

Te Tai o Poutini Plan
Section 42A Officer's Report
Subdivision, Financial Contributions
and Public Access



Table of Contents

LIST OF SUBMITTERS AND FURTHER SUBMITTERS ADDRESSED IN THIS REPORT	5
ABBREVIATIONS	7
1.0 PURPOSE OF REPORT.....	9
2.0 QUALIFICATIONS AND EXPERIENCE	9
2.1 Code of Conduct.....	10
2.2 CONFLICT OF INTEREST.....	10
2.3 EXPERT ADVICE	10
3.0 SCOPE OF REPORT AND TOPIC OVERVIEW.....	10
3.1 SCOPE OF REPORT	10
3.2 TOPIC OVERVIEW	11
3.3 STRATEGIC DIRECTION	12
4.0 STATUTORY REQUIREMENTS.....	12
4.1 RESOURCE MANAGEMENT ACT	12
4.2 POUTINI NGĀI TAHU IWI MANAGEMENT PLANS AND MANA WHAKAHONO Ā ROHE.....	13
4.3 ANY OTHER RELEVANT NATIONAL PLANNING INSTRUMENTS.....	14
4.4 NATIONAL PLANNING STANDARDS	14
4.5 PROCEDURAL MATTERS	15
5.0 CONSIDERATION OF SUBMISSIONS RECEIVED.....	15
5.1 OVERVIEW OF SUBMISSIONS RECEIVED.....	15
5.2 STRUCTURE OF THIS REPORT	15
6.0 PART 1: SUBDIVISION	16
SUBDIVISION – GENERAL.....	16
SUBDIVISION – OVERVIEW.....	18
SUBDIVISION – OBJECTIVES (GENERAL).....	19
SUBDIVISION – OBJECTIVE 1	20
SUBDIVISION – OBJECTIVE 2	21
SUBDIVISION – OBJECTIVE 3	24
SUBDIVISION – OBJECTIVE 4	27
SUBDIVISION – OBJECTIVE 5	27
SUBDIVISION – OBJECTIVE 6	28
SUBDIVISION – POLICIES (GENERAL)	29
SUBDIVISION – POLICY 1	31
SUBDIVISION – POLICY 2	35
SUBDIVISION – POLICY 3	41
SUBDIVISION – POLICY 5	42
SUBDIVISION – POLICY 6	44
SUBDIVISION – POLICY 7	49
SUBDIVISION – POLICY 8	50
SUBDIVISION – POLICY 9	51
SUBDIVISION – RULES (GENERAL).....	56

SUBDIVISION – RULE 1	60
SUBDIVISION – RULE 2	64
SUBDIVISION – RULE 3	65
SUBDIVISION – RULE 4	72
SUBDIVISION – RULE 5	74
SUBDIVISION – RULE 6	82
SUBDIVISION – RULE 8	91
SUBDIVISION – RULE 10	100
SUBDIVISION – RULE 11	105
SUBDIVISION – RULE 12	106
SUBDIVISION – RULE 14	107
SUBDIVISION – RULE 18	109
SUBDIVISION – RULE 19	112
SUBDIVISION – RULE 22	113
SUBDIVISION – RULE 23	114
SUBDIVISION – RULE 24	114
SUBDIVISION – RULE 25	114
SUBDIVISION – STANDARDS (GENERAL)	116
SUBDIVISION – STANDARD 2	118
SUBDIVISION – STANDARD 3	120
SUBDIVISION – STANDARD 4	122
SUBDIVISION – STANDARD 5	123
SUBDIVISION – STANDARD 6	125
SUBDIVISION – STANDARD 7	126
SUBDIVISION – STANDARD 8	129
SUBDIVISION – STANDARD 9	131
SUBDIVISION – STANDARD 10	135
SUBDIVISION – STANDARD 11	136
7.0 PART 2: FINANCIAL CONTRIBUTIONS	138
FINANCIAL CONTRIBUTIONS – GENERAL	138
FINANCIAL CONTRIBUTIONS – OVERVIEW	143
FINANCIAL CONTRIBUTIONS – OBJECTIVE 1	144
FINANCIAL CONTRIBUTIONS – OBJECTIVE 2	146
FINANCIAL CONTRIBUTIONS – POLICIES (GENERAL)	148
FINANCIAL CONTRIBUTIONS – POLICY 1	148
FINANCIAL CONTRIBUTIONS – POLICY 2	149
FINANCIAL CONTRIBUTIONS – POLICY 3	150
FINANCIAL CONTRIBUTIONS – POLICY 4	151
FINANCIAL CONTRIBUTIONS – POLICY 5	153

FINANCIAL CONTRIBUTIONS – POLICY 6	154
FINANCIAL CONTRIBUTIONS – POLICY 7	157
FINANCIAL CONTRIBUTIONS – RULE 1	158
FINANCIAL CONTRIBUTIONS – RULE 2	163
FINANCIAL CONTRIBUTIONS – RULE 3	166
FINANCIAL CONTRIBUTIONS – RULE 4	169
FINANCIAL CONTRIBUTIONS – RULE 5	170
FINANCIAL CONTRIBUTIONS – RULE 6	172
FINANCIAL CONTRIBUTIONS – RULE 7	173
FINANCIAL CONTRIBUTIONS – RULE 8	175
FINANCIAL CONTRIBUTIONS – RULE 9	177
FINANCIAL CONTRIBUTIONS – RULE 10	178
FINANCIAL CONTRIBUTIONS – RULE 11	180
FINANCIAL CONTRIBUTIONS – RULE 12	182
8.0 PART 3: PUBLIC ACCESS	185
PUBLIC ACCESS – GENERAL	185
8.1 PUBLIC ACCESS - OVERVIEW	187
PUBLIC ACCESS – OBJECTIVE 1	189
PUBLIC ACCESS – NEW POLICY	191
9.0 S32AA EVALUATION FOR SUBDIVISION	192
9.1 EFFECTIVENESS AND EFFICIENCY.....	192
9.2 COSTS/BENEFITS.....	192
9.3 RISK OF ACTING/NOT ACTING.....	193
9.4 DECISION ABOUT MOST APPROPRIATE OPTION.....	193
10.0 S32AA EVALUATION FOR FINANCIAL CONTRIBUTIONS RULE 3 RECOMMENDED AMENDMENTS	193
10.1..... EFFECTIVENESS AND EFFICIENCY.....	193
10.2..... COSTS/BENEFITS.....	194
10.3..... RISK OF ACTING/NOT ACTING.....	194
10.4..... DECISION ABOUT MOST APPROPRIATE OPTION.....	194
11.0 S32AA EVALUATION FOR PUBLIC ACCESS	194
12.0..... CONCLUSION	194

List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
FS1	Grey District Council	
FS2	Alex Wood	
FS41	Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	Ngāi Tahu
FS53	Herenga ā Nuku Aotearoa, Outdoor Access Commission	Herenga ā Nuku Aotearoa
FS55	Horticulture New Zealand	
FS58	Kāinga Ora – Homes and Communities	Kāinga Ora
FS063	Grey District Council	
S85	Brendan Te Amo	
FS88	PE Property Trust	
S96	Craig Schwitzer	
FS100	Laurence McGuire	
FS101	Silver Fern Farms Limited	
FS110	Transpower NZ Ltd	Transpower
FS126	Fire and Emergency New Zealand	
S128	Anthony Christopher Eden	
S140	Heritage New Zealand Pouhere Taonga	Heritage New Zealand
FS141	Radio New Zealand Limited RNZ	
FS142	Cashmere Bay Dairy Ltd	
FS143	Te Kinga Investments Ltd	
FS149	Buller District Council	
FS151	Chris J Coll Surveying	
FS154	Davis Ogilvie & Partners	
S171	Te Tai o Poutini Plan Committee	
S181	Westland District Council	
S185	Christine Wood	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	
S205	Christine Sinclair	
FS222	Westpower Limited	
FS235	Franke O'Toole	
S252	Deb Landridge	

S274	Herenga ā Nuku Aotearoa Outdoor Access Commission	
S299	Transpower New Zealand Limited	Transpower
S302	West Coast Fish and Game Council	
S360	John Brazil	
S421	Laura Kelly	
S430	Christopher and Donna Meates	
S438	Manawa Energy Limited	Manawa Energy
S441	Silver Fern Farms Limited by its authorized agents Mitchell Daysh Limited	Silver Fern Farms
S442	KiwiRail Holdings Limited	KiwiRail
S443	Suzanne Hills	
S446	Margaret Montgomery	
S450	Waka Kotahi NZ Transport Agency	Waka Kotahi
S452	Alistair Cameron	
S453	Ball Developments Ltd	
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	Ministry of Education
S463	New Zealand Energy Limited	
S462	Inga Perkins	
S465	Davis Ogilvie & Partners Ltd	
S469	Lyn McIntosh	
S474	Rocky Mining Limited	
S478	Frank and Jo Dooley	
S486	Horticulture New Zealand	
S488	West Coast Regional Council	
S500	Papahaua Resources Limited	
S507	Leonie Avery	
S508	Jared Avery	
S509	Kyle Avery	
S510	Avery Bros	
S511	Bradshaw Farms	
S512	Paul Avery	
S513	Brett Avery	
S516	Steve Croasdale	
S524	Federated Farmers of New Zealand	Federated Farmers
S535	Neil Mouat	

S538	Buller District Council	
S540	Inchbonnie Hydro Limited	
S544	Peter Jefferies	
S545	Martin and Lisa Kennedy	
S546	Nick Pupich, Sandy Jefferies	
S547	Westpower Limited	
S552	Buller Conservation Group	
S553	Frida Inta	
S558	Chris & Jan Coll	
S560	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird
S563	Geoff Volckman	
S564	Catherine Smart-Simpson	
S566	Chris & Jan Coll Surveying Limited	
S567	William McLaughlin	
S571	Greg Maitland	
S573	Fire and Emergency New Zealand	
S574	Laura McLaughlin	
S577	Koiterangi Lime Co LTD	
S581	David Ellerm	
S595	Frank O'Toole	
S598	Te Kinga Investments	
S602	Department of Conservation	DoC
S608	Grey District Council	
S614	Karamea Lime Company	
S612	Toka Tū Ake EQC	
S615	Peter Langford	
S619	Snodgrass Road submitters	
S620	Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	Ngāi Tahu
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	

Abbreviations

Abbreviation	Meaning
LGA	Local Government Act 2002
NC	Natural Character and Margins of Waterbodies Chapter

NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NZLRI	New Zealand Land Resource Inventory
Planning standards	National Planning Standards
RMA	Resource Management Act 1991
SNA	Significant Natural Area
pTTPP	Proposed Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the proposed Te Tai o Poutini Plan (pTTPP); and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on Subdivision (SUB), Financial Contributions (FC) and Public Access (PA) Chapters. The report provides the Hearing Panel with a summary and analysis of the submissions received on the Subdivision, Financial Contributions and Public Access in Part 2 and relevant definitions in Part 1 and to make recommendations on either retaining the pTTPP provisions without amendment or making amendments to the pTTPP in response to those submissions.
3. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the following reports:
 - Introduction and General Provisions report that addresses the higher order statutory planning and legal context s42A report prepared by Lois Easton;
 - Strategic Directions report that addresses the wider strategic direction of the Plan s42A report prepared by Lois Easton; and
 - Section 42A report for Energy, Infrastructure, and Transport prepared by Grace Forno and Melissa McGrath.
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2.0 Qualifications and experience

5. This report has been co-authored by Briar Belgrave and Ruth Evans. Where “I” or “my” is used throughout the report, this reflects the position of both authors.

Briar Belgrave

6. My full name is Briar Alayne Belgrave and I am a Partner at Barker & Associates planning and urban design consultancy, engaged by the West Coast Regional Council to support the development of the pTTPP. I am a qualified planner and have a Masters in Resource and Environmental Planning with Honours from Massey University. I am also a full member of the New Zealand Planning Institute.
7. I have over 12 years’ experience in planning and resource management. During this time, I have been employed in various planning positions in central government, local government and private companies. My predominant experience has been in policy planning and resource consent planning across New Zealand including, Wellington, Auckland, Whangarei, Far North, Gisborne, Palmerston North, Waitaki and in Australia. This experience includes preparing assessment of environmental effects, processing and reporting on resource consent applications, Resource Management Act reforms, preparation of national policy (National Environmental Standards and National Policy Statements), district plan formulation and policy advice for councils, the consideration of submissions and writing Section 32 and 42A reports.

Ruth Evans

8. My full name is Ruth Christine Cameron Evans. I am planner at Barker & Associates, an independent planning consultancy engaged by the WCRC to prepare s42A reports on a number of topics for the pTTPP.

9. I hold a Master of Regional and Resource Planning and a Bachelor of Arts, both from Otago University, and I am a full member of the New Zealand Planning Institute.
10. I have over 18 years' experience as planner, working in New Zealand and Australia in consultancy and government agency roles. I have experience in both resource consent processing and preparation, and district/unitary plan development. This includes preparing s42A reports and evidence on a range of topics for proposed plans in the Queenstown Lakes, Christchurch and Selwyn districts.

2.1 Code of Conduct

11. 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. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
12. I am authorised to give this evidence on behalf of the Tai o Poutini Plan Committee to the pTTPP hearings commissioners (Hearings Panel).

2.2 Conflict of Interest

13. To the best of my knowledge, I have no real or perceived conflict of interest.

2.3 Expert Advice

14. In preparing this report I rely on expert advice from **Mat Collins, Associate Transportation Planner, Abley**. The scope of this advice is in relation to FC-Rule 3 and FC-Rule 4. This advice is contained in **Appendix 3** to this report.

3.0 Scope of Report and Topic Overview

3.1 Scope of Report

15. This report considers the submissions and further submissions that were received in relation to SUB, FC and PA in Part 2/Part 3, and relevant definitions in Part 1.
16. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 1** of this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that seek the retention of the provision without amendment are not footnoted.
17. 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. A number of alterations have already been made to the pTTPP using cl.16(2) and these are documented on the pTTPP website. Where a submitter requests the same or similar changes to the pTTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report. The assessment of submissions generally follows the following format:
 - Submission Information;
 - Analysis; and
 - Recommendation and Amendments.

3.2 Topic Overview

Subdivision

18. Subdivision is the process whereby areas of land are divided into separate allotments with separate titles, which can be sold. Section 218 of the RMA defines 'subdivision', it includes:
 - creating new allotments;
 - leasing of parts of allotments for more than 35 years; and
 - company leases, cross leases and unit titles.
19. Subdivision may not have any direct physical effects on land, but it is a fundamental precursor to further development, particularly with regard to matters such as movement connectivity and permeability within and between developments, open space, and the future character of an area. Therefore, the policies and rules relating to subdivision affect development on the West Coast.
20. The proposed SUB Chapter seeks to manage the subdivision of land within all zones generally, as well as the subdivision of land that contain or are subject to an identified feature, site or area of natural cultural, historical or ecological significance, and natural hazard risks.
21. Māori land is exempt from the subdivision provisions, and is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

Financial Contributions

22. The three District Councils on the West Coast use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of development, and at this time, do not use a development contributions regime under the Local Government Act 2002 (LGA).
23. The proposed FC Chapter has been developed on the basis of that existing approach continuing, and contains objectives, policies, and rules for financial contributions in relation to the provision of infrastructure and the offset and/or compensation of residual adverse effects.
24. The FC Chapter identifies where financial contributions are required in relation to:
 - Roads;
 - Vehicle parking;
 - Service lanes;
 - Water supply, wastewater treatment and disposal, and stormwater treatment and disposal;
 - Reserves and community facilities;
 - Shared pathways such as footpaths, walkways, or cycleways; and
 - Offsetting and compensation.
25. The pTTPP will be updated by variation or plan change should a development contribution regime be introduced under the LGA at a future date.

Public Access

26. The PA Chapter seeks to manage public access to and along the coastal marine area, lakes, and rivers and recognises this as a matter of national importance under section 6 of the RMA. The PA chapter includes one objective to this effect.

3.3 Strategic Direction

27. The purpose of the Strategic Direction chapter in Part 2, in combination with objectives within the relevant topic chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies are enabled in other chapters of the pTTPP, which are consistent with the strategic objectives.
28. The proposed provisions under the SUB, FC, and PA Chapters are relevant to the use and development of land within the three districts. The following objectives in the Strategic Direction Chapter are of relevance to these topics:
 - MIN-O4 is that new subdivision, use, and development does not compromise existing mineral extraction activities, including through reverse sensitivity to effects such as dust, noise, and traffic generation; and
 - UFD-O1 is urban environments and built form on the West Coast that recognise the risk of natural hazards, improve overall accessibility and connectivity, and promote the safe, efficient and effective provision of infrastructure.

4.0 Statutory Requirements

29. The pTTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards; and any regulations. The pTTPP must also give effect to the West Coast Regional Policy Statement (WCRPS), not be inconsistent with any regional plan, and have regard to the need to be consistent with district plans of adjacent territorial authorities, and have regard to iwi planning documents.
30. In addition, there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
31. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of pTTPP. I do not repeat the detail of the full suite of higher order documents here.
32. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
33. The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to these topics, being:
 - Report 6 Subdivision and Financial Contributions; and
 - Report 10 Open Space Zones and Public Access.

4.1 Resource Management Act

34. Part 2 of the RMA contains the purpose and principles of the legislation. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
35. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in Section 6, have particular regard to other

matters referred to in Section 7 and take into account the principles of the Treaty of Waitangi referred to in Section 8.

36. Section 6 matters of national importance are relevant to the SUB, FC, and PA Chapters are:
 - Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
 - Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
 - Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - Section 6(d) the maintenance and enhancement of public access to and along the coast;
 - Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
 - Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development; and
 - Section 6(h) the management of significant risks from natural hazards.
37. Section 7 of the RMA requires particular regard to be taken in relation to the following matters which are relevant to the SUB, FC, and PA Chapters:
 - Section 7(b) the efficient use and development of natural and physical resources;
 - Section (c) the maintenance and enhancement of amenity values;
 - Section (d) the intrinsic values of ecosystems;
 - Section (f) the maintenance and enhancement of the quality of the environment; and
 - Section (i) the effects of climate change.
38. These matters under Sections 6 and 7 of the RMA are relevant when considering the subdivision of land which may facilitate use and development which create environmental effects under the SUB chapter, the provision of financial contributions to offset or compensate environmental effects, and the provision of public access along the coast.
39. Section 8 requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consistent with the practice followed in the development of the pTTPP, the Section 8 principle of most relevance to these topics is the duty to make informed decisions through consultation. Poutini Ngāi Tahu though the Rūnanga kaiwhakahaere have been involved in the governance and development of pTTPP and their planners have collaborated in the development of the pTTPP provisions. Alongside this, Poutini Ngāi Tahu been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

4.2 Poutini Ngāi Tahu Iwi Management Plans and Mana Whakahono ā Rohe

40. The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu

Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

41. While these documents focus on specific issues, they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape.
42. The plan must be prepared in accordance with the Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol Mana Whakahono ā Rohe 2020, agreement between Poutini Ngāi Tahu and Westland Regional Council (Schedule 1, section 1A of the RMA). Section 8 of the Mana Whakahono ā Rohe specifies the process to be followed when developing planning instruments, I understand this has been implemented in preparing the pTTPP.

4.3 Any other relevant National Planning Instruments

43. The following National Policy Statements and National Environmental Standards are relevant to submissions received on the SUB, FC, and PA Chapters under the pTTPP.

New Zealand Coastal Policy Statement 2010 (NZCPS)

44. The NZCPS seeks to protect and enhance the coastal environment, including: safeguarding the integrity, form, functioning and resilience of the coastal environment, preserving the natural character and protecting natural features and landscapes values of the coastal environment, to maintain and enhance public open space qualities and recreation opportunities of the coastal environment, and managing coastal hazard risks.
45. Policy 18 is relevant to the PA Chapter and seeks to recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation.

National Policy Statement for Highly Productive Land 2020 (NPS-HPL)

46. The NPS-HPL seeks to protect and ensure the availability of New Zealand's high-class soils for primary production now and for future generations. The NPS-HPL provides a stringent protection regime and seeks to direct new housing development away from highly productive land where possible and prevent inappropriate subdivision, use and development occur on our highest-class soils. The NPS-HPL is of particular relevance to subdivision within the Rural Zones.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

47. The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB sets out the effects management hierarchy, and is of relevance to the consideration of offset and compensation of adverse residual effects on indigenous biodiversity, which is provided for under the FC chapter.

4.4 National Planning Standards

48. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019. There are 17 standards in total, of which Standard 7 is relevant to this report:
 - Clause 22 requires that if provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers are addressed they must be located in the Public access chapter under the Natural environment values heading; and
 - Clause 24 requires that subdivision provisions must be located in one or more chapters under the subdivision heading, and the chapter must include cross references to any relevant provisions under the Energy, infrastructure and transport heading.

4.5 Procedural Matters

49. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

50. A total of **73** submissions (**933** submission points) and **17** further submissions (**132** submission reports) were received on the SUB, FC, and PA chapters, and relevant definitions.

5.2 Structure of this Report

51. Given the number, nature and extent of submissions and further submissions received, this Section 42A Report addressed the key themes and issues raised generally, in accordance with Clause 10(2), as opposed to making specific recommendations on each submission point.
52. This Report has been structured in three sections based on chapter.
53. The submissions will be assessed in the order set out below:
- Subdivision;
 - Financial Contributions; and
 - Public Access.
54. A number of submissions relating to the provisions in the SUB Chapter will be assessed through other hearing topics under the pTTPP, these include:
- SUB-R7 and SUB-R9, which relate to subdivision of land containing an area of Significant Indigenous Biodiversity, and are addressed as part of the Ecosystems and Indigenous biodiversity topic;
 - SUB-S1, which relates to minimum lot sizes, which will be addressed as part of the underlying zone provisions; and
 - A number of submissions relating to the management of natural hazard risks, which will be addressed as part of the Natural Hazards topic.
55. Recommended amendments are contained **Appendix 1: Recommended Amendments to SUB, FC and PA provisions.**
56. Submissions received that are in support or neutral in relation to the notified provisions are noted and not necessarily addressed in the report. In addition, only key further submissions are identified in relation to the decision requested by submitters.
57. A full list of submissions and further submissions is contained in **Appendix 2: Submissions and Further Submissions on SUB, FC and PA provisions.**
58. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2.** Recommendations on further submissions are in accordance with the recommendation on the primary submission.

6.0 Part 1: Subdivision

Subdivision – General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Brendan Te Amo	S85.002	Support	Support Subdivision Chapter.
Westland District Council	S181.023	Support	Retain the objectives, policies, rules and standards.
Christine Wood	S185.002	Not stated	Not stated.
Christine Sinclair	S205.002	Support	I would like there to be a hold on any further subdivision in Okuru township and nearby environs.
Anthony Christopher Eden	FS128.2	Support	Allow.
Suzanne Hills	S443.031	Amend	Review this section to enable the tiny house movement and its contribution to the sustainable use of land and resources.
Chris & Jan Coll	S558.263	Amend	Amend the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision or through the explicit extension of the various boundary adjustment rules to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.510	Oppose	Amendments also need to be made to the Subdivision rules to ensure that waterbodies and their margins are protected in the subdivision process.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.512	Amend	Amendments need to be made to the subdivision rules to ensure Objective NC-O1 is met. The rules in this chapter do not regulate subdivision.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.514	Amend	Amend, or provide additional provisions in the Subdivision rules to ensure Policy NC-P1 is given effect to.
Chris J Coll Surveying Limited	S566.263	Amend	Amend the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision or through the explicit extension of the various boundary adjustment rules to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.

Davis Ogilvie & Partners Ltd	FS154.007	Support	Allow.
William McLaughlin	S567.033	Amend	Amend the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision or through the explicit extension of the various boundary adjustment rules to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Laura Coll McLaughlin	S574.263	Amend	Amend the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision or through the explicit extension of the various boundary adjustment rules to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Department of Conservation	S602.128	Neutral	N/A

Analysis

59. Brendan Te Amo (S85.002) and Westland District Council (S181.023) seek to retain the approach to the SUB chapter as notified. I acknowledge support for the SUB chapter as notified, subject to some recommended amendments in response to submissions as outlined in the subsequent sections.
60. Submissions made by Christine Wood (S185.002), Christine Sinclair (S205.002), and DoC (S602.128) do not seek specific relief to the provisions within the SUB chapter. These submission points are also noted.
61. Suzanne Hills (S443.031) seeks amendments to the SUB chapter to enable tiny houses and recognise their contribution to the sustainable use of land and resources. The relief sought is not considered necessary as land use activities such as tiny homes are regulated by the provisions of the underlying zone. It is also noted that the SUB chapter does not preclude the establishment of tiny homes.
62. Chris & Jan Coll (S558.263), Chris J Coll Surveying Limited (S566.263), William McLaughlin (S567.033) and Laura Coll McLaughlin (S574.263) seek to amend the definition of 'boundary adjustment' to include subdivisions where the number of allotments or records of titles is reduced. The relief sought is not supported as the definition of boundary adjustment is in accordance with the National Planning Standards.
63. Forest & Bird (S560.510; S560.512; S560.514) seek amendments to the SUB Chapter to ensure that waterbodies and their margins are protected in the subdivision process and to ensure that NC-O1 and NC-P1 are able to be met. Riparian margins are managed under the Natural Character and Margins of Waterbodies (NC) Chapter. It is considered that amendments are necessary to include appropriate link to the NC Chapter rules, and an amendment is recommended to SUB-S2 as further discussed below.
64. Transpower (S608.077) seek the inclusion of a new rule where a non-complying activity status applies to subdivision within the national Grid Subdivision Corridor unable to

comply with the restricted discretionary activity standards. I note that the relief sought is provided for under SUB-R8, and consider that the inclusion of a new rule is not necessary.

Recommendations

65. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

Subdivision – Overview

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Westpower Limited	S547.342	Amend	Amend paragraph 1: Subdivision is the process of ... but it also impacts on adjacent sites and the future use of land, <u>including energy activities and infrastructure and the provision of services</u> . Subdivision affects the natural
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.264	Amend	Amend to make clear that subdivision needs to protect not only scheduled/identified areas, particularly given the lack of a comprehensive SNA schedule.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.521	Amend	Amend to include reference to other relevant chapters.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.522	Amend	Consider including new rules, or amendments to existing rules to avoid effects on waterbodies and their margins in the subdivision process, in a similar way as is sought for SNAs below.

Analysis

66. Westpower Limited (S547.342) requests an amendment to paragraph 1 of the Overview text to include reference to energy activities, infrastructure, and the provision of services. This addition is not considered necessary as the SUB Overview text recognises impacts on adjacent sites and future use of land generally, and does not identify specific activities.
67. Forest & Bird (S560.264; S560.521) seeks amendments to the Overview text to be clear that subdivision needs to protect not only scheduled or identified areas as the Significant Natural Area (SNA) schedule is not comprehensive. They also request reference to other relevant chapters. It is considered that the SUB Overview as notified will provide an appropriate cross reference to relevant Overlay chapters as rules relating to the subdivision of land subject to an Overlay are included in the SUB Chapter itself. Additional cross referencing is not considered necessary.
68. Forest & Bird (S560.522) requests amendments to avoid effects on waterbodies and their margins in the subdivision process. As discussed above, riparian margins are managed under the NC Chapter and it is considered that amendments to SUB-S2 are necessary to include appropriate link to the NC Chapter rules. Subject to those

amendments, additional amendments to the Overview text are not considered to be necessary.

Recommendations

69. It is recommended that the Overview text is retained as notified and that no amendments are made in response to these submissions.

Subdivision – Objectives (General)

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
KiwiRail	S442.068	Support	Retain as proposed.
Buller District Council	S538.244	Support	Retain as notified. Objectives SUB – O1 – O6.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.265	Support	Amend provisions of this chapter to ensure wetlands are protected in accordance with s6(a) and the NC chapter (as amended by our submission). Consider including new rules, or amendments to existing rules to avoid effects on waterbodies and their margins in the subdivision process, in a similar way as is sought for SNAs below.
Chris J Coll Surveying Limited	FS151.007	Oppose	Disallow.
Snodgrass Road Submitters	S619.033	Support	Retain Objectives SUB-O1 – SUB-O6.

Analysis

70. KiwiRail (S442.068), Buller District Council (S538.244) and Snodgrass Road Submitters (S619.033) request that the objectives be retained as notified. This support is noted and the request to retain as notified accepted, other than where submissions seeking changes to specific objectives are recommended to be accepted – these are discussed in the sections below.
71. Forest & Bird (S560.265) seek to amend the provisions of the SUB Chapter to ensure wetlands are protected in accordance with section 6(a) of the RMA and the NC Chapter. As discussed above, riparian margins are managed under the NC Chapter and it is considered that amendments to SUB-S2 are necessary to include appropriate link to the NC Chapter rules. Subject to those amendments, additional amendments to the objectives are not considered to be necessary.

Recommendations

72. It is recommended that no amendments are made to the objectives in response to these submissions.

Subdivision – Objective 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.401	Support	Retain objective.
Silver Fern Farms	S441.018	Support in part	Amend as follows: SUB - O1 Subdivision achieves patterns of land development that: are compatible with the purpose, character and qualities of each zone. <u>Avoid any reverse sensitivity effects on the operation or expansion of permitted, consented, or existing industrial activities.</u>
Waka Kotahi	S450.110	Support	Retain as proposed.
Chris & Jan Coll	S558.177	Support	Retain.
Chris J Coll Surveying Limited	S566.177	Support	Retain.
William McLaughlin	S567.251	Support	Retain.
Laura Coll McLaughlin	S574.177	Support	Retain.
David Ellerm	S581.040	Amend	Subdivision achieves patterns of land development that are compatible with the purpose, character and qualities <u>quality of the environment</u> each zone.

Analysis

73. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.401), Waka Kotahi (S450.110), Chris & Jan Coll (S558.177), Chris J Coll Surveying Limited (S566.177), William McLaughlin (S567.251), and Laura Coll McLaughlin (S574.177) support Objective 1 and seek that it is retained as notified. The support for SUB-O1 is noted.
74. Silver Fern Farms (S441.018) seeks the objective be expanded to address reverse sensitivity effects associated with industrial activities. It is considered that this type of reverse sensitivity more appropriately addressed via appropriate zoning and zone provisions, along with district wide provisions, as it is land use rather than subdivision that can result in reverse sensitivity effects. It is therefore recommended that this submission point be rejected. It is also noted that the suggested wording is more appropriate as a policy.
75. David Ellerm (S581.040) requests that 'quality of the environment' be included within the objective. It is unclear from the submission whether the words 'each zone' is also intended to be deleted. It is considered that reference to the zone is more helpful than the environment generally, as this is more specific, with the quality of the environment potentially changing from zone to zone depending on the zone purpose. The notified wording is more directive than the change sought by this submission point and it is therefore recommended that this point is rejected.

Recommendations

76. That SUB-01 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Objective 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.402	Support	Retain objective.
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.019	Support in part	Amend as follows: SUB - O2 Subdivision occurs in locations and at a rate that: [...] e. Provides for growth and expansion of West Coast/Te Tai o Poutini settlements, and <u>businesses and industry</u> ; and [...].
KiwiRail Holdings Limited	S442.064	Amend	Amend as follows: Subdivision occurs in locations and at a rate that: Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan; Facilitates the <u>safe and efficient</u> operation of critical infrastructure; [...].
Waka Kotahi NZ Transport Agency	S450.111	Support	Retain as proposed.

Ministry of Education Te Tāhuhu o Te Mātauranga	S456.018	Support in part	Amend as follows: Subdivision occurs in locations and at a rate that: Is supported by the capacity of infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan; Facilitates the operation of critical infrastructure; Enables access and connectivity; Provide for the health, wellbeing and safety of the West Coast/Tai o Poutini community; <u>Enables growth and development to be supported by educational facilities</u> Provides for growth and expansion of West Coast/Tai o Poutini settlements and businesses; and Avoids significant natural hazards and are built to be resilient to natural hazards.
Chris J Coll Surveying Ltd	FS151.013	Support	Allow.
Horticulture New Zealand	FS55.37	Oppose in part	Disallow.
Horticulture New Zealand	S486.039	Support in part	Amend SUB-O2 by adding: g) gives effect to the NPSHPL.
Westpower Limited	S547.343	Amend	Amend a. Is supported by the capacity of existing <u>energy and</u> infrastructure networks ... or provides for <u>energy and</u> infrastructure activities, facilities and networks that area sufficient to accommodate growth ...;"
Westpower Limited	S547.344	Amend	Amend b. Facilitates, maintains and provides for, and does not adversely impact, the operation and maintenance of critical infrastructure, <u>including energy activities;</u>
Buller Conservation Group	S552.105	Amend	<u>g. protects and enhances amenity values.</u>
Frida Inta	S553.105	Amend	<u>g. protects and enhances amenity values.</u>
Chris J Coll Surveying Ltd	FS151.014	Oppose	Disallow.
Chris & Jan Coll	S558.178	Support	Retain.
Chris J Coll Surveying Limited	S566.178	Support	Retain.
William McLaughlin	S567.252	Support	Retain.
Fire and Emergency New Zealand	S573.015	Support	No amendment sought.
Laura Coll McLaughlin	S574.178	Support	Retain.

David Ellerm	S581.041	Amend	add g. <u>Mitigates potential effects on amenity and natural landscapes values by the use of community infrastructure facilities.</u>
Grey District Council	FS1.331	Support	Allow.
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	S663.052	Support	Retain provision as notified.

Analysis

77. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.402), Waka Kotahi (S450.111), Chris & Jan Coll (S558.178), Chris J Coll Surveying Limited (S566.178), William McLaughlin (S567.252), Fire and Emergency New Zealand (S573.015), Laura Coll McLaughlin (S574.178), and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.052) support Objective 2 and seek that it is retained as notified. The support for SUB-O2 is noted, however I have recommended amendments in response to submissions as outlined below.
78. Silver Fern Farms Limited (S441.019) support this objective in part, and seek that reference to 'industry' is also made in clause (e). While 'businesses' could be understood to include 'industry', I consider the addition of 'industry' to provide helpful clarity, and recommend that this point is accepted.
79. KiwiRail Holdings Limited (S442.064) agrees with the intent of the objective, but seeks that the words 'safe and efficient' be added to clause (b) in relation to operation of critical infrastructure¹. It is agreed that the safe and efficient operation of critical infrastructure is important, and accordingly I recommend that this submission point is accepted.
80. Ministry of Education Te Tāhuhu o Te Mātauranga (S456.018) supports the objective but requests that an additional clause be added as follows: 'Enables growth and development to be supported by educational facilities'. It is not considered that this addition is appropriate, because subdivision in itself does not necessarily generate the need for a new school. It is also noted that Ministry of Education can use the designation process to ensure that growth and development is supported by educational facilities. It is recommended that this point be rejected.
81. Horticulture New Zealand (S486.039) requests an additional clause (g) to be added that states 'gives effect to the NPS-HPL'. It is agreed that the pTTPP needs to give effect to the NPS-HPL as a national policy statement². In my view the objective does not specifically need to say 'give effect to the NPS-HPL', however I consider it is appropriate to include a new clause to the objective recognising the protection of HPL in order to give effect to NPS-HPL. I recommend that a new clause (g) be added that reads: 'protects highly productive land'. It is therefore recommended that this submission point is accepted in part.
82. Westpower Limited (S547.343 and S547.344) requests that references to 'energy activities' be included in clauses (a) and (b), alongside infrastructure activities. These inclusions are not considered necessary as a number of key energy activities are captured within the definition of 'infrastructure', 'critical infrastructure', and 'regionally significant infrastructure'. It is therefore recommended that these submission points are rejected.

1. _____

¹ It is noted that 'critical infrastructure' is recommended to be replaced with 'regionally significant infrastructure' through hearing topic Energy, Infrastructure, and Transport.

² As required under section 75(3) of the RMA.

83. Buller Conservation Group (S552.105) and Frida Inta (S553.105) request that an additional clause (g) be added that states: 'protects and enhances amenity values'. I do not consider this additional clause to be necessary because the expected level of amenity will differ for each zone and SUB-01 already broadly covers amenity values. It is therefore recommended that these submission points are rejected.
84. David Ellerm (S581.041) requests that an additional clause (g) be added that states: 'mitigates potential effects on amenity and natural landscapes values by the use of community infrastructure facilities'. No reason has been given in the submission for this addition. Given the narrow focus on community infrastructure facilities, the effects of which I consider are best addressed via zone provisions, and that SUB-01 broadly covers qualities of each zone, I do not consider this addition to be necessary. It is therefore recommended that this submission point is rejected.

Recommendations

85. That SUB-02 is amended as follows:
- Subdivision occurs in locations and at a rate that:
- Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan;
 - Facilitates the [safe and efficient](#) operation of critical infrastructure;
 - Enables access and connectivity;
 - Provide for the health, wellbeing and safety of the West Coast/Te Tai o Poutini community;
 - Provides for growth and expansion of West Coast/Te Tai o Poutini settlements, ~~and~~ businesses, ~~and~~ industry; ~~and~~
 - Avoids significant natural hazards and are built to be resilient to natural hazards; [and](#)
 - [Protects highly productive land.](#)

Subdivision – Objective 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Heritage New Zealand Pouhere Taonga	S140.039	Support	Retain as proposed.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.403	Support	Retain objective.
Waka Kotahi NZ Transport Agency	S450.112	Support	Retain as proposed.
Horticulture New Zealand	S486.040	Support in part	Amend SUB-03 by adding: Highly productive land

Buller Conservation Group	S552.106	Amend	Subdivision design and development protects the <u>quality of the environment including the intrinsic value of ecosystems</u> and significant coastal, natural, ecological, historical and Poutini Ngāi Tahu features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.
Frida Inta	S553.106	Amend	Subdivision design and development protects the <u>quality of the environment including the intrinsic value of ecosystems</u> and significant coastal, natural, ecological, historical and Poutini Ngāi Tahu features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.
Chris J Coll Surveying Ltd	FS151.015	Oppose	Disallow.
Chris & Jan Coll	S558.179	Support	Retain.
Chris J Coll Surveying Limited	S566.179	Support	Retain.
William McLaughlin	S567.253	Support	Retain.
Laura Coll McLaughlin	S574.179	Support	Retain.
David Ellerm	S581.042	Amend	Amend ...historical and Poutini Ngāi Tahu features and <u>cultural values</u> , and resources...
Department of Conservation	S602.120	Amend	Amend: Subdivision design and development protects significant coastal, natural, ecological, <u>landscape</u> , historical and Poutini Ngāi Tahu features and resources and responds is <u>of a scale, density and design that is compatible with</u> the physical characteristics and constraints of the site and surrounding environment.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.178	Amend	Subdivision design and development protects significant coastal, natural, ecological, historical and <u>Poutini Ngāi Tahu values</u> features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.

Analysis

86. Heritage New Zealand (S140.039), Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.403), Waka Kotahi (S450.112), Chris & Jan Coll (S558.179), Chris J Coll Surveying Limited (S566.179), William McLaughlin (S567.253), and Laura Coll McLaughlin (S574.179) support Objective 3 and seek that it is retained as notified. The support for SUB-O3 is noted, however I have recommended amendments in response to submissions as outlined below.

87. Horticulture New Zealand (S486.040) requests an amendment to include highly productive land along with the other attributes of this objective. This addition is not considered necessary given the recommended amendment to include the protection of highly productive land in SUB-O2. It is recommended that this submission point is rejected.
88. Buller Conservation Group (S552.106) and Frida Inta (S553.106) request that the objective is amended to include 'the quality of the environment including the intrinsic value of ecosystems' and delete the word 'significant' from the objective. These submitters contend that it is not only SNAs that need protection, with the Buller Conservation Group also noting the link to the RMA s6(a) and s7. I agree that these matters largely align with a number of matters in s6 and 7 of the RMA, however the objective also refers to responding to the physical characteristics and constraints of the site and surrounding environment, which is broader than what is required by RMA s6 and 7. I also note that in relation to indigenous vegetation and habitats of indigenous fauna, s6(c) refers to 'significant'. I therefore recommend retaining the word significant. In relation to including the intrinsic value of ecosystems, while it is acknowledged that this is a s7(d) matter, this is just one of many s7 (and s6) matters that are not included, and s7(d) does not explicitly refer to subdivision. The submitter has not provided a reason why this particular matter should be included and I recommend that the objective does not cherry pick s6 and 7 matters that do not have a protection focus or specific reference to subdivision. In terms of referring to the quality of the environment, this language is considered unnecessary as the quality of the environment is broader than the specific matters listed. It is therefore recommended these submission points be rejected.
89. David Ellerm (S581.042) requests that 'cultural values' are included with Poutini Ngāi Tahu features. In a similar submission point Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.178) requests that Poutini Ngāi Tahu 'features and resources' be replaced with 'values'. As pointed out in the Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio submission, most of the pTTPP uses the term 'values'. For clarity and consistency of language throughout the pTTPP, it is recommended that 'values' is used in this objective. It is therefore recommended that S620.178 be accepted, and S581.042 be accepted in part.
90. Department of Conservation (S602.120) request that 'responds' is replaced by the words 'is of a scale, density and design that is compatible with', and that 'landscapes' be included in the list of matters to be protected. It is agreed that the reference to 'landscapes' in this objective is appropriate because s6(b) refers to protecting ONFs and ONLs from inappropriate subdivision, use and development. With respect to the points relating to scale, density and design, I consider this level of detail is more appropriate for a policy.

Recommendations

91. That SUB-O3 is amended as follows:
- Subdivision design and development protects significant coastal, natural, ecological, [landscape](#), historical and Poutini Ngāi Tahu [values](#), ~~features and resources~~ and responds to the physical characteristics and constraints of the site and surrounding environment.

Subdivision – Objective 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	S663.053	Support	Retain provision as notified.

Analysis

92. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.053) support Objective 4 as notified and seek that it is retained as notified. The support for Objective 4 is noted.

Recommendations

93. It is recommended that SUB-O4 is retained as notified.

Subdivision – Objective 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.405	Support	Retain objective.
Buller Conservation Group	S552.108	Amend	Esplanade reserves and strips created through subdivision contribute to the protection of identified-significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation.
Frida Inta	S553.108	Amend	Esplanade reserves and strips created through subdivision contribute to the protection of identified-significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation.
Chris & Jan Coll	S558.181	Amend	Amend objective to reflect only the purpose of esplanade reserves and strips as set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values.
Chris J Coll Surveying Limited	S566.181	Amend	Amend objective to reflect only the purpose of esplanade reserves and strips as set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values.
William McLaughlin	S567.255	Amend	Amend objective to reflect only the purpose of esplanade reserves and strips as set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values.

Laura Coll McLaughlin	S574.181	Amend	Amend objective to reflect only the purpose of esplanade reserves and strips as set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values.
Toka Tū Ake EQC	S612.087	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.179	Support	Retain as notified.

Analysis

94. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.405), Toka Tū Ake EQC (S612.087), and Ngāi Tahu support Objective 5 and seek that it is retained as notified. The support for SUB-O5 is noted.
95. Buller Conservation Group (S552.108) and Frida Inta (S553.108) request that the words 'identified significant' be deleted from the objective, to align with the WCRPS which recognises that not only significant natural character needs to be protected, and allow for SNAs to be considered. The intention of this point is acknowledged, and it is noted that the pTTPP (or RMA) does not use the term 'natural heritage'. However, this objective is broader than natural character, and there are other pTTPP provisions that set out the regime for identifying and protecting SNAs, including the ECO chapter. It is therefore recommended that these changes are rejected.
96. Chris & Jan Coll (S558.181), Chris J Coll Surveying Limited (S566.181), William McLaughlin (S567.255) and Laura Coll McLaughlin (S574.181) request that this objective is amended to limit the objective to the purpose of esplanade reserves and strips only as set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. The objective is already consistent with the purpose of esplanade reserves and strips S229 of the RMA, which include maintaining or enhancing water quality (s229(a)(ii)), protecting the values associated with the esplanade reserve or strip (s229(a)(iv)), and mitigating natural hazards (s229(a)(v)). No change to the objective is required to respond to these submission points.

Recommendations

97. That SUB-O5 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Objective 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.406	Support	Retain objective.
Westpower Limited	S547.345	Amend	Amend: Where subdivision ... need for open space <u>created by the subdivision.</u>
Chris & Jan Coll	S558.182	Amend	Retain.
Chris J Coll Surveying Limited	S566.182	Amend	Retain.
William McLaughlin	S567.256	Amend	Retain.

Laura Coll McLaughlin	S574.182	Amend	Retain.
David Ellerm	S581.043	Amend	Where subdivision occurs, <u>in all zones</u> , sufficient...

Analysis

98. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.406), Chris & Jan Coll (S558.182), Chris J Coll Surveying Limited (S566.182), William McLaughlin (S567.256), and Laura Coll McLaughlin (S574.182) support Objective 6 and seek that it is retained as notified. The support for SUB-O6 is noted, however I have recommended amendments in response to submissions as outlined below.
99. Westpower Limited (S547.345) request that the words 'created by the subdivision' is added to the end of the objective, noting that the need for the open space arises as a result of the subdivision, and this amendment provides for subdivisions that do not create a need for additional open space. While the reasoning is acknowledged, it may not always be an individual subdivision that directly creates the requirement for additional open space. For example, there may be an open space shortfall identified within an area generally, that could be wholly or partially met by creating open space within a subdivision. A number of factors are likely to influence this, including scale of the proposed subdivision. It is considered that limiting the provision of additional open space to be determined on a subdivision by subdivision basis does not support the strategic provision of open space. As an alternative, which goes some way to addressing this submission point, the words 'and appropriate' are recommended to be included.
100. It is therefore recommended that this submission point be accepted in part.
101. David Ellerm (S581.043) requests that reference be made to 'in all zones' in the objective. It is considered that in some zones, the provision of open space may not be necessary or even appropriate, for example a number of Special Purpose Zones such as the Airport Zone and Mineral Extraction Zone. This addition is also considered to be superfluous and it is therefore recommended that the submission point be rejected.

Recommendations

102. It is recommended that Objective 6 is amended as follows:
 Where subdivision occurs, sufficient and appropriate provision is made for the additional community need for open space.

Subdivision – Policies (General)

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Snodgrass Road submitters	S619.033	Support	Retain Objectives SUB-01 - SUBO6 and Policies SUB-P1 - SUB P9 subject to the specific amendments to SUB P6 and set out in the submission below.
Snodgrass Road submitters	S619.034	Amend	Retain Objectives SUB-01 - SUBO6 and Policies SUB-P1 - SUB P9 subject to the specific amendments to SUB P6 and set out in the submission below.
Chris & Jan Coll	S558.195	Amend	Insert a new policy that reads as follows:

			<p><u>Allow subdivision in the RURZ - Rural Zones that does not comply with the minimum lot design and parameters when:</u></p> <p><u>a. The site size and configuration is appropriate for development intended by the zone;</u></p> <p><u>b. The subdivision design maintains rural character and amenity;</u></p> <p><u>c. The increased density does not create adverse effects on critical infrastructure; and</u></p> <p><u>d. It can be demonstrated that it is consistent with the quality and types of development envisaged by RURZ - Rural Zone Objectives and Policies.</u></p>
Frank O'Toole	FS235.019	Support	Not stated.
Chris J Coll Surveying Limited	S566.195	Amend	<p>Insert a new policy that reads as follows:</p> <p><u>Allow subdivision in the RURZ - Rural Zones that does not comply with the minimum lot design and parameters when:</u></p> <p><u>a. The site size and configuration is appropriate for development intended by the zone;</u></p> <p><u>b. The subdivision design maintains rural character and amenity;</u></p> <p><u>c. The increased density does not create adverse effects on critical infrastructure; and</u></p> <p><u>d. It can be demonstrated that it is consistent with the quality and types of development envisaged by RURZ - Rural Zone Objectives and Policies.</u></p>
Frank O'Toole	FS235.031	Support	Not stated.
William McLaughlin	S567.268	Amend	<p>Insert a new policy that reads as follows:</p> <p><u>Allow subdivision in the RURZ - Rural Zones that does not comply with the minimum lot design and parameters when:</u></p> <p><u>a. The site size and configuration is appropriate for development intended by the zone;</u></p> <p><u>b. The subdivision design maintains rural character and amenity;</u></p> <p><u>c. The increased density does not create adverse effects on critical infrastructure; and</u></p>

			<u>d. It can be demonstrated that it is consistent with the quality and types of development envisaged by RURZ - Rural Zone Objectives and Policies.</u>
Laura Coll McLaughlin	S574.195	Amend	Insert a new policy that reads as follows: <u>Allow subdivision in the RURZ - Rural Zones that does not comply with the minimum lot design and parameters when:</u> <u>a. The site size and configuration is appropriate for development intended by the zone;</u> <u>b. The subdivision design maintains rural character and amenity;</u> <u>c. The increased density does not create adverse effects on critical infrastructure; and</u> <u>d. It can be demonstrated that it is consistent with the quality and types of development envisaged by RURZ - Rural Zone Objectives and Policies.</u>
Buller District Council	S538.00654	Support	Retain as notified.

Analysis

103. Buller District Council (S538.00654) and Snodgrass Road Submitters (S619.033; S619.034) generally support the policies as notified, except for amendments sought to SUB-P6. This support is noted and the request to retain as notified accepted, other than where submissions seeking changes to specific policies are recommended to be accepted – these are discussed below.
104. Chris & Jan Coll (S558.195), Chris J Coll Surveying Limited (S566.195), William McLaughlin (S567.268) and Laura Coll McLaughlin (S574.195) request the inclusion of a new policy relating to where subdivision in the Rural Zones may be appropriate. The relief sought is not supported as the wording sought by the submitters is inconsistent with the directive of the NPS-HPL, particularly Policy 7 which seeks to avoid the subdivision of highly productive land, except as provided for under the NPS-HPL.

Recommendations

105. It is recommended that no amendments are made to the policies in response to these submissions.

Subdivision – Policy 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.407	Support	Retain policy.
Margaret Montgomery	S446.041	Support	Retain as notified.
Waka Kotahi NZ Transport Agency	S450.113	Support	Retain as proposed.

Federated Farmers of New Zealand	S524.081	Support in part	d. Amend: Enable subdivision that creates allotments that: a. Are consistent with <u>and provide for the purpose, character, and qualities of the applicable zone;</u> Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; <u>Recognises and protects areas of highly productive land; and</u>
Westpower Limited	S547.346	Amend	Add f. <u>Can be appropriately serviced and does not adversely affect the operation and maintenance of critical infrastructure, including energy activities.</u>
Buller Conservation Group	S552.103	Oppose	Delete.
Buller Conservation Group	S552.109	Amend	d. Protects the significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; and
Frida Inta	S553.103	Oppose	Delete.
Frida Inta	S553.109	Amend	d. Protects the significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; and
Chris & Jan Coll	S558.183	Support	Retain.
Chris J Coll Surveying Limited	S566.183	Support	Retain.
William McLaughlin	S567.257	Support	Retain.
Laura Coll McLaughlin	S574.183	Support	Retain.
David Ellerm	S581.044	Amend	Amend b. to read: <u>Subdivision achieves patterns of land use development that is logical, integrated, reinforces local identity in layout, respects cultural focal points, promotes a variety of compatible uses and densities, is convenient, provides open spaces, is safe, low impact and protects cultural, heritage and landscape values. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;</u>
David Ellerm	S581.045	Amend	Add:

			g. <u>Allows for a pattern of development and urban form to promote identity through design and amenity values, sustainable design, integration and connectivity, open space, mixed allotment sizes and complies with any development plan for the area.</u>
Department of Conservation	S602.121	Amend	Amend: Enable subdivision that creates allotments that: Are consistent with the purpose, character, and qualities of the applicable zone; Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses; Minimises natural hazard risk to people's lives and properties; Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan <u>or identified as significant through the resource consent process</u> ; and Have legal, physical and safe access to each allotment created by the subdivision.
Toka Tū Ake EQC	S612.088	Support	Retain.

Analysis

106. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.407), Margaret Montgomery (S446.041), Waka Kotahi (S450.113), Chris & Jan Coll (S558.183), Chris J Coll Surveying Limited (S566.183), William McLaughlin (S567.257), and Laura Coll McLaughlin (S574.183), and Toka Tū Ake EQC (S612.088) support Policy 1 and seek that it is retained as notified. The support for SUB-P1 is noted.
107. Federated Farmers request amendments to include 'recognises and protects areas of highly productive land'. This addition is not considered to be necessary as SUB-P1.a and SUB-P1.b recognise the anticipated purpose, character, and integrity of the underlying zone. In this case, the Rural Zones objectives and policies recognise highly productive land. I also note the protection of highly productive land is required under SUB-O2 as recommended to be amended.
108. Westpower (S547.346) request amendments to include 'can be appropriately serviced and does not adversely affect the operation and maintenance of critical infrastructure, including energy activities'. The reference to appropriate servicing is not considered to be necessary as it creates duplication with SUB-P2 which relates to servicing and the provision of integrated and coordinated infrastructure. I agree that the protection of regionally significant infrastructure is a relevant consideration for subdivision creating allotments, and support the inclusion of 'protects the safe and efficient operation and maintenance of infrastructure'. It is recommended that this submission be accepted in part.
109. Buller Conservation Group (S552.103) and Frida Inta (S553.103) seeks the deletion of SUB-P1 on the basis that the matters are adequately addressed in SUB-P2. I disagree that there is duplication between SUB-P1 and SUB-P2, as SUB-P2 seeks to address

infrastructure servicing. It is recommended that Policy 1 is retained and that these submissions are rejected.

110. Buller Conservation Group (S552.109) and Frida Inta (S553.109) seeks to delete 'significant' from SUB-P1.d. As SUB-P1.d already refers to those features, sites, and areas that are identified on the planning maps and Schedules of the pTTPP, it is considered that the deletion of 'significant' is not necessary. As discussed above, I also note that in relation to indigenous vegetation and habitats of indigenous fauna, section 6 refers to 'significant'. I therefore recommend retaining the word 'significant' for consistency with the RMA and SUB-O3.
111. David Ellerm (S581.044) seeks amendments to SUB-P1.b to include the following:
Subdivision achieves patterns of land use development that is logical, integrated, reinforces local identity in layout, respects cultural focal points, promotes a variety of compatible uses and densities, is convenient, provides open spaces, is safe, low impact and protects cultural, heritage and landscape values
112. I consider that SUB-P2.b as notified will generally provide greater clarity to plan users as it will recognise the different anticipated land use within the underlying zones and is more efficient in achieving SUB-O1. Duplication of 'patterns of land development' between SUB-O1 and SUB-P1 is not considered to be necessary.
113. David Ellerm (S581.045) seeks amendments to SUB-P1 to include:
Allows for a pattern of development and urban form to promote identity through design and amenity values, sustainable design, integration and connectivity, open space, mixed allotment sizes and complies with any development plan for the area.
114. In my view, recognising integration and connectivity to the surrounding area is a relevant consideration to giving effect to SUB-O1 which seeks to achieve patterns of land use development compatible with the purpose, character, and qualities of each zone. It is recommended that SUB-P1 is amended to include the clause: 'Are integrated and connected to the immediately surrounding area and road network', and that this submission be accepted in part.
115. DoC (S602.121) seeks amendments to SUB.P1 to include features, sites, and areas identified through the resource consent process. I do not support the relief sought as in my view, it is more efficient and effective to apply SUB-P1 to those values and constraints identified in the pTTPP. With regard to SNAs which have not been mapped, the pTTPP includes general vegetation clearance rules under the ECO Chapter. In my view, the subdivision activity does not facilitate vegetation clearance as of right, and the provisions of the ECO Chapter will provide sufficient protection to those areas of SNA that are not mapped but include significant indigenous biodiversity. The relief sought is therefore not considered to be necessary.

Recommendations

116. It is recommended that SUB-P1 is amended as follows:
Enable subdivision that creates allotments that:
 - a. Are consistent with the purpose, character, and qualities of the applicable zone;
 - b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;
 - c. [Are integrated and connected to the immediately surrounding area and road network;](#)
 - d. Minimises natural hazard risk to people's lives and properties;
 - e. Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan;**and**

- f. [Protects the safe and efficient operation and maintenance of infrastructure; and](#)
- g. Have legal, physical and safe access to each allotment created by the subdivision.

Subdivision – Policy 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.408	Support in part	Amend SUB-P2 as follows: Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring: a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; ... d. <u>Provision for safe and efficient and effective transport connections and linkages, including pedestrian, cycling linkages, public transport and vehicle access;</u> e. Provision for open space and reserves, <u>including pedestrian and cycle linkages accessible, quality playgrounds;</u> .
KiwiRail Holdings Limited	S442.065	Support	Retain as proposed.
Margaret Montgomery	S446.042	Oppose in part	A - additional costs, unless for large scale developments should not be required until networks are at capacity as this propagates a first come first serve basis for development. Delete C/D E -- provisions should be around allotment design and engineering matters, with provisions for outdoor and open spaces to be a requirement of the proposed land use. N - should include a note about vesting of services in council upon completion/certification.
Waka Kotahi NZ Transport Agency	S450.114	Support	Retain as proposed.

Westpower Limited	S547.347	Amend	(1) Amend the first paragraph, "Ensure subdivision is appropriately serviced ... or planned infrastructure <u>and energy activities</u> in an efficient, integrated and coordinated ...". (2) Amend item a., "a. Infrastructure <u>and energy activity</u> networks have sufficient ...;". (3) Amend item n.ii., "ii. Underground reticulation of services. This is with the exception that <u>electricity activities and infrastructure in the INZ-Industrial zone can be above ground;</u> ".
Buller Conservation Group	S552.110	Amend	<u>(i) consider composting toilets, which use less water and are therefore unlikely to contaminate fresh water.</u>
Frida Inta	S553.110	Amend	<u>(i) consider composting toilets, which use less water and are therefore unlikely to contaminate fresh water.</u>
Chris & Jan Coll	S558.185	Amend	Amend k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite where deemed reasonable by the Council;
Westpower Limited	FS222.067	Oppose	Disallow.
Grey District Council	FS1.302	Support	Allow.
Chris & Jan Coll	S558.187	Amend	Delete point m.
Chris & Jan Coll	S558.188	Support	Amend to develop more detail regarding how point o. is achieved.
Chris J Coll Surveying Limited	S566.185	Amend	Amend k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite where deemed reasonable by the Council;
Davis Ogilvie & Partners Ltd	FS154.024	Support	Allow.
Chris J Coll Surveying Limited	S566.187	Amend	Delete point m.
Chris J Coll Surveying Limited	S566.188	Support	Amend to develop more detail regarding how point o. is achieved.

William McLaughlin	S567.259	Amend	Amend k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite where deemed reasonable by the Council;
William McLaughlin	S567.260	Amend	Delete point m.
William McLaughlin	S567.261	Support	Amend to develop more detail regarding how point o. is achieved.
Fire and Emergency New Zealand	S573.016	Support	No amendment sought.
Fire and Emergency New Zealand	FS126.6	Support in part	Allow in part.
Fire and Emergency New Zealand	FS126.20	Support in part	Allow in part.
Laura Coll McLaughlin	S574.185	Amend	Amend k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite where deemed reasonable by the Council;
Laura Coll McLaughlin	S574.187	Amend	Delete point m.
Laura Coll McLaughlin	S574.188	Support	Amend to develop more detail regarding how point o. is achieved.
David Ellerm	S581.046	Amend	Amend 2.n. i. <u>Safe disposal of wastewater to a community reticulate system if located within the development area. Land based treatment allowed for allotments that are a minimum of 4,000m2 in land area where no reticulated network is available and is not within a Drinking Water Protection Zone. Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place;</u>
Davis Ogilvie & Partners Ltd	FS154.025	Oppose	Disallow.
Te Kinga Investments Ltd	FS143.006	Oppose	Disallow.
Cashmere Bay Dairy Ltd	FS142.006	Oppose	Not stated.
David Ellerm	S581.047	Amend	Amend 2.n. iii. <u>Sealed footpaths of sufficient capacity for sharing both pedestrian and cycle movements safety.</u>

David Ellerm	S581.048	Amend	2. n. iv. Streetlights in urban areas in all residential zones are adequate in providing informal surveillance and safety for pedestrians, cyclists and the community; and
Toka Tū Ake EQC	S612.089	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.180	Support	Retain as notified particularly clause (i), (l), and (m).

Analysis

117. KiwiRail Holdings Limited (S442.065), Waka Kotahi (S450.114), and Toka Tū Ake EQC (S612.089) support Policy 2 and seek that it is retained as notified. The support for SUB-P2 is noted, however I have recommended amendments in response to submissions as outlined below.
118. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.408) request amendments to SUB-P2 as follows:
- d. Provision for safe ~~and efficient~~ and effective transport connections and linkages, including pedestrian, cycling linkages, public transport and vehicle access;*
- e. Provision for open space and reserves, including pedestrian and cycle linkages accessible, quality playgrounds;*
119. The additions to clause (d) are considered to be appropriate in that they expand on transport related matters rather than focussing on vehicle access. Grouping pedestrian and cycling linkages with other transport related matters also assists with clarity. In relation to the amendments to clause (e), the reference to playgrounds is considered unnecessary as these are generally captured under open space and playgrounds are typically provided and maintained by the council and not provided at the time of subdivision.
120. Margaret Montgomery (S446.042) seeks to delete c. and d. from SUB-P2, and seeks additional clarification in relation to clause a., e. and n. In relation to clause a. capacity within the infrastructure network is a key consideration of subdivision, and I therefore recommend this clause is retained as notified. Similarly, clauses c. and d. which relate to access are recommended to be retained as provision for access is a standard requirement for subdivision. In relation to clause e., in my view the ability to consider provision for open space and pedestrian and cycle linkages is important, particularly for larger scale subdivisions and I consider this should be retained. Finally in relation to clause n. this includes requirements such as sealing footpaths and undergrounding services in specified zones and provision for streetlighting, and the submitter requests a note about vesting. While services are typically vested in council, it is unclear why the submitter requests that this requirement be specific to the matters listed in n. Without further detail I recommend this submission point is rejected.
121. Westpower Limited (S547.347) requests the following amendments:
- Ensure subdivision is appropriately serviced ... or planned infrastructure and energy activities in an efficient, integrated and coordinated...*
- a. Infrastructure and energy activity networks have sufficient...*
- n.ii. Underground reticulation of services. This is with the exception that electricity activities and infrastructure in the INZ-Industrial zone can be above ground;*
122. In relation to the additional text to refer to 'energy activity' along with infrastructure, for the same reasons as discussed in paragraph 77 above in relation to Objective 2,

the reference to energy activities is not considered necessary as a number of key energy activities are captured within the definition of both 'infrastructure' and 'regionally significant infrastructure'. In relation to the in addition to allow electricity activities and infrastructure to be above ground in the industrial zones, instances where services should be above ground are able to be assessed on a case by case basis and it is not considered necessary to include this exception within the policy. It is therefore recommended that these submission points are rejected.

123. Buller Conservation Group (S552.110) and Frida Inta (S553.110) request to amend clause (i) to consider composting toilets, stating that they use less water and are therefore unlikely to contaminate fresh water. As the current wording of clause (i) does not restrict composting toilets it is considered that any additional wording is unnecessary. It is therefore recommended that the submission point be rejected.
124. Chris & Jan Coll (S558.184), Chris J Coll Surveying Limited (S566.184), William McLaughlin (S567.259), and Laura Coll McLaughlin (S574.185) request the following amendment:
- k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite ~~where deemed reasonable by the Council;~~*
125. It is considered that the wording 'appropriate to type of development' provides enough discretion for the relevant council to determine whether the method is reasonable enough. I recommend that this submission point be accepted.
126. Chris & Jan Coll (S558.187), Chris J Coll Surveying Limited (S566.187), William McLaughlin (S567.260), and Laura Coll McLaughlin (S574.187) seek the deletion of SUB-P2.m as they consider it to be too strict in its direction and too broad in application. This clause addresses maintenance of infrastructure. Maintenance of infrastructure is an important consideration to support the ongoing efficient operation of infrastructure and therefore I do not support the removal of this clause. It is recommended that this submission point is rejected.
127. Chris & Jan Coll (S558.188), Chris J Coll Surveying Limited (S566.188), William McLaughlin (S567.261), and Laura Coll McLaughlin (S574.188) request amendment to develop more detail regarding how SUB-P2.o is achieved. More detail is provided in the financial contributions chapter and therefore additional detail in this policy is considered unnecessary. I recommend this submission point is rejected.
128. David Ellerm (S581.046) requests an amendment to SUB-P2.n.i. as follows:
- Safe disposal of wastewater to a community reticulate system if located within the development area. Land based treatment allowed for allotments that are a minimum of 4,000m² in land area where no reticulated network is available and is not within a Drinking Water Protection Zone. ~~Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place;~~*
129. It is considered that the replacement wording is too detailed for a policy and the current wording provides for both reticulated and land based disposal. The detailed outcomes sought by the submitter are more appropriate to consider as part of rules/standards and are also regional council consenting matters. I therefore recommend that this point is rejected.
130. David Ellerm (S581.047) requests an amendment to SUB-P2.n.iii. to include additional text as follows:
- Sealed footpaths of sufficient capacity for sharing both pedestrian and cycle movements safely.*

131. While the sentiment of this submission point is acknowledged, it is considered unlikely that all footpaths will be suitable for shared use. Whether capacity for both pedestrians and cyclists is appropriate/necessary will need to be considered on a case by case basis. It is recommended that this point is rejected.
132. David Ellerm (S581.048) request addition to SUB-P2.n.iv. as follows:
Streetlights in urban areas in all residential zones are adequate in providing informal surveillance and safety for pedestrians, cyclists and the community; and
133. This level of detail is considered to be more appropriately covered in a standard and I note that matters of control for SUB-R5, SUB-R6, SUB-R8, and SUB-R9 include meeting district council engineering standards and/or NZS4404:2010 relating for land development and subdivision infrastructure. It is also noted that this limb of the policy relates to residential, industrial and commercial and mixed use not just residential zones which the amendment is focused on. For these reasons I recommend that these changes are rejected.

Recommendations

134. It is recommended that SUB-P2 is amended as follows:
- Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and coordinated manner by ensuring:
- a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision;
 - b. Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed;
 - c. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision;
 - d. Provision of safe and ~~efficient~~ [effective transport connections and linkages, including pedestrian, cycling linkages, public transport and](#) vehicle access;
 - e. Provision for open space and reserves, including pedestrian and cycle linkages;
 - f. Drinking water compliant with New Zealand Drinking Water Standards;
 - g. Adequate water supply for firefighting;
 - h. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk;
 - i. Treatment and safe disposal of wastewater with a preference for land- based treatment where no reticulated network is in place;
 - j. Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal;
 - k. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid renewable electricity supply / wireless /satellite ~~where deemed reasonable by the Council;~~
 - l. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and
 - m. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance;
 - n. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requiring:
 - i. Roads to a sealed standard;
 - ii. Underground reticulation of services;

- iii. Sealed footpaths;
- iv. Streetlights in urban areas; and
- o. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development.

Advice Note: The standards for road construction can be found in Appendix One: Transport Performance Standards.

Subdivision – Policy 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Heritage New Zealand Pouhere Taonga	S140.040	Support	Retain as proposed.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.409	Support	Retain policy.
John Brazil	S360.015	Support	Retain as notified.
Margaret Montgomery	S446.043	Support	Retain as notified.
Waka Kotahi NZ Transport Agency	S450.115	Support	Retain as proposed.
Westpower Limited	S547.351	Amend	Review to see whether item a is required and delete if a duplication of b.
Buller Conservation Group	S552.111	Amend	Provide for the subdivision of land within or containing riparian margins, natural character, outstanding natural features and landscapes,...
Frida Inta	S553.111	Amend	Provide for the subdivision of land within or containing riparian margins, natural character, outstanding natural features and landscapes,...
Chris & Jan Coll	S558.189	Support	Retain.
Chris J Coll Surveying Limited	S566.189	Support	Retain.
William McLaughlin	S567.262	Support	Retain.
Laura Coll McLaughlin	S574.189	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.418	Support	Retain as notified.

Analysis

135. Several submitters (S140.040, S190.409, S360.015, S446.043, S450.115, S558.189, S566.189, S567.262, S574.189, S620.418) support Policy 3 and seek that it is retained as notified. The support for SUB-P3 is noted.
136. Westpower (S547.351) seeks the review and deletion of SUB-P3.a where there is duplication with SUB-P3.b. It is considered that SUB-P3.a relates to the relevant values identified within the Schedules, while SUB-P3.b refers to the objectives and the policies

of the relevant Overlay chapter specifically. I disagree that there is duplication between SUB-P3.a and SUB-P3.b and recommend that both provisions are retained as notified.

137. Buller Conservation Group (S552.111) and Frida Inta (S553.111) seeks to amend SUB-P3 as follows:

Provide for the subdivision of land ~~within or~~ containing riparian margins, outstanding natural features and landscapes, the coastal environment, areas of significant indigenous biodiversity, sites and areas of significance to Māori or historic heritage settings, where it can be demonstrated that the design and layout of allotments and the location of any building platforms will:

Not compromise the ~~identified~~ characteristics and values of identified in the Overlay Chapter it is located within; and

...

138. I consider that the wording of SUB-P3 as notified will provide greater clarity, as land can be located both within, or contain those matters identified in the policy. It is also noted that the values of Overlays are identified in the relevant Schedule and not the Overlay chapters themselves. It is recommended that these submissions are rejected.

Recommendations

139. It is recommended that SUB-P3 is retained as notified.

Subdivision – Policy 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.411	Support	Retain policy.
KiwiRail Holdings Limited	S442.066	Support	Retain as proposed.
Margaret Montgomery	S446.045	Oppose in part	Amend standard so less restrictive of development.
Waka Kotahi NZ Transport Agency	S450.117	Support	Retain as proposed.
Westpower Limited	S547.352	Amend	Amend item b. The need for significant ..., or other infrastructure, <u>including energy activities</u> , in advance of ...;
Westpower Limited	S547.353	Amend	Amend c. The efficient provision, <u>access to, operation, maintenance, repair, upgrade or extension of infrastructure ad energy activities being compromised.</u>
Chris & Jan Coll	S558.191	Amend	Delete point b. altogether.
Chris & Jan Coll	S558.192	Support	Amend policy to have different wording for area that have structure plans in place and when areas that do not, to limit uncertainty and perverse outcomes.
Chris J Coll Surveying Limited	S566.191	Amend	Delete point b. altogether.

Chris J Coll Surveying Limited	S566.192	Support	Amend policy to have different wording for area that have structure plans in place and when areas that do not, to limit uncertainty and perverse outcomes.
William McLaughlin	S567.264	Amend	Delete point b. altogether.
William McLaughlin	S567.265	Support	Amend policy to have different wording for area that have structure plans in place and when areas that do not, to limit uncertainty and perverse outcomes.
Fire and Emergency New Zealand	S573.018	Support	No amendments sought.
Laura Coll McLaughlin	S574.192	Support	Amend policy to have different wording for area that have structure plans in place and when areas that do not, to limit uncertainty and perverse outcomes.
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	S663.054	Support	Retain provision as notified.

Analysis

140. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.411), KiwiRail (S442.066), Margaret Montgomery (S446.045), Waka Kotahi (S450.117), Fire and Emergency New Zealand (S573.018), and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone (S663.054) support Policy 5 and seek that it is retained as notified. The support for SUB-P5 is noted, however I have recommended amendments in response to submissions as outlined below.
141. Westpower (S547.352) seeks to amend SUB-P5 to reference 'including energy activities' as a type of infrastructure. I do not support this relief sought as the pTTPP definition of infrastructure includes energy activities. It is considered that the identification of specific types of other infrastructure under SUB-P5 is not necessary.
142. Westpower (547.353) seeks to amend SUB-P5 to also include in the following:
The efficient provision, access to, operation, maintenance, repair, upgrade or extension of infrastructure and energy activities being compromised.
143. In my view, this amendment is not necessary as the protection of infrastructure is sufficiently provided for under SUB-P5.
144. Chris & Jan Coll (S558.191), Chris J Coll Surveying Limited (S566.191), and William McLaughlin (S567.264) request the deletion of SUB-P5.b on the basis that it will be very difficult to achieve without significantly impacting future development. It is considered that the purpose of SUB-P5 is to manage premature subdivision in the Future Urban Zone which may compromise any future urban development. In my view, avoiding significant premature upgrades to infrastructure is a relevant consideration as this may compromise the efficient and integrated provision of infrastructure. In my view, the policy may be simplified through the deletion of 'in advance of integrated urban development' as urban development will only occur following rezoning and is not anticipated within the Future Urban Zone itself. I recommend that this submission is accepted in part.
145. Chris & Jan Coll (S558.192), Chris J Coll Surveying Limited (S566.192), William McLaughlin (S567.265), and Laura Coll McLaughlin (S574.192) request amendments

to SUB-P5 to recognise instances where a structure plan may be in place, to reduce uncertainty and perverse outcomes. Noting that the Future Urban Zone anticipates urbanisation to occur following a plan change or by implementing an approved Structure Plan, I agree that amendments to SUB-P5 will improve clarity.

146. Margaret Montgomery requests that the policy is amended to be less restrictive of development. In the absence of specific amendments proposed to SUB-P5, I do not support this relief and recommend this submission is rejected.

Recommendations

147. It is recommended that SUB-P5 is amended as follows:

Avoid subdivision within the FUZ - Future Urban Zone that may result in one or more of the following, unless subdivision occurs in accordance with a Structure Plan adopted by the relevant District Council:

- a. A compromise in the efficient and effective operation of the local and wider transport network;
- b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure ~~in advance of integrated urban development~~;
- c. The efficient provision of infrastructure being compromised;
- d. Reverse sensitivity effects when urban development occurs;
- e. Reverse sensitivity effects on existing rural activities or infrastructure; or
- f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.

Subdivision – Policy 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.412	Support	Retain policy.
John Brazil	S360.016	Support in part	Retain point d. as notified.
Manawa Energy Limited (Manawa Energy)	S438.120	Support in part	Amend SUB - P6: Avoid subdivision: a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement; b. In the Earthquake Hazard Overlay that could result in the creation of new allotments; c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;

			d. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or <u>Energy Renewable Electricity Generation</u> Activities; ...
KiwiRail Holdings Limited	S442.067	Amend	Amend as follows: a. Avoid subdivision: In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement; b. In the Earthquake Hazard Overlay that could result in the creation of new allotments; c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity; d. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Activities; e. In the coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and f. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities. g. <u>In all zones that could result in reverse sensitivity effects on infrastructure.</u>
Radio New Zealand Limited (RNZ)	FS141.021	Support	Allow.
Margaret Montgomery	S446.046	Oppose in part	Allow for more rural subdivision. In relation to natural hazards allow for adaption not just focus on avoidance.
Kāinga Ora - Homes and Communities	FS58.066	Support	Allow.
Kāinga Ora - Homes and Communities	FS58.0124	Support	Allow.
Waka Kotahi NZ Transport Agency	S450.118	Support	Retain as proposed.
Horticulture New Zealand	FS55.38	Support	Allow.
Kāinga Ora - Homes and Communities	FS58.067	Support	Allow.

Kāinga Ora - Homes and Communities	FS58.0125	Support	Allow.
Horticulture New Zealand	S486.041	Support in part	Amend SUB-P6 by adding: <u>g) In the RURZ of highly productive land except as provided for in the NPSHPL.</u>
Federated Farmers of New Zealand	S524.082	Support in part	Amend SUB-P6 g) That would create reverse sensitivity effects in the RURZ.
Silver Fern Farms Limited	FS101.033	Support	Allow.
Westpower Limited	S547.354	Amend	Amend item d. Where this could <u>create reverse significant</u> sensitivity issues ... or Energy Activities;
Buller Conservation Group	S552.112	Amend	e. In the cCoastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated ;
Frida Inta	S553.112	Amend	e. In the cCoastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated ;
Chris & Jan Coll	S558.193	Support	Delete points a., c., e. and f. Retain point d.
Frank O'Toole	FS235.018	Support	Not stated.
Geoff Volckman	S563.041	Support in part	Retain point d. as notified.
Catherine Smart-Simpson	S564.047	Amend	Retain point d. as notified.
Chris J Coll Surveying Limited	S566.193	Support	Delete points a., c., e. and f. Retain point d.
Kāinga Ora - Homes and Communities	FS58.068	Support	Allow.
Kāinga Ora - Homes and Communities	FS58.0126	Support	Allow.
Frank O'Toole	FS235.030	Support	Not stated.
William McLaughlin	S567.266	Support	Delete points a., c., e. and f. Retain point d.
Laura Coll McLaughlin	S574.193	Support	Delete points a., c., e. and f. Retain point d.
Frank O'Toole	FS235.067	Support	Not stated.
Koiterangi Lime Co LTD	S577.052	Support	Retain point d. as notified.
Toka Tū Ake EQC	S612.091	Support	Retain.
Peter Langford	S615.069	Support	Retain point d. as notified.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.181	Amend	Including the following: Avoid subdivision: a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement, <u>unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu; ...</u>

Analysis

148. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.412), John Brazil (S360.016), Waka Kotahi (S450.118), Geoff Volckman (S563.041), Catherine Smart-Simpson (S564.047), Koiterangi Lime Co LTD (S577.052), Toka Tū Ake EQC (S612.091), and Peter Langford (S615.069) support Policy 6 and seek that it is retained as notified. The support for SUB-P2 is noted, however I have recommended amendments in response to submissions as outlined below.
149. Manawa Energy Limited (S438.120) requests to amend SUB-P6 clause (d) to as follows:
Avoid subdivision as follows:
d. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Renewable Electricity Generation Activities;
150. 'Energy Activities' are defined in the pTTPP, and specifically includes renewable electricity generation. The requested change also narrows the application of the policy. For these reasons I recommend that this submission point be rejected.
151. KiwiRail Holdings Limited (S442.067) requests to amend SUB-P6 include clause (g):
Avoid subdivision: ...g. In all zones that could result in reverse sensitivity effects on infrastructure.
152. Similarly Federated Farmers of New Zealand (S524.082) requests amendment to SUB-P6 to add a new clause as follows:
g) That would create reverse sensitivity effects in the RURZ.
153. It is considered that reverse sensitivity effects primarily arise from zoning patterns and land use activities, not subdivision, and it is more appropriate to manage potential reverse sensitivity via zone provisions. I therefore recommend that these submission points be rejected.
154. Margaret Montgomery (S446.046) seeks more rural subdivision, and in relation to natural hazards allow for adaption not just focus on avoidance. No specific amendments are sought to support more rural subdivision, and without more detail it is recommended that this part of the submission point be rejected³.
155. Horticulture New Zealand (S486.041) requests amendment to include a new clause as follows:
(g): In the RURZ of highly productive land except as provided for in the NPSHPL.
156. It is agreed that the provisions must give effect to the NPS-HPL. To assist in implementation it is suggested that a direct link to clause 3.8 of the NPS-HPL is included so that the circumstances where subdivision is acceptable sit within the policy. It is recommended that this submission point is accepted in part and a new clause is added as follows:
b. In the RURZ - Rural Zones unless the requirements of clause 3.8 of the National Policy Statement for Highly Productive Land are met;
157. It is suggested that this new clause follow clause (a) so that the rural zone specific requirements sit together for ease of reference. This requires consequential renumbering.
158. Westpower Limited (S547.354) requests amendment to clause (d) as follows:
Where this could create reverse significant sensitivity issues ... or Energy Activities;

1. _____

³ This submission point has been summarised under S446.046. The submission point as it relates to natural hazards will be considered as part of the Natural Hazard topic.

159. Notwithstanding my overall position that reverse sensitivity is better managed via zone and district wide provisions, I agree with this amendment as it does not confine the policy to considering only significant reverse sensitivity effects, and this approach is consistent with Chapter 6 Policy 4 of the RPS⁴. I recommend this submission point is accepted.
160. Buller Conservation Group (S552.112) Frida Inta (S553.112) request amendment to (e) as follows:
In the coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated;
161. Policy 13 of the NZCPS is to (1) preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) that adverse effects on areas with outstanding natural character, and to (b) avoid significantly adverse effects and avoid, remedy or mitigate other adverse effects on natural character in all other areas of the coastal environment. The policy is not focussed on outstanding natural character, and removal of the option to mitigate is inconsistent with the NZCPS. I therefore recommend these submission points be rejected⁵.
162. Chris & Jan Coll (S558.193), Chris J Coll Surveying Limited (S566.193), William McLaughlin (S567.266), and Laura Coll McLaughlin (S574.193) seek the deletion of clauses (a), (c), (e) and (f), because they consider some aspects to be too prescriptive. They seek to retain clause (d). The requests to retain clause (d) is noted and is recommended to be accepted in part as an amendment to this clause is recommended as set out in paragraph 158 above. With respect to deleting clauses (a), (c), (e) and (f), these clauses seek to avoid unplanned new settlements, manage rural character effects, avoid or mitigate adverse effects on the coastal environment and avoid locating people and communities in areas of natural hazard risk. These are all considered to be managing a resource management issue and are recommended to be retained. This part of the submission points is recommended to be rejected.
163. John Brazil (S360.016), Geoff Volckman (S563.041), Catherine Smart-Simpson (S564.047), Koiterangi Lime Co LTD (S577.052) and Peter Langford (S615.069) request that point d. is retained as notified. This support is noted and is recommended to be accepted in part as an amendment to this clause is recommended as set out in paragraph 158 above.
164. Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.181) requests the following amendment to clause (a):
a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement, unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu: ...
165. I note that SD chapter POU-P4⁶ is to provide for papakāinga (and other Māori purpose activities) to be established on Poutini Ngāi Tahu land. The requirement to be on Poutini Ngāi Tahu land was included in the SD chapter as an amendment in response to a submission by Ngāi Tahu (S620.075) however I understand there has been ongoing communication between parties on whether papakāinga needs to be on Poutini Ngāi Tahu land and that the current position is that it does not need to be. It

1. _____

⁴ RPS Chapter 6 Policy 4 is: *Recognise that RSI important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would |*

⁵ While there is not scope from this submission point to do so, to better align with the NZCPS wording the option to remedy adverse effects should also be included.

⁶ As amended by Ms Easton in her reply version of the SD chapter.

is recommended that the submission point is accepted, with the amended wording sought by the submitter included.

Recommendations

166. It is recommended that SUB-P6 is amended as follows:

Avoid subdivision:

- a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement, unless the subdivision is to establish papakāinga by Poutini Ngāi Tahu;
- b. In the RURZ – Rural Zones unless the requirements of clause 3.8 of the National Policy Statement for Highly Productive Land are met;
- c. In the Earthquake Hazard Overlay that could result in the creation of new allotments;
- d. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity;
- e. Where this could create ~~significant~~ reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Activities;
- f. In the Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and
- g. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities.

Subdivision – Policy 7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.413	Support	Retain policy.
Waka Kotahi NZ Transport Agency	S450.119	Support in part	Amend the policy to provide clarification on the potential conflict in outcomes sought.
Chris & Jan Coll	S558.194	Support	Retain.
Chris J Coll Surveying Limited	S566.194	Support	Retain.
William McLaughlin	S567.267	Support	Retain.
Laura Coll McLaughlin	S574.194	Support	Retain.
David Ellerm	S581.049	Amend	add 7. e. <u>It is not within a character area for the area.</u>
Grey District Council	S608.621	Support	Reword the policy to ensure developments are required to assess that there is capacity to accommodate the increased density.
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	S663.055	Support	Retain provision as notified.

Analysis

167. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.413), Chris & Jan Coll (S558.194), Chris J Coll Surveying Limited (S566.194), William

McLaughlin (S567.267), Laura Coll McLaughlin (S574.194), and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.055) support Policy 7 and seek that it is retained as notified. The support for SUB-P7 is noted.

168. Waka Kotahi (S450.119) requests amendments to provide clarification on the potential conflict in outcomes sought on the basis that the notified wording appears to allow for subdivision in residential zones that does not comply with minimum lot design and parameters but requires that size and configuration is appropriate for the development intended by the zone. It is considered that SUB-P7 provides helpful clarification to where reductions to minimum vacant lot size may be appropriate. Given that a shortfall to the minimum lot sizes specified in SUB-S1 may be small and limited in extent, SUB-P7.a, which refers to site size and configuration appropriate for development intended by the zone can still be achieved in instances where minimum lot sizes are not met. It is also noted that SUB-P8 provides for subdivision around existing buildings or approved land use consent, and these are also instances where minimum lot sizes may not be met, but SUB-P7 can be achieved. In my view amendments to SUB-P7 are not necessary to improve clarity. I note that submission points on SUB-S1 which relates to minimum lot sizes are being heard in the relevant zone hearing stream. Consequential amendments may be made to SUB-P7 arising from submission points on SUB-S1.
169. David Ellerm seeks to include 'it is not within a character area for the area' to SUB-P7. This relief sought is not supported as it is unclear how residential character areas are identified, noting that the only character area identified under the pTTPP is the Revell Street Heritage Character Area in the Hokitika Town Centre. I also note that clause (b) in the policy refers to maintaining residential character and amenity.
170. Grey District Council (S608.621) seeks that SUB-P7 is reworded to ensure developments are required to assess that there is capacity to accommodate the increased density. No amendments are considered necessary as infrastructure servicing considerations are sufficiently provided for under SUB-P2, which is applicable to all subdivision irrespective of compliance with minimum lot sizes.

Recommendations

171. That SUB-P7 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Policy 8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.414	Support	Retain policy.
Kāinga Ora - Homes and Communities	FS58.069	Support	Allow.
Kāinga Ora - Homes and Communities	FS58.0127	Support	Allow.
Margaret Montgomery	S446.047	Oppose in part	Not stated.

Analysis

172. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.414) support Policy 8 and seek that it is retained as notified. The support for SUB-P8 is noted.

173. Margaret Montgomery (S446.047) opposed SUB-P8 on the basis that it would encourage staged development. As no specific relief sought has been identified, it is recommended that this submission is rejected.

Recommendations

174. It is recommended that SUB-P8 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Policy 9

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.415	Support	Retain policy.
John Brazil	S360.017	Oppose in part	Delete the wording of this policy and reformulate to reflect the wording of the operative Buller District Plan. The purposes of esplanade reserves and strips to be only those set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. All reference to the width of esplanade reserves and strips being wider than 20m should be deleted.
Margaret Montgomery	S446.048	Support	Retain as notified.
Leonie Avery	S507.045	Oppose in part	Delete references to widths greater than 20m.
Jared Avery	S508.045	Oppose in part	Delete references to widths greater than 20m.
Kyle Avery	S509.045	Oppose in part	Delete references to widths greater than 20m.
Avery Bros	S510.045	Oppose in part	Delete references to widths greater than 20m.
Bradshaw Farms	S511.045	Oppose in part	Delete references to widths greater than 20m.
Paul Avery	S512.045	Oppose in part	Delete references to widths greater than 20m.
Brett Avery	S513.045	Oppose in part	Delete references to widths greater than 20m.
Federated Farmers of New Zealand	S524.083	Not Stated	Amend Policy as follows: To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values for the purposes stated in section 229 of the Resource Management Act 1991, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:

			<p>The natural values<u>The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk</u> warrant a wider or narrower esplanade strip or esplanade reserve; or</p> <p>Topography, <u>site location</u>, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres and there is an <u>unconditional sale and purchase agreement with the subdividing landowner for the land where a greater than 20-metre width of esplanade reserve is required</u>; or</p> <p>The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).</p>
Neil Mouat	S535.022	Oppose in part	Delete references to widths greater than 20m.
Buller Conservation Group	S552.113	Amend	To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values <u>including corridors for native fauna,</u>
Buller Conservation Group	S552.118	Support	<u>3. There should be a minimum distance/buffer from SNA to buildings or other development such as access/roads.</u>
Frida Inta	S553.113	Amend	To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values <u>including corridors for native fauna,</u>

Frida Inta	S553.118	Support	<u>3. There should be a minimum distance/buffer from SNA to buildings or other development such as access/roads.</u>
Chris & Jan Coll	S558.196	Amend	Delete the wording of this policy and reformulate to reflect the wording of the operative Buller District Plan. The purposes of esplanade reserves and strips to be only those set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. All reference to the width of esplanade reserves and strips being wider than 20m should be deleted.
Chris J Coll Surveying Limited	S566.196	Amend	Delete the wording of this policy and reformulate to reflect the wording of the operative Buller District Plan. The purposes of esplanade reserves and strips to be only those set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. All reference to the width of esplanade reserves and strips being wider than 20m should be deleted.
William McLaughlin	S567.269	Amend	Delete the wording of this policy and reformulate to reflect the wording of the operative Buller District Plan. The purposes of esplanade reserves and strips to be only those set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. All reference to the width of esplanade reserves and strips being wider than 20m should be deleted.
Laura Coll McLaughlin	S574.196	Amend	Delete the wording of this policy and reformulate to reflect the wording of the operative Buller District Plan. The purposes of esplanade reserves and strips to be only those set out in Section 229 of the Act with the only additional inclusion being Poutini Ngāi Tahu values. All reference to the width of esplanade reserves and strips being wider than 20m should be deleted.
Department of Conservation	S602.123	Support	Retain Policy SUB-P9 as notified.
Avery Brothers	S609.043	Amend	Delete references to widths greater than 20m.
Toka Tū Ake EQC	S612.092	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.182	Support	Retain clause (c).

Analysis

175. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.415), Margaret Montgomery (S446.058), Doc (S602.123) and Toka Tū Ake EQC (S612.092) support Policy 9 and seek that it is retained as notified. Ngāi Tahu (S620.182) support clause c. and seek that it is retained. The support for SUB-P2 is noted, however I have recommended amendments in response to submissions as outlined below.
176. Numerous submitters (S360.017; S507.045; S508.045; S509.045; S510.045; S511.045; S512.045; S513.045; S535.022; S558.196; S566.196; S567.269; S574.196; S609.043) seek to amend SUB-P9 to delete the reference to greater than 20m. It is considered that the reference to 20m under SUB-P9 provides useful context for plan users and is in accordance with section 230 of the RMA. It is therefore recommended that this be retained.
177. John Brazil (S360.017), Chris & Jan Coll (S558.196), Chris J Coll Surveying Limited (S566.196), William McLaughlin (S567.269), and Laura Coll McLaughlin (S574.196) seek amendments to reflect the wording of the operative Buller District Plan on the basis that the purpose as notified is too extensive. The submitters request that the purpose be limited to those set out in the RMA, with the additional inclusion of Poutini Ngāi Tahu values. I note that SUB-P9 creates duplication with SUB-O5, and recommend the purpose is deleted from SUB-P9 to focus this policy to instances where a waiver or reduction may be appropriate. Federated Farmers (S524.083) seeks a number of amendments as follows:
- To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values for the purposes stated in section 229 of the Resource Management Act 1991, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:*
- a. *The natural values The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk warrant a wider or narrower esplanade strip or esplanade reserve; or*
 - b. *Topography, site location, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or*
 - c. *The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or*
 - d. *The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres and there is an unconditional sale and purchase agreement with the subdividing landowner for the land where a greater than 20-metre width of esplanade reserve is required; or*
 - e. *The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).*
178. I agree that the proposed amendments to SUB-P9.a and SUB-P9.a will ensure that a range of relevant matters can be considered and will improve the clarity of the policy. It is considered that specific reference to the RMA is unnecessary as the policy is sufficiently detailed. I do not support the requested amendments to SUB-P9.d as the provision of an esplanade reserve or strip can be managed separate to a sale and purchase agreement.

179. Buller Conservation Group (S552.113) and Frida Inta (S553.113) request an addition to recognise the protection of natural character and biodiversity values, including the corridors of native fauna. The relief sought is not considered necessary as the notified wording of 'natural character and biodiversity values' is broad and includes values associated with native fauna. It is therefore recommended that these submissions are rejected.
180. Buller Conservation Group (S552.118) and Frida Inta (S553.118) request amendments to the policy requiring a minimum distance from a SNA to a building or other development such as access or roads. The relief sought is outside of the scope of SUB-P9 which relates to esplanade reserves and strips. Further, SNAs are managed under the ECO chapter. It is therefore recommended that these submissions are rejected.

Recommendations

181. It is recommended that SUB-P9 is amended as follows:

To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:

- a. ~~The natural values~~ The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk warrant a wider or narrower esplanade strip or esplanade reserve; or
- b. Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or
- c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or
- d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or
- e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion).

Subdivision – Rules (General)

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Deb Langridge	S252.007	Amend	General rural landowners should be able to subdivide land if they wish to into small house size lots.
Grey District Council	FS.063	Oppose	Disallow.
Margaret Montgomery	S446.075	Amend	Make subdivision rules more accessible to a lay person.
Inger Perkins	S462.029	Amend	Amend subdivision rules for residential and commercial areas to require renewable energy generation systems to support the development's needs.
West Coast Regional Council	S488.012	Amend	Review the pTTPP HPL provisions in terms of whether they meet the NPSHPL provisions, and amend the pTTPP HPL provisions once further consultation with affected landowners is undertaken.
Grey District Council	FS1.309	Support	Allow.
Buller Conservation Group	S552.104	Amend	Add: <u>1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u>

			<p><u>2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</u></p> <p><u>3. An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed below.</u></p>
Frida Inta	S553.104	Amend	<p>Add:</p> <p><u>1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u></p>

			<p>2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</p> <p>3. An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed below.</p>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.043	Amend	Amend rules to ensure that waterbodies and their margins are protected in the subdivision process, in a similar way to how SNAs are to be protected.
Chris J Coll Surveying Ltd	FS151.008	Oppose	Disallow.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.266	Amend	Add a condition or rule that ensures the subdivision rules (other than the ECO/SUB rules) apply outside of Significant Natural Areas, such as a requirement that an assessment in accordance with Appendix 1 of the WCRPS demonstrates that the clearance and disturbance is not within a Significant Natural Area(s).
Chris J Coll Surveying Ltd	FS151.009	Oppose	Disallow.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.523	Amend	Change all references to Schedule Four so that they apply to Significant Natural Areas, which includes those that are not in schedule four, as per the definition of Significant Natural Area in the WCRPS.
Chris J Coll Surveying Ltd	FS151.0010	Oppose	Disallow.
Toka Tū Ake EQC	S612.093	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.187	Amend	Include the effects on Poutini Ngāi Tahu values as a discretion for all rules where it is not already listed in the restricted discretionary rules.

Analysis

182. Deb Langridge (S252.007) requests amendments to the subdivision rules to enable landowners to subdivide land into small house size lots. This is opposed by Grey District Council (FS1.063). I do not support the relief sought as the subdivision of lots that do not meet the minimum vacant lot size for the Rural zones have the potential to undermine the intent of SUB-O1, the objectives of the Rural zones, and the policy directive of the NPS-HPL. I consider that it is appropriate for subdivision which does not comply with the required minimum vacant lot size to be assessed as part of the resource consent process. I note that submissions on SUB-S1 are being heard as part of the Rural Zone hearing.
183. Toka Tū Ake EQC (S612.093) support the subdivision rules and seek that they are retained as notified. I acknowledge support for the rules, however have recommended amendments in response to submissions as outlined in the subsequent sections.
184. Margaret Montgomery (S446.075) requests that the rules are made more accessible to a lay person. While the technical nature of the proposed subdivision provisions is acknowledged, it is recommended that this submission is rejected as the submitter has not identified the specific relief sought.
185. Inga Perkins (S462.029) seeks amendments to the rules to require renewable energy generation systems to support the needs of residential and commercial development. In the absence of detailed section 32AA evaluation, I do not support the relief sought on the basis that it would add significant costs to development, and require a policy shift under the pTTPP.
186. West Coast Regional Council (S488.012) seeks to review and amend the provisions to ensure they meet the NPS-HPL. This is supported by Grey District Council (FS1.309). This submission is acknowledged, and a number of amendments are recommended to the subdivision provisions to give effect to the NPS-HPL. It is noted that further amendments are likely as part of the Rural Zone hearing stream and that there is potential for additional changes to the pTTPP to give effect to any amendments to the WCRPS that arise from the NPS-HPL. It is therefore recommended that this submission is accepted in part.
187. Buller Conservation Group (S552.104) and Frida Inta (S553.104) request amendments to the rules to include provisions for the creation of esplanade reserves and strips on allotments greater than four hectares. The submitters have not provided evidence to support the requirement of esplanade reserves and strips under section 77(2) of the

RMA within the three districts or carried out additional section 32AA. In the absence of detailed justification, the relief sought is not supported.

188. Forest & Bird (S560.043) requests amendments to ensure that waterbodies and their margins are protected in the subdivision process. As discussed above, riparian margins are managed under the NC Chapter and it is considered that amendments to SUB-S2 are necessary to provide for this. Subject to those amendments, no other amendments to the Rules are considered to be necessary.
189. Forest & Bird (S560.523) seeks to amend all references to Schedule Four so that they apply to SNAs, which include those areas that are not included in the Schedule. As discussed above, with regard to SNAs which have not been mapped, the pTTPP includes general vegetation clearance rules under the ECO Chapter. In my view, the subdivision activity does not facilitate vegetation clearance as of right, and the provisions of the ECO Chapter will provide sufficient protection to those areas of SNA that are not mapped. The relief sought is therefore not considered to be necessary.
190. Ngāi Tahu (S620.187) seeks the inclusion of Poutini Ngāi Tahu values as a matter of discretion for all rules where it is not already listed in the matters of discretion. Whilst the sentiment proposed is acknowledged, the submitter is invited to provide further information and evidence to provide clarity on how the inclusion of 'the consideration of Poutini Ngāi Tahu values' would practically be implemented for all activities identified as controlled or restricted discretionary under the pTTPP.
191. Toka Tū Ake EQC (S620.187) generally support the inclusion of natural hazards in matters of control and discretion for these activities. Support for these provisions is noted.

Recommendations

192. It is recommended that no amendments are made to the rules in response to these submissions.

Subdivision – Rule 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.416	Support	Retain rule.
Margaret Montgomery	S446.049	Oppose in part	Not stated.
Waka Kotahi NZ Transport Agency	S450.120	Support	Retain as proposed.
Davis Ogilvie & Partners Ltd	S465.013	Oppose	Amend the rule so that it applies in all zones.
Davis Ogilvie & Partners Ltd	S465.014	Amend	Amend the rule so that provided the maximum density is met on each site, boundary adjustments as a Permitted Activity are able to result in additional residential units in the General Rural Zones.
Buller District Council	S538.245	Support in part	That a permitted baseline be determined, and the rule amended as follows: Condense 1.a and 1.c into one clause.

Chris J Coll Surveying Ltd	FS151.021	Support	Allow.
Westpower Limited	S547.355	Amend	Add 6. <u>The ability to access, operate, maintain and upgrade existing energy activities, including associated infrastructure is maintained.</u>
Westpower Limited	S547.356	Amend	Clarify whether this rule is intended to apply to overlays.
Chris & Jan Coll	S558.198	Amend	Delete points 3 and 5.
Chris & Jan Coll	S558.199	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Chris J Coll Surveying Limited	S566.198	Amend	Delete points 3 and 5.
Chris J Coll Surveying Limited	S566.199	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Davis Ogilvie & Partners Ltd	FS154.029	Support	Allow
William McLaughlin	S567.270	Amend	Delete points 3 and 5.
William McLaughlin	S567.271	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Fire and Emergency New Zealand	S573.017	Support	No amendment sought.
Laura Coll McLaughlin	S574.198	Amend	Delete points 3 and 5.
Laura Coll McLaughlin	S574.199	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Grey District Council	S608.622	Support	Retain as proposed.

Analysis

193. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.416), Waka Kotahi (S450.120), Fire and Emergency New Zealand (S567.271), and Grey District Council support Rule 1 and seek that it is retained as notified. The support for SUB-R1 is noted, however I have recommended amendments in response to submissions as outlined below.
194. Margaret Montgomery (S446.049) opposed SUB-R1 in part. As no relief sought has been identified, it is recommended that no amendments are made in response to this submission.
195. Davis Ogilvie & Partners Ltd (S465.013) seek to amend SUB-R1 so that it applies in all zones. I note that the conditions for Rule 1 are reasonably confined. The relief sought is not supported as boundary adjustments in other zones are managed under SUB-R3

as a controlled activity with the ability to assess proposals and include conditions on a number of matters.

196. The pTTPP was notified in July 2022, with the NPS-HPL taking effect in October 2022. As noted above, West Coast Regional Council (S488.012) seek for consistency with the NPS-HPL, and to amend the pTTPP highly productive land provisions once further consultation with affected landowners is undertaken. As signalled earlier I expect further consideration of this submission as part of the Rural Zone hearing stream, and potentially further changes to the pTTPP in the future to give effect to any WCRPS change arising from implementing the NPS-HPL. I note that the New Zealand Land Resource Inventory (NZLRI) mapping shows a limited extent of Land Use Classification 1, 2 and 3 land in the West Coast region. I note that the pTTPP also identifies PREC5 - Highly Productive Land Precinct.
197. Rule 1 provides for boundary adjustments as a permitted activity with no requirement to meet the minimum lot size (SUB-S1). I understand that under the operative approach permitted boundary adjustments are provided for, for example in the Buller District, permitted activity boundary adjustments are often undertaken to align boundaries with fence lines or to amalgamate rural properties.
198. Without a requirement to meet a minimum lot size the permitted approach has the potential to fragment rural land, and where that land is highly productive this in turn has the potential to be inconsistent with objectives and policies of the NPS-HPL. This could be addressed via creating a new restricted discretionary activity rule for boundary adjustments on highly productive land (noting that this is currently mapped via a precinct in the plan and by the national NZLRI mapping, which will be eventually updated by region wide mapping) that allows consideration of protecting the land for primary production purposes and the ability to decline consent if necessary. Another option would be to include a requirement to comply with SUB-S1 for minimum lot sizes for highly productive land – this would go some way towards reducing fragmentation. Given that submissions on SUB-S1 will be heard in the rural hearing stream and there is likely to be a wider analysis of how the pTTPP should give effect to the NPS-HPL in that hearing stream, I consider this matter should also be considered at that time so that the matter can be addressed holistically.
199. Buller District Council (S538.245) requests that a permitted baseline be determined, to provide guidance on what would be considered to result in a potential additional unit under SUB-R1.5. In my view a boundary adjustment that provides for permitted additional residential units could only occur where the resultant lots are of a size that can provide for a residential unit that meets the Rural Zone and District Wide provisions. This includes a density control that aligns with the minimum lot size for the General Rural Zone (four hectares) or Highly Productive Land Overlay (10 hectares). This would have the effect of needing to create complying lot sizes if the intention is to build a residential unit. The Rural Zone provisions that impact on clause 5 will be heard separately, and I consider it more efficient that a recommendation on this submission point be made following / as part of that hearing stream. This is the approach for hearing submissions on SUB-S1 (minimum lot sizes). This will allow for a holistic consideration of permitted Rural Zone provisions. Davis Ogilvie & Partners Ltd (S465.014) requests amendment to SUB-R1 so that provided the maximum density is met on each site, boundary adjustments as a Permitted Activity are able to result in additional residential units in the General Rural Zones. Again, I consider that recommendations on this point should occur as / at the same time as submissions on the density standards in the Rural Zone.
200. Buller District Council (S538.245) seeks that SUB-R1.1.a and SUB-R1.1.c are condensed into one clause. I agree that there is duplication between these clauses and recommend that SUB-R1.1.c is deleted.

201. Westpower Limited (S547.355) requests to add 6. The ability to access, operate, maintain and upgrade existing energy activities, including associated infrastructure is maintained. This addition is not considered necessary as a boundary adjustment is not likely to adversely affect existing legal and physical access to existing energy activities, or create the need for a new easement for non-private infrastructure (noting that any existing easements for a third party infrastructure would carry to the new titles and any new easements needed as a result of the adjustment would be related to the private land subject to the application. I also note there is some uncertainty around the wording sought by the submitter that makes it difficult to include as part of a permitted activity rule.
202. Westpower Limited (S547.356) requests to clarify whether SUB-R1 is intended to apply to overlays. I agree that clarity can be improved, and it is recommended and that SUB-R1.1 is amended from 'the' to 'all' when referring to rules and standards in the pTTPP to clarify that boundary adjustments must maintain compliance for all rules within the pTTPP, including those within Overlay chapters. I note that SUB-R3 includes boundary adjustments in all zone and overlays as a controlled activity.
203. Chris & Jan Coll (S558.198), Chris J Coll Surveying Limited (S566.198), William McLaughlin (S567.270), Laura Coll McLaughlin (S574.198) request the deletion of SUB-R1.3 and SUB-R1.5 on the basis that they are too restrictive. It is considered that the provision of compliant access is a relevant consideration for boundary adjustments provided for as a permitted activity. It is recommended that SUB-R1.3 is retained. With respect to the submitter's submissions on SUB-R1.5, again I consider this point should be considered at or following the Rural Zone hearing.
204. Chris & Jan Coll (S558.199), Chris J Coll Surveying Limited (S566.199), William McLaughlin (S567.271), and Laura Coll McLaughlin (S574.199) request amendments to the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
205. William McLaughlin (S567.271) requests to amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision. As discussed above, the definition of 'boundary adjustment' notified under the pTTPP is in accordance with the National Planning Standards. This definition includes no change to the number of allotments. It is therefore recommended that these submissions are rejected, and that no amendments are made to the definition of 'boundary adjustment' or SUB-R1.

Recommendations

206. It is recommended that SUB-R1 is amended as follows:

Activity Status Permitted

Where:

1. The boundary adjustment does not alter:
 - a. The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under ~~the~~ [all](#) rules and standards in this Plan;
 - b. The extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or standard in this Plan; ~~and~~
 - c. ~~The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan.~~
2. No new roading or access points are required;
3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. No new Council services are required; and

5. In the GRUZ - General Rural Zone the boundary adjustment does not result in potential additional residential units as a permitted activity.

Subdivision – Rule 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.417	Support	Retain rule.
Transpower New Zealand Limited	S299.054	Support	Retain this rule.
KiwiRail Holdings Limited	S442.069	Support	Retain as proposed.
Margaret Montgomery	S446.050	Support	Retain as notified.
Waka Kotahi NZ Transport Agency	S450.121	Support	Retain as proposed.
Buller District Council	S538.246	Support	Reword Part 4.
Westpower Limited	S547.357	Amend	Amend 2. Any existing buildings ... Activity standards, <u>or the requirements of any land use consent.</u>
Buller Conservation Group	S552.114	Amend	4 Where the The site is less than 4ha adjacent to a river >3m wide or the coast, the <p>provision of an esplanade reserve or strip of 20m;
Frida Inta	S553.114	Amend	4 Where the The site is less than 4ha adjacent to a river >3m wide or the coast, the <p>provision of an esplanade reserve or strip of 20m;
Chris & Jan Coll	S558.200	Amend	Delete points 2 and 3.
Chris J Coll Surveying Limited	S566.200	Amend	Delete points 2 and 3.
William McLaughlin	S567.272	Amend	Delete points 2 and 3.
Laura Coll McLaughlin	S574.200	Amend	Delete points 2 and 3.
Grey District Council	S608.623	Support	Retain as proposed.

Analysis

207. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.417), Transpower (S299.054), KiwiRail (S442.069), Margaret Montgomery (S446.050), and Waka Kotahi (S450.121) support Rule 2 and seek that it is retained as notified. The support for SUB-R1 is noted, however I have recommended amendments in response to submissions as outlined below.
208. Westpower Limited (S547.357) requests the following amendments to SUB-R2.2:
... any existing buildings ... Activity standards, or the requirements of any land use consent.
209. I agree that the relief sought is a helpful clarification to SUB-R2, however recommend that 'requirements' is replaced with 'conditions' for consistency with RMA language. It is recommended that this submission is accepted in part. Buller Conservation Group

(S552.114) and Frida Inta (S553.114) request the following amendments to SUB-R2.4. Buller District Council (S538.246) also requests that the introduction to SUB-R2.4 be reworded for ease of readability.

210. I agree that this change and other minor amendments would help improve the clarity of SUB-R2.4 and recommend that these submissions are accepted.
211. Chris & Jan Coll (S558.200), Chris J Coll Surveying Limited (S566.200), William McLaughlin (S567.272), and Laura Coll McLaughlin (S574.200) request the deletion of SUB-R2.2 and SUB-R2.3 on the basis that these clauses are too restrictive. In my view, it is appropriate that compliance with the relevant zone standards and vehicle access is required to manage potential effects because the subdivision for a network utility or critical infrastructure is provided for as a permitted activity under SUB-R2.

Recommendations

212. It is recommended that SUB-R2 is amended as follows:

Activity Status Permitted

Where:

1. Any new lot created is solely for a network utility or critical infrastructure which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent;
2. Any existing buildings comply with the relevant zone Permitted Activity standards [or the conditions of any land use consent](#);
3. All existing vehicle access points comply with the requirements of Rule TRN - R1;
4. ~~Where the~~ [The](#) site is less than 4ha [and](#) adjacent to a river >3m wide or [adjacent to](#) the coast, the provision of an esplanade reserve or strip of 20m;
5. No new roading or access points are required; and
6. No new Council services are required.

Subdivision – Rule 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.418	Support	Retain rule.
Christopher and Donna Meates	S430.001	Oppose	Reduce the minimum lot size for Controlled Activity subdivision to 5000m ² .
Grey District Council	FS1.117	Oppose	Disallow.
Margaret Montgomery	S446.051	Support	Clarify features referred to.
Waka Kotahi NZ Transport Agency	S450.122	Support	Retain as proposed.
Horticulture New Zealand	S486.042	Support in part	Amend SUB-R3 by adding an additional matter of control: g) potential for reverse sensitivity effects on rural production activities .

Buller District Council	S538.247	Support in part	Amend Rule 3 as follows: 3. The existing or proposed building must: a. Comply with all permitted activity standards relevant to the zone and any overlays and a building consent has been issued for any proposed buildings; or
Chris J Coll Surveying Ltd	FS151.022	Support	Allow.
Grey District Council	FS1.424	Support	Allow.
Westpower Limited	S547.358	Amend	Amend item 3.a. Comply with all permitted activity standards relevant to the zone <u>or activity</u> and any overlays and a building consent, <u>where required</u> , has been issued ...
Westpower Limited	S547.359	Amend	Amend f. <u>Management of adverse effects on natural features ...</u> ".
Westpower Limited	S547.360	Amend	Add: <u>g. The ability to access, operate, maintain or upgrade existing energy activities, including associated infrastructure is retained.</u>
Buller Conservation Group	S552.115	Amend	f. Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, <u>amenity values</u> , historic heritage, sites of significance to Māori, archaeological sites or any other identified features.
Frida Inta	S553.115	Amend	f. Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, <u>amenity values</u> , historic heritage, sites of significance to Māori, archaeological sites or any other identified features.
Chris J Coll Surveying Ltd	FS151.016	Oppose	Disallow.
Chris & Jan Coll	S558.201	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Chris & Jan Coll	S558.202	Support	Retain points 1 and 3.
Chris & Jan Coll	S558.203	Amend	Delete point 2 (and thus delete the escalation to Discretionary Activity if compliance is not achieved).

Chris & Jan Coll	S558.204	Amend	Amend wording "design and layout of allotments" under point a. of "matters of control" to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.524	Amend	Add a: conditions/standard to SUB - R3 to ensure that the boundary adjustment does not result in a boundary through a Significant Natural Area. Add a matter of control to SUB - R3 for assessment against the significant criteria in Appendix 1 of the WCRPS.
Chris J Coll Surveying Ltd	FS151.011	Oppose	Disallow.
Chris J Coll Surveying Limited	S566.201	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Chris J Coll Surveying Limited	S566.202	Support	Retain points 1 and 3.
Chris J Coll Surveying Limited	S566.203	Amend	Delete point 2 (and thus delete the escalation to Discretionary Activity if compliance is not achieved).
Chris J Coll Surveying Limited	S566.204	Amend	Amend wording "design and layout of allotments" under point a. of "matters of control" to instead refer to 15mx15m building platform or similar defined specification that is more certain.
William McLaughlin	S567.273	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
William McLaughlin	S567.274	Support	Retain points 1 and 3.
William McLaughlin	S567.275	Amend	Delete point 2 (and thus delete the escalation to Discretionary Activity if compliance is not achieved).
William McLaughlin	S567.276	Amend	Amend wording "design and layout of allotments" under point a. of "matters of control" to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin	S574.201	Amend	Amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision.
Laura Coll McLaughlin	S574.202	Support	Retain points 1 and 3.

Laura Coll McLaughlin	S574.203	Amend	Delete point 2 (and thus delete the escalation to Discretionary Activity if compliance is not achieved).
Laura Coll McLaughlin	S574.204	Amend	Amend wording "design and layout of allotments" under point a. of "matters of control" to instead refer to 15mx15m building platform or similar defined specification that is more certain.
David Ellerm	S581.050	Amend	Add new rule: <u>Zone specific standards shall have precedence where there is any inconsistency with the general standards.</u>
Department of Conservation	S602.124	Amend	Amend the matters of control in Rules SUB-R3 and SUB-R4: ...Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, <u>coastal features, natural character, landscapes</u> , or any other identified <u>features identified through the resource consent....</u>
Chris J Coll Surveying Ltd	FS151.024	Oppose	Disallow.
Grey District Council	S608.633	Support	Retain as proposed.
Toka Tū Ake EQC	S612.094	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.183	Amend	Include Poutini Ngāi Tahu Values as a matter for control.

Analysis

213. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.418), Waka Kotahi (S450.122), Grey District Council (S608.633), and Toka Tū Ake EQC (S612.094) support Rule 3 and seek that it is retained as notified. The support for SUB-R3 is noted, however I have recommended amendments in response to submissions as outlined below.
214. Christopher and Donna Meates (S430.001) request that the minimum lot size for Controlled Activity subdivision is reduced to 5000m². The submitters' reasons include that there is a 4 hectare minimum for the General Rural Zone which they consider to be inefficient. They go on to note that the current Westland District Plan provides for subdivision within the Rural Zone down to 5000m² as a discretionary activity, which they consider to be a more appropriate size for residential subdivision as a controlled activity. I note that boundary adjustments must comply with all subdivision standards to be a controlled activity, and become discretionary if the subdivision standards are not complied with – the same activity status for a 5000m² subdivision in the Westland District Plan. 5000m² is a significant reduction from the permitted 4 hectare minimum and has the potential to result in adverse effects on matters such as the productive use of rural land and rural character, as well as be inconsistent with objectives and policies in the subdivision and Rural Zone provisions. In my view consideration of such proposals is more appropriately assessed on a consent by consent basis which a

discretionary activity consent provides for. It is therefore recommended that this submission point is rejected.

215. Margaret Montgomery (S446.051) agrees in full with this rule but questions clause (f). The submitter requests council clarify features referred to Clause (f) relating to natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites or any other identified features. The submitter notes that some of the mapping is incomplete, and that the clause should refer to 'significant' natural features and landforms. I understand that work is underway to better identify these areas within the pTTPP which are currently unclear. This will assist in plan interpretation. On this basis this part of the submission point is recommended accepted in part.
216. In relation to including 'significant', I consider this to be somewhat consistent with a number of objectives and policies, including amended Strategic Directions NENV-O1⁷ to 'recognise, protect and enhance the outstanding natural character, landscapes and features...' and the notified provisions in the Natural Features and Landscapes chapter, which manages effects on outstanding natural features and landscapes. I consider that the word 'outstanding' should be used instead of 'significant' as sought by the submitter for consistency with these other provisions. Scope for this can be found as a consequential amendment arising from the change to NENV-O1 to add 'outstanding'. I also consider this will assist with the submitter's request for clarity, as these features and landforms will be mapped. I recommend this part of the submission point be accepted in part and clause (f) is amended.
217. Horticulture New Zealand (S486.042) requests amendment to SUB-R3 by adding an additional matter of control:
- g) potential for reverse sensitivity effects on rural production activities.*
218. As discussed previously, it is my view that reverse sensitivity is more appropriately managed by the underlying zone provisions. These will not change as a result of a boundary adjustment. I therefore recommend this submission point is rejected.
219. Buller District Council (S538.247) requests amendment to clause 3.a as follows:
- Comply with all permitted activity standards relevant to the zone and any overlays and a building consent has been issued for any proposed buildings; or*
220. I agree with this requested deletion. The rule already requires that subdivision standards, and permitted activity standards applicable to any zone or overlay are met. This will ensure that the new proposed lot sizes and other attributes are suitable for permitted future development within the underlying zone and any overlays. Whether or not a building consent has been issued for any proposed buildings is not a relevant or necessary consideration when assessing potential environmental effects arising from the boundary adjustment. I therefore recommend that the submission point is accepted and clause 3.a. is amended as requested by the submitter.
221. Westpower Limited (S547.358) requests amendment to clause 3.a. as follows:
- Comply with all permitted activity standards relevant to the zone or activity and any overlays and a building consent, where required, has been issued ...*
222. Rule 3.a. relates to boundary adjustments, and requires that the underlying zone (and any overlay) provisions are met. Consents for other 'activities' that may occur post boundary adjustment that are not captured already by zone permitted activity standards will be subject to other land use consent rules. The addition of 'or activity' is therefore considered unnecessary. Because the second part of the clause is

1. _____

⁷ As recommended to be amended by Ms Easton in her reply for the Strategic Directions chapter in relation to 602.029

recommended to be deleted as set out in paragraph 219 above, this addition of 'where required' is considered unnecessary. For these reasons it is recommended that the submission point is rejected.

223. Westpower Limited (S547.359) requests amendment to f. to include 'management of adverse effects'. It is considered that this additional text is helpful as it will broaden the scope of conditions that can be imposed on any boundary adjustment, and focusses the assessment on managing adverse effects. Other policy throughout the pTTPP will remain with respect to protection, maintenance and enhancement of (significant) natural features and landforms.
224. Westpower Limited (S547.360) request amendment to add a new matter of control as follows:
g. The ability to access, operate, maintain or upgrade existing energy activities, including associated infrastructure is retained.
225. It is considered that these matters in relation to energy activities/infrastructure are an important consideration, that may necessitate a condition in some instances. I therefore recommend this point is accepted in part, with a minor amendment to refer to infrastructure activities, as energy activities forms part of infrastructure.
226. Buller Conservation Group (S552.115) and Frida Inta (S553.115) request amendment to matter of control (f) as follows:
Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, amenity values, historic heritage, sites of significance to Māori, archaeological sites or any other identified features.
227. This addition is considered unnecessary as this matter of control focusses on attributes that are typically identifiable through mapping. Given the requirement to meet all subdivision standards and underlying zone and overlay permitted activity standards, the potential for adverse effects on amenity values arising from a boundary adjustment is limited. I also consider that assessing effects on amenity values is not certain enough for a controlled activity. For these reasons I recommend that these submission points are rejected.
228. Chris & Jan Coll (S558.201), Chris J Coll Surveying Limited (S566.201), William McLaughlin (S567.273), and Laura Coll McLaughlin (S574.201) request to amend the rule and/or the definition of boundary adjustment to include subdivisions where the number of allotments (or records of titles) is reduced as a result of the subdivision. I note that Rule 3 does not exclude amalgamations. The definition of boundary adjustment is: ... *a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.* As this is a planning standard definition, I do not recommend changing the definition.
229. Chris & Jan Coll (S558.202) (S558.203), Chris J Coll Surveying Limited (S566.202) (S566.203), William McLaughlin (S567.274) (S567.275), and Laura Coll McLaughlin (S574.202) (S574.203) seek to retain clauses 1 and 3 and request the deletion of point 2 (and thus delete the escalation to Discretionary Activity if compliance is not achieved). This would remove the requirement for boundary adjustments to comply with subdivision standards, including requirements for a minimum lot size, building platforms, and infrastructure which could result in adverse environmental effects arising from rearranging lot boundaries. I therefore recommend these submission points be rejected.
230. Chris & Jan Coll (S558.204), Chris J Coll Surveying Limited (S566.204), William McLaughlin (S567.276), and Laura Coll McLaughlin (S574.204) request an amendment to the wording 'design and layout of allotments' under clause (a) of "matters of control" to instead refer to 15mx15m building platform or similar defined specification that is more certain. I support certainty for controlled activities and agree that specifying a

shape factor would assist with certainty. However, as an appropriate shape factor could potentially change from zone to zone, I recommend that this matter of control is amended to include reference to provision for a compliant building platform for future land use. Given the that the boundary adjustment must also meet subdivision standards and permitted zone and overlay standards, it is rare that a boundary adjustment will not be able to accommodate this. Provision for a compliant building platform is included to maintain the useability of the resulting allotment for future uses. On this basis the requirement for a compliant building platform has been specified for vacant allotments. It is recommended that this submission point is accepted in part.

231. Royal Forest and Bird Protection Society of New Zealand Inc. (S560.524) requests the addition of a condition/standard to SUB - R3 to ensure that the boundary adjustment does not result in a boundary through a SNA, and to add a matter of control to this rule for assessment against the significant criteria in Appendix 1 of the WCRPS. It is not uncommon for SNAs not to align with cadastral boundaries and therefore I do not consider it necessary to restrict boundaries through SNAs, particularly given clause (f) (as amended) allows for an assessment of effects on significant indigenous biodiversity. With respect to requiring an assessment against the significance criteria in the WCRPS, I consider this is better addressed through the ECO chapter. For these reasons it is recommended that this submission point is rejected.
232. David Ellerm (S581.050) requests a new rule be included that: Zone specific standards shall have precedence where there is any inconsistency with the general standards. It is not clear what the reference to general standards is here. Based on a lack of information and no reason given in the submission, I recommend that this submission point is rejected at this stage.
233. Department of Conservation (S602.124) requests an amendment to the matters of control in Rules SUB-R3 (and SUB-R4) as follows:
- ...Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, coastal features, natural character, landscapes, or any other identified features identified through the resource consent...
234. I agree that coastal features, natural character and landscapes should be included in the matters of control in accordance with the approach in the SD and CE chapters and support the inclusion of these attributes in the matter of control. With respect to other features identified through the resource consent, I do not consider this addition appropriate as this list is focussed on already identified and mapped attributes as discussed earlier. I therefore recommend that the submission point is accepted in part.
235. Ngāi Tahu (S620.183) requests to include Poutini Ngāi Tahu Values as a matter for control. As previously noted, I consider that controlled activities require certainty, with respect to the rule and matters of control, and the submitter is invited to provide further information and evidence on this matter.

Recommendations

236. It is recommended that SUB-R3 is amended as follows:

Activity Status Controlled

Where:

1. These are not Permitted Activities under Rule SUB - R1;
2. All Subdivision Standards are complied with; and
3. The existing or proposed buildings must:
 - a. Comply with all permitted activity standards relevant to the zone and any overlays ~~and a building consent has been issued for any proposed buildings;~~
 - or
 - b. Be subject to an approved resource consent for any non- compliances; or

- c. Where there is an existing building that does not comply with the current district plan, the subdivision must not increase the extent to which the existing building fails to comply.

Matters of control are:

- a. The design and layout of allotments, [including space for a compliant building platform within any vacant allotment](#), and the ability to accommodate permitted and/or intended land uses;
- b. The design and provision of access;
- c. The provision, design and construction of infrastructure and services;
- d. Any requirements which arise from the location in relation to natural hazards;
- e. Effects of development phase works on the surrounding area; ~~and~~
- f. [Management of adverse effects on](#) ~~Protection, maintenance or enhancement of outstanding~~ natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, [coastal features, natural character, landscapes](#), or any other identified features; ~~and~~
- g. [The ability to access, operate or upgrade existing infrastructure activities, is retained.](#)

Subdivision – Rule 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.419	Support	Retain rule.
Margaret Montgomery	S446.052	Support	Retain as notified.
Waka Kotahi NZ Transport Agency	S450.123	Support	Retain as proposed.
Buller District Council	S538.248	Support	Retain as notified.
Westpower Limited	S547.361	Amend	Amend a. The size, design and layout of allotments for the purpose of network utilities and <u>critical infrastructure, including energy activities and infrastructure</u> , reserves or access;
Westpower Limited	S547.362	Amend	Amend c. <u>Management of adverse effects</u> on natural features and landforms .
Chris & Jan Coll	S558.205	Support	Delete point c. under "matters of control".
Chris J Coll Surveying Limited	S566.205	Support	Delete point c. under "matters of control".
William McLaughlin	S567.277	Support	Delete point c. under "matters of control".
Laura Coll McLaughlin	S574.205	Support	Delete point c. under "matters of control".
Grey District Council	S608.634	Support	Retain.
Toka Tū Ake EQC	S612.095	Support	Retain.

Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.419	Oppose in part	Include Poutini Ngāi Tahu Values as a matter for control.
---	----------	----------------	---

Analysis

237. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.419), Margaret Montgomery (S446.052), Waka Kotahi (S450.123), Buller District Council (S538.248), Grey District Council (S608.634), and Toka Tū Ake EQC (S612.095) support Rule 4 and seek that it is retained as notified. The support for SUB-R4 is noted, however I have recommended amendments in response to submissions as outlined below.
238. Westpower Limited (S547.361) request to amend matter of control (a) as follows:
a. The size, design and layout of allotments for the purpose of network utilities and critical infrastructure, including energy activities and infrastructure, reserves or access;
239. I agree in part with this amendment as the rule covers critical infrastructure as well as public utilities, reserves and access. As previously discussed, it is recommended by the reporting planners for the SD and ENG, INF and TRAN topics that 'critical infrastructure' be replaced with 'regionally significant infrastructure'. This will result in a consequential amendment to the rule heading. Regionally significant infrastructure includes a number of energy activities and infrastructure. I therefore support a partial amendment to the matter of control as follows, and recommend that the submission point be accepted in part.
240. Westpower Limited (S547.362) requests to amend matter of control (c) to focus on management of effects on the listed matters and start with the words: Management of adverse effects on ... I agree with this amendment for the same reasons as I support the amendments to the similar matter of control for Rule 3 as set out in paragraph 234 above. I also support a consequential amendment to include 'outstanding' for consistency with the recommended amendments to Rule 3.
241. Chris & Jan Coll (S558.205), Chris J Coll Surveying Limited (S566.205), William McLaughlin (S567.277) and Laura Coll McLaughlin (S574.205) request the deletion of point c. under "matters of control". I recommend this matter of control is retained for consistency with similar matters of control in the SUB chapter and to retain the ability to consider these matters.
242. Ngāi Tahu (S620.419) requests to include Poutini Ngāi Tahu Values as a matter for control. As previously noted, the submitter is invited to provide further information and evidence on this matter.

Recommendations

243. It is recommended that SUB-R4 is amended as follows:
- Activity Status Controlled
Where:
- The Subdivision is not a Permitted Activity under Rule SUB - R2
- Matters of control are:
- The size, design and layout of allotments for the purpose of public network utilities, regionally significant infrastructure, reserves or access;
 - Legal and physical access to and from allotments;
 - ~~Protection, maintenance or enhancement of~~ Management of adverse effects on outstanding natural features and landforms, natural character, the coastal

environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, [coastal features](#), [natural character](#), [landscapes](#), or identified features;

- d. Where relevant, compliance with Subdivision Standards; and
- e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.

Subdivision – Rule 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Tai o Poutini Plan Committee	S171.016	Amend	Amend the rule to make it clear that subdivision is a Controlled Activity within the specific Sites and Areas of Significance to Māori identified in the rule, and that outside any other Sites and Areas of Significance to Māori, the other standards in the rule apply.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.420	Support	Retain rule.
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.020	Oppose	<p>SUB - R5 Subdivision to create allotment(s) in all RESZ -</p> <p>This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</p> <p>This does not create any lots located within 100 m of the boundary of a General Industrial Zone;</p> <p>All Subdivision Standards are complied with; and</p> <p>The subdivision is in general accordance with any development plan in place for the site.</p> <p>Activity status where compliance not achieved: Restricted Discretionary where 3 and 4 is not complied with. Discretionary 2,6, 7, 8 or 9 is not complied with. Non-complying where 5 is not complied with.</p>
KiwiRail Holdings Limited	S442.070	Amend	Amend as follows:

			Matters of control are: [...] p. Management of potential reverse sensitivity effects on existing land uses, including <u>critical infrastructure</u> , network utilities, rural activities or significant hazardous facilities.
Radio New Zealand Limited (RNZ)	FS141.022	Support	Allow.
Margaret Montgomery	S446.053	Support	Retain rule but better present the information rather than the cluster within this condition at the moment.
Waka Kotahi NZ Transport Agency	S450.124	Support	Retain as proposed.
Leonie Avery	S507.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Jared Avery	S508.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Kyle Avery	S509.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Avery Bros	S510.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Bradshaw Farms	S511.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Paul Avery	S512.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Brett Avery	S513.046	Oppose in part	Retain status when compliance with point 6 is not achieved to Discretionary.
Neil Mouat	S535.023	Support	Retain status when compliance with point 6 is not achieved to Discretionary.
Buller District Council	S538.249	Support in part	Condense Points 2 and 3.
Buller District Council	S538.252	Support in part	To add: <u>Natural Hazards or geotechnical considerations.</u>
Westpower Limited	S547.363	Amend	Amend Matter of Control: g. The provision of easements, <u>including for both existing and proposed energy activities and associated infrastructure.</u>
Westpower Limited	S547.364	Amend	Amend Matter of Control: p. Management of potential ..., including network utilities and <u>critical infrastructure (including energy activities)</u> , rural ...
Buller Conservation Group	S552.116	Amend	Amend: k. Effects on Poutini Ngāi Tahu values, <u>existing amenity values, the quality of the environment, natural character</u> , notable trees or historic heritage within or adjacent to the site;
Frida Inta	S553.116	Amend	Amend:

			k. Effects on Poutini Ngāi Tahu values, <u>existing amenity values, the quality of the environment, natural character, notable trees or historic heritage within or adjacent to the site;</u>
Chris J Coll Surveying ltd	FS151.017	Oppose	Disallow.
Chris & Jan Coll	S558.206	Support	Retain status when compliance with point 6 is not achieved to Discretionary.
Chris & Jan Coll	S558.207	Support	Retain.
Chris & Jan Coll	S558.209	Amend	Delete point 8.
Chris & Jan Coll	S558.210	Support	Amend wording "design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris & Jan Coll	S558.211	Amend	Delete point j.
Chris & Jan Coll	S558.212	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to f.)
Chris & Jan Coll	S558.213	Support	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point l.
Chris & Jan Coll	S558.214	Amend	Delete o.
Chris & Jan Coll	S558.215	Amend	Consequent amendments to "activity status when compliance not achieved".
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.267	Amend	Amend: 1. This is not within a Significant Natural Area as identified in Schedule Four and is subject to Rule SUB - R7;
Geoff Volckman	S563.042	Support in part	Delete reference to "development plan" unless a better definition is supplied.
Geoff Volckman	S563.043	Support in part	Amend wording "design and layout of allotments" to refer to 15mx15m building platform or similar specification that is more certain.
Geoff Volckman	S563.044	Support in part	Delete point j. under Matters of Control.
Catherine Smart-Simpson	S564.048	Amend	Delete reference to "development plan" unless a better definition is supplied.
Catherine Smart-Simpson	S564.049	Amend	Amend wording design and layout of allotments to refer to 15mx15m building platform or similar specification that is more certain.
Catherine Smart-Simpson	S564.050	Amend	Delete point j. under Matters of Control.
Chris J Coll Surveying Limited	S566.206	Support	Retain status when compliance with point 6 is not achieved to Discretionary.
Chris J Coll Surveying Limited	S566.207	Support	Retain.
Chris J Coll Surveying Limited	S566.209	Amend	Delete point 8.

Chris J Coll Surveying Limited	S566.210	Support	Amend wording "design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris J Coll Surveying Limited	S566.211	Amend	Delete point j.
Chris J Coll Surveying Limited	S566.212	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to f.)
Chris J Coll Surveying Limited	S566.213	Support	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point l.
Chris J Coll Surveying Limited	S566.214	Amend	Delete o.
Chris J Coll Surveying Limited	S566.215	Amend	Consequent amendments to "activity status when compliance not achieved".
William McLaughlin	S567.278	Support	Retain status when compliance with point 6 is not achieved to Discretionary.
William McLaughlin	S567.279	Support	Retain.
William McLaughlin	S567.280	Amend	Delete point 8.
William McLaughlin	S567.281	Support	Amend wording "design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
William McLaughlin	S567.282	Amend	Delete point j.
William McLaughlin	S567.283	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to f.)
William McLaughlin	S567.284	Support	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point l.
William McLaughlin	S567.285	Amend	Delete o.
William McLaughlin	S567.286	Amend	Consequent amendments to "activity status when compliance not achieved".
Laura Coll McLaughlin	S574.206	Support	Retain status when compliance with point 6 is not achieved to Discretionary.
Laura Coll McLaughlin	S574.207	Support	Retain.
Laura Coll McLaughlin	S574.209	Amend	Delete point 8.
Laura Coll McLaughlin	S574.210	Support	Amend wording "design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin	S574.211	Amend	Delete point j.
Laura Coll McLaughlin	S574.212	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to f.)
Laura Coll McLaughlin	S574.213	Support	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point l.

Laura Coll McLaughlin	S574.214	Amend	Delete o.
Laura Coll McLaughlin	S574.215	Amend	Consequent amendments to "activity status when compliance not achieved".
Koiterangi Lime Co LTD	S577.053	Amend	Delete reference to "development plan" unless a better definition is supplied.
Koiterangi Lime Co LTD	S577.054	Amend	Amend wording design and layout of allotments to refer to 15mx15m building platform or similar specification that is more certain.
Koiterangi Lime Co LTD	S577.055	Amend	Delete point j. under Matters of Control.
Chris J Coll Surveying ltd	FS151.026	Support	Allow.
Grey District Council	S608.635	Support	Retain.
Grey District Council	S608.645	Support	Retain as proposed.
Avery Brothers	S609.044	Amend	Amend status when compliance with point 6 is not achieved to Discretionary.
Toka Tū Ake EQC	S612.096	Support	Retain.
Karamea Lime Company	S614.070	Amend	Delete reference to "development plan" unless a better definition is supplied.
Karamea Lime Company	S614.071	Amend	Amend wording "design and layout of allotments" to refer to 15mx15m building platform or similar specification that is more certain.
Karamea Lime Company	S614.072	Amend	Delete point j. under Matters of Control.
Peter Langford	S615.070	Amend	Delete reference to "development plan" unless a better definition is supplied.
Peter Langford	S615.071	Amend	Amend wording "design and layout of allotments" to refer to 15mx15m building platform or similar specification that is more certain.
Peter Langford	S615.072	Amend	Delete point j. under Matters of Control.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.184	Support	Retain Clause (4) and matter for control (k) as notified.

Analysis

244. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.420), Waka Kotahi (S450.124), Chris J Coll Surveying Limited (S566.207), William McLaughlin (S567.279), Laura Coll McLaughlin (S574.207), Grey District Council (S608.635; S608.645), and Toka Tū Ake EQC (S612.096) support Rule 5 and seek that it is retained as notified. The support for SUB-R5 is noted, however I have recommended amendments in response to submissions as outlined below.
245. Margaret Montgomery (S446.053) supports SUB-R5 but seeks that the rule is reformatted so that information can be represented clearer. While the technical nature of SUB-R5 is acknowledged, the drafting of this rule is consistent with other rules in the SUB chapter. It is recommended that this submission is rejected as the submitter has not identified the specific relief sought.

246. Te Tai o Poutini Plan Committee (S171.016) requests amendments to the rule to make it clear that subdivision is a Controlled Activity within the specific Sites and Areas of Significance to Māori identified in the rule, and that outside any other Sites and Areas of Significance to Māori, the other standards in the rule apply. Clause (4) of Rule 5 lists certain Sites and Areas of Significance to Māori identified, and starts with the words 'this only occurs in the following sites and areas...'. This could be interpreted as subdivision being a controlled activity only if it is within those areas, and that it must be in a listed Site or Area of Significance to Māori. To address this, I recommend amending the lead in words to read 'This is not within a Site or Area of Significance to Māori except those listed below...'. This has the same effect as other clauses in the rule which specify that the subdivision cannot be in an area of outstanding natural landscape, the earthquake hazard overlay, etc. During the preparation of this report I understand from conversations with Grey District Council that they would like to see additional Sites or Areas of Significance to Māori added to this list so that the controlled activity subdivision rule has wider application. Additional advice from Poutini Ngāi Tahu on what additional sites and areas may be added is required before amending the list.
247. Silver Fern Farms Limited (S441.020) requests amendments to SUB-R5 to require a discretionary consenting pathway and a notification requirement for subdivision in a residential zone that creates new residential lots within 100m of an industrial zone boundary on the basis that this would enable a robust assessment of potential reverse sensitivity effects. As previously discussed, it is considered that reverse sensitivity is more appropriately addressed via appropriate zoning and zone provisions. In my view, the relief sought by the submitter would place significant constraints on the subdivision of live zoned residential land, and I recommend this submission is rejected.
248. KiwiRail (S442.070) requests amendment to the matter of control p. to recognise potential reverse sensitivity effects on critical infrastructure. I agree that this is a helpful clarification, and recommend the inclusion of regionally significant infrastructure within the matter of control. I also recommend the deletion of network utilities to simplify the wording. I note that the pTTPP does not define network utility, however based on the definition of network utility operator, I consider that network utilities are sufficiently provided for within the definition of regionally significant infrastructure.
249. Westpower (S547.363) requests amendments to matter of control p. recognise critical infrastructure, including energy activities. For the reasons outlined above, I recommend that this submission is accepted in part.
250. Westpower Limited (S547.363) seeks to amend matter of control g. as follows:
The provision of easements, including for both existing and proposed energy activities and associated infrastructure.
251. In my view, the identification of energy activities is not necessary as the matter of control is sufficiently broad and will include all instances where easements must be secured by way of consent conditions.
252. Buller District Council (S538.251; S538.249) seeks to condense clauses 2. and 3. Given that a restricted discretionary activity status applies to non-compliance with point 3. and a discretionary activity status applies to non-compliance with point 2., I recommend that they are retained as two separate clauses under for ease of clarity and cross referencing.
253. Buller District Council (S538.252; S538.255) seeks to amend the matters of control from natural hazards or geotechnical 'constraints' to 'considerations'. I agree that 'considerations' will provide more certainty to enable a comprehensive assessment of the natural hazard or geotechnical risks and their potential effects arising from subdivision, and support this amendment.
254. Buller Conservation Group (S552.116) and Frida Inta (S553.116) request amendment to matter of control k. to include 'existing amenity values, the quality of the

environment, natural character'. In my view, the wording requested by the submitter does not provide sufficient certainty for a controlled activity assessment, and potential effects in relation to amenity and character are adequately addressed under matters of control a.

255. Chris J Coll Survey Limited (S566.210), Chris & Jan Coll (S558.210), Catherine Smart-Simpson (S564.049), William McLaughlin (S567.281), Geoff Volckman (S563.043), Laura Coll McLaughlin (S574.210), Koiterangi Lime Co LTD (S577.054), Karamea Lime Company (S614.071), and Peter Langford (S615.071) request amendment to wording "design and layout of allotments" under matter of control a. to instead refer to 15mx15m building platform or similar defined specification that is more certain. As discussed above, I support amendments to the matters of control to consider whether a compliant building platform can be accommodated within this clause, and recommend that these submissions are accepted in part.
256. Chris J Coll Survey Limited (S566.211), Chris & Jan Coll (S558.211), Catherine Smart-Simpson (S564.050), William McLaughlin (S567.282), Laura Coll McLaughlin (S574.211), Koiterangi Lime Co LTD (S577.055) and Peter Langford (S615.072) Karamea Lime Company (S614.072) request the deletion of matter of control j. on the basis that temporary effects of development and construction should be managed by other parts of the Plan. I agree with submitters, particularly as the effects of earthworks are managed separately, and support the deletion of clause j.
257. Chris J Coll Survey Limited (S566.212), Chris & Jan Coll (S558.212), William McLaughlin (S567.283), Laura Coll McLaughlin (S574.212) request amendments to matters of control b. and c. to reference standards and provide greater certainty, i.e., matter of control f. which refers to relevant District Council Engineering Standards. In my view, the notified provisions are necessary to manage effects associated with the design of subdivision and connectivity outcomes, which are typically not addressed by engineering standards. I recommend that these clauses are retained and that the submissions are rejected.
258. Chris J Coll Survey Limited (S566.213) Chris & Jan Coll (S558.213), William McLaughlin (S567.284), and Laura Coll McLaughlin (S574.213) request to delete "and the need for access to be provided to any esplanade reserve or strip created" from matter of control l. It is considered that the access to any esplanade reserve or strip created is a relevant consideration at the time of subdivision, and I recommend that this wording be retained.
259. Chris J Coll Survey Limited (S566.214), Chris & Jan Coll (S558.214), William McLaughlin (S567.285), and Laura Coll McLaughlin (S574.214) request to delete matter of control o. relating to the management of construction effects, hours of operation, noise, earthworks, and erosion and sediment control. I agree that these matters can be appropriately managed under other provisions of the pTTPP, and support this deletion.
260. Chris J Coll Survey Limited (S566.209), Chris & Jan Coll (S558.209), William McLaughlin (S567.280), Laura Coll McLaughlin (S574.209) request the deletion of SUB-R5.8 on the basis that the term 'development plan' is not defined. Geoff Volckman (S563.042), Koiterangi Lime Co LTD (S577.053), Karamea Lime Company (S614.070), Peter Langford (S615.070), and Catherine Smart-Simpson (S564.048) also request to delete reference to "development plan" unless a better definition is supplied. Chris J Coll Survey Limited (S566.215), Chris & Jan Coll (S558.215), William McLaughlin (S567.286), and Laura Coll McLaughlin (S574.215) also request consequential amendments to "activity status when compliance not achieved".
261. I agree that SUB-R5.8 creates uncertainty given 'development plan' is not defined. While I note there are development areas referred to in the pTTPP in Part 1, there is only one in Part 3 for Kumara Junction. This also has an associated plan – the Kumara Junction Outline Development Plan. I therefore recommend amending the reference to refer to 'structure plan or outline development plan'. This will ensure that subdivision

is carried out in accordance with any relevant design considerations that have been approved and/or form part of the plan. Consequential amendments are not needed to the activity status as the clause is recommended to be retained, subject to the above amendments.

262. Forest & Bird (S560.267) requests to amend SUB-R5.1 to delete reference to Schedule four. I agree with the amendment to delete reference to Schedule Four as this will achieve consistency with the title of SUB-R7, which refers to an 'area of significant Indigenous Biodiversity', which is also a defined term in the pTTPP.
263. Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.184) retain clause (4) and matter for control (k) as notified. Minor amendments are recommended to clause (4) and matter of control (k) is recommended to be retained as notified.
264. Leonie Avery (S507.046), Jared Avery (S508.046), Kyle Avery (S509.046), Avery Bros (S510.046), Bradshaw Farms (S511.046), Paul Avery (S512.046), Brett Avery (S513.046), Neil Mouat (S535.023), Chris & Jan Coll (S558.206), and Avery Brothers (S609.044) request to retain status when compliance with point 6 is not achieved to Discretionary. As no change to the non-compliance status is recommended these points are recommended to be accepted.

Recommendations

265. It is recommended that SUB-R5 is amended as follows:

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area ~~as identified in Schedule Four~~ subject to Rule SUB - R7;
2. This is not within one of the following locations in the coastal environment:
 - i. Outstanding Natural Landscape as identified in Schedule five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
 - i. Outstanding Natural Landscape as identified in Schedule Five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. Sites of Historic Heritage as identified in Schedule One;
 - iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;
4. This is not within a Site or Area of Significance to Māori except those listed below and ~~This only occurs in the following sites and areas of significance to Māori~~ identified in {Link, 10042, Schedule Three:
 - i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;
5. This is not within the Earthquake Hazard Overlay;
6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard

- Overlay or the Airport Noise Control Overlay;
7. All Subdivision Standards are complied with; and
 8. The subdivision is in general accordance with any [structure development plan](#) or [outline development plan](#) in place for the site.

Matters of control are:

- a. The design and layout of allotments, [including space for a compliant building platform on any vacant allotment](#) and the ability to accommodate permitted and/or intended land uses;
- b. The design and provision of roads, pedestrian and cycle ways; and
- c. The design and provision of access;
- d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- g. The provision of easements;
- h. The provision of local purpose reserves;
- i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- j. Effects of development phase works on the surrounding area;
- k. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;
- l. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- m. The extent to which any land identified as contaminated is safe for habitation; **and**
- n. Natural hazards ~~or~~ [and](#) geotechnical considerations constraints; [and](#)
- o. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and
- p. Management of potential reverse sensitivity effects on existing land uses, including regionally significant infrastructure network utilities, rural activities or significant hazardous facilities.

Subdivision – Rule 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.421	Support	Retain rule.
John Brazil	S360.018	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.

Lara Kelly	S421.004	Amend	Amend the rule so that if only part of a parcel is located within overlays this should not automatically result in the entire parcel being considered inappropriate for subdivision (and it should not be non complying, I think discretionary is more appropriate).
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	S441.021	Amend	[...] m. Silver Fern Farms recommends that a minimum allotment size is included in sub-clause (a) of "Matters of control". Silver Fern Farms recommends amending sub-clause (m) as Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, industrial activities such as meat processing plants or Major Hazardous Facilities.
Horticulture New Zealand	FS55.39	Support	Allow.
KiwiRail Holdings Limited	S442.071	Amend	Amend as follows: Matters of control are: [...] m. Management of potential reverse sensitivity effects on existing land uses, including <u>critical infrastructure</u> , network utilities, rural activities or significant hazardous facilities.
Radio New Zealand Limited (RNZ)	FS141.023	Support	Allow.
Margaret Montgomery	S446.054	Support	Retain as notified.
Waka Kotahi NZ Transport Agency	S450.125	Support	Retain as proposed.
Horticulture New Zealand	S486.043	Support in part	Amend SUB-R6 by adding an additional matter of control: g) <u>potential for reverse sensitivity effects on rural production activities.</u>
Leonie Avery	S507.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Leonie Avery	S507.050	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Frank O'Toole	FS235.073	Support	Allow.
Jared Avery	S508.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.

Jared Avery	S508.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Kyle Avery	S509.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Kyle Avery	S509.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Frank O'Toole	FS235.063	Support	Allow.
Avery Bros	S510.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Avery Bros	S510.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Frank O'Toole	FS235.002	Support	Allow.
Bradshaw Farms	S511.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Bradshaw Farms	S511.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Paul Avery	S512.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Paul Avery	S512.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Brett Avery	S513.048	Oppose in part	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Brett Avery	S513.050	Oppose in part	Activity status where there is noncompliance with point should be Discretionary. There should be no escalation to Non-Complying status.
Steve Croasdale	S516.050	Amend	Amend to be less restrictive.
Buller District Council	S538.250	Support in part	Condense Points 2 and 3.
Buller District Council	S538.253	Support in part	To add: <u>Natural Hazards or geotechnical considerations.</u>
Peter Jefferies	S544.007	Oppose	Delete provisions in relation to highly productive land

Grey District Council	FS1.180	Oppose in part	The land parcel is an area of predominantly rural production. It is considered appropriate to impose larger allotment sizes to protect the area from inappropriate and incompatible land uses.
Martin and Lisa Kennedy	S545.007	Oppose	Delete provisions in relation to highly productive land
Nick Pupich Sandy Jefferies	S546.004	Oppose	Remove the provisions in relation to highly productive land
Westpower Limited	S547.365	Amend	(1) Amend item m., "m. Management of potential ..., including network utilities and <u>critical infrastructure (including energy activities)</u> , rural ...". (2) Add a new item n., "n. The provision of easements, <u>including for both existing and proposed energy activities and associated infrastructure.</u> ".
Chris & Jan Coll	S558.216	Amend	Activity status where compliance is not achieved should be Discretionary for all points. There should be no escalation to Non-Complying status.
Frank O'Toole	FS235.020	Support	Allow.
Chris & Jan Coll	S558.217	Amend	Amend wording "size, design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris & Jan Coll	S558.218	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to e.).
Chris & Jan Coll	S558.220	Amend	Points d. and k. requires amending to provide certainty and clarity.
Chris & Jan Coll	S558.221	Amend	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point j.
Chris & Jan Coll	S558.222	Amend	Delete l.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.268	Amend	Amend Condition 1 Where: 1. <u>an ecological assessment shows</u> ¶ this is not within a Significant Natural Area, or an SNA as identified in Schedule Four, and subject to Rule SUB - R7;
Chris J Coll Surveying ltd	FS151.012	Oppose	Disallow.
Geoff Volckman	S563.045	Amend	Amend to be less restrictive.
Catherine Smart-Simpson	S564.051	Amend	Amend to be less restrictive.
Chris J Coll Surveying Limited	S566.216	Amend	Activity status where compliance is not achieved should be Discretionary for all points. There should be no escalation to Non-Complying status.

Frank O'Toole	FS235.032	Support	Allow.
Chris J Coll Surveying Limited	S566.217	Amend	Amend wording "size, design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris J Coll Surveying Limited	S566.218	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to e.).
Chris J Coll Surveying Limited	S566.220	Amend	Points d. and k. requires amending to provide certainty and clarity.
Chris J Coll Surveying Limited	S566.221	Amend	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point j.
Chris J Coll Surveying Limited	S566.222	Amend	Delete l.
William McLaughlin	S567.287	Amend	Activity status where compliance is not achieved should be Discretionary for all points. There should be no escalation to Non-Complying status.
William McLaughlin	S567.288	Amend	Amend wording "size, design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
William McLaughlin	S567.289	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to e.)
William McLaughlin	S567.290	Amend	Points d. and k. requires amending to provide certainty and clarity.
William McLaughlin	S567.291	Amend	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point j.
William McLaughlin	S567.292	Amend	Delete l.
Laura Coll McLaughlin	S574.216	Amend	Activity status where compliance is not achieved should be Discretionary for all points. There should be no escalation to Non-Complying status.
Frank O'Toole	FS235.069	Support	Allow
Laura Coll McLaughlin	S574.217	Amend	Amend wording "size, design and layout of allotments" under point a. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin	S574.218	Amend	Points b. and c. should reference standards to provide certainty (in a similar manner to e.).
Laura Coll McLaughlin	S574.220	Amend	Points d. and k. requires amending to provide certainty and clarity.
Laura Coll McLaughlin	S574.221	Amend	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point j.

Laura Coll McLaughlin	S574.222	Amend	Delete I.
Koiterangi Lime Co LTD	S577.057	Support	Amend to be less restrictive.
Chris J Coll Surveying Ltd	FS151.027	Support	Allow.
Grey District Council	S608.636	Support	Retain as proposed.
Grey District Council	S608.646	Support	Retain as proposed.
Avery Brothers	S609.045	Amend	Activity status where there is non-compliance with point should be Discretionary. There should be no escalation to Non-Complying status
Frank O'Toole	FS235.006	Support	Allow.
Toka Tū Ake EQC	S612.097	Amend	Amend to include Natural hazards or geotechnical constraints as matters of control.
Karamea Lime Company	S614.073	Amend	Amend to be less restrictive.
Peter Langford	S615.073	Amend	Amend to be less restrictive.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.185	Amend	Amend as follows: 6. <u>Where the Subdivision is</u> in the MPZ - Māori Purpose Zone <u>and</u> is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site, <u>then only clause (3)(iv), (v) and clause (4) apply.</u> Retain as matter for control (i) as notified.
Horticulture New Zealand	FS55.40	Support	Allow

Analysis

266. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.421), Margaret Montgomery (S446.054), Waka Kotahi (S450.125), and Grey District Council (S608.636; S608.646) support Rule 6 and seek that it is retained as notified. The support for SUB-R6 is noted, however I have recommended amendments in response to submissions as outlined below.
267. Numerous submitters (S360.018; S421.004; S507.048; S507.050; S508.058; S508.048; S509.048; S509.050; S510.050; S511.048; S511.050; S512.048; S512.050; S513.048; 3.050; S558.216; S566.216; S567.287; S574.216; S609.045) request that non-compliance with SUB-R6.4 is amended from a non-complying activity to a discretionary activity. Lara Kelly (S421.004) also requests amendments to SUB-R6.4 to ensure that if only part of a parcel is located within the identified overlays, the entire parcel is not considered inappropriate for subdivision. The submitter also requests a discretionary activity status.
268. In my view, a non-complying activity status is appropriate for confined areas where further subdivision is not anticipated due to significant identified constraints. I also note that resource consent for a non-complying activity can be granted subject to the application demonstrating that relevant effects within these overlays can be managed and that the requirements of section 104D are met.
269. Silver Fern Farms (S441.021) seeks the inclusion of minimum allotment size under matter of control a. I note that compliance with the minimum lot sizes specified under SUB-S1 is required under SUB-R6.5, and do not consider that duplication in the matters

of control is necessary. The submitter also seeks amendments to matter of control m. to refer to industrial activities, including meat processing plants. It is considered that the inclusion of 'industrial' activities is a helpful clarification, as it is not uncommon for rural industry activities to occur within the Rural Zones. I recommend the following amendment to matter of control m. and recommend this submission is accepted in part:

Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural and rural industry activities or significant hazardous facilities.

270. KiwiRail (S442.071) requests amendment to the matter of control m. to recognise potential reverse sensitivity effects on critical infrastructure. As discussed above, I agree that this is a helpful clarification, however recommend the inclusion of 'regionally significant infrastructure' the deletion of network utilities as network utilities are provided for under the definition of regionally significant infrastructure.
271. Westpower Limited (S547.365) also seeks to amend matter of control m. to include reference to critical infrastructure, including energy activities. I do not consider reference to energy activities is necessary as they are included in the definition of regionally significant infrastructure (which will be used in place of critical infrastructure).
272. Horticulture New Zealand (S486.043) seeks to include an additional matter of control to address potential reverse sensitivity effects on rural production activities. The relief sought is not considered to be necessary as this is sufficiently addressed under 'rural activities' included under matter of control m.
273. Buller District Council (S538.250; S538.251) seeks to condense clauses 2. and 3. Given that a restricted discretionary activity status applies to non-compliance with point 3. and a discretionary activity status applies to non-compliance with point 2., I recommend that they are retained as two separate clauses under for ease of clarity and cross referencing.
274. Buller District Council (S538.253; S538.255) seeks to include 'natural hazards or geotechnical considerations' to the matters of control. Toka Tū Ake EQC (S612.097) also request amendment to include natural hazards or geotechnical constraints as a matter of control. I agree that it would be appropriate to consider natural hazard or geotechnical risks and their potential effects arising from subdivision, and note this is in accordance with section 106 of the RMA. I support the amendment requested by Buller District Council as this will enable a comprehensive assessment of natural hazard or geotechnical effects. While the submitter has requested natural hazards 'or' or 'geotechnical constraints' be referenced, I consider this should be 'and' so is clear both are relevant.
275. Westpower Limited (S547.363) seeks to include a new matter of control relation to the provision of easements, including for both existing and proposed energy activities and associated infrastructure. I agree that the provision of appropriate easements is a relevant consideration for a controlled activity subdivision, however do not consider reference to energy activities and their associated infrastructure is necessary. I recommend that this submission is accepted in part.
276. Chris & Jan Coll (S558.217), Chris J Coll Surveying Limited (S566.217), William McLaughlin (S567.288), and Laura Coll McLaughlin (S574.217) request amendment to wording "design and layout of allotments" under matter of control a. to instead refer to 15mx15m building platform or similar defined specification that is more certain. As discussed above, I support amendments the matters of control to consider whether a compliant building platform can be accommodated within this clause, and recommend that these submissions are accepted in part.
277. Chris & Jan Coll (S558.218), Chris J Coll Surveying Limited (S566.218), William McLaughlin (S567.289), and Laura Coll McLaughlin (S574.218) request amendments

to matters of control b. and c. to reference standards and provide greater certainty, i.e, matter of control f. which refers to relevant District Council Engineering Standards. In my view, the notified provisions are necessary to manage effects associated with the design of subdivision and connectivity outcomes, which are typically not addressed by engineering standards. I recommend that these clauses are retained and that the submissions are rejected.

278. Chris J Coll Survey Limited (S566.221) Chris & Jan Coll (S558.221), William McLaughlin (S567.291), and Laura Coll McLaughlin (S574.221) request to delete "and the need for access to be provided to any esplanade reserve or strip created" from matter of control j. It is considered that the access to any esplanade reserve or strip created is a relevant consideration at the time of subdivision, and I recommend that this wording be retained.
279. Chris J Coll Survey Limited (S566.222), Chris & Jan Coll (S558.222), William McLaughlin (S567.292), and Laura Coll McLaughlin (S574.222) request to delete matter of control l. relating to the management of construction effects, hours of operation, noise, earthworks, and erosion and sediment control. I agree that matters can be appropriately managed under other provisions of the pTTPP, and support this deletion.
280. Forest & Bird (S560.268) request amendments to SUB-R6.1 as follows on the basis that the notified wording suggests that SUB-R7 does not apply to an area of significant indigenous biodiversity beyond that identified in Schedule Four:
An ecological assessment shows this ~~This~~ is not within a Significant Natural Area, or an SNA as identified in Schedule Four, ~~and~~ subject to SUB-R7.
281. This is opposed by Chris J Coll Surveying Ltd (FS151.012).
282. I do not support the relief sought as an ecological assessment is not always necessary to demonstrate that an area does not qualify for a Significant Natural Area. However, I support minor amendments to improve clarity and consistency with SUB-R7, and recommend the deletion of reference to Schedule Four.
283. Ngāi Tahu (S620.185) requested amendments to SUB-R6.6 as follows:
Where the Subdivision is in the MPZ – Māori Purpose Zone and is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site, then only clause (3)(iv), (v) and clause (4) apply.
284. I do not support the relief sought as the proposed amendment would preclude consideration under SUB-R6.1, SUB-R6.2, and SUB-R6.5 which requires compliance with the proposed subdivision standards. Particularly relevant standards include the provision of transport and access, easements, and esplanade reserves or strips. In my view, the rule as notified provides scope to consider a range of matters relevant to the subdivision process. These matters are not specifically identified under the proposed definition of Papatipu Rūnanga Management Plan, and therefore may not be appropriately addressed through the subdivision process should SUB-R6.1, SUB-R6.2, and SUB-R6.5 be precluded.
285. Chris & Jan Coll (S558.220), Chris & Jan Coll (S558.220), William McLaughlin (S567.290), and Laura Coll McLaughlin (S574.220) request that matters of control d. and k. are amended to provide certainty and clarity. As no specific relief sought has been identified, it is recommended that this submission is rejected.
286. Steve Croasdale (S516.050), Geoff Volckman (S563.045), Catherine Smart-Simpson (S564.051), Koiterangi Lime Co LTD (S577.057), Karamea Lime Company (S614.073), and Peter Langford (S615.073) seek amendments to be less restrictive. As no specific relief sought has been identified, it is recommended that this submission is rejected.
287. Peter Jefferies (S544.007), Martin and Lisa Kennedy (S545.007), and Nick Pupich (S546.004) seek to remove provisions in relation to highly productive land on the basis

that it does not relate to a technical assessment of land use capability. I do not support this relief sought as highly productive land is a clearly defined term under the NPS-HPL. In particular, clause 3.5(7) provides guidance on the identification of highly productive land prior to the WCRPS being updated to contain the relevant mapping. I also note that further changes to the pTTPP in the future to give effect to any WCRPS change arising from implementing the NPS-HPL, and recommend this term be retained to ensure the pTTPP is suitably future proofed.

Recommendations

288. It is recommended that SUB-R6 is amended as follows:

Activity Status Controlled

Where:

1. This is not within a Significant Natural Area ~~as identified in Schedule Four and~~ subject to Rule SUB - R7;
2. This is not within one of the following locations in the coastal environment:
 - i. Outstanding Natural Landscape as identified in Schedule Five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or
3. This is not within an area of:
 - i. Outstanding Natural Landscape as identified in Schedule Five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. Sites of Historic Heritage as identified in Schedule One;
 - iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;
 - v. This is not within the Earthquake Hazard Overlay;
 - vi. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;
4. All Subdivision Standards are complied with; and
5. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

Matters of control are:

- a. The size, design, shape, location and layout of allotments [including space for a compliant building platform for any vacant allotment](#);
- b. The design and provision of roads, pedestrian and cycle ways;
- c. The design and provision of access;
- d. Efficient use of land and compatibility with rural
- e. character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;
- f. Any requirements arising from meeting the relevant District Council's Engineering Standards, or where no such Standards exist, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- g. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- h. The adequacy of water supply for firefighting;
- i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- j. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;
- k. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- l. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;
- ~~m. Management of construction effects, including traffic movements, hours of~~

- ~~operation, noise, earthworks and erosion and sediment control; and~~
- n. Management of potential reverse sensitivity effects on existing land uses, including [regionally significant infrastructure network utilities](#), rural [and rural industry](#) activities or significant hazardous facilities;
 - o. [Natural hazards and geotechnical considerations; and](#)
 - p. [The provision of easements.](#)

Subdivision – Rule 8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Transpower New Zealand Limited	S299.053	Amend	Provide a cross reference within SUB-R8 to the Energy chapter policies ENG-P3 and ENG-P10.
Transpower New Zealand Limited	S299.055	Amend	<p>Amend as follows:</p> <p>SUB - R8 - Subdivision to create allotment(s) of Land that contains or is within <u>the National Grid Subdivision Corridor Electricity Transmission and Distribution Yard</u></p> <p>Activity Status <u>Restricted Discretionary Controlled-Where:</u></p> <p><u>All resulting allotments, except allotments for access or a public work, demonstrate they are capable of accommodating the principal building or any dwelling or sensitive activity located entirely outside of the National Grid Yard. Vehicle access to National Grid assets is maintained.</u></p> <p><u>Matters of discretion are:</u></p> <p><u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for <u>Electrical Safe Distances (NZECP 34:2001) ISSN01140663;</u></u></p> <p><u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;</u></p> <p><u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms;</u></p>

		<p><u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid 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;</u></p> <p><u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid;</u></p> <p><u>The outcome of any consultation with Transpower; and</u></p> <p><u>The extent to which the design and layout of the subdivision demonstrates that a suitable building platform(s) for the principal building or any dwelling or sensitive activity can be located outside of the National Grid Yard for each new allotment.</u></p> <p>This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB – R7;</p> <p>This is not within one of the following locations in the coastal environment:</p> <p>Outstanding Natural Landscape as identified in Schedule Five;</p> <p>Outstanding Natural Feature as identified in Schedule Six; High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or</p> <p>This is not within an area of:</p> <p>Outstanding Natural Landscape as identified in Schedule Five; Outstanding Natural Feature as identified in Schedule Six;</p> <p>Sites of Historic Heritage as identified in Schedule One;</p> <p>Sites and Areas of Significance to Māori as identified in Schedule Three;</p> <p>Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;</p> <p>This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</p>
--	--	---

		<p>All Subdivision Standards are complied with; and Subdivision in the MPZ – Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.</p> <p>This is not within the Earthquake Hazard Overlay;</p> <p>Any allotment created can contain a 15x15m area of land which: Is located entirely outside of the Electricity Transmission and Distribution Yard; Has reasonable physical and legal access; and</p> <p>Could accommodate a building which can comply with all Permitted Activity standards for the Zone it is located in. The subdivision maintains any existing access to Electricity Transmission and Distribution Yard;</p> <p>Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission Operator including any response from the operator; and</p> <p>The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.</p> <p>Matters of control are: The size, design, shape, location and layout of allotments; Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;</p> <p>Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;</p> <p>The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;</p> <p>The adequacy of water supply for firefighting; The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;</p> <p>Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site; Management of any contaminated land;</p> <p>Management of reverse sensitivity effects on the national grid; The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;</p>
--	--	---

			<p>Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;</p> <p>Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and</p> <p>Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.</p> <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4</p>
Transpower NZ Ltd	FS110.037	Support in part	Allow in part.
Grey District Council	S608.638	Support	Retain as proposed.
Te Runanga o Ngāi Tahu , Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.420	Support in part	Retain Clause (3)(iv) exclusion of SASM's and clause (g) the effects on Poutini Ngāi Tahu Values as a matter for control.
Te Tai o Poutini Plan Committee	S171.014	Oppose	Replace references to the Electricity Transmission Corridor and Electricity Transmission Yard with references to the National Grid Subdivision Corridor and National Grid Yard.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.423	Support	Retain rule.
Toka Tū Ake EQC	S612.098	Support	Amend to include Natural hazards or geotechnical constraints as matters of control.
Toka Tū Ake EQC	S612.132	Support	Retain.

Westpower Limited	S547.370	Oppose	<p>(1) Amend permitted standard 8,iii., "iii. Could accommodate ... for the Zone it is located in and rules in the <u>Energy Chapter regarding Significant Electricity Distribution Lines.</u>".</p> <p>(2) Amend permitted standard 10., "10. Written documentation is provided ... occurred with the <u>relevant Electricity Transmission or Distribution Operator</u> including any response ...".</p> <p>(3) Amend item i., "i. Management of reverse ... national grid <u>and any Significant Electricity Distribution Line.</u>".</p> <p>(4) Amend item m., "m. Management of potential ..., including network utilities <u>and critical infrastructure (including energy activities), rural ...</u>".</p> <p>(5) Add a new item g., "<u>g. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.</u>".</p>
Peter Jefferies	S544.007	Oppose	Delete provisions in relation to highly productive land
Grey District Council	FS1.180	Oppose in part	The land parcel is an area of predominantly rural production. It is considered appropriate to impose larger allotment sizes to protect the area from inappropriate and incompatible land uses.
Martin and Lisa Kennedy	S545.012	Oppose	Replace the rules with those developed in the operative Grey District Plan with regard to National Grid matters.
Martin and Lisa Kennedy	S545.007	Oppose	Delete provisions in relation to highly productive land

Transpower NZ Ltd	FS110.035	Oppose	In its submission Transpower opposed SUB-R8 and sought a new specific rule for subdivision within the National Grid Subdivision Corridor. While Transpower understands the intent behind the submission to replace the rules with those in the operative Grey District Plan, there are some discrete differences in the rules sought in the Transpower submission and those in the Grey Plan (including activity status). Transpower submits the wording in its sought rule is clearer and more certain. It also reflects and is consistent with the approach sought across New Zealand. Transpower notes the 14m width of the National Grid Subdivision Corridor (for single poles) reflects the width in the Grey Plan. The width for pi poles at 16m is slightly wider.
Nick Pupich Sandy Jefferies	S546.012	Oppose	Replace the rules with those developed in the operative Grey District Plan with regard to National Grid matters.
Transpower NZ Ltd	FS110.036	Oppose	In its submission Transpower opposed SUB-R8 and sought a new specific rule for subdivision within the National Grid Subdivision Corridor. While Transpower understands the intent behind the submission to replace the rules with those in the operative Grey District Plan, there are some discrete differences in the rules sought in the Transpower submission and those in the Grey Plan (including activity status). Transpower submits the wording in its sought rule is clearer and more certain. It also reflects and is consistent with the approach sought across New Zealand. Transpower notes the 14m width of the National Grid Subdivision Corridor (for single poles) reflects the width in the Grey Plan. The width for pi poles at 16m is slightly wider.
Nick Pupich Sandy Jefferies	S546.004	Oppose	Remove the provisions in relation to highly productive land

Analysis

289. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.420), Grey District Council (S608.638), Toka Tū Ake EQC (S612.132) support Rule 8 and seek that it is retained as notified. Ngāi Tahu (S620.420) support clause 3(iv) and matter of control clause g. and seek that these are retained. The support for SUB-R8

is noted, however I have recommended amendments in response to submissions as outlined below.

290. Transpower (S299.053) requests to provide a cross reference within SUB-R8 to the Energy chapter policies ENG-P3 and ENG-P10 on the basis that the objectives and policies within the SUB chapter do not address the effects of subdivision on network utilities, infrastructure, and energy activities. In my view, subject to the amendments recommended to the matters of control below, cross reference to the Energy Chapter is not necessary.
291. I note that ENG-P10 is not included within the pTTPP, and ENG-R10 relates to monitoring and meteorological facilities. The submitter is invited to clarify the relief sought. At this stage it is recommended that the submission point is rejected.
292. Transpower (S299.055) and Te Tai o Poutini Plan Committee (S171.014) request that references to the 'Electricity Transmission Corridor' and 'Electricity Transmission Yard' are replaced with 'National Grid Subdivision Corridor' and 'National Grid Yard'. I agree with the submitters that this amendment will improve clarity and national consistency, and recommend these submissions are accepted. I note this approach is consistent with recommended amendments in other hearing streams.
293. Transpower (S299.055) request a number of amendments to SUB-R8, including a restricted discretionary activity status instead of controlled, and that non-compliance with the clauses results in a non-complying activity. The submitter also requests that the SUB-R8 is simplified to be focussed to only those matters which are relevant to the National Grid, on the basis that a number of general subdivision matters can be managed within the relevant rule for the underlying zone.
294. With regard to activity status, I consider that a controlled status is appropriate subject to compliance with appropriate clauses, as recommended to be amended below. I agree that a non-complying activity status is appropriate where the clauses specific to the National Grid are infringed, and recommend that this status be retained.
295. I agree with Transpower that SUB-R8 can be simplified to improve clarity and national consistency and recommend this submission is accepted in part. I support the deletion of SUB-R8.1-SUB-R8.7, and matters a. and m. are amended, and matters b-l are deleted.
296. Toka Tū Ake EQC (S612.098) request the amendments to include natural hazards or geotechnical constraints as matters of control. I agree that it would be appropriate to consider natural hazard and geotechnical risks and their potential effects arising from subdivision, and note this is in accordance with section 106 of the RMA. I support the addition of 'natural hazards and geotechnical considerations' in accordance with recommended amendments to SUB-R5 and SUB-R6. I recommend that this submission is accepted in part.
297. Westpower Limited (S547.370) request the following amendments:
 8. *Any allotment created can contain a 15mx15m area of land which:*
 - i. ...
 - ii. ...
 - iii. *Could accommodate a building which can comply with all Permitted Activity standards for the Zone it is located in and rules in the Energy Chapter regarding Significant Electricity Distribution Lines.*
 10. *Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission or Distribution Operator including any response from the operator*
 - ...

298. In relation to SUB-R8.8, I agree that that the notified wording creates the potential that only Zone standards need to be complied with, and therefore excluding the need to comply with District Wide rules. I support amending the rule to include all permitted activity requirements.
299. In relation to SUB-R8.10, I agree that the subdivision in the National Grid Subdivision Corridor' and/or National Grid Yard has the potential to affect the electricity Distribution Operator and recommend this submission is accepted.
300. Westpower Limited (S547.370) seeks to amend matter of control m. to include reference to critical infrastructure, including energy activities. I do not consider reference to energy activities is necessary, however support the amendments to simplify the wording and achieve consistency with the matters of control as recommended to be amended in SUB-R5 and SUB-R6 to refer to regionally significant infrastructure and delete the reference to network utilities, on the basis that network utilities are included in the definition of regionally significant infrastructure.
301. Westpower Limited (S547.370) also seeks to amend the matters of control to include the provision of easements, including for both existing and proposed energy activities and associated infrastructure. As discussed above, I agree that the provision of appropriate easements is a relevant consideration for a controlled activity subdivision, however do not consider reference to energy activities and their associated infrastructure is necessary.
302. It is recommended that submission S547.370 from Westpower is accepted in part.
303. Martin and Lisa Kennedy (S545.012) and Nick Pupich request that SUB-R8 is replaced with those developed in the operative Grey District Plan with regard to National Grid matters. This is opposed by Transpower (FS110.035; FS110.036) on the basis that there are discrete differences between the rules Transpower support in its primary submission and those in the Grey District Plan. I agree with Transpower and consider that SUB-R6, subject to amendments set out above, will provide improved clarity and achieve greater national consistency in terms of the management of subdivision in the National Grid Subdivision Corridor and National Grid Yard.
304. Peter Jefferies (S544.007), Martin and Lisa Kennedy (S545.007), and Nick Pupich (S546.004) seek to remove provisions in relation to highly productive land. I agree that subject to the above recommended amendments, provisions in relation to highly productive land are not necessary under SUB-R8, and recommend their deletion from the matters of control.

Recommendations

305. It is recommended that SUB-R8 is amended as follows:

Where:

- 1.—~~This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB-R7;~~
- 2.—~~This is not within one of the following locations in the coastal environment:~~
- 3.—~~Outstanding Natural Landscape as identified in Schedule Five;~~
- 4.—~~Outstanding Natural Feature as identified in Schedule Six;~~
- 5.—~~High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or~~
- 6.—~~This is not within an area of:~~
- 7.—~~Outstanding Natural Landscape as identified in Schedule Five;~~
- 8.—~~Outstanding Natural Feature as identified in Schedule Six;~~
- 9.—~~Sites of Historic Heritage as identified in Schedule One;~~
- 10.—~~Sites and Areas of Significance to Māori as identified in Schedule Three;~~
- 11.—~~Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~

- ~~12. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~
- ~~13. All Subdivision Standards are complied with; and~~
- ~~14. Subdivision in the MPZ – Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.~~
- ~~15. This is not within the Earthquake Hazard Overlay;~~
- ~~16. 4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~
- ~~17. 5. All Subdivision Standards are complied with; and~~
- ~~18. 6. Subdivision in the MPZ – Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.~~
- ~~19. 7. This is not within the Earthquake Hazard Overlay;~~
1. Any allotment created can contain a 15x15m area of land which:
 - i. Is located entirely outside of the Electricity Transmission and Distribution Yard;
 - ii. Has reasonable physical and legal access; and
 - iii. Could accommodate a building which can comply with [the standards for](#) a all Permitted Activity [in the District Plan](#) standards for the Zone it is located in.
2. The subdivision maintains any existing access to [the National Grid Yard](#) Electricity Transmission and Distribution Yard;
3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission [or Distribution](#) Operator including any response from the operator; and
4. The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.

Activity status where compliance not achieved:

~~Restricted-Discretionary where 1, 3 or 4 is not complied with Discretionary where 2 or 5 is not complied with~~

Non-complying where ~~8~~ 11 is not complied with

Matters of control are:

- a. [The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances \(NZECP 34:2001\) ISSN01140663;](#)
- b. [The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines \(including support structures\) for maintenance, inspections and upgrading;](#)
- c. The size, design, shape, location and layout of allotments, [including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;](#)
- ~~d. Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;~~
- ~~e. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;~~
- ~~f. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;~~
- ~~g. The adequacy of water supply for firefighting;~~

- ~~h. The requirement for financial contributions as outlined in Rules FC—R1 to FC—R12;~~
- ~~i. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;~~
- ~~j. Management of any contaminated land;~~
- k. Management of reverse sensitivity effects on the national grid [to ensure the ongoing operation, maintenance, upgrade, or development of energy activities](#);
- ~~l. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;~~
- ~~m. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;~~
- ~~n. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and~~
- o. Management of potential reverse sensitivity effects on existing land uses, including [regionally significant infrastructure](#) ~~network utilities~~, rural activities or significant hazardous facilities;
- p. [Natural hazards and geotechnical considerations](#); and
- q. [The provision of easements](#).

Subdivision – Rule 10

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Heritage New Zealand Pouhere Taonga	S140.041	Support	Retain as proposed.
Te Tai o Poutini Plan Committee	S171.017	Amend	Amend Rule SUB - R10 to make it clear that within the Sites and Areas of Significance to Māori identified in SUB - R5, subdivision is a Controlled Activity, and rule SUB - R10 does not apply.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.425	Support	Retain rule.
Steve Croasdale	S516.053	Support	Retain.
Buller District Council	S538.257	Support in part	To add: Natural Hazards or geotechnical considerations .
Buller District Council	S538.263	Support	Include reference to " Critical Infrastructure ".
Buller District Council	S538.264	Support in part	That the Notification section be removed. And that the following remains as an advice note: 1. This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.
Grey District Council	FS1.425	Support	Allow.

Westpower Limited	S547.378	Amend	Add l. <u>Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities.</u>
Westpower Limited	S547.379	Amend	Add k. <u>The provision of easements, including for both existing and proposed energy activities and associated infrastructure.</u>
Chris & Jan Coll	S558.229	Amend	Amend wording "size, design, shape, location and layout of allotments" under point e. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris & Jan Coll	S558.231	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point j.
Chris J Coll Surveying Limited	S566.229	Amend	Amend wording "size, design, shape, location and layout of allotments" under point e. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris J Coll Surveying Limited	S566.231	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point j.
William McLaughlin	S567.299	Amend	Amend wording "size, design, shape, location and layout of allotments" under point e. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
William McLaughlin	S567.300	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point j.
Laura Coll McLaughlin	S574.229	Amend	Amend wording "size, design, shape, location and layout of allotments" under point e. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin	S574.231	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point j.
Department of Conservation	S602.125	Amend	Amend the Rules to add an additional matter of control or matter of discretion: Management of adverse effects and the protection of any significant natural, cultural or heritage feature or area identified in the resource consent;

Grey District Council	S608.075	Oppose in part	Remove reference to "Site or Area of Significance to Māori".
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.019	Oppose	Disallow.
Grey District Council	S608.640	Support in part	g. The provision of infrastructure and services for <u>transport</u> , drinking water, wastewater and stormwater, telecommunications and energy
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.188	Support	Retain as notified.

Analysis

306. Heritage New Zealand (S140.041), Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.425), Steve Croasdale (S516.053), and Ngāi Tahu (S620.188) support Rule 10 and seek that it is retained as notified. The support for SUB-R10 is noted, however I have recommended amendments in response to submissions as outlined below.
307. Te Tai o Poutini Plan Committee (S171.017) requests that Rule 10 is amended to make it clear that within the Sites and Areas of Significance to Māori identified in SUB - R5, subdivision is a Controlled Activity, and rule SUB - R10 does not apply. The changes to Rule 5 address the relief sought by S171.017 and no change to Rule 10 is required.
308. Buller District Council (S538.257) requests to add and additional matter of discretion: Natural Hazards or geotechnical considerations. As discussed above in relation to similar submission points, I agree that it would be appropriate to consider natural hazard or geotechnical risks and their potential effects arising from subdivision, and note this is in accordance with section 106 of the RMA. I support the amendment requested by Buller District Council as this will enable a comprehensive assessment of natural hazard and geotechnical effects.
309. Buller District Council (S538.262, S538.263) requests to include reference to 'Critical Infrastructure'. In the reasons for this submission point the submitter notes that the advice note does not include 'Critical Infrastructure' when referencing R4 and the Council seeks clarification with regards to whether critical infrastructure has been left out for a purpose or if this was an error. Given the heading of Rule 4 and that it includes Critical Infrastructure⁸, it appears that excluding 'critical infrastructure' from the advice note is an oversight and I recommend that 'regionally significant infrastructure', is included in clause 3 of the advice note.
310. Buller District Council (S538.264) requests that the Notification section be removed, and that the following remains as an advice note: 1. This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4. The first advice note addresses limited notification to rūnanga where the subdivision is in an area or site of significance to Māori. Where subdivision occurs in one of the areas or sites of significance to Māori that are not listed in Rule 5, it would be appropriate to seek written approval from runanga to ensure that effects on the site or area of significance are acceptable. The second clause relates to limited notification to Heritage New Zealand - Pouhere Taonga (and that public notification may be required). Given that the rule relates to subdivision where there is an area/site

1. _____

⁸ To be replaced with 'regionally significant infrastructure' as previously noted.

of historic heritage, it is considered appropriate to notify Heritage New Zealand - Pouhere Taonga. I recommend that the request to remove this clause is rejected.

311. Related to notification clauses generally, I understand that Ms Easton has recommended changes to similar clauses on the basis that as currently worded the notification clauses are ultra vires. For consistency I recommend the same amendment be made to the two notification clauses in Rule 10.
312. Westpower Limited (S547.378) requests the addition of a new matter of discretion as follows: l. Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities. As previously discussed, my view is that reverse sensitivity effects are better managed through underlying zone provisions. I therefore recommend this submission point is rejected.
313. Westpower Limited (S547.379) requests the addition of a new matter of discretion as follows k. The provision of easements, including for both existing and proposed energy activities and associated infrastructure. As discussed above, I agree that the provision of appropriate easements is a relevant consideration for a subdivision, however do not consider reference to energy activities and their associated infrastructure is necessary. I also note that amended advice note clause (3) exempts subdivision to create allotments for network utilities, regionally significant infrastructure, access or reserves which are subject to Rule SUB - R4.
314. It is recommended that submission S547.379 is accepted in part and matter of discretion l is added as follows: l. the provision of easements
315. Chris & Jan Coll (S558.229), Chris J Coll Surveying Limited (S566.229), William McLaughlin (S567.299), and Laura Coll McLaughlin (S574.229) requests an amendment to the wording "size, design, shape, location and layout of allotments" under point e. to instead refer to 15mx15m building platform or similar defined specification that is more certain. As discussed above in relation to similar submission points, I support amendments to the equivalent clause for controlled activities. However, I do not consider the same level of detail is required for restricted discretionary activity rules and consider that the notified text provides enough guidance for assessing proposals on a case by case basis. I recommend these submission points are rejected.
316. Chris & Jan Coll (S558.231), Chris J Coll Surveying Limited (S566.231), William McLaughlin (S567.300), and Laura Coll McLaughlin (S574.231) sought the deletion of "and the need for access to be provided to any esplanade reserve or strip created" from point j. It is considered that the access to any esplanade reserve or strip created is a relevant consideration at the time of subdivision, and I recommend that this wording be retained.
317. Department of Conservation (S602.125) request an amendment to add an additional matter of control or matter of discretion: Management of adverse effects and the protection of any significant natural, cultural or heritage feature or area identified in the resource consent. Given that this rule is specific to subdivision in historic heritage and Sites and Areas of Significance to Māori, and the matters of discretion are already focussed on these specific matters, I do not consider that this broader matter of discretion is necessary. I recommend this submission point is rejected.
318. Grey District Council (S608.075) requests the removal of the reference to "Site or Area of Significance to Māori". Given the recommended amendment to remove the application of this rule to subdivision in sites and areas of significance to Māori, I recommend this submission point be accepted.
319. Grey District Council (S608.640) requests amendment to g. as follows:
The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy

320. I agree with the submitter that transport related infrastructure is a relevant consideration for subdivision and recommend that this addition is included. I recommend that this submission point is accepted.

Recommendations

321. It is recommended that SUB-R10 is amended as follows:

Activity Status Restricted Discretionary

Where:

1. Written confirmation is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngati Waewae or Te Rūnanga o Makaawhio, that the activity will not impact on any sites or areas of significance to Maori within Schedule Three; and
2. All Subdivision Standards are complied with.

Discretion is restricted to:

- a. Ensuring the values for which the area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected;
- b. Ensuring sufficient land is provided around the heritage resource to protect associated heritage values including from any potential effects of natural hazards;
- c. Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development;
- d. Whether there are any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and
- e. The size, design, shape, location and layout of allotments;
- f. Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values.
- g. The provision of infrastructure and services for [transport](#), drinking water, wastewater and stormwater, telecommunications and energy;
- h. The adequacy of water supply for firefighting;
- i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- k. [Natural hazards and geotechnical considerations; and](#)
- l. [The provision of easements.](#)

Notification:

1. [When making notification decisions in relation to A](#)applications to subdivide a lot within a Site or Area of Significance to Māori identified in Schedule Three, [the Council will be informed by advice from](#) ~~will always be limited notified to~~ the relevant rūnanga ~~and may be publicly notified~~.
2. [When making notification decisions in relation to A](#)applications to subdivide a lot with a Historical Heritage feature, [the Council will be informed by advice from](#) ~~will always be limited notified to~~ Heritage New Zealand - Pouhere Taonga ~~and may be publicly notified~~.

[Advice Note: 3-](#) This rule does not apply to subdivisions to create allotments for network utilities, [regionally significant infrastructure](#), access or reserves which are subject to Rule SUB - R4.

Subdivision – Rule 11

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Laura Coll McLaughlin	S574.232	Amend	Amend wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin	S574.233	Amend	Delete " and the need for access to be provided to any esplanade reserve or strip created " from point f.
Grey District Council	S608.641	Support in part	Reword the rule as follows: c. The provision of infrastructure and services for <u>transport</u> , drinking water, wastewater and stormwater, telecommunications and energy.

Analysis

322. Laura Coll McLaughlin (S574.232) requests amendment to wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain. As discussed above in relation to restricted discretionary rule SUB-R10, I do not consider this level of detail to be necessary for a restricted discretionary activity and recommend this submission point is rejected.
323. Laura Coll McLaughlin (S574.233) sought the deletion of "and the need for access to be provided to any esplanade reserve or strip created" from point f. As discussed previously it is considered that the access to any esplanade reserve or strip created is a relevant consideration at the time of subdivision, and I recommend that this wording be retained.
324. Grey District Council (S608.641) requests an amendment as follows:
c. The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy.
325. As discussed above in relation to Rule 10 I agree with the submitter that transport related infrastructure is a relevant consideration for subdivision and recommend that this addition is included. I recommend that this submission point is accepted.

Recommendations

326. It is recommended that SUB-R11 is amended as follows:
Activity Status Restricted Discretionary
Where:
1. The site is outside of the Coastal Environment;
 2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB-14;
 3. The area is not a Significant Natural Area identified in Schedule Four; and
 4. All Subdivision Standards are complied with.
- Discretion is restricted to:
- a. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

- b. The size, design, shape, location and layout of allotments;
- c. The provision of infrastructure and services for [transport](#), drinking water, wastewater and stormwater, telecommunications and energy;
- d. The adequacy of water supply for firefighting;
- e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and
- f. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Subdivision – Rule 12

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Laura Coll McLaughlin	S574.234	Amend	Amend so that the rule does not apply until a robust development or concept plan is approved.
Laura Coll McLaughlin	S574.235	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point h.
Laura Coll McLaughlin	S574.236	Amend	Delete point i.
Laura Coll McLaughlin	S574.237	Support	Activity status where there is non-compliance should be Discretionary not Non-Complying status.
Grey District Council	S608.642	Support	d. The provision of infrastructure and services for transport , drinking water, wastewater and stormwater, telecommunications and energy

Analysis

327. Laura Coll McLaughlin (S574.234) requests SUB-R12 be amended so that the rule does not apply until a robust development or concept plan is approved. No additional reasoning is provided with this submission point. I note that Policy 5 applies to subdivision in the FUZ, and it is to be avoided in specified circumstances, including in relation to transport and infrastructure matters. I further note that all the subdivision standards apply, including the 4 hectare minimum lot size of FUZ. These requirements are likely to manage similar matters as a development or concept plan. For these reasons I recommend this submission point is rejected.
328. Laura Coll McLaughlin (S574.235) requests the deletion of "and the need for access to be provided to any esplanade reserve or strip created" from point h. As discussed previously it is considered that the access to any esplanade reserve or strip created is a relevant consideration at the time of subdivision, and I recommend that this wording be retained.
329. Laura Coll McLaughlin (S574.236) sought the deletion of point i. This relates to the management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control. As per my analysis for this point in previous rules, I agree that matters can be appropriately managed under other provisions of the pTTPP, and support this deletion.

330. Laura Coll McLaughlin (S574.237) requests that activity status where there is non-compliance should be Discretionary not Non-Complying status. As Policy 5 sets an avoidance approach the non-complying activity status is considered appropriate. This submission point is therefore recommended to be rejected.
331. Grey District Council (S608.642) request the following amendment to point d.:
The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy
332. As discussed earlier in relation to similar points I agree with the submitter that transport related infrastructure is a relevant consideration for subdivision and recommend that this addition is included. I recommend that this submission point is accepted.

Recommendations

333. It is recommended that SUB-R12 is amended as follows:

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with.

Discretion is restricted to:

- a. The size, design, shape, location and layout of allotments;
- b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5;
- c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
- d. The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. ~~Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control;~~ and
- j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

Subdivision – Rule 14

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.429	Support	Retain rule.
Alistair Cameron	S452.010	Support	Retain.
Buller District Council	S538.268	Support	Retain as notified.
Chris & Jan Coll	S558.239	Amend	Provide a robust definition for "development plan".

Geoff Volckman	S563.049	Amend	Amend Non-complying to N/A under Activity status where compliance not achieved.
Geoff Volckman	S563.050	Amend	Delete point 1.
Catherine Smart-Simpson	S564.055	Amend	Amend "Non-complying" to "N/A" under Activity status where compliance not achieve.
Catherine Smart-Simpson	S564.056	Amend	Delete point 1.
Chris J Coll Surveying Limited	S566.239	Amend	Provide a robust definition for "development plan".
William McLaughlin	S567.308	Amend	Provide a robust definition for "development plan".
Laura Coll McLaughlin	S574.239	Amend	Provide a robust definition for "development plan".
Koiterangi Lime Co LTD	S577.060	Amend	Delete point 1.
Koiterangi Lime Co LTD	S577.061	Amend	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".
Karamea Lime Company	S614.077	Oppose	Delete point 1.
Karamea Lime Company	S614.078	Amend	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".
Peter Langford	S615.077	Oppose	Delete point 1.
Peter Langford	S615.078	Amend	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".

Analysis

334. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.429), Alistair Cameron (S452.010), and Buller District Council (S538.268) support Rule 14 and seek that it is retained as notified. The support for SUB-R14 is noted, however I have recommended amendments in response to submissions as outlined below.
335. Chris & Jan Coll (S558.239), Chris J Coll Surveying Limited (S566.239), William McLaughlin (S567.308) and Laura Coll McLaughlin (S574.239) request a robust definition for 'development plan'.
336. Related to the above points, Geoff Volckman (S563.049) (S563.050), Catherine Smart-Simpson (S564.055) (S564.056), Koiterangi Lime Co LTD (S577.060) (S577.061), Karamea Lime Company (S614.077) (S614.078) and Peter Langford (S615.077) (S615.078) request that the non-compliance status is changed from 'non-complying' to 'N/A'. In the reason for this submission point the submitters' contend that this activity should be discretionary with no conditions. The same submitters also seek that clause 1 is deleted.
337. With respect to the request for a definition for 'development plan' as discussed in relation to similar points on earlier rules in paragraph 261 above, I have recommended replacing reference to 'development plan' with 'structure plan' and 'outline development plan' as structure plan this is a defined term and an outline development already exists in the pTTPP. This will ensure that subdivision is carried out in accordance with any relevant design considerations that have been approved. However, for the zones that Rule 14 relates to it appears that there is no 'development

plan' or 'structure plan' in place for these areas. I also note the uncertain wording associated with achieving discretionary activity status for this rule being 'any development plan'. Without this term being defined it will be difficult to determine whether a proposal achieves discretionary activity status or becomes non-complying. The collective relief sought by the second group of submitters has the effect of subdivision in these zones becoming discretionary. Given the uncertainty around what a development plan is in relation to this rule, I consider discretionary activity status to be appropriate. Each of these zones has zone specific objectives and policies, and coupled with the subdivision objectives and policies I consider there to be sufficient direction to assess subdivision in these zones as a discretionary activity. I therefore recommend the submission points outlined in paragraph 336 be accepted, and the submission points outlined in paragraph 335 be accepted in part.

Recommendations

338. It is recommended that Rule 14 is amended as follows:

Activity Status Discretionary

~~Where:~~

1. The subdivision is in general accordance with any development plan in place for the site.

Activity status where compliance not achieved:

~~Non-complying~~ N/A

Subdivision – Rule 18

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.433	Support	Retain rule.
Lara Kelly	S421.011	Amend	Amend the rule to be less restrictive and no escalation to non-complying status.
Davis Ogilvie & Partners Ltd	S465.019	Amend	Clarify the rule and remove the circular reference.
Leonie Avery	S507.056	Support	Retain.
Jared Avery	S508.056	Support	Retain.
Kyle Avery	S509.056	Support	Retain.
Avery Bros	S510.056	Support	Retain.
Bradshaw Farms	S511.056	Support	Retain.
Paul Avery	S512.056	Support	Retain.
Brett Avery	S513.056	Support	Retain.
Neil Mouat	S535.028	Support	Retain.
Westpower Limited	S547.387	Amend	Review 1. and amend if required in terms of cross reference to SUBR18 potentially needing amendment to SUB-R17.
Chris & Jan Coll	S558.246	Amend	Amend to correct reference error.
Chris & Jan Coll	S558.247	Amend	Delete points 1 and 2.

Chris & Jan Coll	S558.248	Support	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status except in point 3 where mana whenua support the escalation for this point.
Chris J Coll Surveying Limited	S566.246	Amend	Amend to correct reference error.
Chris J Coll Surveying Limited	S566.247	Amend	Delete points 1 and 2.
Chris J Coll Surveying Limited	S566.248	Support	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status except in point 3 where mana whenua support the escalation for this point.
William McLaughlin	S567.314	Amend	Amend to correct reference error.
William McLaughlin	S567.315	Amend	Delete points 1 and 2.
William McLaughlin	S567.316	Support	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status except in point 3 where mana whenua support the escalation for this point.
Laura Coll McLaughlin	S574.246	Amend	Amend to correct reference error
Laura Coll McLaughlin	S574.247	Amend	Delete points 1 and 2.
Laura Coll McLaughlin	S574.248	Support	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status except in point 3 where mana whenua support the escalation for this point.
Avery Brothers	S609.049	Support	Retain

Analysis

339. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.433), Leonie Avery (S507.056), Jared Avery (S508.056), Kyle Avery (S509.056), Avery Bros (S510.056), Bradshaw Farms (S511.056), Paul Avery (S512.056), Brett Avery (S513.056), Neil Mouat (S535.028) and Avery Brothers (S609.049) support Rule 18 and seek that it is retained as notified. The support for SUB-R18 is noted, however I have recommended amendments in response to submissions as outlined below.
340. Davis Ogilvie & Partners Ltd (S465.019) requests clarification of the rule and to remove the circular reference. In the reasons for this submission point the submitter notes that Rule SUB – R18 is unclear and requires clarification, and that it contains a circular reference to the same rule (SUB – R18) and the other rules referenced (with the exception of R20) do not relate to overlays. There are other rules that do specifically relate to overlays, which are not included in the exclusions listed.
341. Similarly, Westpower Limited (S547.387) requests a review of point 1. and amend if required in terms of cross reference to SUB-R18 potentially needing amendment to SUB-R17, whereas Chris & Jan Coll (S558.246), Chris J Coll Surveying Limited (S566.246), William McLaughlin (S567.314), and Laura Coll McLaughlin (S574.246)

requests amendment to correct reference error and suggest that the reference to SUB-R18 should be SUB-R16.

342. Lara Kelly (S421.011) requests an amendment to the rule to be less restrictive and no escalation to non-complying status. Similarly, Chris & Jan Coll (S558.248), Chris J Coll Surveying Limited (S566.248), William McLaughlin (S567.316), and Laura Coll McLaughlin (S574.248) request that the activity status where there is non-compliance should be deleted as there should be no escalation to non-Complying status except in point 3 where mana whenua support the escalation for this point. Chris & Jan Coll (S558.247), Chris J Coll Surveying Limited (S566.247), William McLaughlin (S567.315), and Laura Coll McLaughlin (S574.247) seek the deletion of clauses 1 and 2.
343. Collectively the requested amendments would result in an activity status of discretionary (except where the non-compliance arises from not meeting clause 3) where the subdivision standards are not met in Rules SUB-R3, SUB-R5, SUB-R6, SUB-R8, SUB-R10, SUB-R11, SUB-R12 and SUB-R13. Other than SUB-R12 for subdivision in the FUZ, this activity status for non-compliance is already specified in each rule. As discussed earlier, I support the non-compliance status of non-complying for not meeting standards in the FUZ.
344. With respect to clause 1 relating to overlay areas and the rules specified, I note the following:
345. SUB-14 relates to subdivision in a number of special zones and I have recommended a discretionary activity status with no conditions as a result of submissions on this rule.
346. SUB-R15 is duplicated in the ECO chapter and I understand it is the intention that it is only retained in the ECO chapter. A cross reference to the ECO rule will therefore be required if SUB-18 is retained.
347. SUB-R18 is the subject rule. Submitters have questioned if this reference should be to SUB-R17 or SUB-R16. SUB-R16 relates to subdivision in the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay and has a non-compliance status of either discretionary or non-complying depending on whether condition 1 is met. SUB-R17 already has a non-compliance status of discretionary.
348. Given that other than SUB-R16 which stands alone anyway, the non-complying status is (or is recommended to be) discretionary anyway, I agree clause 1 can be deleted.
349. With respect to clauses 2 and 3, these relate to specific circumstances of subdivision in the General Rural Zone or papākainga units. It is my view that non-complying activity status is appropriate in these circumstances as they may result in adverse effects with respect to zone character and fragmentation of rural land, and with respect to clause 2 may be inconsistent with the NPS-HPL where subdivision is to be avoided unless clause NPS-HPL clause 3.8 is met. To assist plan users, it is my view that it would be clearer to have two non-complying subdivision rules with the rule titles specific to the particular subdivision being managed, as interpreting the rule under the current heading becomes circular.

Recommendations

350. Delete SUB-R18 and replace with two new non-complying activity rules as follows:
SUB - R18 Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, where one or more of the Subdivision Standards are Not Complied With
~~Activity Status Discretionary~~
~~Where:~~
~~1. This is not in an Overlay area subject to Rules SUB-R14, SUB-R15, SUB-R18 or SUB-R20;~~

- ~~2. This is not the subdivision of a minor residential unit from the principal dwelling in the GRUZ – General Rural Zone; and~~
- ~~3. This is not the subdivision of units within a papākainga development or within the GRUZ – PREC 1 – Community Living Precinct where the minimum lot sizes for the relevant zone are not met.~~

~~Activity status where compliance not achieved:~~

Non-complying where 2 or 3 are not complied with.

SUB-R27B	Subdivision of land separating a minor residential unit from the principal dwelling in the GRUZ - General Rural Zone	
Activity status non-complying		Activity status where compliance not achieved: N/A
SUB-R27C	Subdivision of land within a papākainga development or within the GRUZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met	
Activity status non-complying		Activity status where compliance not achieved: N/A

Subdivision – Rule 19

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.434	Support	Retain rule.
Chris & Jan Coll	S558.249	Amend	Retain.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.272	Amend	Amend SUB - R19 to exclude NOSZ Add a new SUB non-complying rule for subdivision in the NOSZ.
Chris J Coll Surveying Limited	S566.249	Amend	Retain.
William McLaughlin	S567.317	Amend	Retain.
Laura Coll McLaughlin	S574.249	Amend	Retain.

Analysis

351. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.434), Chris & Jan Coll (S558.249), Chris J Coll Surveying Limited (S566.249), William McLaughlin (S567.317) and Laura Coll McLaughlin (S574.249) support Rule 18 and seek that it is retained as notified. The support for SUB-R18 is noted, however I have recommended amendments in response to the submission as outlined below.
352. Forest & Bird (S560.272) seek that Rule 19 is amended to exclude the Natural Open Space Zone (NOSZ), and make subdivision in this zone a non-complying activity. The submitter contends that subdivision in this zone would not generally be appropriate

and should not be anticipated by the plan. As a discretionary activity I do not consider that this indicates that the plan anticipates subdivision in this zone. Instead, it provides for a full assessment of such a proposal against all provisions in the plan. I note that the purpose of the NOSZ is to 'recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves'. In the introduction to the OSRZ chapter it also notes that: 'The NOSZ is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values'. Given the nature of this zone I agree that subdivision would typically be unlikely, and generally discouraged in order to avoid fragmentation of land and changes to the character of this open space. I therefore recommend that this submission point is accepted and amendments made to SUB-R19 to exclude the NOSZ. I also recommend the inclusion of an additional rule (SUB-R27A) to specify a non-complying activity status for subdivision within the NOSZ.

Recommendations

353. It is recommended that SUB-R19 is amended as follows:

SUB -R19 Subdivision in any OSRZ - Open Space and Recreation Zone **except the Natural Open Space Zone**

354. It is recommended that SUB-R27A is inserted as follows:

SUB - R27A Subdivision of Land within the Open Space – Natural Open Space Zone

Activity Status Non-complying

Activity status where compliance not achieved:

N/A

Subdivision – Rule 22

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.437	Support	Retain rule.
Margaret Montgomery	S446.061	Amend	Make a restricted discretionary activity and provide matters of discretion.
Chris & Jan Coll	S558.253	Support	Retain.
Chris J Coll Surveying Limited	S566.253	Support	Retain.
William McLaughlin	S567.320	Support	Retain.
Laura Coll McLaughlin	S574.253	Support	Retain.

Analysis

355. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.437), Chris & Jan Coll (S558.253), Chris J Coll Surveying Limited (S566.253), William

McLaughlin (S567.320) and Laura Coll McLaughlin (S574.253) support Rule 22 and seek that it is retained as notified. The support for SUB-R22 is noted.

356. Margaret Montgomery (S446.061) requests that this rule is changed to a restricted discretionary activity and matters of discretion are included. No reasons for this change are provided and no matters of discretion specified. Without further information it is recommended that this submission point be rejected.

Recommendations

357. That SUB-R22 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Rule 23

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Laura Coll McLaughlin	S574.254	Support	Retain.

Analysis

358. Laura Coll McLaughlin (S574.254) supports this rule and requests that it is retained. This support is noted and the relief sought is recommended to be accepted.

Recommendations

359. It is recommended that SUB-R23 is retained as notified.

Subdivision – Rule 24

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Laura Coll McLaughlin	S574.255	Oppose	Delete.

Analysis

360. Laura Coll McLaughlin (S574.255) opposes this rule and requests that it is deleted. The submitter’s reason is that the rule is too restrictive and should be a discretionary activity rule. This rule relates to subdivision in the Outstanding Coastal Natural Character Overlay. Policy 13(1)(a) of the NZCPS is to ‘*preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character...*’ As the policy sets an avoidance approach the non-complying activity status is considered appropriate. This submission point is therefore recommended to be rejected.

Recommendations

361. It is recommended that SUB-R24 is retained as notified and no amendments be made as a result of this submission.

Subdivision – Rule 25

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
--------------------	------------------	----------	--------------------

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.440	Support	Retain rule.
John Brazil	S360.023	Oppose	Delete.
Leonie Avery	S507.060	Oppose	Delete.
Jared Avery	S508.060	Oppose	Delete.
Kyle Avery	S509.060	Oppose	Delete.
Avery Bros	S510.060	Oppose	Delete.
Bradshaw Farms	S511.060	Oppose	Delete.
Paul Avery	S512.060	Oppose	Delete.
Brett Avery	S513.060	Oppose	Delete.
Steve Croasdale	S516.061	Oppose	Delete.
Neil Mouat	S535.031	Oppose	Delete.
Chris & Jan Coll	S558.256	Oppose	Delete.
Geoff Volckman	S563.054	Oppose	Delete.
Catherine Smart-Simpson	S564.060	Oppose	Delete.
Chris J Coll Surveying Limited	S566.256	Oppose	Delete.
William McLaughlin	S567.323	Oppose	Delete.
Laura Coll McLaughlin	S574.256	Oppose	Delete.
Koiterangi Lime Co LTD	S577.065	Oppose	Delete.
Avery Brothers	S609.053	Oppose	Delete.
Karamea Lime Company	S614.082	Oppose	Delete.
Peter Langford	S615.082	Oppose	Delete.

Analysis

362. Multiple submitters (John Brazil (S360.023), Leonie Avery (S507.060), Jared Avery (S508.060), Kyle Avery (S509.060), Avery Bros (S510.060), Bradshaw Farms (S511.060), Paul Avery (S512.060), Brett Avery (S513.060), Steve Croasdale (S516.061), Neil Mouat (S535.031), Chris & Jan Coll (S558.256), Geoff Volckman (S563.054), Catherine Smart-Simpson (S564.060), Chris J Coll Surveying Limited (S566.256), William McLaughlin (S567.323), Laura Coll McLaughlin (S574.256), Koiterangi Lime Co LTD (S577.065), Avery Brothers (S609.053), Karamea Lime Company (S614.082) and Peter Langford (S615.082) oppose this rule and request that it is deleted. Many of the submitters opposing this rule consider it to be too restrictive.
363. This rule is a catch all rule to cover any subdivision that is not already addressed in another subdivision rule, and/or as part of belts and braces approach, potentially to cover off any unintentional gaps. I note that there are subdivision rules for all zones, and the majority of overlays. I have found one example where there is no specific subdivision rule – subdivision in the Hokitika Coastal Overlay. There may also be other unforeseen examples that are not picked up by existing rules, although I consider these are likely to be rare. While submitters consider the rule to be too restrictive, given the very limited circumstances where it may apply, in my view it is appropriate to retain and provide for the assessment of applications on a case by case basis. I therefore recommend these submission points are rejected.

364. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.440) support the rule and request that it is retained. This support is noted however and this submission point is recommended to be accepted.

Recommendations

365. It is recommended that SUB-R25 is retained as notified and no amendments be made as a result of these submissions.

Subdivision – Standards (General)

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Chris & Jan Coll	S558.272	Amend	Amend all references to compliance with standards to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
Chris & Jan Coll	S558.272	Amend	Amend all references to compliance with standards to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
Chris J Coll Surveying Limited	S566.272	Amend	Amend all references to compliance with standards to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
William McLaughlin	S567.338	Amend	Amend all references to compliance with standards to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
Laura Coll McLaughlin	S574.272	Amend	Amend all references to compliance with standards to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
David Ellerm	S581.052	Amend	<p>New Standard: Additional matters - Character Areas</p> <p>Whether the site size retains the special characteristics of the area including:</p> <ul style="list-style-type: none"> • the distinctive topographic qualities and landforms or features that contribute to landscape quality and built form of the area <ul style="list-style-type: none"> • the form pattern and grain of subdivision including the size of sites <ul style="list-style-type: none"> • The ability to achieve the characteristic balance of buildings to open space across the site

			<ul style="list-style-type: none"> • The retention of large scale med block vegetation and tree planting • The continuity and coherence of the area • Provision of a front yard building setback which is consistent with the pattern of the character area and which is available for tree and garden planting rather than garaging car parking and maneuvering. • The ability to locate a twirling on the site that achieves the architectural characteristics of the character area including the relationship to the street. • Consultation and agreement with a residence character committee for the area is undertaken by council prior to any consent approvals. <p>The Character Area standard applies to the following settlements; Te Kinga - Cashmere Bay Road</p>
Davis Ogilvie & Partners Ltd	FS154.035	Oppose	Disallow
Cashmere Bay Dairy Ltd	FS142.007	Oppose	Disallow
Snodgrass Road submitters	S619.037	Support	Retain the subdivision standards in Rule SUB-S1 - SUBS11.

Analysis

366. Snodgrass Road submitters support the Subdivision standards and seek that they are retained as notified. The support for the standards is noted
367. Chris & Jan Coll (S558.272), Chris J Coll Surveying Limited (S566.272), William McLaughlin (S567.338), Laura Coll McLaughlin (S574.272) request to amend references to compliance to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity. I do not support the relief sought as the provisions already recognise consented or lawfully established activities. I also note that existing use rights may apply under section 10 of the RMA.
368. David Ellerm (S581.052) requests the inclusion of a new standard for additional matters relating to Character Areas. In my view, the matters sought to be included do not provide sufficient certainty for inclusion and assessment within a standard. Further, I consider that matters in relation to subdivision design are provided for under SUB-R5, where the matters of control include the design and layout of allotments, as well as the minimum vacant lot size standard.

Recommendations

369. It is recommended that no amendments are made to the standards in response to these submissions.

Subdivision – Standard 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.445	Support	Retain standard.
Buller District Council	S538.636	Support	Retain as notified.
Chris & Jan Coll	S558.261	Support	Retain.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.274	Amend	Add a requirement for an indicative building platform and access to be identified for any allotment with a Significant Natural Area, on subdivision applications and for this to be confirmed in a covenant on the title.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.416	Support	Delete " having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety " from the definition and make sure these matters are included in rules which make provision for building platforms. In SUB-S2 include that these matters must inform the indicative building Planform location, such that effects, including for access are avoided or minimized to the greatest extent possible with respect to these matters.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.419	Amend	Amend SUB-S2 1. ... <u>having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety. Such that effects, including for access are avoided or minimized to the greatest extent possible with respect to these matters.</u>
Chris J Coll Surveying Limited	S566.261	Support	Retain.
William McLaughlin	S567.328	Support	Retain.
Laura Coll McLaughlin	S574.261	Support	Retain.
Department of Conservation	S602.127	Amend	Amend: Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.

			<p>On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and: Must allow the buildings to comply with the standards for a permitted activity in the underlying zone and <u>any applicable overlay area</u> under this District Plan; and</p> <p>Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; <u>and Must be outside any significant natural, cultural or heritage feature identified in the resource consent; and Must be outside of any area identified in a Natural Hazard overlay.</u></p>
Grey District Council	FS1.372	Oppose	Disallow.
Toka Tū Ake EQC	S612.106	Support	No Change.

Analysis

- 370. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.445), Buller District Council (S538.636), Chris J Coll Surveying Limited (S566.261), William McLaughlin (S567.328), Laura Coll McLaughlin (S574.261), and Toka Tū Ake EQC (S612.106) support Standard 2 and seek that it is retained as notified. The support for SUB-S2 is noted, however I have recommended amendments in response to submissions as outlined below.
- 371. Forest & Bird (S560.274) requests amendment to add a requirement for an indicative building platform and access to be identified for any allotment with a SNA, on subdivision applications and for this to be confirmed in a covenant on the title. I agree that the notified wording creates the potential that only Zone standards need to be complied with, and therefore excluding the need to comply with District Wide rules. I support an amendment to this clause to delete reference to the 'underlying zone', and instead require compliance with the District Plan.
- 372. Forest & Bird (S560.416; S560.419) requests the deletion of "having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety" from the definition of 'building platform' and to include these matters in SUB-S2. In my view, subject to the above amendment to SUB-S2 to also require compliance with District Wide rules, further amendments are not necessary as the requested wording is subjective and not suitable for a standard. I also note that the definition of 'building platform' is to be amended through the Introduction and General Provisions topic.
- 373. DoC (S602.127) requests amendments to SUB-S2.2as follows:
 - ...
 - a. Must allow the buildings to comply with the standards for a permitted activity in the underlying zone and any applicable overlay area under this District Plan; ~~and~~
 - b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and must be outside any significant natural, cultural or heritage feature identified in the resource consent; and must be outside of any area identified in a Natural Hazard overlay.

374. Subject to the above amendment to SUB-S2 to also require compliance with District Wide rules, further amendments are not necessary as the requested wording is subjective and not suitable for a standard. It is recommended that this submission is accepted in part.

Recommendations

375. It is recommended that SUB-S2 is amended as follows:
- ~~1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code – Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.~~
 2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:
 - a. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this~~ District Plan; and
 - b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and
 - c. Must be outside of any area identified in a Natural Hazard overlay.

Subdivision – Standard 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.446	Support	Retain standard.
Margaret Montgomery	S446.066	Amend	The proposal should state approximate sizes for self potable water based on the size of the dwelling.
Buller District Council	S538.272	Support in part	Amend parts of the standards as follows: 1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must be provided with <u>must provide</u> a connection at the boundary and net boundary where access is shared (including firefighting water supply). 2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must be provided with <u>must provide</u> access to a self-sufficient potable water supply (including firefighting water supply)
Chris & Jan Coll	S558.262	Amend	Amend so that existing system capacity is considered.
Chris J Coll Surveying Limited	S566.262	Amend	Amend so that existing system capacity is considered.
William McLaughlin	S567.329	Amend	Amend so that existing system capacity is considered.

Fire and Emergency New Zealand	S573.019	Support	No amendments sought.
Laura Coll McLaughlin	S574.262	Amend	Amend so that existing system capacity is considered.
Grey District Council	S608.643	Support	Retain as proposed.

Analysis

376. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.446), Fire and Emergency New Zealand (S573.019), and Grey District Council (S608.643) support Standard 3 and seek that it is retained as notified. The support for SUB-S3 is noted, however I have recommended amendments in response to submissions as outlined below.
377. Margaret Montgomery (S446.066) seeks that the proposal should state approximate sizes for self-potable water based on the size of the dwelling. In the absence of detailed section 32AA evaluation, I do not support the relief sought on the basis that it would add significant costs to development, and require a policy shift under the pTTPP.
378. Buller District Council (S538.272) requests minor amendments to SUB-S3 as follows:
1. *Where a connection to a District Council or Community reticulated water supply system is available, all new allotments ~~must be provided with~~ must provide a connection at the boundary and net boundary where access is shared (including firefighting water supply).*
 2. *Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments ~~must be provided with~~ must provide access to a self-sufficient potable water supply (including firefighting water supply).*
379. I support the relief sought on the basis it will simplify the wording of the Standard.
380. Chris & Jan Coll (S558.262), Chris J Coll Surveying Limited (S566.262), William McLaughlin (S567.329), and Laura Coll McLaughlin (S574.262) request amendment so that existing system capacity is considered on the basis that new allotments should not be required to connect to water supply if a system is in place but cannot accommodate the new allotments. I do not support the relief sought as it is appropriate for a standard to require that a connection to water supply be provided where one is available. I note that non-compliance with this standard can be assessed on a case by case basis through the resource consent process.

Recommendations

381. It is recommended that SUB-S3 is amended as follows:
1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must ~~be provided with~~ provide a connection at the boundary and net boundary where access is shared (including firefighting water supply).
 2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must ~~be provided with~~ provide access to a self-sufficient potable water supply (including firefighting water supply).

Advice Notes:

1. SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.
2. Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.

Subdivision – Standard 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.447	Support	Retain standard.
Margaret Montgomery	S446.067	Amend	Could just make the first note a land use condition for all new dwellings in urban zones that a water tank is provided.
Waka Kotahi NZ Transport Agency	S450.128	Support	Retain as proposed.
Buller District Council	S538.273	Support in part	Amend parts of the standards as follows: 2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must be provided with <u>must provide</u> a connection at the boundary or net boundary where access is shared.
Chris & Jan Coll	S558.264	Amend	Amend so that existing system capacity is considered. Delete Advice Note 2.
Chris J Coll Surveying Limited	S566.264	Amend	Amend so that existing system capacity is considered. Delete Advice Note 2.
William McLaughlin	S567.330	Amend	Amend so that existing system capacity is considered. Delete Advice Note 2.
Laura Coll McLaughlin	S574.264	Amend	Amend so that existing system capacity is considered. Delete Advice Note 2.
Grey District Council	S608.644	Support	Retain as proposed.
Toka Tū Ake EQC	S612.107	Support	Retain.

Analysis

382. Margaret Montgomery (S446.067) requests amendment to make the first note a land use condition for all new dwellings in urban zones that a water tank is provided. I do not support this relief sought as it is more transparent for plan users that stormwater disposal requirements are included as a Standard.
383. Buller District Council (S538.273) requests minor amendments to SUB-S4 as follows:
2. *Where a connection to a District Council or Community stormwater management system is available, all new allotments ~~must be provided with~~ must provide a connection at the boundary or net boundary where access is shared.*
384. I support the relief sought on the basis it will simplify the wording of the Standard.
385. Chris & Jan Coll (S558.264), Chris J Coll Surveying Limited (S566.264), William McLaughlin (S567.330), and Laura Coll McLaughlin (S574.264) request amendment so that existing system capacity is considered on the basis that new allotments should not be required to connect if a system is in place but cannot accommodate the new allotments. I do not support the relief sought as it is appropriate for a standard to require that a connection to water supply be provided where one is available. I note

that non-compliance with this standard can be assessed on a case by case basis through the resource consent process. These submitters also request the deletion of Advice Note 2. I do not support this amendment as in my view, Advice Note 2 is a helpful clarification to plan users.

Recommendations

386. It is recommended that SUB-S4 is amended as follows:
1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.
 2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must ~~be provided with~~ provide a connection at the boundary or net boundary where access is shared.
 3. Where a connection to a District Council or Community stormwater management system is not available, the applicant shall demonstrate that stormwater will be treated and disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated, nor shall there be adverse water quality effects on freshwater.
 4. Where the means of stormwater disposal is to ground, that area shall not be subject to instability, slippage or inundation, or used for the disposal of wastewater.
 5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant shall demonstrate that sufficient treatment is undertaken that adverse effects on freshwater and the receiving environment will be mitigated.

Subdivision – Standard 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.448	Support in part	Amend SUB-S5 as follows: <u>5. For a subdivision where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons community reticulated wastewater systems are required.</u>
Margaret Montgomery	S446.068	Oppose in part	Remove reference to requirements around demonstrating sanitary disposal.
Buller District Council	S538.276	Support in part	Amend as follows: 1. All allotments must provide <u>a wastewater feasibility report that demonstrates the ability for a wastewater system to be installed on the allotment for all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water.</u>
Chris & Jan Coll	S558.265	Amend	Amend so that existing system capacity is considered.

Chris J Coll Surveying Limited	S566.265	Amend	Amend so that existing system capacity is considered.
William McLaughlin	S567.331	Amend	Amend so that existing system capacity is considered.
Laura Coll McLaughlin	S574.265	Amend	Amend so that existing system capacity is considered.
Toka Tū Ake EQC	S612.108	Amend	Amend to read: 1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water <u>or exacerbate/trigger land instability issues.</u>
Toka Tū Ake EQC	S612.130	Support	Retain.
Te Runanga o Ngāi Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.189	Support	Retain as notified.

Analysis

387. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.448) requests amendment to SUB-S5 to include the following:

For a subdivision where residential density exceeds 1.5 dwellings per hectare and the total population is greater than 1000 persons community reticulated wastewater systems are required.

388. I do not support this relief sought as it is considered that SUB-S5 as notified is sufficient to address potential effects associated with wastewater servicing.

389. Margaret Montgomery (S446.068) requests the removal of the reference of requirements around demonstrating sanitary disposal on the basis that this is a matter under the Building Code. In my view, SUB-S5 as notified does not create unnecessary duplication with the Building Code, and I recommend that this submission is rejected.

390. Buller District Council (S538.276) requests amendment as follows:

1. All allotments must provide ~~the means for disposal of wastewater from a wastewater feasibility report that demonstrates the ability for a wastewater system to be installed on the allotment~~ for all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water.

391. I do not support the relief sought as the requested wording reads as an information requirement. In my view, the notified wording is more appropriate for a standard as it outlines the outcome sought.

392. Chris & Jan Coll (S558.265), Chris J Coll Surveying Limited (S566.265), William McLaughlin (S567.331), and Laura Coll McLaughlin (S574.265) request amendment so that existing system capacity is considered on the basis that new allotments should not be required to connect if a system is in place but cannot accommodate the new allotments. I do not support the relief sought as it is appropriate for a standard to require that a connection to water supply be provided where one is available. I note that non-compliance with this standard can be assessed on a case by case basis through the resource consent process. These submitters also request the deletion of Advice Note 2. I do not support this amendment as in my view, Advice Note 2 is a helpful clarification to plan users.

393. Toka Tū Ake EQC (S612.108) requests amendment as follows:
1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water or exacerbate/trigger land instability issues.
394. In my view, the requested addition is not necessary as land instability is unlikely to be a potential effect associated with the disposal of wastewater to a reticulated system, noting that the notified standard does not refer to a direct discharge of wastewater to fresh or coastal water.
395. I also support consequential amendments to SUB-S5.2 to achieve consistency with the relief sought by Buller District Council to SUB-S3 and SUB-S4, by replacing 'must be provided with' with 'must provide'. I consider this amendment will simplify the wording of the standard.

Recommendations

396. It is recommended that SUB-S5 is amended as follows:
1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments that does not involve a direct discharge to fresh or coastal water.
 2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must ~~be provided with~~ provide a connection at the boundary or the net boundary where access is shared.
 3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.
 4. For a subdivision where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

Subdivision – Standard 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.449	Support in part	Amend SUB-S6 as follows: 4. <u>Provision for pedestrians and cyclists must be provided to allotments, and where possible links to public transport must be provided.</u>
KiwiRail Holdings Limited	S442.072	Support	Retain as proposed.
Waka Kotahi NZ Transport Agency	S450.129	Support	Retain as proposed.
Buller District Council	S538.275	Support in part	Amend parts of the standards as follows: 1. All allotments must be provided with <u>must provide</u> vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards.

Buller Conservation Group	S552.122	Amend	3 ... <u>to provide for safe bicycle and pedestrian use.</u>
Frida Inta	S553.122	Amend	3 ... <u>to provide for safe bicycle and pedestrian use.</u>
Chris & Jan Coll	S558.266	Amend	Retain.
Chris J Coll Surveying Limited	S566.266	Amend	Retain.
William McLaughlin	S567.332	Amend	Retain.
Fire and Emergency New Zealand	S573.020	Support	No amendments sought.
Laura Coll McLaughlin	S574.266	Amend	Retain.
Toka Tū Ake EQC	S612.131	Support	Retain.
Karamea Lime Company	S614.069	Support	Retain point d. as notified.

Analysis

397. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.449) requests amendment to SUB-S6 to include the following additional clause:
4. Provision for pedestrians and cyclists must be provided to allotments, and where possible links to public transport must be provided.
398. I do not support the relief sought as the proposed provision is not sufficiently clear on the outcome to be achieved, and in my view, is not appropriate as a standard.
399. Buller District Council (S538.275) requests amendments as follows:
1. All allotments ~~must be provided with~~ must provide vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards.
400. I support the relief sought on the basis it simplifies the wording of the standard.
401. Buller Conservation Group (S552.122), Frida Inta (S553.122) requests to amend SUB-S6.3 to include 'to provide for safe bicycle and pedestrian use'. In my view, the additional text to the clause is not necessary, and that the purpose of the clause is not limited to pedestrian and cyclist safety.

Recommendations

402. It is recommended that SUB-S6 is amended as follows:
1. All allotments must ~~be provided with~~ provide vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Transport Performance Standards
 2. In all zones any vehicle rights of way or crossings shall be constructed in accordance with the Transport Performance Standards
 3. All new roads and upgrades of existing roads shall be constructed in accordance with the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

Subdivision – Standard 7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
--------------------	------------------	----------	--------------------

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.450	Support	Retain standard.
Margaret Montgomery	S446.069	Support	Retain as notified.
Davis Ogilvie & Partners Ltd	S465.021	Amend	Amend the standard to clarify that these services should normally be reticulated in Residential Area.
Buller District Council	S538.274	Support in part	Amend as follows: 1. For all new allotments electricity services must be provided <u>All new allotments must provide electricity</u> services to the boundary of each new Lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means. SUB - S8 For all new allotments telecommunication services must be provided <u>All new allotments must provide telecommunication services</u> to the boundary of each new Lot or the applicant shall demonstrate that the telecommunication services are able to be provided by alternative means.
Buller District Council	S538.277	Support	Retain as notified.
Westpower Limited	S547.388	Amend	(1) Delete the second sentence of item 2. (2) Amend item 3. All necessary easements for the protection of <u>and access to existing and proposed</u> energy network utility services <u>and infrastructure</u> must be granted and reserved." (3) Add a new item 4 <u>At the time of subdivision the applicant shall supply written confirmation from the energy network utility operator that electricity can be provided to the subdivision and that appropriate easements are proposed to ensure the ongoing ability to access, operate, maintain and upgrade existing and proposed electricity infrastructure. At the time of completion of the subdivision certification shall be provided from the energy network utility operator that electricity is available at the boundary of each newly created lot and the required easements have been granted and reserved on the survey plan.</u>
Chris & Jan Coll	S558.267	Support	Retain.

Chris J Coll Surveying Limited	S566.267	Support	Retain.
William McLaughlin	S567.333	Support	Retain.
Greg Maitland	S571.006	Amend	Amend Rural Life style Zones and the General Rural Zone, to enable the supply of power to the boundary should be discretionary.
Laura Coll McLaughlin	S574.267	Support	Retain.

Analysis

403. Davis Ogilvie & Partners Ltd (S465.021) request amendment to clarify that these services should normally be reticulated in a residential area. In my view, additional clarification is not necessary as the purpose of SUB-S7 is to ensure that all new allotments can be serviced by electricity generally.
404. Buller District Council (S538.274) requests amendments as follows:
1. ~~For all new allotments electricity services must be provided~~ All new allotments must provide electricity services to the boundary of each new Lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.
405. I support the relief sought on the basis it will simplify the wording of the standard.
406. Westpower (S547.388) request amendments to SUB-S7 to delete the second sentence of SUB-S7.2 on the basis that the word 'may' has the potential to undermine existing processes in place for consultation with Westpower. I support an amendment to relocate this part of the clause to an advice note, and the replacement of 'may' with 'will', to provide certainty for the standard.
407. Westpower (S547.388) request amendments to SUB-S7 as follows:
3. All necessary easements for the protection of and access to existing and proposed energy network utility services and infrastructure must be granted and reserved.
408. I generally agree that the relief sought is a helpful addition and clarification to manage the effects of subdivision on energy activities and accessory infrastructure, however, it is considered that reference to 'existing and proposed' is not necessary.
409. Westpower (S547.388) also request amendments to include the following additional clause to SUB-S7:
- At the time of subdivision the applicant shall supply written confirmation from the energy network utility operator that electricity can be provided to the subdivision and that appropriate easements are proposed to ensure the ongoing ability to access, operate, maintain and upgrade existing and proposed electricity infrastructure. At the time of completion of the subdivision certification shall be provided from the energy network utility operator that electricity is available at the boundary of each newly created lot and the required easements have been granted and reserved on the survey plan.
410. I do not support the relief sought as it considered that these matters are more appropriately managed through conditions of consent.
411. Greg Maitland (S571.006) requests to amend Rural Life style Zones and the General Rural Zone, to enable the supply of power to the boundary should be discretionary. I do not support the relief sought as it is appropriate to require new allotments in the Rural Zone to be serviced by electricity.

Recommendations

412. It is recommended that SUB-S7 is amended as follows:

1. ~~For all~~ All new allotments must provide electricity services ~~must be provided~~ to the boundary of each new lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with energy network utility operators ~~may~~ will be required.
3. All necessary easements for the protection of and access to energy network utility services and infrastructure must be duly granted and reserved.

Subdivision – Standard 8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.451	Support	Retain standard.
Margaret Montgomery	S446.070	Support	Retain as notified.
Margaret Montgomery	S446.071	Amend	Note 2 should be an advice note rather than a standard.
Davis Ogilvie & Partners Ltd	S465.022	Support	Amend the standard to clarify that these services should normally be reticulated in Residential Area.
Buller District Council	S538.274	Support in part	Amend as follows: 1. For all new allotments electricity services must be provided <u>All new allotments must provide electricity services to the boundary of each new Lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.</u> SUB - S8 For all new allotments telecommunication services must be provided <u>All new allotments must provide telecommunication services to the boundary of each new Lot or the applicant shall demonstrate that the telecommunication services are able to be provided by alternative means.</u>
Buller District Council	S538.278	Support	Retain as notified.

Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd	S541.001	Amend	Amend as follows: SUB-S8 <u>Telecommunications</u> 1. <u>Provision shall be made for telecommunications connections to an open access fibre network to the boundary of each new lot for all new allotments in the following zones: a) all CMUZ - Commercial and Mixed Use Zones b) all INZ - Industrial Zones c) all RESZ - Residential Zones d) RLZ - Rural Lifestyle Zone e) SETZ - Settlement Zone f) SVZ - Scenic Visitor Zone</u> 2. <u>For all other zones the applicant shall provide written confirmation from a telecommunication network operator confirming that a telecommunications connection (fibre, mobile or wireless including satellite) can be provided to all new allotments and describing how this can be achieved.</u>
Grey District Council	FS1.359	Support in part	Allow in part.
Chris & Jan Coll	S558.268	Support	Retain.
Chris J Coll Surveying Limited	S566.268	Support	Retain.
William McLaughlin	S567.334	Support	Retain.
Laura Coll McLaughlin	S574.268	Support	Retain.

Analysis

413. Margaret Montgomery (S446.071) requests SUB-S8.2 be an advice note rather than a standard on the basis that the wording holds no legal weight. I agree that matters relating to consultation with network utility operators is more appropriately included as an advice note. I also consider that further amendments to the standard in relation to telecommunications, transformers, and ancillary services can be made to improve its clarity and purpose, and recommend further amendments to include the words 'required to service the new allotments' to SUB-S8.4. In my view, and advice note is more appropriately located following this SUB-S8.4.
414. Davis Ogilvie & Partners Ltd (S465.022) requests to amend the standard to clarify that these services should normally be reticulated in Residential Areas. In my view, additional clarification is not necessary as the purpose of SUB-S8 is to ensure that all new allotments can be serviced by telecommunication services generally.
415. Buller District Council (S538.274) requests amendments as follows:
1. ~~For all new allotments telecommunication services must be provided~~ All new allotments must provide telecommunication services to the boundary of each new Lot or the applicant shall demonstrate that the telecommunication services are able to be provided by alternative means.
416. I support the relief sought on the basis it will simplify the wording of the Standard.
417. Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd (S541.001) request amendments to SUB-S8 to identify the type of telecommunication network connectivity required. In my view, the requested level of detail is not necessary for a standard, and can be assessed and managed through the proposed matters of control and conditions of consent. The submitters also request the replacement of 'may' with 'will' in SUB-

S8.2. I agree that this is a helpful clarification for plan users to provide certainty. I recommend that this submission is accepted in part.

Recommendations

418. It is recommended that SUB-S8 is amended as follows:

1. ~~For all~~ All new allotments must provide telecommunication services ~~must be provided~~ to the boundary of each new lot or the applicant shall demonstrate that telecommunication services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services required to service the new allotments must be set aside.

Advice note: For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators ~~may will~~ be required.

3. All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved.

Subdivision – Standard 9

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.452	Support	Retain standard.
Margaret Montgomery	S446.072	Support	Retain as notified.
Davis Ogilvie & Partners Ltd	S465.023	Amend	this standard should include the minimum area for "lake" as set out in s230; that is "a lake whose bed has an area of 8 hectares or more".
Buller District Council	S538.279	Support in part	Amend as follows: c. The bank of a river whose bed has an average width of 3m or more where the river flows through or adjoins an allotment. (as per the RMA s230(4))
Buller Conservation Group	S552.123	Amend	1.c. The bank of a river whose bed has an average width of 3m or greater.
Frida Inta	S553.123	Amend	1.c. The bank of a river whose bed has an average width of 3m or greater.
Chris & Jan Coll	S558.269	Amend	Delete standard and amend to match rules 7.9.6.1.1-7.9.6.1.3 in the operative Buller District Plan related to Esplanade Strips and Esplanade Reserves (with numbering adjusted as necessary) i.e. Rules

			<p>1. <u>Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u></p> <p>2. <u>Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</u></p> <p>3. <u>An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in xxx below.</u></p>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.275	Amend	<p>Amend:</p> <p>c. <u>The bank of a river whose bed has an average width of 3m or more, for the river or when calculated for the length/distance of the bed adjoining the allotment(s) of the subdivision.</u></p>
Chris J Coll Surveying Limited	S566.269	Amend	<p>Delete standard and amend to match rules 7.9.6.1.1-7.9.6.1.3 in the operative Buller District Plan related to Esplanade Strips and Esplanade Reserves (with numbering adjusted as necessary) i.e.</p> <p>Rules</p> <p>1. <u>Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u></p>

			<p><u>2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</u></p> <p><u>3. An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in xxx below.</u></p>
William McLaughlin	S567.335	Amend	<p>Delete standard and amend to match rules 7.9.6.1.1-7.9.6.1.3 in the operative Buller District Plan related to Esplanade Strips and Esplanade Reserves (with numbering adjusted as necessary) i.e.</p> <p>Rules</p> <p><u>1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u></p> <p><u>2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</u></p>

			<p><u>3. An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in xxx below.</u></p>
Laura Coll McLaughlin	S574.269	Amend	<p>Delete standard and amend to match rules 7.9.6.1.1-7.9.6.1.3 in the operative Buller District Plan related to Esplanade Strips and Esplanade Reserves (with numbering adjusted as necessary) i.e.</p> <p>Rules</p> <p><u>1. Where any allotment of 4ha or more is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.</u></p> <p><u>2. Where any allotment of 4ha or more is created when land is subdivided, other than applies under 1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.</u></p> <p><u>3. An esplanade strip required under 1. or 2. above may on application be reduced in width or dispensed with altogether. In considering any such application the Council shall take into account the matters listed in xxx below.</u></p>

Analysis

419. Davis Ogilvie & Partners Ltd (S465.023) requests to include the minimum area for lake as set out in section 230 (of the RMA), and only require esplanade reserves or strips from lakes whose bed has an area of 8 hectares or more. I support this amendment on the basis that it would achieve consistency with the requirements for esplanade reserves or strips as set out in section 230 of the RMA.
420. Buller District Council (S538.279) requests the inclusion of the average width of the river whose bed adjoins an allotment on the basis that this may create a loophole where it is impracticable to measure the average width. In my view, the requested

addition is not necessary as the measurement of the average width of the bank of a river is commonly undertaken nationally and in accordance with best practice surveying guidelines.

421. Buller Conservation Group (S552.123), and Frida Inta (S553.123) request to include 'or greater' to SUB-S9.3. I agree with this addition as it is consistent with section 230 of the RMA, and recommend these submissions are accepted.
422. Chris & Jan Coll (S558.269), Chris J Coll Surveying Limited (S566.269), William McLaughlin (S567.335), and Laura Coll McLaughlin (S574.269) request the standard be deleted and amend to match rules 7.9.6.1.1-7.9.6.1.3 in the operative Buller District Plan related to Esplanade Strips and Esplanade Reserves (with numbering adjusted as necessary).
423. In my view, the provisions for esplanade reserves and strips under the pTTPP generally achieve the same outcomes as the Buller District Plan, noting that the relevant considerations for a waiver or reduction are set out at SUB-P9. It is recommended that these submissions are rejected.
424. Forest & Bird (S560.275) requests the following amendments:
 - c. *The bank of a river whose bed has an average width of 3m or more, for the river or when calculated for the length/distance of the bed adjoining the allotment(s) of the subdivision.*
425. I do not support the relief sought as the provision to only consider the length of a river adjoining an allotment has the potential to create inconsistent and disjointed areas of esplanade reserves or strips. I support the notified provision, which considers the average width of a river.

Recommendations

426. It is recommended that SUB-S9 is amended as follows:
 1. An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of:
 - a. The coastal marine area;
 - b. A lake [whose bed has an area of 8 hectares or greater](#); or
 - c. The bank of a river whose bed has an average width of 3m [or greater](#).

Subdivision – Standard 10

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.453	Support	Retain standard.
Margaret Montgomery	S446.073	Support	Retain as notified.
Buller District Council	S538.280	Support	Retain as notified.
Westpower Limited	S547.391	Amend	Amend 1.a. Public works and <u>network utility services and infrastructure (including energy activities)</u> ;
Westpower Limited	S547.392	Amend	2.ii. Stormwater ..., water supply, <u>network utilities and infrastructure (including energy activities)</u> ;

Westpower Limited	S547.393	Amend	Amend 2.iv. Other <u>network utilities and critical infrastructure</u> .
Chris & Jan Coll	S558.270	Amend	Delete references to centre line easements.
Chris J Coll Surveying Limited	S566.270	Amend	Delete references to centre line easements.
William McLaughlin	S567.336	Amend	Delete references to centre line easements.
Laura Coll McLaughlin	S574.270	Amend	Delete references to centre line easements.

Analysis

427. Westpower (S547.391) seeks to amend SUB-S10.1.a to include reference to 'network' utility services and 'infrastructure (including energy activities)'. I support the replacement of 'utility' with infrastructure to simplify the wording, noting the utilities and energy activities are a type of infrastructure. In my view, the inclusion of specific activities is not necessary, particularly when only one activity is specified as requested by the submitter. Infrastructure is a defined term that provides sufficient clarity. I recommend that this submission is accepted in part.
428. Westpower (S547.392) seeks to amend SUB-S10.2.ii to include 'network' utilities and 'infrastructure'. In my view, this amendment is unnecessary subject to the recommended amendments below.
429. Westpower (S547.393) seeks to amend SUB-S10.2.iv to include 'other' network utilities and 'critical infrastructure'. I support the inclusion of other infrastructure services as this is a relevant addition and clarification to ensure that all necessary easements can be required. I recommend reference is made to 'regionally significant infrastructure' and that 'utilities' is deleted to simply the Standard. It is recommended that this submission is accepted in part.
430. Chris & Jan Coll (S558.270), Chris J Coll Surveying Limited (S566.270), William McLaughlin (S567.336), and Laura Coll McLaughlin (S574.270) request that the reference to centre line easements is deleted. In the absence of any further justification, I do not support the relief sought.

Recommendations

431. It is recommended that SUB-S10 is amended as follows:
1. Easements shall be provided where necessary for:
 - a. Public works and utility infrastructure services;
 - b. Easements in gross where a service or access is required by the district council;
 - c. Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title;
 - d. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned;
 2. Easements can also be required for any of the following purposes:
 - i. Accessways, whether mutual or not;
 - ii. Stormwater, wastewater disposal, water supply, utilities;
 - iii. Party walls and floor/ceilings; or
 - iv. Other utilities regionally significant infrastructure services.

Subdivision – Standard 11

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.454	Support	Retain standard.
Margaret Montgomery	S446.074	Not Stated	Clarify what a point strip is.
Waka Kotahi NZ Transport Agency	S450.130	Support	Retain as proposed.
Buller District Council	S538.281	Support	Retain as notified.
Chris & Jan Coll	S558.271	Amend	Amend the standard to provide more clarity and certainty.
Chris J Coll Surveying Limited	S566.271	Amend	Amend the standard to provide more clarity and certainty.
William McLaughlin	S567.337	Amend	Amend the standard to provide more clarity and certainty.
Laura Coll McLaughlin	S574.271	Amend	Amend the standard to provide more clarity and certainty.
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.190	Amend	Amend to reference His Majesty the King.

Analysis

432. Margaret Montgomery (S446.074), Chris & Jan Coll (S558.271), Chris J Coll Surveying Limited (S566.271), William McLaughlin (S567.337), and Laura Coll McLaughlin (S574.271) seek amendments to SUB-S11 to improve clarity and certainty, including on what a point strip is. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.190) request an amendment to reference His Majesty the King.
433. I have considered SUB-S11 as notified and in my view, there are a number of clauses within SUB-S11 that are unclear and/or subjective, including references to 'agreement' between landowners, and a 'fair share' of the cost of providing the frontage of the road, and where access to a road may be 'unsafe'. In my view, SUB-S11 as notified is not efficient or effective as it creates a number of ambiguities and uncertainties, particularly in relation to the outcomes to be achieved. I therefore recommend that this standard is amended to improve clarity and certainty. I understand this is a rule from the operative Grey District Plan that has been rolled over and without evidence that clause 3 in particular is no longer required I consider it should be retained.
434. Consequentially, I recommend submissions on this standard are accepted in part given the recommended changes.

Recommendations

435. That SUB-S11 is amended as follows:
1. Point strips shall be provided where in the course of subdivision a new road is constructed and vested that will ~~or could~~ provide frontage to other land either at the time of subdivision or in the future. ~~In this instance an A point strip agreement is will be entered into by between the first subdivider with and the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road.~~ The point strip agreement sets the amount to be paid by the

subdivider, which will be updated from the date of signature of the agreement by the Consumers Price Index.

2. Point strips may will also be required where access to any road would is determined to be unsafe by the Council.
3. A point strip of no less than 100mm in width shall be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip shall vest in Her Majesty the Queen King for Use in Connection with a road (point strip).

7.0 Part 2: Financial Contributions

Financial Contributions – General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Tai o Poutini Plan Committee	S171.010	Amend	Where Permitted Activity Standards are not met, provide a Discretionary Activity Rule for Financial Contributions.
Westland District Council	S181.021	Amend	Change the wording from 'Financial contributions may be imposed' to something to the effect of 'Financial Contributions shall be required (unless determined otherwise by Council)'. This would need to be altered to the relevance of each rule.
Westpower Limited	FS222.042	Oppose	Disallow S181.021.
Grey District Council	FS1.315	Support	Allow S181.021.
Westland District Council	S181.022	Amend	Change wording from 'The maximum contribution required for the development and upgrading of ... that serve a subdivision, land use or development shall be 100% of the estimated cost.' to 'The maximum contribution required for the development and upgrading of ... that serve a subdivision, land use or development shall be 100% of the estimated cost <u>with a minimum contribution of 50% (unless determined otherwise by Council)</u>
Manawa Energy	S438.113	Oppose	Remove the Financial Contribution provisions from the Subdivision Chapter, and include these in a new, clearly identifiable chapter. OR If a decision is made to retain these provisions in the Plan, amend the chapter heading to 'Financial Contributions – Subdivision and Landuse'.
Kāinga Ora	FS58.048	Support	Allow.
Kāinga Ora	FS58.099	Support	Allow.

Manawa Energy	S438.114	Oppose	<p>Delete all pTTPP provisions relating to the taking of financial contributions on landuse consents for management of effects, including (but not limited to):</p> <p>FC-O1 (part) FC-O2 FC-P1 (part) FC-P2 (part) FC-P6 FC-P7 FC-R1 (part) FC-R2 (part) FC-R12.</p> <p>In the alternative, amend all of the provisions listed above in order to:</p> <ul style="list-style-type: none"> • clearly state the purpose of contributions, and whether these are intended to apply to offsetting and/or compensation (or only the latter as indicated in Rule FC – R1(1)). • clearly set out the relationship between the various sections of the Plan, particularly the principles established in ECO P9 and the relationship to FC – R12. • state how and when contributions will be applied (i.e. if financial contributions are to be collected to offset or compensate for residual adverse effects then the money or land should be used to fulfil that purpose). • explain the nature of the contribution – noting that Section 108 of the Resource Management Act prescribes those financial contributions can be taken for money or land only. • provide a clear methodology for how such a contribution will be calculated, over which period of time, and who is responsible for such a calculation. • explain how the various Councils administering the Plan will implement these provisions in a cohesive, coordinated and transparent manner, and deal with any cross boundary matters (including projects or associated effects or offsetting/compensation) that transcend local authority boundaries.
Kāinga Ora	FS58.049	Support	Allow.
Kāinga Ora	FS58.0100	Support	Allow.

Kāinga Ora	FS58.0107	Support	Allow.
Westpower Limited	FS222.0194	Support	Not stated.
Buller District Council	S538.230	Support in part	Separate the financial contribution section from subdivision.
Chris & Jan Coll	S558.176	Amend	Include an advice note that outlines how a mediation process could be used to resolve disputes regarding financial contributions.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.026	Amend	All provisions in the Financial Contributions chapter that provide for financial contributions in lieu of appropriately managing adverse effects, in particular on biodiversity and landscape, should be deleted.
Westpower Limited	FS222.0269	Oppose	Disallow.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.260	Amend	Reconsider approach in this chapter and make amendments. It must be clear that the obligation to manage adverse effects lies with the consent applicant. In particular, any provisions that provides for the payment of a financial contribution for biodiversity effects, or landscape effects, must be deleted.
Westpower Limited	FS222.0270	Oppose	Disallow.
Chris J Coll Surveying Limited	S566.176	Amend	Include an advice note that outlines how a mediation process could be used to resolve disputes regarding financial contributions.
William McLaughlin	S567.250	Amend	Include an advice note that outlines how a mediation process could be used to resolve disputes regarding financial contributions.
Greg Maitland	S571.010	Oppose	Delete.
Laura Coll McLaughlin	S574.176	Amend	Include an advice note that outlines how a mediation process could be used to resolve disputes regarding financial contributions.
DoC	S602.118	Neutral	N/A
Ngāi Tahu	S620.177	Amend	Amend the rule and/or provision of the plan including the Financial Contributions chapter to ensure that there is sufficient consideration of Poutini Ngāi values at the site and the impact off-setting/compensation may have on them before it is utilised.

Analysis

436. Manawa Energy (S438.113), Buller District Council (S538.230) and Kāinga Ora (FS58.048 and FS58.099) seek the FC provisions be removed from the SUB chapter and relocated to a new standalone and clearly identifiable chapter. The National Planning Standards do not provide any direction on where the FC chapter should be

located within the pTTPP. I accept the request from Manawa Energy to relocate the FC chapter. The provisions are wider in scope than just subdivision and also apply to development and land use more broadly. Accordingly, in my view from a practical and plan usability perspective, the FC chapter would more naturally sit within the General District Wide Matters.

437. Te Tai o Poutini Plan Committee (S171.010) seek to include a discretionary activity rule where permitted activity standards are not met. In my view, a separate discretionary activity rule would not provide for a substantive further assessment to be undertaken as part of the consenting process, noting that section 108 of the RMA provides for conditions in relation to financial contributions to be included in resource consents in accordance with the requirements of the rules in the FC chapter. I therefore consider that an additional activity rule is unnecessary and do not support this relief sought.
438. Manawa Energy (S438.114) oppose the FC chapter for the management of adverse effects on land use consents, and raise concern that financial contributions may be imposed for adverse effects which are addressed in other ways. As alternative relief, Manawa Energy seek amendments to provisions to improve clarity and certainty in relation to the purpose of contributions, the relationship with other sections of the pTTPP, how and when contributions will be applied, the nature of contributions, and the methodology for calculating contributions. This submission is supported by Kāinga Ora (FS58.049; FS58.0100; FS58.0107) who agree that there is a lack of clarity and certainty around the FC chapter and its provisions as a whole, and Westpower (FS222.0194). Westpower note support for proposals which improve the workability of the provisions, and seek for the decision sought to be considered through an appropriate plan change process given the wide scope provided under S438.114.
439. I disagree with Manawa Energy, and consider that the FC chapter as notified generally provides clarity to plan users on where a financial contribution is required, the use of contributions, and how these will be applied to resource consent applications. I agree that the intended purpose of the FC chapter should provide clarity to plan users, and recommend a number of amendments to the provisions to improve clarity and certainty. This includes the following amendments, as further detailed in the subsequent sections of this report:
 - Clarification that financial contributions relate to the management of residual effects through offset and compensation rather than to avoid, remedy, and mitigate adverse effects generally;
 - Deletion of references to 'works' as this form of financial contribution is not provided for under section 108 of the RMA; and
 - Amendments to FC-R3 to improve clarity and interpretation.
440. Subject to these amendments, I consider the provisions clearly set out the main purpose of the FC chapter and financial contributions across the Districts, including to address additional infrastructure needs arising from new subdivision, land use and development, and the use of financial contributions as a means to offset or compensate adverse effects. I further note that the proposed rules as recommended to be amended clearly set out that where financial contributions are required and how these are to be calculated.
441. Westland District Council (S181.021) seek to amend provisions in the FC chapter from 'financial contributions may be imposed' to alternative wording to the effect of Financial Contributions shall be required (unless determined otherwise by Council). This is opposed by Westpower (FS222.042) and supported by Grey District Council (FS1.315). I support the general amendments to the rules as requested by Westland District Council. In my opinion, the notified wording referencing 'may' carries a higher risk in interpretation and the potential for discretion by applicants as to whether financial contributions will be imposed. I consider the change to 'shall' as requested will provide

more certainty and clearer direction to plan users. This amendment alongside the FC rules will guide users on the instances where a financial contribution may be imposed. The relevant changes to the provisions are set out in the sections below.

442. Westland District Council (S181.022) seek to amend provisions in the FC chapter to specify a minimum contribution. This is opposed by Westpower (FS222.043). I do not support this request as it has the potential to increase uncertainty for plan users. Additionally, the FC chapter identifies the financial contribution payable under each rule. In my view, the financial contributions required by conditions of consent should be the amount necessary to sufficiently address infrastructure provision and/or any offset and compensation as determined under the FC chapter rules.
443. Forest & Bird (S560.026) seek the deletion of provisions which provide for FC in lieu of appropriately managing adverse effects on biodiversity. Westpower Limited (FS222.0269) oppose this request on the basis that the outcome sought is inconsistent with the WCRPS. I note that the WCRPS anticipates offset and compensation in relation to indigenous biodiversity and the effects of regionally significant infrastructure and consider that the approach taken in the FC chapter, in particular Policy 6, is generally consistent with the direction in Chapter 7 of the WCRPS and the NPS-IB, which do not preclude the use of financial contributions to manage adverse effects that cannot be avoided, remedied, minimised, or mitigated. I support minor amendments to SUB-P6 to achieve improved consistency with the NPS-IB in relation to the effects management hierarchy, and 'minimising' effects'. These amendments are further detailed in the sections below.
444. In addition, Forest & Bird (S560.260) seek that the approach in the FC chapter be reconsidered to make it clear that the obligation to manage adverse effects associated with biodiversity or landscape, lies with the consent applicant. Westpower Limited (FS222.0270) oppose this submission and seek that it be disallowed. In my view, amendments to the FC chapter in response to this submission point are not necessary because the provisions, including recommended amendments to SUB-P6, do not enable the use of financial contributions in lieu of avoiding, remedying, or mitigating adverse effects on biodiversity or landscape. I also note that the provisions of the FC chapter apply in addition to the objectives and policies of the Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes chapters. To improve plan clarity, and in accordance with FC-R12, I recommend a cross reference in the Overview text to the Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes chapters.
445. Chris & Jan Coll (S558.176), Chris J Coll Surveying Limited (S566.176), William McLaughlin (S567.250) and Laura Coll McLaughlin (S574.176) request an advice note be included in the FC chapter which outlines how a mediation process could be used to resolve disputes regarding FC. I do not support the request from submitters as in my view this information is unnecessary to include within the FC chapter of the pTTPP. In my view this is non-statutory information which could be included on the councils' websites.
446. Greg Maitland (S571.010) seeks that the FC chapter be deleted from the pTTPP on the basis that landowners should not have to gift land or make a cash payment. I recommend that this submission be rejected. Section 108 of the RMA empowers Councils to impose financial contributions on resource consents for the purpose of promoting the sustainable management of natural and physical resources.
447. Ngāi Tahu (S620.177) seek to amend the rules and/or provisions in the FC chapter to ensure there is consideration of Poutini Ngāi Tahu values at the site and the impact offsetting/compensation may have on them before it is utilised. Consistent with the approach of authors in other pTTPP hearing streams, I retain concerns on how the consideration of Poutini Ngāi Tahu values would work in practice and on this basis, do not support this request. The sentiment proposed is acknowledged however, and the

submitter is invited to provide further information and evidence to provide clarity on how the inclusion of 'the consideration of Poutini Ngāi Tahu values' would practically be implemented.

Recommendations

448. It is recommended that the FC chapter is relocated to sit within the General District Wide Matters section of the pTTPP.
449. It is recommended that the FC Overview is amended as follows:

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, offset and compensation actions are also subject to additional provisions in a number of Part 2: District-Wide Matters chapters, including:

- Overlay Chapters – Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes

Financial Contributions – Overview

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller Conservation Group	S552.102	Amend	This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for <u>development of</u> infrastructure and for their use to offset adverse effects on the environment of the West Coast/Te Tai o Poutini.
Frida Inta	S553.102	Amend	This section of Te Tai o Poutini Plan contains... <u>for development of</u> infrastructure and ... West Coast/Te Tai o Poutini. Currently the three District Councils on the West Coast/Te Tai o Poutini ... the costs and impacts of private development on Council infrastructure ... approach continuing.
Department of Conservation	S602.112	Amend	Amend Paragraph 1: This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure and for their use to offset <u>where compensation is required to address</u> adverse effects on the environment of the West Coast/Te Tai o Poutini.....
Grey District Council	FS1.254	Oppose	Disallow.

Analysis

450. Buller Conservation Group (S552.102) and Frida Inta (S553.102) request amendment to include the 'development of' infrastructure in the Overview text. I do not support this addition as I consider it narrows the interpretation of financial contributions in relation to infrastructure. Financial contributions may not always relate to the development of new infrastructure but could relate to maintenance or upgrade

activities required. In my opinion, the notified wording of 'infrastructure' is more appropriate and indicates that financial contributions could be charged for the development, maintenance and upgrade of infrastructure.

451. DoC request amendments to the Overview text to delete reference to offsetting and to refer to compensation. This is opposed by Grey District Council (FS.254). As the FC Chapter provides for financial contributions to be made in relation to residual adverse effects, I consider that reference to both offsetting and compensation is appropriate, as this will achieve consistency with the NPS-IB, where compensation is a discrete approach under the effects management hierarchy, and separate to offsetting. It is also noted that FC-P6 anticipates the use of financial contributions in relation to indigenous biodiversity, where the NPS-IB will be a relevant consideration. I therefore recommend amendments to include compensation.

Recommendations

452. It is recommended that the FC Overview is amended as follows:

This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure and for their use to offset [or compensate](#) adverse effects on the environment of the West Coast/Te Tai o Poutini. [Financial contributions shall be required in accordance with rules unless determined otherwise by Council.](#)

Financial Contributions – Objective 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.379	Support	Retain objective.
Chris & Jan Coll	S558.145	Amend	Amend as follows: Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect <u>adverse effects on</u> natural and physical resources, or compromise the quality of service provided to existing users, <u>is remedied or mitigated</u> through the use of financial contributions.
Chris J Coll Surveying Limited	S566.145	Amend	Amend as follows: Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect <u>adverse effects on</u> natural and physical resources, or compromise the quality of service provided to existing users, <u>is remedied or mitigated</u> through the use of financial contributions.

Chris J Coll Surveying Limited	S566.145	Amend	Amend as follows: Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect <u>adverse effects on</u> natural and physical resources, or compromise the quality of service provided to existing users, <u>is remedied or mitigated through the use of financial contributions.</u>
William McLaughlin	S567.222	Amend	Amend as follows: Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect <u>adverse effects on</u> natural and physical resources, or compromise the quality of service provided to existing users, <u>is remedied or mitigated through the use of financial contributions.</u>
Alex Wood	FS2.001	Support	Allow.
Laura Coll McLaughlin	S574.145	Amend	Amend as follows: Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect <u>adverse effects on</u> natural and physical resources, or compromise the quality of service provided to existing users, <u>is remedied or mitigated through the use of financial contributions.</u>

Analysis

453. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.379) support FC-O1 as notified and seek that it is retained. I acknowledge the support for FC-O1 as notified, however I have recommended amendments in response to submissions as outlined below.
454. Chris & Jan Coll (S558.145), Chris J Coll Surveying Limited (S566.145), William McLaughlin (S567.222), Laura Coll McLaughlin (S567.145) and Alex Wood (FS2.001) seek minor drafting amendments as follows as they consider the Objective is too absolute:

Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so ~~that it does not adversely affect~~ adverse effects on natural and physical resources, or ~~compromise~~ the quality of service provided to existing users, is remedied or mitigated through the use of financial contributions.

455. I do not support the inclusion of 'remedy' or 'mitigate' as these terms are more appropriate in a policy. I support the minor amendments sought by the submitters which improve the overall readability and clarity of the objective, and recommend deletion of 'through the use of financial contributions' where it is duplicated within the Objective.

Recommendations

456. It is recommended that FC-O1 be amended as follows:

Through the use of Financial Contributions the West Coast/Te Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land use and development so that it does not adversely affect natural and physical resources, or compromise the quality of service provided to existing users, ~~through the use of financial contributions.~~

Financial Contributions – Objective 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora	S190.380	Support	Retain objective.
Manawa Energy	S438.115	Oppose	Delete FC - O2 OR Amend FC - O2 as follows: To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting managing adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.
Kāinga Ora	FS58.050	Support	Allow S438.115.
Kāinga Ora	FS58.0101	Support	Allow S438.115.
Kāinga Ora	FS58.0108	Support	Allow S438.115.
Transpower NZ Ltd	FS110.033	Support	Allow S438.115.
Ball Developments Ltd	S453.007	Support	Retain.
Westpower Limited	S547.334	Amend	Amend: To ensure that ... remedying or mitigating adverse effects, <u>including any proposed offsetting or compensation</u> , on the environment ...
Chris & Jan Coll	S558.146	Support	Retain.
Chris J Coll Surveying	S566.146	Support	Retain.
William McLaughlin	S567.223	Support	Retain.
Laura Coll McLaughlin	S574.146	Support	Retain.

DoC	S602.113	Amend	Amend: To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, <u>minimising</u> , remedying, mitigating or offsetting <u>or compensating</u> for adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.
-----	----------	-------	--

Analysis

457. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.380), Ball Developments Ltd (S453.007), Chris & Jan Coll (S558.146), Chris J Coll Surveying (S566.146), William McLaughlin (S567.223) and Laura Coll McLaughlin (S574.146) support FC-O2 and seek it is retained as notified. I acknowledge the support for FC-O2 as notified, however I have recommended amendments in response to submissions as outlined below.
458. Manawa Energy (S438.115) seek that Objective 2 is deleted or alternatively amended as follows:
- To ensure that new activities and development contributes fairly and equitably towards the costs of ~~avoiding, remedying, mitigating or offsetting~~ managing adverse effects on the environment ~~and infrastructure resources of the West Coast/Te Tai o Poutini.~~*
459. Westpower Limited (S547.334) seeks Objective 2 is amended as follows:
- To ensure that ... remedying or mitigating adverse effects, including any proposed offsetting or compensation, on the environment ...*
460. DoC (S602.113) seek Objective 2 is amended as follows:
- To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, minimising, remedying, mitigating ~~or~~ offsetting or compensating for adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.*
461. I recommend that the request from DoC and Westpower to include 'compensation' in the objective is rejected. In my view the current wording which references offsetting is consistent with the direction in s108 of the RMA. Where compensate is recommended to be included, this is to give to the NPS-IB. Manawa Energy (S438.115) seek that avoid, remedy and mitigate is replaced with 'manage'. Conversely, DoC (S602.113) seek that avoid, remedy and mitigate is retained and the word 'minimise' is added in. I agree with Manawa Energy and consider that the term manage encompasses avoid, remedy and mitigate, as well as offsetting and compensation actions, and that this change will streamline the objective.
462. I also support the deletion of reference to infrastructure resources as requested by Manawa Energy as the use of financial contributions for infrastructure is provided for under FC-O1.

Recommendations

463. It is recommended that FC-O2 is amended as follows:
- To ensure that new activities and development contributes fairly and equitably towards the costs of ~~avoiding, remedying, mitigating or offsetting~~ managing adverse effects on the environment ~~and infrastructure resources~~ of the West Coast/Te Tai o Poutini.

Financial Contributions – Policies (General)

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council	S538.229	Support in part	Council generally supports the policies for Financial Contributions.
Westland District Council	S181.019	Support	Retain the policies.

Analysis

464. Buller District Council (S538.229) and Westland District Council (S181.019) support the FC policies as drafted and seek that they are retained. I acknowledge the support for the FC policies as notified, however I have recommended some amendments in response to submissions as outlined in the subsequent sections.

Recommendations

465. It is recommended that submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

Financial Contributions – Policy 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora	S190.381	Support	Retain policy.
Ball Developments Ltd	S453.008	Support	Retain.
Chris & Jan Coll	S558.147	Amend	Amend as follows: To require financial contributions as a condition of subdivision, ... as a result of the subdivision, <u>land</u> use or development.
Chris J Coll Surveying Limited	S566.147	Amend	Amend as follows: To require financial contributions as a condition of subdivision, ... as a result of the subdivision, <u>land</u> use or development.
William McLaughlin	S567.224	Amend	Amend as follows: To require financial contributions as a condition of subdivision, ... as a result of the subdivision, <u>land</u> use or development.
Laura Coll McLaughlin	S574.147	Amend	Amend as follows: To require financial contributions as a condition of subdivision, ... as a result of the subdivision, <u>land</u> use or development.

Analysis

466. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.381) and Ball Developments Ltd (S453.008) support Policy 1 as notified. I acknowledge the support, however I have recommended a minor amendment in response to submissions as outlined below.

467. Chris & Jan Coll (S558.147), Chris J Coll Surveying Limited (S566.147), William McLaughlin (S567.224) and Laura Coll McLaughlin (S574.147) support Policy 1 but seek a minor amendment to the wording to include 'land use'. The term land use is used through the FC chapter and on this basis, I recommend accepting the request to ensure consistency in language.

Recommendations

468. It is recommended that Policy 1 is amended as follows:

To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, [land use](#) or development.

Financial Contributions – Policy 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora	S190.382	Support	Retain policy.
Manawa Energy	S438.116	Oppose	Amend: Financial contributions shall be applied in a fair and equitable manner that: a) Is financially transparent, <u>reasonable and appropriate to the circumstances</u> ; b) Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c) Is complementary to the Council's other financial management policies; and d) Takes into account any costs incurred <u>and financial benefits associated with the in</u> taking, holding and allocating the financial contributions.
Kāinga Ora	FS58.051	Support	Allow S438.116.
Kāinga Ora	FS58.0102	Support	Allow S438.116.
Kāinga Ora	FS58.0109	Support	Allow S438.116.
Chris & Jan Coll	S558.148	Amend	Retain.
Chris J Coll Surveying Limited	S566.148	Amend	Retain.
William McLaughlin	S567.225	Amend	Retain.
Laura Coll McLaughlin	S574.148	Amend	Retain.
David Ellerm	S581.032	Amend	Amend to add: e. That the <u>spending of any financial contribution are applied within the locality of the subdivision, use or land development</u> ; and

			f. Agreement is reached as to the most beneficial use of those monies with the developer.
--	--	--	---

Analysis

469. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.382), Chris & Jan Coll (S558.148), Chris J Coll Surveying Limited (S566.148), William McLaughlin (S567.225) and Laura Coll McLaughlin (S574.148) support Policy 2 as notified and seek that it is retained. The support is noted and I agree that Policy 2 should be retained as notified.
470. Manawa Energy (S438.115) seek to amend FC-P2 as follows:
Financial contributions shall be applied in a fair and equitable manner that: a) Is financially transparent, reasonable and appropriate to the circumstances; ... d) Takes into account any costs incurred and financial benefits associated with the in taking, holding and allocation the financial contribution.
471. I do not support the submission from Manawa Energy as I consider the requested amendments include additional wording to both subclauses that are not necessary to achieve FC-O1 and FC-O2. The requested amendments to subclause a) will also result in inefficiencies through the requirement to carry out detailed case by case assessments of financial circumstances, rather than assessing the need for new activities and development to contribute towards infrastructure resources.
472. David Ellerm (S581.032) seeks additional clauses to FC-P2 as follows:
e) That the spending of any financial contribution are applied within the locality of the subdivision, use or land development; and f) Agreement is reached as to the most beneficial use of those monies with the developer.
473. I do not support this request on the basis that the proposed amendments will unnecessarily constrain the spending of financial contributions, and are less efficient and effective in achieving FC-O1 and FC-O2, particularly in relation to ensuring that infrastructure is able to meet the demands generated by new subdivision, land use and activities.

Recommendations

474. That FC-P2 is retained as notified and no amendments be made as a result of these submissions.

Financial Contributions – Policy 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.383	Support	Retain policy.
Ball Developments Ltd	S453.009	Support	Retain.
Chris & Jan Coll	S558.149	Amend	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.

Chris J Coll Surveying Limited	S566.149	Amend	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.
William McLaughlin	S567.226	Amend	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.
Laura Coll McLaughlin	S574.149	Amend	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.

Analysis

475. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.383) and Ball Developments Ltd (\$453.009) support Policy 3 as notified and seek that it is retained as notified. The support for FC-P3 is noted, however I have recommended minor amendments to improve clarity as outlined below.
476. Chris & Jan Coll (\$558.149), Chris J Coll Surveying Limited (\$566.149), William McLaughlin (\$567.226) and Laura Coll McLaughlin (\$574.149) seek the deletion of *'but at the final discretion of the Council'*. I do not support this request as in my opinion this is an unnecessary change, I consider Policy 3 as notified is in accordance with section 108 of the RMA.
477. In response to submitters seeking amendments to the FC Chapter to improve clarity (\$438.114; FS58.049; FS58.0100; FS58.0107), I recommend the deletion of 'works' from FC-P3 as a financial contribution in the form of works is not provided for under section 108 of the RMA.

Recommendations

478. It is recommended that SUB-P3 is amended as follows:
- Financial contributions may be taken in the form of cash, ~~or~~ land, ~~works~~ or a combination of these in discussion with the applicant but at the final discretion of the Council.

Financial Contributions – Policy 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.384	Support	Retain policy.
Ball Developments Ltd	S453.010	Support	Retain.

Ball Developments Ltd	S453.012	Amend	Where land is provided by way of a financial contribution to ensure that such land shall be suitable for the intended use bearing in mind the community to be served. <u>The value of works undertaken to make the land suitable for the intended use shall be taken into consideration, in discussion with the applicant but at the final discretion of the Council. This shall include streetscape improvements, shared pathways, landscaping, planting, recreation facilities and community facilities provided.</u>
Buller District Council	S538.229	Support in part	Reword Policy 4 for clarity and ease of reading.
Chris & Jan Coll	S558.150	Support	Retain.
Chris J Coll Surveying Limited	S566.150	Support	Retain.
William McLaughlin	S567.227	Support	Retain.
Laura Coll McLaughlin	S574.150	Support	Retain.

Analysis

479. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.384), Chris & Jan Coll (S558.150), Chris J Coll Surveying Limited (S566.150), William McLaughlin (S567.227) and Laura Coll McLaughlin (S574.150) support Policy 4 as notified and seek that it is retained. I acknowledge the support for Policy 4, however I have recommended minor amendments in response to submissions as outlined below.
480. Ball Developments Ltd (S453.010, S453.012) support Policy 4 subject to the inclusion of the following:
The value of works undertaken to make the land suitable for the intended use shall be taken into consideration, in discussion with the applicant but at the final discretion of the Council. This shall include streetscape improvements, shared pathways, landscaping, planting, recreation facilities and community facilities provided.
481. I do not support the requested amendments from Ball Developments Ltd as the purpose of Policy 4 is to require the land to be suitable in order for it to be considered for a contribution. This is in accordance with section 108(9)(b) of the RMA, and on this basis, I consider that the requested additions are unnecessary.
482. Buller District Council (S538.229) seek to simplify Policy 4 to improve clarity and ease of reading. I agree that this wording can be simplified and recommend the following:
Ensure that ~~Where land is provided by way of a financial contribution to ensure that such land shall be~~ is suitable for the intended use bearing in mind the community to be served.

Recommendations

483. It is recommended that FC-P4 is amended as follows:
To ensure that ~~Where~~ land is provided by way of a financial contribution ~~to ensure that such land shall be~~ is suitable for the intended use bearing in mind the community to be served.

Financial Contributions – Policy 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.385	Support	Retain policy.
Ball Developments Ltd	S453.011	Support	Retain.
Chris & Jan Coll	S558.151	Amend	To use This shall <u>can</u> include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and/or community facilities.
Chris J Coll Surveying Limited	S566.151	Amend	To use This shall <u>can</u> include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and/or community facilities.
William McLaughlin	S567.228	Amend	To use This shall <u>can</u> include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and/or community facilities.
Laura Coll McLaughlin	S574.151	Amend	To use This shall <u>can</u> include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and/or community facilities.

Analysis

484. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.385) and Ball Developments Ltd (S453.011) support Policy 5 as notified and seek that it is retained. I acknowledge the support for Policy 5, however I have recommended minor amendments in response to submissions as outlined below.
485. Chris & Jan Coll (S558.151), Chris J Coll Surveying Limited (S566.151), William McLaughlin (S567.228) and Laura Coll McLaughlin (S574.151) seek to amend 'shall' to 'can'. I do not support this change as the use of 'shall' is consistent with terminology throughout the FC chapter. As discussed above, it is considered that 'shall' provides for a greater certainty and clearer direction to plan users.

Recommendations

It is recommended that FC-P5 is retained as notified and that no amendments be made as a result of these submissions.

Financial Contributions – Policy 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.386	Support	Retain policy.
Transpower NZ Ltd	S299.086	Oppose	Either delete Policy FC-P6 or amend the policy to not apply to the National Grid.
Manawa Energy Limited (Manawa Energy)	S438.117	Oppose	Delete FC - P6 or Amend FC - P6 as follows: To provide for the use of financial contributions <u>as a method of</u> for managing adverse environmental effects, including those on significant indigenous biodiversity and outstanding natural landscapes where these cannot <u>practically</u> be avoided, remedied or mitigated, and <u>recognise that some</u> the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and <u>regionally significant critical infrastructure</u> .
Buller District Council	S538.229	Support in part	Reword Policy 6 for clarity and ease of reading.
Westpower Limited	S547.335	Support	Retain.
Chris & Jan Coll	S558.152	Support	To provide ... such as <u>but not limited to</u> mineral extraction, renewable electricity generation activities and critical infrastructure.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.261	Oppose	Delete.
Kāinga Ora - Homes and Communities	FS58.052	Support	Allow S560.261.
Kāinga Ora - Homes and Communities	FS58.0103	Support	Allow S560.261.
Chris J Coll Surveying Limited	S566.152	Support	To provide ... such as <u>but not limited to</u> mineral extraction, renewable electricity generation activities and critical infrastructure.
William McLaughlin	S567.229	Support	To provide ... such as <u>but not limited to</u> mineral extraction, renewable electricity generation activities and critical infrastructure.

Laura Coll McLaughlin	S574.152	Support	To provide ... such as <u>but not limited to</u> mineral extraction, renewable electricity generation activities and critical infrastructure.
Department of Conservation	S602.114	Amend	Amend: To provide for <u>allow</u> the use of financial contributions for managing adverse environmental effects to address residual adverse effects, including those on significant indigenous biodiversity and outstanding natural landscapes <u>outstanding natural landscape and/or features, outstanding natural character, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna</u> where these cannot be otherwise avoided, minimised, remedied, or mitigated <u>or offset</u> and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and critical infrastructure.

Analysis

486. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.386) and Westpower (S547.335) support Policy 6 as notified and seek that it is retained. I acknowledge the support for Policy 6, however I have recommended amendments in response to submissions as outlined below.
487. Transpower (S299.086) seek to delete Policy 6 or to amend the Policy so it does not apply to the National Grid. Transpower submits that the basis for applying the policy to critical infrastructure is unclear and the basis for extending the offsetting and compensation requirement beyond SNAs is not clear. I recommend that the request from Transpower is rejected as infrastructure activities, including those relating to the National Grid, have the potential to generate adverse effects that cannot be avoided, remedied, minimised, or mitigated. It is appropriate to allow for these effects to be addressed through financial contributions in accordance with Chapter 7 of the WCRPS. In my view, Policy 6 is intended to be an enabling policy in accordance with section 108(1) of the RMA, and does not require offsetting or compensation beyond SNAs where this is not proposed by the applicant.
488. Forest & Bird (S560.261) seek to delete Policy 6 on the basis that it is contrary to WCRPS and RMA requirements regarding effects management. This is supported by Kāinga Ora (FS58.052; FS58.0103). As discussed above, I consider that the provision for financial contributions to address adverse effects that cannot be avoided, remedied, minimised, or mitigated is consistent with the direction in Chapter 7 of the WCRPS and therefore recommend that Policy 6 is retained.
489. Chris & Jan Coll (S558.152), Chris J Coll Surveying Limited (S566.152), William McLaughlin (S567.229) and Laura Coll McLaughlin (S574.152) seek the inclusion of 'but not limited to' within the Policy in relation to relevant activities. In my view, the activities within the West Coast which are relevant to Policy 6 can be readily identified,

and the use of the term 'including' is open ended anyway. I do not support the requested amendment.

490. DoC (S602.114) seek a number of amendments on the basis that financial contributions required to address any effects on significant values and areas should only be applied to residual adverse effects that cannot otherwise be addressed by applying the effects management hierarchy. DoC also request that the policy apply to all significant natural values and areas, and the deletion of the reference to 'mineral extraction'.
491. Manawa Energy (S438.117) also seek a number of amendments as they consider that the policy should be deleted, or amended to be clearly directed to the management of effects, not to offsetting or compensation, and to identify that financial contributions are only one method of managing adverse environmental effects. They also seek to replace 'critical infrastructure' with 'regionally significant infrastructure'.
492. I agree with DoC that it is appropriate to require financial contributions to address residual adverse effects. This is consistent with Chapter 7 of the WCRPS, and Policy 6 as notified identifies that these are effects that cannot be avoided, remedied, or mitigated. I disagree with Manawa Energy that financial contributions are a method to manage adverse environmental effects generally. I support the amendments requested by DoC as they will improve clarity in relation the appropriate use of financial contributions, subject to additional amendments that give effect to the effects management hierarchy under the NPS-IB through the introduction of a new subclause relating to significant indigenous biodiversity.
493. I also support inclusions of all significant natural values and areas sought by DoC as this will give effect to section 6 of the RMA. I do not agree that the deletion of mineral extraction is necessary, as these are activities that have the potential to create residual adverse effects. I consider that by providing for these effects to be addressed through financial contributions is in keeping with Strategic Directions Objectives MIN-O1, MIN-O2, and MIN-O3, and MIN-O6.
494. I support the amendment of replacing 'critical infrastructure' with 'regionally significant infrastructure' as sought by Manawa Energy because this will achieve consistency with the WCRPS and other chapters within the pTTPP and I understand this is the approach agreed in other hearing streams.
495. Buller District Council (S538.229) seek to simplify Policy 6 to improve clarity and ease of reading. In my view, the above recommended amendments to FC-P6 will achieve the relief sought.

Recommendations

496. It is recommended that FC-P6 is amended as follows:

To ~~provide for~~ allow the use of financial contributions ~~for managing~~ to address residual adverse environmental effects, including those on:

 - a. Significant ~~indigenous biodiversity and~~ outstanding natural landscapes, outstanding natural features, outstanding natural character, or areas of significant habitat of indigenous fauna where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and ~~critical~~ regionally significant infrastructure.
 - b. Significant indigenous biodiversity where these cannot be avoided, minimised, or remedied and the activities have specific spatial location requirements or functional and operational needs such as mineral extraction, renewable electricity generation activities and regionally significant infrastructure.

Financial Contributions – Policy 7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.387	Support	Retain policy.
Transpower New Zealand Limited	S299.087	Support in part	If Policy FC-P6 is retained, also retain this policy.
Manawa Energy Limited (Manawa Energy)	S438.118	Support in part	Delete FC - P7.
Kāinga Ora - Homes and Communities	FS58.053	Support	Allow S438.118.
Kāinga Ora - Homes and Communities	FS58.0104	Support	Allow S438.118.
Kāinga Ora - Homes and Communities	FS58.0111	Support	Allow S438.118.
Westpower Limited	S547.336	Support	Retain.
Chris & Jan Coll	S558.154	Amend	Retain.
Chris J Coll Surveying Limited	S566.154	Amend	Retain.
William McLaughlin	S567.230	Amend	Retain.
Laura Coll McLaughlin	S574.154	Amend	Retain.
Department of Conservation	S602.115	Oppose	Delete Policy FC - P7 in its entirety: When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.

Analysis

497. Manawa Energy (S438.118) and DoC (S602.115) seek to delete Policy 7 on the basis that it does not provide a clear formula or method of calculation, and that the benefits of the activity should not have any bearing on whether compensation to address residual effects is needed. I agree with the submitters that the policy lacks clarity and is ambiguous, and that the proposed provisions do not clearly identify how the benefits of a proposed activity are to be quantified. In my view, Policy 7 is not necessary, and is not efficient or effective in achieving FC-O1 and FC-O2. The effects of an activity, subdivision or land use both negative and positive are considered during the resource consent assessment process and I therefore it unnecessary to consider that again at the point of financial contributions. If financial contributions are being applied, then the consent has reasonably been granted. I also consider that there would be too much uncertainty and risk in quantifying the benefit and the commensurate impact that may have on the amount of financial contributions required. I recommend that Policy 7 is deleted in its entirety.
498. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.387), Westpower (S547.336), Chris & Jan Coll (S558.154), Chris J Coll Surveying Limited (S566.154), William McLaughlin (S567.230) and Laura Coll McLaughlin (S574.154) support Policy 7 as notified and seek that it is retained. Transpower seek that Policy 7

is retained in the event Policy 6 is retained. I reject these requests for the reasons set out above.

Recommendations

499. It is recommended that FC-P7 is deleted:

~~When calculating financial contributions as a method of managing adverse environmental effects of activities, take into account the local, regional and national benefits of the proposed activity.~~

Financial Contributions – Rule 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Westland District Council	S181.020	Amend	Change the wording from 'A condition may be imposed' to 'A condition <u>shall</u> be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes (<u>unless determined otherwise by Council</u>)'.
Grey District Council	FS1.316	Support	Allow S181.020.
Westpower Limited	FS222.044	Oppose	Disallow S181.020.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.388	Support	Retain rule.
Transpower New Zealand Limited	S299.088	Oppose	Delete FC-R1 as it applies to the National Grid.
Ball Developments Ltd	S453.013	Amend	Any allotment that is vested in Council or the Crown: e.g., local purpose or open space reserves.
Ball Developments Ltd	S453.014	Amend	(ii) Allotments that are amalgamated with any other allotment at the time of subdivision.
Davis Ogilvie & Partners Ltd	S465.010	Amend	Amend the rule to exclude any allotment that is vested in Council or the Crown and allotments that are amalgamated with any other allotment at the time of subdivision.
Buller District Council	S538.231	Support in part	To amend as follows: 1. A condition may be imposed on a subdivision, <u>development</u> , or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes: Reword Point 3.

Westpower Limited	S547.337	Amend	Amend: ii. Securing any proposed environmental <u>offsetting or</u> compensation where relevant to residual adverse effects ...
Chris & Jan Coll	S558.155	Amend	Amend point 2 to extend beyond boundary adjustment (as presently defined) to include subdivisions where the subdivision results in a reduction in the total number of allotments (or record of titles).
Chris & Jan Coll	S558.156	Amend	Point 3 needs to be rewritten to be fairer to applicants and provide some certainty.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.262	Oppose	Delete i and ii.,
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.520	Amend	Amend to make clear that this does not derogate from the requirement to manage adverse effects in accordance with the Plan, and that this rule does not provide for financial contributions for effects on biodiversity or landscape.
Chris J Coll Surveying Limited	S566.155	Amend	Amend point 2 to extend beyond boundary adjustment (as presently defined) to include subdivisions where the subdivision results in a reduction in the total number of allotments (or record of titles).
Chris J Coll Surveying Limited	S566.156	Amend	Point 3 needs to be rewritten to be fairer to applicants and provide some certainty.
William McLaughlin	S567.231	Amend	Amend point 2 to extend beyond boundary adjustment (as presently defined) to include subdivisions where the subdivision results in a reduction in the total number of allotments (or record of titles).
William McLaughlin	S567.232	Amend	Point 3 needs to be rewritten to be fairer to applicants and provide some certainty.
Laura Coll McLaughlin	S574.155	Amend	Amend point 2 to extend beyond boundary adjustment (as presently defined) to include subdivisions where the subdivision results in a reduction in the total number of allotments (or record of titles).
Laura Coll McLaughlin	S574.156	Amend	Point 3 needs to be rewritten to be fairer to applicants and provide some certainty.

Department of Conservation	S602.116	Amend	Amend: A condition may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution <u>including but not limited to</u> for the following purposes: The management of potential adverse effects arising from the activity; Securing environmental compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, <u>minimised</u> , remedied, or otherwise mitigated or offset ; Providing and/or upgrading public network utility services and transport infrastructure; Providing and/or upgrading public reserves, public access and community facilities; and....
----------------------------	----------	-------	---

Analysis

500. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.388) support Rule 1 as notified and seek that it is retained. I acknowledge the support for Rule 1, however I have recommended amendments in response to submissions as outlined below.
501. Westland District Council (S181.020) seek amendments to FC-R1(1) as follows:
A condition ~~may~~ shall be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes (unless determined otherwise by Council)...
502. For the same reasons as set out above, this amendment is recommended to be accepted on the basis it provides for greater certainty and direction to plan users.
503. Transpower (S299.088) seek to delete Rule 1 as it applies to the National Grid on the basis that there is no clear policy direction or guidance as to the circumstances in which a contribution will be required. In my view, the circumstances requiring a financial contribution are set out under FC-R1(1), and it is unnecessary to exclude the National Grid from this Rule. I do not support the amendment sought by Transpower.
504. Ball Developments Ltd (S453.013) and Davis Ogilvie & Partners Ltd (S465.010) seek to include additional exclusions for any allotment that is vested in Council or the Crown, for example, local purpose of open space reserves, and allotments that are amalgamated with any other allotment at the time of subdivision. Similarly, Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.155), William McLaughlin (S567.231), Laura Coll McLaughlin (S574.155), and Ball Developments Ltd (S453.014) seek to include additional exclusions for subdivisions where the subdivision results in a reduction or amalgamation in the total number of allotments or records of titles.
505. I agree that a financial contribution should not apply to land to be vested or subdivisions resulting in amalgamations or a reduction the number of titles, and support amendments to FC-R1(2) to include the following:
vii. Any allotment that is vested in the Council or the Crown;

viii. An approved subdivision resulting in the amalgamation of, or a reduction in, the number of titles.

506. Buller District Council (S538.231) support Rule 1 but seek to reword clause 3 to include reference to 'development, resilience initiatives, and Water Entities'. I do not support the inclusion of 'development' as the notified reference to a subdivision or land use consent is consistent with the types of resource consents under the RMA. I do not support the inclusion of 'resilience initiatives', as while I understand that this may refer to activities such as structures necessary to manage natural hazard risk, I consider that this term creates the potential for ambiguity and uncertainty as to the types of activities or initiatives that would qualify. The submitter is invited to provide further detail on how 'resilience initiatives' would be defined and implemented within FC-R3. I also do not support the inclusion to Water Entities and consider this is unnecessary in light of the latest Government direction on Three Waters.

507. Buller District Council (S538.231) seek clearer wording in in FC-R1(3)(iii) for ease of reading. Chris & Jan Coll (S558.155), Chris J Coll Surveying Limited (S566.156), William McLaughlin (S567.232), and Laura Coll McLaughlin (S574.155) seek to amend FC-R1(3) to be fairer to applicants and provide some certainty.

508. I agree that FC-R1.3 can be amended to improve clarity and recommend the following amendments to clauses 3.1-3.iv:

Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:

- i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;*
- ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made by the relevant District Council;*
- iii. In the event that the relevant District Council does not contribute to the funding at ~~that~~ the time the infrastructure is required by the proposed land-use, subdivision or development, the developer will be reimbursed by the relevant District Council;*
- iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in relevant District Council's Long Term Plan; and*

...

509. DoC (S602.116) seek to amend FC-R1.1 as follows:

A condition may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make financial contribution including but not limited to ~~for~~ the following purposes:

...

- ii. Securing environmental compensation where any residual adverse effects of the subdivision, use or development that cannot be avoided, minimised, remedied, or otherwise mitigated or offset;*

...

510. Westpower (S547.337) seek to include reference to offsetting in addition to compensation. I recommend to accept the amendment sought by Westpower as the

management of effects that cannot be avoided, remedied, or mitigated may include both offsetting and compensation actions.

511. In my view, the inclusion of 'including but not limited to' sought by DoC would create uncertainty for plan users. I do not support this amendment as the FC Chapter should be clear in terms of the intended purpose of financial contributions and when they may be required. I support the proposed amendments to 1.ii to include 'minimised' as this will achieve consistency with the effects management hierarchy as set out in the NPS-IB.
512. Forest & Bird (S560.262; S560.520) seek the deletion of FC-R1.1.i and FC-R1.1.ii and amendments to make it clear that Rule 1 does not provide for financial contributions for effects on biodiversity or landscape. I agree that 1.i creates duplication with other sub clauses and ambiguity, and support the deletion of this clause. I consider that subject to the amendments above to 1.ii, there is clear direction to plan users that financial contributions cannot be applied to manage adverse effects generally.

Recommendations

513. It is recommended that FC-R1 is amended as follows:
1. A condition may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes:
 - i. ~~The management of potential adverse effects arising from the activity;~~
 - ii. Securing environmental offsetting or compensation where any residual adverse effects of the subdivision, use or development ~~that~~ cannot be avoided, minimised, remedied or otherwise mitigated;
 - iii. Providing and/or upgrading public network utility services and transport infrastructure;
 - iv. Providing and/or upgrading public reserves, public access and community facilities; and
 2. No financial contribution is payable for:
 - i. Additions and alterations to residential buildings;
 - ii. A residential building replacing one previously on the site;
 - iii. An approved boundary adjustment;
 - iv. An approved subdivision creating a certificate of title solely for a utility;
 - v. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; ~~and~~
 - vi. Infrastructure for which a financial contribution has been made previously;
 - vii. Any allotment that is vested in the Council or the Crown; and
 - viii. An approved subdivision resulting in the amalgamation of or a reduction in the number of titles.
 3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:
 - i. The relevant District Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;
 - ii. Agreements shall be made in writing between the developer and the relevant District Council, and shall state the amount of the financial contribution and timing of any payments to be made by the relevant District Council;
 - iii. In the event that the relevant District Council does not contribute to the funding at

~~that~~ at the time the infrastructure is required by the proposed land-use, subdivision or development, the developer will be reimbursed by the relevant District Council;

- iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in relevant District Council's Long Term Plan; and
- v. Reimbursement will not include interest additional to that which would have been payable by the relevant District Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

Financial Contributions – Rule 2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.389	Support	Retain rule.
Ball Developments Ltd	S453.015	Amend	<p>Add:</p> <p>Where a financial contribution is, or includes works, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:</p> <p>(a) The nature of works included in the financial contribution;</p> <p>(b) A minimum and/or maximum value of the works to be included.</p>
Davis Ogilvie & Partners Ltd	S465.011	Amend	<p>Amend the rule so that after R2(4), a further subsection be inserted as follows:</p> <p><u>"Where a financial contribution is, or includes works, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:</u></p> <p><u>a) The nature of works included in the financial contribution;</u></p> <p><u>(b) A minimum and/or maximum value of the works to be included.</u></p>
Buller District Council	S538.232	Support	To amend as follows: 3.c.i. In the case of subdivision, generally before issuing <u>uplifting</u> the section 224 certificate;

Westpower Limited	S547.338	Amend	(1) Amend item 2" "2. Financial contributions ... contribution that is <u>already</u> required, or has already been paid .". (2) Amend c.ii." "ii. In the case of land use, <u>prior to giving effect to or implementing the resource consent at the time of issuing the consen</u> ";".
Chris & Jan Coll	S558.157	Amend	Amend point 4 as follows: 4. Where a financial contribution ... conditions of the resource consent: a. The location and area of the land <u>within the land being subdivided or under application</u> ; ...
Chris & Jan Coll	S558.158	Support	Retain reference to a registered valuer.
Chris J Coll Surveying Limited	S566.157	Amend	Amend point 4 as follows: 4. Where a financial contribution ... conditions of the resource consent: a. The location and area of the land <u>within the land being subdivided or under application</u> ; ...
Chris J Coll Surveying Limited	S566.158	Support	Retain reference to a registered valuer.
William McLaughlin	S567.233	Amend	Amend point 4 as follows: 4. Where a financial contribution ... conditions of the resource consent: a. The location and area of the land <u>within the land being subdivided or under application</u> ; ...
William McLaughlin	S567.234	Support	Retain reference to a registered valuer.
Laura Coll McLaughlin	S574.157	Amend	Amend point 4 as follows: 4. Where a financial contribution ... conditions of the resource consent: a. The location and area of the land <u>within the land being subdivided or under application</u> ; ...
Laura Coll McLaughlin	S574.158	Support	Retain reference to a registered valuer.

Analysis

514. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.389) support Rule 2 as notified and seek that it is retained. I acknowledge the support for Rule 2, however I have recommended amendments in response to submissions as outlined below.
515. Westpower (S547.338) seek to amend FC-R2.2 as follows:
Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is already required ...
516. I support this change as it is a minor amendment that I consider will improve the clarity of the rule.
517. Westpower (S547.338) seek to amend FC-R2.3.c.ii as follows:
In the case of land use, prior to giving effect to or implementing the resource consent at the time of issuing of the resource consent

518. I consider that the 'time of issuing of the resource consent' may be interpreted as the financial contribution being payable at the time of issue, irrespective of whether the resource consent will be implemented. I recommend an amendment to specify that in the case of a land use consent, the time of payment will be specified within the consent conditions, noting that a different trigger may apply depending on the nature of land use or development. I support the following amendment to FC-R2.3.c.ii:

In the case of land use, the time of payment as specified in the conditions at the time of issuing of the resource consent;

519. Buller District Council (S538.232) seek to amend FC-R2.3.c.i to amend 'uplifting' to 'issuing' of the section 224 certificate. I support this change as it is a minor amendment that I consider will improve the clarity of the rule.
520. Chris & Jan Coll (S558.157), Chris J Coll Surveying Limited (S566.1157), William McLaughlin (S567.233) and Laura Coll McLaughlin (S574.157) seek to amend FC-R2.4.a as follows on the basis that it is too broad:

... the relevant District Council may specify any one or more of the following in the conditions of the resource consent:

The location and area of the land within the land being subdivided or under application;

521. I do not support this amendment as the land contribution may not be located within the subject site, and this addition would unnecessarily restrict the rule.
522. Chris & Jan Coll (S558.158), Chris J Coll Surveying Limited (S566.158), William McLaughlin (S567.234) and Laura Coll McLaughlin (S574.158) seek to retain the reference to a 'registered valuer' in FC-R2.6. The support is noted and I agree that this reference should be retained.
523. Ball Developments Ltd (S453.015) and Davis Ogilvie & Partners Ltd (S465.011) seek amendments to FC-R2 to include additional clauses relating to where a financial contribution is, or includes works. I do not support the relief sought as under section 108(9) of the RMA, a financial contribution may include money or land, or a combination of money and land. Consequentially, I recommend the deletion of 'works' from FC-R2 to improve the clarity of the rule.

Recommendations

524. It is recommended that FC-R2 is amended as follows:
1. Financial contributions may, at the relevant District Council's discretion, take the form of money or land ~~or works~~ or any combination of money, ~~and~~ land ~~and works~~;
 2. Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is ~~already~~ required, or has already been paid in relation to that use, development or subdivision;
 3. Where a financial contribution is, or includes the payment of money, the relevant District Council may specify any one or more of the following in the conditions of the resource consent;
 - a. The amount to be paid by the consent holder;
 - b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;
 - c. When the payment is to be made:
 - i. In the case of subdivision, generally before ~~issuing~~ ~~uplifting~~ the section 224 certificate;
 - ii. In the case of land use, the time of payment as specified in the conditions at the time of issuing of the resource consent;
 - d. If the amount of the payment is to be adjusted to take account of inflation and if

- so, how the amount is to be adjusted; and
- e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
 - f.
4. ...

Financial Contributions – Rule 3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.390	Support	Retain rule.
Buller District Council	S538.233	Not Stated	Will need to be road tested to ensure fair and reasonable.
Kāinga Ora - Homes and Communities	FS58.054	Support	Allow S538.233.
Kāinga Ora - Homes and Communities	FS58.0105	Support	Allow S538.233.
Kāinga Ora - Homes and Communities	FS58.0112	Support	Allow S538.233.
Chris & Jan Coll	S558.159	Amend	Amend to ensure that Council cannot require an applicant to bear the full cost of upgrading a road that is significantly below an appropriate level of service.
Chris J Coll Surveying Limited	S566.159	Amend	Amend to ensure that Council cannot require an applicant to bear the full cost of upgrading a road that is significantly below an appropriate level of service.
William McLaughlin	S567.235	Amend	Amend to ensure that Council cannot require an applicant to bear the full cost of upgrading a road that is significantly below an appropriate level of service.
Laura Coll McLaughlin	S574.159	Amend	Amend to ensure that Council cannot require an applicant to bear the full cost of upgrading a road that is significantly below an appropriate level of service.
David Ellerm	S581.033	Amend	Amend to clarify the maximum road distance from the proposed subdivision, use of development that Council can require road upgrading for increased traffic effects directly associated with a development.
Grey District Council	FS1.252	Support in part	Allow in part S581.033

Analysis

525. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.390) support Rule 3 as notified and seek that it is retained. I acknowledge the support for Rule 3, however I have recommended amendments in response to submissions as outlined below.
526. David Ellerm (S581.0343) seeks to amend FC-R3 to clarify the maximum road distance from the proposed subdivision, use, or development that Council can require road upgrade from. I acknowledge that the relief sought would provide increased certainty to applicants, however I consider that the assessment of traffic effects and therefore the need to undertake roading upgrades will be dependent on each individual application, and that it would not be efficient or effective to include a maximum road distance. In the absence of specific amendments sought by the submitter in relation to FC-R3, I do not support the relief sought. The submitter is invited to provide further information and evidence outlining further amendments to FC-R3.
527. Chris & Jan Coll (S558.159), Chris J Coll Surveying Limited (S566.159), William McLaughlin (S567.235) and Laura Coll McLaughlin (S574.159) seek to amend FC-R3 to ensure that an applicant does not bear the full cost of upgrading a road that is significantly below an appropriate level of service. I agree that the existing condition of a road is a relevant consideration to the calculation of financial contributions, and recommend the following amendment to FC-R3.2, which relates to traffic effects generated by a development or subdivision:
- ... the financial contribution shall be calculated as the cost of upgrading the road from the level of service required for existing land uses to the ~~required~~ level of service required for the development or subdivision specified in ...*
528. Buller District Council (S538.233) seek that the formula in FC-R3 be road tested to ensure that it is fair and reasonable. This is supported by Kāinga Ora (FS58.054; FS58.0105; FS58.0112). In the absence of specific amendments sought by the submitter in relation to FC-R3, I do not support the relief sought. The submitter is invited to provide further information and evidence outlining further amendments to FC-R3.
529. Submitters and further submitters (S438.114; FS58.049; FS58.0100; FS58.0107) seek clarity in the FC chapter and how contributions would be applied. In discussing this rule with Mr Collins it was noted that the formulae in FC-R3(3) as notified includes a gap relating to intersections and would not allow for the collection of financial contributions in relation to intersection upgrades and maintenance as part of the road. In my view the current wording of the rule is confusing, lacks clarity and is difficult to interpret. In considering these submission points I have reviewed the operative approaches to financial contributions of the three councils and the s32 evaluation. I note the s32 references the ambiguity and difficulties collecting financial contributions currently with an ongoing issue of undercharging. I recommend amendments to the rule to simplify the formulae and address the gap relating to intersections. I invite evidence from submitters on the proposed amendments which would be helpful in finalising FC-R3(3).

Recommendations

530. It is recommended that FC-R3 is amended as follows:
1. The maximum contribution required for the ~~development~~, maintenance and upgrading of roads including intersections that serve a subdivision, land use or development shall be 100% of the ~~estimated~~ cost calculated in FC-R3(3); and
 2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road, the financial contribution shall be calculated as the cost of upgrading the road from the level of service required for existing land uses to the ~~required~~ level of service required for the development or

subdivision specified in the relevant Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

3. Financial contributions for roading will be calculated in accordance with the following formulae ~~based on the number of new allotments created~~:

- i. Financial contribution for subdivision – based on number of new allotments created:

$$CP = LG \times D1 \times Rc + Ic$$

CP = Value of contribution (\$)

LG = Number of new allotments created in the proposed subdivision

D1 = Length of road frontage (km) along the application site. If the subdivision is on both sides of the road the length shall be added together

Rc = Cost (\$/km) determined by the council based on the road hierarchy

Ic = Cost (\$/m²) to upgrade the intersection as determined by the council (if required)

~~Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site~~

$$Cp = D1 \times Rc \times Lg + D2 \times Rc \\ Le + Lg \quad 2$$

~~Where~~

~~Cp = Value of contribution (\$)~~

~~D1 = Length of road (km) required to be upgraded to the closest boundary of the site~~

~~D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together~~

~~Le = Total number of existing allotments fronting to the road to be upgraded measured as D1~~

~~Lg = Number of new allotments created in the proposed subdivision~~

~~Rc = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.~~

- ii. Financial Contribution for Land-use and Development – Based on traffic generation:

$$Cp = Rc \times Tg + Ic$$

Cp = Value of contribution (\$)

Rc = Cost (\$/vehicle movement) determined by the council based on the road hierarchy and activity

Tg = Total amount of traffic generated by the development (annual average daily traffic)

Ic = Cost (\$/m²) to upgrade the intersection as determined by the council (if required)

~~Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of~~

upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Where:

C_p = Value of contribution (\$)

D_1 = Length of road (km) required to be upgraded to the closest boundary of the site D_2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

T_e = Total amount of traffic currently using this road (as vehicles per day, AADT)

T_g = Total amount of traffic generated by the development (as vehicles per day, AADT)

R_c = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

4. [Financial contributions do not apply to the forming of new roads and intersections. These will form part of resource consent condition and vesting under section 224c of the RMA.](#)

Financial Contributions – Rule 4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.391	Support	Retain rule.
Buller District Council	S538.234	Not Stated	To amend as follows: 1. Roads outlined in 2 below....District Council's Subdivision and Development Infrastructure Technical Requirements Code standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.
Chris & Jan Coll	S558.160	Support	Retain.
Chris J Coll Surveying Limited	S566.160	Support	Retain.
William McLaughlin	S567.236	Support	Retain.
Laura Coll McLaughlin	S574.160	Support	Retain.
David Ellerm	S581.034	Support	Amend 2. Lake View Terrace, Iveagh Bay.
Grey District Council	FS1.253	Oppose	Disallow S581.034.

Analysis

531. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.391), Chris & Jan Coll (S558.160), Chris J Coll Surveying Limited (S566.160), William McLaughlin (S567.236) and Laura Coll McLaughlin (S574.160) support Rule 3 as notified and seek that it is retained. I acknowledge the support for Rule 4, however I have recommended the deletion of the rule as outlined below.
532. David Ellerm (S581.034) sought to include Lake View Terrace, Iveah Bay under FC-R4.2 as a road that is at capacity for their structure. This is opposed by Grey District Council (FS.253). The relief sought by David Ellerm has been considered by Mr Collins. Mr Collins considers that based on existing development and zoning provided for under the pTTPP, Lake View Terrace is unlikely to be at capacity with respect to traffic movements. On this basis, no amendments are recommended to FC-R4.
533. Mr Collins also identifies the notified wording within FC-R4 creates a number of ambiguities from a transport perspective, including determining when a road is 'at capacity'. On the basis of submissions seeking that the clarity of the FC chapter be improved (S438.114; FS58.049; FS58.0100; FS58.0107), I recommend the deletion of FC-R4 as financial contributions required in relation to roading upgrades are managed under FC-R3.
534. It is noted that Buller District Council (S538.234) seeks amendments to delete reference to roads identified in FC-R4.2 and to the 'Land Development and Subdivision Infrastructure'.

Recommendations

535. It is recommended that FC-R4 is deleted.

Financial Contributions – Rule 5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.392	Support	Retain rule.
Buller District Council	S538.235	Support	Retain as notified.
Chris & Jan Coll	S558.161	Amend	Amend the final sentence of point 1 before the formula to be as follows: The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site and <u>or</u> for every 5 bicycle parks not provided.
Chris & Jan Coll	S558.162	Amend	Amend so there is greater clarity, transparency and certainty over how the costs are calculated.

Chris J Coll Surveying Limited	S566.161	Amend	Amend the final sentence of point 1 before the formula to be as follows: The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site and <u>or</u> for every 5 bicycle parks not provided.
Chris J Coll Surveying Limited	S566.162	Amend	Amend so there is greater clarity, transparency and certainty over how the costs are calculated.
Kāinga Ora - Homes and Communities	FS58.055	Support	Allow S566.162.
Kāinga Ora - Homes and Communities	FS58.0113	Support	Allow S566.162.
William McLaughlin	S567.237	Amend	Amend the final sentence of point 1 before the formula to be as follows: The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site and <u>or</u> for every 5 bicycle parks not provided.
William McLaughlin	S567.238	Amend	Amend so there is greater clarity, transparency and certainty over how the costs are calculated.
Laura Coll McLaughlin	S574.161	Amend	Amend the final sentence of point 1 before the formula to be as follows: The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site and <u>or</u> for every 5 bicycle parks not provided.
Laura Coll McLaughlin	S574.162	Amend	Amend so there is greater clarity, transparency and certainty over how the costs are calculated.

Analysis

536. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.392) and Buller District Council (\$538.235) support Rule 5 as notified and seek that it is retained. I acknowledge the support for Rule 5, however I have recommended minor amendments in response to submissions as outlined below.
537. Chris & Jan Coll (\$558.162), Chris J Coll Surveying Limited (\$566.162), William McLaughlin (\$567.238) and Laura Coll McLaughlin (\$574.162) seek to amend FC-R5 to provide greater clarity, transparency and certainty over how the costs are calculated. In the absence of specific amendments sought by the submitter in relation to FC-R5 and the relevant formula, I do not support the relief sought. The submitter is invited to provide further information and evidence outlining further amendments to FC-R5.
538. Chris & Jan Coll (\$558.161), Chris J Coll Surveying Limited (\$566.161), William McLaughlin (\$567.237) and Laura Coll McLaughlin (\$574.161) seek to amend FC-R5.1 to replace 'and for every 5 bicycle parks not provided' to 'or for every 5 bicycle parks

not provided. I support this change as it is a minor amendment that I consider will improve the clarity of the rule.

Recommendations

539. It is recommended that FC-R5 is amended as follows:

1. A financial contribution for vehicle parking may be required where the on - site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the Transport Performance Standards. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site ~~and~~ or for every 5 bicycle parks not provided.

...

Financial Contributions – Rule 6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.393	Support	Retain rule.
Buller District Council	S538.236	Support	Retain as notified.
Chris & Jan Coll	S558.163	Amend	Replace the term "development" with "land use".
Chris J Coll Surveying Limited	S566.163	Amend	Replace the term "development" with "land use".
William McLaughlin	S567.239	Amend	Replace the term "development" with "land use".
Laura Coll McLaughlin	S574.163	Amend	Replace the term "development" with "land use".

Analysis

540. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.393) and Buller District Council (S538.236) support Rule 6 as notified and seek that it is retained. I acknowledge the support for Rule 6, however I have recommended minor amendments in response to submissions as outlined below.
541. Chris & Jan Coll (S558.163), Chris J Coll Surveying Limited (S566.163), William McLaughlin (S567.239) and Laura Coll McLaughlin (S574.163) seek to amend FC-R6 to replace the term 'development' with 'land use'. I support an amendment to FC-R6 to include 'a subdivision or land use consent' to achieve consistency with language used elsewhere in the FC chapter, including FC-R1.

Recommendations

542. It is recommended that FC-R6 is amended as follows:

1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a ~~development or~~ subdivision or land use consent of the land shall include a condition requiring the land to be formed to the standards specified in the relevant district Council Engineering Standards or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

Financial Contributions – Rule 7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.394	Support	Retain rule.
Buller District Council	S538.238	Support	To add advisory note as follow: "It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones."
Chris & Jan Coll	S558.165	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris & Jan Coll	S558.166	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Chris J Coll Surveying Limited	S566.165	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris J Coll Surveying Limited	S566.166	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Kāinga Ora - Homes and Communities	FS58.0114	Support	Allow S566.166.
Kāinga Ora - Homes and Communities	FS58.056	Support	Allow S566.166.
William McLaughlin	S567.240	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
William McLaughlin	S567.241	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Laura Coll McLaughlin	S574.165	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Laura Coll McLaughlin	S574.166	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.

David Ellerm	S581.035	Amend	Amend 1. Financial contributions may <u>are ...</u>
--------------	----------	-------	---

Analysis

543. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.394), support Rule 7 as notified and seek that it is retained. I acknowledge the support for Rule 7, however I have recommended amendments in response to submissions as outlined below.
544. Buller District Council (S538.238) seek the addition of the following advice note:
It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.
545. I support this addition in the form of an advice note following FC-R7.1 as it will improve plan clarity and efficiency in achieving FC-O1 and FC-O2.
546. David Ellerm (S581.035) seeks to amend FC-R7.1 to replace 'may' with 'are'. I support an amendment from 'may' to 'shall' to achieve consistency with the recommended amendments set out above, and on the basis that 'shall' will achieve greater certainty for plan users. It is recommended that this submission is accepted in part.
547. Chris & Jan Coll (S558.165), Chris J Coll Surveying Limited (S566.165), William McLaughlin (S567.240) and Laura Coll McLaughlin (S574.165) seek additional amendments to FC-R7.4 to ensure fairness, transparency, and certainty to an applicant. I consider that FC-R7.4 as notified is effective and efficient in achieving FC-O1 and FC-O2 in relation to meeting the demands on water supply generated by subdivision or land use. In the absence of specific amendments sought by the submitter in relation to FC-R7.4, I do not support the relief sought. The submitters are invited to provide further information and evidence outlining further amendments to FC-R7 that would address their concerns.
548. Chris & Jan Coll (S558.166), Chris J Coll Surveying Limited (S566.166), William McLaughlin (S567.241) and Laura Coll McLaughlin (S574.166) seek to amend FC-R7 to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities. In my view, it is unclear how this matter will be clearly assessed or determined in relation to water supply infrastructure and therefore I do not support the relief sought.

Recommendations

549. It is recommended that FC-R7 is amended as follows:
1. Financial contributions ~~may~~ shall be required (unless determined otherwise by Council) to ensure a supply of:
 - i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);
 - ii. Water for industrial and commercial activities;
 - iii. Water for fire fighting and irrigation; and
 - iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.

Advice note:

It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.

Financial Contributions – Rule 8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.395	Support	Retain rule.
Buller District Council	S538.239	Support	To add advisory note as follow: "It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones."
Chris & Jan Coll	S558.167	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris & Jan Coll	S558.168	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Chris J Coll Surveying Limited	S566.167	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Kāinga Ora - Homes and Communities	FS58.058	Support	Allow S566.167.
Kāinga Ora - Homes and Communities	FS58.0115	Support	Allow S566.167.
Chris J Coll Surveying Limited	S566.168	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Kāinga Ora - Homes and Communities	FS58.057	Support	Allow S566.168.
Kāinga Ora - Homes and Communities	FS58.0116	Support	Allow S566.168.
William McLaughlin	S567.242	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
William McLaughlin	S567.243	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Laura Coll McLaughlin	S574.167	Amend	Amend to ensure fairness, transparency and certainty to an applicant.

Laura Coll McLaughlin	S574.168	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
David Ellerm	S581.036	Amend	Amend 1. Financial contributions may <u>are</u> ...

Analysis

550. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.395), support Rule 8 as notified and seek that it is retained. I acknowledge the support for Rule 8 as notified, however I have recommended minor amendments in response to submissions as outlined below.
551. Buller District Council (S538.239) seek the addition of the following advice note:
It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.
552. I support this addition in the form of an advice note following FC-R8.1 as it will improve plan clarity and efficiency in achieving FC-O1 and FC-O2.
553. David Ellerm (S581.036) seeks to amend FC-R8.1 to replace 'may' with 'are'. As set out above, I support an amendment from 'may' to 'shall' to achieve consistency with the recommended amendments set out above, and on the basis that 'shall' will achieve greater certainty for plan users. It is recommended that this submission is accepted in part.
554. Chris & Jan Coll (S558.167), Chris J Coll Surveying Limited (S566.167), William McLaughlin (S567.242) and Laura Coll McLaughlin (S574.167) seek additional amendments to FC-R8 to ensure fairness, transparency, and certainty to an applicant. I consider that FC-R8 as notified is effective and efficient in achieving FC-O1 and FC-O2 in relation to meeting the demands on wastewater servicing generated by subdivision or land use. In the absence of specific amendments sought by the submitter in relation to FC-R8, I do not support the relief sought. The submitters are invited to provide further information and evidence outlining further amendments to FC-R8 that would address their concerns.
555. Chris & Jan Coll (S558.168), Chris J Coll Surveying Limited (S566.168), William McLaughlin (S567.243) and Laura Coll McLaughlin (S574.168) seek to amend FC-R8 to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities. In my view, it is unclear how this matter will be clearly assessed or determined in relation to wastewater infrastructure and I do not support the relief sought.

Recommendations

556. It is recommended that FC-R8 is amended as follows:
1. Financial contributions ~~may~~ shall be required (unless determined otherwise by Council) to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.

Advice note:

It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the

Financial Contributions – Rule 9

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.396	Support	Retain rule.
Buller District Council	S538.240	Support	To add advisory note as follow: "It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones."
Chris & Jan Coll	S558.169	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris & Jan Coll	S558.170	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Chris J Coll Surveying Limited	S566.169	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris J Coll Surveying Limited	S566.170	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Kāinga Ora - Homes and Communities	FS58.0118	Support	Allow S566.170
William McLaughlin	S567.244	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
William McLaughlin	S567.245	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.
Laura Coll McLaughlin	S574.169	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Laura Coll McLaughlin	S574.170	Amend	Amend to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities.

David Ellerm	S581.037	Amend	Amend 1. Financial contributions may are ...
--------------	----------	-------	--

Analysis

557. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (\$190.396) support Rule 9 as notified and seek that it is retained. I acknowledge the support for Rule 9 as notified, however I have recommended minor amendments in response to submissions as outlined below.
558. Buller District Council (S538.240) seek the addition of the following advice note:
It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.
559. I support this addition in the form of an advice note following FC-R9.1 as it will improve plan clarity and efficiency in achieving FC-O1 and FC-O2.
560. David Ellerm (S581.037) seeks to amend FC-R9.1 to replace 'may' with 'are'. As set out above, I support an amendment from 'may' to 'shall' to achieve consistency with the recommended amendments set out above, and on the basis that 'shall' will achieve greater certainty for plan users. It is recommended that this submission is accepted in part.
561. Chris & Jan Coll (S558.169), Chris J Coll Surveying Limited (S566.169), William McLaughlin (S567.244) and Laura Coll McLaughlin (S574.169) seek additional amendments to FC-R9.4 to ensure fairness, transparency, and certainty to an applicant. I consider that FC-R9.4 as notified is effective and efficient in achieving FC-O1 and FC-O2 in relation to meeting the demands on wastewater servicing generated by subdivision or land use. In the absence of specific amendments sought by the submitter in relation to FC-R9.4, I do not support the relief sought. The submitters are invited to provide further information and evidence outlining further amendments to FC-R9 that would address their concerns.
562. Chris & Jan Coll (S558.170), Chris J Coll Surveying Limited (S566.170), William McLaughlin (S567.245) and Laura Coll McLaughlin (S574.170) seek to amend FC-R9 to ensure an applicant is protected from bearing the cost of an upgrade that is due to Council not adequately undertaking its responsibilities. In my view, it is unclear how this matter will be clearly assessed or determined in relation to stormwater infrastructure and therefore I do not support the relief sought.

Recommendations

563. It is recommended that FC-R9 is amended as follows:
1. Financial contributions ~~may~~ shall be required ([unless determined otherwise by Council](#)) to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater treatment and disposal.
Advice note:
[It shall be noted that even though existing 3 waters infrastructure may be located in an area, it may not be available, for instance if the infrastructure is on the boundary between urban and rural environmental zones.](#)

Financial Contributions – Rule 10

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.397	Support	Retain rule.
Ball Developments Ltd	S453.016	Amend	The five-year time frame should be deleted from Rule FC - R10(2)(ii) and(iii).
Kāinga Ora - Homes and Communities	FS58.0119	Support	Allow S453.016.
Davis Ogilvie & Partners Ltd	S465.012	Amend	that the five-year time frame should be deleted from Rule FC - R10(2)(ii) and(iii).
Kāinga Ora - Homes and Communities	FS58.0120	Support	Allow S465.012.
Buller District Council	S538.241	Support	Retain as notified.
Chris & Jan Coll	S558.171	Amend	Amend as follows: 1. ... 2. The maximum contribution shall be required as follows: i. ...; or ii. ...; and or iii. ...
Chris J Coll Surveying Limited	S566.171	Amend	Amend as follows: 1. ... 2. The maximum contribution shall be required as follows: i. ...; or ii. ...; and or iii. ...
William McLaughlin	S567.246	Amend	Amend as follows: 1. ... 2. The maximum contribution shall be required as follows: i. ...; or ii. ...; and or iii. ...
Laura Coll McLaughlin	S574.171	Amend	Amend as follows: 1. ... 2. The maximum contribution shall be required as follows: i. ...; or ii. ...; and or iii. ...
David Ellerm	S581.038	Amend	Amend 1. Financial contributions may <u>are</u> ...
David Ellerm	S581.039	Amend	Financial contributions are set at a flat rate of 3.5%

Analysis

564. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.397) and Buller District Council (S538.241) support FC-R10 as notified and seek that it is retained. The support for FC-R10 is noted.
565. Ball Developments Ltd (S453.016) and Davis Ogilvie & Partners Ltd (S465.012) seek to delete reference to the five year timeframe from FC-R10.2.ii and FC-R10.2.iii. This

is supported by Kāinga Ora (FS58.0119; FS58.0120). I do not support this deletion as I consider that five years is an appropriate timeframe to recognise any recent contributions made that may be relevant. I do not agree that this will result in the Council 'double dipping', as under section 108 of the RMA, a condition requiring financial contributions must be in accordance with a specified purpose.

566. David Ellerm (S581.038) seeks to amend FC-R10.1 to replace 'may' with 'are'. As set out above, I support an amendment from 'may' to 'shall' to achieve consistency with the recommended amendments set out above, and on the basis that 'shall' will achieve greater certainty for plan users. It is recommended that this submission is accepted in part.
567. David Ellerm (S581.038) seeks that financial contributions are set at a flat rate of 3.5% instead of 7.5%. I do not support the relief sought as the submitter has not provided any evidence to demonstrate that a rate of 3.5% would provide a sufficient level of funding to provide open space and recreational and community facilities to meet the needs of the community.
568. Chris & Jan Coll (S558.171), Chris J Coll Surveying Limited (S566.171), William McLaughlin (S567.246) and Laura Coll McLaughlin (S574.171) seek to amend FC-R10.2 to replace 'and' with 'or'. I do not support the relief sought as the intent of FC-R10.2 as notified is to identify three separate scenarios. The amendment to 'or' would change intention and application of the rule.

Recommendations

569. It is recommended that FC-R10 is amended as follows:
1. Financial contributions ~~may~~ shall be required ([unless determined otherwise by Council](#)) to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.

Financial Contributions – Rule 11

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.398	Support	Retain rule.
Buller District Council	S538.237	Support	Retain as notified.
Buller District Council	S538.242	Support	Retain as notified.
Chris & Jan Coll	S558.172	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Chris & Jan Coll	S558.173	Amend	Amend to ensure an applicant is protected from bearing the cost of upgrading footpath, walkway or cycleway that have an inadequate level of service before making an application or undertaking an activity that triggers a financial contribution.

Chris J Coll Surveying Limited	S566.172	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Kāinga Ora - Homes and Communities	FS58.062	Support	Allow S566.172.
Kāinga Ora - Homes and Communities	FS58.063	Support	Allow S566.172.
Kāinga Ora - Homes and Communities	FS58.0120	Support	Allow S566.172.
Chris J Coll Surveying Limited	S566.173	Amend	Amend to ensure an applicant is protected from bearing the cost of upgrading footpath, walkway or cycleway that have an inadequate level of service before making an application or undertaking an activity that triggers a financial contribution.
William McLaughlin	S567.247	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
William McLaughlin	S567.248	Amend	Amend to ensure an applicant is protected from bearing the cost of upgrading footpath, walkway or cycleway that have an inadequate level of service before making an application or undertaking an activity that triggers a financial contribution.
Laura Coll McLaughlin	S574.172	Amend	Amend to ensure fairness, transparency and certainty to an applicant.
Laura Coll McLaughlin	S574.173	Amend	Amend to ensure an applicant is protected from bearing the cost of upgrading footpath, walkway or cycleway that have an inadequate level of service before making an application or undertaking an activity that triggers a financial contribution.

Analysis

570. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.398) and Buller District Council (S538.237; S538.242) support Rule 11 as notified and seek that it is retained. I acknowledge the support for Rule 11 as notified, however I have recommended amendments in response to submissions as outlined below.
571. Chris & Jan Coll (S558.170), Chris J Coll Surveying Limited (S566.170), William McLaughlin (S567.245) and Laura Coll McLaughlin (S574.170) seek to amend FC-R9 to ensure that an applicant does not bear the full cost of upgrading footpaths, walkways, or cycle lanes that have an inadequate level of service before making an application or undertaking an activity. I agree that the existing condition of a shared pathway is a relevant consideration to the calculation of financial contributions, and recommend the following amendment to FC-R11 to differentiate between the provision of new shared pathways and upgrade of existing shared pathways and recognising their existing condition:

Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as:

- i. the cost of building the footpath, walkway or cycleway access; or
- ii. the cost of upgrading the ~~pedestrian/cycle access~~ footpath, walkway or cycleway access from the level of service required for existing land uses to the ~~required~~ level of service required for the subdivision, land use or development specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

572. Chris & Jan Coll (S558.172), Chris J Coll Surveying Limited (S566.172), William McLaughlin (S567.247) and Laura Coll McLaughlin (S574.172) seek additional amendments to FC-R11 to ensure fairness, transparency, and certainty to an applicant. Subject to the amendments recommended above, I consider that FC-R11 is effective and efficient in achieving FC-O1 and FC-O2 in relation to the provision of shared pathways. In the absence of specific amendments sought by the submitter in relation to FC-R11, I do not support the relief sought. The submitters are invited to provide further information and evidence outlining further amendments to FC-R11 that would address their concerns.

Recommendations

573. It is recommended that FC-R11 is amended as follows:
1. Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as:
 - i. the cost of building the footpath, walkway or cycleway access; or
 - ii. the cost of upgrading the ~~pedestrian/cycle access~~ footpath, walkway or cycleway access from the level of service required for existing land uses to the ~~required~~ level of service required for the subdivision, land use or development specified in the relevant district Council Engineering Standards or where no such Standard exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

Financial Contributions – Rule 12

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.399	Support	Retain rule.
Transpower New Zealand Limited	S299.089	Oppose	Clarify that R12 does not apply to the National Grid.
Manawa Energy Limited (Manawa Energy)	S438.119	Oppose	Delete FC - R12.
New Zealand Energy Limited	S463.004	Oppose	Remove the provisions relating to seeking financial contributions on land use consents to remedy or mitigate adverse effects on environmental, natural landscape and biodiversity values.

Buller District Council	S538.243	Not Stated	Amend to include esplanade reserves and strips as a financial contribution as outlined in Part 8 of the operational Buller District Plan.
Inchbonnie Hydro Limited	S540.004	Oppose	Remove the provisions relating to seeking financial contributions on land use consents to remedy or mitigate adverse effects on environmental, natural landscape and biodiversity values.
Westpower Limited	S547.340	Amend	Amend heading: Financial Contributions for Proposed Offsetting and Compensation ...
Westpower Limited	S547.341	Amend	Amend 1: <u>The maximum financial contribution for offsetting or compensation for adverse effects will be the amount of money, land or works assessed as appropriate through the consent process in relation to adverse environmental effects that cannot be avoided, remedied or mitigated.</u>
Chris & Jan Coll	S558.174	Support	Retain.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.029	Amend	Where non-biodiversity offsetting or compensation is referred to in the Plan, provide policy direction, explanation, and potentially new definitions, clearly setting out what is required or envisaged. Alternatively delete the provisions referring to non-biodiversity offsetting.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	S560.263	Oppose	Delete.
Chris J Coll Surveying Limited	S566.174	Support	Retain.
William McLaughlin	S567.249	Support	Retain.
Laura Coll McLaughlin	S574.174	Support	Retain.
Department of Conservation	S602.117	Amend	Amend: The maximum <u>minimum</u> financial contribution for offsetting or compensation for adverse environmental effects on outstanding natural landscape and/or feature values, outstanding natural character values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, minimised, remedied, or mitigated, or offset.

Grey District Council	S608.620	Oppose in part	Remove network utility operator and / or requiring authorities from the rule.
-----------------------	----------	----------------	---

Analysis

574. Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.399), Chris & Jan Coll (S558.174), Chris J Coll Surveying Limited (S566.174), William McLaughlin (S567.249) and Laura Coll McLaughlin (S574.174) support Rule 12 as notified and seek that it is retained. I acknowledge the support for Rule 12 as notified, however I have recommended amendments in response to submissions as outlined below.
575. Forest & Bird (S560.263) and Manawa Energy (S438.119) seek to delete FC-R12. Manawa Energy consider that conditions should be managed through Regional Council consents. I reject these requests on the basis that financial contributions in relation to the offset of environmental effects are provided for under section 108(10) of the RMA and is consistent with the WCRPS. I also consider that that FC-R12 is applicable to a number of relevant resource management matters under the pTTPP at a district level.
576. Buller District Council seek to amend FC-R12 to include esplanade reserves and strips as a financial contribution. In my view, the provision of esplanade reserves and strips are managed separately to the provision of financial contributions, and this amendment to the FC chapter is unnecessary.
577. Forest & Bird (S560.029) seek to provide policy direction, explanation and potential new definitions where non-biodiversity offsetting or compensation is referred to in the Plan. They seek alternative relief to delete the provisions referring to non-biodiversity offsetting. I reject this request as in my view the policy framework relating to non-biodiversity offsetting is clear across the pTTPP, for example, FC-P6 as amended above is clear that offsetting and compensation apply to residual adverse effects.
578. Westpower (S547.340) seek to amend the heading of FC-R12 to 'Financial Contributions for Proposed Offsetting and Compensation'. I do not support this amendment as the WCRPS and FC-P6 identify clear parameters for where the use of financial contributions towards offset and compensation is anticipated, and note that this is limited to indigenous biodiversity effects and specifically identified activities.
579. New Zealand Energy Limited (S463.004) and Inchbonnie Hydro Limited (S540.004) seek to remove provisions relating to financial contributions on land use consents to remedy or mitigate effects. In my view, FC-R12 is generally sufficiently clear that the required financial contribution is in relation to environmental effects that cannot otherwise be avoided, remedied or mitigated. I support the addition of 'residual' adverse environmental effects and 'minimise' to improve clarity and achieve consistency with other provisions in the FC chapter.
580. Westpower Limited (S547.341) seek to amend FC-R12 as follows:
The maximum financial contribution for offsetting or compensation for adverse effects will be the amount of money, land or works assessed as appropriate through the consent process in relation to adverse environmental effects that cannot be avoided, remedied or mitigated.
581. I support an amendment to refer to the resource consent process and consider this is a helpful clarification that will improve the efficiency of the rule. I do not support the inclusion of 'works' as this is not provided for under section 108 of the RMA. It is recommended that this submission is accepted in part.
582. Transpower (S299.089) seek to amend FC-R12 to exclude the National Grid on the basis that that it is unclear how the contribution would be calculated, including to address effects on landscape values. In my view, FC-R12 is only relevant to offsetting or compensation where it forms part of a resource consent application. Subject to the

amendments to FC-R12 to refer to the resource consent process, I do not consider that further amendments are necessary to address issues raised by Transpower.

583. Grey District Council (S608.620) seek to remove references to network utility operator and/or requiring authorities. I do not support this request as offset and compensation is relevant to infrastructure providers who cannot always avoid, remedy, minimise, or mitigate adverse effects due to locational requirements.
584. DoC (S602.117) seek to amend FC-R12 to replace 'maximum' with 'minimum'. I support this amendment in acknowledgement that a financial contribution to offset or compensate environmental effects may be greater than the minimum required, particularly in instances where a net gain in environmental values is proposed.

Recommendations

585. It is recommended that FC-R12 is amended as follows:

FC-12 Financial Contribution for Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values

1. The ~~maximum~~ minimum financial contribution for offsetting or compensation for residual adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous ~~fauna~~ will be the amount of money needed to fully offset or compensate (or any combination of these) any adverse environmental effects that cannot otherwise be avoided, minimised, remedied or mitigated as assessed through the consent process.
2. ...

8.0 Part 3: Public Access

Public Access – General

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Herenga ā Nuku Aotearoa Outdoor Access Commission	S274.001	Support	Retain public access approach in the plan.
Department of Conservation	S602.099	Oppose	Delete the Public Access - Te Āheinga Tūmatanui Chapter in its entirety.
Buller District Council	FS149.0120	Support	Allow.
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.24	Oppose	Disallow.
Grey District Council	S608.062	Oppose in part	Remove all references to "Site or Area of Significance to Māori" in the Chapter.
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.016	Oppose	Disallow.

Grey District Council	S608.605	Not stated	The inclusion of a chapter in the new plan on Public Access is supported. However, in and its current form is it lacking in detail. In particular, this chapter should contain Objectives, policies, rule requirements, matter for control or discretion for the construction, design, approval for Unformed Legal roads. Guidance notes on the steps required to gain approval from Council to form (open) unformed legal road.
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.22	Support	Allow.
Grey District Council	S608.632	Not stated	The inclusion of a chapter in the new plan on Public Access is supported. However, in its current form is it lacking in detail. In particular, this chapter should contain Objectives, policies, rule requirements, matter for control or discretion for the construction, design, approval for Unformed Legal roads. Guidance notes on the steps required to gain approval from Council to form (open) unformed legal road.
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.23	Support	Allow.

Analysis

586. Herenga ā Nuku Aotearoa (S274.001) seek to retain the approach to the PA chapter as notified. I acknowledge support for the PA chapter as notified, subject to some recommended amendments in response to submissions as outlined in the subsequent sections.
587. DoC (S602.099) and Buller District Council (FS149.0120) seek that the PA Chapter is deleted in its entirety. Herenga ā Nuku Aotearoa (FS53.24) oppose this relief sought on the basis that it is important that the value of public access is recognised and emphasised. The pTTPP includes a separate PA chapter in accordance with Standard 7 clause 22 of the planning standard, which require that provisions addressing the maintenance and enhancement of PA be located in the PA chapter. The PA chapter also gives effect to section 6(d) of the RMA – the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers, as a matter of national importance. I consider that the inclusion of the PA chapter in the pTTPP is consistent with the purpose of the RMA and the planning standards. On this basis, I do not support the relief sought by DoC.
588. Grey District Council (S608.062) seek to remove all references to "Site or Area of Significance to Māori" in the PA chapter. Ngāi Tahu (FS41.016) oppose this request. In the absence of any justification or rationale for this request, I do not support the relief sought.
589. Grey District Council (S608.605 and S608.632) and Herenga ā Nuku Aotearoa (FS53.22 and FS53.23) support the inclusion of the PA chapter but seek provisions be included

to manage the construction, design, approval for unformed legal roads. I do not support the relief sought as the provision for the formation of an unformed legal road is made under the TRAN Chapter, specifically TRAN-R3. In my view, as unformed legal roads have the same status as formed roads, specific recognition in the PA chapter is unnecessary.

Recommendations

590. That no amendments be made as a result of these submissions.

8.1 Public Access - Overview

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
West Coast Fish and Game Council	S302.004	Support	Amend descriptive text as follows ... Many also eross bisect private land or traverse sensitive ecological environments ...
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.19	Support in part	Allow in part.
Grey District Council	FS1.079	Support	Allow.
John Brazil	S360.013	Support	Retain as notified.
Lyn McIntosh	S469.001	Support	Retain as notified and in particular the reference to protecting the rights of private landowners.
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.20	Support in part	Allow in part.
Peter Langford	S615.059	Support	Retain as notified.
Koiterangi Lime Co LTD	S577.050	Support	Retain as notified.
Catherine Smart-Simpson	S564.043	Support	Retain as notified.
William McLaughlin	S567.207	Support	Retain as notified.
Steve Croasdale	S516.048	Support	Retain as notified.
Frida Inta	S553.093	Amend	A cross-reference to Natural Character, NC;P5
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.26	Support	Allow S553.093.
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.26	Support	Allow S553.093.
Geoff Volckman	S563.037	Support	Retain as notified.

Herenga ā Nuku Aotearoa Outdoor Access Commission	S274.003	Amend	<p>Amend Overview to extend the second sentence as follows: <u>Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008, which is to provide the New Zealand public with free, certain, enduring and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.</u></p> <p>Reword notes around unformed legal roads second sentence as follows: <u>Many separate or are adjacent to areas of private land or traverse sensitive ecological environments. Careful decision-making is needed to ensure any new public use of an unformed legal road is undertaken in a way that minimises any adverse effects on indigenous fauna and flora. Concerns of private landowners should be considered and mitigated where possible, although the right of the public to pass and repass over the legal road will be prioritised.</u></p>
---	----------	-------	--

Analysis

591. Several submitters (S360.013; S615.059; S577.050; S564.043; S567.207; S516.048) seek to retain the PA Overview text as notified. This general support for this section is noted, however I have recommended amendments in response to submissions as outlined below.
592. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.003) seek the wording of the PA Overview be amended to include the specific purpose of the Walking Access Act 2008. I support this inclusion as it will improve plan clarity to users given the Walking Access Act 2008 is referenced in the PA Overview, and recommend the following amendment:
- Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008, which is to provide the New Zealand public with free, certain, enduring and practical access to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.*
593. Frida Inta (S553.093) seeks to a cross reference to NC-P5, which enables reductions in public access to waterbodies to be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. I agree that NC-P5 includes relevant considerations for the provision of public access, and recommend the PA Overview is amended to include a cross reference to the Natural Character and Margins of Waterbodies chapter as follows:
- Objectives, policies, rule requirements, and matters for control or discretion for all esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter and Natural Character and Margins of Waterbodies Chapter.*
594. Lyn McIntosh (S469.001) supports the intention of the Unformed Legal Roads section PA Overview to protect the rights of private landowners. This is opposed in part by

Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53.20) on the basis that the PA Overview text is inaccurate, as roads as land parcels cannot cross private land parcels. West Coast Fish and Game Council (S302.004) also seek minor wording amendments to this section.

595. I agree with the further submission of Herenga ā Nuku Aotearoa, Outdoor Access Commission that the parcels for unformed legal roads are located adjacent to or separate to areas of private land and consider that unformed legal roads have the same legal status as formed roads. I also note that the formation of an unformed legal road is provided for as a permitted activity under Rule TRAN-R3 within the TRAN chapter, which does not include a cross reference to the PA chapter. In my view, the inclusion of the Unformed Legal Roads section in the PA Overview is unnecessary as it creates duplication with the TRAN chapter. Further, there are no corresponding objectives, policies, or rules within the PA chapter to unformed legal roads. I therefore recommend that this section is deleted from the PA Overview.

Recommendations

596. It is recommended that the PA Overview is amended as follows:

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national importance provided for under Section 6 of the Resource Management Act. Provision of public access to waterbodies is also included in the primary purpose of the Walking Access Act 2008, [which is to provide the New Zealand public with free, certain, enduring and practical access to the outdoors \(including around the coast and lakes, along rivers, and to public resources\) so that the public can enjoy the outdoors.](#)

...

Objectives, policies, rule requirements, and matters for control or discretion for all esplanade reserves, esplanade strips and access strips are located in the Subdivision Chapter [and Natural Character and Margins of Waterbodies Chapter](#).

Unformed Legal Roads

Unformed legal roads provide a valuable network of public access opportunities to the outdoors with many allowing access to and along the coast, freshwater bodies and other public resources. Many also cross private land or traverse sensitive ecological environments and careful decision making is needed to ensure that any new provision for public access through unformed legal roads is undertaken in a way that the impacts on natural resources and the safety and security of private landowners are well managed to avoid adverse effects on those resources and private landowners.

Public Access – Objective 1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer	S96.005	Support	Retain PA – O1.
Westland District Council	S181.017	Support	Retain the objective.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.362	Support	Retain objective.
John Brazil	S360.014	Support	Retain as notified.
Steve Croasdale	S516.049	Support	Retain.

Federated Farmers of New Zealand	S524.075	Support in part	Reword as: <u>Customary and public access to and along the coastal marine area, waterbodies and public resources is provided for, maintained and enhanced where the access does not create adverse effects on the natural character, indigenous biodiversity, cultural values or the rights and obligations of private property owners.</u>
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.16	Oppose	Disallow.
Buller District Council	S538.221	Support	Retain as notified.
Westpower Limited	S547.308	Amend	Amend: <u>The maintenance and enhancement of customary and public access to and along the coastal marine area, waterbodies and public resources where it contributes to the economic, social and cultural wellbeing of people and communities is promoted.</u>
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.17	Support in part	Disallow.
Chris & Jan Coll	S558.129	Support	Retain.
Geoff Volckman	S563.038	Support	Retain.
Catherine Smart-Simpson	S564.044	Support	Retain.
Chris J Coll Surveying Limited	S566.129	Support	Retain.
William McLaughlin	S567.208	Support	Retain.
Laura Coll McLaughlin	S574.129	Support	Retain.
Koiterangi Lime Co LTD	S577.051	Support	Retain.
David Ellerm	S581.029	Support	Retain.
Karamea Lime Company	S614.060	Support	Retain.
Peter Langford	S615.060	Support	Retain.
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.171	Support	Retain as notified.

Analysis

597. Several submitters (S96.005; S181.017; S190.362; S360.014; S516.049; S538.221; S558.129; S563.038; S564.044; S566.129; S567.208; S574.129; S577.051; S581.029; S614.060; S615.060; S620.171) seek to retain PA-O1 as notified. The support for PA-O1 is noted.
598. Federated Farmers (S524.075) seek the wording of PA-O1 be amended as follows:
 Customary and public access to and along the coastal marine area, waterbodies and public resources is provided for, maintained and enhanced where the access does not create adverse effects on the natural character, indigenous biodiversity, cultural values or the rights and obligations of private property owners.
599. Westpower Limited (S547.308) also sought to amend the wording of PA-O1 as follows:

The maintenance and enhancement of customary and public access to and along the coastal marine area, waterbodies and public resources where it contributes to the economic, social and cultural wellbeing of people and communities is promoted.

600. The amendments to PA-O1 sought by Federated Farmers and Westpower Limited are opposed by Herenga ā Nuku Aotearoa (FS53.16; FS53.17).
601. The purpose of the PA chapter is to maintain and enhance public access. I do not support the requests from Federated Farmers or Westpower Limited. While the requested amendments sought by Westpower Limited is consistent with the wording in the WCRPS, in my view the amendment sought does not appropriately recognise public access as a matter of national importance in accordance with section 6(d) of the RMA or give effect to Objective 4 of the NZCPS, which seeks to maintain and enhance the public open space and recreation opportunities of the coastal environment by maintaining and enhancing public walking access.
602. I do not consider it is necessary for the PA chapter to duplicate the WCRPS. In this case, PA-O1 will apply in addition to other provisions in the pTTPP, including NC-P5 and SUB-P9, to promote the economic, social and cultural wellbeing of people and communities and give effect to the WCRPS.

Recommendations

603. That PA-O1 is retained as notified and no amendments be made as a result of these submissions.

Public Access – New Policy

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Manawa Energy Limited (Manawa Energy)	S438.102	Not stated	Add a new policy as follows: <u>To maintain and enhance public access to and along the coastal marine area and waterbodies, while taking into account the need to ensure public safety and maintenance of the operational functional needs of infrastructure.</u>
Herenga ā Nuku Aotearoa, Outdoor Access Commission	FS53.18	Oppose	Disallow.
Buller Conservation Group	S552.093	Amend	There needs to be a policy including the purpose of esplanade strips.
Frida Inta	S553.224	Amend	There needs to be a policy including the purpose of esplanade strips.

Analysis

604. Manawa Energy (S438.102) seek to include a new policy to maintain and enhance public access to the coastal marine area and waterbodies while taking into account public safety and the operational and functional needs of infrastructure. Herenga ā Nuku Aotearoa (FS53.18) oppose this relief sought on the basis that the policy sought is similar to PA-O1 and that other policies throughout the pTTPP provide for the essential maintenance of infrastructure. I agree with Herenga ā Nuku Aotearoa and do not support the relief sought.
605. Buller Conservation Group (S552.093) and Frida Inta (S553.224) seek to include a policy which covers the purpose of esplanade strips. I do not consider that a new policy is needed. It would result in unnecessary duplication as esplanade strips are sufficiently

addressed in the Subdivision Chapter and there is a clear cross reference to those provisions.

Recommendations

606. That no amendment be made to PA chapter in response to this submission.

9.0 S32AA Evaluation for Subdivision

607. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case pTTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of pTTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of pTTPP provisions, being primarily matters of clarification rather than substance.

608. While I consider that most of the amendments to the SUB chapter to be minor, I have undertaken a Section 32AA evaluation of the amendments recommended to SUB-O2 and SUB-P6 and SUB-R19 and SUB-R27A.

9.1 Effectiveness and Efficiency

SUB-O2 and SUB-P6

609. The proposed amendments include:

- Amendment to SUB-O2 to require subdivision to occur in locations and at a rate that also protects highly productive land in addition to those matters already identified; and
- Amendment to SUB-P6 to avoid subdivision in the RURZ – Rural Zones unless the requirements of the NPS-HPL can be met, in addition to those matters already identified.

610. Overall, I consider that these amendments will improve the efficiency and effectiveness of the provisions in giving effect to the NPS-HPL and SUB-O1, which seeks to prevent inappropriate subdivision, use and development from occurring on high class soils.

SUB-R19 and SUB-R27A

611. The proposed amendments include:

- Amendment to SUB-R19 to exclude the NOSZ; and
- The inclusion of a new rule SUB-R27A to require resource consent for a non-complying activity for subdivision in the NOSZ.

612. Overall, I consider that these amendments will improve the efficiency and effectiveness of the rules in giving effect to SUB-O1 as it will ensure that any subdivision within the NOSZ is compatible with the purpose, character, and qualities as identified within the zone chapter. In particular, the potential effects of subdivision on natural values within the NOSZ can be assessed through the resource consent process.

9.2 Costs/Benefits

SUB-O2 and SUB-P6

613. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the recommended amendments, through requiring that subdivision protects highly productive land, will achieve improved consistency with the NPS-HPL for the protection of highly productive land.

SUB-R19 and SUB-R27A

614. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the recommended amendments will ensure that subdivision in the NOSZ will be compatible with natural values within these areas of open space.

9.3 Risk of Acting/Not Acting

615. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

9.4 Decision about most appropriate option

616. The recommended amendments to SUB-O2, SUB-P6, SUB-R19, and SUB-R27A are therefore considered to be more appropriate than the notified version of the SUB provisions in the pTTPP.

10.0 S32AA Evaluation for Financial Contributions Rule 3 Recommended Amendments

617. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case pTTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of pTTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of pTTPP provisions, being primarily matters of clarification rather than substance.
618. While I consider that most of the amendments to the FC chapter to be minor, I have undertaken a Section 32AA evaluation of the amendments recommended to FC-R3.

10.1 Effectiveness and Efficiency

619. FC-R3 is recommended to be amended to improve the clarity and overall workability of the rule. Changes recommended include:
620. Clarifying the wording of the rule so that it is clear how FC-R3(1), FC-R3(2) and FC-R3(3) are intended to work together.
621. Including reference to intersections as part of roads for the purpose of the rule.
622. Specifying that FC shall be calculated as the cost of upgrading the road from the level of service required for existing land uses to the level of services required for the development or subdivision.
623. Amending the formulae for determining the financial contribution required based on the number of new allotments and traffic generation. The formulae has been simplified and includes new calculation requirements for the cost associated with upgrading and maintaining intersections.
624. Including a new clause to FC-R3 specifying that FC do not apply to the forming of new roads and intersections which will form part of the resource consent condition and vesting process under s224c of the RMA. This makes it clearer that FC for roads only applies to the upgrade and maintenance of roads and intersections.
625. Overall, I consider these changes to provide greater clarity and certainty which will improve the useability of FC-R3 which is more efficient and effective than the notified approach.

10.2 Costs/Benefits

626. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the recommended amendments will support better interpretation and overall application of the rule.

10.3 Risk of Acting/Not Acting

627. I consider that the risk of acting is no greater than not acting given the issues identified through submissions regarding the clarity and overall usability of FC-R3. I do consider that there remains a small risk of acting that plan users find FC-R3 difficult to use despite amendments given the introduction of a formulae is new and not an approach applied in any of the operative district plans.

10.4 Decision about most appropriate option

628. The recommended amendments are therefore considered to be more appropriate than the notified version of FC-R3 in the pTTPP.

11.0 S32AA Evaluation for Public Access

629. I consider the recommended changes to the PA chapter are of a minor nature and are intended to improve the workability of pTTPP, and therefore further evaluation under s32AA is not required.

12.0 Conclusion

630. This report has provided an assessment of submissions received in relation to the **Subdivision, Financial Contributions, and Public Access** Chapters. The primary amendments that I have recommended are detailed in **Appendix 1**.
631. Sections 6, 7, and 8 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the **Subdivision, Financial Contributions, and Public Access** Chapters should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and contained in **Appendix 2** of this report.
632. I recommend that provisions for the **Subdivision, Financial Contributions, and Public Access** Chapters be amended for the reasons set out in this report and as contained in **Appendix 3** of this report.
633. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents.