule be amended in the event that the rezoning of 19 and 24 James Street and 34 and 36 Pukematu Lane Russell, to Kororāreka zoning is not accepted.
286. NFS Farms Limited (S151.005) opposes SUB-R6 and requests that the 40ha minimum balance lot size requirement for Environmental Benefit Subdivision be deleted, or alternatively, that the minimum area be significantly reduced.
287. Far North Real Estate 2010 Limited (S53.002) oppose SUB-R6, expressing concern that SNAs, which were previously removed, are being reintroduced across various areas by Council. The specific decision or relief sought by the submitter is unclear.
288. Amber Hookway (S261.006) and Wilson Hookway (S264.006) oppose SUB-R6. Ms Hookway requests the removal of SNAs and wetlands from the District Plan and advocates for the reinstatement of Policy 13.4.6 from the Operative District Plan.
289. Matthew Otway (S290.001) opposes SUB-R6 and requests a reduction in the minimum lot size specified in RDIS-6, proposing it be amended from 2ha to 1ha.
290. Neil Construction Limited (S349.015) opposes SUB-R6 and proposes amendments to permit additional allotments through Environmental Benefit Subdivision. The submitter also requests that the Rule be extended to apply within the Rural Lifestyle Zone.
291. New Zealand Eco Farms Ltd (S456.003) seeks an amendment to SUB-R6, proposing that the requirements under RDIS-6 be reduced in order to better incentivise and encourage the protection of ecological features.
292. DOC (S364.055) opposes SUB-R6 and requests an amendment to the Rule as follows:

*'RDIS-2*



*Each separate area of significant indigenous vegetation, significant indigenous habitat or natural wetland including...*

293. Lynley Newport (S116.004) seeks to amend RDIS-7 of SUB-R6 as follows:

*'This rule has not been used previously to gain an additional subdivision entitlement where the full rights for bonus lot(s) as specified in Tables 1 and 2 have not been utilised, the landowner can apply again to use up the available allowance'*

Alternatively, the submitters secondary preference is that non-compliance with RDIS-7, as currently drafted, be classified as a discretionary activity. This would allow landowners to submit a second application under discretionary status, rather than being limited to a restricted discretionary pathway.

294. John Andrew Riddell (S431.074) requests the inclusion of specific matters of control within all Controlled Activity Subdivision Rules. Additionally, Mr Riddell seeks for these matters to be reflects as further matters of discretion in all Restricted Discretionary Activity Subdivision Rules:

- Consistency with the scale, density, design and character of the environment and 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.

295. Northland Planning and Development 2020 Limited (S502.083) seeks amendment to Table 1 of SUB-R6 as follows:

*'Table 1*

*Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title –*

*Greater than 4ha 1ha – less than ~~10~~ 4ha – 1*

*Greater than ~~10~~ 4ha – less than ~~20~~ 8ha – 2*

*Greater than 8ha – less than 12 ha – 3*

*Greater than ~~20~~ 12ha – 4*

*Table 2*

*Total area of natural wetland to be legally protected on an individual Record of Title –*

*Greater than 0.52ha (52000m2) – less than 1ha – 1*



*RDIS-6*

*All proposed new environmental allotments are to be a minimum, size of 12ha in area and the balance lot must be 20ha or greater ~~than 40ha.~~*

## **Analysis**

### **Rural Subdivision – General**

296. The relief sought by Puketona Business Park Limited is conditional on 759 State Highway 10, Oromahoe, retaining its Rural Production zoning. It is noted that the reporting officer for this rezoning request, as addressed in the reports for Hearing 15C, has recommended that the Rural Production zoning be retained unless further information is provided at the hearing. In my opinion, the notified minimum allotment sizes for the RPROZ are appropriate, and the submitter has not provided sufficient evidence at this time to support amending the rule to enable smaller lots as a discretionary activity.

### **Overview**

297. The relief sought by Federated Farmers relates to subdivision and development policies. The submitter considers that these should explicitly support the managed growth of rural communities, and that the discussion of reverse sensitivity in the rural environment should be expanded to explain why such provisions are necessary.
298. In my opinion, the subdivision provisions already provide a framework that enables rural subdivision where appropriate, while also managing the effects of development on rural character, productive land, and infrastructure. The issue of lot sizes and rural subdivision has been addressed in detail through Hearing 9.
299. In terms of reverse sensitivity, I acknowledge that this is a relevant issue in the rural environment, particularly where new sensitive activities are introduced near existing rural production or infrastructure. While the Overview references this issue, the submitter requests a more detailed explanation. Given the submitter has not requested any specific wording amendments, I do not recommend any amendments. However, if the submitter provides further evidence at the hearing, this position could be reconsidered.
300. As outlined below in Key Issue 6: Reverse Sensitivity, I have recommended adding an additional clause within SUB-P11 which addresses reverse sensitivity. This may meet the relief sought by the submitter, at least in part.

### **Objectives**

301. The relief sought by NRC supports the subdivision objectives in part but recommends strengthening the provisions to more clearly discourage the fragmentation of rural land. I note that a number of submitters have



requested more 'liberal' rural subdivision provisions that could potentially result in additional fragmentation.

302. I agree with the relief sought by NRC to strengthen the provisions to more clearly discourage the fragmentation of rural land. In my opinion, this relief sought is appropriate and aligns with the recommendations made in relation to Hearing 9 and may give better effect to the NPS-HPL which is consistent with the Rural zones recommendations. This includes reference to the NPS-HPL within the overview section of the subdivision chapter as this is higher level policy document that has explicit direction for the management of subdivision that was not in effect when the PDP was notified. In my opinion to provide a comprehensive framework for highly productive land, a number of amendments to the chapter are required. As discussed above, reference to highly productive land is removed from SUB-O2 and a new objective (SUB-OX) is recommended as follows:

*"Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities."*

303. In my opinion this objective adequately reflects the NPS-HPL direction and is consistent with the recommended rural provisions by safeguarding highly productive land for ongoing farming and forestry use by preventing inappropriate subdivision that would reduce its productive capacity.
304. The objective refers to farming and forestry activities which are both defined terms and essentially together they equate to land-based primary production which is used in the NPS-HPL. This approach is consistent with the Rural s.42A.
305. To support SUB-OX, I am also recommending a new policy, SUB-PX. The intent of this policy is to avoid subdivision in the Horticulture Precinct unless specifically provided for in PREC1-P5, and elsewhere in the RPROZ where it would reduce long-term productive capacity, fragment land into lots too small for farming or forestry, or create rural lifestyle blocks, except where specifically provided for in SUB-P8.
306. While the wording of SUB-PX reflects provisions found elsewhere, particularly RPROZ-P6, it is, in my view, necessary to include it within the subdivision chapter in light of the introduction of the HPL-specific subdivision rule, outlined further below. Cross-references to the more detailed PREC1-P5 in the Horticulture Precinct chapter have been included to reduce unnecessary repetition. An alternative approach the Panel may consider is to also cross-reference RPROZ-P6 in its entirety, which may improve efficiency and reduce duplication. However, retaining the wording in SUB-PX is considered more user-friendly, as it establishes a direct link between the HPL subdivision rule and the relevant policy framework within this chapter.
307. A new subdivision rule has been recommended for Highly Productive Land (SUB-RYY), which would apply as a discretionary activity to any subdivision containing HPL within the RPROZ. The rationale for this additional rule is

outlined in the Rural Hearing s.42A report<sup>28</sup>, with some key distinctions that have been discussed and agreed with the reporting officer for the rural topics. In my opinion, the rule should apply to any subdivision that contains HPL, including situations where the HPL is located within the balance lot, as such subdivision has the potential to reduce the productive capacity of highly productive land. A discretionary activity status is therefore considered appropriate. This rule is considered necessary to protect the limited amount of remaining HPL within the Far North District, which comprises only a small proportion of the RPROZ. The table below, drawn from the Rural Hearing report, illustrates this matter. The Horticulture zone has been incorporated into the RPROZ (subject to a horticulture precinct), and on this basis, LUC 1–3 land makes up 35.27% of the RPROZ. It is also noted that the Government is considering amending the NPS-HPL to apply only to LUC 1–2 land, in which case only 8.89% of the RPROZ would be captured by this rule.

**Figure 1: Proportion of LUC 1-4 land across the six rural zones<sup>22</sup>**

Proposed District Plan Zones	Hectares (Ha)					Share of entirety of Zone by LUC (%)					% of Zone that is not LUC 1-4 (Balance)
	1	2	3	4	Total	1	2	3	4	Total	
Horticulture	0.00	701.37	3,582.95	1,961.81	6,246.13	0.00	10.62	54.27	29.71	94.60	5.40
Horticulture Processing Facilities	0.00	0.56	5.38	1.14	7.08	0.00	7.85	76.05	16.10	100.00	0.00
Rural Lifestyle	0.00	85.60	193.83	1,181.03	1,460.46	0.00	2.73	6.19	37.69	46.61	53.39
Rural Production	90.58	11,906.81	34,090.22	90,474.74	136,562.35	0.02	2.94	8.41	22.33	33.70	66.30
Rural Residential	0.00	660.98	303.19	1,357.89	2,322.05	0.00	22.61	10.37	46.45	79.43	20.57
Settlement	0.00	34.22	92.86	210.20	337.28	0.00	5.74	15.57	35.24	56.55	43.45
<b>Grand Total</b>	<b>90.58</b>	<b>13,389.54</b>	<b>38,268.42</b>	<b>95,186.80</b>	<b>146,935.34</b>	<b>0.02</b>	<b>3.20</b>	<b>9.15</b>	<b>22.75</b>	<b>35.11</b>	<b>64.89</b>

308. Other consequential amendments as a result of these changes include removal of the reference to versatile soils for primary production activities in SUB-P8. Also, I recommend the removal of RDIS-8 within SUB-R6 which is the environmental benefit subdivision rule. RDIS-8 refers to versatile soil but is no longer necessary because there is now a separate rule (SUB-RYY) which captures any subdivision of HPL in the RPROZ.
309. The relief sought by Neil Construction Limited seeks amendments or deletion of the Overview, SUB-O1 and SUB-O2 to better support opportunities for increased rural residential subdivision within the district. I do not agree with the relief sought; in my opinion this is not appropriate. As outlined in the Rural s.42A, rural residential development is generally not appropriate within productive zones such as the RPROZ or the Horticulture precinct and these zones need to be protected from such development.<sup>29</sup>
310. In my opinion, SUB-O1 and SUB-O2 provides necessary and appropriate direction. For example, SUB-O1 states that "*Subdivision results in the efficient use of land, which:*

<sup>28</sup> Paragraph 757-761 of the Rural Production Section 42A report, prepared by Melissa Pearson and dated 4 November 2024.

<sup>29</sup> Section 32 Report – Subdivision Section-32-Subdivision.pdf.



- a) *Achieves the objectives of each relevant zone, precinct, development area, overlays and the district wide provisions;*
  - b) *Contributes to the existing or planned local character and sense of place;*
  - c) *Avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate;*
  - d) *Avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located;..."*
311. This direction applies to all zones, precincts and development areas and not just the rural environment. In my opinion, the objectives do appropriately enable rural residential subdivision in appropriate zones where it achieves the objectives of the relevant zones, overlays and district wide provisions.
312. I do not agree with the relief sought by Te Hiku Community Board and other submitters. Lot sizes in the Rural zones have been previously addressed in relation to Hearing 9. I have recommending deleting clause (a) of SUB-O2 but not for the reasons requested by this submitter and it has been replaced by a standalone objective (SUB-OX) to address matters of highly productive land.

#### Policies

313. I do not agree with the relief sought by Neil Construction limited in relation to SUB-P3. In my opinion it is appropriate and necessary to include policy direction that emphasis's compliance with minimum lot size requirements to support the relevant provisions.
314. While the relief sought by Te Hiku Community board and others has been previously dealt with in relation to rural lot sizes in Hearing 9 as mentioned. In my opinion it is appropriate to amend SUB-P8 and add a rule in the RPROZ to allow rural lifestyle blocks around existing residential units in certain and tightly controlled circumstances. This is outlined further below in the rules section.
315. I do not agree with the relief sought by Neil Construction Limited in relation to SUB-P11 for the same reasons as outlined above. In my opinion the recommended amendments to SUB-P11 provides appropriate direction in relation to subdivision applications.

#### Rules

316. The relief sought by Nigel Ross Surveyor Ltd relates to SUB-R3 and would enable subdivision within the RPROZ based solely on the age of the title, rather than the productive capacity or strategic function of the land. In my opinion, this approach is not effects based or appropriate and could result in significant cumulative effect which may compromise the integrity and purpose of the RPROZ.



317. The RPROZ is intended to support land-based primary production such as farming and forestry activities and protect highly productive land from fragmentation. Enabling subdivision on the basis of historical title status risks introducing inappropriate rural lifestyle development and land use patterns that are inconsistent with the primary purpose of the zone to provide for rural activities.
318. The relief sought by Neil Construction Limited is similar and also relates to SUB-R3. I do not agree that the removal of minimum lot size requirements and the reduction in the scope of matters of control is inappropriate, for the reasons outlined above. In summary, the approach would be inconsistent with the purpose of the zones and would not achieve their intended outcomes. For example, it would result in rural fragmentation.
319. While the overarching goal remains to minimise fragmentation in the Rural Production environment, it is also recognised that a significant number of submitters (S257.008 and others) have expressed a desire for greater range of subdivision options specifically in the RPROZ zone than those currently recommended. I consider that is appropriate to reconsider the position of the reporting officer in Hearing 9 now that recommendations for rezoning have been assessed. Those recommendations have not indicated a significant increase in zoning providing for rural residential type provisions, although I recognise that significant 'up-zoning' occurred as part of the PDP, and through amendments to the Rural Lifestyle Zone subdivision provisions to provide for alignment between land use and the subdivision provisions. I support the recommendations for the rezoning topics for the rural environments and the robust matters considered as part of that assessment. While I recognise that the PDP as recommended by Officers meets required supply, in lieu of appropriate areas to rezone, an additional but low impact provision for the RPROZ zone is appropriate to consider. I note the overall direction of the PDP as outlined in the s.32, to limit fragmentation of the rural land resource generally. Similarly, a proliferation of rural residential opportunities in the PDP can undermine the effectiveness and efficiency of the investment in reticulated infrastructure and therefore undermine consolidation of urban residential development. A provision as proposed by the submitter could provide for an appropriate level of supply and do so more broadly across the district rather than solely relying on existing locations of zones, subject to specific controls regarding minimum balance areas, that the provision can only be used once and minimum allotment sizes.
320. In response to Te Hiku Community board and others and after talking with the Rural Environment s.42a report writer Ms Pearson, I have recommended provision for subdivision in the rural environment around an existing residential unit. The recommended changes to SUB-R3 introduces, CON-3 which enables subdivision around an existing residential unit in the RPROZ, where the residential unit has been legally established or building consent granted prior to the date of decisions, allowing for the creation of one rural lifestyle allotment between 2000m<sup>2</sup> and 2ha, with a balance allotment of at least 40ha. This provision acknowledges the diversity within the RPROZ, which spans a significant portion of the Far North District and is far from

homogenous in terms of land productivity, water access, hazard constraints, lot sizes, and land use patterns. While SUB-S1 provides a useful baseline for shifting away from the overly enabling subdivision approach of the ODP, it may not be fit for purpose across all areas of the RPROZ. The CON-3 rule offers a targeted and pragmatic response that supports housing flexibility without undermining the long-term protection of land for primary production. It is critical that the lifestyle allotment size is kept tight—between 2000m<sup>2</sup> and 2ha—as anything larger risks creating a loophole for more intensive subdivision patterns and could lead to inefficient land use. Allotments exceeding this size threshold should be treated as non-complying to ensure the integrity of the rule and to prevent unintended erosion of productive land.

321. This recommended change also means some consequential changes are needed to the policy framework. I recommend that SUB-P8 is amended to include a clause c '*is around an existing residential unit, as provided for by SUB-R3*'. It is also recognised that there needs to be an amendment to RPOZ-P6 (d) to incorporate this recommendation, again this has been recommended in consultation with Ms Pearson. I recommend RPROZ-P6 (d) provides for rural lifestyle living unless there is an environment benefit, or it is in accordance with SUB-R3.
322. The relief sought by Horticulture New Zealand in relation to SUB-R3 seeks further restrictions on the subdivision of land within the Rural Production and Horticulture zones, including restricted discretionary activity status and notification requirements. In my opinion, these amendments are not appropriate and are overly restrictive. The minimum lot sizes for these zones and precincts, which were addressed in Hearing 9, are already of an adequate size to protect the objectives and purpose of the zones. Where the minimum lot size exceeds the threshold for a controlled activity, the subdivision becomes a discretionary activity and assessment is not limited. In this case, matters such as notification can be considered by the processing officer where appropriate.

<b>Zone/Precinct</b>	<b>Controlled Activity</b>	<b>Discretionary Activity</b>
Rural Production	40ha	8ha
Horticulture ( <u>applies in place of Rural Production minimum allotment size</u> )	<del>10ha</del> <u>N/A</u>	<del>4ha</del> <u>8ha</u>

### Standards

323. The relief sought by Wilson Hookway relates to SUB-S1. I do not agree with the request to reinstate the operative District Plan's minimum lot size rule in relation to the RPROZ for the reasons outlined above. The Subdivision s.32

report<sup>30</sup> indicated that continuing with this ODP approach to Subdivision in the RPROZ would result in significant adverse effects on the rural environment and therefore it is not appropriate.

### Rural Subdivision – Management Plan

#### Policies

324. The relief sought by Federated Farmers seeks to remove Policies SUB-P8 and SUB-P9 and replace them with a new policy framework focused on managed rural growth, protection of highly productive land, and benefit lots. In my opinion, this relief is not appropriate.
325. Significant additional evidence would be required to assess the proposed approach. Policies SUB-P8 and SUB-P9 provide clear direction to avoid rural lifestyle and rural residential subdivision in productive zones unless specific environmental or land protection outcomes are achieved. As previously mentioned, this approach is consistent with the purpose of the Rural Production and Rural Lifestyle zones, and aligns with the recommendations made in Hearing 9, which supported maintaining strong policy direction to discourage fragmentation. Further, I would note that Council is in the process of undertaking a District Wide Spatial Strategy, which is an opportunity to support the growth objectives of smaller communities in the Far North in a specific and targeted way, avoiding relying on ad-hoc approaches to subdivision.
326. The reporting officer for Hearing 4 recommended the introduction of a new policy (IB-PX) to enable subdivision and associated land use where this results in the legal protection and/or restoration of areas of significant indigenous vegetation or significant habitat of indigenous fauna, in accordance with SUB-R6 (environmental benefit subdivision) or SUB-R7 (management plan subdivision). This recommendation complements SUB-P8, which provides for subdivision in limited circumstances where ecological protection is achieved under the environmental benefit subdivision rule, or where environmental outcomes are delivered under the management plan subdivision rule. SUB-P9, which applies to the Rural Lifestyle Zone, also supports this framework by requiring that rural residential subdivision in the Rural Lifestyle Zone is avoided unless the development achieves the environmental outcomes required under SUB-R7.
327. I have recommended a consequential amendment to SUB-P9 to refer directly to SUB-R7, rather than to the “management plan subdivision rule,” to ensure consistency with the recommended policy IB-PX. Collectively, these provisions establish a targeted and effects-based framework that promotes ecological and productive land outcomes while discouraging ad hoc rural lifestyle development.
328. The relief sought would weaken the policy framework and introduce uncertainty around subdivision outcomes in productive zones. In my opinion,

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<sup>30</sup> Section 32 Report – Subdivision [Section-32-Subdivision.pdf](#).



this would be inconsistent with the strategic direction of the plan and the recommendations of the Rural Hearings s.42A report.

329. The relief sought by Lynley Newport and Thomson Survey Ltd requests amendments to the wording of SUB-P9. I consider the notified wording to be preferable, as it more clearly gives effect to the strong directives within the Rural zone objectives and policy framework to avoid rural lifestyle subdivision in the RPROZ and rural residential subdivision in the Rural Lifestyle Zone, unless the development achieves specific environmental outcomes as previously outlined. Therefore, I do not recommend the requested amendments.
330. Various other submitters including Bentzen Farm limited, Te Hiku Community Board and Matauri Trustee Limited request SUB-P9 is deleted. I do not agree this is appropriate, for reasons previously outlined which primarily include SUB-P9 is relevant and necessary to achieve outcomes for the rural lifestyle zone and avoid inappropriate subdivision in these areas.
331. Carbon Neutral NZ Trust requests that if the Management Plan Subdivision framework is retained its criteria must be significantly improved. In my opinion the amendments to the policy framework provide significant improvements. The submitter has not requested any specific amendments to the management plan framework, so it is unclear the types of improvements they are seeking, therefore I cannot recommend any further amendments at this stage.
332. I do not recommend accepting the relief sought by Neil Construction Limited to remove the references in Policy SUB-P9 that seek to avoid Rural Residential subdivision in the Rural Lifestyle Zone for the reasons outlined above.
333. In my opinion, the new policy requested by John Andrew Riddell in relation to management plans is not necessary. As outlined above in my opinion the recommendations I have made and previous recommendations from Hearing 4 provides appropriate policy direction for management plans.

#### Rules

334. The relief sought by Carbon Neutral Trust is to delete the SUB-R7 Management Plan Subdivision rule and Appendix 3, or alternatively, to amend it to ensure superior environmental outcomes. I do not consider such amendments necessary. As SUB-R7 is a discretionary activity, the full range of relevant matters can be considered by the consent authority when assessing an application. The provisions require that, in order for a management plan subdivision to be considered discretionary, the average lot size (excluding land used for access, utilities, roads, and reserves) must be no less than 1 hectares in the RPROZ and 5,000m<sup>2</sup> in the Rural Lifestyle Zone (the reason for decreasing the minimum lot size in the RPROZ is outlined below). Only one management plan subdivision is enabled for the specified portion of a site, and any balance land not subject to the management plan must be no less than 8 hectares in the RPROZ or 1 hectare



in the Rural Lifestyle Zone. In addition, any application must contain the information set out in Appendix 3 – Subdivision Management Plan Criteria.

335. Appendix 3 prescribes the information requirements for management plan subdivision and development applications. The purpose of the management plan framework is to enable a once-off, integrated form of subdivision or development that achieves superior environmental outcomes compared with conventional approaches, while protecting natural character, landscape, amenity, heritage, and cultural values. Applications must include details of the proposal (such as cadastral plans, lot configuration, infrastructure, building envelopes, earthworks, vegetation clearance, staging, and consultation), an assessment of existing site characteristics (including topography, natural hazards, soils, ecological, cultural and heritage values, and surrounding land use context), and proposed management measures to protect and enhance identified values while addressing adverse effects. A draft management plan must also be provided, setting out objectives, mechanisms to bind future owners, restoration and planting requirements (including potential bonding or covenants), and arrangements for ongoing implementation and monitoring.
336. In my opinion, the existing zone objectives and policies, the recommended subdivision objectives and policies along with district-wide matters such as indigenous biodiversity, provide sufficient direction to ensure environmental outcomes are addressed when considering management plan subdivision applications under SUB-R7. I therefore do not agree that there is a lack of direction in relation to this rule, and I do not recommend any amendments.
337. I do not agree with the relief sought by Sapphire Surveyors Limited in relation to RPROZ lot sizes for reasons previously outlined, which are consistent with the recommendation of the reporting officer for Rural topics in Hearing 9. Therefore, as a result I do not recommend any amendments to SUB-R7.
338. I do not agree with the relief sought by John Andrew Riddell and VKK to introduce an alternative average lot size for Rural Production and Rural Lifestyle Zones within the Coastal Environment Overlay. The notified version of the Plan does not provide for different minimum allotment sizes within the Coastal Environment Overlay. In such cases, subdivision automatically defaults to a discretionary activity under SUB-R20. In my opinion, it is therefore not appropriate to support the relief sought by the submitters. 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. Where a management plan subdivision is proposed, the effects can be appropriately managed through the discretionary activity status.
339. The relief sought by Martin John Yureich and Joel Vieviorka is not appropriate in my opinion. As previously outlined in relation to other submission points a large balance allotment size is needed in the RPROZ to align with the purpose of the zone.

340. The relief sought by Andrew John Riddell is to amend Appendix 3, section (d) – Draft Management Plan, to add an additional matter stating that Council may decline to accept bonding where site conditions or other factors create a significant risk to successful re-establishment or management plan implementation, with supporting evidence required in the proposal description (Appendix 3). In my opinion, the relief sought is broad and may introduce additional uncertainty. In my opinion, where there is significant risk in managing adverse effect that is an appropriate time to consider the use of a bond, where appropriate. I consider that adding this matter is unnecessary, as the issues raised can be considered appropriately within the discretionary assessment of any management plan application, and the exercise of discretion is not restricted under the current provisions.
341. The proposal to introduce provisions for “Management Plan Subdivision” with average lot sizes of 3,000m<sup>2</sup> as a Restricted Discretionary Activity is not supported at this stage. While the concept may offer flexibility, it risks rural fragmentation and undermines the integrity of the Rural Lifestyle Zone. The notified average lot size of 5,000m<sup>2</sup> reflects a balance between rural character and development pressure.

#### Rural Subdivision – Environmental Benefit

342. I agree in part with the relief sought by NZTA in relation to the subdivision provisions. In my opinion, it is not necessary for the subdivision chapter to include specific transport rules, as transport matters are adequately addressed within the transport chapter. The ROR version of TRAN-R2 relates to new or altered vehicle crossings and access, including private accessways (excluding access from a State Highway or Limited Access Road). As noted in this rule, “altered” includes, but is not limited to, any widening, narrowing, gradient change, redesign, change in use, or relocation of a vehicle crossing or accessway, but excludes resurfacing. A corresponding provision, TRAN-R9, addresses new or altered vehicle crossings accessed from a State Highway or Limited Access Road. Given that “altered” encompasses changes in use, subdivision activities fall within the scope of these provisions. Therefore, in my view, transport matters associated with subdivision are appropriately addressed through the transport chapter.
343. In circumstances where PDP requirements are not triggered engineering standards also provide a backup in relation to transport requirements.

#### Policies

344. The relief sought by Lynley Newport and Thomson Survey Ltd seeks to amend SUB-P8 to be less restrictive by deleting the word “avoid” and replace it with “provide opportunities for.” I do not agree with this request. In my opinion, “avoid” is the appropriate term in the context of this policy, as it provides clear and strong policy direction within the RPROZ to protect land zoned for productive purposes.
345. I agree with the relief sought by Horticulture New Zealand, as previously noted in Key Issue 4, reference to the Horticulture Precinct has been added to SUB-O1 and SUB-PX. I also agree that the reference to “versatile soils”





should be deleted and replaced with the term “highly productive land”. Explanation for why this term has been used and how it is defined can be found within the Rural Production s.42A<sup>31</sup>. Therefore, for consistency it is also important to use this term within the subdivision chapter.

346. I do not agree with the relief sought by Elbury Holdings in relation to SUB-P8 for reasons previously outlined in Key Issue 4.
347. I do not agree with the relief sought by Carbon Neutral NZ Trust. SNAs are no longer referred to in the PDP, and this reference has been updated as previously outlined. In my opinion, SUB-P8 is appropriate as it clearly directs that rural lifestyle subdivision in the RPROZ is to be avoided unless the outcomes of specific provisions are met including areas of indigenous vegetation or habitats of indigenous fauna are protected in perpetuity. The policy incentivises and balances the protection of indigenous biodiversity with additional development rights. In my opinion, it is appropriate and necessary to provide meaningful incentives to do so. Also, SUB-PX states that subdivision in the RPROZ should not result in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities. I consider this to establish a high threshold for this type of development. The policy framework is carried through into the Environmental Benefit Subdivision (SUB-R6), Management Plan Subdivision (SUB-R7) and SUB-R3 rules which in my opinion is appropriate.
348. The relief sought by Bentzen Farm Limited and other submitters request that SUB-P8 is deleted and replaced with amended wording that includes a number of additional considerations. In my opinion this is not appropriate, given the previously explained amendments to SUB-P8, SUB-P9 and IB-PX which support the outcomes required in SUB-R6, SUB-R7 and SUB-R3. Enabling wider subdivision opportunities will reduce the effectiveness of the incentives for protecting indigenous biodiversity.

#### Rules

349. The relief sought by Top Energy relates to SUB-R6. The submitter requests a provision is added to this rule in relation to all zones that requires easements to be provided to the boundary of the allotment to facilitate future connection. In my opinion this is not required because SUB-R6 requires compliance with the relevant standards including SUB-S7 (Easements for any purpose). This standard requires that easements must be provided where required for public works, utility services, or Council access, as well as for nominated allotments or adjoining titles. Easements (in gross or private) must be wide enough for service maintenance, repair, or replacement. Easements may also be needed for accessways, stormwater, wastewater, water supply, utilities, and for party walls or floors/ceilings.

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<sup>31</sup> Paragraph 119-133 of the Rural Production Section 42A report, prepared by Melissa Pearson and dated 4 November 2024.



350. I agree in part with the relief sought by Bentzen Farm Limited and others in relation to SUB-R6. Specifically, I support the deletion of RDIS-3, as requested by the submitter and PS Yates Family Trust. RDIS-3 relates to the addition of significant indigenous vegetation, significant indigenous habitat, or natural wetlands to the list of scheduled SNAs in the PDP through a plan change process. In my opinion, this provision is no longer appropriate given the recommendation made in Hearing 4 to exclude SNAs from the PDP.
351. However, I do not support the relief sought to amend RDIS-6 by removing the requirement for the balance lot to be greater than 40 hectares. In my view, such a change would contribute to rural fragmentation, which is inconsistent with the outcomes sought by the RPROZ and the subdivision provisions. The 40-hectare threshold is an important mechanism to maintain rural character and avoid inappropriate subdivision patterns.
352. The relief sought by Lynley Newport and Thomson Survey Ltd relates to SUB-R6 and requests that non-compliance with RDIS-6, RDIS-7 and RDIS-8 be treated as a discretionary activity rather than non-complying as currently notified. I do not agree with this relief. In my opinion, a non-complying status remains appropriate for breaches of RDIS-6 and RDIS-7. As outlined earlier, non-compliance with RDIS-6 would result in rural fragmentation, which the recommended provisions of the Rural and Subdivision chapters seek to avoid. RDIS-7 ensures that the environmental benefit subdivision rule (SUB-R6) cannot be used more than once for the same property. A breach indicates the rule has already been applied; enabling further subdivision would undermine the integrity and intent of the environmental benefit framework. In my view, this would create a repeated use of the rule and lead to cumulative adverse effects on rural character and land use patterns. Accordingly, a non-complying activity status is appropriate. As outlined previously, in my opinion RDIS-8 should be deleted as it is no longer necessary given there is a separate rule that relates to the subdivision of HPL.
353. I do not support the relief sought by Lynley Newport and Thomson Survey Ltd that previously protected areas be considered under SUB-R6. In my opinion, this rule cannot be applied retrospectively, as doing so would undermine it and the intention to protect new areas of significant indigenous vegetation, significant indigenous habitat or natural wetland. It should also be noted it is a new provision introduced through the PDP and was not part of the ODP.
354. I do not agree with the relief sought by Lynley Newport, Thomson Survey Ltd and others to delete the minimum requirement for the balance lot or to reduce it to 12ha. Other submitters have sought a 20ha minimum requirement for the balance lot. In my opinion, the balance lot should be required to meet the minimum subdivision standard for the zone. In the RPROZ, the minimum allotment size as a Controlled Activity is 40ha, and therefore the minimum balance lot size should be consistent with this. Reducing the balance lot size, as previously outlined, would contribute to rural fragmentation and would be inconsistent with the outcomes sought by the RPROZ and the subdivision provisions.

355. Lynley Newport and Thomson Survey Ltd have also sought a decrease in the minimum bonus lot size to 4,000m<sup>2</sup>. In my opinion, this is not appropriate. However, for the reasons outlined below, I have recommended a reduction in the minimum bonus lot size to 1 hectare.
356. Overall, I consider that the amendments sought would result in less additional areas of indigenous biodiversity being protected and would therefore reduce the effectiveness of the benefit lot mechanism.
357. I acknowledge the partial support expressed by Russell Landcare Trust and John Andrew Riddell for SUB-R6. The submitters seek greater clarity through definitions and criteria to qualify for an environmental benefit subdivision. In my opinion, the rule already contains a robust framework, including ecological assessment requirements (RDIS-2), legal protection mechanisms (RDIS-4), and ecological management planning (RDIS-5). The submitters have requested additional details on the required content and objectives of an ecological management plan however have not specified what these would be. In my opinion the matters covered within RIDS-5 in relation to the ecological management plan are appropriate unless the submitters can provide further evidence at the hearing as to why additional matters are needed.
358. I do not support the inclusion of a fixed 20m buffer between house sites and protected ecological features. In my view, this is better addressed through site-specific ecological assessment and subdivision design, which is already captured within the matters of discretion. Although in a slightly different context as it relates to wildfire in the Natural Hazards chapter it should also be noted that the recommended version of NH-R5 requires that:  
  
*"Any building used for a vulnerable activity (excluding accessory buildings) that is not located within an urban zone is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry."*
359. IDF Developments Limited supports SUB-R6 with amendments to allow consolidated ecological areas across multiple titles and shared ownership arrangements. While I acknowledge the intent to incentivise protection, I do not support this relief. In my opinion, the current structure of SUB-R6 is designed to ensure clear and enforceable protection tied to individual Records of Title. Introducing shared ownership models may complicate covenant enforcement and ecological management responsibilities.
360. NRC seeks amendments to ensure that environmental benefits include the retirement of erosion-prone land and the implementation of stabilisation measures. While I agree that retiring erosion-prone land is important, I do not consider it appropriate to specify this requirement in the rule. As outlined in RDIS-2, areas of indigenous vegetation, indigenous habitat, or natural wetland included in a proposal must be assessed by a suitably qualified and experienced ecologist against the criteria in Appendix 5 of the Northland RPS (Criteria for Determining Significance of Indigenous Biodiversity). These areas will not necessarily be located on erosion-prone land. No clear framework has been provided for the inclusion of the protection of erosion



prone land and how it would work. The quantum of land a provision would apply to, or the effects of applying the provision has been quantified.

361. Federated Farmers request case-by-case approval for areas smaller than those specified in Tables 1 and 2. In my opinion, the thresholds in Tables 1 and 2 provide a clear and consistent framework for assessing subdivision entitlements. Where these thresholds are not met, the proposal becomes a discretionary activity, which already enables case-by-case assessment. In such cases, if the consenting officer considers the effects of a particular proposal appropriate, consent may be granted.
362. Willowridge Developments Limited, and Sarah Ballantyne and Dean Agnew seek a review of SUB-R6 to address specific concerns. In my opinion, some of the matters requested are already provided for in the rule. For example, matter of discretion (b) requires applicants to provide information on "the ecological benefits that will result from the subdivision and the level of protection and enhancement proposed." In relation to the protection of other nationally important resources under section 6 of the RMA, I do not consider this appropriate, as the rule is specifically directed toward indigenous biodiversity. Further analysis would be required before expanding the rule to other section 6 matters. At this time, I do not support broadening the scope of SUB-R6, as doing so would dilute its focus and complicate implementation in my opinion.
363. The relief sought by the Kapiro Residents Association is to amend SUB-R6 to ensure comprehensive evaluation of cumulative traffic impacts. In my opinion, this is not necessary as traffic-related matters are already addressed within the district-wide transport provisions. The recommended version of TRAN-R2 - new or altered vehicle crossings and access, including private accessways, require resource consent where they do not meet the permitted standards. For example, where a private accessway services more than nine lots and does not become a public road, it is a discretionary activity. In such cases, the processing planner's assessment is not limited and may include consideration of cumulative traffic impacts, as sought by the submitter.
364. Where other requirements are not met—such as a vehicle crossing not being located off an arterial road, or failing to comply with the design and construction standards set out in TRAN-Table 9, TRAN-Table X, TRAN-S2 (Requirements for vehicle crossings), or TRAN-S3 (Requirements for passing bays), the relevant matters of discretion apply. These include clause (c), which requires assessment of "*any adverse effects on the safe, efficient, and effective operation of the transport network.*" In my opinion, this adequately covers the matters raised by the submitter.
365. There are also a number of other rules within the transport chapter that apply, including TRAN-R5 (Trip generation). It should be noted that assessment of these matters is only triggered where the specific transport standards are not met. In my opinion, this approach is appropriate.
366. The relief sought by Des and Lorraine Morrison is contingent on their rezoning request not being accepted. The reporting officer's

recommendation, as outlined in the s.42A report for Hearing 15C, is to reject the submitters' rezoning request at this stage, primarily due to the lack of supporting information. I do not agree with the alternative subdivision relief sought in relation to SUB-R5, which seeks to enable one additional lot for every 1 hectare of significant vegetation or significant indigenous habitat legally protected. In my opinion, this would result in inappropriate rural fragmentation and reduce the effectiveness of the rule in protecting indigenous biodiversity for the reasons I have previously outlined.

367. Far North Real Estate 2010 Limited, Amber Hookway, and Wilson Hookway oppose SUB-R6, citing concerns about SNAs and wetlands. As previously noted, SNAs have been removed from the PDP following Hearing 4 recommendations. The recommended version of the rule now no longer refers to SNA's, which I consider appropriate.
368. 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.
369. Neil Construction Limited seeks to extend SUB-R6 to the Rural Lifestyle Zone. I do not support this relief. The rule is specifically designed to operate within the RPROZ, where larger lot sizes and environmental protection incentives are appropriate. Applying it to the Rural Lifestyle Zone would require a different policy framework. It should also be noted that while Indigenous Biodiversity is present within the Rural Lifestyle Zone, the majority is located elsewhere.
370. New Zealand Eco Farms Ltd seeks to reduce RDIS-6 requirements to better incentivise ecological protection. As noted earlier, I do not support reducing the balance lot size as in my opinion this would create fragmentation of rural land which is not appropriate.
371. DOC seeks amendments to RDIS-2 to clarify that each ecological area must be assessed individually and that the term "significant" in relation to indigenous vegetation, indigenous habitat, or natural wetlands can be deleted. I support this clarification, as the use of the word "significant" is unnecessary in this context. Indigenous vegetation, habitat, or wetlands must be assessed by an ecologist, and at least one of the criteria in Appendix 5 of the Northland RPS must be met. Accordingly, including the word "significant" does not add value to the provision and may cause confusion. In my opinion, this amendment is consistent with the intent of RDIS-2 and ensures ecological significance is appropriately evaluated.
372. Lynley Newport seeks to amend RDIS-7 to allow further subdivision where full bonus entitlements have not been used. I do not support this relief. As outlined in above, RDIS-7 ensures the rule is not used repeatedly for the

same property. Allowing reapplication would undermine the integrity of the rule and create cumulative subdivision pressure.

373. John Andrew Riddell seeks additional matters of control and discretion relating to climate change, active transport, and design consistency. While these are important considerations, I do not support their inclusion in SUB-R6. The rule is focused on environmental protection through subdivision, and broader urban design matters are better addressed in other chapters.
374. Northland Planning and Development 2020 Limited seeks extensive amendments to Table 1 and RDIS-6. I do not support these changes. The proposed thresholds and lot sizes are inconsistent with the environmental benefit framework and would result in increased subdivision pressure and rural fragmentation.

## Recommendation

### Rural Subdivision – General

375. For the reasons above, I recommend that these submissions on objectives and policies are accepted, accepted in part and rejected as set out in Appendix 2.

376. I recommend the following new objective SUB-OX.

'Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities'.

377. I recommend the following new policy SUB-PX.

'Avoid subdivision that:

- a. Within the Horticulture Precinct, is not provided for in PREC1-P5:
- b. In all other parts of the Rural Production Zone:
  - i. results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;
  - ii. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;
  - iii. fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c);
  - iv. Results in rural lifestyle subdivision unless provided for in SUB-P8'.

378. I recommend the following amendments to SUB-P8.

'Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect areas of significant indigenous vegetation or significant habitats of indigenous fauna a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and
- b. achieves the environmental outcomes required in SUB-R7; or



- c. *is around an existing residential unit, as provided for by SUB-R3. will not result in the loss of versatile soils for primary production activities'. —*

379. I recommend the following amendments to SUB-P9.

*'Avoid subdivision rural lifestyle subdivision in the Rural Production zone and R—rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule SUB-R7'.*

380. I recommend the following new rule SUB-RYY.

<u>SUB-RYY</u>	<u>Subdivision creating one or more additional allotments that contain highly productive land</u>	
<u>Rural Production zone</u>	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>

#### Rural Subdivision – Management Plan

381. I recommend the following amendments to SUB-R7.

##### ***DIS-1***

- 1. the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than 21ha in the Rural Production zone and 5,000m2 in the Rural Lifestyle zone;*
- 2. This is the only management plan subdivision for the specified portion of a site;*
- 3. The portion of a site that is not subject to the management plan shall be no less than 8ha in the Rural Production and 21ha Rural Lifestyle zone; and*
- 4. The application contains the information listed in APP3- Subdivision management plan criteria.*

#### Rural Subdivision – Environmental Benefit

382. I recommend the following amendments to SUB-R6.

##### ***RDIS-2***

*Each separate area of significant indigenous vegetation, significant indigenous habitat or natural wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).*

##### ***RDIS-3***





~~The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.~~

#### **RDIS-6**

*All proposed new environmental allotments are to be a minimum size of 21ha in area and the balance lot must be greater than 40ha.*

#### **RDIS-8**

~~Where the land to be subdivided contains versatile soil (as determined by a property scale site specific Land Use Capability Classification prepared by a suitably qualified person), the proposed new allotments created by the new environmental benefit lot subdivision, exclusive of the balance area, must not individually contain more than 15% versatile soils within the allotment.~~

#### **Matters of discretion are restricted to:**

~~f. effects on rural productivity and the availability and productivity capacity of versatile soils;~~

383. I recommend an additional pathway within SUB-R3 to provide for subdivision in the RPROZ around an existing residential unit.

#### **..... CON-2**

1. *The subdivision complies with standards:  
SUB-S1 Minimum allotment sizes (except subdivision under SUB-R3  
CON-3 below); and  
SUB-S8 Esplanades.*

#### **CON-3**

1. Subdivision around an existing residential unit in the Rural Production zone where:
  - a. The residential unit has been legally established or building consent granted on or before the [DATE OF CL10 DECISIONS ON PDP];
  - b. one rural lifestyle allotment is created;
  - c. allotment size is between 2000m<sup>2</sup>- 2ha; and
  - d. Balance allotment is a minimum of 40ha in size.

#### **.....Activity status where compliance not achieved with CON-3,d. : Discretionary**

#### **Where:**

#### **DIS-2**

1. The balance allotment is greater than 8ha in size

#### **Activity status where compliance not achieved with CON -3 a,b,c or DIS-2:Non-complying.**





384. I recommend the following consequential amendment is made to RPROZ-P6.

*....d. provides for rural lifestyle living unless there is an environment benefit, or it is in accordance with SUB-R3.*

### **Section 32AA Evaluation**

385. I recommend amendments to SUB-O2 clause (b) to delete reference to "outstanding and high natural character" for consistency with recommendations in the coastal environment and natural features and landscapes chapters. I also support replacing the notified reference to "Significant Natural Areas" with "areas of significant indigenous vegetation and significant habitats of indigenous fauna," consistent with section 6(c) of the RMA, the RPS, and the recommendations made in Hearing Stream 4. This change ensures alignment with higher order documents and provides clarity for implementation.
386. I further recommend consequential amendments to SUB-P8 to replace references to SNAs with the same terminology, to ensure consistency across provisions and more clearly provide for environmental benefit and management plan subdivision. Consequential amendments are also recommended to SUB-P9 for consistency.
387. I also recommend amendments to SUB-O2 to remove reference to "highly productive land." This matter is more appropriately addressed through a separate objective and framework that gives effect to the NPS-HPL. Retaining it in SUB-O2 conflates indigenous biodiversity with highly productive land, which are distinct issues requiring different policy responses.
388. In relation to SUB-O1 and SUB-P3, I recommend replacing the wording "purpose, characteristics and qualities" with "planned environment." This terminology better reflects the forward-looking intent of the PDP and provides greater certainty by linking directly to the objectives and policies of the zone. I also recommend amendments to SUB-O1 to expressly refer to precincts, given their role in establishing distinct outcomes that sit alongside the underlying zone provisions. Recognising precincts in the subdivision chapter will ensure consistency and avoid uncertainty in implementation.
389. Introducing a rule to provide for subdivision around an existing legally established residential unit in the RPROZ with tight controls on lifestyle allotment size and appropriate balance lot requirements. Consequential amendments are also recommended to ensure consistency across related rules and policies. These changes improve efficiency and effectiveness by providing limited flexibility for rural housing while safeguarding productive land and avoiding fragmentation.

390. For these reasons, the amendments proposed will improve clarity, reduce duplication, and ensure the subdivision provisions appropriately give effect to higher order documents. The benefits of improved consistency and integration outweigh the minimal costs.

## 5.2.5 Key Issue 5: Infrastructure

### Overview

Provision(s)	Officer Recommendation(s)
SUB-OY	New objective that relates to subdivision occurring in a manner that enables the growth and development to be supported by additional infrastructure.
SUB-P6	Minor amendments to specifically refer to telecommunication and the 'planned environment'.
SUB-S2	Minor amendments to specifically refer to emergency response access.
SUB-S3	Minor wording amendments for clarity
SUB-R1, SUB-R2, SUB-R3, SUB-R5, SUB-S3, SUB-S4 and SUB-S5	Amendments to decouple the Far North District Engineering Standards from these provisions.
SUB-S6	Amendments to the standard so that connection to telecommunications is no longer a requirement.
SUB-S7	Minor wording amendments for clarity

### Analysis of Submissions on Key Issue 5

#### Matters Raised in Submissions

391. Carbon Neutral NZ Trust (S529.053, S529.175 and S529.238) seeks amendments to the PDP to make water-sensitive, low-impact design a standard requirement for all developments, including stormwater and wastewater infrastructure. The proposed changes aim to improve resilience to future extreme rainfall events and to incorporate relevant provisions from the NPS-FM and the NPS-RM.
392. Top Energy Limited (S483.162) proposes amendments to the Subdivision Chapter to ensure that electricity and telecommunications infrastructure is appropriately provided for at the time of subdivision.
393. Te Rūnanga o Ngāti Rēhia (S559.048) seeks an amendment to ensure that high intensity development is supported only where there is a reliable supply network or sufficient onsite water storage to accommodate prolonged dry periods and drought conditions.

#### Objectives

394. FENZ (S512.028) supports the retention of the Objectives.
395. NZTA (S356.076) supports the existing Objectives and requests the addition of a new Objective as follows:

*'Subdivision and subsequent development provides for the efficient and timely provisions of infrastructure and services.'*

396. MOE (S331.049) requests the inclusion of a new Objective in the Plan to address educational infrastructure needs. Specifically, the Objective would ensure that the impacts of population growth on the provision of educational facilities are considered when determining the location and sequencing of development. The Policy proposed is as follows:

*'Subdivision occurs in a sequenced and coherent manner in locations and at a rate that:*

*Enables growth and development to be supported by additional infrastructure'.*

397. KiwiRail Holdings Limited (S416.035) supports SUB-O1 in part and requests the insertion of an additional clause into the Objective:

*'Maintains the safety and efficiency of the transport network'.*

398. Top Energy Limited (S483.163) requests the following amendments to Objective SUB-O2:

*'Subdivision provides for the:*

*... b. protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage and*

*c. Electricity infrastructure network'.*

399. Russell Protection Society (INC) (S179.092) and other submitters<sup>32</sup> support SUB-O3 and request to retain the Objective.

400. Kāinga Ora (S561.045) supports SUB-O3 in part and seeks a minor amendment to the Objective as follows:

*'Infrastructure is existing and/or planned to service the proposed subdivision and development where: ...'.*

401. Kairos Connection Trust (S138.007) express partial support for SUB-O3. The submitters request amendments to clarify the meaning of the phrase stating that *'infrastructure should be provided in an integrated, efficient, coordinated and future proofed manner at the time of subdivision'* to ensure its practical application is clearly understood.

<sup>32</sup> S172.004, S271.021, S421.173, S425.043, S446.023, S483.164, S524.021, S529.086, S554.008



402. Russell Protection Society (S179.093) expresses support for SUB-O4 and requests that the Objective be retained.

#### Policies

403. NRC (S359.012) partially supports the proposed Policies and seeks the inclusion of a new Policy as follows:

*'Where subdivision and development is proposed for coastal locations, that on-site storage or suitable alternative is required, including low impact stormwater designs.'*

404. Russell Protection Society (INC) (S179.096) and other submitters<sup>33</sup> support the retention of SUB-P2.

405. Bentzen Farm Limited (S167.050), along with other submitters<sup>34</sup>, supports the retention of Policy SUB-P3.

406. Russell Protection Society (INC) (S179.100) and Spark and Vodafone (S517.001) express support for the retention of SUB-P6.

407. Various submitters, including Kairos Connection Trust (S138.008) express partial support for SUB-O3 and SUB-P6. The submitters seek amendments to clarify the availability of infrastructure capacity within the districts urban reticulated environments, ensuring the Policy can be effectively implemented at the time of subdivision or land development.

408. NZTA (S356.086) supports SUB-P6 in part and requests to amend the Policy as follows:

*'Require infrastructure to be provided in an timely, integrated and comprehensive manner by: ...*

*b) Ensuring that the infrastructure is provided is in accordance with objectives and policies ~~the purpose, characteristics and qualities of the zone.~~*

409. Spark and Vodafone (S517.002) support the retention of Policy SUB-P11.

410. Top Energy Limited (S483.166) seeks to amend SUB-P11 by incorporating an additional matter of discretion as follows:

*'any potential for reverse sensitivity effects on electricity infrastructure'*

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<sup>33</sup> S356.078, S463.042

<sup>34</sup> S168.051, S172.025, S179.097, S187.043, S243.068, S333.043

## Rules

411. Carbon Neutral NZ Trust (S529.241) partially supports the Rules and proposes the inclusion of provisions that encourage and eventually require, land-based wastewater disposal methods. They also seek to ensure the responsible use of solid waste from treatment plants as fertiliser and promote the use of treated wastewater for irrigation purposes.
412. Various submitters<sup>35</sup>, including Our Keri Keri Community Charitable Trust (S338.011), and other submitters request amendments to either SUB-O3, SUB-P6 or the Rules to place greater emphasis on the requirement for developer input in the provision of infrastructure supporting private land use and subdivision.
413. Kāinga Ora (S561.047) supports SUB-R3, however seeks to delete the Rules Note.

## Standards

414. Julianne Sally Bainbridge (S163.004) supports the Standards in part and requests to insertion of provisions ensuring that all infrastructure includes appropriate measures to safeguard the natural environment.
415. FENZ (S512.034) supports SUB-S2 in part and seek amendments to it as follows:
 

*'a. compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements (including emergency response access);'*
416. Terra Group (S172.009 and S172.026) and other submitters<sup>36</sup> support the retention of SUB-S3.
417. Thomson Survey Ltd (S207.001) and Lynley Newport (S110.001) oppose Standard SUB-S3 and seek to amend clause 1 as follows:
 

*'All new allotments shall ~~have~~ be provided with the ability to connect to a safe potable water supply with a an adequate capacity that is adequate for the ~~anticipated~~ respective potential land uses. This may be either by way of a connection to a Council reticulated water supply system, or by way of an on-site water supply system.'*
418. FNDC (S368.087) supports SUB-S3 in part and proposes the following amendment to the Standard:
 

*'3. Where a connection to Councils reticulated water systems is not available all allotments shall be provided with a means to ~~must provide~~ a water supply system.'*

<sup>35</sup> S338.012, S449.012, S449.013, S522.034, S522.035, S529.011, S529.012

<sup>36</sup> S512.035, S554.009



419. Haigh Workman Limited (S215.033) supports SUB-S4 but requests that clause 2 of the Standard be deleted.
420. Kiwi Fresh Orange Company Limited (S554.010) supports the retention of SUB-S4.
421. Nga Tai Ora – Public Health Northland (S516.058 and S516.059) seeks to amend Standard SUB-S4 to amend the relationship of the District Plan to the Environmental Engineering Standards to:
- a) Ensure the District Plan requires the delivery of infrastructure in a manner that achieves sustainable, safe and efficient provision of infrastructure.
  - b) Ensure referencing of the Environmental Engineering Standards in the District Plan is appropriate and results in clear and measurable rules.
  - c) Cross-referencing to Environmental Engineering Standards is consistent across all chapters.
422. Terra Group (S172.010) and Kiwi Fresh Orange Company Limited (S554.011) support the retention of SUB-S5.
423. Kairos Connection Trust (S138.010) expresses partial support for SUB-S5 and seek amendments to clarify that, where a Council-owned reticulated wastewater scheme is available, all allotments must be required to connect.
424. Haigh Workman Limited (S215.034) supports SUB-S5 in part and requests that clause 3 in the Standard be deleted.
425. Lynley Newport (S110.002) and Thomson Survey Ltd (S207.002) opposes SUB-S5 and seeks amendment to the Standard as follows:
- 'Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect All allotments shall be provided with either the ability to connect to a Council owned reticulated wastewater scheme, a privately owned reticulated wastewater scheme constructed pursuant to a Discharge Consent, or a means of treating and disposing of wastewater within the site area of the allotment.'*
426. Reuben Wright (S178.005) expresses partial support for SUB-S6 and proposes the deletion of the requirement to provide a telecommunication service for subdivision.
427. Chorus New Zealand Ltd (S278.001) supports SUB-S6 in part, seeking the following amendment:
- '1. Telecommunications through an open access fibre network. Telecommunications*
- i. fibre where it is available or. ii. Copper where fibre is not available.'*



428. Kāinga Ora (S561.053) supports SUB-S6 in part and seeks to amend the Standard by incorporating provisions that specifically apply to the MDRZ.
429. Spark and Vodafone (S517.003) support SUB-S6 in part and request amendments to ensure that the Standard applies uniformly across all zones. The submitter proposes the following amendment:

*'Connections shall be provided at the boundary of the site area of the allotment for:*

*1. Telecommunications*

- i. Fibre where it is available; or*
  - ii. ~~Copper where fibre is not available~~ Where fibre is not available Mobile/Wireless which includes satellite; or*
  - iii. Where fibre or mobile/wireless connectivity is not available copper VDSL is minimum connection standard; and*
- ~~430.~~ *The applicant shall provide with any subdivision consent application of written confirmation form a telecommunication network operator confirming that connection; and*
- iv. At the time of subdivision. Sufficient land for telecommunication, transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators may will be required.*
431. Lynley Newport (S109.001) opposes SUB-S6 and seeks the insertion of an additional clause into the Standard:
- '3. Or alternative means, provided that where it is proposed to rely on alternatives to the reticulated services outlined above, the alternative shall be capable of providing the same level of service as conventional reticulated services.'*

432. Terra Group (S172.012) supports the retention of SUB-S7.

433. FNDC (S368.086) partially supports SUB-S7 and seeks the following amendment to the Standard:

*'4. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement or services. Centre line easements shall apply when the line is privately owned.'*

434. Terra Group (S172.011) supports the retention of SUB-S8.



## **Analysis**

435. In my opinion the relief sought by Carbon Neutral NZ Trust has been addressed in relation to Key Issue 1.
436. The relief sought by Top Energy relates to ensuring that electricity and telecommunications infrastructure is appropriately provided at the time of subdivision. In my opinion, this relief is already addressed within the provisions. Policy SUB-P6 requires subdivision to be serviced by infrastructure that is integrated with existing or planned networks and that aligns with the planned environment of the relevant zone. In addition, the notified version of standard SUB-S6 requires that in specified zones, new allotments must have boundary connections for telecommunications (fibre where available, otherwise copper) and electricity supply although this is recommended to be amended to exclude a requirement for telecommunications connection as outlined below in Key Issue 5. This standard does not apply to allotments created for utilities, roads, reserves, or access purposes. Matters of discretion are restricted to alternative provision of these services.
437. In relation to the relief sought by Te Rūnanga o Ngāti Rēhia relates to water supply. In my opinion the relief is already addressed adequately, as subdivision of land to create an allotment (SUB-R3) requires compliance with SUB-S3 which states that all new allotments must be able to connect to a safe and adequate potable water supply. Where Council's reticulated network is available, allotments must connect; otherwise, a private water supply system must be provided. All allotments must also provide sufficient water for firefighting in accordance with the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008). The standard does not apply to roads, access lots, or allotments where water supply is unnecessary. Matters of discretion are restricted to the adequacy and suitability of water supply for anticipated uses, adequacy of firefighting supply and access, and the standard of infrastructure provided within the subdivision and in surrounding networks. In my opinion this provides adequate scope to assess water supply in relation to subdivision and addresses the relief sought by the submitter.

## **Objectives**

438. NZTA requested a new objective is added that relates to provision of infrastructure and services in relation to subdivision and subsequent development. In my opinion this is not necessary, there is already an objective within the subdivision chapter which relates to infrastructure. SUB-O3 states that infrastructure for subdivisions and development must be planned to ensure it is integrated, efficient, coordinated, and future-proofed where connections already exist, and where connections do not exist, planning should consider how the subdivision can connect to the wider infrastructure network. In my opinion this already adequately covers the matters requested by the submitter to be included in the new objective.
439. I support the inclusion of the proposed Objective requested by MOE to address educational infrastructure needs in the subdivision chapter. In my

opinion this objective recognises the impacts of population growth on the provision of additional infrastructure which is essential for ensuring that development is appropriately sequenced and supported by necessary infrastructure.

440. It should be noted that as part of Hearing 1, it was recommended by the reporting officer that the term “additional infrastructure” was defined in the PDP in accordance with the definition from the NPS-UD<sup>37</sup> which covers a range of matters including public open space, community facilities, transport networks not managed by councils, social infrastructure (e.g. schools and healthcare), and networks for telecommunications, electricity, and gas.
441. In my opinion including this terminology ensures a more comprehensive and future-proofed planning framework that reflects the full spectrum of additional infrastructure needed to support sustainable growth.
442. The relief sought by KiwiRail Holdings Limited is to insert an additional clause into SUB-O1 requiring that subdivision maintains the safety and efficiency of the transport network. In my opinion this amendment is unnecessary, as the transport chapter already contains clear and directive provisions which address this matter. In particular, TRAN-P3 seeks to ensure the safe, efficient, and well-connected operation of the transport network by managing subdivision and development layouts to avoid visual obstructions that compromise sightlines or the integrity of roads and the railway corridor. It promotes well-connected road networks and discourages the creation of cul-de-sacs, while ensuring access design, including emergency response access, and parking are appropriately provided. The policy also manages vehicular access to and from sites, the volume of traffic generated by land use activities, and the needs of all users, including pedestrians, cyclists, and people with disabilities or limited mobility. Additionally, it addresses adverse cumulative effects of land use and subdivision on the transport network and seeks to minimise reverse sensitivity effects that could affect regionally significant infrastructure. I consider that these provisions adequately address KiwiRail’s concerns, and therefore no amendment to SUB-O1 is required.
443. I do not consider the relief sought by Top Energy Limited, to specifically reference the electricity infrastructure network within SUB-O2, to be necessary. The Infrastructure Chapter is a district-wide chapter and provides sufficient policy direction relevant to subdivision applications. In particular, I-O3 protects infrastructure from land use, subdivision, or development that could result in reverse sensitivity, ensuring that it can continue to operate and be maintained effectively. Similarly, I-P6 seeks to ensure that infrastructure, including regionally significant assets, is protected from incompatible land use and subdivision that may compromise its operation or capacity. This includes managing reverse sensitivity effects, locating noise-sensitive activities away from airports, roads, and railways, safeguarding access and clearances for electricity lines and gas pipelines, and applying

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<sup>37</sup> Paragraphs 157 of the Strategic Direction s.42A report, prepared by Tammy Wooster and dated 29 April 2024.

setbacks and design controls to maintain the safe and effective functioning of local, regional, and nationally significant infrastructure.

444. I do not consider the relief sought by Kāinga Ora, to amend SUB-O3 to specifically refer to existing and/or planned infrastructure, to be necessary. SUB-O3 already provides clear direction that infrastructure is planned to service proposed subdivision and development. Clause (a) requires that where there is an existing infrastructure connection, infrastructure is to be provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision. Clause (b) further addresses situations where no existing connection is available, requiring that infrastructure be planned and that consideration be given to connections with the wider infrastructure network. In my opinion, this wording already captures both existing and planned infrastructure, and therefore the additional wording requested would duplicate what is already provided for in the objective.
445. The relief sought by Kairos Connection Trust is to provide further clarification within SUB-O3. In my opinion, this is not appropriate within an objective, as objectives are intended to be high-level statements, with implementation and further detail provided through the policies, rules, and standards. For example, in relation to wastewater, SUB-S5 requires that where a connection to a Council-owned reticulated wastewater scheme is available, all allotments must connect. Where no connection is available, allotments must be provided with a means of disposing of wastewater within the site area of the allotment. Including this level of detail within an objective would not be consistent with its intended function, and in my view, is therefore not appropriate.

#### Policies

446. The relief sought by NRC has been reviewed by Mr Kiddle from an engineering perspective. Mr Kiddle has recommended provisions to decouple the engineering standards from the subdivision provisions, consistent with the approach outlined by the reporting officer for the engineering standards topic in Hearing 8. He has also provided justification as to why this approach is preferable to the relief sought by the submitter (see Appendix 3).
447. The relief sought by various submitters, including Kairos Connection Trust relates to SUB-O3 and SUB-P6. The submitters seek amendments to clarify the availability of infrastructure capacity within the districts urban reticulated environments. This matter has previously been addressed in the Urban s.42A. I agree with the analysis of the reporting officer, which I have paraphrased here. In some areas of the district there are uncertainties regarding the servicing of three waters infrastructure. At present, sites within the urban area are assessed on a case-by-case basis, with development type and location influencing available capacity.
448. NZTA have requested amendments to SUB-P6. The first amendment is to insert the word "timely" in relation to the requirement for infrastructure to be provided. In my opinion, this is not appropriate as the term "timely" is ambiguous and open to interpretation. The second amendment sought is to

replace the reference to “the purpose, characteristics and qualities” of the zone with “objectives and policies” when ensuring infrastructure is provided in accordance with these matters. I do not consider this amendment to be necessary, as the notified wording already incorporates and reflects the objectives and policies of the relevant zone. Although for the reasons outlined previously in Key Issue 2, I recommend replacing “the purpose, characteristics and qualities” with “planned environment”.

449. The additional matter of discretion requested by Top Energy within SUB-P11 relates to potential reverse sensitivity effects on electricity infrastructure. In my opinion this is not necessary as these matters are covered within the Infrastructure chapter. In particular, as outlined above I-O3 protects infrastructure from land use, subdivision, or development that could result in reverse sensitivity, ensuring that it can continue to operate and be maintained effectively. Similarly, I-P7 seeks to ensure that infrastructure, including regionally significant assets, is protected from incompatible land use and subdivision that may compromise its operation or capacity. Specifically, clause (e) requires that a Critical Electricity Lines Overlay is identified on the planning maps and subdivision, and land use activities are managed in proximity to these lines. The purpose is to ensure network utility operators can access, operate, maintain, repair, and upgrade the lines, while also avoiding buildings, earthworks, planting, or construction activities that could compromise their operation or safe electrical clearance distances.

#### Rules

450. The relief sought by Carbon Neutral NZ Trust is to include provisions that encourage, and eventually require, land-based wastewater disposal methods. In my opinion, this is not necessary or appropriate as the notified provisions of the PDP, together with the functions of the NRC, already provide appropriate direction for alternative servicing methods where these are suitable. For example, SUB-P11 requires consideration of whether existing or planned infrastructure can service the activity, or if the site itself can provide the necessary on-site infrastructure in relation to subdivision. Similarly, the matters of discretion under SUB-S5 (wastewater disposal) require assessment of how wastewater will be managed, including the adequacy of on-site disposal where no Council system is available, the capacity and impacts on existing reticulated systems, the feasibility of connection or extension to existing networks, and the location, capacity, and environmental effects of any proposed disposal system. In my opinion, this framework already provides sufficient direction to address the matters raised by the submitter.
451. In my opinion, the relief sought by Our Kerikeri Community Charitable Trust and other submitters is not necessary, as the relevant subdivision standards already require infrastructure to be provided at the time of subdivision. For example, SUB-S3 requires provision of a water supply, SUB-S4 requires stormwater management, SUB-S5 requires wastewater disposal, and SUB-S6 requires power supply in certain zones. Accordingly, I do not consider that any further amendments are required.

452. The relief sought by Kāinga Ora is to delete the note in SUB-R3 relating to resource consent applications on land within 500 m of the airport zone, which states that the airport operator is likely considered an affected person if the activity's adverse effects are minor or greater. In my opinion, it is not appropriate to delete this note. While the note does not impose any legal requirement, it provides important guidance for users of this rule, alerting them to the potential involvement of the airport operator as an affected person.

### Standards

453. The relief sought by Julianne Sally Bainbridge to insert provisions within the standards to include measures to safeguard the natural environment is not necessary in my opinion. The natural environment is already adequately protected through the Indigenous Biodiversity and other district wide chapters. The specific subdivision standards require appropriate methods to address each standard; for example, wastewater disposal is assessed as part of the subdivision consent application for appropriateness. Where standards cannot be met, the matters of discretion provide for consideration of effects on the natural environment. For instance, in relation to SUB-S5 (wastewater disposal), one of the matters of discretion states: "*the location, capacity and environmental effects of the proposed wastewater disposal system.*" Similar clauses exist in other standards where relevant.
454. I agree with the relief sought by FENZ in relation to matter of discretion (c) within SUB-S2. In my opinion, it is important that where access arrangements are referenced, the amendment clarifies that this includes emergency response access. This is a significant consideration and should be explicitly stated to ensure the processing planner takes it into account, particularly in situations where a subdivision does not fully comply with the specified requirements for building platforms within each allotment, and where sufficient access for emergency response vehicles must be maintained.
455. The relief sought by Thomson Survey Ltd and Lynley Newport to amend clause 1 of SUB-S3 is not supported. It is common practice to require water connections at the time of subdivision, and most district plans contain equivalent standards. This approach is appropriate under the RMA and provides certainty that new allotments will have access to a safe and adequate water supply, consistent with the objectives for infrastructure provision and the sustainable management of resources. The notified wording of SUB-S3 already achieves this outcome. It should also be noted that the ODP required all new allotments to connect to a safe, potable water supply, either through a lawfully established reticulated water supply system or, where no reticulated supply is available, by demonstrating the ability to provide an individual water supply on the respective allotment.
456. I support the relief sought by FNDC to amend SUB-S3 to clarify the requirements where a connection to Council's reticulated water system is not available. The proposed changes improve alignment with the approach taken for wastewater under SUB-S5(2), ensuring it is clear that at the time of

subdivision, it must be demonstrated that a water supply system can be provided. In my opinion, this is a sensible amendment that provides clarity for both applicants and consent planners while maintaining the intent of the standard.

457. I agree with the relief sought by Haigh Workman Limited to delete clause 2 of SUB-S4 and clause 3 of SUB-S5. These clauses relate to the FNDC Engineering Standards, which, as previously outlined, are recommended to be decoupled from the PDP. Mr Kiddle has provided engineering advice on amendments to ensure that the key matters within the Engineering Standards are now addressed within the relevant standards (see Appendix 3). This evidence and associated amendments also address the relief sought by Nga Tai Ora – Public Health Northland in relation to the Engineering Standards.
458. The relief sought by Kairos Connection Trust seeks clarification that, where a Council-owned reticulated wastewater scheme is available, all allotments are required to connect. This matter has already been addressed in relation to another submission by this submitter, refer to Key Issue 5 under the subheading *Policies*.
459. I do not agree with the relief sought by Lynley Newport and Thomson Survey Ltd in relation to SUB-S5 for the same reasons as outlined above. It is common practice to require wastewater connections at the time of subdivision, and most district plans contain equivalent standards. This approach is appropriate under the RMA and provides certainty that new allotments will have access to an adequate wastewater disposal system, consistent with the objectives for infrastructure provision and the sustainable management of resources. The notified wording of SUB-S5 already achieves this outcome.
460. I agree with the relief sought by Reuben Wright to delete the requirement for telecommunication services in relation to a subdivision under SUB-S6. This is to ensure consistency with previous zone recommendations. Amendments to GRZ-P2, MUZ-P2, LIZ-P2 and HIZ-P2 state that subdivision in these zones (GRZ, Mixed Use zone, Light Industrial zone, Heavy Industrial zone) are encouraged to provide reticulated telecommunications to the boundary of each lot rather than required, for the reasons outlined in the Urban s.42A report<sup>38</sup>. In my opinion a similar approach should also be taken for the two new recommended zones (MDRZ and TCZ). Therefore, the requirement for telecommunication services in SUB-S6 needs to be amended for consistency. Also, amendments to RRZ-P4 and KRT-P2 encourage telecommunication and local electricity distribution network reticulated services to the boundary rather require them, the reasons for this are outlined in the Kororāreka Russell Township s.42A<sup>39</sup>. Therefore, this also needs to be reflected within SUB-S6 for the Rural Residential and Kororāreka Russell Township zones. For consistency the remaining two zones

<sup>38</sup> Paragraphs 255 of the Urban Section 42A report, prepared by Sarah Trinder and dated 23 June 2025.

<sup>39</sup> Paragraph 87 of the Kororāreka Russell Township 42A report, prepared by Melissa Pearson and dated 28 April 2025.





(Settlement and Horticulture Processing Facility) should not be required to provide reticulated telecommunications connections in my opinion.

461. Given the above recommendation that telecommunications connection is no longer a requirement, in my opinion it is necessary to amend SUB-P6 which relates to infrastructure. I recommend the following amendments to clause (a) "demonstrating that the subdivision will be appropriately serviced (including telecommunications) and integrated with existing and planned infrastructure if available;". In my opinion this will ensure that although telecommunications is not a requirement it is still a consideration for subdivision processing planners.
462. For the reasons above I do not agree with the relief sought by Chorus New Zealand Ltd to amend the wording of SUB-S6 in relation to telecommunications.
463. The relief sought by Kāinga Ora relates to ensuring SUB-S6 also applies to the MDRZ. As previously outlined, the MDRZ has been recommended by Council reporting officers to be included within the PDP as part of Hearing 15D. Given this is the case as previously outlined I agree that the MDRZ and TCZ should be subject to SUB-S6.
464. I do not support the relief sought by Spark and Vodafone to amend SUB-S6 to apply uniformly across all zones with the detailed wording provided. While I acknowledge the intent of the submission to recognise alternative forms of telecommunication connectivity in rural areas, I consider the requirement for telecommunication connections to be provided at the boundary of subdivisions in all zones to be overly onerous.
465. I partially agree with the relief sought by Lynley Newport and Thomson Survey Ltd in relation to SUB-S6 for the same reasons as outlined above. In my opinion it is still appropriate to require power supply connections at the time of subdivision for certain zones, and most district plans contain equivalent standards. This approach is appropriate under the RMA and provides certainty that new allotments will have access to safe and adequate electricity connections, consistent with the objectives for infrastructure provision and the sustainable management of resources. The recommended wording of SUB-S6 achieves this outcome.
466. I agree with the relief sought by FNDC to amend SUB-S7 by removing the reference to "Centre line easements shall apply when the line is privately owned." In my opinion, this amendment is appropriate as the reference is unclear and does not add certainty or value to the clause.

### **Recommendation**

467. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.
468. I recommend the following new objective (SUB-OY) is added as follows.





Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure.

469. I recommend the following amendments to SUB-P6.

- a) *demonstrating that the subdivision will be appropriately serviced (including telecommunications) and integrated with existing and planned infrastructure if available; and*
- b) *ensuring that the infrastructure is provided is-in accordance with the planned environment purpose, characteristics and qualities of the zone.*

470. I recommend the following amendments to SUB-S2.

- a) *compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements (including emergency response access);*

471. I recommend the following amendments to SUB-S3.

- a) *Where a connection to Councils reticulated water systems is not available all allotments shall be provided with a means to ~~must~~ provide a water supply system.*

472. I recommend amendments required to decouple the engineering standards from the subdivision provisions as outlined in Appendix 3.

473. I recommend the following amendments to SUB-S6.

SUB-S6 Telecommunications and Power Supply		
<b>General Residential zone</b>  <b>Medium Density Residential zone</b>  <b>Town Centre zone</b>  <b>Kororāreka Russell Township zone</b>  <b>Mixed Use zone</b>  <b>Light Industrial zone</b>	<p>Connections shall be provided at the boundary of the site area of the allotment for:</p> <ol style="list-style-type: none"> <li>1. telecommunications               <ol style="list-style-type: none"> <li>i. Fibre where it is available; or</li> <li>ii. Copper where fibre is not available; and</li> </ol> </li> <li>2. Electricity supply through the local electricity distribution network.</li> </ol> <p><b>Note:</b> This standard does not apply to allotments for a utility, road, reserve or for access purposes.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. alternative provision of telecommunication and electricity supply.</li> </ol>

Heavy Industrial zone		
Settlement zone		
Rural Residential zone		
Horticulture Processing Facility zone		

474. I recommend the following amendments to SUB-S7.

- a) *Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement of services. Centre line easements shall apply when the line is privately owned;*

### Section 32AA Evaluation

475. In my opinion, the recommended changes relating to infrastructure and servicing provisions are minor and largely clarificatory. The amendments improve internal consistency within the subdivision provisions and ensure alignment with higher order policy direction, while removing duplication across the Subdivision chapter. The costs of these amendments are minimal, as the intent of the notified provisions is retained, while the benefits include greater clarity for plan users, reduced risk of uncertainty in implementation, and more efficient consent processing.

476. The removal of a mandatory telecommunications connection standard, balanced with retaining telecommunications as a consideration within SUB-P6, provides flexibility for applicants while still ensuring that infrastructure effects are assessed. Similarly, amendments are recommended to give effect to the approach of decoupling engineering standards, as previously recommended by Council officers. In my opinion, these changes are effective and efficient.

## 5.2.6 Key Issue 6: Reverse Sensitivity

### Overview

Provision(s)	Officer Recommendation(s)
SUB-P11	Amendment to address reverse sensitivity

### Analysis of Submissions on Key Issue 6

### Matters Raised in Submissions

#### Objectives



477. New Zealand Pork Industry Board (S55.015) along with other submitters<sup>40</sup>, supports Objective SUB-O1 and requests that it be retained as proposed.
478. Lynley Newport (S101.001) and Denis Thomson (S201.001) request amendments to parts (c) and (d) of SUB-O1 as follows:
- 'c. does not significantly increase the risk of reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate,*
- d. does not significantly increase the risk of the land not being able to be used in a manner consistent with the zone's objectives and policies.'*
479. Federated Farmers (S421.172) support the retention of SUB-O2.

### Policies

480. Top Energy Limited (S483.165) proposes the inclusion of a new Policy as follows:
- 'SUB-PX*
- Ensure that subdivision and future land uses do not generate reverse sensitivity effects on electricity network by:*
- Ensuring suitable setbacks are achieved from all electricity infrastructure including by requiring setbacks at the time of subdivision from mapped Critical Electricity Lines.'*
481. New Zealand Pork Industry Board (S55.016) seeks amendments to the Policies to ensure they effectively implement the stated Objective.
482. New Zealand Pork Industry Board (S55.014) opposes the proposed Policies and recommends amendments to incorporate the reverse sensitivity protections outlined in the Overview.
483. New Zealand Pork Industry Board (S55.017) seeks an amendment to SUB-P11 as follows:
- 'Manage subdivision to address the effects of the activity requiring resource consent including (but not limited) consideration of the following matters where relevant to the application: ...*
- ... g. the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate.'*

### Rules

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<sup>40</sup> S159.065, S179.090



484. New Zealand Pork Industry Board (S55.018, S55.019 and S55.020) supports Rules SUB-R1-R3 in part and seeks amendments to explicitly reference reverse sensitivity effects within the Rules:

*'Matters of control are limited to:*

*... h. adverse reverse sensitivity effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray.'*

#### Standards

485. New Zealand Pork Industry Board (S55.042 and S55.043) seeks amendments to the Standards to give effect to Objective SUB-O1 and incorporate the reverse sensitivity protections outlined in the Overview.

#### **Analysis**

486. Reverse sensitivity is a key consideration in subdivision planning because it directly affects the ability of established land uses to continue operating without disruption. Clause (c) of SUB-O1 rightly seeks to avoid situations where new development—particularly sensitive uses like residential—could lead to complaints or constraints on existing lawful activities, whether they be commercial, industrial, recreational, or productive. Introducing incompatible land uses through subdivision can create long-term conflicts, erode local character, and undermine the efficient use of land. By proactively managing reverse sensitivity, subdivision can better support the objectives of relevant zones and overlays, maintain operational continuity, and uphold the integrity of the planning framework.
487. I do not support the inclusion of the phrase "*does not significantly increase*" in clauses (c) and (d) of SUB-O1, as sought by Lynley Newport and Denise Thomson. This amendment would dilute the clarity and directive strength of the objective, introducing ambiguity that undermines its enforceability and risks misalignment with higher order planning instruments. SUB-O1, as currently drafted, provides a robust and unambiguous framework for managing subdivision impacts, and its retention is strongly supported across submissions. Therefore, I recommend that the proposed wording is rejected to ensure consistency with national and regional policy statements.
488. It is considered that the policies would benefit from a stronger emphasis on reverse sensitivity. In response to the New Zealand Pork Industry Board's submission, strengthening SUB-P11 appears to be the most appropriate mechanism to address this concern, particularly when combined with the recommended insertion of rural-specific policies (Key Issue 4, above). However, I do not support the Board's request to include reverse sensitivity as a matter of control. The term is too vague to be effective in that context, and reverse sensitivity is already appropriately addressed through the objectives and policies when assessing discretionary activities. This approach ensures clarity and consistency in managing land use conflicts.
489. In response to Top Energy's submission, it is not considered necessary to introduce an additional policy within the subdivision chapter. The protection

of infrastructure is already appropriately addressed through the objectives and policies in the Infrastructure chapter, particularly under I-P7, which provides sufficient direction. Duplicating this content in the subdivision chapter would be unnecessary and may lead to confusion or inconsistency across chapters.

### Recommendation

490. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

491. I recommend the following amendment to SUB-P11:

*Consider the following matters where relevant when assessing and managing the effects of subdivision: ~~Manage subdivision to address the effects of the activity requiring resource consent including ( but not limited to) consideration of the following matters where relevant to the application:~~*

*a. the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate....*

### Section 32AA Evaluation

492. The proposed addition strengthens the policy framework by explicitly acknowledging reverse sensitivity as a relevant consideration in subdivision assessments. This aligns with the broader strategic intent of the PDP to manage land use conflicts and protect the viability of established rural and productive activities.

493. Reverse sensitivity is already addressed in the objectives and policies for discretionary activities. However, its explicit inclusion in SUB-P11 enhances clarity and reinforces the importance of proactive planning in rural contexts, particularly where sensitive land uses may encroach upon established operations.

## 5.2.7 Key Issue 7: Transport

### Overview

Provision(s)	Officer Recommendation(s)
SUB-O3	Minor amendments
SUB-O4	Amendments the objective to include an additional clause relating to safe transport connections and amendments to clause (b) to include <u>new, and connection to existing public open spaces</u>
SUB-P5	Amendments to include emergency response where maximising accessibility and an additional clause to provide additional infrastructure where required.
SUB-R4	New note to provide additional clarity that the Transport chapter applies and needs to be addressed.

## Analysis of Submissions on Key Issue 7

### Matters Raised in Submissions

#### Objectives

494. Twin Coast Cycle Trail (S425.039, S425.040 S425.041 and S425.042) supports the Objectives and Standards in part and seeks amendments to the Subdivision Chapter to ensure that provision for, and connectivity with, future transport networks is clearly demonstrated at the time of subdivision.
495. John Andrew Riddell (S431.068, S431.069 and S431.070) seeks a revision of the Objectives, Policies and provisions to more effectively support cycling, active transport, and walking within urban areas, settlements and their surrounding environments.
496. NZTA (S356.074) supports SUB-O3 in part and proposes the following amendment to the Objective:

*'Infrastructure is planned to service the proposed subdivision and development where:*

- a. There is existing infrastructure connection, infrastructure ~~should~~ is provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b. Where no existing connection is available infrastructure ~~should be~~ is planned and ~~consideration be given to connections~~ made with the wider infrastructure network.'*

497. Our Kerikeri Community Charitable Trust (S271.022) along with others<sup>41</sup>, support SUB-O4 in part and seek specific amendments to the Objective as follows:

*'Subdivision is accessible, connected, and integrated with the surrounding environment including by providing for:*

- a. Future connectivity for pedestrians, cyclist;*
- b. New, and connection to existing, public open spaces;*
- c. Esplanade where land adjoins the coastal marine area; and*
- d. Esplanade where land adjoins other qualifying waterbodies'.*

498. NZTA (S356.075) partially supports SUB-O4 and requests to amend the Objective as follows:

*'Subdivision is accessible, connected, and integrated with the surrounding environment and provides for:*

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<sup>41</sup> S425.044, S446.024, S524.022, S529.087

- a. Safe transport connections including active modes of public transport where practicable...

## Policies

499. John Andrew Riddell (S431.066) requests the insertion of a new Policy as follows:

'The conditions be imposed upon the design of subdivision of land to require that the layout and orientation of all new lots and building platforms created include, as appropriate, provisions for achieving the following:

500. *Development of energy efficient buildings and structures;*

- a. *Reduced travel distances and private car usage;*
- b. *Encouragement of pedestrian and cycle use;*
- c. *Access to alternative transport facilities;*
- d. *Domestic or community renewable electricity generation and renewable energy use'.*

501. Kapiro Residents Association (S427.052) supports the Policies in part and requests amendments to:

- Include full consideration of cumulative/combined traffic effects, congestion, emissions and noise in townships and roads, especially roads leading to/from a CBD or service centres, and
- Allow development proposals to be rejected on the grounds of significant adverse effects from traffic.

502. Russell Protection Society (INC) (S179.099) along with other submitters<sup>42</sup> seek the retention of SUB-P5.

503. FENZ (S512.030) expresses partial support for SUB-P5 and proposes the following amendment to the Policy:

'e. maximising accessibility and wayfinding (including for emergency response), and connectivity by creating walkways, cycleways and an interconnected transport network.'

504. MOE (S331.055) seeks the following amendment to Policy SUB-P5:

*'Manage subdivision design and layout in the General Residential, Mixed Use and Settlement Zone to provide for safe, connected and accessible environments by: ...*

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<sup>42</sup> S338.049, S356.079, S449.018, S522.010, S529.017





*... f. ensuring growth and development ius supported by additional infrastructure where required.'*

### Rules

505. Kapiro Residents Association (S427.010) expresses partial support for the Rules and seeks amendments to require that new subdivisions and developments incorporate connected walkways and cycleways, contributing to the establishment of future networks for pedestrian and cycling infrastructure.

506. Reuben Wright (S178.007) requests amendments to the Subdivision Chapter to include Rules that clearly define requirements related to traffic and access.

507. Margaret Sheila Hulse and John Colin Hulse (S247.004) express partial support SUB-3 and request the inclusion of an additional condition:

*'CON-3 where subdivision is for residential development, primary medical care services are available and adequate to support the wellbeing, health and safety of additional people*

*Activity status where compliance not achieved with CON-3: non-complying.'*

508. Haigh Workman Limited (S215.026, S215.027, S215.028 and S215.029) requests that rule SUB-R3-R6 be amended to specify that compliance with the transport rules in the plan is required for subdivision to be a Controlled Activity.

509. Kapiro Residents Association (S427.055 and S427.056) supports SUB-R3-R4 in part and requests that they are amended to include comprehensive consideration of cumulative and combined traffic effects, including congestion, emissions and noise, particularly in townships and on roads leading to or from central business districts and service centres.

### Standards

510. NZTA (S356.092) supports the proposed Standards and recommends the inclusion of an additional Standard to address access and transport-related impacts.

### **Analysis**

511. Several submitters—including Twin Coast Cycle Trail (S425), John Andrew Riddell (S431), NZTA (S356), Our Kerikeri Community Charitable Trust (S271), and others—have requested amendments to the Subdivision chapter to better reflect transport-related considerations such as connectivity, active transport, and infrastructure integration.

512. These submissions are acknowledged and have been carefully considered in light of the integrated structure of the PDP. The S42A report

Transport<sup>43</sup> confirms that transport matters are comprehensively addressed in the dedicated Transport chapter, which sits within Part 2 – District-wide Matters of the PDP.

513. The Transport chapter includes provisions that:

- Manage access, vehicle crossings, and formation of transport infrastructure (e.g. TRAN-R2, TRAN-R3, TRAN-R8).
- Address connectivity, active modes, and integration with surrounding environments.
- Provide for safe and efficient transport outcomes through objectives, policies, and rules.
- Include matters of discretion that apply to subdivision consents where transport effects are relevant.

514. The Section 42A report<sup>44</sup> recommends improving consistency between the Transport and Subdivision chapters, but does not support duplicating transport rules in the Subdivision chapter.

#### Objectives

515. I support NZTA's proposed amendments to SUB-O3 as they make the objective more directive. The submission from Our Kerikeri Community Charitable Trust regarding SUB-O4 is accepted in part—clarifying the objective to include both new public open spaces and connections to existing ones is appropriate. However, I do not support the proposed wording on future connectivity, as NZTA's alternative (S356.075) better captures this intent and provides a clearer cascade into SUB-P5. The submission from John Andrew Riddell is accepted in part, as the amended wording from NZTA and SUB-P5 already address the outcomes sought.

#### Policies

516. The requested new policy by Andrew John Riddell includes energy-efficient buildings, reduced car usage, active transport encouragement, access to alternative transport, and renewable energy—are broadly supported, and are considered to be broadly included in the package of provisions and the transport chapter and renewable energy chapter. I do not propose any amendments as a result of this submission point. However, I am of the view that non-statutory subdivision 'design guides' may help inform the and promote the outcomes sought by Mr Riddell and that these should be considered in the future.

517. The proposed amendment by FENZ to include "maximising accessibility and wayfinding (including for emergency response)" is accepted in part. While emergency response access is a critical consideration—already supported

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<sup>43</sup> Transport Section 42A report, prepared by Melissa Pearson and dated 31 March 2025

<sup>44</sup> Transport Section 42A report, prepared by Melissa Pearson and dated 31 March 2025

through transport rules specifying minimum widths for crossings and roads—the concept of “wayfinding” is not considered appropriate for inclusion in the PDP due to its subjective nature and limited enforceability. The reference to emergency response will be added to SUB-P5 to reinforce its importance at the time of subdivision design.

518. The MOE amendment to include provision for ‘additional infrastructure’ to support growth and development is accepted in part. This aligns with the strategic direction outlined in SD-UFD-O3 and ensures that subdivision design considers the impact of educational facilities and community wellbeing. The recommended wording will be incorporated into SUB-P5 to reflect this infrastructure support requirement.
519. The submission points from Kapiro conservation trust (S427.052, S427.055 and S427.056) were also comprehensively addressed in Ms Pearsons S42A report<sup>45</sup> paragraph 355 states “Matters of discretion in TRAN-R9 are sufficient to assess cumulative impacts of vehicle crossings onto State Highways or Limited Access Roads, focusing on safety and operational efficiency. Requiring applicants to assess broader effects like emissions or noise for minor crossing changes would be unnecessarily onerous.” I agree with this position.

#### Rules

520. In response to Kapiro residents association (S427.010) The request to require connected walkways and cycleways in new subdivisions is supported in principle. These provisions contribute to future pedestrian and cycling networks and align with broader transport objectives.
521. However, it must be noted that in rural subdivisions, footpaths and cycleways are typically not provided due to the dispersed nature of development and lower population densities. The policy approach that encourages connectivity where feasible is preferred over a blanket rule.
522. In response to Reuban Wright and Haigh workman, the request for clearer rules around traffic and access is accepted in part. The notes section of the subdivision chapter clearly directs you to the district wide transport chapter, additionally I have ensured alignment in terminology with the transport chapter in consultation with the S42A report writer for Transport, Ms Pearson. I have also recommended adding a note within SUB-R4 to clarify that the Transport Chapter may also apply and needs to be addressed, for the avoidance of doubt.
523. Margaret Sheila Hulse and John Colin Hulse (S247.004) The proposed CON-3 condition requiring availability of primary medical care services is not supported. While the intent to ensure community wellbeing is acknowledged. These services are managed by health authorities and cannot be guaranteed or regulated through land use planning.

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<sup>45</sup> Transport Section 42A report, prepared by Melissa Pearson and dated 31 March 2025

## Standards

524. I do not consider it necessary to have a separate standard that refers to transport related matters, as previously stated the transport chapter is to be read in conjunction with the subdivision chapter, and duplication is not necessary.

## **Recommendation**

525. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

526. I recommend the following amendment to SUB-O3:

*'Infrastructure is planned to service the proposed subdivision and development where:*

- a) there is existing infrastructure connection, infrastructure ~~should~~is provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and*
- b) where no existing connection is available infrastructure ~~should be~~ planned and ~~consideration be given to~~ connections made with the wider infrastructure network'.*

527. I recommend the following amendment to SUB-O4:

*'Subdivision is accessible, connected, and integrated with the surrounding environment including by ~~and~~ providing for:*

- a. safe transport connections including active modes of public transport where practicable;*
- b. new, and connection to existing public open spaces;*
- c. esplanade where land adjoins the coastal marine area; and*
- d. esplanade where land adjoins other qualifying waterbodies'.*

528. I recommend the following amendments to SUB-P5:

*'Manage subdivision design and layout in the General Residential, Mixed Use, Medium Density Residential, Town Centre and Settlement zone to provide for safe, connected and accessible environments by:*

- a. Minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network;*
- b. Avoid cul-de-sac development unless the site or the topography prevents future public access and connections;*
- c. Providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces;*

- d. Contributing to a well connected transport network that safeguards future roading connections; ~~and~~
- e. Maximising accessibility, (including for emergency response) and connectivity by creating walkways, cycleways and an interconnected transport network; and providing additional infrastructure where required’.

529. I recommend the following amendments to SUB-R4:

‘Note: the transport chapter may apply and needs to be addressed’.

### Section 32AA Evaluation

530. The amendments clarify Objective SUB-O4 by explicitly including both the creation of new public open spaces and the enhancement of connections to existing ones. This clarification is appropriate and aligns with the broader intent of the subdivision provisions to support integrated and accessible urban environments.

531. The amendments to SUB-P5 aligns with FENZ’s broader submissions which advocate for infrastructure servicing standards across PDP zones and advice notes on building setbacks for firefighter access. Additionally, the amendments to include additional infrastructure align with the strategic direction which emphasizes the role of infrastructure in supporting growth and community wellbeing.

## 5.2.8 Key Issue 8: Community Open Spaces and Facilities

### Overview

Provision(s)	Officer Recommendation(s)
Various	Nil

### Analysis of Submissions on Key Issue 8

#### Matters Raised in Submissions

532. Kapiro Residents Association (S428.009) and other submitters<sup>46</sup> seek amendments to the PDP to incorporate Objectives, Policies and Standards that mandate best-practice environmentally sustainable techniques for new developments, including:

- Permeable materials wherever feasible for surfaces such as driveways and paths.

<sup>46</sup> S428.012, S428.013, S428.014, S428.015, S428.016, S428.017, S428.018, S428.023, S428.024, S428.025, S428.026, S443.009, S521.009, S521.015, S521.016, S521.017, S521.018, S521.019, S521.020, S521.021, S521.026, S521.027, S521.028, S521.029, S529.055, S529.219, S529.220, S529.221, S529.222, S529.223, S529.224, S529.225, S529.226, S529.230, S529.231, S529.232, S529.233



- Best practice for lowest environmental impact and water sensitive designs requiring greywater recycling techniques and other technologies to ensure efficient use of water, rain storage tanks for properties connected to a public water supply, additional water storage for buildings that rely solely on roof water (to cope with drought), and other measures.
- Renewable energy technologies and energy-efficient technologies, and similar requirements that foster improved environmental design/technologies and lower life cycle climate impacts.
- Specified area (percentage) of tree canopy cover and green corridors should be required within new subdivisions. These will be increasingly important shade/cooling for buildings and pedestrians in future.

### Objectives

533. Margaret Sheila Hulse and John Colin Hulse (S247.003) support SUB-O1 in part and request the insertion of a new paragraph into the Objective:

'g. avoid subdivision for residential development in areas where primary medical care services are available adequate to support the wellbeing, health and safety of additional people'.

### Rules

534. VKK (S522.055) along with other submitters<sup>47</sup>, support the Rules in part and propose amendments to the PDP to require, or at a minimum promote, the development of community open spaces, green corridors and connectivity to encourage active transport, enhance amenity and foster community wellbeing.

### **Analysis**

535. Some of the matters raised by Kapiro Residents Association and others have already been addressed in other hearings. The zone provisions encourage and enable environmentally sustainable best practice techniques for new development, as outlined in the Urban s.42A Report in relation to the GRZ. With regard to renewable energy opportunities, the amendments recommended to GRZ-P2 provide flexibility for development to be serviced by renewable energy. Amendments are also recommended to GRZ-P8 to allow consideration of opportunities for public open space. These minor changes go some way to addressing the concerns raised. It is noted that provision for renewable energy is addressed separately within the PDP under the Renewable Electricity Generation chapter.
536. The engineering advice provided by Mr Kiddle states that water-sensitive and low-impact design does not, in his opinion, need to be specifically provided for within the planning provisions. The change from referencing the Engineering Standards to instead referring to performance specifications

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<sup>47</sup> S338.072, S427.040, S428.011, S449.069, S529.199

enables these design solutions to be adopted (see Appendix 3). In my opinion, it is not appropriate to specify a particular percentage of tree canopy cover or green corridors to be required within new subdivisions. Impermeable surface coverage limits are already provided for within different zones, and esplanade provisions are also addressed further below.

537. I have responded to other submission points from Margaret Sheila Hulse and John Colin Hulse seeking this relief in Key Issue 7 Transport. I do not support the avoidance of subdivision for residential development in areas where primary medical care services are available. While the intent to ensure community wellbeing is acknowledged. These services are managed by health authorities and cannot be guaranteed or regulated through land use planning, but are provided for in the PDP.
538. The intent of VKK's proposed amendments to promote the integration of community open spaces and green corridors is supported in principle. These elements are consistent with good urban design and align with broader planning objectives to encourage active transport, enhance amenity, and foster community wellbeing.
539. However, the extent to which such features can be required through the PDP is limited. These outcomes are best supported through strategic planning and design guidance rather than prescriptive rule requirements.
540. I consider that the PDP already contains strong objectives and policies within both the Subdivision and Transport chapters that promote connectivity and amenity outcomes. These provisions provide an appropriate framework for addressing the matters raised, without the need for additional rule-based requirements. Furthermore, the Subdivision chapter includes specific rules around esplanade reserves, which contribute to connectivity and public access to open space.

### Recommendation

541. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

### Section 32AA Evaluation

542. No changes recommended.

## 5.2.9 Key Issue 9: Esplanade Reserves/Strips

### Overview

Provision(s)	Officer Recommendation(s)
SUB-P7	Amendments to include esplanade strips and reference to specific allotment sizes.

### Analysis of Submissions on Key Issue 9

### Matters Raised in Submissions



543. Various submitters<sup>48</sup>, including Kapiro Conservation Trust (S445.013), seek the insertion of new Policies and/or Rules requiring esplanade reserves or strips for subdivisions creating lots of 4ha or more, where specific conditions apply:

- The owner agrees to provide the land on a voluntary basis; or
- A third part agrees to provide funds to compensate the landowner for the land (at normal market value); or
- The land is included in a development agreement or development contributions or financial contributions (under the RMA or LGA) or other arrangement.

### Objectives

544. Our Kerikeri Community Charitable Trust (S272.002) and other submitters<sup>49</sup> support retaining SUB-O4.

545. Kapiro Conservation Trust (S445.022, S445.023, S445.024 and S445.025), along with other submitters<sup>50</sup> request amendments to various provisions, including SUB-O4, SUB-P1, SUB-P7 and SUB-P8. The submitter requests amendments to the esplanade reserve Objectives and Policies to incorporate clauses aimed at actively protecting indigenous species classified as threatened or at risk under the NZ Threat Classification System, as well as areas with significant ecological value.

### Policies

546. Russell Protection Society (INC) (S179.101) and other submitters<sup>51</sup> seek to retain SUB-P7.

547. Various submitters<sup>52</sup>, including Bentzen Farm Limited (S167.051), request the following amendments to SUB-P7:

*'Require the vesting of esplanade reserves when subdividing to specific lots sizes land adjoining the coast or other qualifying waterbodies.'*

548. Lynley Newport (S118.001) and Thomson Survey Ltd (S202.001) request an amendment to Policy SUB-P7 to read as follows:

*'Require the vesting of esplanade reserves, or establishment of esplanade strips, when subdividing land adjoining the coast or other qualified waterbodies.'*

<sup>48</sup> S272.013, S272.019, S445.014, S523.015, S523.016, S529.184, S529.185

<sup>49</sup> S364.054, S445.006, S523.002, S529.057

<sup>50</sup> S272.018, S272.020, S272.021, S272.022, S523.021, S523.022, S523.023, S523.024, S529.188, S529.189, S529.190, S529.191

<sup>51</sup> S272.003, S356.080, S445.007, S529.058, S523.003

<sup>52</sup> S168.052, S187.044, S243.069, S333.044



## Rules

549. Multiple submitters<sup>53</sup>, including Terra Group (S172.006 and S172.007), support the retention of various Rules, including SUB-R2-R5.

## Standards

550. Bentzen Farm Limited (S167.065) and eight other submitters<sup>54</sup> seek to retain SUB-S8.
551. Trevor John Ashford (S146.009) and various others<sup>55</sup> support SUB-S8 in part and seek an amendment to include the option of creating an esplanade strip within this Rule. FNDC (S368.091) proposes specific wording to support this inclusion:

*'... An esplanade reserve or esplanade strip must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.'*

552. Northland Fish and Game Council (S436.031) supports retaining Policies and Rules that maintain and enhance public access to wetlands, streams, rivers and lakes and that provide for the creation and protection of esplanade reserves and strips as a permitted activity.

## **Analysis**

553. Many of these submission points have already been addressed, particularly within the Public Access chapter, as the Subdivision chapter functions as the mechanism for the creation of esplanade reserves and strips.
554. Regarding the insertion of new policies and/or rules requiring esplanade reserves or strips for subdivisions creating lots of 4 hectares or more, I support the recommendation by Ms Cannon in the Section 42A Public Access report. She states:

*"I understand that compensation is payable (from Council to landowner) for taking an esplanade reserve or strip when subdivision involves an allotment greater than 4 ha (under s237F of the RMA). However, no compensation is payable when Council takes an esplanade reserve or strip for allotments less than 4 ha (under s237E of the RMA)."*

555. Because Council does not currently take development contributions or financial contributions, I understand that current Council budgets do not include provision for purchasing esplanade reserves or strips throughout the District. Therefore, it would not be appropriate for the PDP to require the

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<sup>53</sup> S172.005, S272.007, S272.008, S445.010, S445.011, S488.001, S523.007, S523.008, S529.062, S529.063

<sup>54</sup> S168.065, S187.057, S243.083, S272.004, S333.057, S445.008, S523.004, S529.059

<sup>55</sup> S40.009, S41.009, S77.008, S108.001, S161.008, S163.012, S208.001, S283.008, S287.007, S348.007, S357.038, S358.041, S377.009, S395.009, S410.009, S411.009, S439.009, S464.009, S470.009, S472.046, S485.010, S502.088, S519.010, S541.009, S543.009, S544.009, S547.009, S569.009

creation of esplanade reserves or strips for subdivision of land exceeding 4 ha.

556. In response to submissions seeking objectives and policies aimed at actively protecting indigenous species classified as threatened or at risk under the NZ Threat Classification System, I also support Ms Cannon's recommendations in the Subdivision chapter. She recommends not supporting the requested changes because:
- k) The objective of the Public Access chapter in the PDP is to protect, maintain, and enhance public access to and along the coastal marine area and waterbodies (Objective PA-O1);
  - l) The Ecosystems and Indigenous Biodiversity chapter provides protection to indigenous species;
  - m) The Public Access provisions already refer to indigenous biodiversity values. Amendments to the Public Access chapter to provide greater protection to indigenous species would create unnecessary duplication with the provisions of the Ecosystems and Indigenous Biodiversity chapter, which is not an efficient or effective approach.
557. Submissions seeking flexibility for landowners and Council were addressed by Ms Cannon in the Section 42A Public Access report (Key Issue 7). Based on advice from Council's Parks and Reserves Planner, Robin Rawson, she recommended including reference to esplanade strips throughout the Public Access policies and amendments to SUB-S8 to include reference to esplanade strips. I consider it appropriate to support this amendment, and accept those submission points which seek to add reference to esplanade strips to SUB- P7 and SUB-S8.
558. I support the Benzten farm Limited submission to include reference to specific lot sizes in SUB-P7, as without this amendment the policy could read that subdivision of any size of land adjoining the coast or other qualifying water bodies when this is not the case. The wording specific allotment size keeps this open, but the standard SUB-S8 only refers to allotments less than 4ha. I recommend 'lot' be amended to allotment for chapter consistency.

### **Recommendation**

559. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

I recommend the following amendments to SUB-P7.



*'Require the vesting of esplanade reserves or esplanade strips<sup>56</sup> when subdividing to specific allotment sizes<sup>57</sup> land adjoining the coast or other qualifying waterbodies'.*

## Section 32AA Evaluation

560. The recommended approach is effective and efficient at achieving the subdivision objectives because it provides greater flexibility to determine the most suitable type of esplanade (reserve or strip) on a case-by-case process through the subdivision consent process, at Council's discretion.
561. The width of an esplanade strip moves with the water boundary, this ensures that public access is maintained for waterbodies which have significant movement and may experience erosion over time.
562. The recommended amendment may generate economic benefits for Council who are not responsible for ownership or management of esplanade strips, as well as for landowners where the strips remain within their ownership and part of their allotment.
563. The amendments align with the Council's current practice for esplanade reserves and esplanade strips.

## 5.2.10 Key Issue 10: Assessment Matters

### Overview

Provision(s)	Officer Recommendation(s)
Various	Nil

### Analysis of Submissions on Key Issue 10

#### Matters Raised in Submissions

##### Policies

564. Bentzen Farm Limited (S167.054) and other submitters<sup>58</sup> oppose SUB-P11 and request its deletion.
565. Russell Protection Society (INC) (S179.105) requests an amendment to SUB-P11 to require Council to consider the cumulative effects of subdivision on the values of the affected area.
566. Horticulture New Zealand (S159.069) requests to amend SUB-P11 as follows:

*'... g. potential for reserve sensitivity effects'*

<sup>56</sup> S118.001

<sup>57</sup> S167.051

<sup>58</sup> S168.055, S187.047, S243.072, S333.047, S463.045

567. John Andrew Riddell (S431.080 and others<sup>59</sup>) seeks to insert additional matters of control into all Controlled Activity Subdivision Rules, and further matters of discretion into all Restricted Discretionary Activity Subdivision Rules, including SUB-R2-15:

- Consistency with the scale, density, design and character of the environment and 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.

### **Analysis**

568. I do not support the relief sought by Bentzen Farm Limited and others to delete SUB-P11. As outlined above, particularly in relation to Key Issue 1, the recommended amendments to this policy ensure that it provides important direction.

569. As outlined in Key Issue 1, the RMA definition of 'effect' includes cumulative effects. Therefore, in my opinion the relief sought by Russell Protection Society (INC) is already provided for within the recommended provisions for SUB-P11 which refers to consideration of a number of matters where relevant when assessing and managing the effects of subdivision.

570. In my opinion and as outlined above in Key Issue 6, adding reverse sensitivity to SUB-P11 as requested by Horticulture New Zealand is appropriate, however I have recommended amended wording.

571. I do not support the relief sought by John Andrew Riddell to insert additional matters of control. In my opinion, the matters proposed are not sufficiently specific and could result in uncertainty in assessment. Further, in transitional zones, the proposed matters could have unintended consequences or impose additional costs, particularly where the character or purpose of the zone may change over time. Other matters such as those that relate to transport are addressed in the transport chapter as outlined in Key Issue 7. For these reasons, I recommend that the relief sought be rejected.

### **Recommendation**

572. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

### **Section 32AA Evaluation**

573. No changes recommended.

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<sup>59</sup> S431.081, S431.082, S431.083, S431.084, S431.085, S431.073, S431.075, S431.076, S431.077, S431.078, S431.079

## 5.2.11 Key Issue 11: Boundary Adjustments

### Overview

Provision(s)	Officer Recommendation(s)
SUB-P1	Amendments to remove reference to clause (b)
SUB-R1	Minor amendments

### Analysis of Submissions on Key Issue 11

#### Matters Raised in Submissions

##### Policies

574. Russell Protection Society (INC) (S179.095) and NZTA (S356.077) support the retention of SUB-P1.

575. Bentzen Farm Limited (S167.049) and multiple other submitters<sup>60</sup> support SUB-P1 and propose amendments to the Policy as follows:

*'Enable boundary adjustments that: ...*

*... b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.'*

576. FNDC (S368.088) supports SUB-P1 in part and requests the following amendment:

*'Enable boundary adjustments that: ...*

*... iii. The number of certificates of title; and*

*b. —are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.'*

##### Rules

577. Our Kerikeri Community Charitable Trust (S272.006) and others<sup>61</sup> seeks the retention of SUB-R1.

578. Bentzen Farm Limited (S167.055) and others<sup>62</sup> support in part SUB-R1 and request the following amendment to the Rule:

*'CON-1*

*The boundary adjustment complies with standards:*

<sup>60</sup> S168.050, S187.042, S222.051, S243.067, S333.042

<sup>61</sup> S445.009, S523.006, S529.061

<sup>62</sup> S168.056, S187.048, S222.052, S243.073, S333.048



~~SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already noncompliant, the degree of noncompliance shall not be increased; ...'~~

579. Thomson Survey Ltd (S191.001) and Lynley Newport (S119.001) proposes the following amendments to SUB-R1:

*'CON-1*

*... except where existing allotments are already of a size that is non-compliant, the overall degree of non-compliance is not increased...*

*...~~SUB-S6 Telecommunications and Power supply~~*

*CON-2...*

*... iii. The number of access points; and'*

580. Sapphire Surveyors Limited (S348.009) supports SUB-R1 in part and proposes the addition of a separate Rule for boundary 'adjustments'. The submitter suggests the adjustments could be defined as:

- Involving the lesser of 10% of the area of the smaller title involved (to a maximum of 500m<sup>2</sup>); or
- Involve the transfer of land between two properties in different ownership and management, which makes no change to land use.

581. Northland Planning and Development 2020 Limited (S502.081) supports SUB-R1 in part and seeks to amend the Rule as follows:

*'CON-2*

*1. The boundary adjustment does not ~~alter~~:*

- i. Alter the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;*
- ii. Alter the degree of non compliance with zone or district standards;*
- iii. Alter the number and location of any access; and*
- iv. Increase the number of certificates of title.'*

582. Waiaua Bay Farm Limited (S463.046) opposes SUB-R1 and seeks amendments to clarify the activity status of subdivisions that adjust boundaries around, but do not create boundaries through, land in the NOSZ.

## **Analysis**

583. I support amendments to policy SUB-P1 to remove part of clause b. it is not appropriate that the policy refers to boundary adjustments being enabled that are in accordance with the minimum lot sizes of the zone, it is more



appropriate to refer to the degree of non compliance as per SUB-R1 which states "... *except where an existing allotment size is already non-compliant, the degree of on-compliance shall not be increased.*"

584. I do not support the introduction of an additional rule for boundary adjustments. The current rule already provides a framework that can accommodate both substantial boundary changes and minor adjustments. Introducing a separate rule would add unnecessary complexity and could create confusion in the application of the provisions. I agree with the minor wording changes to CON-2 recommended by Northland Planning and Development 2020 as it improves readability and clarity.
585. I do not support the amendment proposed by Thompson Survey Ltd and Lynley Newport to remove reference to SUB-S6 from SUB-R1. I cannot be sure of the implications of removing this standard. The submitter refers to rural boundaries, it should be noted that SUB-S6 does not relate to the RPROZ, and amendments have been proposed to 'relax' this standard for other zones.
586. In regards to Wairua Bay Farm limited this has been addressed in Key Issue 1 where it is recommended that a note be added to the notes section as follows '*a boundary adjustment or subdivision that occurs wholly outside the Natural Open Space Zone, and does not create or alter a boundary within land zoned Natural Open Space, shall be assessed under the subdivision rules of the zone(s) in which the boundary adjustment or subdivision occurs.*'

### Recommendation

587. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.
588. I recommend the following amendments to SUB-P1:

*Enable boundary adjustments that:*

*n) do not alter:*

- i. the degree of non compliance with District Plan rules and standards;*
- ii. the number and location of any access; and*
- iii. the number of certificates of title; ~~and~~*
- o) ~~are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.~~* <sup>63</sup>

589. I recommend the following minor amendments to SUB-R1 as follows:

#### **.....CON-2**

- 1. the boundary adjustment does not alter* <sup>64</sup>:

<sup>63</sup> S368.088

<sup>64</sup> S502.081

- i. *Alter the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;*
- ii. *Alter the degree of non compliance with zone or district wide standards;*
- iii. *Alter the number and location of any access; and*
- iv. *Increase the number of certificates of title.*

## Section 32AA Evaluation

590. I support the amendment to Policy SUB-P1 to remove the reference in clause (b) It is more consistent and practical to refer to the degree of non-compliance. This approach better reflects the intent and flexibility needed for subdivision policy.

### 5.2.12 Key Issue 12: Building Platform Dimensions

#### Overview

Provision(s)	Officer Recommendation(s)
SUB-S2	Amendments and introduction of standards for new zone

#### Analysis of Submissions on Key Issue 12

#### Matters Raised in Submissions

##### Standards

591. Lynley Newport (S111.001) opposes SUB-S2 and proposes the following amendment:

*'allotments created must be able to accommodate a building envelope of the minimum area specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zone or into an area that does not allow a building to be located ~~14m x 14m~~ 196m<sup>2</sup>, ~~30m x 30m~~ 900m<sup>2</sup>.'*

592. Thomson Survey Ltd (S189.001) opposes SUB-S2 and seeks the following amendment:

*'allotments created must be able to accommodate a building envelope of the minimum area specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zone or into an area that does not allow a building to be located ~~4m x 14m~~ 150m<sup>2</sup>, ~~30m x 30m~~ 300m<sup>2</sup>.'*

593. Neil Construction Limited (S349.018) opposes SUB-S2 and proposes an amendment to reduce the standard building platform dimensions to 20m x 20m in the Rural Lifestyle Zone and the Rural Residential Zone.

594. Kāinga Ora (S561.052) supports SUB-S2 in part and requests that its provisions apply to the proposed MDRZ. The submitter also seeks the inclusion of a minimum residential building platform dimension of 8m x 15m.

#### Analysis

595. The building platform dimensions are rolled over from the ODP. I agree that there is some movement needed in that way that the different zones are addressed. I consider it still appropriate that an area dimension is used, as some sites could result in unworkable buildable dimensions. The Housing and Business assessment<sup>65</sup> indicates that the average house size in the Far North District is 180m<sup>2</sup>, and decreasing due to build costs.
596. For the other rural zones, I consider a reduction to the minimum 20m x 20m building platform dimension, as proposed by Neil Construction, to be appropriate. This minimum size provides a generous 400m<sup>2</sup> area, which is sufficient to accommodate a typical dwelling and associated outdoor space, while respecting the permitted activity boundary setbacks and avoiding unworkable site layouts. It also ensures flexibility for on-site servicing, landscaping, and future extensions. The 20m x 20m platform is particularly suitable in rural zones where larger lot sizes prevail and where dwellings are expected to be more spread out. For example, in the Far North District, rural residential lots typically range from 2,000m<sup>2</sup> to 4,000m<sup>2</sup>, and the 20m x 20m minimum platform fits well within these lot sizes while allowing for practical site development.
597. For the GRZ, as well as the Kororāreka Russell Township and Settlement zoning, I consider the 14m x 14m building platform dimension to remain appropriate. This size reflects the typical dwelling footprint in these more compact urban environments, where smaller lots and tighter setbacks are common. It allows for a functional building envelope while maintaining consistency with the surrounding built form and character. In contrast, the 14m x 14m platform is more appropriate in denser zones like the GRZ, where average house sizes are smaller (around 180m<sup>2</sup>) and land costs or build constraints necessitate more compact footprints. Using a fixed dimension in these zones helps ensure consistency and avoids overly fragmented or inefficient land use.
598. With the recommended introduction of a MDRZ, there should be an appropriate building platform dimension introduced for this zone. I support the dimensions of 8m x 15m proposed by Kāinga Ora, as this is consistent with other medium density zones throughout the country. The 8m x 15m platform is considered suitable because it enables a range of dwelling typologies while maintaining flexibility for site layout and design.
599. This dimension is also supported by the Ministry for the Environment's National Medium Density Design Guide<sup>66</sup> which emphasizes compact, well-configured building footprints that integrate with the surrounding urban form and support walkable communities. The guide outlines principles for liveable homes, good neighbour relationships, and integrated landscapes, all of which are achievable within an 8m x 15m footprint.

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<sup>65</sup> [HBA Report FINAL.pdf](#)

<sup>66</sup> [national-medium-density-guide.pdf](#)

600. Moreover, this dimension supports housing affordability by reducing land and infrastructure costs per dwelling, enabling more efficient use of urban land, and facilitating a broader mix of housing types to meet diverse community needs.

### Recommendation

601. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.
602. I recommend the following amendments to SUB-S2.

... ***Rural Lifestyle zone***

***Rural Residential zone***

**Medium Density Residential zone...**

<b><i>Zone</i></b>	<b><i>Minimum dimensions</i></b>
<b><i>General Residential, Kororāreka Russell Township, Settlement</i></b>	<b><i>14m x 14m</i></b>
<b><i>Rural Production, Horticulture, Rural Lifestyle, Rural Residential</i></b>	<b><i>320m x 230m</i></b>
<b><u>Medium Density Residential zone</u></b>	<b><u>8m x 15m</u></b>

### Section 32AA Evaluation

603. The proposed changes to building platform dimensions are appropriate and improve the efficiency and effectiveness of the plan. Using fixed dimensions ensures workable building areas across different zones. In rural zones, reducing the platform to 20m x 20m provides enough space for a typical house and outdoor use, while fitting well within larger lot sizes. In urban zones like General Residential and Russell Township, keeping the 14m x 14m size supports compact development and reflects typical house footprints. For the new MDRZ, the 8m x 15m platform aligns with national guidance and supports a mix of housing types, affordability, and good urban design. These changes better achieve the purpose of the RMA by balancing development flexibility with practical site use.

#### 5.2.13 Key Issue 13: Definitions

##### Overview



Provision(s)	Officer Recommendation(s)
Net allotment site	Not recommended for inclusion into the PDP.

## Analysis of Submissions on Key Issue 13

### Matters Raised in Submissions

604. Alec Brian Cox (S170.002 and S170.003) requests to insertion of a new definition for *Net allotment size*, defined as the allotment size excluding common or shared areas.

### Analysis

605. While the intent to clarify terminology is acknowledged, introducing a new definition for *Net allotment size* may add complexity and confusion to the terms used in the PDP. The term *Net site area* is already used in various provisions, and introducing a similar but distinct term could result in unintended consequences, particularly in interpretation and implementation.
606. It is noted that the PDP adopts the definition of *subdivision* is set out in section 218 of the RMA, which refers specifically to the division of an *allotment* through various legal mechanisms, including the issue of separate certificates of title, sale, lease, and deposit of unit plans. The use of the term *allotment* is therefore consistent with statutory language and planning practice.
607. Given this context, the introduction of a new term such as *Net allotment size* risks creating confusion with existing definitions and provisions. I do not support the inclusion of a new definition for *Net allotment size*.

### Recommendation

608. For the reasons above, I recommend that these submissions on objectives, policies, rules and standards are accepted, accepted in part and rejected as set out in Appendix 2.

## Section 32AA Evaluation

609. No changes recommended.

## 5.2.14 Key Issue 14: Consequential Amendments

### Overview

Provision(s)	Officer Recommendation(s)
Consequential Amendments	Amendments are recommended for inclusion.

## Analysis of Submissions on Key Issue 14

### Matters Raised in Submissions

SUB-R17 Hearing 3 – Indigenous Biodiversity



610. The Indigenous Biodiversity report recommends deleting SUB-R17 due to concerns about its reference to “scheduled SNA,” which creates uncertainty for landowners and applicants. While modifying the rule to refer more broadly to significant indigenous vegetation or habitats could enhance protection, it may still lack clarity in application. Instead, relying on general subdivision and indigenous vegetation clearance rules—many of which already address biodiversity impacts and allow for ecological assessments—would maintain environmental protections without the ambiguity, making SUB-R17 unnecessary.

SUB-R18-21 Hearing 3 – Natural Features and Landscapes and Coastal Environment

611. The report explains that SUB-R18 imposes stricter subdivision rules in areas with ONL and ONF to prevent adverse environmental impacts, similar to protections for wetlands and coastal zones. However, the author of the report supports submitters’ views that these rules should only apply to new lots *within* those ONL and ONF areas and recommends amending the rule accordingly to reflect that targeted focus.
612. The report explains that SUB-R19 imposes stricter subdivision rules near wetlands, lakes, and rivers to protect natural character from associated land-use impacts. However, it agrees with submitters that these stricter rules should apply only within the actual margins of those areas—not across entire properties. As a result, the report recommends refining the rule to target only the creation of new lots specifically within wetland, lake, and river margins. This targeted approach is also being recommended consistently for related rules SUB-R18, SUB-20, and SUB-21.
613. The report explains that SUB-R20 and SUB-R21 impose stricter subdivision rules within coastal and Outstanding Natural Character (ONC) overlays to limit potential adverse effects on these sensitive areas. While supporting the heightened activity statuses, the recommendation is to clarify that these rules should only apply when the *subdivision itself* affects those overlay areas—especially when they cover just a small part of a site. This encourages development away from vulnerable zones and aligns the rule language more directly with that intent.

Hearing 5 Public Access

614. The report explains the key differences between an esplanade reserve and an esplanade strip are ownership and width from the adjoining waterbody. Stating that esplanade reserves are classified as reserves under the Reserves Act 1977. Land ownership is transferred to the Council at the time of subdivision meaning the Council is responsible for managing the reserve. The boundary of an esplanade reserve is measured from the bank of a river or stream, the margin of a lake, and from MHWS within a coastal area. The landward boundary of an esplanade reserve does not change as the water boundary accretes or erodes.
615. It further explains that esplanade strips may be required by a rule in a District Plan when land is subdivided, or they may also be created voluntarily at any time by agreement. Esplanade strips are legal instruments which are

registered on a property's Record of Title so remain in ownership of the landowner which includes their ongoing maintenance and management. The boundary of an esplanade strip moves with a river, lake or coastal boundary to offset any future erosion of land which may occur. Esplanade strips can exclude public access during periods of time as specified on the instrument (RMA s237C) and can be cancelled at any time given agreement by the territorial authority.

616. The reporting officer had discussions with Robin Rawson, Council's Parks and Reserves Planner, that in practice, Council generally recommends 20m wide esplanade reserves for qualifying sites in urban areas such as Kerikeri and Waipapa, and an esplanade strip or conservation covenant in more remote areas, including rural areas. The recommendation of whether an esplanade reserve or strip is appropriate is however determined on a case by-case basis by Council, as there are some circumstances where an esplanade strip may be more appropriate within a urban area, for example where the land is subject to natural hazards (e.g. erosion), because the width of an esplanade strip remains unchanged so that if the water edge is eroded, the strip (and associated land providing access) moves inland. Ms Rawson also noted that esplanade strips are useful mechanisms for sites adjoining rivers which have significant movement to ensure public access is maintained in erosion prone areas.

#### Hearing 8 Mineral Extraction

617. The SUB-R16 provision aimed to prevent both the loss of quarrying potential (sterilisation) and conflicts from sensitive land uses developing nearby (reverse sensitivity). However, as currently worded, it only applies to land within the mineral extraction overlay, not adjacent land where those risks can arise. To address this, the recommendation is to simplify the rule to cover subdivision specifically within the mineral extraction zone and delete the associated setback requirement in SUB-16.
618. The recommendation proposes introducing a Discretionary activity status for subdivision within 100m of a Mineral Extraction Zone to align with existing rules for sensitive activities. Although this expands SUB-R16 beyond just the extraction overlay, it's seen as reflecting the original intent to prevent reverse sensitivity and protect quarrying potential. While acknowledging a potential fairness concern—since submissions didn't explicitly request a setback—the risk of challenge is considered low due to existing 100m provisions. A larger setback (like 500m) isn't recommended, as most quarries are in low-development rural areas and there's insufficient evidence to justify a greater buffer.

#### Hearing 9 Rural Lifestyle

619. The report supports aligning the subdivision and residential activity rules in the Rural Lifestyle Zone (RLZ), noting that the current 4ha minimum lot size (SUB-S1) conflicts with the 2ha dwelling standard (RLZ-R3). It recommends adjusting the minimum lot sizes to 2ha as a controlled activity and 1ha as discretionary, providing more flexibility while maintaining oversight. This approach aims to concentrate rural living in zones designed for it, like the





RLZ, reducing development pressure and potential land-use conflicts in productive rural zones (RPROZ and HZ).

#### Hearing 9 RPROZ

620. I note that SUB-S1 as notified does not differentiate between the subdivision of HPL and other potentially less productive parts of the RPROZ, as pointed out by numerous submitters, which relates to the NPS-HPL not being in effect when the PDP was notified. As there was no direction in the NPS-HPL to address subdivision of HPL in a different way to the balance of the rural environment, there was no need or requirement to provide a separate subdivision regime for HPL.
621. However, the NPS-HPL in my view now clearly requires a more stringent approach to subdivision of HPL, as set out in Clause 3.8. The NPS-HPL now requires that subdivision of HPL is avoided unless the applicant can demonstrate that the proposed lots containing HPL will retain the overall productive capacity of the subject land over the long-term. The NPS-HPL also requires that territorial authorities ensure that the subdivision of HPL:
- a. avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
  - b. avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*
622. In my opinion, the need to consider these tests e.g. overall productive capacity, cumulative loss of HPL and actual and potential reverse sensitivity effects necessitates a different approach to the subdivision of lots containing HPL compared to the balance of the RPROZ. The mechanism for introducing a specific HPL subdivision rule will be covered in Hearing 16 – Subdivision in October 2025, however I have discussed this issue with the section 42A officer for the subdivision chapter and understand that amendments to the subdivision chapter will be recommended to give effect to the NPS-HPL. The rule framework that I have discussed with the subdivision reporting officer is a discretionary activity rule framework for any subdivision in either the RPROZ or Horticulture Zone that creates one or more additional allotments that contain HPL (i.e. if the HPL is contained in the balance lot, the standard subdivision rules and standards apply). This approach is supported by the also provides two other pathways for subdivision – if the subdivision is on specified Māori land or if it is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision. 88 Clause 3.8(2) of the NPS-HPL. 200 policy direction in the NPS-HPL with respect to subdivision that I have referenced above.

#### Hearing 9 Horticulture Zone

623. The report recommends that subdivision within the Horticultural Zone (HZ) should have a **non-complying threshold for lots under 8ha**, aligning with expert analysis and similar provisions in the RPROZ. The goal is to



protect productive land and avoid reverse sensitivity from rural lifestyle development. Enabling 4ha lots could set an undesirable precedent that undermines these objectives. Therefore, the recommendation is to reject requests for rural lifestyle subdivision in the HZ and amend SUB-S1 to better support horticultural uses, while directing lifestyle development to more appropriate zones.

#### Hearing 11 Infrastructure

624. The recommendation proposes a set of refinements to **SUB-R9** to strengthen its function and align with best planning practices. These include fixing a noted reference error, renaming the rule to "National Grid Subdivision Corridor" to reflect common district plan terminology, and updating the matters of discretion in line with Transpower's suggestions—since they are seen as reasonable and relevant. However, it rejects changing the rule's activity status to "controlled," as that would weaken its intended role of applying stronger subdivision restrictions near the National Grid than those found in the broader RPROZ.
625. The report supports Top Energy's proposed amendments to SUB-R10, which aims to apply more precise consent requirements for subdivision near **Critical Electricity Lines**. However, it recommends two adjustments: redefining the permitted setback condition as a restricted discretionary standard with a **10m setback** (rather than 32m) and applying a **discretionary activity status** when this isn't met. These changes align with existing provisions in I-R11 and SUB-R9 and appropriately distinguish between the **national significance** of the National Grid and the **regional importance** of Critical Electricity Lines.

#### **Analysis**

626. I agree with the consequential amendments to the Subdivision Chapter for the reasons outlined above.

#### **Recommendation**

627. The recommended consequential amendments to the Subdivision Chapter are outlined in the relevant s.42A reports from earlier hearings as outlined above.

#### **Section 32AA Evaluation**

628. The s.32AA analysis in relation to the recommended consequential amendments to the Subdivision Chapter are outlined in the relevant s.42A reports from earlier hearings as outlined above.

## **6**

#### **Conclusion**

629. This report has provided an assessment of submissions received in relation to the Subdivision chapter. The primary amendments that I have recommended relate to:



- a) Introduction of a new objective and policy to address highly productive land, including avoiding inappropriate subdivision of such land, supported by a new discretionary activity rule.
  - b) Amendments to objectives and policies to recognise and provide for significant indigenous vegetation and habitats of indigenous fauna, with consequential deletion of references to SNAs.
  - c) Minor amendments to objectives and policies to refer to precincts and development areas, and to use the term 'planned environment'.
  - d) Inclusion of a new objective to ensure subdivision occurs in a manner that is supported by additional infrastructure.
  - e) Refinements to objectives, policies, and rules so that subdivision enables appropriate development, including amendments to allow subdivision around existing residential units in the RPROZ where strict requirements can be met.
  - f) Amendments to decrease lot sizes for environmental benefit and management plan subdivisions, to ensure consistency with lot size recommendations in the Rural Hearing.
  - g) Amendments to policies to clearly provide for the outcomes of the environmental benefit and management plan subdivision rules, consistent with previous hearing recommendations.
  - h) Amendments to clarify the application of the Transport Chapter, insertion of an additional note, and consequential corrections to improve clarity and usability of provisions.
  - i) Removal of the requirement for subdivisions to provide telecommunications connections.
  - j) Minor amendments across several objectives, policies, rules, and standards to improve internal consistency, address reverse sensitivity, and decouple the Far North District Engineering Standards from subdivision provisions.
630. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Subdivision chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.
631. I recommend that provisions for the Subdivision matters be amended as set out in the Subdivision in Appendix 1, for the reasons set out in this report.



**Recommended by:** Kenton Baxter, Policy Planner, Far North District Council

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council  
(excluding 259.15)

**Approved by:** Roger Ackers – Group Manager Planning and Policy, Far North District  
Council (for submission 259.15)

**Date:** 30/09/2025