



SECTION 42A REPORT

Officer's written right of reply 28 November 2025

Hearing 16 – Subdivision

1	Introduction.....	2
1.1	Background	2
2	Purpose of Report.....	2
3	Consideration of evidence recieved	2
3.1	Key Issue 1 – Management plan subdivision (SUB-R7)	3
3.2	Key Issue 2 – Environmental benefit subdivision (SUB-R6).....	10
3.3	Key Issue 3 – Additional matters of control and discretion	18
3.4	Key Issue 4 – Matters addressed in other hearings.....	21
3.5	Key Issue 5 – Infrastructure (electricity and telecommunications)	28
3.6	Key Issue 6 – Errors	33
3.7	Key Issue 7 – “Site” versus “allotment”	34
3.8	Key Issue 8 – Significant Natural Areas	35
3.9	Key Issue 9 – Requests for new provisions or wording amendments.....	38
3.10	Key Issue 10 - Other hearing statements	40

Appendix 1: Officer's Recommended Amendments (Subdivision, Right of Reply)

Appendix 1.1: Officer's Recommended Amendments (Rural Production zone, Right of Reply)

Appendix 2: Officer's Recommended Decisions on Submissions (Subdivision, Right of Reply)



1 Introduction

1.1 Background

1. My full name is Kenton Baxter. I am the writer of the original Section 42A Report for Hearing 16 on the Proposed District Plan: Subdivision topic.
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 headings.

3 Consideration of evidence recieved

4. I have only addressed those sections and evidence where I consider additional comment is required. I have grouped these matters into the following headings:
 - a) Key Issue 1 – Key Issue 1 – Management plan subdivision (SUB-R7)
 - b) Key Issue 2 – Environmental benefit subdivision (SUB-R6)
 - c) Key Issue 3 – Additional matters of control and discretion
 - d) Key Issue 4 – Matters addressed in other hearings
 - e) Key Issue 5 – Infrastructure (electricity and telecommunications)
 - f) Key Issue 6 – Errors
 - g) Key Issue 7 – "Site" versus "allotment"
 - h) Key Issue 8 – Significant Natural Areas (SNAs)
 - i) Key Issue 9 – Requests for new provisions or wording amendments
 - j) Key Issue 10 – Other hearing statements
5. In order to distinguish between the recommendations made in the s42A Report and my revised recommendations contained in Appendix 1 of this report:
 - a) Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and
 - b) Revised recommendations from this Report are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text)

6. As a result of recommendations in the Section 42A Report and this Right of Reply, a number of the provisions require renumbering. Where I reference provisions in this report, I use the new reference number (consistent with renumbered provisions in **red text** in **Appendix 1**).
7. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.
8. **Appendix 2** provides an overview of the updated Recommended Decisions on Submissions.

3.1 Key Issue 1 – Management plan subdivision (SUB-R7)

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 4 – Rural Subdivision – Management Plan Paragraph 324-341
Evidence in chief Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168), Matauri Trust Ltd (S243) – P Hall, Planning Evidence	Paragraphs 6.1 – 7.20
Evidence in chief John Andrew Riddell (S431)	Paragraphs 21 – 77

SUB-R7 – Management Plan Subdivision

Analysis

9. Mr Hall has provided evidence in support of the s.42A recommended Management Plan Subdivision rule (SUB-R7).
10. Mr Riddell has provided evidence supporting his requested amendments to SUB-R7. He seeks larger average lot sizes where a Coastal Environment overlay applies, requesting a 6-hectare average lot size in the Rural Production Zone (RPROZ). Mr Riddell now accepts that 5,000 m² is an appropriate lot size in the Rural Lifestyle Zone. His evidence states that changes to existing and higher-order planning documents since the ODP became operative do not materially alter the national or regional policy framework supporting management plan subdivision, and that the reasoning of the Environment Court in its decision on Proposed Plan Change 5 to the Whangārei District Plan remains relevant.

11. In my opinion, while lot size is an important factor in achieving coastal environment objectives, it does not warrant the introduction of a specific average lot size for Rural Production-zoned land within the Coastal Environment overlay under SUB-R7. As a discretionary activity, the scope of matters that may be considered as part of a subdivision application is not confined. This enables the suitability of lot sizes to be evaluated alongside a broader range of relevant considerations, including subdivision design and potential environmental effects. In addition, the objectives and policies of the Coastal Environment chapter would be applicable, ensuring that any proposed subdivision is consistent with the overall management framework for the coastal environment.
12. I note that larger lots do not automatically result in better environmental or landscape outcomes. Other factors, such as clustering, site design and adherence to design guidelines, can be assessed as part of the subdivision application. It should also be noted that the minimum lot size for a discretionary activity in the RPROZ is 8 hectares. A subdivision of this nature within the Coastal Environment would not need to comply with all the information requirements associated with the management plan subdivision rule (SUB-R7). Furthermore, there is only a 2-hectare difference between the existing minimum lot size (8 hectares) for a normal subdivision and the 6-hectare average lot size sought by Mr Riddell for a management plan subdivision, which in my view is a marginal difference.
13. As outlined in Appendix 3 of the PDP, the purpose of the management plan rule is to facilitate the sustainable management of natural and physical resources in an integrated manner. The rule provides a one-off opportunity for integrated subdivision or development, which can result in superior outcomes compared to more traditional forms of subdivision. Management plans enable subdivision and development where the location, form, and scale of proposals complement sustainable environmental management and are consistent with the protection of natural character, landscape, amenity, heritage, and cultural values. In my opinion, where the incentives to achieve these outcomes are marginal, the purpose of the management plan subdivision may not be fully realised.
14. Mr Hall's also provided useful evidence in this regard "*Greater density provided for by Management Plan subdivision can provide the capital injection and opportunity for continued income to provide for conservation outcomes which is simply not available through status-quo farming operations.*"
15. As already noted in the s.42A report, in all cases where subdivision is proposed on land with a Coastal Environment overlay, SUB-R20 (a discretionary activity) is triggered. This provides for a full assessment of coastal environment values and any relevant higher-order policy documents, enabling full consideration of appropriate lot sizes and their effects on the coastal environment.

SUB-R7 – Average lot sizes

16. Having considered Mr Riddell's evidence, I accept that the reasoning underpinning the reduction in the average lot size for management plan subdivision (SUB-R7) from 2 ha to 1 ha is not sufficiently supported. The recommended change in the s.42A report identified as a consequential amendment to the environmental benefit subdivision rule (SUB-R6). However, as Mr Riddell notes, the change to SUB-R6 relates to a minimum lot size, whereas the change to SUB-R7 affects the average lot size. These controls serve different purposes, and therefore the amendment cannot properly be described as consequential. In addition, there is limited scope in submissions to justify the reduction in average lot size under SUB-R7.

Management Plan – Policy framework

17. Mr Riddell and Mr Hall have provided evidence in support of amendments to existing policies, or the introduction of new policies, that would support the Management Plan subdivision rule. A specific issue raised at the hearing and also by Forest & Bird is that SUB-P8 and SUB-P9 seek to avoid subdivision in the RPROZ and the Rural Lifestyle zone unless they achieve the environmental outcomes required in SUB-R7, however this rule does not include any specific environmental outcomes.
18. In light of this issue and the evidence provided, I agree that it is preferable to include the outcomes sought by the Management Plan subdivision rule and the Environmental Benefit subdivision rule within the relevant policies, rather than by specific reference to the provisions themselves.
19. Both Mr Riddell and Mr Hall supported the use of the policy framework (or a variation of that framework) from the Operative District Plan that relates to the Management Plan subdivision rule. I agree with parts of the wording recommended by Mr Hall, which in my opinion carries through the key aspects that support the intent and purpose of the Management Plan subdivision rule.
20. Mr Hall has noted that the policies should be recast as "provide for" policies rather than "avoid" policies, given that there is already an existing avoid policy (SUB-PX). In my opinion, it is not an issue to have two avoid policies in relation to these matters. SUB-PX relates to protection of the productive capacity and viability of rural land, to ensure that subdivision does not compromise farming or forestry activities or lead to inappropriate rural lifestyle development. SUB-P8 specifically relates to avoiding rural lifestyle subdivision unless the subdivision can achieve certain outcomes. In my opinion "provide for" is too permissive as it should be noted the rules which relate to this policy (SUB-R6) and (SUB-R7) are restricted discretionary and discretionary activities. Therefore, maintaining 'avoid' in relation to SUB-P8 is a more appropriate wording, as these aspects such as 'environmental outcomes' need to be achieved for the subdivision to be approved otherwise there is a strong directive for rural lifestyle subdivision in the RPROZ to be avoided. In relation to SUB-P9, I consider that the policy should be amended to "restrict" rather than "avoid." While "avoid" provides a high level of direction, it may be unnecessarily stringent in the context of rural residential

subdivision within the Rural Lifestyle Zone. In my opinion, “restrict” remains directive but allows for a more proportionate management response. This distinction is appropriate given that the productive capacity of land within the Rural Lifestyle Zone is already substantially diminished, and therefore the need to protect it from rural residential subdivision is less compelling than in the RPROZ.

21. In my opinion, the policy wording recommended by Mr Hall is preferable to that recommended by Mr Riddell. While both versions are informed by the ODP Management Plan supporting policies, Mr Hall’s wording has been tailored to align with the notified wording and the format of the PDP. For this reason, I consider Mr Hall’s recommendation to be more appropriate in the context of the PDP however I have made several amendments to this wording.
22. In my opinion it is not necessary to specify in the policy that the management plan enables a more intensive and innovative form of subdivision, use and development, as this does not add any additional value to the policy. In my view it is also not necessary to include the additional wording relating to clause (c). I have therefore removed the reference to SUB-R3 while retaining the remaining wording for simplicity and clarity. I consider that the provision continues to provide an appropriate supporting policy framework for subdivision around an existing residential unit, as provided for under SUB-R3.

Management Plan - Additional matters of consideration

23. Mr Riddell has provided further evidence on why a note about bonding is necessary within Appendix 3. I maintain the position on this matter as expressed within the s.42A, however if the panel decides to introduce this additional note, I do not think it would create any significant issues.
24. Vision Kerikeri, Carbon Neutral Trust, and Kapiro Conservation Trust (Community Groups) presented at the hearing requesting that additional matters of consideration and new requirements be added to Appendix 3, which relates to the Management Plan subdivision rule (SUB-R7). The specific matters raised are addressed below. However, in general terms, in my opinion, these additions are not necessary. SUB-R7 is a discretionary activity, meaning the processing officer is not limited in the matters that may be considered. As outlined in relation to Key Issue 8, an assessment against the subdivision objectives and policies, along with the objectives and policies of other relevant chapters, is required. The subdivision overview states: *"Subdivision of land that contains an identified feature or resource overlay may be subject to additional provisions. Regard should be given to the relevant chapter managing that feature/resource, including its objectives and policies. Zone rules may also have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with rules in the Plan due to the change in allotment size. Other sections of the Plan will be relevant for land use activities, which may be*

associated with and/or required to implement the subdivision e.g. earthworks or the formation of roads."

25. In relation to light effects on vegetation, the Light Chapter can be considered as part of the assessment. The recommended version of LIGHT-P2 relates to indigenous fauna. That policy requires outdoor lighting to manage adverse effects on indigenous fauna, where appropriate, while also controlling lighting intensity, location, and direction to minimise wider impacts.
26. Concerning the request for very clear positive environmental outcomes, in my opinion this is already inherent in the rule. Appendix 3(c) (proposed management measures) requires that proposals include measures to protect, manage, and enhance indigenous vegetation and habitats, outstanding natural landscapes and features, heritage resources, and riparian margins, including the control of animal pests (dogs, cats, rats, mustelids) and pest plants. It emphasises maintaining open space to retain coastal and rural character, protecting the life-supporting capacity of soils, and safeguarding sites of significance to Māori. It also requires ongoing stormwater and effluent management, integrated catchment management, and controls on the placement and visual appearance of residential and accessory buildings. Measures to internalise adverse effects, including avoiding reverse sensitivity, are also required. The Council may request further information on any aspect of a proposal.
27. Regarding low-impact stormwater design, Appendix 3(a)(vi) requires information on proposed stormwater and effluent disposal systems, and Appendix 3(c)(v) requires details on the ongoing control and management of these systems. In my opinion, these existing information requirements provide adequate scope to assess stormwater effects. It is not necessary to specify low-impact stormwater design within SUB-R7, particularly as the rule applies only to the Rural Production and Rural Lifestyle zones, where development intensity and impervious surface coverage are typically low. As a discretionary activity, an unrestricted assessment of the proposed stormwater system can already be undertaken to ensure it is effective and appropriate.
28. In relation to connectivity, the objectives and policies of the Transport Chapter already address this matter, including TRAN-P3. This policy seeks to ensure the safe, efficient, and well-connected operation of the transport network by managing subdivision layout and the placement of buildings and structures to protect sightlines and transport corridors. It promotes well-connected road networks, discourages cul-de-sacs, and requires appropriate access design, including for emergency access. It also addresses vehicular access, traffic volumes, and the needs of all transport users, including pedestrians, cyclists, and those with limited mobility. The policy seeks to minimise cumulative adverse effects on the transport system and avoid reverse sensitivity effects on regionally significant infrastructure.

29. In terms of renewable energy, the PDP includes a specific chapter on this topic which provides an enabling rather than directive approach to renewable electricity generation. REG-O1 seeks to ensure that the important benefits of renewable electricity generation at the local, regional, and national levels are acknowledged and provided for. REG-P3 supports the development of new small-scale renewable electricity generation activities, provided they are designed and located to minimise environmental impacts and do not result in significant adverse effects on the character or amenity values of the surrounding zone.
30. With respect to landscaping, Appendix 3(b)(vii) already requires "*the natural character, landscape (including identification of any ONF and ONL), visual and amenity value characteristics of the site, and an assessment of the effects of construction and site development on those characteristics and values.*" In my opinion, this sufficiently covers landscape considerations, supported by the objectives and policies of the Coastal Environment and Natural Features and Landscapes chapters. These matters can therefore already be considered as part of the Management Plan subdivision assessment.
31. While I could not identify any provisions within the PDP that specifically reference energy efficiency, as noted above in relation to the transport chapter, there are policies that seek the efficient operation of the transport network in the context of subdivision layout. In my opinion, this represents the primary aspect of subdivision that relates to energy efficiency.

Recommendations

32. For the reasons above, 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 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.*
~~*will not result in the loss of versatile soils for primary production activities.—*~~

33. For the reasons above, I recommend the following amendments to SUB-P9.

~~*Avoid*~~ *subdivision rural lifestyle subdivision in the Rural Production zone*
and R-~~*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.*

34. For the reasons above, 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;*

35. For the reasons above, I recommend the following consequential amendments to 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.*

Section 32AA Evaluation

- 36. The recommended amendments to SUB-P8 and SUB-P9 address concerns regarding the alignment between policy direction and the environmental outcomes required under SUB-R6 and SUB-R7. The amendments incorporate the outcomes sought by the Management Plan and Environmental Benefit subdivision rules directly into the policies, providing clearer guidance and ensuring that subdivision proposals are assessed consistently with the intended environmental objectives.
- 37. In relation to policy wording, I consider that SUB-P8 appropriately retains the directive to “avoid” rural lifestyle subdivision. This is necessary to clearly limit the proliferation of lifestyle lots to circumstances where a significant environmental benefit or high-quality development outcome is demonstrated. The wording is consistent with the restricted discretionary and discretionary activity status of SUB-R6 and SUB-R7. I also consider the amendment to SUB-P9, which introduces a directive to “restrict” rural residential subdivision in the Rural Lifestyle Zone, to provide clear and strong policy guidance while still enabling a targeted assessment of potential adverse effects. In my opinion, the combined policy framework ensures lifestyle lots are only enabled within zones specifically intended for such use, or where demonstrably high-quality outcomes are achieved.

38. Regarding lot size, the reduction of the average lot size for management plan subdivisions under SUB-R7 from 2ha to 1ha is no longer recommended. Overall, the recommended amendments improve clarity, ensure environmental outcomes are addressed in policy, and provide a proportionate and effective framework for managing rural and rural lifestyle subdivision under the PDP.

3.2 Key Issue 2 – Environmental benefit subdivision (SUB-R6)

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 4 – Rural Subdivision – Management Plan Paragraph 342-374
Evidence in chief Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168), Matauri Trust Ltd (S243) – P Hall, Planning Evidence	Paragraphs 9.1 – 9.8
Evidence in chief John Andrew Riddell (S431)	Paragraphs 78 – 80

Analysis

Balance Lot size

39. Mr Hall has provided evidence that generally supports the s.42A recommended version of the Environmental Benefit Subdivision Rule (SUB-R6). However, he does not support the requirement for a 40ha balance lot and has requested that this be reduced to 20ha. The reasons outlined in his evidence are that the majority of lots within the RPROZ are less than 40ha, and therefore the application of the rule is limited. Mr Hall considers that the protection of indigenous vegetation and habitats should be equally available to smaller landholdings as it is to larger properties. He also notes that the limited number of smaller (1ha) sites that can be created under this rule, coupled with the requirement for at least 20 hectares of indigenous vegetation or habitat to be protected to create the maximum additional three lots, would in his opinion maintain rural character.
40. Having heard the evidence of Mr Hall, I maintain my position as expressed in the s.42A Report. In my opinion, the balance lot should be consistent with the minimum subdivision standard for the zone. Mr Hall's evidence states "my experience is many smaller titles in the district (sub 20ha) have a cover of indigenous vegetation and habitats by virtue of them having limited productive value, including in the coastal areas." There is no analysis I am

aware of that supports this statement for the wider district. In the RPROZ, the minimum allotment size as a Controlled Activity is 40ha, and therefore the minimum balance lot size should remain consistent with this standard. Reducing the balance lot size, as previously outlined, would contribute to rural fragmentation and would be inconsistent with the outcomes sought by the RPROZ provisions.

41. In my opinion, it is appropriate to provide a discretionary activity pathway where the balance lot size falls between 40ha and 8ha, rather than retaining the current non-complying status when RDIS-6 is breached. However, where other aspects of RDIS-6 are breached, I consider that these should remain non-complying. This approach may go some way towards addressing the relief sought by Mr Hall and, in my opinion, aligns more closely with the recommended RPROZ subdivision standards, which provide for a 40ha minimum lot size as a controlled activity and an 8ha minimum lot size as a discretionary activity.

Additional matters of consideration

42. Mr Riddell has provided evidence in support of his request to amend the Environmental Benefit Subdivision Rule (SUB-R6) and to include additional matters of consideration.
43. Specifically, Mr Riddell recommends that an additional RDIS be included stating: *"All of an area of indigenous vegetation, indigenous habitat or natural wetland assessed as significant under RDIS-2 is protected."*
44. He further recommends that non-compliance with this standard result in the activity being classified as non-complying. I agree that it is preferable for contiguous areas of significant indigenous vegetation, significant indigenous habitat, or natural wetland to be protected. In my opinion, the amendment sought is appropriate to ensure fragmentation of a feature or habitat is avoided and the significant values associated with these areas are protected, it is also a common requirement in other District Plans. However, in my opinion, additional wording should be included to clarify that this requirement applies only to the lot subject to the application. Areas of indigenous vegetation, indigenous habitat, or natural wetland may extend across multiple properties, and in such cases, subdivision rights should not be constrained by features located on neighbouring land. The protection of significant natural areas on adjoining properties is outside the control of the applicant, and it would be unreasonable to limit subdivision potential on that basis.
45. A potential issue associated with this approach is there is no upper limit to the total area required to be protected. This could be considered inequitable for landowners, as those with more extensive areas of significant vegetation or habitat may be required to protect substantially larger areas than others to achieve the same subdivision yield. However, on balance in my opinion the positive effects outweigh this issue.

46. Mr Riddell has recommended the inclusion of an additional RDIS requiring that all proposed new environmental benefit allotments identify a building site located at least 20 metres from any protected ecological feature. He considers that this setback is necessary to mitigate fire risk, as buildings located closer than 20 metres to protected vegetation may have limited opportunity to establish an adequate firebreak.
47. I acknowledge that specifying such a requirement within the subdivision rule could assist in ensuring there is adequate space available on each allotment to accommodate the required 20-metre setback from protected vegetation. However, as outlined in the s.42A the risk associated with wildfire and appropriate building setbacks is already addressed under Rule NH-R5 Wildfire – Buildings used for a vulnerable activity (excluding accessory buildings). This rule requires that any such building located outside an urban zone be set back at least 20 metres from the dripline of any contiguous scrub, shrubland, woodlot, or forestry.
48. It is also relevant to note that Mr Riddell has proposed that where this standard is not achieved under the subdivision rule, the activity status would become Discretionary. In contrast, under the recommended provisions of Rule NH-R5, non-compliance results in a Restricted Discretionary Activity status. In my opinion, this provides a more proportionate and effects-based response, enabling the Council to consider relevant matters of discretion where appropriate mitigation can be achieved.
49. Furthermore, many existing buildings are located within the 20-metre setback, and consent can be granted under Rule NH-R5 where the matters of discretion are adequately addressed. These include:
 - a. The availability of water for firefighting;
 - b. The scale of the extension or alteration;
 - c. Alternative options for the location of the extension or alteration;
 - d. The use of building materials to reduce fire risk;
 - e. The extent and type of vegetation present; and
 - f. The nature and density of any planting to reduce fire risk, including the use of low flammability species.
50. In my opinion, these matters of discretion appropriately manage the fire risk identified by Mr Riddell. The inclusion of an additional RDIS within the subdivision provisions would signal this 20m setback from vegetation requirement at the subdivision stage, however in my opinion it duplicates NH-R5 which is not necessary.
51. Mr Riddell has also requested additional matters are added to RDIS-5 in relation to objectives, monitoring, reporting and funding of necessary

actions. However, he has not provided specific amended wording recommendations to support this.

52. The current wording requires that an ecological management plan be prepared to address the ongoing management of the covenanted area to ensure that ecological values are maintained. This includes requirements for fencing, pest plant and animal control, and any enhancement or edge planting required. In my opinion, these provisions already provide a robust framework for managing long-term ecological outcomes.
53. The inclusion of clear management objectives within the ecological management plan is already implicit in the requirement to ensure that "values are maintained."
54. I consider that monitoring and reporting are important components of ensuring compliance and achieving ecological success. It should be noted that responsibility for implementing and complying with the ecological management plan lies with the consent holder and any future owners of the associated properties. Generally, District Council's do not have the capacity to proactively monitor all covenanted sites. In relation to Reserves Act covenants which are administered by the District Plan team, these are typically voluntary rather than imposed, and should theoretically be subject to periodic review, including site assessments by an ecologist at specified intervals. In practice, however, no such reviews have occurred since prior to notification of the PDP. With respect to s.221 consent notice conditions arising from subdivision, these should also be monitored.
55. I am uncertain what additional monitoring conditions Mr Riddell seeks to include in this RDIS. It is possible that he is referring to a requirement for the applicant to provide reports on the implementation of the ecological management plan at regular intervals, for example, annually. It may therefore be appropriate to include a requirement that the ecological management plan specify monitoring timeframes, performance indicators, and reporting obligations (for example, reporting to Council at defined intervals following covenant establishment). In my opinion, this is an appropriate mechanism to support the long-term success of the protected area.
56. With regard to funding of necessary actions, I do not consider it necessary to include this as a specific matter of discretion. The responsibility for implementing and maintaining the ecological management plan typically rests with the landowner as a condition of consent. Requiring evidence of a "funding mechanism" would, in my opinion, add unnecessary complexity to individual subdivision consents.
57. Mr Riddell has also requested that an additional matter of discretion be included as follows: "*the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.*" In my opinion, this is an appropriate and important addition, as it ensures that applications are assessed within the context of the relevant policy framework

for indigenous biodiversity. The inclusion of this matter would enable a more comprehensive evaluation of whether a proposal is consistent with the objectives and policies that seek to protect, maintain, and enhance indigenous biodiversity values. This will assist in ensuring that decision-making remains aligned with the overall intent of the Plan to safeguard significant ecological values.

58. The proposed wording appropriately ensures that these considerations are taken into account, without necessarily requiring that all relevant objectives and policies be fully met in every case. This is important in the context of environmental benefit subdivisions, where there may be an inherent need to balance trade-offs between the protection of ecological areas and the development associated with the subdivision.

Retrospective use of the rule

59. Ms Newport appeared at the hearing and raised the Environmental Benefit Subdivision Rule (SUB-R6). She expressed the view that the rule should 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.
60. The panel requested comment on potential issues associated with this approach. In my opinion there are several matters to consider in relation to the retrospective application of SUB-R6 to previously protected areas, including fairness, potential duplication of benefits, and implementation risks.

Perceived 'fairness' issues arise whenever new subdivision rules are introduced. This cuts both ways:

- i. property owners missing out on subdivision opportunities when new rules come in that are more restrictive, but equally;
 - ii. landowners who have already protected bush areas are now discounted from SUB-R6 because their bush is already protected. In both scenarios, property owners fall on the wrong side of the rule framework.
61. In my experience this is an inevitable consequence of regulatory change, and absolute parity between past and future development opportunities is rarely achievable.
62. The ODP provides a long-standing pathway for securing development bonuses through protection, revegetation, or enhancement of significant environmental or cultural features. These bonuses apply to Outstanding Landscapes and Natural Features (Rule 12.1.6.3.1), significant indigenous vegetation and habitats (Rule 12.2.6.3.2), heritage resources (Rule 12.5.6.3.1), and in the Waimate North Zone (Rule 18.3.6.4.3). Bonuses are only available where protection is secured at the time of application and are

not available within Natural Resource Overlay Areas or the General Coastal Zone.

63. These provisions have been operative since 2009. They did not enable retrospective bonuses; legal protection must be secured on the Certificate of Title before the bonus can be granted effect. Areas of significant vegetation, habitat, or wetland protected during this period had the opportunity to access bonus entitlements. However, as subdivision provisions under the ODP were generally more permissive, uptake of bonus provisions may have been limited.
64. It is also relevant that many areas of indigenous vegetation were not previously protected solely for altruistic reasons. In most cases, legal protection was secured through resource consent processes, often past subdivisions or land use consents, where the protected area contributed to offsetting or mitigating environmental effects. As a result, many such areas have already delivered an environmental benefit that justified earlier development. Applying SUB-R6 retrospectively therefore raises a significant risk of 'double-dipping', where the same protected area generates development benefits twice. This issue is compounded by the fact that protected areas were created under a variety of circumstances and with differing standards of legal protection. Assessing eligibility would require detailed investigation into: (a) whether the protection was previously exchanged for development rights; (b) whether it formed part of mitigation for earlier activities; and (c) whether the level of protection meets the specific requirements of SUB-R6 (for example, some QEII covenants permit stock grazing and may not constitute adequate protection). This creates substantial administrative burden and uncertainty.
65. A further concern is the potential scale of uptake. There is no comprehensive register of all legally protected or covenanted indigenous vegetation or habitats in the district. Allowing all previously protected areas to qualify could enable an unknown, and potentially large, number of additional lifestyle-sized rural lots. This would run counter to strategic planning objectives that seek to limit rural lifestyle fragmentation and manage ad hoc rural subdivision. By restricting SUB-R6 to new areas of protection, the rule guarantees a "new" and measurable environmental benefit is secured in exchange for subdivision rights.
66. A review of other district plans confirms that retrospective application is generally not provided for. These plans typically require that areas proposed for protection are not already subject to legal protection at the time of application. I could not identify any district plan that explicitly allows the retrospective creation of environmental benefit lots.
67. The submitter has not provided substantive evidence demonstrating the scale or nature of the problem that retrospective application is intended to address. In the absence of such information, I consider that the proposed amendment is not supported by sufficient evidence. Consistent with section 32 of the Act, the risks of acting without adequate information are greater

than the risks of not acting, as the amendment may create unintended planning consequences without a clear understanding of its necessity or effectiveness. On this basis, I do not consider the amendment to be justified.

68. In my opinion, any environmental benefits arising from retrospective application would be marginal, as no new areas of significant indigenous vegetation, significant indigenous habitat, or natural wetland would be newly protected. Some limited benefits may arise where existing protection instruments require strengthening to meet SUB-R6 standards, but these are unlikely to outweigh the risks identified above. For these reasons, I do not recommend that SUB-R6 be applied retrospectively.
69. The panel also requested comment on whether areas protected by landowners without formal legal instruments could qualify under SUB-R6. In my opinion, the recommended version of SUB-R6 would enable consideration of such areas, as the protection would be secured at the time of application rather than having already been formalised.
70. Ms Newport also suggested that SUB-R6 is difficult to interpret, although no specific wording amendments were provided. In my opinion, the structure and wording of SUB-R6 are generally clear and provide a sound framework for implementation. However, I have recommended additional refinements for clarity and alignment with higher order documents. For example, I recommend replacing 'natural wetland' with 'natural inland wetland' to reflect terminology used in the NPS-FW and NES-FW, which provides a clearer definition of the wetland types relevant to SUB-R6.
71. The definition of 'natural inland wetland' is as follows: *means a wetland (as defined in the Act) that is not:*
 - a) *in the coastal marine area; or*
 - b) *a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or*
 - c) *a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or*
 - d) *a geothermal wetland; or*
 - e) *a wetland that:*
 - i. *is within an area of pasture used for grazing; and*
 - ii. *has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless*

72. the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

Recommendations

73. For the reasons above, I recommend the following amendments to 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.

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~~ minimum size of 21ha in area; and
2. ~~t~~he balance lot must be greater than 40ha.

Matters of discretion are restricted to:

...

- i. any relevant matters of control in SUB -R3.
- 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

Section 32AA Evaluation

74. The proposed amendment to RDIS-6, which would reclassify breaches of the minimum balance lot size to a discretionary activity where the lot is at least 8ha, provides a more proportionate response than a non-complying classification. This aligns with the recommended general Rural Production subdivision standards, where controlled activity status applies to minimum lot sizes of 40ha and discretionary activity status applies to minimum lot sizes of 8ha, while other breaches remain non-complying.
75. In relation to the protection of indigenous vegetation, habitat, and wetlands, the addition of a RDIS requiring contiguous significant areas to be protected is appropriate. It ensures that fragmentation is avoided, and the ecological values of these areas are maintained. While there is no upper limit on the area required to be protected, which could result in inequities between landowners, the environmental benefits of safeguarding significant biodiversity outweigh this concern.
76. The inclusion of monitoring and reporting requirements within the ecological management plan is considered an effective mechanism to support long-term ecological success. Requiring defined timeframes, performance indicators, and reporting obligations ensures compliance and allows Council to respond to concerns. The addition of a matter of discretion addressing the extent to which applications meet relevant Ecosystems and Indigenous Biodiversity objectives and policies further strengthens alignment with the PDP's intent, enabling a comprehensive evaluation of proposals while allowing for necessary trade-offs in environmental benefit subdivisions.

3.3 Key Issue 3 – Additional matters of control and discretion

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 1 – General Matters Paragraph 128
Evidence in chief John Andrew Riddell (S431)	Paragraphs 81 – 88

Analysis

Additional matters of control and discretion

77. Mr Riddell has requested the addition of three matters of control or discretion (as relevant) be added to SUB-R3, SUB-R5, SUB-R6 and SUB-R7. The matters are as follows:

- a. measures to mitigate and adapt to climate change*
- b. where relevant, measures to provide for active transport, protected cycleways and for walking*
- c. effects on the existing or planned local character and sense of place*

78. In regard to matter (a), as noted in the S.42A report, I consider the requested wording to be broad and unclear as to the specific outcomes expected. Without clear parameters, there is a risk of inconsistent implementation and uncertainty for applicants regarding potential costs. The PDP includes a range of provisions that address the most significant climate related matters that arise at the subdivision stage. SUB-R3, SUB-R5, SUB-R6, and SUB-R7 require compliance with SUB-S4 Stormwater Management. Following the decoupling of the Engineering Standards, SUB-S4 specifically requires that primary, secondary, and attenuation stormwater systems are designed to accommodate an additional 20 percent capacity for climate change. The PDP also contains specific natural hazard provisions, including SUB-R11 (Subdivision of a site within flood hazard areas) and SUB-R12 (Subdivision of a site within coastal hazard areas), and the associated flood and coastal hazard mapping already accounts for climate change effects. In my opinion, these provisions collectively address the key areas where subdivision design can meaningfully respond to climate change. Introducing a general matter of control relating to mitigation and adaptation may also imply wider obligations, such as on-site water storage, that have not been evaluated for their cost or practicality. On this basis, I consider the existing provisions to be sufficient and do not recommend including the additional matter. SUB-R7 is a discretionary activity which already enables a full assessment of climate change effects where relevant.

79. In regard to matter (b) SUB-O4 seeks to ensure that subdivision is accessible, connected, and well-integrated with the surrounding environment. This includes providing safe and efficient transport connections, including active transport modes and public transport where practicable, ensuring connections to both new and existing public open spaces, and providing esplanades where land adjoins the coastal marine area or other qualifying waterbodies. Also, SUB-P5 seeks to ensure subdivision design and layout in residential, mixed use, town centre, and settlement zones create safe, accessible, and well-connected environments. It promotes efficient transport networks by minimising vehicle crossings, avoiding cul-de-sacs where possible, and encouraging layouts that foster social interaction and a strong sense of place. The policy also emphasises maximising accessibility, including for emergency response, through interconnected walkways, cycleways, and transport links, while ensuring the provision of necessary supporting infrastructure.

80. In my opinion, it is appropriate to include matter (b) as a matter of control for SUB-R3. This would ensure that active transport, protected cycleways, and walking connections can be considered as part of subdivision design where they are relevant to the site and context. The qualified wording "where relevant" means this matter would only apply in circumstances where such connections are appropriate, such as larger subdivisions within the urban environment or areas identified for higher levels of accessibility and connectivity. In my view, providing for this consideration at the subdivision stage is likely to contribute to improved transport integration and more functional subdivision outcomes.
81. In regard to matter (c), in my opinion this additional assessment is not necessary. SUB-R3 is a controlled activity and requires compliance with the minimum lot size standards for each zone. These minimum lot sizes have been specifically developed through the plan-making process to reflect the anticipated character and sense of place for each zone. Accordingly, where a subdivision meets the minimum lot size requirements, it is reasonable to assume that its effects on existing or planned local character have already been accounted for. Introducing an additional matter of control relating to character would therefore duplicate considerations already embedded in the zone standards.
82. Similarly, SUB-R5 (Subdivision around an approved residential development) applies where a residential dwelling has already been established, either through a previous resource consent process or as a permitted activity under the relevant provisions at the time. In my opinion, this indicates that the development has already been deemed appropriate and is compatible with the existing or planned local character and sense of place.
83. In terms of SUB-R6, this rule is a restricted discretionary activity that applies only within the RPROZ. The environmental benefit subdivision provisions enable a limited number of rural lifestyle lots to be created where significant indigenous vegetation, significant indigenous habitat, or natural wetlands are permanently protected. In my opinion, the outcomes associated with this rule are already appropriately managed through the matters of discretion, and it is therefore unnecessary to include an additional matter relating to effects on local character and sense of place.
84. Finally, SUB-R7 is a discretionary activity, and such matters can already be considered as part of the broader assessment framework if deemed relevant. Accordingly, I do not consider it necessary to specify this as a separate matter of discretion.

Recommendations

85. For the reasons above, I recommend the following amendments to SUB-R3.

Matters of control are limited to:

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

Section 32AA Evaluation

86. In my opinion, it is appropriate to include an additional matter of control requiring consideration of “where relevant, measures to provide for active transport, protected cycleways and for walking” within SUB-R3. This addition would ensure that opportunities to integrate active transport connections are assessed at the subdivision stage, but only in circumstances where such measures are contextually appropriate. The qualified wording “where relevant” provides necessary flexibility, limiting the application of this matter to situations such as larger-scale subdivisions or areas where improved connectivity and accessibility are anticipated or desirable. In my view, including this matter of control will assist in achieving better integrated transport outcomes and more functional subdivision design, without imposing unnecessary or disproportionate requirements on smaller or more isolated rural subdivisions.

3.4 Key Issue 4 – Matters addressed in other hearings

Overview

Relevant Document	Relevant Section
Section 42A Reports and ROR's for the following topics: Rural Coastal Environment Infrastructure	Specific sections are referred to in the footnotes
Evidence in chief Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168), Matauri Trust Ltd (S243) – P Hall, Planning Evidence	Paragraphs 10.1 – 10.2
Evidence in chief John Andrew Riddell (S431)	Paragraphs 89 – 97
Evidence in chief Top Energy, (S483), (FS369) – D Badham, Planning evidence	Paragraphs 4.9 – 4.13
Evidence in chief Oromahoe Land Owners Group (FS131) – A McPhee, Hearing Statement	Whole document

Analysis

Minimum Lot Sizes in the RPROZ and other alternative Rural Production subdivision options

87. Mr Hall has reiterated the evidence he presented on behalf of his clients in Hearing 9, in which he supported a 20ha minimum lot size as a controlled activity within the RPROZ rather than the recommended 40ha. He has also provided evidence in support of the recommended amendments to SUB-R3, which would enable subdivision around an existing residential unit within the RPROZ in specific circumstances. However, Mr Hall has recommended that the balance allotment be a minimum of 20ha in size, consistent with his minimum lot size recommendation. In my opinion, these amendments are not supported. While we acknowledge Mr Hall's point that the Council's economic evidence is broad and therefore should be given limited weight, with the amended provisions for the RPROZ to enable subdivision around an existing residential unit, together with the reduction to a 2ha controlled minimum lot size for the Rural Lifestyle Zone, there is no evidence to suggest that there is an inadequate supply of lots. I therefore concur with the response provided by the reporting planner for the Rural topic in relation to this matter.¹
88. A number of other submitters, including Ms Lynley Newport, Mr Dennis Thompson, and Mr Peter Malcolm, appeared at the hearing and provided evidence in support of smaller minimum lot sizes within the RPROZ and/or alternative subdivision options.
89. Mr Malcolm sought additional provisions to enable lifestyle blocks in rural areas, particularly within the RPROZ. He suggested that landowners be permitted to subdivide a 2 hectares lot surrounding their dwelling. In addition, he proposed a cluster option allowing for two 1-hectare lots in rural areas, ideally located adjacent to existing smaller lots or on less productive land. In both scenarios, Mr Malcolm suggested that the balance parcel should have a minimum area of 20 hectares or similar. He also sought that boundary adjustments among existing rural titles be provided for to enhance land use flexibility and productivity, and that the minimum area for the smaller parcel resulting from such an adjustment be reduced to 1 hectare.
90. It is noted that all subdivision under the PDP requires resource consent, which in my opinion is appropriate to ensure that each proposal is subject to an assessment of its effects. As noted by Council officers during the hearing, boundary adjustments are addressed under Rule SUB-R1. Where the minimum allotment sizes for controlled activities under Condition CON-1 are not met, the activity status defaults to restricted discretionary. In my opinion, this approach is appropriate as it enables boundary adjustments within the RPROZ to be assessed appropriately. In circumstances where a

¹ Paragraph 219-221 of the Rural Right of Reply, prepared by Melissa Pearson and dated 3 March 2025.

boundary adjustment results in one smaller lot, such as a 1-hectare parcel as suggested by Mr Malcolm, and a corresponding increase in the size of the other lot, such an outcome is likely to be viewed favourably by the processing planner, particularly as the larger lot would likely have improved viability for productive use.

91. Ms Newport and Mr Thompson also request smaller minimum lot sizes in the RPROZ specifically. They also request alternative options for smaller lots such as a retirement lot to be subdivided from a property held in a certificate of title more than 5 years old and/or subdivision to be carried out from a property with the certificate of title dated prior to 28 April 2000.
92. In my opinion, the recommended approach is not appropriate. I concur with the response provided by the reporting planner for the Rural topic in relation to these matters. No comments were raised at the hearing by either party regarding the additional provisions recommended, which, in my view, would address some of the relief sought, at least in part.
93. The Hearing Panel requested that Council officers provide a list of provisions within the Rural Zones that enable subdivision or development opportunities which is as follows:

SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha 2ha	2ha 1ha
Horticulture Precinct (<u>applies in place of Rural Production minimum allotment size</u>)	N/A	8ha
Settlement	3,000m ²	1,500m ²

94. Other subdivision pathways include an additional provision introduced into SUB-R3 as part of the Subdivision s.42A report which enables subdivision as a controlled activity in the RPROZ around an existing, legally established dwelling (or one with building consent granted before the PDP decisions date), allowing one rural lifestyle allotment to be created between 2,000m² and 2ha in size, provided that the remaining balance lot is at least 40ha. This becomes a discretionary activity where the balance allotment is less than 40ha but greater than 8ha in size.

95. Other rural subdivision options include SUB-R6 (Environmental benefit subdivision) which is a restricted discretionary activity and applies in the RPROZ which enables a maximum of 3 additional lots with a minimum lot size of 1ha where areas of significant indigenous vegetation or habitat or natural wetlands are legally protected and the balance lot is greater than 40ha.

SUB-R7 (Management plan subdivision) is a discretionary activity rule that applies to the RPROZ and the Rural Lifestyle zone. Some of the requirements of this rule are that the average size of all lots in the management plan is no less than 2ha in the RPROZ and 5,000m² in the Rural Lifestyle zone and that the portion of a site that is not subject to the management plan shall be no less than 8ha in the RPROZ and 1ha in the Rural Lifestyle zone. A management plan subdivision requires detailed information requirements, and the characteristics of such a subdivision are outlined in Appendix 3 as follows: "*The purpose of management plan subdivision or development is to facilitate the sustainable management of natural and physical resources in an integrated way. The management plan rule provides a once-off opportunity for integrated subdivision or development which results in superior outcomes to more traditional forms of subdivision, use or development. Management plans allow subdivision and development where the location, form and scale of the proposal complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values. Management plans provide flexibility to create innovative and site specific proposals.*"

96. In terms of land use development opportunities within the Rural Environment, the following table outlines the relevant provisions as recommended. In my opinion, these provisions collectively provide a reasonable and balanced range of opportunities for residential development across the rural zones. The framework enables varying levels of development intensity that reflect the purpose, character, and capacity of each zone, ranging from less intensive development in the RPROZ to more intensive development in the Settlement and Rural Lifestyle Zones. I consider that this approach provides for rural living and also Papakāinga housing aspirations while maintaining the underlying intent, environmental values, and productive potential associated with the Rural Environment.

Activity Type	Key Provisions / Standards
Residential Unit	- RPROZ-R3: Permitted – Up to 6 units per site (≥40 ha per unit). - RLZ-R3: Permitted – At least 2 ha per unit. - RRZ-R3: Permitted – At least 4,000 m² per unit. - RSZ-R3: Permitted – At least 3,000 m² per unit.

	- MPZ-R4 – Urban: Permitted – At least 600 m² per standalone or multi-unit residential development. - MPZ-R4 – Rural: Permitted – Up to 6 units per site (≥40 ha per standalone residential unit). - TSL-R3: Permitted – On sites less than 1,200 m², the site area per standalone or multi-unit residential unit is at least 600 m². Up to 6 units per site.
Minor Residential Unit	- RPROZ-R19 & RLZ-R11: Permitted – 1 unit per site (≥1 ha per unit); shared vehicle access with the principal residential unit; ≤15 m separation; GFA ≤65 m² (+18 m² garage/carport). - RRZ-R10: Controlled – Same standards, except site area per unit is at least 4,000 m². - RSZ-R10: Permitted – Same standards as above; no specific site area requirement.
Papakāinga Housing	- RPROZ-R20: Restricted Discretionary – Up to 10 units per site; communal/ancestral purpose; not located on highly productive land. - MPZ-R5 – Urban: Permitted – Site area is at least 600 m² and the number of residential units per site does not exceed 3. - MPZ-R5 – Rural and TSL-R4: Permitted – Up to the greater of (a) 1 unit per 40 ha of site area, or (b) 10 units per site. Associated commercial activity must not exceed 250 m² GBA. Exception: PER-2 does not apply to Lots 186–188, 190, and 193 DP 393664 (Matauri X Residue).

Subdivision within the Coastal Environment Overlay

97. Mr Riddell has reiterated the evidence he presented in Hearing 4 regarding SUB-R20, he recommended excluding some urban zones from being required to comply with this rule. In my opinion, these amendments are not supported. I concur with the response provided by the reporting planner for

the Coastal Environment topic in relation to this matter.² I received further advice from the reporting planner for the Coastal Environment topic indicating that discretionary activity status for subdivision within the Coastal Environment overlay is not unduly restrictive. It would require that the applicant demonstrate that the proposal is consistent with the Coastal Environment objectives and policies, which, in an urban context, should not be overly difficult to achieve. On this basis, I consider the requirement to be reasonable.

Subdivision restrictions on dogs

98. In relation to the points raised by Ms Excel at the hearing, I maintain my position as outlined in the s.42A Report, in support of the recommended policies for the Indigenous Biodiversity Chapter³. As noted, the recommended version of Policy IB-P9 states: *"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"*. The inclusion of the phrases "where necessary" and "where appropriate" provides flexibility, ensuring that blanket prohibitions on dogs and cats are not applied indiscriminately. Instead, it enables case-by-case consideration of whether restrictions are necessary in relation to each subdivision proposal.
99. In my opinion, this approach appropriately enables the assessment of potential effects associated with domestic dogs and cats at the time of subdivision consent. Further, the subdivision provisions include a matter of control within the relevant controlled subdivision rules, which provides for consideration of: *"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;"* In my view, this matter of control enables consideration of the relevant Indigenous Biodiversity policies that address these values, as would be the case for discretionary and non-complying subdivision activities.

Esplanade provisions and requirements

100. The Community Groups have again raised the issue of esplanade reserves in the context of subdivision, including for developments such as retirement villages. The matter was previously addressed in relation to Hearing 5 – Public Access⁴. I agree with the recommendations made by the reporting officer. As noted in the Public Access ROR the current PDP does not require esplanade reserves for land use activities, and without financial

² Paragraph 118-119 of the Coastal Environment, Natural Features and Landscapes, Natural Character Right of Reply, prepared by Jerome Wyeth and Benjamin Lee, dated 23 August 2024.

³ Paragraph 116-117 of the Subdivision s.42A report, prepared by Kenton Baxter, dated 30 September 2025.

⁴ Paragraph 10-19 of the Public Access and Activities on the Surface of Water Right of Reply, prepared by Jaimee Cannon, dated 26 August 2024.



contribution provisions in the District Plan, reserves cannot be mandated as a condition of land use consent. However, the existing policy framework allows for voluntary creation of esplanade reserves or strips through subdivision (for lots over 4 ha), development agreements, or third-party funding. Policies PA-P1, PA-P2, PA-P4, and PA-P5 provide guidance on securing public access via esplanade reserves, strips, access easements, and other mechanisms, while considering factors such as climate change and natural hazards. As recommended, an additional note was added to the overview section of the Public Access chapter stating: "*In cases where an esplanade is not required by the District Plan provisions, esplanades may be created by other methods. For example, a landowner may agree to provide an esplanade reserve or strip voluntarily (section 235 of the RMA) or a third party (such as a community group) may assist with funding a reserve.*" This approach clarifies that opportunities are available for securing public access where District Plan requirements do not otherwise mandate it.

SUB-R10

101. Mr Badham has provided additional evidence on Rule SUB-R10, which was previously addressed under the Infrastructure topic at Hearing 11. Mr Badham has correctly identified that the analysis on this matter within the Subdivision s.42A report is inconsistent with the recommendation set out in Appendix 1.
102. There was an error in carrying over the reporting officer's recommendation from the Infrastructure ROR. However, it should be noted that the recommended provisions in the Subdivision Appendix 1 align with the Infrastructure ROR Appendix 1 recommendations, which was the intent.
103. Mr McPhee has provided a hearing statement on behalf of the Oromahoe Landowners Group, who also presented evidence on Rule SUB-R10 during the Infrastructure topic at Hearing 11. In his statement, Mr McPhee expressed support for the recommended wording for Rule SUB-R10 set out in the Infrastructure ROR, which has been correctly carried through into Appendix 1 of the Subdivision s.42A Report. Mr McPhee and the Oromahoe Landowners Group also attended the hearing to reiterate this position.
104. At the Hearing, Mr Badham conceded that a controlled activity status is appropriate for SUB-R10, however he maintained his position that where this is breached it should become a non-complying activity instead of the recommended discretionary activity.
105. I have discussed this matter with the reporting officer for the Infrastructure topic, and we have agreed to maintain the recommended wording for SUB-R10 for the reasons outlined in the Infrastructure ROR⁵.
106. The Hearing panel also noted a typo in relation to SUB-R10, the recommended version refers to "matters of discretion are restricted to:"

⁵ Paragraph 57 – 61 of the Infrastructure ROR, prepared by Jerome Wyeth and dated 21 May 2025

which should be “matters of control are limited to:” this is recommended to be amended.

Recommendations

107. For the reasons above, I recommend the following amendments to SUB-R10.

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

Section 32AA Evaluation

108. A minor change to correct a typo is recommended to SUB-R10. On this basis, no evaluation under Section 32AA is required.

3.5 Key Issue 5 – Infrastructure (electricity and telecommunications)

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – Infrastructure
Evidence in chief Top Energy Limited, S483, FS369 – D Badham, Planning Evidence	Paragraphs 4.1 - 4.8 Paragraphs 4.14 - 4.17
Evidence in chief Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP S278, S517 – G Mccarrison, A Kantor and C Clune, Corporate evidence	Whole document
Evidence in chief Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP S278, S517 – C Horne, Planning Evidence	Whole document

Analysis

Objective and policy direction as it relates to infrastructure

109. Mr Badham has provided evidence seeking the inclusion of additional wording to strengthen the protection of existing electricity infrastructure, particularly the mapped Critical Electricity Line Overlay, in relation to Objective SUB-O2. He also proposes amendments to Policy SUB-P11 to specifically refer to reverse sensitivity effects on existing infrastructure rather than activities. In addition, Mr Badham requests a new policy be added to ensure subdivision design and future land use avoid reverse sensitivity effects on infrastructure, particularly by maintaining appropriate setbacks from the Critical Electricity Line Overlay.
110. In my opinion, the relief sought by Mr Badham is not necessary. The PDP objectives are to be read as a whole, and there is already clear direction within the Infrastructure Chapter, specifically Objective I-O3 and Policy I-P7(e), to protect the Critical Electricity Line Overlay, consistent with the requirements of the RPS. The intent of Mr Badham's evidence appears to be that this policy direction should be repeated within the Subdivision Chapter to support Rule SUB-R10 and meet s.32 requirements. However, in my view, section 32 evaluations are not intended to be undertaken at a chapter-by-chapter level, but rather in relation to the overall proposal (i.e., the PDP as a whole).
111. It is also noted that Transpower New Zealand Limited (as outlined in their hearing statement) has accepted this distinction between the Infrastructure Chapter policy framework and the subdivision provisions. Accordingly, I consider that the additional infrastructure-specific provisions sought by Top Energy are unnecessary, as the existing policy direction appropriately gives effect to the RPS and already provides sufficient protection for infrastructure including critical electricity infrastructure.

SUB-S6 Telecommunications and Power Supply connections

112. Mr Badham has requested that SUB-S6 apply to all zones and that the rule be amended to require "every new allotment (excluding any allotments for access, roads, network utilities or reserves) is provided with a connection, or easements to secure connection, to a reticulated electrical supply system at the boundary of the new allotment."
113. I support the intent of this amendment, as it provides greater clarity and incorporates the previous "note" within the provision to ensure it functions as a rule requirement rather than an advisory statement. However, I do not agree that this requirement should extend to all zones. In rural environments, legitimate alternative power supply options, such as on-site solar generation, can provide the necessary electricity without requiring a reticulated supply. Applying the same standard to rural zones would therefore be unnecessarily prescriptive in my opinion.
114. As outlined in the subdivision s.42A report which referenced previous s.42A report recommendations (Kororāreka Russell Township, Rural Residential, and Urban Zones), similar policy requirements for reticulated

telecommunications and in some cases electricity connections were recommended to be softened from “require” to “encourage.” This approach recognised that advances in technology mean reticulated telecommunications and electricity services are not always necessary or desirable, particularly where on-site renewable or wireless solutions are available. Retaining an encouragement-based approach provides flexibility in areas where future urbanisation may occur, supporting coherent infrastructure planning while avoiding unnecessary constraints on development (particularly rural development). This reasoning underpinned the recommendation to remove the mandatory telecommunications connection requirement from SUB-S6.

115. Mr Horne, on behalf of the telecommunications providers (Telecos), has requested that SUB-S6 include a requirement for all new allotments in all zones to be provided with a telecommunications connection at the boundary.
116. Mr Horne correctly notes that the Strategic Direction and Subdivision Chapters include objectives seeking to ensure that additional infrastructure is provided or planned to support anticipated growth. The definition of “additional infrastructure” in the National Policy Statement on Urban Development includes both telecommunications and electricity networks. Accordingly, I accept that there is merit in ensuring subdivision provisions remain consistent with higher-order direction relating to infrastructure capacity and coordination, particularly now that the Far North District Council is now considered a tier 3 authority under the NPS-UD, insofar as this classification applies to ‘urban environments’.
117. Having considered Mr Horne’s evidence and discussed the matter with other reporting officers, I agree that the complete deletion of the telecommunications connection requirement is not appropriate. I support, in principle, the telecommunications industry’s proposed wording, which recognises that where open-access fibre is not available, mobile, wireless, or satellite services may be used. This ensures that the rule remains technology-neutral and adaptable. However, I consider that the requirement for a telecommunications connection should apply only within urban zones and certain rural zones such as the Settlement Zone, where connectivity is a critical component of infrastructure capacity. In contrast, other rural zones should be exempt, as they commonly rely on alternative technologies and service models.
118. In my opinion, it is not necessary to consequentially amend the policies within the Kororāreka Russell Township, Rural Residential, or Urban Zones. As previously noted, the provisions requiring reticulated telecommunications, and in some cases electricity, have been softened from “require” to “encourage.” However, in my opinion there remains a clear distinction between subdivision and land use. Subdivision creates new allotments, and it is appropriate that new lots are required to provide for electricity and telecommunications connections. In contrast, land use activities occurring on existing lots, such as extensions to existing buildings

or the establishment of minor buildings, generally already have access to these services or can rely on alternative technologies to provide them.

119. As raised at the hearing there are issues with the suggested wording 'An open access fibre network, where it is reasonably practicable to do so' this is subjective and difficult to assess what is considered 'reasonably practicable'. In my opinion it is more appropriate to require where an open access fibre network is '*available to the boundary of the site*'. This wording is used in the combined West Coast District Plan – Decisions which the Telcos provided at the hearing.
120. The Chorus representative at the Hearing also noted that they are comfortable with the requirement for fibre being removed in relation to the Rural zones, however in regard to the Settlement zone where it is available it should be a requirement.
121. In my opinion if the hearing panel was to accept the 'Telcos' proposed wording and make compliance with SUB-S6 a requirement in all zones, I do not agree with the condition for applicants to provide written confirmation from a telecommunications network operator that a suitable connection can be made in relation to non-urban zones.
122. This requirement is not practical for independent services such as Starlink or other wireless providers that operate outside the regulated network utility framework. Local operators such as Chorus have no role in confirming the availability or suitability of those services. Retaining a blanket requirement for written confirmation could therefore unreasonably constrain applicants and undermine the flexibility that the amended wording seeks to achieve.
123. A more appropriate and effects-based approach would be to require applicants to demonstrate that a suitable telecommunications service (wired, wireless, or satellite) is reasonably available or can be made available, rather than to obtain written confirmation from a specific operator. This would maintain confidence in service outcomes without prescribing technologies or privileging certain providers.

Recommendations

124. For the reasons above, I recommend the following amendments to SUB-S6.

SUB-S6 <u>Telecommunications and power supply</u>		
General Residential zone	<u><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></u>	Matters of discretion are restricted to:
<u>Medium Density</u>		<i>a. alternative provision of <u>telecommunication and electricity supply.</u></i>

<u>Residential zone</u> <u>Town Centre zone</u> <u>Kororāreka Russell Township zone</u> Mixed Use zone Light Industrial zone Heavy Industrial zone Settlement zone <u>Rural Residential zone</u> Horticulture Processing Facility zone	1. <u>A reticulated electricity supply system at the boundary of the new allotment; and</u> 2. <u>Telecommunications services at the boundary of the new allotment, provided by:</u> i. <u>An open access fibre network, where it is available to the boundary of each new lot; or</u> ii. <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u> iii. <u>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</u> iv. <u>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.</u> <u>Connections shall be provided at the boundary of the site area of the allotment for:</u> <u>1. telecommunications</u> <u>i. Fibre where it is available; or</u> <u>ii. Copper where fibre is not available; and⁶</u> <u>2. Electricity supply through the local electricity distribution network.</u>	
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⁶ S178.005 and others

	<i>Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.</i>	
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Section 32AA Evaluation

125. The recommended amendment to SUB-S6, clarifying that the requirement for a reticulated electricity connection forms part of the rule rather than an advisory note, improves the efficiency and effectiveness of the provision. This change provides greater certainty for plan users and ensures the intent of the provision is implemented as a clear standard.
126. With respect to telecommunications, reinstating a requirement for subdivision to provide a telecommunications connection within urban and settlement zones only, while exempting rural zones, represents a more proportionate response to infrastructure needs. This approach aligns the rule with higher-order direction seeking coordinated infrastructure in urban environments, while recognising that rural areas commonly rely on alternative technologies.
127. Overall, the recommended amendments increase clarity and ensure servicing requirements remain aligned with infrastructure expectations in urban environments, improving the efficiency and effectiveness of SUB-S6.

3.6 Key Issue 6 – Errors

Overview

Relevant Document	Relevant Section
Kauri Cliffs Special Purpose Zone Section 42A Report	Key Issue 8 – SUB-R3 and SUB-R20
Evidence in chief Waiaua Bay Farm Limited, S463 – Hearing Statement	Whole document

Analysis

128. Following publication of the Subdivision s.42A report online, Council was contacted by Mr Tuck on behalf of Waiaua Bay Farm Limited. He identified a drafting error within Appendix 1, which is not consistent with the recommendations previously made to the Subdivision Chapter as part of Hearing 15A. Specifically, the exclusion for the Kauri Cliffs Golf Living Sub-zone should relate to SUB-R20, rather than SUB-RXX as drafted in Appendix 1.

129. I acknowledge this error and recommend that Appendix 1 be amended accordingly, to ensure consistency with the recommendations made for SUB-R20 in Hearing 15A⁷.

Recommendations

130. For the reasons above, I recommend the following amendments to SUB-R20 and SUB-RXX.

SUB-R20	<i>Subdivision <u>creating one or more additional allotments of a site</u> 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>
<i>SUB-RXX</i>	<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>

Section 32AA Evaluation

131. Not required as this matter relates to an obvious error. The s.32AA evaluation for the intended amendment to SUB-R20 has already been addressed in relation to Hearing 15A.

3.7 Key Issue 7 – “Site” versus “allotment”

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 1 – General Matters Paragraphs 134-136
Ian Diarmid Palmer – Hearing Presentation	Whole document

⁷ Paragraph 179-194 of the Kauri Cliffs Special Purpose Zone Section 42A report, prepared by Jerome Wyeth and dated 28 July 2025.

Analysis

132. Mr Palmer presented at the hearing stating the term “site” rather than “allotment” should be used in relation to standard SUB-S1 (Minimum Allotment Sizes).
133. I maintain the position outlined in the Section 42A report. 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.
134. While I acknowledge that this approach may result in practical complexities where the existing cadastral pattern is irregular, or where multiple allotments are held within a single record of title (for example, where separated by a paper road as described by Mr Palmer), these are considered to be implementation issues rather than a deficiency in terminology. Section 218(3) of the RMA specifically addresses such circumstances by deeming an allotment to be a continuous area of land notwithstanding that it may be physically separated by a road or other feature, unless that division has been formally created by a subdivision consent. This means that land on either side of a paper road, where held within a single record of title, is still legally one allotment for the purposes of assessing subdivision compliance.
135. An unintended consequence of using “minimum site size” is that a site may comprise multiple allotments. Under the definition of “site”, these would be treated as a single entity for the purpose of subdivision, which could result in new sites being created without regard to the existing allotment boundaries contained within the site. This may lead to subdivision patterns that do not reflect the underlying cadastral framework or the intended density controls.
136. While I note Mr Palmer’s reference to the Auckland Unitary Plan, which applies minimum site size to subdivision, a number of other district plans continue to reference allotments in this context. In my opinion, this remains the most appropriate and robust approach given the statutory definition in section 218.

Recommendations

137. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

138. Not required as no changes are recommended.

3.8 Key Issue 8 – Significant Natural Areas

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 3 – Indigenous Biodiversity and Natural Character Key Issue 4 – Rural Subdivision And others
Evidence in chief Royal Forest and Bird Protection Society of New Zealand Inc, FS346 – T Williams, Legal submissions	Whole document

Analysis

139. Mr Williams presented legal submissions on behalf of Forest & Bird in relation to the subdivision topic. The primary issue raised relates to the deletion of SUB-R17 (subdivision of a site containing a scheduled SNA), previously a discretionary activity. Mr Williams considers that the adverse effects of subdivision on SNAs, such as fragmentation, are not sufficiently addressed through the remaining provisions. As outlined in my s.42A report, I recommended deleting SUB-R17 as SNAs are not mapped within the PDP.
140. Forest & Bird's submission is that SUB-R17 should be reinstated and apply to all SNAs that meet the RPS criteria, rather than only those that were scheduled.
141. Mr Williams also outlined several concerns with SUB-P8 and SUB-P9, which in his view would be relied upon to protect SNAs under the revised framework.
142. I do not agree with Mr Williams' interpretation. As noted under Key Issue 1, the subdivision overview section states:
- "Subdivision of land that contains an identified feature or resource overlay may be subject to additional provisions. Regard should be given to the relevant chapter managing that feature/resource, including its objectives and policies. Zone rules may also have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with rules in the Plan due to the change in allotment size. Other sections of the Plan will be relevant for land use activities, which may be associated with and/or required to implement the subdivision e.g. earthworks or the formation of roads."*
143. In my view, this wording also responds to the concerns raised by the Community Groups regarding my s.42A recommendation to delete SUB-P4 which is as follows *"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."* As outlined in the s.42A report, this policy is

unnecessary, as relevant district-wide matters must still be assessed for subdivision applications as outlined in the overview section.

144. Accordingly, in my opinion, where subdivision is a discretionary or non-complying activity, the objectives and policies of the Indigenous Biodiversity chapter must be considered. These provisions provide strong direction on the protection of indigenous biodiversity. Within the coastal environment, IB-P2 requires that land use and subdivision strictly avoid adverse effects on Threatened and At-Risk indigenous species, significant indigenous vegetation, significant habitats of indigenous fauna, and areas protected under other legislation. IB-P2 also requires that significant adverse effects are avoided, and that all other adverse effects are avoided, remedied, or mitigated on areas predominantly comprising indigenous vegetation, as well as on species, habitats, and ecosystems particularly vulnerable to modification.
145. Outside the coastal environment, IB-P3 requires that adverse effects of land use and subdivision on Threatened and At-Risk species, significant indigenous vegetation, significant habitats of indigenous fauna, and areas protected under other legislation are avoided, remedied, or mitigated so that any remaining effects are no more than minor. IB-P3 further requires that adverse effects are avoided, remedied, mitigated, offset, or compensated to ensure that no significant adverse effects occur on areas predominantly in indigenous vegetation or on species, habitats, and ecosystems that are particularly vulnerable to modification.
146. IB-PX also provides that subdivision (and associated land use) is supported where it results in the protection, restoration, or enhancement of indigenous biodiversity. Subdivision is enabled where it includes formal legal protection and restoration work (as required under SUB-R6 or SUB-R7), and may be considered where it delivers secure, long-term ecological benefits through active and ongoing restoration efforts.
147. In relation to the relevant controlled activity subdivision provisions, these include a matter of control that provides for consideration of: "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." In my view, this matter of control enables consideration of the Indigenous Biodiversity policies that address these values, and therefore addresses several of the concerns raised by Mr Williams.
148. As outlined under Key Issue 2, I have recommended adding an additional matter of discretion to SUB-R6 to specifically direct processing planners to consider "*the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.*" In my view, a similar amendment is not required for controlled subdivision activities. The existing matter of control identified above already relates to adverse effects on natural character and indigenous biodiversity values, and

when read together with the subdivision overview section, it provides sufficient direction for assessment and consideration of other relevant chapters such as Indigenous Biodiversity.

149. In my opinion, this approach also addresses the concerns raised by the Community Groups, who were particularly concerned that the environmental benefit subdivision rule could enable development near areas of indigenous biodiversity. The explicit reference to consideration of the Ecosystems and Indigenous Biodiversity Chapter within SUB-R6 ensures that these matters are appropriately assessed where additional subdivision is proposed in proximity to significant indigenous vegetation, significant indigenous habitat or natural inland wetland.
150. As noted above, I accept that the environmental outcomes associated with SUB-R6 and SUB-R7, as referenced in SUB-P8 and SUB-P9, are not immediately clear. To address this, I have recommended amendments to SUB-P8 and SUB-P9 to explicitly state the environmental outcomes sought, rather than relying on cross-reference to the rules.
151. Mr Williams also observes that SUB-P8 and SUB-P9 provide for subdivision in the RPROZ where these environmental outcomes are achieved. This includes:
 - (a) Rule SUB-R6, where the application is for an “environmental benefit subdivision”;
 - (b) Rule SUB-R7, where the subdivision achieves the specified environmental outcomes; and
 - (c) Rule SUB-R3, where the subdivision is around an existing residential unit.
152. In my opinion, and as outlined above, the objectives and policies of the Indigenous Biodiversity chapter must be considered in assessing such applications, alongside other relevant provisions. This ensures that inappropriate fragmentation of both scheduled and unscheduled SNAs can be addressed at the time of subdivision.

Recommendations

153. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

154. Not required as no changes are recommended.

3.9 Key Issue 9 – Requests for new provisions or wording amendments

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 1 – General Matters

Relevant Document	Relevant Section
	Paragraph 93 Key Issue 8 – Community Open Spaces and Facilities Paragraphs 538-540
Evidence in chief Community groups S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566, FS333 - Ms Dvorakova	Entire document

Analysis

New policies, rules and amendments to SUB-P5

155. Ms Dvorakova presented a number of draft amendments and new provisions on behalf of the Community Groups. As noted at the hearing, these provisions were not in final form, and the hearing panel did not permit a finalised version to be submitted due to procedural constraints. While the panel accepted the evidence as lodged, it was unable to question Ms Dvorakova as she did not attend the hearing. I also note that the evidence did not include specific assessment and analysis for the proposed provisions.
156. In general, the amendments to SUB-P5, along with the new policies and rule, relate to improving urban walkability, transport safety, block structure, and public access through subdivision design, particularly in large or complex developments. The provisions are prescriptive, seeking to achieve a highly connected urban form that supports active transport and integrates with existing and future neighbourhood networks.
157. In my opinion, and as outlined under Key Issue 1, subdivision proposals already require assessment against the relevant provisions of the Transport Chapter.
158. With respect to connectivity, the objectives and policies of the Transport Chapter already address this matter, particularly TRAN-P3. This policy seeks to ensure the safe, efficient, and well-connected operation of the transport network by managing subdivision layout and the placement of buildings and structures to protect sightlines and transport corridors. It promotes well-connected road networks, discourages cul-de-sacs, and requires appropriate access design, including for emergency access. It also addresses vehicular access, traffic volumes, and the needs of all transport users, including pedestrians, cyclists, and those with limited mobility, and seeks to minimise cumulative adverse effects on the transport system and avoid reverse sensitivity effects on regionally significant infrastructure.

159. In my opinion, this framework provides sufficient direction, and the more prescriptive provisions sought by the Community Groups are not necessary.

160. As outlined under Key Issue 3, I have 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. In my opinion, this amendment may go some way toward addressing the relief sought by the Community Groups.

Recommendations

161. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

162. Not required as no changes are recommended.

3.10 Key Issue 10 - Other hearing statements

Overview

Relevant Document	Relevant Section
Section 42A Report	Various Key Issues
Evidence in chief Horticulture New Zealand, S159, FS354 – V Hodgson, Tabled Planning Evidence	Entire document
Evidence in chief KiwiRail Holdings Limited, S416 – M Grinlinton-Hancock, Hearing statement	Entire document
Evidence in chief Northland Federated Farmers of NZ Inc, S421 – J Cook-Munro, Hearing statement	Entire document
Evidence in chief Transpower New Zealand Limited, S454 – D Hamilton, Hearing statement	Entire document

Analysis

Hearing statements in support and other miscellaneous matters

163. Mr Hodgson, on behalf of Horticulture New Zealand, tabled planning evidence in support of several of the subdivision s.42A recommendations.



164. Ms Grinlinton-Hancock tabled a hearing statement on behalf of KiwiRail, in which she accepted the Council officers' recommendation on KiwiRail's submission point relating to the subdivision s.42A report.
165. Ms Cook-Munro tabled a hearing statement on behalf of Northland Federated Farmers of New Zealand Inc. The submitter accepted the Council officer's recommendations on a number of submission points and, where they did not support the recommendations, indicated they do not wish to pursue those particular points further.
166. Mr Hamilton tabled a hearing statement on behalf of Transpower New Zealand Ltd, which generally accepted the reporting officers' recommendations.

Recommendations

167. For the reasons above, I do not recommend any further amendments.

Section 32AA Evaluation

168. Not required as no changes are recommended.