

**BEFORE HEARINGS COMMISSIONERS APPOINTED
BY THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions on the Proposed Far North District Plan
SUBMITTER	Far North Holdings Limited
HEARING TOPIC	Hearing 15B – Rezoning New Special Purpose Zones

**STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON ON BEHALF OF FAR
NORTH HOLDINGS LIMITED RESPONSE TO MINUTE 14**

12 May 2025

INTRODUCTION

1. My name is Steven Remana Sanson. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning [2022] Limited.
2. I have been engaged by Far North Holdings Limited [**the Submitter**] to collate a response to Minute 14 and provide planning evidence in support of their original and further submissions to the Proposed Far North District Plan [**PDP**]¹.
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

QUALIFICATIONS AND EXPERIENCE

4. I hold the qualification of Bachelor of Planning [Hons] from The University of Auckland, graduating in 2013 and I am an Intermediate Member of the New Zealand Planning Institute.
5. I have over 10 years' experience and have previously held planning positions in the Far North District. In my current role I regularly advise and assist corporate and private individuals with the preparation of resource consent applications including subdivision and land use consents and relevant regional council consents. I have also processed resource consent applications for councils, prepared submissions on district plan changes, and processed plan changes.

SUMMARY OF THE REZONING REQUEST

6. The submission seeks:
 - a) To rezone Opua Marine Business Park, Colenzo Triangle and the Bay of Islands Marina to Mixed Use.
 - b) To retain Opua Commercial Estate as Mixed Use.
 - c) To apply a Development Area over the Bay of Islands Marina [Bay of Islands Marina Development Area].
 - d) To reinstate the Maritime Exemption Area
7. The purpose of applying the Mixed Use Zone to the Opua Marine Business Park, Colenzo Triangle and the Bay of Islands Marina is to provide a base zone in terms of land use and subdivision rules. The Mixed Use Zone will apply until a Master Plan is embedded within the PDP as a Development Area. Following the completion of development within the Development Area, any other development will be subject to the Mixed Use Zone.

¹ Submission 320 and Further Submission 407.

8. The Development Area sets out a process that establishes a consenting pathway for the Master Plan. Development would be in accordance with the development Area, and may be subject to approval from Council.
9. A Development Area is not a zone and will require a separate chapter in the PDP under Part 3 – Area Specific Matters. A Development Area spatially identifies and manages the Master Plan, which determines future land use and development.
10. Once development is complete the Development Area spatial layer is removed from the plan either through a trigger in the Development Area provisions or at a later plan change, in accordance with the National Planning Standards. Under the relief sought by the submitter, the underlying Mixed Use zone will then apply to the landholdings for any further land use or development.
11. The submission dates back to 22nd October 2022. The submission contains an initial Master Plan and associated technical reports and documentation.

HEARINGS ATTENDED TO DATE

12. The submitter has attended and provided evidence for Hearing 1 - Strategic Direction and Hearing 4 - Coastal Environment. While I do not intend to repeat the evidence produced for these PDP Hearings, they do have relevance for this rezoning hearing.
13. In my view there are still unanswered questions or gaps that remain resulting from Hearing 4 that have not been addressed or resolved.

Opua Settlement

14. The identification of the 'Opua Settlement' has important implications for the submitter's aspirations for the Development Area. The s42A Report recommends an exemption within CE-S1 [Maximum Height] for the Mixed Use and Light Industrial zones within the settlement of Opua. This standard relates to CE-R1 [New buildings or structures, and extensions or alterations to existing buildings or structures].
15. Not all of areas within the submitter's landholdings were proposed to be zoned Mixed Use or Light Industrial when the PDP was notified. The rezoning sought through the submitters relief seeks the Mixed Use zone over all of their landholdings. Where the Opua Settlement is identified to cover these landholdings, exemption will be given for the height of buildings, defaulting to the underlying zone.

Location	Operative Zoning & Overlays	Proposed Zoning	Proposed Overlays
Bay of Islands Marina	<ul style="list-style-type: none"> Commercial Industrial Recreational Activities Coastal Residential Maritime Exemption Area 	<ul style="list-style-type: none"> Light Industrial Mixed Use General Residential 	<ul style="list-style-type: none"> Coastal Environment
Opuia Commercial Estate	<ul style="list-style-type: none"> Commercial 	<ul style="list-style-type: none"> Mixed Use 	<ul style="list-style-type: none"> Coastal Environment
Colenzo Triangle	<ul style="list-style-type: none"> General Coastal 	<ul style="list-style-type: none"> Rural Production 	<ul style="list-style-type: none"> Coastal Environment
Opuia Marine Business Park	<ul style="list-style-type: none"> Coastal Living 	<ul style="list-style-type: none"> Rural Lifestyle 	<ul style="list-style-type: none"> Coastal Environment

Figure 1 – Submitter landholdings ODP and PDP zoning

16. The ‘Opuia Settlement’ as it relates to rule exemptions within the Coastal Environment has failed to consider my evidence in chief at paragraphs 42-49 and the associated evidence I rely upon in Hearing 4, including the urban design evidence prepared by John Lonink addressing ‘the extent of the urban environment within the Opuia Settlement’². Mr Lonink’s evidence concludes that the urban extent of the Opuia Settlement [as depicted in Appendix 4 to the Coastal Environment s42A Report] does not fully align with the proposed zoning. As such for considering the exemption area for the CE, Mr Lonink was of the view that parts of the Rural Lifestyle zone and the three sites owned by FNHL could be included within the exemption area.
17. It is not clear whether the map identified in Appendix 4 to the s42A Report was intended to be the final extent of the ‘Opuia Settlement’. A response to this query was not addressed at Hearing 4. It would therefore be helpful to understand the spatial extent of the ‘Opuia Settlement’³.

Maritime Exemption Area

18. The Bay of Islands Marina currently contains a Maritime Exemption Area [MEA]. The provisions relating the MEA are located within Chapters 10 and 12 of the Operative Far North District Plan [ODP], specifically Rules 10.6.5.1.7 [Setback from Boundaries] and 12.7.6.1.1 [Setback from Lakes, Rivers and the Coastal Marine Area]. The MEA provides an exemption from the setback rules from the Coastal Marine Area to ensure that activities relevant to that marine environment are not restricted.
19. For reasons not expressed in any Council documentation, the MEA has been excluded from the provisions within the PDP and the submitter seeks this overlay be reinstated.

² John Lonink evidence in Chief [paras 25 – 33]

³ Relevant rules include CE-R1 and CE-S1 of Appendix 1.1 Officers Recommended Amendments to Coastal Environment Chapter.

20. It is unclear at this juncture what Councils position is with respect to the submitter's relief seeking the reinstatement of the MEA, as it would now appear that any exclusion from setback controls from the Coastal Marine Area would sit in the Coastal Environment chapter. Noting that the s42A Report includes a new standard CE-S4 [Setbacks from MHWS]. Rationale would determine that where a reinstatement of the MEA overlay is applied that the exemption would sit within CE-S4 as follows (see underlined):

CE-S4	Setbacks from MHWS	
Coastal Environment	<p>New buildings and structures and or extension or alteration to an existing building or structure must be setback at least:</p> <p>a. 30m from MHWS in the Rural Production, Rural Lifestyle, Rural Residential, Horticulture and Horticulture Processing Facilities zones; or</p> <p>b. 26m in all other zones.</p> <p>This standard does not apply:</p> <p>where there is a legally formed and maintained road between the property and MHWS.</p> <p><u>to activities and buildings within a Maritime Exemption Area</u></p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>a. the natural character of the coastal environment;</p> <p>b. screening, planting and landscaping on the site;</p> <p>c. the design and siting of the building or structure with respect to dominance on adjoining public space;</p> <p>d. natural hazard mitigation and site constraints;</p> <p>e. the effectiveness of the proposed method for controlling stormwater; and</p> <p>f. the impacts on existing and planned roads, public walkways, reserves and esplanades.</p>

MINUTE 14

21. Minute 14 sets out the process and criteria to hear and consider rezoning submissions. My evidence and associated attachments forms part of an initial response to criteria set out in Minute 14. The Minute allowed submitters to 'opt in' to the specified process.

22. The Submitter opted in to the process prior to the 8th April 2025 as required.
23. The reverse process places stress on the submitter to have a submission with sufficient scope, but also to have foreseen any further requirements around process such as that provided in Minute 14.
24. The approach I have taken to respond to Minute 14 is to leave the submission as originally drafted but provide points of clarification on the intention of the approach. Whilst I have met with Council officers, this meeting was high level and did not delve into the detail.
25. I understand that there is no similar submission being considered by Council under the PDP. In this context, it is considered appropriate if the submitter and its experts could caucus on finer points and details before the Council provides their Section 42A Report.

DISCUSSIONS ON SUBMISSION

26. On a without prejudice basis, I met with Council officers on the 12th March 2025 to discuss the submission. I left the meeting noting the following points:
 - a) Infrastructure information from Council would be available by March 2025. I understand this information is still not available.
 - b) I provided the Transportation Assessment referred in the original submission. Council asked technical queries to this Assessment, however these have not yet been addressed.
 - c) Council officers sought further information about the site known as Opuia Marine Business Park in terms of consideration of the National Environment Standard for Freshwater Management.
 - d) Council officers confirmed and understood that consultation was an iterative process and that this aspect did not need to be completed by 12th May 2025. Feedback from consultation could be provided at later stages engrained within the process.
27. This response to Minute 14 considers the criteria as well as the matters above.

POINTS OF CLARIFICATION & ADDITIONAL INFORMATION

28. The original submission contained a 'draft' Master Plan. The Master Plan subject to consultation is now provided in **Annexure 1**. This provides further detail for the Council and Panel to consider. The scale of development promoted in the Master Plan was supported by a suite of evidence initially, and further supported at the Hearing 4 – Coastal Environment.
29. The Master Plan will be developed and finalised up to the Right of Reply on 18 August 2025. The 'final' Master Plan will consider the outcomes of consultation and provide a detailed schedule of development for Council / Panel consideration.

30. It is acknowledged that the Master Plan will form the 'Bay of Islands Marina Development Area', which is sought to be inserted into the PDP. The provisions that are provided within the original submission will require formatting to align with that in the PDP.
31. At the time the submission was drafted it was unclear how the relationship between the underlying zone, the Master Plan, Development Areas and any potential Precincts would interact and sit within and outside the PDP.
32. The most logical approach appears to be to embed the Development Area within the PDP as a chapter [in accordance with the National Planning Standards] with a suite of provisions that supersede the underlying zone, until such time that all development has been completed.
33. The Transportation Assessment referenced in para 9[b] is provided in **Annexure 2**.
34. The original submission referred to an area considered as the 'Bay of Islands Marina'. This differs to the Master Plan. The Master Plan reflects the correct area of consideration for the rezoning proposal. This is outlined in the image below.



Figure 22 – Bay of Islands Marina [Source: WSP]

35. Within the submission there may be differing nomenclature used i.e Opua Marina Development Area / Bay of Islands Marina Development Area. The appropriate terminology is the latter – The Bay of Islands Marina Development Area [BOIMDA].

RESPONSE TO MINUTE 14

Strategic Direction

36. An assessment of how the rezoning request is consistent with the PDP strategic direction is provided in **Annexure 3**. In summary, the proposed rezoning request is considered to be consistent with the Strategic Direction as notified.

Alignment with Zone Outcomes

37. An assessment of how the rezoning request aligns with the objectives, policies and intended outcomes of each existing PDP Zone is provided in **Annexure 4**. In summary, the proposal is considered to align with the Mixed Use Zone objectives, policies and intended outcomes.

Higher Order Direction

38. Section 4 [pages 8-11] of the s32 Report attached to the submission already considers how the proposal give effect to higher order documents, as well as consideration of relevant national policy statements, planning standards, and the Northland Regional Policy Statement.
39. At Hearing 4, specific evidence of higher order documents in terms of the coastal environment was also provided. No repeating of this information is required.

Reasons For The Request

40. The original submission letter outlines the reasons / rationale as to why the notified zoning is not appropriate for the subject land and why the reinstatement of the MEA is appropriate. This is not repeated here.

Assessment of Site Suitability

41. The sites are located within areas subject to natural hazards being in the Coastal Hazard Zones mapped by the Northland Regional Council. The Marina also has existing HAIL sites as recorded by the NRC. For the development location, coastal hazards and contamination are the key matters.
42. The PDP has a Standard NH-S1 which requires that any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion. Therefore, the Coastal Hazard Zones will be considered at time of development.
43. This consideration is augmented by the approach within the proposed provisions for the BOIDMA which requires a hazard assessment when considering the Master Plan and any potential Precinct Plans.
44. The HAIL sites are regulated under National Environmental Standards and are considered at time of development under those Standards as well as the framework provided in the BOIMDA.

45. In terms of natural values, the sites are only implicated by the Coastal Environment Overlay. Again, these matters were comprehensively assessed in Hearing 4 and are not repeated here. The evidence provided by our experts at hearing 4 – Coastal Environment can support the proposed Master Plan in this location.
46. The proposed provisions of the BOIMDA require the specific consideration and assessment of reverse sensitivity. In this location, effects to surrounding sites are considered to be less than minor given the context of the proposed changes, existing built form, and urban environment already present.
47. Given the existing and consented uses contained within Colenzo Triangle and Opuā Commercial Estate, reverse sensitivity effects have already been assessed. The Marine Business Park will need to be cognisant of the surrounds and promote mitigation measures. However, as outlined in landscape evidence provided in Hearing 4 the site is highly modified.

Infrastructure

48. The approach is to service the areas outside of the Bay of Islands Marina on site. Therefore, there are no servicing issues or impacts on Council assets.
49. In terms of the Bay of Islands Marina, as uses / activities transition to the other sites they will use the capacity from those activities that have transitioned. This will have a net neutral effect on services, but there will be a time / stage where this will meet its natural limit.
50. In lieu of any further detailed provided to Council, the approach within the BOIMDA is to defer assessment of infrastructure to a time when provisions for the Master Plan are finalised ready to be embedded in the PDP. This will enable the collaborative approach outlined in the Infrastructure Assessment to be undertaken between the submitter and the Council.

Transport Infrastructure

51. The submission contains a Traffic Assessment as previously mentioned.
52. The Bay of Islands Marina does not gain access from the State Highway.
53. The other sites of relevance being Colenzo Triangle and Opuā Marine Business Park gain access from State Highway 11. These sites have been subjected to previous uses / assessments which have been considered and approved by NZTA.
54. It is accepted that NZTA have not considered or approved the potential permitted development that could occur from a permitted mixed use zone applying to each site. Prior to the hearing, this updated assessment will be provided to FNDC and NZTA experts, noting that the Master Plan provides indicative plans for future use.

55. There are no proposed plans for Colenzo Triangle as it is understood that this would simply be those already approved and considered by agencies. The Mixed Use Zone would simply apply over this landholding and its consented development. Documentation associated with consented development is found in **Annexure 5**.

Consultation and Further Submission

56. A consultation plan is being developed by the submitter. This will include key stakeholders and relevant tangata whenua in relation to the rezoning request. An update on this consultation will be provided prior to the hearing as well as updated documentation as a result of that consultation.
57. The further submitters of relevance include:
- a) Laurell Douglas FS107.1, FS107.5, FS107.6
 - b) Foodstuffs North Island Limited FS542.097
 - c) Waka Kotahi NZ Transport Agency FS036.089, FS036.091
 - d) Maria Bright FS162.1
 - e) Angela Marinkovic FS227.1
 - f) Diane & Ian Wood FS224.1, FS224.2
58. In response to the further submissions, L Douglas supports the submission by the submitter as it supports the collective vision of a combined rail, cycle, steamboat experience in the Bay of Islands.
59. It notes further that the *“mixed use zoning will better support the community vision that includes a railway station, public carparking, bike and tourism connections, retail, art, educational and visitor facilities; a biodiversity corridor connecting Opua to Kawakawa along the rail corridor that will provide a platform for social, cultural, economic, environmental opportunities and build on the infrastructure investment, that being Bay of Islands Vintage Railway, Pou Herenga Tai Twin Coast Cycle Trail and the number of other ideas expressed by hapu, community to develop collective impact and potential on the corridor”*.
60. I agree with the sentiments engrained within the further submission. It shows the sites subject to the Master Plan have the potential for broader positive effects if approved.
61. The further submission references approved consents. These are provided in **Annexure 5**.
62. The submission sought the removal of PER 2 of MUZ-R2. Foodstuffs North Island Limited agreed with this position. I have no further assessment on this matter.

63. The further submissions from Bright, Marinkovic and Wood relate to concerns about a wetland. In response, please see approved consents from the Northland Regional Council to undertake development works on this site. This is provided in **Annexure 5**.
64. NZTA oppose the submission in terms of the rezoning of Opua Marine Business Park and Colenzo Triangle. I refer to the existing consents and the Transport Assessment already provided in response and await any further assessment from NZTA about their further submission. These will be responded in full prior to any hearing.

Section 32AA Evaluation

65. A s32 Report inclusive of a s32AA assessment is provided in the original submission.

Special Purpose Zone Requests

66. Despite being considered in the hearing for 'New Special Purpose Zones', it is not considered that a special purpose zone is being sought from the submitter.
67. A Development Area is being sought as well as changes to the Mixed Use Zone for the subject land holdings. Accordingly, these matters are not addressed as required by Minute 14.

CONCLUSION

68. I trust that this response to Minute 14 is sufficient for the Council and Panel to consider and reiterate the opportunity to consider the submission collaboratively.