



Section 42A Report

Officer's addendum to the written right of reply 12 December 2025

Hearing 16 – Subdivision

1. Introduction 2

Purpose of Report	2
Consideration of the issue	2
Appendices	3



Introduction

1. This right of reply is an addendum to the right of reply report I prepared and submitted to the Hearings Panel (**the Panel**) on 28 November 2025 (**the Subdivision ROR**). It has been prepared by myself (Kenton Baxter), as the author of the section 42A reports for the Subdivision chapter.

Purpose of Report

2. The purpose of this addendum is to address ambiguity identified internally by Council officers within the wording of SUB-R3. The clarification is required to ensure the s.42A-recommended additional subdivision provision (CON-3) which enables subdivision around an existing residential unit in the Rural Production zone, is not inadvertently applied within precincts or development areas that have the Rural Production zone as their underlying zone. The recommended amendments provide necessary clarity and ensure there are no unintended consequences or misinterpretations that could undermine the intent of the precinct or development area provisions.

Consideration of the issue

3. The ambiguity arises from the originally recommended wording for CON-3 within SUB-R3, which begins with "subdivision around an existing Residential Unit in the Rural Production Zone where...". While this wording correctly targets the general application of the provision within the Rural Production Zone, it does not explicitly exclude its application within precincts or development areas that retain the Rural Production Zone as their underlying zoning.
4. Most precincts or development areas overlay the Rural Production Zone and contain bespoke provisions that respond to unique features or specific management requirements. For example, the Horticulture Precinct was recommended to protect parts of the Kerikeri–Waipapa area, which contains highly productive soils, access to irrigation, established horticultural infrastructure, and is under increasing pressure from fragmentation and residential growth that threaten the long-term viability of horticultural activities. The Horticulture Precinct also includes more restrictive subdivision controls including larger minimum lot sizes than the Rural Production Zone and provides a stronger policy direction to avoid fragmentation of land. Without clarifying wording, there is a risk that CON-3 could be interpreted as applying within such precincts or development areas, thereby undermining the intended function of the precinct or development area provisions.
5. To resolve this ambiguity and maintain the integrity of both the precinct and development area frameworks and the Proposed District Plan, it is necessary to explicitly state that CON-3 does not apply where a precinct or development area prevails. Adding the phrase "Except where there is a Precinct or Development Area overlay" at the beginning of CON-3



provides this clarity, ensures the provision operates only within the general Rural Production Zone where these overlays do not apply, and prevents unintended consequences that could compromise the outcomes sought for precinct and development areas.

Appendices

6. Appendix 1 – Officer’s Recommended Amendments (Subdivision, Right of Reply – Addendum)