

Appendix 2 – Officer's Recommended Decisions on Submissions (Subdivision)

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of the S42A Report
S118.003	Lynley Newport	SUB-P9	Oppose	The submitter considers that in SUB-P9 the use of the word "avoid" is too negative and restrictive and that the use of more positive terms can achieve the same outcome.	Amend SUB-P9 to read: Provide for rural lifestyle subdivision in the Rural Production zone, and for Rural Residential subdivision in the Rural Lifestyle zone where the development achieves the environmental outcomes required in the management plan subdivision rule.		Reject Accept in part	Key Issue 4: Rural Subdivision
FS171.1	Trish Routley		Support	I support the The submitter considers that in SUB-P9 the use of the word "avoid" is too negative and restrictive and that the use of more positive terms can achieve the same outcome. Amend SUB-P9 to read: Provide for rural lifestyle subdivision in the Rural Production zone, and for Rural Residential subdivision in the Rural Lifestyle zone where the development achieves the environmental outcomes required in the management plan subdivision rule.	Disallow in part		Reject Accept in part	Key Issue 4: Rural Subdivision
FS172.202	Audrey Campbell-Frear		Support	For the reasons set out in this primary submission.	Allow		Reject Accept in part	Key Issue 4: Rural Subdivision
FS305.011	Dempsey Family Trust		Support	Support the policy framework should provide for limited subdivision opportunities where it can be demonstrated that the subdivision of the land is appropriate, that adverse effects on the environment resulting from the subdivision can be appropriately avoided, remedied or mitigated and the subdivision will result in positive effects.	Allow	Allow the original submission subject to appropriate drafting.	Reject Accept in part	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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S202.003	Thomson Survey Ltd	SUB-P9	Support in part	SUB-P9 similarly uses the word "avoid". There are different ways to achieve what SUB-P9 is designed to achieve.	Amend SUB-P9 to read: "Provide for rural lifestyle subdivision in the Rural Production Zone, and for Rural Residential subdivision in the Rural Lifestyle Zone where the development achieves the environmental outcomes required in the management plan subdivision rule."		Reject Accept in part	Key Issue 4: Rural Subdivision
FS172.260	Audrey Campbell-Frear		Support	For the reasons set out in this primary submission.	Allow		Reject Accept in part	Key Issue 4: Rural Subdivision
S349.012	Neil Construction Limited	SUB-P9	Oppose	A better outcome in these circumstances is to utilise the land more efficiently for rural residential use, adding much needed housing to Kerikeri in a way that does not impose any burden on the community in terms of providing or funding infrastructure.	delete SUB-P9 or amend to remove the wording in SUB-P9 relating to avoiding rural residential subdivision in the Rural Lifestyle Zone.		Reject Accept in part	Key Issue 4: Rural Subdivision
FS62.046	Kapiro Conservation Trust 1		Oppose	A better outcome in these circumstances is to utilise the land more efficiently for rural residential use, adding much needed housing to Kerikeri in a way that does not impose any burden on the community in terms of providing or funding infrastructure.	Disallow	Re-zoning of Lot 1001 DP 532487 (tubbs farmland) in Rural Production or Horticulture zone etc	Accept Accept in part	Key Issue 4: Rural Subdivision
FS333.033	Maree Hart		Oppose	These submissions seek inappropriate changes, such as re-zoning Lot 1001 DP 532487 (tubbs farmland), Blue Penguin Drive, Fernbird Grove, Spoonbill Drive and Kingfisher Drive from Rural Lifestyle to Rural Residential. Some points seek to weaken the policies and rules/standards for Subdivision, Management plans, Rural Lifestyle zone and Rural Residential zone, e.g.	Disallow	Re-zoning of Lot 1001 DP 532487 (tubbs farmland) in Rural Production or Horticulture zone etc	Accept Accept in part	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of the S42A Report
				S349 seeks to delete references to 'rural character' and 'amenity' for the Rural Residential zone. The scale and intensity of urban/residential development sought by these submissions would create a new township in the rural areas at the northern end of Landing Road; this scale and density of development is not anticipated in the Operative and Proposed District Plans. It would generate urban sprawl in a rural area that lacks relevant infrastructure, and would fail to provide a compact urban footprint for Kerikeri town in future. Their proposed changes would generate a large number of cumulative adverse effects, such as a large increase in traffic on Landing Road, one-lane bridge and other adverse effects noted under my Further Submission 1 above.				
S276.002	Russell Landcare Trust	SUB-R6	Support in part	The guidance and rules for environmental benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend rule to provide definitions and criteria that must be met to qualify for an environmental benefit. Revise the rules so that: all of the ecological feature is protected, the ecological significance of the feature is considered, any additional lots have a suitable house site at least 20m away from any protected ecological feature or greater (e.g. in accordance with the NES-F), provides more details on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on), sprawling or sporadic subdivision and development is avoided, and natural character is protected and preserved. Also refer to comments on Draft Plan attached to submission.		Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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FS566.813	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject Accept in part	Key Issue 4: Rural Subdivision
FS569.835	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject Accept in part	Key Issue 4: Rural Subdivision
S116.001	Lynley Newport	SUB-R6	Support in part	Support initiative for environmental benefit subdivision and the starting category of activity (restricted discretionary). There should not be any discouragement to landowners wanting to utilise this rule, and yet making non achievement of with RDIS-6, RDIS-7 and RDIS-8 defaulting to non-complying activity status does just that. Believe non achievement of the RDIS requirements should only default to discretionary activity status.	Retain Rule SUB-R6, subject to the following amendments to activity status: <i>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 Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying</i>		Reject Accept in part	Key Issue 4: Rural Subdivision
FS172.196	Audrey Campbell-Frear		Support	For the reasons set out in this primary submission.	Allow		Reject Accept in part	Key Issue 4: Rural Subdivision
FS196.69	Joe Carr		Support	as per submitter's reasoning	Allow		Reject Accept in part	Key Issue 4: Rural Subdivision
FS564.001	Dempsey Family Trust		Support	Support the decision sought	Allow	Retain Rule SUB-R6	Reject Accept in part	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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FS368.034	Tokerau Beach Trust		Support	Retain Rule SUB-R6, subject to the following amendments to 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 Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying.	Allow	Retain Rule SUB-R6	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
S431.086	John Andrew Riddell	SUB-R6	Not Stated	The guidance and rules relating to environment benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend Rule SUB-R6, environmental benefit, and its supporting policies to ensure that ◦ all of the ecological feature is protected, ◦ the ecological significance of the feature is considered, ◦ any additional lots have a suitable house site at least 20 metres away from any protected ecological feature, ◦ more details are provided on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on), ◦ sprawling or sporadic subdivision and development is avoided, and ◦ natural character is protected and preserved.		Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
FS66.144	Bentzen Farm Limited		Oppose	The matters sought by the submitter are in most part matters discretion rather than standards. The 20m setback sought does not appear to serve any resource management purpose.	Disallow		Aeecept <u>Accept in part</u>	Key Issue 4: Rural Subdivision
FS23.124	Des and Lorraine Morrison		Oppose	While supporting provision being made for environmental benefit subdivision, it is inappropriate to require blanket protection of the entirety of an ecological feature, and to impose 20m setbacks, without having regard to the particular site size and characteristics. A more nuanced approach is required	Disallow	Disallow the relief sought.	Accept <u>Accept in part</u>	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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FS332.086	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submission.	Reject Accept in part	Key Issue 4: Rural Subdivision
FS564.016	Dempsey Family Trust		Oppose	It is not appropriate to require the entirety environmental area to be protected, particularly given that the environmental benefit lot thresholds are based on the protection of a certain area of significant bush or wetland.	Disallow	Amend Rule SUB-R6	Accept Accept in part	Key Issue 4: Rural Subdivision
FS404.037	Penny Nelson, Director-General of Conservation		Support	The subdivision provisions are generally incomplete in the notified FNDP. The relief is necessary and appropriate to achieve the purpose of the Act.	Allow	Allow the original submission	Reject Accept in part	Key Issue 4: Rural Subdivision
S276.002	Russell Landcare Trust	SUB-R6	Support in part	The guidance and rules for environmental benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend rule to provide definitions and criteria that must be met to qualify for an environmental benefit. Revise the rules so that: all of the ecological feature is protected, the ecological significance of the feature is considered, any additional lots have a suitable house site at least 20m away from any protected ecological feature or greater (e.g. in accordance with the NES-F), provides more details on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on), sprawlign or sporadic subdivision and development is avoided, and natural character is protected and preserved. Also refer to comments on Draft Plan attached to submission.		Reject Accept in part	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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FS23.078	Des and Lorraine Morrison		Support in part	Support need for clear rules regarding environmental benefit subdivision. Consider a more nuanced approach is required as it may not be possible to protect the entirety of each ecological feature, and site-specific characteristics of a site should be able to be considered.	Allow in part	Allow in part but clarify rules.	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
FS332.172	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submission.	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
FS564.011	Dempsey Family Trust		Oppose	It is more appropriate for these provisions to be included as assessment criteria as opposed to standards.	Disallow	Amend rule to provide definitions and criteria that must be met to qualify for an environmental benefit	Accept <u>Accept in part</u>	Key Issue 4: Rural Subdivision
FS570.799	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
S431.074	John Andrew Riddell	SUB-R3	Not Stated	Well designed subdivision is an important component of achieving sustainable use and development of natural and physical resources, and in establishing and continuing character and sense of place. There is an inappropriate emphasis on ensuring that vehicle requirements and needs are provided for in the subdivision rules. In urban areas and settlements and in their surrounds good resource management practice is for increased provision for cycling and other active transport and for walking access. Indeed this is a necessary measure to help mitigate and adapt to the effects of climate change.	Insert the following as further matters of control in all controlled activity subdivision rules and 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		Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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					where relevant, measures to provide for active transport, protected cycleways and for walking			
FS332.074	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submission.	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision
S278.001	Chorus New Zealand Ltd	SUB-S6	Support in part	Chorus supports the intent to require fibre for newly subdivided allotments where available, but the proposed wording could create ambiguity as to the type of connection to be provided particularly in greenfield developments where no service is currently provided.	Amend SUB-S6 as follows: 1. Telecommunications through an open access fibre network. Telecommunications i. fibre where it is available or; ii. Copper where fibre is not available.		Reject <u>Accept in part</u>	Key Issue 5: Infrastructure
S178.005	Reuben Wright	SUB-S6	Support in part	Rule SUB-S6 includes reference to provision of telecommunications via fibre or copper connection. A requirement for a telecommunication service should no longer be required for any subdivision where technology now allows for various telecommunication providers to offer new technology allowing for wireless connection in any location. Any rule requiring telecommunication services for subdivision should be removed.	Delete requirement for a telecommunication service for subdivisions.		Accept <u>Accept in part</u>	Key Issue 5: Infrastructure
S517.003	Spark New Zealand Trading Limited and Vodafone New Zealand Limited	SUB-S6	Support in part	Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R6 all require telecommunication connection via compliance with Standard SUB-S6. Non-compliance becomes a restricted discretionary. Rule SUB-R6 requires connection not clear if there is a requirement to provide telecommunication connections beyond the urban and Rural residential	Amend Standard SUB-S6 to apply to all zones as follows: Connections shall be provided at the boundary of the site area of the allotment for: 1. telecommunications i. Fibre where it is available; or		Reject <u>Accept in part</u>	Key Issue 5: Infrastructure

Proposed Far North District Plan – s42A Report Table

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				and Horticulture Processing Facility zones as Rural and Rural Production zones are not mentioned in Rule SUB-R6. In addition, Rural residential and Horticulture Processing Facility zones are zones that would be normally under RBI be serviced via wireless connectivity. Spark and Vodafone are submitting to amend Standard SUB-S6 to recognise wireless connectivity in rural areas.	ii. Copper where fibre is not available Where fibre is not available Mobile/Wireless. which includes satellite: oriii. Where fibre or mobile/wireless connectivity is not available copper VDSL is minimum connection standard: andiv. The applicant shall provide with any subdivision consent application of written confirmation from a telecommunication network operator confirming that connection: andV. 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 may will be required. 2. Electricity supply through the local electricity distribution network. Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.		

Proposed Far North District Plan – s42A Report Table

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FS44.37	Northland Planning & Development 2020 Ltd		Oppose	Fibre and VDSL are rarely available in rural areas with connection impossible in most places. Rural areas should not be included with SUB-S6 as there are many options for wireless connection once rural lots are developed with a residential dwelling. If the sites are developed and they wish to connect to satellite connectivity, such as Starlink, then this will occur once a residential dwelling is constructed on the site, not at the subdivision stage. Furthermore, some rural lots will not be developed with residential dwellings and therefore connection to telecommunications will never be required for some sites (lots which are to remain as vacant farmland etc). SUB-S6 is not applicable to rural areas and landowners should not have to apply for a more restrictive subdivision application due to not being able to connect to fibre.	Disallow		Accept <u>Accept in part</u>	Key Issue 5: Infrastructure
FS289.16	Reuben Wright		Oppose	There is no reason to require telecommunication connections for subdivisions where there are now multiple options available for services. These provisions are not considered necessary.	Disallow		Accept <u>Accept in part</u>	Key Issue 5: Infrastructure
S109.001	Lynley Newport	SUB-S6	Oppose	The submitter opposes the requirement in SUB-S6 to provide connections to the boundary for conventional land line telecommunications or grid power as technology and people's preferences have moved beyond these.	Amend SUB-S6 (inferred) as follows: Add new clause 3:3. Or alternative means, provided that where it is proposed to rely on alternatives to the reticulated services outlined above, the alternative shall be		Reject <u>Accept in part</u>	Key Issue 5: Infrastructure

Proposed Far North District Plan – s42A Report Table

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					capable of providing the same level of service as conventional reticulated services.			
FS172.191	Audrey Campbell-Frear		Support	For the reasons set out in this primary submission.	Allow		Reject Accept in part	Key Issue 5: Infrastructure
FS196.62	Joe Carr		Support	as per submitter's reasoning	Allow		Reject Accept in part	Key Issue 5: Infrastructure
S483.169	Top Energy Limited	SUB-R6	Support	Top Energy supports the requirement for connection to electricity supply at the boundary of the site area of the allotment for the zones specified, but seeks that the requirement also apply to Rural Lifestyle and Quail Ridge given it is most cost effective and efficient to provide easements at time of subdivision design and install infrastructure at time of physical site construction. It should be made expressly clear that for other Zones, an easement to facilitate future connection must be provided at the time of subdivision. Such a requirement should be included as part of this rule.	Amend Rule SUB - S6 to include the following (or to same effect) applicable to all zones not specified in SUB - S6 Easements shall be provided to the boundary of the site area of the allotment to facilitate future connection.		Reject Accept in part	Key Issue 4: Rural Subdivision
FS44.38	Northland Planning & Development 2020 Ltd		Oppose	Easement for future connection in other zones should not be a requirement of subdivision as there is no guarantee these sites will connect to power. The zones that are excluded from this rule are rural zones which may remain as farmland and therefore power supply is not required or if developed, solar may be a more cost efficient method of power supply. In these instances, any easements created for future connection would be redundant. Easements should only be required where there is physical connection.	Disallow		Accept Accept in part	Key Issue 4: Rural Subdivision

Proposed Far North District Plan – s42A Report Table

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FS345.220	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject <u>Accept in part</u>	Key Issue 4: Rural Subdivision