

**INDEPENDENT HEARINGS PANEL
FOR KAIPARA DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER of Hearing 17 (Ecosystems and Indigenous Biodiversity) and
Hearing 18 (Natural Character) on the Proposed Kaipara
District Plan

STATEMENT OF EVIDENCE OF NICK WILLIAMSON

for K P Dreadon Limited (Submission 237)

Dated: 22 May 2026

A. INTRODUCTION AND EXPERIENCE

1. My full name is Nicholas Eyre Williamson. I am a Spatial Planning Consultant and Director of Fluid Industries Ltd.
2. I hold a Bachelor of Science Degree in Land Planning and Development and a Postgraduate Diploma of Science in Spatial Information Studies, both from the University of Otago. I am an Associate Member of the New Zealand Planning Institute (NZPI) and a Former Member of the New Zealand Institute of Surveyors. I have completed the Ministry for the Environment's Making Good Decisions Foundation Programme (certification awarded 19 May 2025, valid until 30 June 2028).
3. I have been employed in resource management positions in both local government and private practice since 1994, with over 30 years of professional planning experience. My career spans district planning, plan-making, resource consenting, expert evidence, and the application of spatial information to planning analysis. Senior roles have included Senior Environmental Policy Planner and Team Leader Resource Consents at Manukau City Council (1997–2003), Senior Planner at Boffa Miskell Limited (2003–2004), Managing Director and Consultant at Xplan Limited (2004–2009), and Team Leader District Plan and Policy at Whangarei District Council (2009–2014). Since 2014 I have practised through Fluid Industries Ltd, providing planning advice and expert evidence in plan-change and resource consent proceedings. Recent expert evidence engagements include Private Plan Change 91 (Glenbrook), Private Plan Change 88 (Beachlands South), Private Plan Change 20 to the Waipā District Plan (Waikato Regional Airport Limited), the Palmerston North Airport Limited v Palmerston North City Council judicial review (2025), and the *Ahuareka Trustees v Auckland Council* Environment Court appeal (2017). My practice has had a particular focus on rural planning frameworks, environmental incentive mechanisms, and the use of spatial information in planning analysis.
4. I have had substantial professional involvement with the Transferable Rural Lot Rights (TRLR) and Environmental Lot provisions in Plan Change 14 to the Franklin District Plan ("PC14") over approximately two decades. PC14 was originally drafted by Franklin District Council staff and consultants. While at Boffa Miskell Limited (2003–2004), I was engaged to draft the section 32 evaluation that brought the plan change together. Subsequently, while at Xplan Limited, I acted as the section 42A reporting officer for the PC14 hearings on the topics of Transferable Development Rights, Structure Planning, and Village Growth Policy. I have continued to work with the framework operationally as the provisions have been carried into the Auckland Unitary Plan following the merger of Franklin District Council into Auckland Council. I refer to that direct experience at relevant points in this evidence.
5. **Disclosures.** I make the following disclosures relevant to this evidence:

- a) **Strategic involvement.** I have been involved in developing the broader strategic proposition that the submission of K P Dreadon Limited reflects, through my professional involvement with PC14 described above, through my ongoing professional advisory engagements relating to transferable development right mechanisms in the New Zealand context, and through the planning work I undertook for the submitter at submission stage.
- b) **Concurrent employment.** I am also concurrently employed by Far North District Council. My involvement in this proceeding, and my engagement through Fluid Industries Ltd more generally, was declared to Far North District Council on commencement of that employment and is consistent with the terms of my employment with the Council.
6. I disclose both matters openly. The evidence I present is given as my independent professional opinion on the planning merits of the relief sought.
7. **Code of Conduct compliance.** I have prepared this evidence in accordance with the Environment Court Consolidated Practice Note 2023 and agree to comply with the Expert Witnesses Code of Conduct. I confirm that the evidence I present is within my area of expertise, and I am not aware of any material facts which might alter or detract from the opinions I express.
8. **Scope of evidence.** This statement addresses three submission points filed by K P Dreadon Limited:
- a) 237.18 - proposed amendment to ECO-P4 (Restoring and enhancing indigenous biodiversity)
 - b) 237.19 - proposed amendment to ECO-P5 (Non-regulatory mechanisms)
 - c) 237.20 - proposed amendment to NATC-P4 (Restoration and enhancement)
9. These three points are taken together because they advance a single proposition: that the Natural Environment Values chapters of the Proposed Kaipara District Plan should explicitly recognise the range of methods available for biodiversity and natural character protection and restoration, including incentive-based mechanisms.
10. **Materials considered.** In preparing this evidence I have read and considered the section 42A reports for Hearings 17 and 18, the officer's recommended amendments to the ECO and NATC chapters (Appendix B for each), the NPS-IB Implementation Assessment (Appendix D of the ECO/IB pack), the National Policy Statement for Indigenous Biodiversity 2023, the Northland Regional Policy Statement 2016, and the relevant provisions of the Proposed Kaipara District Plan as notified.
11. I am the address for service for the submission and am familiar with the submitter's position and the wider strategic context in which the submission was filed.

B. EXECUTIVE SUMMARY

- 12.** The three submission points at issue seek to add recognition, in policy text, that transferable development right mechanisms are among the available methods for delivering on the biodiversity and natural character protection outcomes the ECO and NATC chapters establish. The amendments do not seek to add substantive rules or provide for a transferable development rights regime within these chapters; they seek policy hooks that acknowledge the method as one available option.
- 13.** The section 42A reports recommend rejection of all three points. The rejection in each case rests on chapter location - that the appropriate place to address transferable development rights is the Subdivision Chapter, to be heard later in 2026. The merits of recognising the method in the policy framework are not engaged with substantively in the reports.
- 14.** In my opinion:

 - a) The officers' chapter-location reasoning misidentifies what kind of provision is being proposed. The outcomes sought by ECO-P4, ECO-P5, and NATC-P4 (protection and restoration of indigenous biodiversity and natural character) belong in the Natural Environment Values chapters. The fact that one available method uses subdivision as the delivery vehicle does not relocate the policy.
 - b) The ECO section 42A report at paragraph 149 expressly recognises that the Plan already operates a cross-chapter logic in which subdivision-rule mechanisms (specifically SUB-R9, "Environment benefit subdivision") relate to ECO outcomes. The amendment sought makes explicit a pattern the officer accepts is already operating.
 - c) A policy framework for Natural Environment Values that recognises the range of available methods (regulatory, voluntary, and incentive-based) gives better effect to the National Policy Statement for Indigenous Biodiversity 2023 ("NPS-IB") direction than one that does not.
 - d) The Natural Environment Values cluster of hearings is being heard before both Strategic Direction (Hearing 23) and the Subdivision Chapter hearings (Hearings 29 and 30). The policy framework decided at these hearings will set the direction within which Strategic Direction and Subdivision must operate. Recognising the range of methods now preserves coherent options at the later hearings; not recognising them constrains those options.
- 15.** I recommend that ECO-P4, ECO-P5, and NATC-P4 be amended in the form set out in Section G of this evidence, with the conditional wording (Option 2) presented as primary relief and the direct wording as filed in the submission (Option 1) as alternative relief.

16. My evidence is supported by the separate evidence of Mr Kyle Ross, Director of The Land Vault Limited, who addresses the operational experience of transferable development right mechanisms in New Zealand under the Franklin PC14 framework as carried into the Auckland Unitary Plan. I do not duplicate the operational material in this statement.

C. THE SUBMITTER AND THE SUBMISSION

17. K P Dreadon Limited is a multi-generational Kaipara farming entity. The submitter owns and manages multiple rural properties within the district that contain significant natural features, including wetland and indigenous vegetation areas. The submission was filed by Kevin Dreadon, on behalf of the company, on 30 June 2025.
18. The submission identifies the three policy amendments at issue at these hearings as “Support in part”. That is, the submitter supports the policy direction of ECO-P4, ECO-P5, and NATC-P4 as notified, and seeks amendment to extend their recognition of available methods rather than to oppose or replace their content. The submission’s character throughout is constructive: it seeks to make the policy framework more effective at delivering the outcomes the chapters establish.
19. The submission also seeks related amendments to other chapters of the Plan, including the Strategic Direction chapter (SD-P1) and an extensive package of amendments and new provisions in the Subdivision Chapter. Those points are not before the Panel at these hearings; they fall to be considered at Hearing 23 (Strategic Direction, scheduled for July 2026) and at Hearings 29 and 30 (Subdivision Chapter, scheduled for August and September 2026). I refer to the consistency between the relief sought at these hearings and the wider submission position only where relevant to the evidence on the three points at issue.

D. ENGAGEMENT WITH THE OFFICERS’ REASONING

20. The section 42A reports address each of the three submission points briefly. The reasoning is as follows.

ECO-P4 (s42A paras 141–142)

21. At paragraph 141 of the ECO section 42A report, the officer records the submitter’s request that a new clause be added to ECO-P4 to enable transferable development right mechanisms that coordinate protection and enhancement across multiple properties to achieve landscape-scale ecological outcomes.
22. At paragraph 142, the officer recommends rejection on the following basis:

“The issue of whether a transferable development rights mechanism should be introduced, as requested by K P Dreadon, will be considered in more detail as part of the

Subdivision Chapter topic to be heard later this year. Regardless of whether a transferable development rights mechanism is recommended through that hearing, in my view, the substance of this submission point is best addressed through the Subdivision Chapter in the PDP, and it is not necessary or appropriate to refer to transferable development rights in the ECO Chapter.”

- 23.** The reasoning rests entirely on chapter location. The substantive merits of recognising the method in the ECO chapter are not engaged with.

ECO-P5 (s42A paras 148–149)

- 24.** At paragraph 148, the officer records the submitter’s request that the following sentence be added to ECO-P5 to incentivise the legal protection of significant indigenous vegetation and habitats:

“Legal protection may also be achieved through frameworks such as transferable development rights, which incentivise and systematise protection and restoration outcomes.”

- 25.** At paragraph 149, the officer recommends rejection:

“As discussed above, the issue of whether a transferable development rights mechanism is introduced into the PDP will be heard at the Subdivision hearing later this year which, in my view, is the appropriate chapter in the PDP to address the merits of this mechanism. Accordingly, I do not support this wording being included in ECO-P5 when no such frameworks are currently proposed in the PDP and any framework should be considered for inclusion in the Subdivision Chapter. I also note that the Subdivision Chapter includes provisions relating to ‘Environment benefit subdivision’ (SUB-R9) which are aimed at incentivising the protection of areas of significant indigenous biodiversity through legal protections (covenants etc). In this respect, I consider that the PDP provides both opportunities to incentivise the protection of indigenous biodiversity through legal mechanisms and through the non-regulatory methods encouraged through ECO-P5.”

- 26.** Two features of paragraph 149 are relevant to my evidence. First, the rejection rests in part on the observation that “no such frameworks are currently proposed in the PDP” — a reason that is directly addressed by the conditional wording I recommend in Section G of this evidence. Second, the officer expressly acknowledges that the Plan already operates a cross-chapter logic in which a subdivision rule (SUB-R9) is “aimed at incentivising the protection of areas of significant indigenous biodiversity” and that the Plan provides such opportunities “through legal mechanisms and through the non-regulatory methods encouraged through ECO-P5.” That acknowledgement is the principle the submission seeks to make explicit in policy text. I return to this point in Section E.

NATC-P4 (s42A paras 118–119)

27. At paragraph 118 of the NATC section 42A report, the officer records the submitter’s request that the following sentence be added to NATC-P4:

“Restoration and enhancement may be achieved through mechanisms such as transferable development rights that enable coordinated, catchment-based outcomes.”

28. At paragraph 119, the officer recommends rejection:

“I do not support this addition. It is not clear why this particular method of achieving restoration or enhancement has been singled out, especially given that the submitter has not proposed any corresponding amendments to the NATC chapter to provide for such a method. I note that the submitter is also seeking the inclusion of a transferable development rights regime in the PDP. In my view, if such a regime were to be adopted, the appropriate place to address and recognise it as a method of environmental enhancement would be in the Subdivision chapter, which would avoid unnecessary repetition across other district-wide chapters.”

29. The NATC officer’s reasoning has a structural difficulty. The first reason given for rejection is that “the submitter has not proposed any corresponding amendments to the NATC chapter to provide for such a method.” The second reason is that the appropriate location for the method is the Subdivision Chapter. These two reasons work against each other. The submitter cannot propose corresponding NATC amendments “to provide for the method” because the delivery mechanism (subdivision-based incentive) is by definition located in the Subdivision Chapter. The amendment proposed is the cross-chapter policy hook that resolves the structural difficulty, recognising in the natural character policy that one of the methods available to deliver natural character restoration sits in the Subdivision Chapter.

Summary

30. The officers’ rejections rest on chapter location, not on the substantive merits of the method or on the policy proposition the submitter advances. Both ECO paragraphs 142 and 149, and NATC paragraph 119, refer to the Subdivision Chapter as the proper home for transferable development rights. None of the paragraphs engages with whether it is appropriate, as a matter of planning practice, for the Natural Environment Values chapters to recognise the range of methods that may be used to deliver the outcomes those chapters establish. That is the question I address in Section E.

E. THE SUBSTANTIVE PLANNING CASE

The policy proposition

31. The proposition the submission advances is straightforward. Biodiversity and natural character protection on private land in New Zealand is delivered through a range of methods. Those methods include regulatory overlays and rules (such as significant natural area mapping and indigenous vegetation clearance rules), voluntary protective mechanisms (such as QEII Open Space covenants, Ngā Whenua Rāhui Kawenata, and DOC-administered covenants), financial mechanisms (such as financial contributions and rates relief), and incentive-based mechanisms that link development entitlements to environmental outcomes (such as the “environment benefit” subdivision provisions already in the Plan, and transferable development right frameworks operating elsewhere in New Zealand).
32. The ECO and NATC chapters as recommended by the officers establish a clear policy direction on protection, maintenance and restoration of indigenous biodiversity and natural character. They do not, however, expressly recognise the range of methods through which those outcomes can be delivered. The amendments sought add that recognition in three places, calibrated to the particular policy at each location.
33. The amendments do not require the Plan to provide for any particular method. They do not pre-empt the decisions to be made at later hearings. They add policy recognition that the methods family is broader than the methods currently provided for, and that one of the methods within that family is the transferable development right mechanism the submitter is also pursuing at later hearings.

NPS-IB direction

34. The National Policy Statement for Indigenous Biodiversity 2023 (“NPS-IB”) sets out a non-exhaustive list of things that must be done to give effect to its objective. The officer’s NPS-IB Implementation Assessment (Appendix D of the ECO/IB pack) records how the ECO Chapter as notified relates to each relevant provision of Part 3 of the NPS-IB.
35. **NPS-IB Clause 3.21 (Restoration)** is the most directly relevant to the proposed amendments. The officer recommends a new policy ECO-PX (Restoration priorities) that gives effect to Clause 3.21(2) by identifying six priority categories for restoration. The recommended priorities include “Areas that provide important connectivity or buffering functions”, a category that, by definition, involves outcomes at a scale larger than a single property. ECO-PX identifies what restoration is to be prioritised. ECO-P4 (as currently recommended) addresses how restoration is to be delivered, by promoting and enabling specified activities. The amendment to ECO-P4 proposed by the submitter adds one further activity-enabling clause:

recognition that transferable development right mechanisms can coordinate protection and enhancement across multiple properties to achieve the landscape-scale outcomes ECO-PX prioritises. ECO-P4 (amended) and ECO-PX work together. The connection is one of policy coherence. The priorities ECO-PX identifies cannot be delivered at scale without methods capable of operating at scale.

36. **NPS-IB Clause 3.5 and Policy 10 (Social, economic, and cultural wellbeing)** are recorded by the officer as broadly aligned with the ECO Chapter, primarily through ECO-O2 and ECO-P3. The NPS-IB direction recognises that biodiversity management must accommodate the social, economic and cultural wellbeing of people and communities. Incentive-based mechanisms are distinctively suited to this direction because they align private landowner economic interests with biodiversity protection outcomes. They create the financial flows that make protection a feasible decision for private landowners. A policy framework that recognises such mechanisms gives effect to the wellbeing direction in a way that a framework relying solely on regulatory overlay and voluntary covenanting cannot.
37. **NPS-IB Clause 3.22 (Increased indigenous vegetation cover)** is recorded by the officer as deferred to a future plan change pending technical work by Northland Regional Council. When that work is complete, the District Plan must be amended to promote the increase in indigenous vegetation cover having regard to the targets set. A policy framework that already recognises landscape-scale incentive-based methods provides a coherent platform for those future amendments. A framework that does not recognise such methods will need substantive reopening when the question is engaged.
38. Significantly, the NPS-IB is silent on the specific methods councils should use to give effect to its directions. Part 3 of the NPS-IB prescribes outcomes, hierarchies, and procedural requirements, but leaves the choice of methods to the implementation vehicle (the District Plan). The submission's proposition (that the District Plan should recognise the range of available methods) sits within the discretion the NPS-IB framework leaves to councils.

Higher-order policy context

39. The Northland Regional Policy Statement 2016 ("RPS") establishes the regional direction within which the District Plan must operate. The s42A reports rely on Policy 4.4.1 and Method 4.4.3 in the RPS at various points. Method 4.4.3 directs the District Plan to give effect to Policy 4.1.1 through specified methods. The principle that the District Plan should expressly give effect to RPS methods direction is one the officer accepts.
40. Biodiversity offsetting and related incentive-based mechanisms are recognised in mainstream New Zealand environmental policy direction, including the Department of Conservation's offsetting guidance and the Auckland Regional Policy Statement and operative provisions in the Auckland Unitary Plan (where the

Franklin PC14 framework now operates). Recognising such methods in the Kaipara PDP is consistent with established practice and does not represent an unusual or experimental direction.

The family of methods and the distinctive contribution of transferable mechanisms

41. To understand the place of transferable development right mechanisms within the policy framework being established by the ECO and NATC chapters, it is useful to consider the family of methods available for biodiversity and natural character protection on private land in New Zealand, and the planning function that each method performs.
42. The economic context within which any private-land biodiversity protection policy operates is the following. A landowner who places a covenant on an area of indigenous vegetation or natural character on their property typically takes a reduction in the market value of the property — the covenanted area is no longer available for the range of land uses that would otherwise be lawful, and the property’s development potential is correspondingly reduced. Under a purely voluntary covenanting model, there is no offsetting financial flow to the landowner; the landowner absorbs the value reduction. This is the principal reason that voluntary covenanting on private land in New Zealand operates at a scale substantially lower than the area of indigenous vegetation and natural character that would warrant protection. The economic logic discourages most landowners from electing to covenant unless they have an existing conservation motivation independent of the economic question.
43. The various methods recognised in New Zealand planning practice for biodiversity and natural character protection respond to this economic context in different ways:
 - a) **Regulatory overlays and rules** (such as significant natural area mapping with associated indigenous vegetation clearance rules) protect natural features by removing the lawful option of clearance or modification. They do not provide compensation for the consequent value reduction. The protection is imposed rather than incentivised. Regulatory overlays are an essential element of any private-land biodiversity protection framework but tend to produce difficulty with landowner uptake of supportive management activity and political resistance where overlays are mapped against the wishes of affected landowners.
 - b) **Voluntary covenants** (QEII Open Space, Ngā Whenua Rāhui Kawenata, DOC-administered covenants) rely on landowner goodwill in the absence of compensation. They produce high-quality outcomes on the sites where they occur but are constrained in aggregate scale by the economic problem described.

- c) **Rates relief and similar fiscal mechanisms** offset some of the value reduction by reducing ongoing carrying costs. The scale of relief is generally insufficient to materially change a covenanting decision; rates relief functions better as a recognition mechanism than as a primary incentive.
- d) **Financial contributions** levy development for environmental purposes. The linkage between development pressure and protection outcome is administrative rather than direct — funds flow to the Council, and from the Council to a programme that may or may not produce protection of a specific natural feature.
- e) **Biodiversity offsets** are applied to specific consenting events that involve unavoidable adverse effects. They manage the residual impact of consented activities rather than addressing voluntary protection of features that are not the subject of any specific consenting event.
- f) **On-site environment benefit subdivision** (such as SUB-R9 in the Proposed Kaipara District Plan as notified) provides additional development entitlement in exchange for protection on the same site. This method directly links development pressure to protection outcome, and is recognised by the officer at ECO s42A paragraph 149 as among the existing PDP methods for incentivising biodiversity protection. However, it constrains both the ecological value that can be unlocked (because the highest-ecological-value sites for protection are not always also suitable sites for additional development) and the scale at which protection can be coordinated (because each transaction is bounded to a single property).
- g) **Transferable development right mechanisms** extend the on-site environment benefit subdivision logic to a cross-site setting. By allowing the development entitlement generated by a protection decision to be exercised on a property other than the protected property, the method overcomes the constraint that arises when the highest-ecological-value site is not also a suitable site for development. The donor site is selected for its ecological value; the receiver site is selected for its capacity to accommodate development; the financial flow between the two funds the protection.

44. The distinctive policy contribution of transferable mechanisms within this family of methods is the ability to coordinate protection and development decisions across multiple properties. Single-property mechanisms (whether regulatory, voluntary, fiscal, or on-site incentive-based) deliver outcomes one property at a time. Transferable mechanisms deliver outcomes at the landscape, catchment, or ecological-corridor scale by directing protection to the highest-value sites regardless of where development pressure happens to fall. This is the scale at which NPS-IB Clause 3.21 priorities (such as “areas that provide important connectivity or buffering functions”) and natural character outcomes (which are typically defined at the scale of riverine or coastal systems rather than single properties) are most coherently addressed.

45. In my opinion, a Natural Environment Values policy framework that recognises this family of methods (and the distinctive contribution that transferable mechanisms make within the family) is a more complete framework than one that does not. The amendments sought add that recognition in policy text at three points, calibrated to the particular policy at each location.

Operational and administrative suitability for the Kaipara context

46. The Kaipara District has the spatial and policy characteristics that lend themselves to recognition of the full family of methods in the Natural Environment Values policy framework. The district contains substantial areas of indigenous vegetation, wetlands, dune systems, and natural character features on private rural land (many of which are addressed by the overlays the Plan establishes) and a rural subdivision demand profile in which subdivision activity is a significant driver of land use change. The combination of natural features warranting protection and development pressure capable of funding that protection is the operational context in which incentive-based methods are most useful.
47. The Plan as notified already recognises one incentive-based method (SUB-R9 environment benefit subdivision) and the officer's recommended amendments retain and refine that recognition. The administrative arrangements for that method (donor-site assessment, ecological criteria, covenanting through Council processes) are established and operating in the existing framework. Recognising transferable mechanisms as an additional method within the same family would draw on the same administrative and assessment arrangements; it would not require a parallel or separate Council process.
48. I note that the section 42A reports do not engage with the question of whether transferable mechanisms are operationally or administratively suitable for the Kaipara context. The reasoning for rejection is, as discussed in Section D above, chapter-location reasoning. The substantive question (whether the method is appropriate to recognise in policy text in the Natural Environment Values chapters) has not been engaged with on its merits. The operational track record of the method in New Zealand under the Franklin PC14 framework as carried into the Auckland Unitary Plan, addressed in the evidence of Mr Ross, is the evidence on which the Panel is invited to be satisfied that the method is well-established and workable.

The existing cross-chapter pattern in the PDP

49. The ECO section 42A report at paragraph 149 expressly acknowledges that the PDP already operates a cross-chapter logic. The Reporting Officer observes that the Subdivision Chapter includes provisions (SUB-R9) "aimed at incentivising the protection of areas of significant indigenous biodiversity through legal protections (covenants etc)" and that the Plan therefore "provides both opportunities to incentivise the protection of indigenous biodiversity through legal mechanisms and through the non-regulatory methods encouraged through ECO-P5."

50. That acknowledgement is significant for two reasons. First, it confirms that subdivision rules can serve as biodiversity protection incentives, the principle the submitter advances. Second, it confirms that the Plan already relies on cross-chapter recognition in its policy logic. The proposed amendments do not introduce a novel structural pattern. They make explicit, in the natural environment values policy text, a pattern that the Reporting Officer accepts is already operating in the Plan.
51. ECO-P5 (Non-regulatory mechanisms) as recommended by the officer expressly contemplates non-regulatory methods with a list of examples: fee waivers, funding assistance, information sharing, working directly with landowners, and assistance with the establishment of protective covenants. The amendment sought adds a further example at a more substantive policy-framework level - recognition that legal protection may also be achieved through transferable development right frameworks. The amendment fits the existing structure of the policy rather than departing from it.

The Franklin observation

52. I refer to direct professional experience with the Plan Change 14 framework in the former Franklin District. PC14 introduced a subdivision rules framework in which subdivision in the rural environment was conditional on environmental benefit (protection or restoration of indigenous vegetation, natural character, or other identified environmental values). There was no general-purpose rural subdivision pathway; the only pathway to additional development entitlements was through environmental benefit, including through the Transferable Rural Lot Rights mechanism that allowed entitlements to be transferred from environmentally valuable donor sites to receiver areas with infrastructure capacity.
53. The observation I record from that experience is a pattern of market response. Once the framework was in place, lifestyle property investors who would have, under a conventional regulatory framework, purchased highly productive peri-urban land and fragmented it through general subdivision, instead sought out land with environmental potential, typically more degraded land that could be rehabilitated to a covenanted standard, on which protection or restoration would generate the environmental benefit that supported subdivision. The framing of the framework produced a market response that aligned with policy intent. The market response was not directed by ad-hoc regulation; it was the outcome of an incentive structure in which environmental benefit and development entitlement were linked.
54. The relevance to Kaipara is at the level of principle. A policy framework in the District Plan that recognises subdivision as one of several delivery vehicles for environmental outcomes is consistent with the observed market behaviour described above. A policy framework that treats subdivision purely as a constrained activity to be regulated, without recognition of its capacity to function as a delivery vehicle for environmental outcomes, does not engage with that dimension of how rural development behaviour

responds to policy framing. The amendments sought are policy-text amendments and will not, by themselves, deliver the outcomes the framework can produce. But they establish the policy recognition that allows the Subdivision Chapter (to be heard later in 2026) to be framed coherently if it adopts transferable mechanisms, and they signal to landowners, applicants and consenting officers that incentive-based methods are within the Plan's recognised methods family.

The chapter-location question

55. The officers' chapter-location reasoning treats the proposed amendments as transferable development rights provisions in disguise, provisions that, if accepted, would substantively introduce a TDR regime through the back door of the Natural Environment Values chapters. With respect, that characterisation is not correct.
56. The amendments do not propose rules. They do not propose standards. They do not propose definitions, mapping, yield tables, or any of the other operative elements that a substantive TDR regime requires. They propose policy recognition. The outcomes the policies address (restoration and enhancement of indigenous biodiversity, legal protection, restoration of natural character) sit squarely within the natural environment values policy framework. The fact that one of the methods that may deliver on those outcomes uses subdivision as the delivery vehicle does not relocate the policy. By analogy: if a financial contributions framework were used to fund biodiversity protection, the relevant biodiversity policy would still belong in the biodiversity chapter, not in a Financial Contributions Chapter. The policy lives where the outcome lives.
57. The proper home for the substantive provisions of any transferable development rights regime is the Subdivision Chapter. The proper home for the policy recognition that such a method is among the available techniques for delivering natural environment values outcomes is the chapters where those outcomes are policy-prioritised. The amendments do not collapse the two; they recognise the relationship.

A note on Māori land restoration

58. NPS-IB Clause 3.21(2)(e), implemented through the recommended new policy ECO-PX, prioritises restoration of areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners. Incentive-based methods such as transferable mechanisms are not in tension with that priority. By providing financial flows that support covenanting and management of protected areas, such methods may in some cases support Māori landowner-led restoration objectives where those objectives are constrained by the absence of funding pathways for ongoing management. The recognition sought in ECO-P4 is permissive. It identifies the method as available, without requiring its use in any particular case.

F. THE SEQUENCING ARGUMENT

59. The order in which the Kaipara PDP hearings are scheduled has implications for the substantive question before the Panel at these hearings.
60. The Natural Environment Values cluster (Hearings 17 (Ecosystems and Indigenous Biodiversity), 18 (Natural Character), and 19 (Natural Features and Landscapes)) is being heard on 8 and 9 June 2026. Hearing 23 (Strategic Direction), to which the submitter's SD-P1 amendment relates, is scheduled for July 2026. Hearings 29 (General Rural Zone, including GRUZ subdivision) and 30 (Remainder of subdivision), to which the substantive subdivision provisions for any transferable development rights regime relate, are scheduled for August and September 2026.
61. The implication of that ordering is that the Panel's decisions at these Natural Environment Values hearings will establish the policy framework for natural environment outcomes before either the higher-order chapter (Strategic Direction) or the implementation chapter (Subdivision) is heard. The policy framework established at these hearings shapes what constitutes a coherent direction in the later hearings.
62. **If the policy framework recognises the range of available methods at this stage**, the Panel preserves coherent options at the later hearings. A decision at Strategic Direction or Subdivision either to provide for transferable mechanisms or not is then consistent with the natural environment values policy framework either way. If the Plan ultimately provides for the mechanism, the policy hooks are activated. If the Plan does not, the policy hooks remain as a permissive recognition that the method is one of those available within the wider New Zealand planning landscape, without commitment.
63. **If the policy framework does not recognise the range of available methods at this stage**, and the Panel at later hearings concludes that a transferable mechanism should be provided for, the Plan becomes internally inconsistent: the implementation chapter or strategic direction provides for a method that the policy framework does not acknowledge as a method available to deliver the relevant outcomes. Reconciling that inconsistency by way of consequential amendment is not straightforward; it would require substantive policy realignment without the underpinning evidence on whether the method is appropriate to recognise in the policy framework having been heard.
64. The risk profile of the two alternative outcomes is therefore asymmetric. Recognising the range now creates no problem if the Plan ultimately does not adopt the method - the policy hooks can be removed by consequential amendment without any substantive loss. Not recognising the range now creates a problem if the Plan ultimately does adopt the method - reconciling the chapters becomes a policy-direction question rather than a drafting one.

65. As a practical matter, consequential amendments to ECO and NATC arising from later hearings would not reopen the evidentiary record before the Panel on whether incentive-based methods are appropriate to recognise in the natural environment values policy framework. The appropriate point at which that evidence is heard is now.

G. PROPOSED WORDING

66. I recommend that ECO-P4, ECO-P5, and NATC-P4 be amended as set out below. For each policy I present two wording options. The conditional option (Option 2) is presented as primary because it directly answers the principal reason for rejection given in the section 42A reports, that no transferable development rights frameworks are currently provided for in the Plan. The conditional wording makes the policy recognition contingent on such frameworks being provided for elsewhere in the Plan, and so does not commit the Plan to a method that may or may not be adopted at later hearings. The direct option (Option 1) as filed in the submission remains available as alternative relief if the Panel is satisfied that direct recognition is appropriate.

ECO-P4 — proposed amendment

67. **Primary relief (Option 2 — conditional).** Add as a new clause (4) to ECO-P4 (as recommended in Appendix B):

Where transferable development rights are provided for elsewhere in this Plan, such mechanisms may be used to coordinate protection and enhancement across multiple properties to achieve landscape-scale ecological outcomes.

68. **Alternative relief (Option 1 — direct, as filed in the submission).** Add as a new clause (4) to ECO-P4:

This may include transferable development right mechanisms that coordinate protection and enhancement across multiple properties to achieve landscape-scale ecological outcomes.

ECO-P5 — proposed amendment

69. **Primary relief (Option 2 — conditional).** Add to ECO-P5 (as recommended in Appendix B):

Where transferable development rights are provided for elsewhere in this Plan, legal protection may also be achieved through such frameworks, which incentivise and systematise protection and restoration outcomes.

70. **Alternative relief (Option 1 — direct, as filed in the submission).** Add to ECO-P5:

Legal protection may also be achieved through frameworks such as transferable development rights, which incentivise and systematise protection and restoration outcomes.

NATC-P4 — proposed amendment

71. **Primary relief (Option 2 — conditional).** Add to NATC-P4 (as recommended in Appendix B):

Where transferable development rights are provided for elsewhere in this Plan, restoration and enhancement may be achieved through such mechanisms to enable coordinated, catchment-based outcomes.

72. **Alternative relief (Option 1 — direct, as filed in the submission).** Add to NATC-P4:

Restoration and enhancement may be achieved through mechanisms such as transferable development rights that enable coordinated, catchment-based outcomes.

H. SECTION 32AA EVALUATION

73. Section 32AA of the Resource Management Act 1991 requires a further evaluation, in accordance with section 32(1) to (4), for any changes proposed since the section 32 evaluation report for the proposal was completed. The Hearings Panel at Direction 3, paragraph 19, has strongly encouraged submitters seeking changes to include a section 32AA evaluation with their evidence.

74. The proposed amendments are scope-limited additions to existing policies. The level of section 32AA evaluation appropriate is commensurate with the scale and significance of the changes proposed.

Appropriateness in achieving the purpose of the Act

75. The proposed amendments support the achievement of the purpose of the Act in two respects:
- a) Sustainable management. The amendments support sustainable management by acknowledging in policy the range of methods through which biodiversity and natural character outcomes can be delivered, including methods that align private landowner interests with environmental outcomes. The amendments do not undermine the protective direction of the existing policies; they extend recognition of how that direction can be delivered.
 - b) Section 6 and 7 matters. Section 6(c) requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; section 7(d) requires intrinsic values of

ecosystems to have particular regard had to them. Recognition in policy text of additional methods for delivering on these directions is consistent with achieving the section 6 and section 7 outcomes.

Effectiveness and efficiency

76. Effectiveness. The amendments will be effective in the following respects:

- a) They signal to landowners, applicants, and consenting officers that incentive-based methods are within the methods family the Plan recognises for delivering biodiversity and natural character outcomes.
- b) They support implementation of the NPS-IB methods direction by ensuring the policy framework remains open to the range of methods the NPS-IB framework permits councils to use.
- c) They give policy support to landscape-scale and catchment-scale coordination of restoration and protection — outcomes that single-property mechanisms cannot deliver as efficiently as coordinated cross-property mechanisms.
- d) In the case of the conditional wording (Option 2), the policy recognition is automatically calibrated to whatever the Plan ultimately provides for — if no transferable mechanism is provided for, the policy clause is dormant; if one is provided for, the policy clause activates without further amendment.

77. Efficiency. The amendments impose no cost on landowners, applicants or the Council. They do not create or alter any consenting requirement. They do not require Council administrative capacity, monitoring, or reporting. They are policy-text additions calibrated to the existing structure of the relevant policies.

Comparison with alternatives

78. The relevant alternatives are:

- a) **Status quo (officer's recommendation — reject):** The policy framework does not recognise transferable development right mechanisms. If the Plan ultimately adopts such mechanisms elsewhere, the policy framework is internally inconsistent and requires reconciliation; if it does not, no problem arises.
- b) **Option 1 (direct reference):** The policy framework directly recognises the method. The reference operates regardless of what the Subdivision Chapter ultimately provides for. If the Plan adopts a transferable mechanism, the policy reference is activated naturally; if the Plan does not, the policy

reference remains as recognition of a method available in the wider New Zealand planning practice context but not provided for in this Plan.

- c) **Option 2 (conditional reference):** The policy recognition is conditional on the method being provided for elsewhere in the Plan. The recognition activates only if and when the method is provided for. If the Plan does not provide for the method, the conditional clause is inert.

79. In my opinion, Option 2 is the most efficient option. It delivers the same policy-framework effectiveness as Option 1 in the scenario where the Plan provides for a transferable mechanism, while avoiding any uncertainty in the scenario where the Plan does not. Option 1 remains an effective alternative if the Panel is satisfied that direct recognition is appropriate.

Risks of acting or not acting

80. The risks of acting on either option are low. The amendments are policy-text additions to existing policies and do not alter the substantive direction of those policies.

81. The risks of not acting (that is, retaining the officer's recommendation to reject) are higher. If the Subdivision Chapter hearings ultimately adopt provisions for a transferable mechanism, the Natural Environment Values chapters will be inconsistent with that adoption, and reconciliation will be required without the substantive policy-framework evidence having been heard. If the Subdivision Chapter does not adopt such provisions, no problem arises; but the policy framework will have foreclosed an option that NPS-IB direction would otherwise leave open.

I. CONCLUSIONS AND RELIEF SOUGHT

82. The amendments sought to ECO-P4, ECO-P5, and NATC-P4 add policy recognition that transferable development right mechanisms are among the available methods for delivering on the biodiversity and natural character protection outcomes those chapters establish. The amendments do not propose substantive rules, standards or definitions; those matters fall for consideration at later hearings.

83. The section 42A reports recommend rejection of all three amendments on the basis that the appropriate chapter for transferable development rights is the Subdivision Chapter. In my opinion, that reasoning misidentifies the kind of provision being proposed. The amendments are policy hooks (recognition in policy text that a method is available) not substantive provisions for a regime. The policy outcomes sought sit squarely within the Natural Environment Values chapters. The acknowledgement at ECO s42A paragraph 149 that the Plan already operates a cross-chapter logic linking subdivision-rule mechanisms to ECO outcomes is consistent with the structural pattern the amendments make explicit.

84. The hearing sequencing places these Natural Environment Values hearings before both the Strategic Direction hearing and the Subdivision Chapter hearings. The policy framework decided here shapes the framework within which the later hearings must operate. The asymmetric risk of recognition versus non-recognition favours recognition now.
85. I recommend the following relief:
- a) **Primary relief.** Amend ECO-P4, ECO-P5, and NATC-P4 in accordance with the conditional wording set out at paragraphs 65, 67, and 69 of this evidence (Option 2 in each case).
 - b) **Alternative relief.** Amend ECO-P4, ECO-P5, and NATC-P4 in accordance with the direct wording set out at paragraphs 66, 68, and 70 of this evidence (Option 1 in each case), being the wording as filed in the submission.
86. In either case, in my opinion, the Panel should hear and decide the substantive policy-framework question on incentive-based methods at these hearings rather than defer the question to consequential amendment following the Subdivision Chapter hearings.



NE WILLIAMSON

22 May 2026