



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 16

Hearing 16: Subdivision

March 2026

Recommendation Report 16

Recommendation Report 16 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 9, 14 and 15A**.

Recommendation Report 16 contains the Panel's recommendations on the Subdivision Chapter.

Recommendation Report 16 may contain consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 16 also contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the Subdivision Chapter PDP – tracked from notified version (provisions not subsequently renumbered).

Appendix 3: Recommended Decisions on Submissions - Subdivision

The Independent Hearings Panel for Hearing 16 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally – Council member; and Peter Kensington – Independent panel member.

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RECOMMENDATION REPORT 16

1 Introduction

1.1 Report Structure

This is **Recommendation Report 16** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the objectives, policies and rules in the following chapters or sections of the PDP.

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the Preamble Report.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Council's hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports and the evidence are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2 Procedural Issues

2.1 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing, these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed), we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3 Topic 1: Subdivision

3.1 Relevant Provisions

The relevant provisions we address for this topic concern the overview, objectives, policies, rules and standards of the Subdivision chapter within the Subdivision section under Part 2 (District-wide matters) of the PDP. We have focussed our consideration on the suggested amendments to these provisions as set out at Appendix 1 to the hearing report; and at Appendix 1 to the right of reply (Addendum version). We have set out final recommended amendments in **Appendix 2** of this recommendation report.

Consequential amendments arise in relation to the Rural Production chapter¹ (as per the suggested amendments to these provisions set out at Appendix 1.1 to the Hearing Report for this topic; and at Appendix 1.1 to the Right of Reply Report). We have set out these consequential amendments in this recommendation report; however our recommended amendments to the Rural Production chapter are set out at Appendix 2.1 of Report 9.

3.2 Overview of Submissions Received

A total of 92 original submissions and 69 further submissions were received on the Subdivision topic.

As set out in the hearing report the main submissions on the Subdivision topic came from:

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

3.3 Key Issues

The hearing report comprehensively addressed all submission points relating to this topic. The key issues that remained in contention at the hearing and which were the subject of submissions and evidence for our consideration are those that have been identified in the Council's right of reply. For those submission points on this topic that were not in contention at the hearing, we confirm our agreement with the hearing report's recommendations. We have therefore followed the structure of the Council's right of reply for the key issues that remained in contention and that required our consideration and findings for the Subdivision topic, as set out below:

- Key Issue 1: Management plan subdivision (SUB-R7)
- Key Issue 2: Environmental benefit subdivision (SUB-R6)

¹ Relating to Policy RPROZ-P6

- Key Issue 3: Additional matters of control and discretion
- Key Issue 4: Matters addressed in other hearings
- Key Issue 5: Infrastructure (electricity and telecommunications)
- Key Issue 6: Errors
- Key Issue 7: “Site” versus “allotment”
- Key Issue 8: Significant Natural Areas (SNAs)
- Key Issue 9: Requests for new provisions or wording amendments
- Key Issue 10: Other hearing statements

Our assessment, evaluation and recommendations on each issue follows.

3.4 Key Issue 1 – Management Plan Subdivision (SUB-R7)

3.4.1 Matters Raised in Submissions

We received planning evidence from Mr Peter Hall (on behalf of Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148), Matauri Trust Ltd (S243.076 and 127) and also from Mr John Riddell (S431.064, 087 and 088) relating to the proposed Management Plan Subdivision rule (SUB-R7), as summarised in the Council’s Right of Reply Report. Mr Hall broadly supported the proposed provisions and Mr Riddell sought to strengthen the provisions with a number of suggested amendments, including in relation to what should be the appropriate lot sizes when utilising these provisions.

As set out in the Council’s right of reply, some of the suggestions within this evidence have been recommended for inclusion, while others have not. This includes consideration of whether some of the policies should be recast as “provide for” policies rather than “avoid” policies, noting that the policy provisions need to be read together.

Vision Kerikeri, Carbon Neutral Trust (S529.147 and 149) and Kapiro Conservation Trust (Community Groups) also presented lay evidence to us on the Management Plan Subdivision provisions, with a suggestion that the requirements of Appendix 3 (relating to rule SUB-R7) be strengthened. The Council’s right of reply carefully considers each of these suggestions and ultimately concluded that no changes are required in response because the relevant issues are covered in other parts of the Plan and would be engaged if necessary.

3.4.2 Hearings Panel Evaluation

We agree with the consideration of this evidence by the Council officers and in particular note the discretionary activity nature of such applications provides for a wide range of considerations to be taken into account when administering the provisions. For example, these include considering the location, form and scale of subdivision and development to achieve sustainable environmental management and the protection of natural character, landscape, amenity, heritage and cultural values, particularly in the coastal environment.

3.4.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to SUB-P8, SUB-P9 and SUB-R7 and the following consequential amendments to RPROZ-P6:

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 or natural inland wetlands 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; Provides a management plan which results in superior environmental outcomes, including through, where relevant:~~*
 - i. *the protection of natural character, landscape, amenity, heritage or cultural values; and/or*
 - ii. *the restoration, enhancement and legal protection of indigenous biodiversity; or*
- c. *is around an existing residential unit; ~~as provided for by SUB-R3.~~*
- d. *~~will not result in the loss of versatile soils for primary production activities.~~*

SUB-P9

~~Avoid subdivision rural lifestyle subdivision in the Rural Production zone and Restrict rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule SUB-R7 provides a management plan which results in superior environmental outcomes, including through, where relevant:~~

- i. *the protection of natural character, landscape, amenity, heritage, or cultural values; and/or*
- ii. *the restoration, enhancement and legal protection of indigenous biodiversity.*

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;*

RPROZ-P6

(...)

- d. *provides for rural lifestyle living unless there is an environmental benefit, or is around an existing residential unit in accordance with SUB-R3.*

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148) and Matauri Trust Ltd (S243.076 and 127), in so far as they relate to our recommended amendments to rule SUB-R7 and the related policies SUB-P8, SUB-P9 and RPROZ-P6, be accepted in part; and that the submission points from Mr John Riddell (S431.064, 087 and 088) be rejected.

3.5 Key Issue 2 – Environmental Benefit Subdivision (SUB-R6)

3.5.1 Matters Raised in Submissions

Messrs Hall (Bentzen Farm Ltd (S167.057), Setar Thirty Six Ltd (S168.058), Matauri Trust Ltd (S243.075) and Riddell (S431.074) also provided planning evidence on the environmental benefit subdivision rule SUB-R6. We also heard planning evidence from Ms Lynley Newport (S118.003 and 004).

As set out in the Council’s right of reply, Mr Hall’s evidence did not support the requirement for a 40ha balance lot, as required by this proposed rule, suggesting that this requirement should be reduced to 20ha. The Council’s response disagreed with Mr Hall and recommended that the balance lot size should be consistent with the minimum subdivision standard for the zone, in order to prevent rural fragmentation and also to achieve the outcomes sought by the wider RPROZ provisions. In addition, it was noted that no analysis was provided by Mr Hall to clearly support the outcomes he was seeking to achieve. The Council’s response did however suggest that the discretionary activity pathway for RDIS-6 would be more appropriate than a non-complying activity status.

Mr Riddell suggested additional matters of discretion were required for this rule. The Council’s response agreed with some (but not all) of these suggestions, along with recommending other framing provisions to provide greater clarity for plan users.

Ms Newport recommended to us that the environmental benefit rule could apply in retrospect to enable additional subdivision rights for property owners who have previously provided legal protection to areas of significant indigenous vegetation, significant indigenous habitat, or natural wetland, but who have not received subdivision benefits from such protection. The Council’s response to this request is well considered and ultimately disagrees with Ms Newport’s suggestion because applying the SUB-R6 rule retrospectively raises a significant risk of ‘double dipping’, where the same protected area generates development benefits twice. Alongside a lack of data to confirm Ms Newport’s suggestions, we note that rule SUB-R6 includes a matter of discretion to check whether “this rule has not been used previously to gain an additional subdivision entitlement” (i.e. there is no environmental benefit because the benefit is already in the environment).

3.5.2 Hearings Panel Evaluation

We agree with the Council's consideration of the evidence presented in relation to rule SUB-R6, including in response to the evidence of Ms Newport which we agree lacks any supporting substantive analysis or evidence to justify why such action is necessary.

We have however suggested that the proposed additional matter of discretion (j) under RDIS-7 should be refined as some of the additional proposed wording is superfluous.

3.5.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply (other than in relation to matter of discretion (j) where we recommend a minor amendment). This is set out below.

SUB-R6

RDIS-3

All of an area of indigenous vegetation, indigenous habitat or natural inland wetland assessed as significant under RDIS-2 contained within the individual Record of Title is protected.

~~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-5

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. *Fencing requirements for the covenant area;*
2. *Monitoring and reporting measures;*
3. *Ongoing pest plant and animal control; and*
4. *Any enhancement or edge planting required within the covenant area*

RDIS-6

All proposed new environmental allotments are to be:

1. *~~a~~ A minimum size of 21ha in area; and*
2. *~~t~~ The balance lot must be greater than 40ha-*

Matters of discretion are restricted to:

...

~~j. the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.~~

Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary

Activity status where compliance not achieved with RDIS-6, 2.: Discretionary

Where:

DIS-1

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

Activity status where compliance not achieved with RDIS-6, 1, DIS-1 and RDIS-7 and RDIS-8 is not achieved: Non-complying

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168) and Matauri Trust Ltd (S243), in so far as they relate to our recommended amendments to rule SUB-R6, be accepted; and the relevant submission points from Mr Riddell (S431) and Ms Newport (S118.003) be rejected.

3.6 Key Issue 3 – Additional Matters of Control and Discretion

3.6.1 Matters Raised in Submissions

Mr Riddell (S431.065) requested the addition of three further matters of control or discretion (as relevant) to various subdivision rules, relating to measures: to mitigate and adapt to climate change; to provide for active transport; and in relation to the consideration of effects on existing or planned local character and sense of place.

The Council's right of reply carefully considers these suggestions and has agreed in part with Mr Riddell's suggestion to add an additional matter of control for rule SUB-R3; but, the Council officer recommends no further changes are required to the existing proposed provisions. In doing so, the report finds that the matters suggested by Mr Riddell are either implicit in the proposed rules as currently drafted, or can be considered when an application for a discretionary activity is being assessed by the Council.

3.6.2 Hearings Panel Evaluation

We agree with the Council's recommendations in response to Mr Riddell's requests and recommend that this submission be accepted.

3.6.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to rule SUB-R3:

SUB-R3

Matters of control are limited to:

(...)

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

2. We recommend that the Council accept in part the submission of Mr Riddell (S431.065).

3.7 Key Issue 4 – Matters Addressed in Other Hearings

3.7.1 Matters Raised in Submissions

We heard planning evidence relating to proposed provisions within other parts of the Plan, including the Rural, the Coastal Environment and the Infrastructure chapters. This was evidence from Messrs Hall and Riddell; and also Mr David Badham (for Top Energy) and Mr Andrew McPhee (for Oromahoe Land Owners).

The Council's right of reply firstly considers Mr Hall's suggestion that the current recommendation for a 40ha minimum lot size in the RPROZ as a controlled activity should be amended to a 20ha minimum. Ms Lynley Newport, Mr Dennis Thompson and Mr Peter Malcolm also presented alternatives to these provisions for our consideration. The Council's right of reply considered these suggestions, including returning to matters addressed in the Rural topic, ultimately recommending to us that no changes should be made.

Secondly, the right of reply considered Mr Riddell's suggestion that some urban zones located within the coastal environment should be exempt from rule SUB-R20. The Council's right of reply does not agree with Mr Riddell and reasons that a discretionary activity status for subdivision within an urban Coastal Environment overlay is appropriate.

Thirdly, Ms Excel provided an impassioned presentation to us on behalf of Bay of Islands Watchdogs, in relation to the proposed subdivision provisions where restrictions on dogs could be considered. The right of reply report disagrees with the suggestions made by Ms Excel and considers that the proposed Indigenous Biodiversity Chapter provisions are appropriate in certain situations when considering subdivision, with this likely to occur on a case by case basis and only where such controls would be appropriate.

Fourthly, the Community Groups presented to us and reiterated their submission points in relation to the provision of esplanade reserves, consistent with their submissions at Hearing 5. The Council's right of reply provides a thorough consideration of these points and ultimately finds that the proposed provisions relating to esplanade reserves are appropriate. The addition of an explanatory note within the Public Access Chapter assists to clarify matters.

Finally, there was conflicting evidence from Mr Badham and Mr McPhee in relation to rules SUB-R9 and SUB-R10 in the context of evidence presented at the Infrastructure topic Hearing 11. The right of reply confirmed that the recommended provisions for this rule, as contained within the Council's hearing report, were consistent with those recommended at Hearing 11 and Mr McPhee agreed that these were appropriate. It was Mr Badham that continued to recommend that any breaches to the rule (with compliance being a controlled activity) should be assessed as a non-complying activity, rather than

the recommended discretionary activity status. The Council right of reply disagrees with this suggestion, for the reasons at paragraph 105, which links to the Infrastructure Reply.

3.7.2 Hearings Panel Evaluation

We agree with and adopt the Council's recommendations and reasons in relation to these submission points. However, we disagree with the Council's statement (at paragraph 87 of the right of reply) where the Council's reporting officer acknowledges Mr Hall's point of view regarding economic evidence. Mr Hall is not an economist and he did not bring expert evidence to make such statements, which are outside his area of expertise.

We found the tables provided at paragraphs 93 and 96 of the right of reply to be particularly helpful in assisting with our understanding of the proposed subdivision provisions for rural zones. It cannot be said that there is insufficient opportunity for subdivision and development in rural zones, particularly within the RPROZ and we agree with the Council reporting officer who advises that "these provisions collectively provide a reasonable and balanced range of opportunities for residential development across the rural zones".

We also agree with the Council's recommendations in relation to subdivision within the coastal environment overlays, subdivision restrictions on dogs and esplanade reserves, being topics that we canvassed during earlier hearings (including Hearings 4 and 5).

We also agree with the Council's recommended amendments to rule SUB-R9 and SUB-R10 in order to maintain consistency with our findings for Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 which require a consideration of site servicing and infrastructure at subdivision stage. These policies are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

3.7.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend a correction to SUB-R10, that relates to an earlier change in related provisions:

SUB-R10

...Matters of discretion control are restricted limited to:...

We recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6 and SUB-P11.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.8 Key Issue 5 – Infrastructure (Electricity and Telecommunications)

3.8.1 Matters Raised in Submissions

In addition to evidence from Mr Badham (for Top Energy) (S483) and the Telecommunications providers (S278 and S517)², we received corporate evidence from Messrs McCarrison, Kantor and Clune and planning evidence from Mr Horne on behalf of various telecommunications providers.

The evidence from Mr Badham included suggestions for strengthening protection of existing electricity infrastructure, including in particular the mapped Critical Electricity Line Overlay, in relation to objective SUB-O2 and other suggestions relating to the proposed subdivision policy provisions. The Council’s right of reply does not agree with these suggestions given that similar objectives and policy intent is already included in the Infrastructure chapter and the Plan is to be read holistically and avoid duplication.

Mr Badham also made useful suggestions for the improvement of standard SUB-S6 in relation to telecommunications and power supply connections, with which the right of reply agrees in part – other than where the standard applies to rural zones – with the addition of the words “Telecommunications and” within CON-1 for rule SUB-R3 in relation to various zones. Mr Horne also made a number of helpful suggestions for recommended amendments to this standard and the right of reply also agrees in principle with these suggestions for certain zones, but not for rural zones (other than the Settlement zone).

The Council right of reply canvases the suggestion to add the wording “reasonably practicable” to the standard, considering this term to be too subjective – preferring more certainty through words such as infrastructure that is “available to the boundary of the site” (being consistent with other district plans).

Overall, after carefully considering the submitters’ suggestions, the Council right of reply (at paragraph 124) recommends various amendments to the proposed provisions.

3.8.2 Hearings Panel Evaluation

We agree with and adopt the Council’s recommendations and reasons in relation to these submission points, noting that this topic was well-canvassed at Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 and standard SUB-S6 which require a consideration of site servicing and infrastructure at subdivision stage. These policies and standard are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

² Telecommunication providers are: Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP

3.8.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council’s right of reply.

We also recommend the Council make the following amendments to SUB-S6:

SUB-S6	Telecommunications and power supply	
<p>General Residential zone</p> <p>Medium Density Residential zone</p> <p>Town Centre zone</p> <p>Kororāreka Russell Township zone</p> <p>Mixed Use zone</p> <p>Light Industrial zone</p> <p>Heavy Industrial zone</p> <p>Settlement zone</p> <p>Rural Residential zone</p> <p>Horticulture Processing Facility zone</p>	<p><i>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</i></p> <ol style="list-style-type: none"> 1. <i>A reticulated electricity supply system at the boundary of the new allotment; and</i> 2. <i>Telecommunications services at the boundary of the new allotment, provided by:</i> <ol style="list-style-type: none"> i. <i>An open access fibre network, where it is available to the boundary of each new lot; or</i> ii. <i>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</i> iii. <i>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</i> iv. <i>At the time of subdivision, sufficient land for telecommunications, 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 will be required.</i> <p><i>Connections shall be provided at the boundary of the site area of the allotment for:</i></p> <ol style="list-style-type: none"> 1. <i>telecommunications</i> <ol style="list-style-type: none"> i. <i>Fibre where it is available; or</i> ii. <i>Copper where fibre is not available; and³</i> 2. <i>Electricity supply through the local electricity distribution network.</i> <p>Note: <i>This standard does not apply to allotments for a utility, road, reserve or for access purposes.</i></p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <i>alternative provision of telecommunication and electricity supply.</i>

³ S178.005 and others

In addition, we recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6, SUB-P11 and SUB-S6.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.9 Key Issue 6 – Errors

3.9.1 Matters Raised in Submissions

Mr Tuck, on behalf of Waiaua Bay Farm Limited (S463), identified a drafting error in the proposed subdivision provisions that is not consistent with the considerations at Hearing 15A. The Council’s right of reply acknowledged the drafting error and recommended the exclusion for the Kauri Cliffs Golf Living Sub-zone should be amended to only relate to rule SUB-R20, rather than rule SUB-RXX.

3.9.2 Hearings Panel Evaluation

We agree with the Council’s right of reply and note that this is not a matter in contention following consideration of the issue during Hearing 15A and our related recommendations, which are set out in **Recommendation Report 15A**.

3.9.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council’s right of reply.

We also recommend that the Council should accept the relevant submission point from Waiaua Bay Farm Limited (S463) relating to SUB-R20.

We recommend the following amendments to SUB-R20 and SUB-RXX:

SUB-R20	<i>Subdivision creating one or more additional allotments of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: Not applicable</i>
SUB-RXX	<i>Subdivision of land within 100m of a Mineral Extraction zone</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: N/A</i>

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.10 Key Issue 7 – “Site” versus “Allotment”

3.10.1 Matters Raised in Submissions

Mr Ian Palmer (S556.001 and S556.002) presented us with an elaborate analysis at the hearing as justification and reasoning for his suggestion that reference to the term “allotment” within standard SUB-S1 was incorrect and should more appropriately refer to the term “site”. The Council right of reply considers this suggestion but ultimately does not support the change because:

“The use of the term “allotment” within the subdivision provisions is considered both appropriate and necessary to ensure consistency with *section 218* of the Resource Management Act 1991, which defines subdivision by reference to the creation of new allotments. This terminology provides legal certainty and a direct link to the statutory framework governing subdivision.”⁴

The Council right of reply acknowledges that there may be instances (as highlighted by Mr Palmer) where practical complexities arise during administration and implementation of the provisions; however, the reference to “allotment” remains legally correct and there is the possibility of unintended consequences arising by referring to “site”.

3.10.2 Hearings Panel Evaluation

We agree with the Council right of reply, including in response to Mr Palmer highlighting reference to the Auckland Unitary Plan, which applies minimum “site” size to subdivision, however noting that a number of other district plans continue to reference “allotment” in this context. We confirm that reference to “allotment” within standard SUB-S1 of the PDP remains the most appropriate and robust approach given the statutory definition in section 218 of the RMA.

3.10.3 Recommendations and Reasons

No recommended amendments are required in response to this submission point.

Accordingly, we agree with and adopt the recommendations and reasoning set out within the Council’s right of reply and recommend that the submission from Ian Diarmid Palmer (S556.001 and S556.002) be rejected.

3.11 Key Issue 8 – Significant Natural Areas (SNAs)

3.11.1 Matters Raised in Submissions

Legal submissions were provided and spoken to by Mr Tim Williams on behalf of the Royal Forest and Bird Protection Society of New Zealand Incorporated (FS346). The primary thrust of Mr William’s submissions was in relation to the Council’s recommendation to remove rule SUB-R17 relating to subdivision of a site containing a scheduled SNA, which is proposed to be removed because SNAs are not mapped within the Plan. This topic was also raised at Hearing 4 in relation to the Indigenous Biodiversity and Natural Character provisions. It was Mr William’s recommendation to us that rule SUB-R17 should be reinstated and apply to all SNAs that meet the RPS criteria, rather than only those that were scheduled. In addition, Mr Williams also outlined several concerns with SUB-P8 and

⁴ Hearing 16 – Council right of reply report paragraph 133

SUB-P9, which in his view would be relied upon to protect SNAs under the revised framework.

In responding to this suggestion, the right of reply reiterates that the Plan has been drafted to be read as a whole and the provisions of the Ecosystems and Indigenous Biodiversity chapter would be relevant for instances where the protection of indigenous biodiversity was achievable and assessed at the time of considering applications that had a discretionary or non-complying activity status. In addition, a relevant matter of control within the subdivision provisions for controlled activity applications is in place. It was therefore the Council right of reply assessment that the Ecosystems and Indigenous Biodiversity chapter policy provisions, in conjunction with the currently proposed subdivision provisions, are sufficiently robust to ensure the protection and enhancement of existing indigenous biodiversity and to encourage restoration.

As addressed above at Key Issue 2, the addition of a further matter of discretion to rule SUB-R6 is proposed to reference the Ecosystems and Indigenous Biodiversity chapter, along with the recommended amendments to policies SUB-P8 and SUB-P9 above.

3.11.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response to this submission point. It is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. In this instance, we find that there is not.

3.11.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.12 Key Issue 9 – Requests for New Provisions or Wording Amendments

3.12.1 Matters Raised in Submissions

Vision Keriikeri, Carbon Neutral Trust, Kapiro Conservation Trust (S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) presented to us in support of their submission points suggesting new policies and rules for the subdivision chapter, as well as suggested amendments to proposed policy SUB-P5. Included with this presentation was tabled draft evidence from Ms Dvorakova. However, this witness was not in attendance at the hearing and there was no ability for us to question or interrogate the recommendations of Ms Dvorakova.

Nevertheless, the Council's right of reply responded to each of the suggested amendments to provisions within the Community Groups' presentation, including in relation to improving walkability, transport safety, block structure and public access through subdivision design; ultimately concluding that the currently proposed provisions (in the Plan as a whole) provide for the consideration of these prescriptive issues adequately.

The right of reply highlights that the objectives and policies of the Transport Chapter, including policy TRAN-P3, for example, provides for the consideration of connectivity, for example, and the needs of all transport users, including pedestrians, cyclists, and those with limited mobility. In addition, as discussed at Key Issue 3 above, the right of reply also recommended the addition of a further matter of control for SUB-R3 relating to measures to provide for active transport, protected cycleways, and walking connections.

3.12.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response. Similar to our consideration of Key Issue 8 above, we confirm that it is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. Again, in this instance we find that there is no need.

3.12.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and recommend that the relevant submissions and further submission points from Vision Kerikeri, Carbon Neutral Trust, Kapiro Conservation Trust (under S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) be rejected.

3.13 Key Issue 10 – Other Hearing Statements

3.13.1 Matters Raised in Submissions

Written hearing statements were tabled, without appearance, by the following persons:

1. Mr Hodgson, on behalf of Horticulture New Zealand (S159 and FS354), tabled planning evidence in support of several of the subdivision Hearing Report recommendations.
2. Ms Grinlinton-Hancock, on behalf of KiwiRail (S416), tabled a statement accepting the Hearing Report's recommendation on KiwiRail's submission point.
3. Ms Cook-Munro, on behalf of Northland Federated Farmers of New Zealand Inc (S421), tabled a statement accepting the Hearing Report's recommendations on a number of submission points and, where these were not supported, indicated they do not wish to pursue those particular points further.
4. Mr Hamilton, on behalf of Transpower New Zealand (S454), tabled a statement which generally accepted the Hearing Report's recommendations.

The Council right of reply simply noted these points, as they did not require any analysis.

3.13.2 Hearings Panel Evaluation

We agree with the right of reply response to these tabled submission points.

3.13.3 Hearings Panel Recommendations

No recommended amendments are required in response to this issue.

3.14 Key Issue 11 – Addendum Reporting Clarification

3.14.1 Matters Raised by the Council Officers

The Council’s right of reply Addendum⁵ Report was prepared to address ambiguity identified internally by the Council officers within the wording of SUB-R3 subsequent to the issue of the original right of reply.

The clarification was required to ensure the recommended additional subdivision provision (CON-3), which enables subdivision around an existing residential unit in the Rural Production zone, is not inadvertently applied within precincts or development areas that have the Rural Production zone as their underlying zone.

The recommended amendments explicitly state that CON-3 does not apply where a precinct or development area prevails and this provides necessary clarity and ensure there are no unintended consequences or misinterpretations that could undermine the intent of the precinct or development area provisions.

3.14.2 Hearings Panel Evaluation

We agree with the Council’s right of reply Addendum recommendations as the proposed amendments will resolve ambiguity and maintain the integrity of both the precinct and development area frameworks and the PDP as a whole.

3.14.3 Hearings Panel Recommendations

We adopt the recommendations set out within the Council’s right of reply Addendum Report and recommend the following amendments (in addition to those recommended in the hearing report) to SUB-R3:

SUB-R3

CON-3

1. Except where there is a Precinct or Development Area overlay
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 2000m²- 2ha; and
 - d. Balance allotment is a minimum of 40ha in size.

⁵ Dated 12 December 2025

3.15 Key Issue 12 – Specific Provisions for Subdivision in Tapuaetahi Precinct

3.15.1 Hearings Panel Evaluation

Our **Recommendation report 15A** addresses submissions relating to rezoning to special purpose zones for Māori Purpose, Kauri Cliffs and Carrington Estate.

In that report we provided our evaluation and recommendations for submissions from Tapuaetahi Incorporation (S407.003) on the Tapuaetahi Precinct. From this recommendation, consequential changes to the Chapter 16 Subdivision are required relating to rule SUB-R3 and standard SUB-S1. These provisions are included in the provisions in **Appendix 2**.

3.15.2 Hearings Panel Recommendation

We confirm our recommended amendments to SUB-R3 and SUB-S1 regarding the Tapuaetahi Precinct (subdivision as a controlled and/or Discretionary activity) as follows:

SUB-R3	Subdivision of land to create a new allotment	
<u>Māori Purpose zone</u> <u>Tapuaetahi Precinct</u>	<p>Activity Status: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>1. <u>The subdivision complies with standards:</u> <u>SUB-S3 Water supply;</u> <u>SUB-S4 Stormwater management;</u> <u>SUB-S5 Wastewater disposal;</u> <u>SUB-S6 Telecommunications and power supply; and</u> <u>SUB-S7 Easements for any purpose.</u></p> <p>CON-2</p> <p>1. <u>The subdivision complies with standards:</u> <u>SUB-S1 Minimum allotment sizes.</u></p> <p>Matters of control are limited to:</p> <p>a. <u>Matters of control in SUB-R3.</u></p>	Activity status where compliance not achieved with CON-1 or CON-2: Discretionary

We also confirm our recommend amendments to the addition of new minimum allotment sizes to standard SUB-S1 (minimum allotment sizes) for Tapuaetahi Precinct as follows:

Subdivision		
SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
<u>Tapuaetahi Precinct</u>	<u>600m²</u>	<u>N/A</u>

<i>Area A</i>		
<i>Tapuaetahi Precinct Area B</i>	<i>3,000m²</i>	<i>1,000m²</i>

4 Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to Subdivision.

Our recommended amendments are shown in **Appendix 2**.

As outlined in this recommendation report, our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

In evaluating and determining our findings we have had regard to the submissions received, the Hearing Reports (including the original hearing report, the right of reply report and the reply addendum report) and the evidence tabled and presented to us. We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendix 3**.

Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional policy directions, and will be easier to implement and understand.