



SECTION 42A REPORT

Officer's written right of reply 3 July 2024

Hearing 02/03 – Quail Ridge, Moturoa Island and Orongo Bay Special Purpose Zone Chapters

1	Introduction.....	2
	1.1 Background	2
2	Purpose of Report.....	2
3	Consideration of evidence recieved	2
	3.1 Quail Ridge Pet Provisions.....	2
	3.2 Additional Information / Questions from the Hearing Panel	4

Appendix 1: Quail Ridge – Original Plan Change Hearing Recommendation and Decision

Appendix 2: Quail Ridge Pet Policy updated 2023



1 Introduction

1.1 Background

1. My full name is Kenton Baxter. I am the writer of the original Section 42A Report for Hearing 2/3 on the Proposed District Plan: Quail Ridge, Moturoa Island and Orongo Bay chapters.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

3. The purpose of this report is primarily to respond to the evidence of the submitters and provide my right of reply to the Panel. In this Report I also seek to assist the Panel by providing responses to specific questions that the Panel directed to me during the hearing, under the relevant heading.

3 Consideration of evidence recieved

4. I have only addressed those sections and evidence where I consider additional comment is required. I have grouped this matter into the following headings:
 - a) Quail Ridge Pet provisions
5. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.
6. The issues raised by the Kapiro Conservation Trust are more appropriately addressed in other hearing topics, including Hearing 4, which relates to the Indigenous Biodiversity Chapter, where a number of these submission points are allocated.

3.1 Quail Ridge Pet Provisions

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – Pet Provisions Section 42A Quail Ridge from Paragraph 90
Evidence in chief [Leonie Exel (The BOI Watchdogs)]	Submission S354.026 and supplementary evidence provided at and after the hearing.



Analysis

7. I have reviewed the proposed amendments to QR-R9/S9 provided by Leonie Exel. For clarity, the amended provision reads as follows:

Council recognises the contribution that pets make to the wellbeing of many in our community.

Mechanisms for ensuring responsible pet ownership, which mitigate potential risks to humans, stock, other people's pets, and native wildlife, shall be provided to the Council before any residential units are occupied.

These mechanisms should include that:

- *Residents who wish to own a pet must commit to conditions of responsible ownership as part of their license to occupy. These conditions will align with FNDC's bylaws and policies (as varied from time to time) relating to dogs, cats, and other animals, and legislative requirements regarding the care and welfare of animals (as per the Dog Control Act 1996 and Animal Welfare Act 1999).*
 - *Residents who have dogs and/or cats must microchip and de-sex their pets, and keep their pets inside their residence between dusk and dawn, unless they are on a leash outside.*
 - *Residents must register their dogs.*
 - *Signage is erected at any entry/exit points to the adjacent DOC managed reserves advising of the prohibition on dogs entering or roaming in these reserves.*
 - *Dogs must be kept on a leash at all times within the Quail Ridge Country Club, unless they are in a fenced yard or dog exercise area.*
8. The proposed amendments do not, in my opinion, justify a change of provisions within the Quail Ridge chapter. The concept of responsible pet ownership extends beyond the matters under the control of the District Plan and the RMA. As mentioned in the submitters' recommended provisions, other FNDC policies and bylaws, along with national legislation, already govern some of these matters.
9. It should also be noted that Quail Ridge Country Club is a private property and is entitled to enforce rules and regulations regarding the occupancy of its units. These rules and regulations would be agreed by residents of the Country Club. These matters fall outside the scope of influence of the Far North District Council.
10. There was no indication during the PDP submission process from the owners of Quail Ridge or Quail Ridge residents that the pet provisions in the notified PDP associated with this zone are an issue. Although I do not know if any of The BOI Watchdogs group are Quail Ridge residents.
11. The BOI Watchdogs have subsequently provided an updated pet policy that is currently applied in agreements to occupy at the Country Club. This was



subsequently confirmed with the management of the Country Club. A copy of the updated pet policy can be found in Appendix 2. The submitter supports the 'new' policy. However, should be noted that this policy is not consistent with that approved as part of the resource consents for the development of the Country Club. The pet policy provided at the hearing is the policy that applies to all consented development stages approved to date. Although the Country Club is almost complete, a number of resource consent applications for new stages are still anticipated, which could submit the updated pet policy. The existing consents will need to be varied to update the pet policy.

12. As requested by the panel, I have further investigated why this provision was included in the original plan change that created the Quail Ridge Special Purpose zone. The report for Proposed Private Plan Change 3 to the Far North District Plan, which introduced the Quail Ridge Special Purpose zone, provides insight into the inclusion of the pet policy rule in the ODP. This report is attached in Appendix 1. As highlighted in Section 9.3 of Appendix 1 the hearing panel assessed the potential ecological effects of the development resulting from the plan change through the evidence presented, particularly regarding the introduction of domestic pets. They concluded that these effects would be minor and that banning domestic pets on the site was unjustified based on the evidence. However, the panel accepted the applicant's offer of a Pet Policy, which acknowledges the potential ecological effects and offers a better outcome than developing the land under a conventional urban development pattern without such controls.
13. Given the applicant offered the pet policy provisions in the original Private Plan Change, I recommend that the abovementioned requested changes are not accepted.
14. It should also be noted that the wider issues raised in the Watchdogs submission will be allocated to other, more appropriate topics, including the subdivision topic and the ecosystems and indigenous biodiversity topic.

3.2 Additional Information / Questions from the Hearing Panel

15. At the conclusion of the hearing members of the panel raised the following questions:
 - a) Council's monitoring of the Quail Ridge zone. I have been in contact with the FNDC monitoring team and they have advised that monitoring of the Quail Ridge zone is undertaken in the same manner as any other zone. There are two parts to FNDC's monitoring approach.
 - 1) Compliance with Zone rules - When a member of the public calls to inform the Council of possible activity being undertaken without consent, a Monitoring Officer, whether RC Monitoring or General Monitoring, investigates the property file to identify any current permits. If no current resource consent is found,



the Monitoring Officer will assess the zone rules against the activity. If a resource consent is required, the Monitoring Officer will, depending on the non-compliance, issue an Abatement Notice to obtain consent or consider any changes to the works to comply with the permitted zone rules.

- 2) Compliance with Resource Consent Conditions - Once a Resource Consent is issued, a Monitoring File is set up within 20 days, allowing for the right of objection. A letter is then sent to the owner/developer, advising them to submit necessary documents before construction begins. In some cases a Construction Management Plan (CMP), detailing stages from pre-construction to commencement, can be required based on the project scope. For multiple developments, a pre-start meeting with the Project Management Group is arranged to discuss the CMP and erosion and sediment control measures. Following the initial inspection, general monitoring of conditions begins, guided by the Conditions of Consent. Typically, an independent engineer oversees large-scale developments. Upon completion, the Monitoring Officer will sign off on all physical works and request engineered documents as needed. If the works deviate from approved plans, a Variation to Consent may be necessary. Any post-compliance changes that do not meet the approved conditions will prompt an investigation and may result in an Abatement Notice.
- b) The overview of the Moturoa Island zone chapter. The overview states, "This includes the understanding that subdivision will not be undertaken on Moturoa Island." Policy MIZ-P7 states, "Manage land use and subdivision to address the effects of the activity requiring resource consent...". As highlighted by the hearing panel, I agree that the reference to subdivision in PIZ-P7 is not appropriate and can be deleted as a clause 16 correction.
- c) The status of the existing relocated buildings in the Orongo Bay zone. This matter was addressed in Key Issue 2 – Storage of Second-Hand Buildings of the Section 42A Orongo Bay from Paragraph 52-58. As stated in this report "rule OBZ-R14 a requires a comprehensive development plan prior to any subdivision, use, or development on any site within the Orongo Bay zone as a Restricted Discretionary Activity. The matters of discretion within this rule cover a broad range of issues, including the degree to which the proposal restores and enhances the natural character of the coastal environment, as per matter of discretion (f). Additionally, the landscape, visual, and amenity characteristics of the site and adjacent areas must be maintained, protected, or enhanced, as per matter of discretion (g). The appropriateness of the location of building envelopes, building design, and appearance is assessed as per matter of discretion (n)." A similar rule requiring a comprehensive development plan is also within the



ODP. I have contacted the FNDC monitoring team about this matter and there have been no compliance issues in relation to the storage of relocated buildings on this site as far as they are aware. Further, the use appears to have been established for a number of decades and that there was no consent requirement at the time. It is likely that the current use of the site to store relocated buildings would have existing use rights assuming it was lawfully established. I am satisfied that the provisions that I recommend in my S42A report will adequately avoid, remedy or mitigate the effects of any storage of second-hand buildings, particularly when the site is subject to further development as anticipated.