

## Memorandum

**To:** Mark Farnsworth – Hearing Panel Chair  
**From:** Betty Connolly – Section 42A reporting officer for the Part 1 Introduction and general provisions topic  
**Date:** 12<sup>th</sup> February 2026  
**Subject:** Response to evidence received on the Part 1 Introduction and general provisions topic - Addendum

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A statement was received by Council on 30<sup>th</sup> January 2026 in regards to Hearing 3 – Part 1 Introduction and general provisions on behalf of the following submitters:

- a. Bream Tail Residents Association Inc (submitter 300/further submitter 35)
- b. Daytona Trust (submitter 263)
- c. Tappenden Holdings Limited (submitter 289)

Due to an unfortunate administration oversight the statement was not included in my summary of, and response to, evidence received. This memorandum is therefore an addendum to the one dated 9<sup>th</sup> February 2026 response which outlines evidence received on the Part 1 Introduction and general provisions topic

I can confirm that the statement from the aforementioned submitters was received by Council within the legal time frames as set by the Panel in Direction 3 dated 23<sup>rd</sup> September 2025.

This memorandum has been prepared in lieu of a formal addendum to my section 42A report, as the material received from submitters has not altered my recommendations on the Part 1 provisions. The purpose of this memorandum is to assist the Hearing Panel understand the information that has been received and locate where I have responded to the relevant matters in my section 42A report in advance of the hearing.

### Hearing statements received 30 January 2026

The hearing statement tabled on behalf of the three submitters supports my recommended amendments to the Introduction and general provisions. The three submitters sought the same relief on the topics covered in this hearing as below:

1. That the additional matters of control and matters of discretion be deleted on the basis that they are unnecessary, do not replicate the specific details of Section 108 of the RMA 1991 and do not usefully add to the matters of control and matters of discretion otherwise included in the PDP.
2. Determining the relationship between rules for different spatial layers – reference to the ‘stricter’ rules applying may be open to interpretation and sought amendments to provide better clarity.
3. Zoning of roads (new text) - an unformed 'paper road' traverses Bream Tail (as is the case in many rural properties) and submitters consider that logically, the use of this land should be determined by the adjoining zone with that principle applicable to all other cases in the district also.

4. Tangata Whenua-Mana Whenua – the submissions sought that the wording in relation to statutory acknowledgements within the Kaipara District be amended from “can be located” to “are on” the planning maps, to clarify that the planning maps do in fact have this information.

The hearing statement confirms that my recommendations in regards to all of the points are acceptable to the submitters.

As such, I maintain my analysis and recommendations as set out s42A reports for:

- a. Topic 2: How the Plan Works (Paragraphs 43 to 48 and 58 to 60)
- b. Topic 4: Tangata Whenua / Mana Whenua (Paragraphs 79 to 81)