

Gore Proposed District Plan

Hearing Stream 6 – Subdivision

Section 42A of the Resource Management Act 1991

Section 42A Report – Subdivision Chapter

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Interpretation

Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Connexa Limited	Connexa
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
One New Zealand Group Limited	One NZ
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths
Yrless Limited	Yrless

List of Submitters and Further Submitters

Submitter No.	Submitter Name
S3	Stoney Creek Station Limited
S32	One New Zealand Group Limited
S33	FortySouth
S35	Chorus New Zealand Limited
S37	Connexa Limited
S40	Silver Fern Farms
S50	Jacklyn (Jackie) Johnston
S55	Brent Herbert
S60	Ronald Crispin
S68	John Baynes
S74	Hamish Weir
S85	Environment Southland
S99	Clark Fortune McDonald & Associates
S100	Charlton Rise Limited
S101	Transpower New Zealand Limited
S109	Department of Conservation
S110	Royal Forest and Bird Society of NZ Inc
S112	Waka Kotahi NZ Transport Agency
S115	Kevin Robertson
S121	Alliance Group Limited
S124	Fire and Emergency NZ
S125	Ministry of Education
S126	Southland Federated Farmers of New Zealand
S132	KiwiRail Holdings Ltd
S139	Hokonui Rūnanga Inc
S140	Robina Johnston
S143	Rural Ratepayers Group
S146	Southland District Council
S148	Alistair & Bernadette Hunt
S154	Spark New Zealand Trading Limited
FS5	Hamish Weir
FS11	Heritage New Zealand Pouhere Taonga
FS12	Fuel Companies
FS14	NZ Transport Agency
FS17	Federated Farmers
FS21	Yrless Limited
FS22	Clark Fortune McDonald & Associates
FS28	Kainga Ora
FS29	Silver Fern Farms Limited

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes the Subdivision (SUB) Chapter.
2. The SUB Chapter facilitates the legal process of creating new titles to parcels for land. Subdivision that is well designed, located appropriately and has capacity for servicing and transportation is supported in this chapter. The PDP controls subdivision to influence land use decisions, consider future activities, character and amenity as well as infrastructure provisions and constraints.
3. There were 156 submissions, and 88 further submissions received for this topic, the submissions were they generally in support or supported in part with amendments suggested.
4. A summary of issues identified through submissions are as follows:
 - The definitions for ‘access strip’ and ‘wetland’ are supported.
 - The telecommunication providers seek a new rule to provide for subdivision for infrastructure to accommodate network utilities.
 - Transpower seek a new rule addressing subdivision in the National Grid Subdivision Corridor.
 - Specific provision is requested for s226 certificates to be provided as a permitted activity, provided certain criteria are met.
 - Amendments are requested to SUB-O3 to ensure that existing infrastructure has sufficient capacity to support the subdivision.
 - Amendments are requested to SUB-O4 to ensure physical resources and infrastructure are protected as well as Highly Productive Land.
 - Specific provision to consider natural hazard risk in subdivision design.
 - Provision to consider potential reverse sensitivity effects on the Rail Network and State Highway.
 - Removal of water supply treatment facility buffer and any reference in the provisions.
 - Request for a firefighting servicing standard.
 - Request for a financial contributions policy.
 - Request for non-compliance activity status to be discretionary as opposed to non-complying.
5. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The

report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

6. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - Amendments to SUB-O4 to recognise significant physical resources.
 - Amendments to SUB-O5 to align with section 229 of the Resource Management Act 1991.
 - Amendments to SUB-P3 and SUB-P5 to align with the effects management hierarchy and clarify reverse sensitivity considerations.
 - Amendments to SUB-P7 to acknowledge stormwater design in subdivision and the integration of social infrastructure.
 - Amendments to SUB-P15 to remove the ambiguity around compliant vacant lots.
 - Amendments to SUB-P18 to provide clarity around the protection of outstanding natural landscapes, outstanding natural features, and significant natural areas.
 - Removal of reference to 'water supply treatment facility buffer'.
 - Inclusion of a new rule for the creation of utility lots, section 226 certificates and subdivision within the National Grid Subdivision Corridor.
 - Aligning the minimum lot size for the General Residential zone with the recommendations of Hearing Stream 4.
 - Inclusion of a new standard requiring platforms for subdivision within the National Grid Subdivision Corridor.
7. The proposed changes to the SUB chapter are provided in Appendix A. As additional rules have been added to the chapter, consequential re-numbering of rules through the Chapter is required. For the purposes of this report and addressing submissions, the notified version of the PDP is referred to at all times.

2. Introduction

2.1 Author and qualifications

8. My name is Joanne Skuse. I am employed as a Senior Planner at The Property Group. I am the author of this report.
9. I hold the qualifications of a Bachelor of Law (LLB) from the University of Exeter, United Kingdom. I am an associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations for continued professional development.

10. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans.
11. I have seven years of resource consent management experience working in local government and private consultancy. Prior to joining The Property Group, I was a Resource Consents Planner at Queenstown Lakes District Council.
12. My experience includes the preparation and processing of applications for resource consents as well as the preparation of submissions to District Plans across Aotearoa.

2.2 Code of Conduct

13. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
14. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

15. This report considers the submissions and further submissions that were received by the Council in relation to the Subdivision chapter of the PDP. In addition, the provisions in the following chapters relating to the management of subdivision are also addressed:
 - Part 1: Interpretation – Definitions
16. The assessment of submissions will generally follow this format:
 - Submission information
 - Analysis of submissions
 - Recommendation and any amendments
 - Where an amendment is recommended a section 32AA assessment is provided.
17. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of ~~strikeout~~ and underlining in red. **Appendix A** of this report contains a copy of the SUB chapter with all recommended amendments are shown by way of ~~strikeout~~ and underlining in red.
18. As additional rules have been added to the chapter, consequential re-numbering of rules through the Chapter is required. For the purposes of this report and addressing submissions, the notified version of the PDP, in relation to provision numbering, is referred to at all times.

19. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
20. I have made amendments to SUB-R1 and SUB-R4 to improve the clarity of the plan. The notified version directed plan users to refer to the remaining rules in the chapter if the conditions of Rules 1 and 4 could not be met. I have outlined which rules are applicable depending on which conditions are not met to improve the useability of the plan. This is not a material change, rather a style and formatting change.
21. I have added the phrase “Activity status where compliance is not achieved: N/A Activity status where compliance is not achieved: N/A” to rules SUB-R8 and SUB-R9 as previously these were blank. They were left blank as if a proposal does not meet the condition of the rule it is assessed under another rule, rather than defaulting to more restrictive activity status. This is because either a subdivision includes a heritage building, or it does not. Leaving the column blank, however, may cause confusion.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

22. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 – Matters to be considered by territorial authorities; and
 - Section 75 – Content of District Plans.
23. As set out in the Section 32 Evaluation Report for [topic] there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42a Report: Hearing Stream 1 – Introduction, General Provisions and Strategic Direction¹ also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
24. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

¹ Gore Proposed District Plan: Hearing Stream 1 – Introduction, General Provisions and Strategic Direction: Section 42A of the Resource Management Act 1991 - [Hearing Stream 1 – Introduction, General Provisions and Urban Form and Development | Let’s Talk Gore District \(goredc.govt.nz\)](#)

4.2 Section 32AA evaluation

25. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

26. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
27. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

5. Background

28. The Section 42a Report: Hearing Stream 1 – Introduction, General Provisions and Strategic Direction, prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.

29. The Section 32 Evaluation Report² for the Subdivision Chapter is relevant to this Section 42a Report. The Section 32 Evaluation Report assesses and considers the relevant higher order planning documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.

6. Consideration of submissions

6.1 Structure of the report

30. Submissions on Subdivision have raised a number of issues which have been grouped as follows:
- Submissions in support of provisions
 - Definitions
 - General submissions & additional provisions requested
 - Submissions specific to provisions
31. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
32. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
33. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
34. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
35. This report only addresses definitions specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42a Report: Hearing Stream 1 – Introduction, General Provisions and Strategic Direction Report.

² [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://www.goredc.govt.nz/section-32-reports/)

6.2 Overview of submissions

36. The submission period ran from 31 August to 26 October 2023 and was then extended to 27 November 2023 by Council resolution. Council received 130 submissions containing 5542 submission points.
37. Some submissions were received after the 27 November 2023 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
38. A total of 156 submissions and 88 further submissions are addressed in this report. A list of submitters on the SUB chapter is provided at the start of the report.
39. Submissions in support of provisions are addresses at Section 6.4, Definitions are addressed at Section 6.5, General submissions are at Section 6.6 and Specific Provisions are at Section 6.7.

6.3 Format for consideration of submissions

40. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
 - Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment.
41. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 Submissions in Support

6.4.1 Matters raised by submitters

42. The following provisions are supported by submitters who seek they are retained as notified:
 - a. SDC (s146.054) support the objective and policy additions within the subdivision chapter.
 - b. KiwiRail (s132.053) (s132.054) support SUB-O1 and SUB-O2 and seek they are retained as notified.
 - c. FENZ (s124.025), Spark (s154.042), One NZ (s32.042), FortySouth (s33.042), Connexa (s37.042), and Chorus (s35.042) support SUB-P2 as notified as provision for infrastructure in new allotments is supported. Yrless (FS21.080) further support the Chorus submission.

- d. Kevin Robertson (s115.118), Rural Ratepayers Group (s143.129), Alistair & Bernadette Hunt (s148.130), Ronald Crispin (s60.120), John Baynes (s68.238), and Federated Farmers (s126.117) support SUB- P8 as notified. CFMA (FS22.007) further support Federated Farmers submission.
- e. Alliance Group Ltd. (s121.060) and Silver Fern Farms (s40.041) support SUB-P19 and seek it is retained as notified.
- f. KiwiRail (s132.058) support SUB-P21 and seek it is retained as notified.
- g. Hamish Weir (s74.015) and KiwiRail (s142.060) support SUB-R2 as drafted. Fuel Companies (FS12.002) further support KiwiRail's submission point.

Assessment

43. Support for the provisions above are acknowledged and are accepted.

Recommendation

44. No changes are recommended to:

- a. SUB-O1
- b. SUB-O2
- c. SUB-P2
- d. SUB- P8
- e. SUB-P19
- f. SUB-P21
- g. SUB-R2

45. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5 General Submissions - Definitions

6.5.1 Matters raised by submitters- Access strip and Wetland

- 46. Federated Farmers (s126.003), Kevin Robertson (s115.004), Rural Ratepayers Group (s143.015) Alistair & Bernadette Hunt (s148.016), Ronald Crispin (s60.006), John Baynes (s68.124) support the definition of 'access strip' and seek it is retained as notified.
- 47. DOC (s109.015), Federated Farmers (s126.052), Kevin Robertson (s115.053), Rural Ratepayers Group (s143.064) Alistair & Bernadette Hunt (s148.065), Ronald Crispin (s60.055), John Baynes (s68.173) support the definition of 'wetland' and seek it is retained as notified.

Assessment

48. Support for the definitions above are acknowledged and are accepted.

Recommendation

49. No amendments are recommended.
50. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6 General Submissions & Additional Provisions Sought

6.6.1 Matters raised by submitters – General – Infrastructure and Financial Contributions

51. Robina Johnston (s140.013) considers that location, design and construction of infrastructure for subdivision should be done collaboratively with all parties concerned to achieve suitable results. Robina Johnston (s140.014) also seeks that financial contributions (FCs) offset future costs in the specific location of the activity. Consideration should be given of commercial activities versus non-commercial activities.
52. Rural Ratepayers Group (s143.191), Federated Farmers (s126.179), Ronald Crispin (s60.182), John Baynes (s68.300), Alistair & Bernadette Hunt (s148.192), and Kevin Robertson (s115.180) seek that the Council enables FCs through a means such as a financial contributions policy as they are not included in the PDP. The efficiency and effectiveness Report 2022 recommends the ability to collect FCs be incorporated into the PDP. As a major contributor to rates, if FCs are not in place, it is farmers who pay for infrastructure.
53. Kāinga Ora (FS28.002) oppose Rural Ratepayers Group submission as they only support FC's where there has been a thorough assessment to justify them. CFMA further oppose in part the above submission under (FS22.079, FS22.052, FS22.078, FS22.076, FS22.077, FS22.080) as FC's may potentially be appropriate if maintained at a low enough level but note that infrastructure for new developments is paid for and constructed by developers before being vested in Council.

Assessment

54. In relation to the submission point from Robina Johnston (s140.013), the location, design and construction of infrastructure for subdivision is undertaken collaboratively between the relevant parties on a case-by-case basis dependant on the specifics of the subdivision application. The Council's Roading, 3waters and Building Departments provide advice on applications in relation to infrastructure matters. Similarly, if an application involves access to the State Highway or across the rail corridor, the relevant requiring authority would be consulted with. As such, this point is accepted with no proposed amendments, as the relief sought is already achieved by the provision of the PDP.
55. In relation to the submission points requesting FCs are incorporated in the PDP, as part of the development of the PDP, the Council had to consider how it would fund infrastructure. A paper

went to the Assets and Infrastructure Committee on 6 June 2023³ to consider whether infrastructure should be funded via Financial Contributions in the PDP or Development Contributions.

56. The paper provided a comprehensive analysis of the funding options and concluded that: *“Given the current situation in Gore, the Council is effectively starting from scratch in terms of developing a policy for funding infrastructure to service growth. Both financial contributors and development contributors are a suitable option and would require the same financial modelling to justify the amount to be collected. Development contributions are however recommended as preferable. They offer greater security to Council as a funding stream given the impending reforms and are a flexible tool, able to be to respond to the district. It is recommended that a development contributions policy is developed for the Gore District, noting developer agreements are also available under sections 207A - F LGA. This approach is considered to be the most equitable given the current financial situation and the uncertainty associated with RMA and 3 waters reform.”*⁴
57. The Committee resolved to commence the development of a Development Contribution Policy in conjunction with the 2024-2034 Long Term Plan (LTP)⁵. As a consequence, Financial Contributions are not included in the PDP. Infrastructure will be funded as outlined in the current LTP by ratepayers or via conditions of resource consent directly, as required. Infrastructure identified within the LTP, which is required for growth, will be funded in part through Development Contributions, taken at the time of development, following the completion of the Development Contribution Policy.
58. The submissions requesting FCs are included in the plan are rejected with no amendments as the Council is currently progressing a Development Contribution Policy. Whilst the outcome of the relief is achieved, I do not recommend FCs are included in the plan.
59. The further submissions in opposition of including FCs are rejected. In relation to Kāinga Ora, the submitter seeks that any policy must demonstrate a thorough assessment to justify the FC and must not duplicate the existing development contribution scheme. The Council intends to develop a Development Contribution Policy only and therefore there will be no duplication.
60. In relation to CFMA, there are tools, such as remissions, which can be utilised within a Development Contribution Policy to respond to factors such as land values and construction costs. These remissions can also be used to socialise a policy with the development community.

Recommendation

³ Agenda Item 1: Executive summary of the development contributions issues and options [2023-06-06 Assets and Infrastructure Committee Agenda.pdf \(goredc.govt.nz\)](#)

⁴ Options for Funding Development Funding Public Infrastructure for Growth and Development – Issues and Options, Page 2 [2023-06-06 Assets and Infrastructure Committee Agenda.pdf \(goredc.govt.nz\)](#)

⁵ Minutes of a meeting of the Assets and Infrastructure Committee, held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Tuesday 6 June 2023, at 4.00pm. [2023-06-06 Assets and Infrastructure Committee Minutes.pdf \(goredc.govt.nz\)](#)

61. I recommend no further changes based on the above submissions.
62. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6.2 Matters raised by submitters – General – Non-complying Activity Status

63. CFMA (s99.016) seek that the activity status where compliance not achieved is reworded to be discretionary as a non-complying activity status is considered to be a test which is impractical and inappropriate for breaches to this requirement. Hamish Weir (FS5.70) supports this submission.

Assessment

64. The subdivision rules have been constructed to enable (controlled activity), manage (restricted-discretionary or discretionary activity) or avoid (non-complying or prohibited activities) subdivision activities. In the PDP subdivisions are mainly controlled (SUB-R1, SUB-R2, SUB-R3 and SUB-R4) or restricted discretionary (SUB-R5, SUB-R6, SUB-R7, SUB-R8 and SUB-R9). Non-complying activities are proposed for subdivisions within the Mataura River Floodway (SUB-R12) or subdividing a minor unit from a principal unit (SUB-R13). The subdivision activity will only trigger a non-complying activity when the standards are breached relating to minimum lot size, lot dimensions and the creation of rear lots in the Town Centre and Neighbourhood centre zones.
65. The subdivision objectives and policies and the specific zone objectives and policies have been designed to align with the subdivision standards to achieve the expectations of character, amenity and useability for the activities permitted within the zones.
66. Whilst I understand the hesitation over non-complying activity status, it does not automatically mean resource consent would not be granted. The section 104(d) “gateway test” should be applied to determine the appropriateness of the activity. Minor non-compliances would likely pass the gateway test if effects can be shown to be no more than minor, and the activity is not repugnant to the objectives and policies.
67. Amending the non-compliance status instead to discretionary where policies have a ‘manage’ approach could be insufficient to provide clear direction to plan users and decision makers in terms of maintaining the character of the various zones or protecting highly productive land. I consider that the standards are key to providing lots for future development.
68. I have undertaken a full review of the chapter considering the resultant activity status if the rules are not complied with. Through this review, I identified some subdivision activity rules, particularly the controlled activities, which are proposed to fall into the ‘All other subdivision’ rule if they could not meet the controlled activity standards. The ‘All other subdivision’ rule would require standards such as minimum lot size and dimension to be met, which may lead to a non-complying activity status for conversion of cross lease to freehold, or alteration to a cross-lease plan for example. As such, I have made recommendations to amend the activity status of these rules, where compliance cannot be achieved, to discretionary.

Recommendation

69. I recommend the following changes:

SUB-R2 Activity status where compliance is not achieved:

~~Where SUB-R2(1) to (3) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~

Discretionary

SUB-R3 Activity status where compliance is not achieved:

~~Where SUB-R3(1) to (3) are not achieved, the activity is subject to the subdivision rules SUB-R5 to SUB-R13 below.~~

Discretionary

70. As a consequential change, SUB-R5, the 'All other subdivision' rule, contained a statement that where proposals do not fall into other rules, they are assessed under SUB-R5. Given SUB-R2 and SUB-R3 do not default to SUB-R5, the statement is not wholly correct. As such, I have reworded the statement so that it is clear what other rules may apply in addition to this rule, and which do not.
71. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

72. The following evaluates the recommendation to amend the activity status of SUB-R2 and SUB-R3 under section 32AA of the RMA.

The proposed rules are to facilitate different types of subdivision. The relevant matters are different from the traditional subdivision assessment. As such, the plan as notified, requiring that application which didn't comply with the controlled activity conditions would be assessed under the 'All other subdivision' would likely lead to a non-complying activity status. The proposed amendment is considered a more effective and efficient way to meet the objectives.

The benefits include avoiding technical subdivision rules which are not fit for purpose for the subdivision activities SUB-R2 and SUB-R3 intend to manage. There are no apparent costs.

If the proposed rule is not implemented, there may be uncertainty for landowners

The proposed amendment is the most efficient, effective, and appropriate method of achieving the PDP's objectives.

6.6.3 Matters raised by submitters- Additional Provisions Sought – National Grid

73. Transpower (s101.066) seek the inclusion of a new rule to manage subdivision within the National Grid. The notified SUB Chapter does not include a rule that addresses subdivision in the National Grid Subdivision Corridor. They seek the following rule is included:

SUB-RX: Subdivision in the National Grid Subdivision Corridor:

All Zones: Activity status: restricted discretionary

Where:

1. a building platform is identified on the subdivision plan that is outside of the National Grid Yard, to be secured by way of a consent notice.

Matters of discretion

1. The extent to which the subdivision allows for earthworks, buildings and structures to comply with the requirements of NZECP34:2001.
2. The provision for the ongoing efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued reasonable access to existing transmission lines for maintenance, inspections and upgrading.
3. The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of an identified building platform or platforms.
4. The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid, including the ability to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines.
5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.
6. The outcome of any consultation with Transpower New Zealand Limited.
7. The extent to which the subdivision plan clearly identifies the National Grid and identified building platform or platforms.

Notification: An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Transpower New Zealand Limited, where the consent authority considers this is required, absent its written approval.

Activity status where compliance not achieved: Non-complying

Assessment

74. Transpower seek an additional rule in the Subdivision chapter to manage subdivision in proximity to the National Grid. Subdivision located within the National Grid Subdivision Corridor (definition below) would require a restricted discretionary activity consent, so long as all building platforms are outside of the National Grid Yard (definition below), to be secured by way of a consent notice. These areas are not mapped in the PDP, instead they are described in the definitions. The National Grid Yard is narrower than the National Grid Subdivision Corridor.

National Grid Yard

The area located (as illustrated below):

- (a) 12 metres in any direction from the outside edge of a National Grid support structure foundation;
- (b) 12 metres from the boundary of a National Grid substation;

- (c) 10 metres either side of the centreline of an overhead 100kV National Grid transmission line on poles
- (d) 12 metres either side of the centreline of any other overhead National Grid transmission line.

The National Grid Yard excludes transmission lines that are designated in the District Plan.

National Grid Subdivision Corridor

The area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in green below):

- (a) 16 metres from the centreline of a 110kV National Grid transmission line on pi poles;
- (b) 32 metres from the centreline of a 110kV National Grid transmission line on towers or mono-poles;
- (c) 37 metres from the centreline of a 220kV National Grid transmission line on towers.

The National Grid Subdivision Corridor excludes transmission lines that are designated in the District Plan.

75. I have researched a variety of recently reviewed district plans to understand whether this rule is utilised elsewhere around the country. This is summarised in the Table below:

Table 1

District Council	Rule in plan	Details
Selwyn District Council	Yes	Restricted Discretionary Activity where building platform is proposed Discretion restricted to: Use on consent notices, Impacts on the operation, maintenance, upgrade and development of the National Grid, reverse sensitivity, planting, and the outcome of consultation.
New Plymouth District Council	No	
Invercargill City Council	Yes	Discretionary where the lots are capable of accommodating a building platform that is wholly outside the National Grid Yard with the minimum dimensions of 20 metres by 20 metres
Queenstown Lakes District Council	Yes	Restricted Discretionary Activity where building platform is proposed Discretion restricted to: Impacts on the operation, maintenance, upgrade and development of the National Grid, compliance with

		NZEC34:2001; location, design and use of building platform, safety and planting.
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76. As the table above shows, this type of rule is commonplace in recent district plans. Figure 1 below shows the National Grid crosses the district in multiple areas. Thus, I consider it would be appropriate to include additional assessment of this matter within the PDP.
77. I recommend a new rule is included in the plan which would be triggered in addition to the other relevant subdivision rules, for subdivision within the National Grid Subdivision Corridor. The matters of discretion proposed are similar to those listed above and will apply in addition to the matters of discretion detailed by the other relevant subdivision rule.
78. I consider there is existing and sufficient policy provision for the additional rule in the PDP. Objective SUB-O4 discusses the protection of significant physical resources which this rule would give effect to. SUB-P3 ensures subdivisions are designed to avoid, remedy or mitigate effects from site constraints, including the national grid. SUB-P5 seeks to ensure reverse sensitivity

effects, from subdivision, on critical infrastructure is avoided, remedied or mitigated. Therefore, I do not consider additional policy provision is necessary to accompany the new rule.

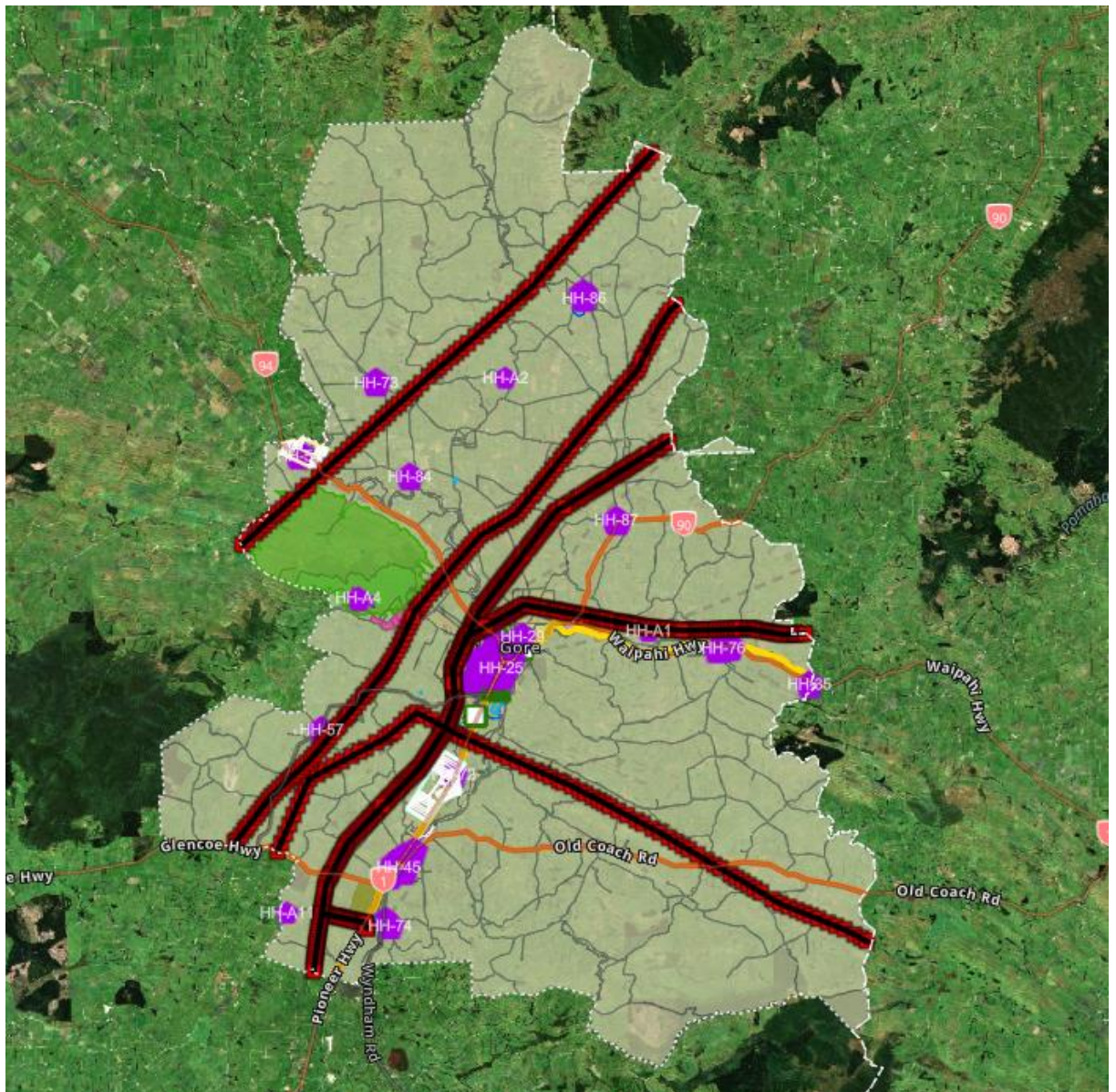


FIGURE 1 NATIONAL GRID SHOWN IN RED AND BLACK LINE [SOURCE GDC GIS]

Recommendation

79. I recommend, for the reasons given above, an additional rule is added to the subdivision chapter for subdivision located within the National Grid Subdivision Corridor as follows:

<u>SUB-RX Subdivision within the National Grid Subdivision Corridor</u> <u>Activity Status:</u> Restricted Discretionary <u>Where:</u> 1. <u>a building platform is identified on the subdivision plan that is outside of the National Grid Yard</u> <u>Matters of discretion:</u> 1. <u>The nature of the consent notice or other mechanism proposed to ensure activities are contained within the building platform.</u> 2. <u>impacts on the operation, maintenance, upgrade and development of the National Grid.</u> 3. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the requirements of NZECP34:2001.</u> 2. <u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of an identified building platform or platforms.</u> 3. <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u> 4. <u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.</u>	<u>Activity status where compliance not achieved:</u> <u>Non-complying</u>
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80. Therefore, consequential re-numbering of rules through the Chapter will be required.

81. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

82. The following evaluates the recommendation to add an additional rule to the subdivision chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposed rule is to facilitate subdivision while ensuring that any new building platforms and associated developments remain safe and do not compromise the integrity and operation of the National Grid. The proposed rule strikes a balance between enabling subdivision and ensuring the safety and resilience of electricity infrastructure.

Costs and benefits

The benefits of the proposal are that by requiring building platforms to be located outside the National Grid Yard, the rule ensures that future developments will not interfere with the

operation and maintenance of transmission lines. This is consistent with the NPS-ET objectives related to the National Grid.

The costs of compliance are relatively low, as the rule requires subdivision designs to account for the location of building platforms in relation to the National Grid Yard.

Risk of acting or not acting

If the proposed rule is not implemented, there may be continued uncertainty for landowners seeking to subdivide within the National Grid corridor. The lack of clear guidance could result in either an underutilisation of land or subdivisions that potentially pose a risk to the National Grid's operation.

If the proposed rule is adopted, there is a low risk of adverse effects on the National Grid given the requirement for building platforms to be located outside the National Grid Yard. Existing PDP provisions, in combination with this rule, will help manage any residual risks.

Conclusion as to the most appropriate option

The proposed rule is the most efficient, effective, and appropriate method of achieving the PDP's objectives in relation to both subdivision and the protection of the National Grid. It balances development opportunities with the need to protect critical infrastructure and aligns with the NPS-ET.

6.6.4 Matters raised by submitters- Additional Provisions Sought – Infrastructure

83. Transpower (s101.065) seek a new rule to permit the creation of an allotment for the purposes of accommodating a network utility. This is a common approach in many district plans and allows for the rule to include relaxed standards on the basis that network utilities have different characteristics and needs in terms of size and servicing and broad benefits to the community.

84. The submitter seeks the following:

SUB-RX Subdivision for network utilities: All Zones:

Activity status: permitted

Where:

1. The subdivision creates an allotment for the purpose of any unstaffed network utilities, accessway or road.
 2. Activity status where compliance not achieved: N/A
85. Spark (s154.049), One NZ (s32.049), FortySouth (s33.049), Connexa (s37.049) and Chorus (s35.049) all seek a new rule for subdivision for infrastructure purposes. Yless (FS21.083) support Chorus's submission. The submitters consider infrastructure allotments can have different demands from a subdivision perspective than zone-based subdivision in any given area. Controlled activity subdivision for infrastructure is appropriate, with control to allow for actual and potential adverse effects on the environment to be addressed.

86. The submitters seek the following:

All Zones - Activity Status: Controlled.

Subdivision to create any site to be used solely for the provision of infrastructure.

Matters of Control:

1. The location, size and design of allotments, building platforms, accessways, right of ways, vehicle crossings, open space and connections to the surrounding area; and

2. the ability to accommodate permitted and/or intended land uses; and

3. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and

4. measures to avoid, remedy or mitigate adverse effects: of any natural hazards or other risks; and on any sensitive environments, waterbodies, ecosystems or notable trees; and on infrastructure; and on existing or permitted adjoining or adjacent land uses

Assessment

87. Transpower seek a permitted activity rule for subdivisions creating unmanned utility lots. I consider permitted activity subdivisions are inappropriate as the Council has no ability to review or assess a proposal unless a certificate of compliance is requested. Should a certificate of compliance be required to demonstrate the activity is permitted, the same level of information and assessment would be necessary as a controlled activity. I reject the submission point but will take into account the intended outcome of the submission in consideration of the other submissions requesting a specific rule for utility lots.
88. Spark (s154.049), One NZ (s32.049), FortySouth (s33.049), Connexa (s37.049) and Chorus (s35.049) all seek a new rule for subdivision for infrastructure purposes. The PDP currently lacks specific provisions for the subdivision for utility lots, which accommodate essential infrastructure such as telecommunications, water supply, and electricity networks. The submissions seek to insert a new rule into the PDP that provides for the creation of utility lots ensuring these lots meet the unique needs of infrastructure development while not being subject to inappropriate subdivision standards.
89. I have researched a variety of recently reviewed district plans to understand whether this rule is utilised elsewhere around the country. This is summarised in the Table below.

Table 2

District Council	Rule	Details
Selwyn District Council	Yes	Controlled Activity Matters of control: Access to state highway, need for infrastructure, size and shape of site, easements, development constraints.

New Plymouth District Council	Yes	Controlled Activity Matters of control: Protection, maintenance or enhancement of scheduled features, access, infrastructure, size and shape of site.
Invercargill City Council	Yes	Controlled Activity where: Site does not contain heritage building, compliance with NPS and NES, site does not contain indigenous biodiversity Matters of control: Services, need for bonds, impact on indigenous biodiversity
Queenstown Lakes District Council	No	

90. A separate rule for subdivision for utility lots is provided for in three out of the four district plans reviewed. I further note a similar rule currently provides for this type of subdivision in the Gore ODP⁶.
91. I agree utility lots have other requirements compared to conventional residential, commercial, or industrial lots. For example, utility lots may not require full urban services like wastewater or stormwater drainage. They typically involve infrastructure such as substations, water treatment facilities, or telecommunications hubs, which are essential to broader community services.
92. A separate rule acknowledges these differences and ensures that utility lots are not subject to restrictive subdivision rules meant for other types of land use. Utility lots may not comply with minimum lot size required for residential or commercial lots, as the physical area needed for utility infrastructure may be smaller or more variable. A dedicated rule ensures that the PDP has flexible provisions, allowing these lots to be subdivided in a way that meets the functional needs of utility providers.
93. A separate rule for utility lots allows the subdivision process to be more effective and efficient. Further, utility infrastructure is often subject to national and regional policy objectives, such as those in the National Policy Statement on Electricity Transmission.
94. I consider there is existing and sufficient policy provision for the additional rule in the PDP. Objective SUB-O4 discusses the protection of significant physical resources which this rule would give effect to. SUB-P3 ensures subdivisions are designed to avoid, remedy or mitigate effects from site constraints. I do not consider additional policy provision is necessary to accompany the new rule.

Recommendation

⁶ Rule 8.10 [2]

95. It is recommended that a new rule is added to the plan to provide for subdivisions creating utility lots, as follows:

<u>SUB-R6 Subdivision of land solely to create an allotment that is for the purpose of network utilities</u>	
<u>Subdivision to create any site to be used solely for the provision of network utilities</u> <u>Where:</u> <u>1. Other than the site(s) created for network utilities, there are no more sites after the subdivision than existed before the subdivision.</u> <u>Activity status: Controlled</u> <u>Matters of control:</u> <u>1. The size, design and layout of lots for the purpose of network utilities.</u> <u>2. Legal and physical access to and from lots.</u> <u>3. Where relevant, provision of appropriate infrastructure and services, including water supply (including firefighting water supply), wastewater systems, stormwater control and disposal, telecommunications and electricity.</u> <u>4. Subdivision design in response to the sites and surrounding areas natural and physical features, character, amenity, constraints and vegetation.</u> <u>5. Measures to avoid, remedy or mitigate adverse effects: of any natural hazards or other risks; any historic heritage or notable tree; a Significant Natural Area or Outstanding Natural Landscape or Feature; waterbodies, ecosystems; existing infrastructure; and on existing or permitted adjoining or adjacent land uses.</u>	<u>Activity status where compliance is not achieved:</u> <u>SUB-R6 (1):</u> <u>SUB-R7 applies and where relevant SUB-R10 – SUB-R15</u>

96. Therefore, consequential re-numbering of rules through the Chapter will be required.
97. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

98. The following evaluates the recommendation to amend the SUB Chapter under section 32AA of the RMA.

Effectiveness and efficiency

The intent of the rule is to enable the effective and efficient subdivision for utility lots, ensuring they are appropriately sized and located to support critical infrastructure without compromising the district's broader land use and environmental management objectives. The matters of control address this.

The proposed rule will allow utility providers to develop lots that are fit for purpose without being constrained by subdivision requirements designed for other land uses. This rule ensures that utility lots can be created in locations and with dimensions that suit the technical and operational requirements of infrastructure.

Costs and benefits

The creation of utility lots may lead to some environmental effects, depending on their location. These effects could include visual impacts, disturbance of natural habitats, or modification of landforms. However, these impacts can be mitigated through other PDP provisions, for example the Energy, Infrastructure, ECO and NFL chapters which would manage any infrastructure on the subdivided site.

The rule would provide economic benefits by streamlining the subdivision process for utility providers. Utility lots often occupy smaller areas of land, meaning that large landholdings are not needed, which can also reduce land acquisition costs.

Utility infrastructure is essential to the well-being of communities, providing electricity, water, telecommunications, and other services. Enabling the efficient subdivision of utility lots ensures that these services can be expanded or upgraded in response to population growth or technological advances, supporting the long-term development and resilience of the district.

Risk of acting or not acting

Without the new rule, utility providers may face difficulties in subdividing land for infrastructure development, potentially leading to delays in the provision of essential services. This could result in underdeveloped or poorly serviced areas and higher costs for infrastructure development.

Conclusion as to the most appropriate option

The proposed rule for utility lots is the most efficient and effective way to enable the subdivision of land for essential infrastructure. The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP, as well as aligning with higher order documents.

6.6.5 Matters raised by submitters- Additional Provisions Sought – s 226 Certificate

99. CFMA (s99.005) seek the insertion of specific provisions for s226 certificates as permitted activities provided certain criteria are met and clarity as to when s226 certification can be used and when a subdivision consent is needed (similar to Chapter 2.6, rule SUB.1 of the Southland District Plan). Hamish Weir (FS5.114) and NZTA (FS14.019) support this submission.
100. Hamish Weir (s74.103) seeks similar relief by including the following additional rule in the plan:

SUB-R4A - Certification of existing allotments under s226 of the RMA 1991

Where; 1. an existing allotment not bound by way of an amalgamation condition or covenant exists in the Cadastre

2. having no less than 3.5m wide frontage to a legal road

3. the site is not subject to any readily identifiable natural hazard

Matters of Control

1. The design and provision of access; and

2. The provision, design and construction of infrastructure and services

101. CFMA (FS22.043) supports this submission and NZTA (FS14.018) support in part this submission but seek that the permitted activity status of the rule sought should include an additional clause that requires access onto the allotment(s) to comply with the relevant transport standards in the PDP, and where that is not achieved, the activity becomes a controlled activity.

Assessment

102. The submissions are requesting a rule which reiterates the powers within the RMA for a territory authority to issue a certificate which enables a lot held within one record of title to be effectively de-amalgamated. This only applies if an amalgamation condition is not listed on the title.
103. Section 226(1)(e)(ii) of the RMA enables the territorial authority to provide a certificate signed by an authorised officer, if it determines an allotment is in accordance with the requirements and provisions of the district plan and the proposed district plan (if any) for the area to which the survey plan relates. Arguably, this can be complicated as the entirety of the district plan would need to be reviewed and assessed in order to determine that the lots comply.
104. I consider; to enable a more efficient approach to Section 226(1)(e)(ii), a rule can be included in the PDP but must include standards such that additional lots may only be held in their own title if they align with certain aspects of the PDP. These include, lot size, lot dimension, built form standards for existing buildings, transport standards and connections to reticulated services in urban zones. Key environmental considerations, such as inundation risks, significant natural areas, notable trees, and landscape protection, are excluded given the necessity for additional assessment for these overlays.
105. This will ensure any new lot is suitable for future development and prevents situations where lots are subdivided without considering whether they can be appropriately serviced. Requiring compliance with lot size, dimension, built form standards and transport standards ensures that any subdivision aligns with the broader planning objectives of the zones. Future development must be feasible and consistent with the character and amenity of the zone. This helps ensure that land is used efficiently and that subdivisions contribute to a well-planned urban or rural environment. Without appropriate standards, subdivisions could lead to the fragmentation of land into lots that are too small or poorly shaped for effective use. Imposing minimum lot sizes and dimensions ensures that any newly created lots are functional for future use.
106. If applications cannot meet the conditions of the rule, another rule within the chapter will apply.

Recommendation

107. I recommend, for the reasons given above, that a new rule is added to the subdivision chapter to enable subdivision pursuant to Section 226(1)(e)(ii) as follows:

<u>SUB-R5 - Certification of existing allotments under s226 of the RMA 1991</u>	
<u>Applications for certification of allotments on an existing survey plan under section 226(1)(e)(ii)</u> <u>Activity Status: Controlled</u> <u>Where;</u> <u>1. The lots are existing allotments not bound by way of an amalgamation condition or covenant;</u> <u>2. The site does not contain land mapped in the District Plan as being subject to actual or potential inundation;</u> <u>3. The site does not contain a <i>historic heritage</i> item or site listed in the Historic Heritage Schedule;</u> <u>4. The site does not contain a protected tree or group of trees listed in <i>Notable Trees</i> Schedule;</u> <u>5. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;</u> <u>6. The allotments comply with the following:</u> <u>a. SUB-S1 – Minimum Lot Size;</u> <u>b. SUB-S2 – Lot Dimension;</u> <u>c. Existing buildings on site comply with all setback standards, height in relation to boundary and building coverage standards of the relevant zone chapter; and</u> <u>d. Access to each site complies with TRANS-S5, TRANS-S6 and TRANS-S7.</u> <u>7. Lots within the General Residential Zone, Medium Density Residential Zone, Neighbourhood Centre Zone, Local Centre Zone; Mixed Use Zone Chapter; Town Centre Zone; Light Industrial Zone and General Industrial Zone have water supply and wastewater infrastructure connected to the boundary where available.</u>	<u>Activity status where compliance is not achieved:</u> <u>SUB-R5 (1): SUB-R7 applies</u> <u>SUB-R5 (2): SUB-R7 and where relevant SUB-R15 applies</u> <u>SUB-R5 (3): SUB-R7 and SUB-R10 applies</u> <u>SUB-R5 (4): SUB-R7 and SUB-R11 applies</u> <u>SUB-R5 (5): SUB-R7 and SUB-R14 applies</u> <u>SUB-R5 (6): SUB-R7 applies</u> <u>SUB-R5 (7): SUB-R7 applies</u>

<u>Matters of control:</u> 1. <u>The design and provision of access; and</u> 2. <u>The provision, design and construction of services</u>	
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108. Therefore, consequential re-numbering of rules through the Chapter will be required.

109. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

110. The following evaluates the recommendation to add an additional rule to the subdivision chapter under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the efficient certification of existing allotments without creating additional burdens for developments that meet the established standards. The rule provides certainty and clarity to applicants by specifying clear standards for compliance.

Costs and benefits

The rule promotes efficiency by providing a straightforward certification process for compliant allotments, reducing the need for additional consents and assessments. The rule also provides clarity to landowners and developers regarding the criteria for certification, reducing uncertainty.

The rule may impose additional administrative costs for developers who must ensure that their allotments comply with the specified criteria. However, these costs are reasonable given the more streamlined pathway provided by the rule.

Risk of acting or not acting

There is the potential for uncertainty if the rule is not included in the plan as applications will revert to assessment under the RMA which can be complicated and confusing.

Conclusion as to the most appropriate option

The rule ensures that critical environmental and infrastructural standards are met, contributing to the sustainable management of natural and physical resources in line with section 5 of the RMA. The proposed amendment is considered to be a more appropriate way to achieve the Objectives and the purpose of the Act than the notified version of the PDP.

6.7 Specific Provisions

6.7.1 Matters raised by submitters – SUB-O3, SUB-O4

SUB-O3

111. KiwiRail (s132.055) seek that SUB-O3 is amended as follows:

Infrastructure required to serve the subdivision of land is provided in an integrated, efficient and coordinated manner. Existing infrastructure has capacity or is upgraded to serve the subdivision.

112. Spark (s154.041), One NZ (s32.041), FortySouth (s33.041) and Connexa (s37.041) seek SUB-O3 is retained as notified.

113. Chorus (s35.041) also supports SUB-O3 and is further supported by Yrless (FS21.079).

114. NZTA (s112.076) support in part SUB-O3 but seek the inclusion of the following wording or a new objective to this effect:

Infrastructure required to serve the subdivision of land is provided in an integrated, efficient and coordinated manner and is accommodated within existing infrastructure networks including any upgrades required.

115. Hamish Weir (FS5.71) opposes this submission as the current wording is already satisfactory.

SUB-O4

116. Transpower (s101.063) oppose SUB-O4 and seek the following addition:

Subdivisions are designed and developed in a way that:

1. protects significant physical, natural, ecological, historical and cultural features, values and resources, 2. (...)

117. Transpower does not support Objective SUB-O4 as currently drafted on the basis that the Objective fails to recognise the potential impact of subdivision on the National Grid in a manner that gives effect to Policies 10 and 11 of the NPSET. Transpower seeks to address this by inserting reference to subdivision design protecting physical resources, as well as natural resources.

118. DOC (s109.093) supports SUB-O4 as drafted.

119. MOE (s125.032) (s125.033) support in part SUB-O4 but seek the following amendment to include social infrastructure and provide a link to SUB-P7.

Subdivisions are designed and developed in a way that:

1. protects significant natural, ecological, historical and cultural features, values and resources,
2. recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment; and

3. responds to the physical characteristics and constraints of the site and surrounding environment, and
 4. provides for sufficient infrastructure, including social infrastructure, to serve the additional development.
120. Hokonui Rūnanga support in part SUB-O4 but seek it is amended to read as wherever possible, the plan provisions should specify the particular effects of concern to mana whenua, to ensure the plan provisions are clear, and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party:

Subdivisions are designed and developed in a way that: (...) ~~2. recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment~~ works with the natural contours of the land and drainage patterns, maintains or enhances wetlands, indigenous vegetation and other taonga on-site, maintains or enhances mahinga kai values, and protects wāhi tapu from inappropriate access or disturbance; and (...)

121. Hamish Weir (FS5.72) opposes this submission is the current wording is sufficient.
122. Federated Farmers (s126.115), Kevin Robertson (s115.116), Ronald Crispin (s60.118), Rural Ratepayers Group (s143.127) Alistair and Bernadette Hunt (s148.128) and John Baynes (s68.236) seek amendments to SUB-O4 to include:

Subdivisions are designed and developed in a way that: (...) 4. recognises and protects areas of highly productive land.

123. Hamish Weir (FS5.73, FS5.74, FS5.76, FS5.77, FS5.78) opposes this submission as the matter is already covered by the NPS-HPL.

Assessment

124. Support for SUB-O3 is acknowledged.
125. SUB-O3 focuses on ensuring infrastructure required for subdivision is provided in a way that is integrated, efficient, and coordinated. The proposed amendments sought by NZTA (s112.076) and KiwiRail (s132.055) adds an additional requirement that the infrastructure must fit within existing infrastructure networks and acknowledges that upgrades may be necessary. The amendments proposed add more specificity to the objective which I do not consider is necessary. The Objective, as drafted, provides scope for subdivision development to integrate with existing infrastructure, but is also required to manage new development which may result in new infrastructure.
126. I consider policy SUB-P7 provides direction to appropriately service subdivision with existing or planned infrastructure. Clause 1 of the policy requires a proposal to demonstrate infrastructure networks have sufficient capacity to accommodate the additional development and requires any necessary upgrades to be completed at the time of subdivision if necessary. As such, I do not consider amendments to the objective are necessary, the scope is purposefully broad to focus on how the infrastructure should be provided. In conjunction with policy SUB-P7, the objective achieves the outcome sought by the relief.

127. In relation to the submission from Transpower I agree significant resources can be physical resources and recommend the objective is amended to reflect this.
128. In relation to the submission from MoE, I consider SUB-O3 addresses the outcome sought in relation to infrastructure and is given effect to by SUB-P7 as amended below.
129. In relation to Federated Farmers (s126.115) et al, I consider clause 1 of the objective would encompass highly productive land as a significant natural resource. This is given effect to by policy SUB-P13 which requires subdivision in the General Rural zone to preserve the productive capability of rural land and high value soils. I therefore reject the submission points, noting however that in my opinion the relief sought is already achieved by the objective wording and no amendments are necessary.
130. In relation to the submission from Hokonui Rūnanga, I consider it appropriate to adopt policy approaches mana whenua deem best suited for managing impacts on their cultural values and kaitiaki responsibilities. On review of the changes proposed however, I consider that “works with the natural contours of the land and drainage patterns, maintains or enhances wetlands, indigenous vegetation and other taonga on-site” is adequately covered by clause 1 of the policy. Therefore, I accept the submission in part.

Recommendation

131. I recommend no changes to SUB-O3.
132. I recommend, for the reasons given above, that SUB-O4 is amended as follows:

SUB-O4 Subdivisions are designed and developed in a way that:

1. protects significant physical, natural, ecological, historical and cultural features, values and resources,
2. ~~recognises and provides for the underlying relationships between Ngāi Tahu and the natural environment~~ maintains or enhances mahinga kai values, and protects wāhi tapu from inappropriate access or disturbance; and
3. responds to the physical characteristics and constraints of the *site* and surrounding environment.

133. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

134. The following evaluates the recommendation to amend SUB-O4 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner aligning with the PDP Objectives and consequently the purpose of the RMA.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. Whilst the scope of mana whenua values is potentially narrowed, it is now specific. Including 'physical resources' in the policy further provides wider protection for infrastructure.

There are no apparent costs with the proposal.

Risk of acting or not acting

The policy as amended is considered to improve its intent.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.7.2 Matters raised by submitters- SUB-O5

SUB-O5

135. Federated Farmers (s126.116), Kevin Robertson (s115.117), Ronald Crispin (s60.119), Rural Ratepayers Group (s143.128) Alistair and Bernadette Hunt (s148.129) and John Baynes (s68.237) seek amendments to SUB-O5 to include:

Esplanade reserves and strips are created through subdivision for the purposes stated in section 229 of the Resource Management Act 1991. ~~to contribute to the protection of ecological values and cultural values, provide natural hazard mitigation, and provide for public access to and along rivers~~

136. The submitters consider this objective should give effect to the purposes of esplanade reserve and esplanade strips as per section 229 of the Resource Management Act 1991. It is the submitters view that public access requires landowner consent therefore the provision of public access in this objective should be removed.

137. Forest and Bird (s110.038) seek the addition of the following to SUB-O5:

Esplanade reserves and esplanade strips are created through subdivision to contribute to the protection of ecological values and cultural values, provide natural hazard mitigation, create ecological connections and provide for public access to and along rivers.

138. Hamish Weir (FS5.79) opposes this submission as sufficient esplanade strip provisions are already provided.

139. ES (s85.102) oppose in part SUB-O5 and seek establishment of a new policy which takes a precautionary approach to subdivisions in areas prone to natural hazard risk. Hamish Weir (FS5.80) and CFMA (FS22.003) oppose this submission.

Assessment

140. In relation to the submission from Federated Farmers et al, I agree the objective should reflect Section 229 of the RMA. As there are no rules relating to esplanade reserves and strips within the PDP, applications shall be assessed against the RMA in this regard. As such I consider it is appropriate to direct plan users to the appropriate section of the Act and align with the purpose of esplanade reserves and strip as detailed in Section 229. I do not agree with the reasoning given by the submitters in relation to public access. Section 229 clearly states the purpose of an esplanade reserve or strip can be to enable public access to or along any river or lake.
141. In relation to the submission from Forest and Bird (s110.038), the proposed amendments aligns with the requirements of the RMA. I therefore reject the proposed inclusion of ecological corridors.
142. In relation to the submission from ES (s85.102), the objective proposed is to provide an outcome for the provision of esplanade reserves and strips. Natural hazard mitigation is a component of the objective, but it is not the sole aim of the objective. I therefore recommend no amendments in this regard.

Recommendation

143. I recommend, for the reasons given above, that SUB-O5 is amended as follows:

Esplanade reserves and strips are created through subdivision for the purposes stated in section 229 of the Resource Management Act 1991. ~~to contribute to the protection of ecological values and cultural values, provide natural hazard mitigation, and provide for public access to and along rivers~~

144. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B.**

Section 32AA Evaluation

145. The following evaluates the recommendation to amend SUB-O5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amended objective aligns with the RMA, removing ambiguity as to the purpose of esplanade reserves and strips.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for confusion if the proposed amendment is not made as the wording of the objective did not fully align with Section 229 of the RMA.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.7.3 Matters raised by submitters- SUB-P3, SUB-P5

SUB-P3

146. Transpower (s101.064) opposes SUB-P3 and seek it is amended as follows and an additional policy created.

Ensure subdivisions are designed to avoid and manage effects from site constraints, including but not limited to topography, ~~the national grid~~, and significant natural areas."

And as a consequence add: SUB-PX. Avoid subdivision in the National Grid subdivision corridor where future activities may result in adverse effects on the National Grid, including reverse sensitivity effects, that would compromise the operation, maintenance, upgrading and development of the National Grid.

147. Transpower opposes the subdivision policy to the extent that the policy fails to appropriately address the potential impacts of subdivision on the National Grid in a manner that gives effect to the NPSET (and particularly Policies 10 and 11). The management of subdivisions in the vicinity of the National Grid is crucial to ensuring the ongoing operation, maintenance and upgrading of the National Grid. This is achieved by subdivision layouts that maintain the integrity of the National Grid Yard and secure Transpower's access to the National Grid. Transpower is of the view that Policy SUB-P3 does not clearly achieve the outcomes directed by the NPSET. Transpower notes that the PDP includes a separate policy (SUB-P5) in relation to subdivisions near state highways and Transpower seeks the inclusion of a similar provision in respect of the National Grid.
148. Hamish Weir (FS5.81) opposes in part the above submission and seeks the word 'avoid' is removed in the requested new policy. Kāinga Ora (FS28.035) opposes the submission.
149. Charlton Rise (s100.001) supports SUB-P3 in part but seeks the word 'avoid' is removed or the word 'or' is added. Hamish Weir (FS5.82) and Kāinga Ora (FS28.036) support this submission.

Assessment

150. Transpower seek SUB-P3 is amended to remove the reference to the national grid in favour of a new policy offering protection to the Transpower asset. The submitter highlights that another policy SUB-P5 offers protection to infrastructure such as the rail network and state highway from reverse sensitivity and seeks similar protection for the national grid in the new policy. I consider the relief sought by the submitter can be achieved by making minor amendment to SUB-P3 and SUB-P5 rather than creating an additional standalone policy.
151. I agree with the submission point from Charlton Rise that the wording should be amended to align with the effects management hierarchy. As currently written, the policy is illogical as you cannot 'manage' an effect that is required to be avoided. As such I recommend the policy is

amended to incorporate the effects management hierarchy. I consider this is a better policy approach as it is more thorough. It directs the focus on avoiding adverse effects and impacts first, but then provides clear steps to address effects when avoidance isn't possible. It emphasises both proactive, prevention and adaptive management, which enables a balance between development and environmental, social, and economic concerns.

152. I recommend amending the policy wording as follows to achieve the relief sought by Charlton Rise, and further submitters Hamish Weir and Kāinga Ora. My assessment of the relief sought by Transpower is continued below in consideration of SUB-P5.

Ensure *subdivisions* are designed to avoid, remedy or mitigate ~~and manage~~ effects from *site* constraints, including but not limited to topography, the *national grid*, and *significant natural areas*.

SUB-P4

153. ES (s85.103) oppose SUB-P4 and seek is it amended as detailed below. The submitter states the PDP must recognise that natural hazard mapping is not entirely accurate and a precautionary approach to development should be taken. Enabling development in natural hazard areas with minimum floor levels will unnecessarily expose communities to a medium and high level of risk during a flood event.

SUB-P4 Medium, high and Significant *natural hazard* risk is avoided and other *natural hazard* risk is managed and mitigated through mitigation measures such as compliance with lot density and minimum floor levels.

Assessment

154. In relation to the submission from ES, at this time we have no framework in the PDP or the RPS to determine a sliding scale of hazard risk. The RPS directs the avoidance of exposure to areas at significant risk from natural hazards where practicable, and to mitigate the effects of natural hazards by managing land use in areas known to be susceptible to the effects of natural hazards⁷. In this respect I consider the policy is reflective of the higher documents. Nonetheless, the hearing on the Natural Hazards Chapter is not until early 2025 it is unclear what amendments to that Chapter may be recommended in response to submissions. Therefore, the approach to Natural Hazards may be amended, and a scaled approach deemed appropriate, if supported by evidence. In which case it may be appropriate to include reference to 'medium' and 'high' risk in the policy. I recommend that the panel reserve final decisions on this submission until the Natural Hazards Chapter has been considered as part of hearing stream 9.

SUB-P5

155. NZTA (s112.077) support in part but seek an amendment to correct a typo as follows: 'States Highways' to 'State Highways'.

⁷ Southland Regional Policy Statement 2017: Policy NH.4 and Policy NH.5 [Southland Regional Policy Statement 2017.pdf \(es.govt.nz\)](https://www.es.govt.nz/Southland-Regional-Policy-Statement-2017.pdf)

156. Chorus (s35.043) support in part SUB-P5 but seek the following amendments:

Ensure reverse sensitivity effects from subdivision on adjacent critical infrastructure and land use are avoided, remedied or mitigated or managed, ~~including from adjacent land uses, railway lines and States Highways.~~

157. Kāinga Ora (FS28.039) opposes the submission. Silver Fern Farms Limited (FS29.041) do not oppose the intent of the above submission but suggest changes to the wording if the submission is accepted. Yless (FS21.081) support the chorus submission.

158. Silver Fern Farms (s40.040) and Alliance (s121.059) oppose SUB-P5 and seek the following amendment to ensure the concept of reverse sensitivity is applied correctly.

Ensure reverse sensitivity effects from subdivision are avoided or managed, ~~including from~~ on adjacent land uses, railway lines, and States Highways.

159. Kāinga Ora (FS28.040) (Fs28.041) support in part the submission.

160. KiwiRail (s132.056) seek the following amendments to SUB-P5:

Ensure reverse sensitivity effects from subdivision are avoided or managed, including from adjacent land uses, to protect the function and operation of railway lines and States Highways.

161. Kāinga Ora (FS28.042) oppose this submission and seeks the policy clarify which effects are being managed and what activities are being affected. The policy should further be amended to include: Ensure unacceptable reverse sensitivity effects (...)

162. FortySouth (S33.043), Connexa (s37.043), Spark (s154.043) and One NZ (s32.043) support in part SUB-P5 but seek the following amendments:

Ensure reverse sensitivity effects from subdivision on adjacent critical infrastructure and land use are avoided, remedied or mitigated or managed, ~~including from adjacent land uses, railway lines and States Highways.~~

163. Kāinga Ora (FS28.043) (FS28.044) (FS28.045) oppose this submission and seeks that the policy clarify which effects are being managed and what activities are being affected. Silver Fern Farms (FS29.043) (FS29.044) (FS29.045) (FS29.042) oppose in part the submission as it suggests that critical infrastructure is the primary subject of the policy.

Assessment

164. The amendment sought by NZTA (s112.077) is accepted and the typo corrected.

165. The intent of the policy is to avoid, remedy or mitigate potential reverse sensitivity effects which may arise from a subdivision on adjacent land uses and infrastructure assets such as the State Highway or the rail corridor. I consider this would extend to existing lawfully established activities and activities permitted within the relevant zone.

166. I agree with Silver Fern Farms (s40.040) and Alliance (s121.059) that the wording of the policy does not correctly apply the concept of "reverse sensitivity". I therefore accept the submission point.
167. I consider the policy, as written, would include critical infrastructure as part of 'land use', however I see merit in its inclusion. I agree with Silver Fern Farms that this should not change the policy intent to suggest critical infrastructure is the main part (or primary subject) of the policy, as this is not the case. As such, I consider the following wording better achieves the objectives, specifically objective SUB-O1, SUB-O2 and SUB-O4, which require the orderly subdivision and development of land, that is compatible with the purpose, function, character and qualities of each zone and protects significant physical resources.
- Ensure *reverse sensitivity effects*, from *subdivision*, on adjacent land uses, including critical infrastructure, the railway network and State Highways, are avoided, remedied or mitigated or managed, including from adjacent land uses, railway lines and States Highways.
168. In relation to the submission by KiwiRail, I consider the additional wording proposed is not necessary. Reverse sensitivity, by definition, concerns the functioning and operation of existing activities or permitted activities.

Recommendation

169. I recommend, for the reasons given above, SUB-P3 is amended as follows:

SUB-P3 Ensure *subdivisions* are designed to avoid, remedy or mitigate and manage effects from *site* constraints, including but not limited to topography, the *national grid*, and *significant natural areas*.

170. I recommend, for the reasons given above, SUB-P5 is amended as follows:

SUB-P5 Ensure *reverse sensitivity effects*, from *subdivision*, on adjacent land uses, including critical infrastructure, the railway network and State Highways, are avoided, remedied or mitigated or managed, including from adjacent land uses, railway lines and States Highways.

171. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

172. The following evaluates the recommendation to amend SUB-P3 and SUB-P5 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendments align with the effects management hierarchy increasing the effectiveness of the policies.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of PDP implementation, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for inconsistency in implementation if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective, specifically Objective SUB-O1, SUB-O2 and SUB-O4, which require the orderly subdivision and development of land, that are compatible with the purpose, function, character and qualities of each zone and protects significant physical resources.

6.7.4 Matters raised by submitters – SUB-P7

SUB-P7

173. FENZ (s124.026), Spark (s154.044), One NZ (s32.044) FortySouth (s33.044) and Connexa (s37.044) support SUB-P7 as notified.

174. Chorus (s35.044) supports SUB-P7 and seeks it is retained as notified. Kāinga Ora (FS28.046) appear to have further submitted in error on this submission as the reasons relate to the previous provision, SUB-P5.

175. NZTA (s112.078) support in part SUB-P7 but seek the following amendments:

Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in a safe, efficient, integrated and coordinated manner by: (...)

9. Encouraging subdivision layout and orientation which supports energy efficiency including active travel (walking and cycling) and conservation for future land uses.

10. Ensuring subdivision design that includes a stormwater system avoids any adverse effects on the safe, efficient and effective operation and function of land transport infrastructure.

176. NZTA supports the policy as it recognises the need to ensure that infrastructure networks have the capacity to accommodate the additional demand and require upgrades be completed at the time of subdivision. NZTA seeks that a new clause is inserted into the policy that recognises that directing stormwater from subdivision into the state highway stormwater system can overwhelm the existing systems creating flooding issues along the state highway.

177. MOE (s125.034) (s125.035) support in part but seek the following amendment:

1. Ensuring infrastructure networks, including social infrastructure, have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; (...)

178. MoE consider it is important that subdivisions are designed to accommodate social infrastructure, if deemed necessary by a needs assessment, to ensure population growth and the impact on schools is considered.

179. KiwiRail (s132.057) seek amendments to SUB-P7 as follows:

Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in ~~an~~ a safe, efficient, integrated and co-ordinated manner by:
(...)

10. Ensure that subdivision designs provide for the treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk.

180. Jacklyn Johnston (s50.001) support SUB-P7 and proposes a mandatory inclusion of rainwater capture and greywater recycling in all new builds and alterations where practicable ie: new roofing. Hamish Weir (FS5.84) and CFMA (FS22.006) oppose this submission as rainwater capture is covered in the Subdivision & Development Bylaw.

Assessment

181. Support for the policy is acknowledged.

182. In relation to NZTA, the inclusion of 'safe' in the policy incorporates an additional component in infrastructure design. This aligns with Part 2, Section 5 of the RMA which highlights managing land use and development to enable people and communities to provide for their health and safety. I therefore agree with the proposed amendment.

183. In relation to active travel, I consider clause 5 of the policy adequately encourages active travel and as such do not consider the inclusion in clause 9 is necessary.

184. NZTA have requested an additional clause to manage the effects of stormwater on transport infrastructure. I agree the policy would be improved by addressing stormwater management in subdivision design, however I consider the focus should not be so narrow as to consider only the effects on the transport network. Stormwater has far-reaching impacts that go beyond transportation infrastructure. Poor stormwater management can lead to increased flooding, erosion, and degradation of water quality, which affects not only infrastructure but also private property, public safety, and the natural environment. I consider the amendment proposed by KiwiRail is more comprehensive to ensure stormwater is treated and safely disposed of, mitigating impact on flooding and erosion risk.

185. In relation to the submission from MoE, social infrastructure refers to the physical spaces, facilities, and services that support the well-being and quality of life of communities. It includes a wide range of essential public services and facilities that help individuals and groups meet their educational, health, cultural, and recreational needs. I consider social infrastructure is a critical element for ensuring a well-functioning urban environment. I therefore recommend an additional clause is added to provide guidance on the expectation of social infrastructure and subdivision, rather than including it in clause (1).

11. Ensuring subdivision designs provide for the integration of social infrastructure, including access to community facilities, public amenities, and open spaces that support the well-being and connectivity of future residents.

186. In relation to Jacklyn Johnston, the policy encourages initiatives to reduce water demand and water use. While I recognise the environmental benefits of rainwater capture and greywater recycling, I do not believe it is practicable to mandate their inclusion in all new builds and alterations. Implementing such a requirement may present significant challenges, particularly in terms of cost, technical feasibility, and site-specific constraints. Instead of making this a mandatory requirement, I consider the policy is sufficient to encourage the adoption of these systems where feasible, allowing flexibility for developers and homeowners to implement them.

Recommendation

187. I recommend, for the reasons given above, that SUB-P7 is amended as follows:

SUB-P7 Ensure *subdivision* is appropriately serviced and integrated with existing or planned *infrastructure* that is provided in ~~an~~ a safe, efficient, integrated and co-ordinated manner by:

1. Ensuring *infrastructure* networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of *subdivision*;
2. Requiring *infrastructure* to be installed at the time of *subdivision*, except for on-site *infrastructure* that cannot be determined until the allotment is developed or for *boundary adjustments*;
3. Requiring *allotments* to connect to the Council's reticulated systems where practicable;
4. Ensuring that sufficient provision has been made for legal and physical access to each allotment created by the *subdivision*;
5. In urban areas, require access to and provision for walking and cycling infrastructure through subdivision design;
6. Requiring *allotments* to have access to a water supply suitable for firefighting;
7. Requiring all *sites* to have legal and physical *access* to electricity and opportunity for telecommunications;
8. Encouraging initiatives to reduce water demand and *water* use, such as roof rain water capture and use and *greywater* recycling; ~~and~~
9. Encouraging *subdivision* layout and orientation which supports energy efficiency and conservation for future land uses;
10. Ensuring that subdivision designs provide for the treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; and
11. Ensuring subdivision designs provide for the integration of social infrastructure, including access to community facilities, public amenities, and open spaces that support the well-being and connectivity of future residents.

188. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

189. The following evaluates the recommendation to amend SUB-P7 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The policy is effective in ensuring that subdivisions are designed with a comprehensive approach to infrastructure. The amendments address additional critical aspects such as stormwater management and social infrastructure. The policy contributes to a well-rounded approach that supports sustainable and well-integrated development.

Integration of social infrastructure, community facilities, and open spaces fosters a connected community, benefiting residents.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP. The policy aligns with SUB-O1 and SUB-O3 by ensuring that subdivisions are appropriately serviced, safely designed, and integrated with existing or planned infrastructure. It supports environmental sustainability, efficient resource use, and the well-being of future residents.

6.7.5 Matters raised by submitters – SUB- P10, SUB-P11, SUB-P13

SUB-P10

190. ES (s85.104) support in part SUB-P10 but seeks that it is expanded to consider secondary stormwater flow paths during subdivision design as secondary flow paths can flood subdivisions if not adequately managed.
191. Hamish Weir (FS5.85) and CFMA (FS22.008) oppose this submission as it is covered by the Subdivision and Development Bylaw.

SUB-P11

192. ES (s85.105) support in part SUB-P11 but seek the activity is uplifted to non-complying and include boundary adjustment. The submitter considers subdivision is a precursor to further development. Subdivision can fragment ecological areas and landscapes. New subdivision boundaries should go around high value locations in the district not through.
193. Hamish Weir (FS5.86) and CFMA (FS22.009) oppose this submission. The further submitters reason that rules allowing subdivision and boundary adjustments on parcels that contain ONLs & SNAs should be discretionary at most as long as new boundaries do not bisect the features. The submission is completely impractical and incorrectly assumes that all subdivisions are a precursor to further development. Many subdivisions, particularly in rural areas, are not related to any development or change of land use but are for other reasons such as land management, sale and purchase, succession planning.

SUB-P13

194. Federated Farmers (s126.118), Kevin Robertson (s115.119), Ronald Crispin (s60.121), Rural Ratepayers Group (s143.130) Alistair and Bernadette Hunt (s148.131) and John Baynes (s68.239) seek amendments to SUB-P13 to include:

Subdivision and development in the General Rural zone preserves and protects the productive capability of rural land and high value soils.

195. Jacklyn Johnson (s50.002) supports in part SUB-P13 but seeks it is reconsidered as it is in conflict with SUB-S1 (h) which requires an 8 hectare minimum lot size.

Assessment

196. In relation to SUB-P10, I consider the intent of the policy is to promote a subdivision design approach that integrates stormwater and flood management infrastructure with other community and environmental features. The integration aims to maximise the dual use of infrastructure while enhancing community spaces, thereby improving land use efficiency and community amenities. The policy's scope is focused on the general integration of infrastructure and community amenities rather than the detailed technical aspects of flood management. Secondary flow paths are a technical detail within the broader framework of stormwater management and are managed through technical standards such as the Bylaw. I therefore do not propose any amendments to SUB-P10.

197. SUB-P11 discusses connectivity through establishing esplanades reverses and strips over time. ES discuss the need to uplift the activity status to non-complying however it is not clear how this relates to SUB-P11. I therefore do not propose any amendments to SUB-P11.

198. In relation to SUB-P13, the submissions seek that the policy not only preserves the productive capability of rural land and high value soils but also protects them. I consider the additional wording would strengthen the policy as it aligns with the Objective of the NPS-HPL:

Objective: *Highly productive land is protected for use in land-based primary production, both now and for future generations.*⁸

199. 'Preserve' generally refers to maintaining something in its existing state, often to prevent any change or degradation. 'Protect' involves safeguarding something from harm, but it does not necessarily imply preventing all change. Protection might allow for some managed use, provided the value or integrity of what is being protected are maintained. In this respect, I consider the policy would benefit from the proposed amendment.

200. In relation to the submission from Jacklyn Johnston, the minimum lot size for the General Rural zone has been discussed and assessed through the Rural Topics hearing stream. Further analysis

⁸ 2.1 Objective NPS-HPL: [NPS-HPL-with-2024-Amendments.pdf \(environment.govt.nz\)](https://environment.govt.nz/nps-hpl-with-2024-amendments.pdf)

into the minimum lot size is contained within the Section 32 Report⁹ for the Rural Zones and the Section 42a Report¹⁰ for the Rural Zones.

Recommendation

201. I recommend, for the reasons given above, that SUB-P13 is amended as follows:

SUB-P13 Subdivision and development in the General Rural zone preserves and protects the productive capability of rural land and high value soils.

202. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

203. The following evaluates the recommendation to amend SUB-P13 under section 32AA of the RMA.

I consider that the amendment recommended would be a more effective and efficient way to achieve the objectives of both the Subdivision chapter and the General Rural Zone chapter, compared to the notified version. The amendment would have the benefit of giving effect to the NPS-HPL.

It is considered that there is a high level of knowledge of the issues and the need to identify and manage highly productive land. Not making the recommended amendment could result in less clarity about the status of highly productive land.

The recommended amendment is considered to be the most appropriate way to achieve the SUB objectives, compared to the notified version.

6.7.6 Matters raised by submitters- SUB-P15, SUB-P18

SUB-P15

204. Charlton Rise (s100.003) support SUB-P15 in part, but seeks removal of 'multiple vacant allotments' from the policy. The submitter supports the provision that avoids creation of undersized vacant allotments, but vacant allotments may be created that are of a typical residential area (ie. 400m²) and the use of 'avoid' in the policy would prevent the subdivision to create vacant lots in that circumstance.

205. Kāinga Ora (FS28.047) further supports the Charlton Rise submission as they agree that the policy is confusing, and the intent is not understood, Kāinga Ora does not consider that multiple vacant allotments is an adverse effect and allows for super lot subdivisions.

⁹ 'Proposed Gore District Plan, Section 32 Repot, Rural Zones' [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)

¹⁰ 'Gore Proposed District Plan Hearing Stream 3 – Rural Chapters Section 42A of the Resource Management Act 1991' [Hearing Stream 3 - Mana Whenua and the Rural Zones | Let's Talk Gore District \(goredc.govt.nz\)](#)

206. CFMA (FS22.010) further supports the Charlton Rise submission. The provision to avoid multiple vacant allotments may create an unfair situation where it is much easier for commercial developers to subdivide land than private landowners who wish to sell bare land for others to build on.

SUB-P18

207. DOC (s109.094) support SUB-P18 as drafted.
208. Forest and Bird (s110.039) seek the following amendments to SUB-P18:

Protect and enhance landscapes, vegetation, ecological connections and indigenous biodiversity ~~that are of a sufficient value that they should be retained.~~

209. Forest and Bird state there is no definition or explanation of what test landscapes, vegetation or indigenous biodiversity will need to go through to deem if they hold 'sufficient value'. This means that it is ambiguous and up to the discretion/opinion of the person applying for and/or the person processing the resource consent. Forest & Bird is of the opinion that all indigenous biodiversity is of sufficient value, and should be enhanced and protected. The addition of ecological connections adds in the important aspect of keeping areas connected to allow native fauna to be able to expand their range, or to easily get from one area of their range to another. NPS-IB 1.7(v)¹¹ requires connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity.
210. Hamish Weir (FS5.87) and CFMA (FS22.011) oppose this submission as the ECO rules manage indigenous biodiversity and it is simply not practical or feasible to protect and enhance all landscapes, vegetation, ecological connections and indigenous biodiversity.

Assessment

211. The intent of policy SUB-P15 is to encourage the redevelopment of medium density residential zoned (MRZ) land through a comprehensive development pathway. This would involve designing and building the residential units, and subsequently subdividing. The policy is necessary as the density in the MRZ is 150m² per residential unit, however the minimum lot size is 300m². This is intentional as multi-unit development seeking a density of 150m² per residential unit would require a land use application to demonstrate how the design of the development meets the objectives and policies of the MRZ including amenity, character, transport requirements etc.
212. It is also likely the design would include attached units or duplex typologies. A subdivision creating 150m² vacant lots would not provide the same level of detail and comfort that the objectives and policies of the MRZ are achieved. I consider the Charlton Rise submission has merit though in relation to the creation of lots which meet the minimum lot size requirements (300m² in the MRZ). As such I consider the policy should be amended as follows:

¹¹ [National-Policy-Statement-for-Indigenous-Biodiversity.pdf \(environment.govt.nz\)](#)

SUB-P15 ~~Encourage Enable~~ comprehensive redevelopment of *sites* in the Medium Density Residential Zone by requiring subdivisions to be cohesive and integrated developments, and only allow ~~avoiding the creation of multiple vacant allotments or~~ undersized *allotments* where they meet the land use density requirements and are specifically designed unless they are created around existing or proposed *residential units*.

213. The policy promotes a holistic approach to redevelopment, ensuring that subdivisions contribute to a cohesive and integrated development, rather than fragmented or piecemeal projects. The policy also provides flexibility by allowing undersized allotments, but only under certain conditions, ensuring that these exceptions are well-considered and support the overall policy direction. Further, allowing undersized lots only around existing or proposed residential units helps to make efficient use of land and supports the development of well-planned residential areas. The policy now ensures that any undersized allotments still comply with the density requirements, maintaining the intended density of the MRZ.

214. Policy SUB-P18 is supported by SUB-R11 which requires a discretionary resource consent for any subdivision of land containing an area of Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area. Taking this into account, and the submission and further submissions, I consider the policy would benefit from being reworded to be specific to areas mapped or described in the PDP. Outstanding Natural Landscape and Outstanding Natural Features are mapped and so ambiguity over what constitutes 'sufficient value to protect' is removed. Significant Natural Areas, although unmapped at this time, are described in the PDP and would include ecological connections.

Recommendation

215. I recommend, for the reasons given above, that SUB-P15 is amended as follows:

SUB-P15 ~~Encourage Enable~~ comprehensive redevelopment of *sites* in the Medium Density Residential Zone by requiring subdivisions to be cohesive and integrated developments, and only allow ~~avoiding the creation of multiple vacant allotments or~~ undersized *allotments* where they meet the land use density requirements and are specifically designed unless they are created around existing or proposed *residential units*.

216. I recommend, for the reasons given above, that SUB-P18 is amended as follows:

SUB-P18 Protect and enhance ~~landscapes, vegetation and indigenous biodiversity that are of a sufficient value that they should be retained~~ outstanding natural landscapes, outstanding natural features, and significant natural areas by ensuring appropriate subdivision design.

217. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

218. The following evaluates the recommendation to amend SUB-P15 and SUB-P18 under section 32AA of the RMA.

Effectiveness and efficiency

Revised SUB-P15 is effective in promoting well-planned, integrated development within the MRZ. It ensures that subdivisions contribute to a cohesive neighbourhood while allowing some flexibility for undersized lots under specific conditions. This balance helps achieve comprehensive redevelopment and maintains the zone's overall character.

The policy enhances efficiency by directing decision makers and plan users towards cohesive and integrated developments, reducing the likelihood of fragmented or poorly planned projects.

Regarding SUB-P18, the policy is effective in providing clear guidelines for subdivision designs, ensuring that they align with the specific management and preservation requirements for outstanding landscapes and significant natural areas. The amendment enhances efficiency by directly linking subdivision design to specific regulatory chapter.

The benefits of the amendments are that the policy supports the creation of compact, integrated neighbourhoods that align with strategic direction and achieving housing for varying demographics.

The policies offer specific guidance for subdivision designs, ensuring that developments are in compliance with other relevant chapters of the PDP. SUB-P18, by focusing on outstanding landscapes and significant natural areas, provides targeted protection for the most valuable environmental features.

In relation to costs, implementing SUB-P18 may involve additional planning and regulatory oversight to ensure that subdivision designs align with the ECO and NFL chapters. There could be increased costs for developers to ensure compliance with these requirements however this is a necessary cost of development in these areas.

The lack of specific guidance for subdivision design could lead to less effective protection of valuable areas and potential conflicts with broader development goals in the urban zones.

The proposed amendments are considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

6.7.7 Matters raised by submitters - SUB-R1

SUB-R1

219. Stoney Creek (s3.030) seeks the deletion of condition 6 from SUB-R1. Stoney Creek questions why sites containing SNAs or ONLs are not afforded controlled activity status when the environmental effects of these activities are negligible.
220. Hamish Weir (FS5.90), Federated Farmers (FS17.055) and CFMA (FS22.014) support this submission by Stoney Creek. There is no reason to restrict boundary adjustments from controlled activity status just because there is an SNA or ONL within the same large site, if the SNA or ONL is not adversely affected by the boundary adjustment.

221. FENZ (s124.027) seek matter of discretion (2) is amended to specifically reference 'servicing, including water supply, firefighting water supply in accordance with SNZ PAS 4509:2008, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications' rather than just 'infrastructure and services'.
222. Hamish Weir (FS5.89) opposes the submission by FENZ stating that specific standards are likely to change before the PDP is next renewed so should not be included. The notified wording already provides for the assessment of infrastructure and should be retained without modification.
223. KiwiRail (s132.059) seek an addition to SUB-R1 as follows, as they are concerned with potential reverse sensitivity effects from boundary adjustment on the rail network.:

Matters of Control: (...)

5. Management of potential reverse sensitivity effects on existing land users, including critical infrastructure, network utilities or hazardous facilities.

224. Hamish Weir (FS5.91) opposes this submission as boundary adjustments are often necessary to reflect discrepancies between the cadastral record and occupation of land. The existing environment often does not change and there is simply an alignment of the 'paper records' with the physical situation on the ground. It would be inappropriate to put this additional burden of assessment on these activities
225. CFMA (s99.006) (s99.007) (s99.009) (s99.010) seek that the clauses determining whether a subdivision qualifies as a controlled activity boundary adjustment (clauses (4), (5), (6), (7), and (8)) are re-worded from '~~the site does not contain~~', to read 'the boundary adjustment does not have an adverse effect in relation to' to avoid unilaterally excluding boundary adjustments from having a controlled activity status. Hamish Weir (FS5.97) supports s99.006. Heritage NZ (FS11.014) (FS11.015) (FS11.017) (FS11.018) oppose this submission as the proposed amendment would allow for boundary adjustment to places on the HH-SCHED1 as a controlled activity. The amendment would not provide for Section 6(f) of the RMA or HH-O3 of the PDP.
226. Charlton Rise Ltd (s100.036) supports in part SUB-R1 but seeks the replacements of 'lots' with 'titles' of 'records of title' in SUB-R1 (1). Further, they seek they removal of SUB-R1(9) restricting boundary adjustments in the development zone. Hamish Weir (FS5.92) opposes this submission and CFMA (FS22.015) oppose in part this submission as they agree with the intention but may be for compliance with the National Planning Standards.
227. Brent Herbert (s55.003) seeks the reference to 'water supply treatment facility buffer area' in clause 7 is removed, as the submitter seeks the buffer area as a whole is removed from the plan.

Assessment

228. In relation to Stoney Creek, subdivision containing areas of ONL, ONF or SNAs are provided for as a discretionary activity through Rule SUB-R11. Boundary adjustments, while often seen as administrative changes to property lines, can have significant implications for land use and the relationship between different land uses. I consider the activity status is proportionate to the

significance of the RMA Section 6 matters¹². Subdivision (including boundary adjustments) of land including ONLs, ONFs and SNAs, require assessment to ensure they do not result in adverse effects on the ecological values, visual integrity, or biodiversity of these areas. The Council should consider whether the subdivision could compromise or undermine the conservation or protective measures or result in the loss of values or degrade the quality of the area. The matters of control listed in SUB-R1 do not extend to cover these considerations and as such I do not support the removal of this requirement from the boundary adjustment rule. I recommend the submission and further submission are rejected.

229. In relation FENZ, I consider the matter of discretion is sufficient for decision makers to determine and assess what servicing is necessary for the boundary adjustment. I consider the rule as notified achieves the relief sought by the submitter.
230. In relation to KiwiRail, as discussed above, boundary adjustments, while often seen as administrative changes to property lines, can have significant implications for land use and the relationship between different land uses. Boundary adjustments may result in land uses being placed closer to existing infrastructure, such as railways, roads, airports, or industrial activities and therefore I accept that reverse sensitivity is a relevant consideration. By including reverse sensitivity as a matter of discretion, decision makers can assess whether the boundary adjustment will expose sensitive land uses to these impacts and, if necessary, impose conditions or mitigation measures to protect existing infrastructure or activities. I recommend the submission is accepted.
231. In relation to CFMA and the matters of discretion, I do not consider it is appropriate to add in the phrase 'the boundary adjustment does not have an adverse effect in relation to'. This is because these clauses determine whether or not an activity qualifies as a controlled activity boundary adjustment. Requiring determination of whether something results in an adverse effect requires an assessment. I therefore reject the submission points.
232. In relation to the submission by Charlton Rise and the request to reference 'titles' instead of 'lots', the further submitters are correct that the National Planning Standards definition prevents this. SUB-R4 has been included to enable subdivisions which do not create additional record of titles, but do create additional lots.
233. In relation to Brent Herbert's submission. This is accepted based on the recommendation to remove the 'water supply treatment facility' buffer zone from the PDP through Hearing Stream 4.

Recommendation

234. I recommend, for the reasons given above, that SUB-R1 is amended as follows:

SUB-R1 Boundary adjustments

¹² Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development; and Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Subdivision to undertake a boundary adjustment:

Activity status: Controlled

Where:

1. No additional separately saleable lots are created;
2. The areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable), or for zones with no minimum lot size, no lot is created that is smaller than the size of the smallest existing lot; and
3. Lots must be immediately adjoining each other;
4. The site does not contain a *historic heritage* item or site listed in the Historic Heritage Schedule;
5. The site does not contain a protected tree or group of trees listed in *Notable Trees* Schedule
6. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;
7. The *site* does not contain a *wastewater* treatment facility or ~~water supply treatment facility~~ buffer area;
8. The *site* does not contain land within land mapped in the District Plan as being subject to actual or potential inundation;
9. The site is not within development areas DEV1 and DEV2.

Matters of Control:

1. The design and provision of *access*; and
 2. The provision, design and construction of *infrastructure* and services; and
 3. The requirement for any easements to legalise *access* and services; and
 4. The need for a *consent notice*
 5. Management of potential reverse sensitivity effects on existing land uses, including critical infrastructure and network utilities.
235. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

236. The following evaluates the recommendation to amend SUB-R1 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Removing reference to the 'water supply treatment buffer zone' aligns with my recommendations regarding the residential zones in Hearing Stream 4.

Enabling assessment of potential reverse sensitivity effects will result in a more effective and robust assessment of boundary adjustments.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There may be additional costs to resource consenting if boundary adjustments are proposed adjacent to critical infrastructure which requires consultation with requiring authorities however this is considered a necessary step of subdivision

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the subdivision chapter, specifically SUB-O2, SUB-O3 and SUB-O4 than the notified version of the PDP.

6.7.8 Matters raised by submitters- SUB- R3

SUB-R3

237. KiwiRail (s132.061) seek retention of SUB-R3 as notified. KiwiRail supports alteration of a cross lease plan and the matters of control that provide for design and construction and infrastructure and services and the provision to include any necessary consent notices.
238. Hamish Weir (s74.016) seeks retention of this rule with a minor alteration to matter of control as follows:
3. The requirement for any ~~easements to legalise access and~~ services and any necessary consent notices
239. Mr. Weir reasons, cross lease plans and Land Transfer plans differ in format. Easements are not created on cross lease plans and services are managed through the lease document which specifies maintenance rights when services pass under, through or over adjacent lease areas. The idea being that the owners undivided equal share of the underlying allotment means there is no need to delineate an LT easement area for services. Access is covered by covenant areas on the cross-lease plan which are often in common ownership. Easements cannot be created on a cross lease plan and should not be required as this would require a separate LT plan not connected to the cross lease and potentially in conflict with.
240. CFMA (FS22.016) supports this submission.

Assessment

241. SUB-R3 relates not only to cross lease plans but also alterations to unit title plans. Unit Title plans do utilise easements and therefore I recommend the reference in the matter of discretion for 'easements to legalise *access and services*' remains. If it is not relevant to cross lease plans it will not be considered and matters of discretion (1) and (2) adequately provide provision to assess access and services on cross-lease plans.

Recommendation

242. I recommend, for the reasons given above, no changes to SUB-R3.
243. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.9 Matters raised by submitters- SUB- R4

SUB-R4

244. KiwiRail (s132.062) seek the addition of the following as although KiwiRail generally support this rule, they are concerned with potential reverse sensitivity effects on the rail network from smaller lots where the zones do not have a minimum lot size:

Matters of Control (...)

5. Management of potential reverse sensitivity effects on existing land users, including critical infrastructure, network utilities or hazardous facilities

245. Fuel Companies (FS12.003) support this submission.
246. Brent Herbert (s55.004) seeks the reference to 'water supply treatment facility buffer area' in clause 7 is removed, as the submitter seeks the buffer area as a whole is removed from the plan.
247. NZTA (s112.079) support in part SUB-R4 but seek the following condition to be included to ensure that if the subdivision proposal has vehicular access to a state highway it has a restricted discretionary activity status.

Activity Status: Controlled

Where: (...) 10. The site does not include a proposed vehicular access to a State highway (existing or new access).

248. Hamish Weir (FS5.94) opposes this submission and suggests the matter of control should require consultation with NZTA.
249. SDC (s146.055) oppose SUB-R4 and seek clarification on what the provision is trying to achieve. Similar phrasing has been used in the SDC DP and concerns have been raised around the interpretation and implementation. SDC suggests if the phrasing is kept a clarification note or non-exclusive list of qualifying activities be included. Hamish Weir (FS5.95) opposes this submission.
250. Hamish Weir (s74.017) supports in part SUB-R4 but seeks the following changes:

Subdivision resulting in no additional lots records of title created (...)

Activity Status: Controlled

Where: (...)

~~6. The site does not contain a~~ proposed new boundaries do not bisect a Significant Natural Area or Outstanding Natural Landscape or Feature;

251. CFMA (FS22.018) support this submission.

Assessment

252. In relation to KiwiRail, for the reasons discussed above I agree and recommend reverse sensitivity is a consideration and should be included as a matter of control.

253. In relation to Brent Herbert, for the reasons discussed above I agree and accept the submission point.
254. In relation to NZTA's submission, I recognise that a controlled activity status means an application cannot be declined. This may be detrimental to the requiring authority in protecting their asset. Whilst I agree subdivisions creating new accesses onto the State Highway should fall into Rule SUB-R5, if an access is existing, I consider it can retain a controlled activity status due to the existing use right. I accept the submission and make the amendments detailed below.
255. In relation to the submission from SDC, this rule is to enable subdivision that creates additional lots which are then amalgamated with existing lots, such that no new records of title are created. This is a common method of boundary adjustment (prior to National Planning Standards definitions) which can be more efficient and cost effective than surveying an entire site. It is not uncommon for large land holdings in Southland to be made up of multiple lots held on one record of title. The definition of boundary adjustment under the National Planning Standards, however, does not enable this type of subdivision given it refers to lots and not titles.
256. In relation to Mr Weir's submission, I accept the minor changes to align the rule with the intention of enabling subdivisions that do not create additional records of title. I do not accept the proposed changes to clause (6) relating to ONLs and SNAs for the reasons outlined above in relation to SUB-R1.

Recommendation

257. I recommend, for the reasons given above, that SUB-R4 is amended as follows:

SUB-R4 Subdivision resulting in no additional ~~lots~~ records of title created

Any subdivision, that does not create any additional Record of Title and is not a boundary adjustment:

Activity status: Controlled

Where:

1. No additional separately saleable lots or Record of Titles are created;
2. The combined areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable), or for zones with no minimum lot size, no title is created that is smaller than the size of the smallest existing title area; and
3. Lots must be immediately adjoining each other or separated by a Legal Road parcel only;
4. The site does not contain a *historic heritage* item or site listed in the Historic Heritage Schedule;
5. The site does not contain a protected tree or group of trees listed in *Notable Trees* Schedule
6. The site does not contain a Significant Natural Area or Outstanding Natural Landscape or Feature;
7. The *site* does not contain a ~~n~~ wastewater treatment facility ~~or water supply treatment facility~~ buffer area;

8. The *site* does not contain land within land mapped in the District Plan as being subject to actual or potential inundation;
9. The *site* is not within development areas DEV1 and DEV2.
10. The subdivision does not result in a new vehicular access to a State Highway

Matters of control:

1. The design and provision of *access*; and
 2. The provision, design and construction of *infrastructure* and services; and
 3. The requirement for any easements to legalise *access* and services; and
 4. The need for a *consent notice*.
 5. Management of potential reverse sensitivity effects on existing land uses, including critical infrastructure and network utilities.
258. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

259. The following evaluates the recommendation to amend SUB-R4 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Removing reference to the 'water supply treatment buffer zone' aligns with my recommendations regarding the residential zones in Hearing Stream 4.

Enabling assessment of potential reverse sensitivity effects will result in a more effective and robust assessment of boundary adjustments.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There may be additional costs to resource consenting if boundary adjustments are proposed adjacent to critical infrastructure which requires consultation with requiring authorities however this is considered a necessary step of subdivision.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the subdivision chapter, specifically SUB-O2, SUB-O3 and SUB-O4 than the notified version of the PDP.

6.7.10 Matters raised by submitters- SUB-R5

260. Alliance (s121.061) and Silver Fern Farms (s40.042) supports SUB-R5 and the specific assessment matter regarding reverse sensitivity effects.
261. Chorus (s35.046), Spark (s154.046), One NZ (s32.046), FortySouth (s33.046) and Connexa (s37.046) seek that SUB-R5 is retained as notified and support having telecommunication servicing as a matter of discretion.

262. Federated Farmers (s126.119), Kevin Robertson (s115.120), Rural Ratepayers Group (s143.131), Alistair and Bernadette Hunt (s148.132), Ronald Crispin (s60.122) and John Baynes (s68.240) support the inclusion of reverse sensitivity as a matter of discretion and seek SUB-R5 is retained as drafted.
263. Forest and Bird (s110) seek the addition of the following matter of discretion as it enables ecology and/or indigenous biodiversity to be taken into account as a matter of discretion when new development is occurring to ensure development (especially greenfield) does not adversely impact on ecology and/or indigenous biodiversity. This is in alignment with NPS-IB clause 1.7:

15. Effect on ecological values or indigenous biodiversity

264. Hamish Weir (FS5.98) opposes this submission.
265. NZTA (s112.080) support in part SUB-R5 but seek the following addition:
5. The effects of traffic generation on the safe and efficient operation of the transport network. This includes the outcome of any consultation with Waka Kotahi New Zealand Transport Agency where the access connects to any State Highway.
266. Hamish Weir (FS5.99) opposes this submission
267. CFMA (s99.011) seek that the activity status where compliance not achieved under SUB-R5 to be discretionary instead of non-complying. Non-complying is considered to be impractical and inappropriate. Hamish Weir (FS5.101) supports this submission.
268. KiwiRail (s132.063) seek amendments to SUB-R5 as follows to ensure safe stormwater disposal that does not increase flood and erosion risk and to protect the function and operation of railways from reverse sensitivity effects:
- Matters of discretion: (...)
9. Provision for servicing, including water supply, fire fighting water supply, wastewater treatment and disposal, stormwater design and disposal for the safe disposal of stormwater that does not result in increased flooding and erosion risk, electricity and telecommunications. (...)
14. Reverse sensitivity on adjacent land uses, to protect the function and operation of, airports, railway lines and State Highways
269. Hamish Weir (FS5.102) opposes this submission as it is covered by the Subdivision and Development Bylaw.
270. ES (s85.106) support in part SUB-R5 but seek that greater emphasis be given to avoid natural hazards. ES considers the wording in the matters of discretion are enabling and potentially cannot be relied on in their own right to decline a subdivision in a natural hazard area. Hamish Weir (FS5.103) and CFMA (FS22.020) oppose this submission. CFMA state many subdivisions in natural hazard areas remain appropriate and are for land management rather than development

reasons or hazards can be managed appropriately. A natural hazard assessment is already required as part of the subdivision consent process.

271. Hamish Weir (s74.018) support in part SUB-R5 but seeks the following amendments:

9. Provision for servicing, including water supply, firefighting water supply, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications (including by wireless means)

272. With the gradual scaling back of the historic copper network and provision of telecommunications, in this predominantly rural district, are more commonly by wireless means. This addition to the matter of discretion clarifies that unaffordable extensions to underground fibre network are not required. Chorus often try to take advantage of any District Plan requirements to fund their programmed network extensions which this alteration would prevent.

273. Hamish Weir further seeks that non-conformance to the standards should be Discretionary. CFMA (FS22.019) supports this submission.

Assessment

274. Support for SUB-R5 is acknowledged.

275. In relation to the submission from Forest and Bird I consider matter of discretion (11) as notified is sufficient to enable consideration and assessment of ecological values and indigenous biodiversity.

276. In relation to NZTA I consider matter of discretion (5) as notified is sufficient to enable consultation with NZTA where the access connects to any State highway.

277. In relation to FENZ, I consider matter of discretion (9) as notified is sufficient to enable consideration of firefighting requirements.

278. In relation to KiwiRail, I consider the matters of discretion are sufficiently broad to encompass the specifics of the submission point request. Further the changes proposed to policies SUB-P5 and SUB-P7 adequately address the matters of concern from the submitter such that they do not need to be repeated in the matters of discretion.

279. In relation to the submission from ES, the submitter has not provided any suggested wording to achieve the relief sought. I consider the matters of discretion in combination with objectives and policies provide guidance to plan users and decision makers. As such it is necessary to review the policy relating to natural hazards in the subdivision chapter as well as the Natural Hazards Chapter.

280. In relation to Mr Weir's request to include reference to wireless solutions in the matters of discretion, I highlight that policy SUB-P9 recognises alternative, unreticulated options for telecommunications may be available in the General Rural and Rural Lifestyle zones. As such, I do not consider it is necessary to include in SUB-P5 as there is a pathway through the policy provisions for alternative servicing such as wireless.

281. Mr Weir and CFMA request the activity status for non-compliance with SUB-S1, SUB-S2 and SUB-S3 is amended from non-complying to discretionary. SUB-S1, SUB-S2 and SUB-S3 manage minimum lot size, lot dimensions and the creation of rear lots in the Town Centre and Local Centres Zones. As has been discussed in previous hearing streams on the zone chapters, density, which often aligns with minimum lot size, is a tool to manage the character and amenity within a given zone. Therefore, in order to maintain the integrity of a zone, a signal is necessary through the activity status. Lot sizes less than that prescribed by the PDP are not anticipated, unless other pathways are provided. For example, in the General Residential zone and the Medium Density Residential zone, comprehensive residential developments are enabled to encourage larger scale developments which are developed cohesively and may provide for higher densities. This is supported by the exemptions in SUB-S1 and SUB-S2 which state the standards do not where allotments each contain a residential unit. I therefore reject the submission points.

Recommendation

282. I recommend, for the reasons given above, no changes to SUB-R5.

283. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.11 Matters raised by submitters- SUB-R12

284. NZTA (s112.081) supports SUB-R12 and the rule that subdivision within the Maitua River Floodway is a non-complying activity. CFMA (FS22.023) opposes this submission as subdivision in itself has no risks to infrastructure within a flood zone.

Assessment

285. Subdivision within the Maitua River floodway is not anticipated given the significant hazard risk. The activity status is proportionate to the significant flood risk that aligns with the Southland Significant Floodplains extent.

Recommendation

286. I recommend no changes to SUB-R12.

287. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.7.12 Matters raised by submitters- SUB-S1, SUB-S2, SUB-S3

SUB-S1

288. NZTA (S112.082) and KiwiRail (s132.065) support SUB-S1 as notified.

289. Federated Farmers (s126.120) supports SUB-S1 and an 8ha minimum lot size.

290. CFMA (s99.014) seek a change from the 400m² minimum area from a net area to a gross area. Given the historic subdivision pattern in Gore, many existing lots in the General Residential are 809m² residential sections. These residential allotments can provide for infill subdivision with

two gross areas of 400m² as required by the Operative District Plan (ODP) but cannot provide for two net areas of 400m² due to the area for access to a rear lot being excluded from the net area by definition. They also seek clarification on whether a 2-lot subdivision would comply where one lot is bare land above the minimum area and one lot is below the minimum area but with an existing dwelling. Kāinga Ora (FS28.048) supports this submission.

291. Hamish Weir (s74.020) seeks that non-conformance with SUB-S1 be a Discretionary activity. This approach avoids expensive consent hearings and neighbor disputes, preventing potential setbacks for valuable projects that could otherwise be jeopardized, to the detriment of the district. CFMA (FS22.028) support this submission.

SUB-S2

292. Charlton Rise (s100.006) supports SUB-S2 as notified.
293. Hamish Weir (s74.021) opposes SUB-S2 and seeks non-conformance to the standards defaulting too Discretionary. CFMA (FS22.041) supports this submission.

SUB-S3

294. Hamish Weir (s74.022) opposes SUB-S3 and seeks that non-conformance with the standards defaulting too Discretionary. CFMA (FS22.042) supports this submission.

Assessment

SUB-S1

295. Support for SUB-S1 is acknowledged.
296. In response to CFMA and gross area versus net site area, I agree the historic subdivision pattern in Gore has resulted in lots measuring just over 800m². As such, a requirement for a net site area minimum lot size will result in non-compliance. Having reviewed the density requirements in the General Residential zone, these generally refer to gross site area, unless otherwise specified. The density in the MRZ is calculated by net site area given it is a high density of 150m² per net site area. I consider for the effectiveness and efficiency of the PDP, it is appropriate to amend the standard to relate to gross area. This will align the subdivision standards with the density requirements, reducing ambiguity.
297. Through Hearing Stream 4, it was recommended that the density in the General Residential zone was afforded a sliding scale to accommodate minor non-compliances with the minimum lot size. A consequential amendment is recommended to SUB-S1 to reflect this change.
298. In relation to clarification of lot sizes for allotments contain existing residential unit, the standard does not apply when each lot contains a residential unit. This is because effects, such as bulk and location of building, access and services have been previously assessed through either a land use or building consent. A subsequent subdivision focuses on the ownership of units rather than design of residential units.
299. In relation to the submissions from Mr Weir, I have previously discussed the need to utilise minimum lot sizes to manage character and amenity within a zone. Similarly minimum lot

dimensions ensure appropriately sized lots are created to enable future residential development. This is particularly important if vacant lots are created. Whilst a non-complying activity requires an assessment against Section 104D of the RMA (the gateway test), a minor non-compliance with less than minor effects that aligns with the objectives and policies is likely to pass the gateway test. The recommended changes to the General Residential zone will enable a discretionary pathway for minor non-compliances in this zone to aid infill development. Further the SUB-S1 and SUB-S2 do not apply to subdivision of sites containing existing dwellings.

- 300.** In relation to rear lots in the Town Centre zones and Local Centres Zones, this standard is to ensure active building frontages towards the street. This supports effective urban planning, commercial vitality, and the overall functionality of a commercial area. The intent of these zones is to create a vibrant, accessible, and walkable area, with a strong focus on retail, commercial, and public uses. Rear lots, which are typically positioned behind other properties, lack direct frontage on busy streets, do not offer the same level of accessibility and exposure. By restricting rear lots, more businesses can be located along primary streets, maximizing their visibility and potential foot traffic.

Recommendation

301. I recommend, for the reasons given above, that SUB-S1 is amended as follows:

SUB-S1 Minimum Lot Size

- | | |
|--|---|
| <p>1. No lots to be created by <i>subdivision</i>, including balance lots, shall have a ~~net~~ <u>gross</u> <i>site area</i> less than the minimum specified:</p> <p>(a) General Residential – 400m²</p> <p>(b) Medium Density Residential – 300m²</p> <p>(c) Large Lot Residential – 2000m²</p> <p>(d) Large Lot Residential Precinct 12 – 8000m²</p> <p>(e) Settlement – 2000m²</p> <p>(f) Rural Lifestyle (excluding Gore West Development Area) – 1ha</p> <p>(g) Rural Lifestyle Gore West Development Area - 2000m² provided the average lot size over the whole Rural Lifestyle Gore West Development Area is not less than 1 hectare</p> <p>(h) General Rural – 8ha</p> <p>Except that:</p> <p>(i) This rule does not apply to the Medium Density Zone or General Residential Zone where <i>allotments</i> each contain an existing <i>residential unit</i>.</p> <p>(ii) There is no minimum density for zones not listed above, however <i>site</i> size for all</p> | <p>Activity status where compliance is not achieved with:</p> <p><u>SUB-S1(1) (a) but the minimum lot size exceeds 350m²:</u></p> <p><u>Discretionary</u></p> <p><u>Where the minimum lot size is less than 350m²:</u></p> <p><u>Non-Complying</u></p> <p>Activity status where compliance not achieved with:</p> <p><u>SUB-S1(b) - SUB-S(1)(h):</u></p> <p>Non-Complying</p> |
|--|---|

subdivisions is a considered under Rules
SUB-R5, SUB-R6 and SUB-R7.

302. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

303. The following evaluates the recommendation to amend SUB-S1 under section 32AA of the RMA.

Effectiveness and efficiency

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment aligns with the recommendation made concerning density in the General Residential zone.

Costs and benefits

The benefits of the proposal are that it is clear what is required in terms of minimum lot size for the General Residential zone and ambiguity is removed. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for inconsistency and ambiguity in implementing the plan if the amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objectives than the notified version of the PDP.

7. Conclusions and Closing Recommendation

7.1 Conclusions

304. This report has provided an assessment of submissions received on the Subdivision Chapter and associated definitions of the PDP.
305. I consider that the submissions on the Subdivision Chapter and associated definitions assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including **Appendix B**.
306. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:
- Amendments to SUB-O4 to recognise significant physical resources.
 - Amendments to SUB-O5 to align with section 229 of the Resource Management Act 1991.

- Amendments to SUB-P3 and SUB-P5 to align with the effects management hierarchy and clarify reverse sensitivity considerations.
- Amendments to SUB-P7 to acknowledge stormwater design in subdivision and the integration of social infrastructure.
- Amendments to SUB-P15 to remove the ambiguity around compliant vacant lots.
- Amendments to SUB-P18 to provide clarity around the protection of outstanding natural landscapes, outstanding natural features, and significant natural areas.
- Removal of reference to 'water supply treatment facility buffer'.
- Inclusion of a new rule for the creation of utility lots.
- Aligning the minimum lot size for the General Residential zone with the recommendations of Hearing Stream 4.
- Inclusion of a new standard requiring platforms for subdivision within the National Grid Subdivision Corridor.

307. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

7.2 Closing Recommendation

308. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Joanne Skuse Consultant Senior Planner		16 September 2024