

Far North Proposed District Plan

1-2 September 2025

Hearing 15B

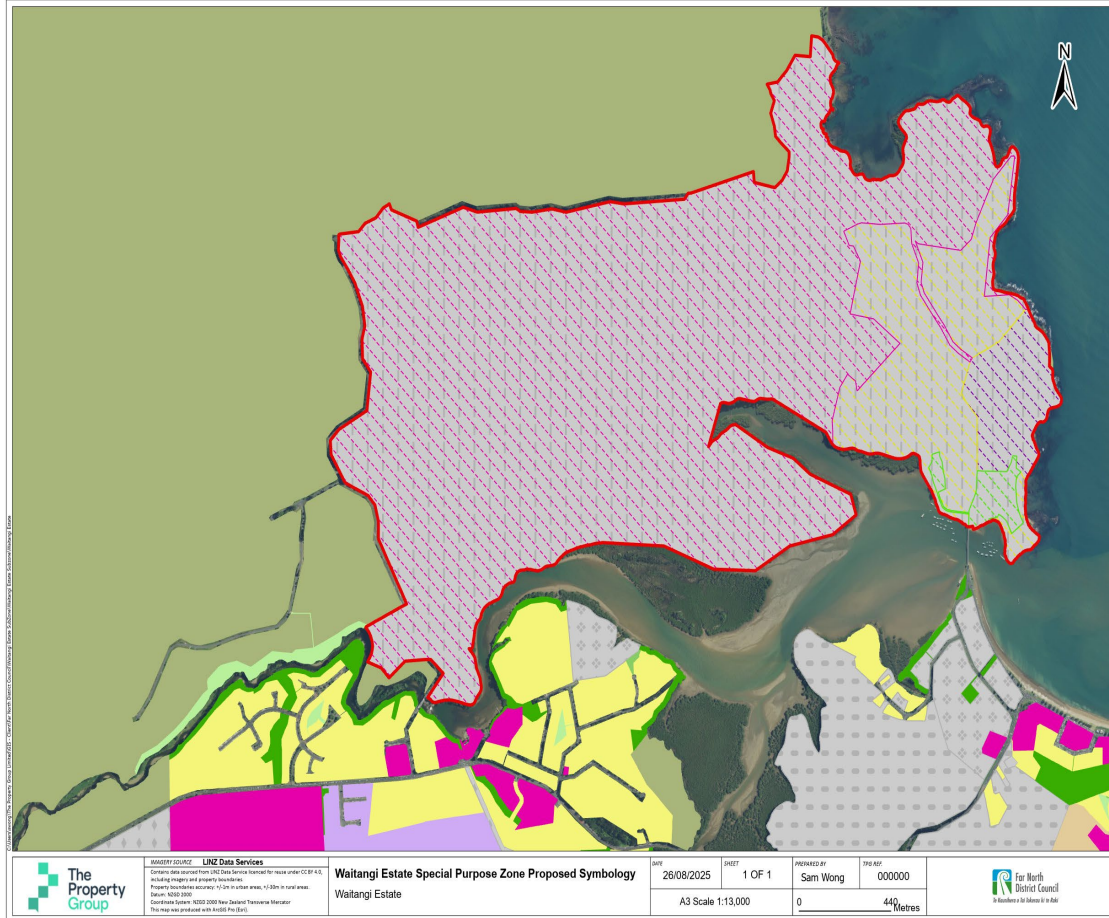
Rezoning Requests for New Special Purpose Zones



**Te Kaunihera
o Te Hiku o te Ika**
Far North District Council

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WAITANGI SPZ - Overview of Submissions



- The Waitangi Submitters (made up of Waitangi Ltd and Northland Planning Ltd) sought the Waitangi Estate be rezoned from Rural Production to a new special purpose zone specifically drafted for the Waitangi Estate.
- The Waitangi submitters were of the view the number of overlays that apply to the Waitangi Estate, together with the provisions of the underlying Rural Production zone and other district-wide chapters, were complex and did not meet the needs of the Estate.
- HNZPT sought new heritage areas be included in the Waitangi Estate.
- Doug's Opua Boatyard, sought an amendment to the zone to the Waitangi replacing land designated as Natural Open Spaces on the ODP and extending it to the treaty coastal grounds boundary along the golf course to the North and/or even further along the coastal margin of the golf course to wherever that land adjoins private land.

WAITANGI SPZ - Overview Submissions continued



- The Waitangi submitters choose to opt in to the rezoning process which allowed for evidence to be exchanged. A number of informal meetings and discussions occurred between HNZPT and the Waitangi submitters.
- This collaborative process resulted in the Waitangi submitters and FNDC working on a WEZ chapter, which has the support of HNZPT who are now in agreement a special purpose zone is the best approach for the Waitangi estate.

Waitangi SPZ- Key issues and recommendations

Issues	Recommendations in section 42A report
<ul style="list-style-type: none">• Waitangi Submitters –sought the land known as the Waitangi Estate be rezoned a special purpose zone.• HNZPT - sought additional heritage areas.• Doug’s Boatyard Opua was opposed to any change of the Waitangi Trust land from it’s primary purpose of public access to and along the Coastal Marine area in conjunction with its historical purpose and sought and extension of the land designated natural Open spaces in the ODP	<ul style="list-style-type: none">• Recommendation has been informed by expert input and collaboration , the Waitangi Estate be rezoned and be known as the Waitangi Estate Special Purpose Zone with four subzones –<ul style="list-style-type: none">• Te Pitowhenua (Treaty Grounds)• Whakanga (tourism)• Papa Rehia) Recreation)• Ahuwhenua (Actibvtes)• The WEZ chapter has been drafted in a collaboration between Ms Jacobs and FNDC with the support of HNZPT. There are some outstanding matters .

WEZ Chapter - Outstanding issues/matters

Issues	Recommendations
<ul style="list-style-type: none"> WEZ –analysis National Planning Standards 8.3 (a) – (c). 8(3) (C) states <ul style="list-style-type: none"> <i>An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:</i> <i>are impractical to be managed through a combination of spatial layers.</i> 	<ul style="list-style-type: none"> Para 83-104, these paragraphs set out my planning recommendation in respect of whether the evidence supports a special purpose zone. An outstanding issue is whether the Waitangi Submitters have addressed the mandatory direction set out in 8.3 (c).
<p>Impermeable surfaces WEZ –R6 PER 2 specifically the Whakanga (Tourism)subzone</p> <ul style="list-style-type: none"> Waitangi submitters requested a 90% permitted impermeable coverage rule in the Whakanga (Tourism) sub-zone, subject to compliance with the Far North Engineering Standards 2022, as per the PDP rule for the Mixed- Use Zone (MUZ) as notified. 	<ul style="list-style-type: none"> Two options were given for consideration the drafted WEZ- R6- PER 2, PER-2 <u>At least 10% of the site must be planted in grass, vegetation or be landscaped with permeable material.</u> <u>Where a connection to Council’s reticulated stormwater system is not available the stormwater must be disposed of within the site¹</u> <u>An engineering / site suitability report is required to determine compliance with these standards</u> or an alternative namely; <ul style="list-style-type: none"> Increase the impermeable coverage as a permitted activity without the need for an expert report e.g. a 40% threshold, allowing a 5% increase.
<ul style="list-style-type: none"> NFL-R1- New Buildings or structures, and extensions or alternations to exiting buildings or structures Waitangi submitters are seeking a variation for the Te Pitowhenua (Treaty Grounds) sub zone : Seeking the activity status, non-complying to be discretionary but reduce the size from 50m² to 30m² 	<ul style="list-style-type: none"> NFL-R1 to remain as 50m² and non-complying
<ul style="list-style-type: none"> Temporary Activities seeking a new rule with TA-RX PER2 commencement time be 5am in all sub-zone 	<p>I acknowledge Ms Jacobs rebuttal evidence in terms of section 11.15(y) as to the 5am start time and agree with this amendment to TA-RX-PER -2 .</p>

WEZ Chapter - Outstanding issues/matters -cont

Issues	Recommendations
<ul style="list-style-type: none"> In the Te Pitowhenua (Treaty Grounds) sub zone the Waitangi submitters are seeking there be no limit on the number of temporary activities per calendar year 	<ul style="list-style-type: none"> A temporary activity is an infrequent event which, unless the rule states otherwise, occurs no more frequently than twice in any twelve month period on a particular site. to allow events to occur whenever does not make them temporary
<p>Rebuttal evidence (para 10.8) Ms Jacobs seeks some clarification in terms of the number of temporary activates for each sub zone .</p>	<p><u>PER-1</u></p> <p><u>In the Whakanga (Tourism) sub zone the site is not used for more than two temporary activity events per calendar year.</u></p> <p><u>In the Ahuwhenua (General Activities) Te Pitowhenua (Treaty Grounds) and the Papa Rehia (Recreational) sub zone the site is not used for more than five temporary activity events per calendar year.</u></p>
<ul style="list-style-type: none"> Signs –WEZ and other matters - Mr James Witham Sign –R15- the Waitangi submitters have requested an exemption to the chapter wide signs Rule and specifically seek a signs Rule for WEZ. They seek the Estate be allowed two signs per activity. 	<ul style="list-style-type: none"> The amendments as sought to the Rule are no workable, the amendment would make the Waitangi Estate an outlier in respect of all other zone sin the PDP. The Rule as drafted could result in a proliferation of signage if each activity on the Estate has two signs.

Motukiekie Island – Background



- Motukiekie Island is a privately owned Island situated in the eastern Bay of Islands.
- The notified PDP zoning for the Island was Natural Open Space which was carried over from the ODP where it was Conservation zone.
- The Motukiekie Island Owners opted into the minute 14 process and there has been constructive ongoing communication between the submitter and FNDC.

Motukiekie Island – Key Recommendations



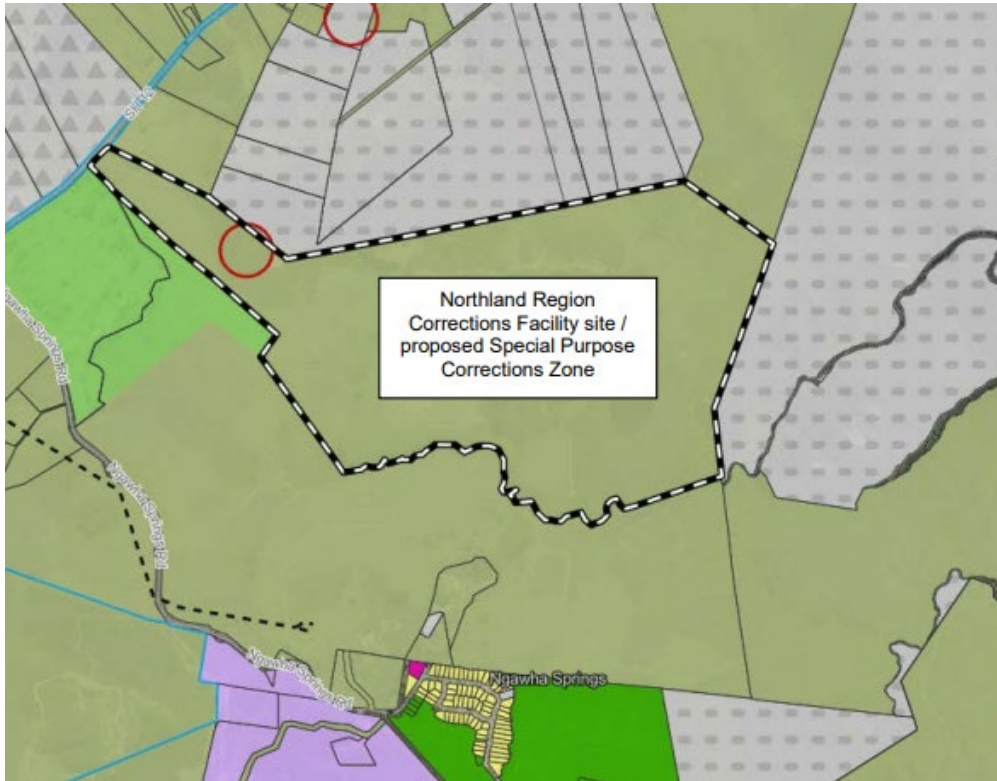
Key Recommendations

- Amend the zoning of Motukiekie Island from the Natural Open Space Zone to the Rural Production Zone.
- Amend the PDP mapping of the Motukiekie Island to be subject to the “Motukiekie Island Precinct”.
- Amend the PDP to include the recommended “Motukiekie Island Precinct” provisions.
- Precinct provisions permit limited land use (including residential), but new buildings in designated areas are classified as discretionary (except minor additions).

Outstanding Issues

- There are no remaining matters in contention, submitters agree with the recommended approach outlined in the s.42A report.

Corrections SPZ - Overview of submissions



Original submission – Department of Corrections

- Request that the Northland Regional Corrections Facility be rezoned from RPROZ to a Corrections Special Purpose Zone
- Reasons for request:
 - RPROZ zoning is inconsistent with modern planning practice for corrections sites
 - Specific plan provisions in the PDP for corrections activities will work in tandem with the existing designation

Rezoning process in Hearing 14

- Corrections choose to “opt in” to the rezoning process with planning evidence provided
- Subsequence correspondence with Corrections to discuss and refine provisions prior to s42A reporting

Corrections SPZ – Recommendations and outstanding issues



Recommendations in section 42A report

- Support the request for Corrections SPZ as:
 - One of the “standard” SPZ that is anticipated under the National Planning Standards
 - Recognises the Northland Regional Corrections Facility as regionally significant infrastructure
 - A more appropriate policy and rule framework for the site
- Amendments to make the SPZ provisions to be more targeted to the Site by removing RPROZ provisions for activities not anticipated or appropriate in the zone (e.g. rural produce retail)
- Amend residential rule CORZ-R5 to provide for “*supported residential care activities*” with a permitted cap of up to 10

Outstanding issues in rebuttal evidence

- Request CORZ-R5 is amended to provide activity status cascade
 - up to 10 permitted, 10-20 a RDA, 20+ discretionary activity
- New matters of discretion covering all key adverse effects for this activity – generally supportive of this rule

Matakā Station - Overview of submissions and process



Original submissions

- Matakā Residents Association and 30 others request a new Special Purpose Zone for a “*Matakā Station Precinct*”
- Request is intended to recognise and enable the construction of residential activities in identified house sites in accordance with the approved subdivision consents
- Request that objectives, policies, and rules specific to the Matakā Scheme are included in the PDP

Rezoning process in Hearing 14

- Matakā Residents Association chose to “opt-in” to the rezoning process
- Corporate, planning and landscape evidence provided
- Evidence includes set of provisions for the “Matakā Station Precinct” and a supporting “Precinct Plan 1”
- Subsequent site visit and correspondence with submitter prior to section 42A reporting

Matakā Station Precinct – Section 42A recommendations



Recommendations

- A new “Matakā Station Precinct” be included in the PDP as this:
 - Recognises the existing and consented environment through the existing subdivision consents that include detailed landscape assessments
 - Provides certainty for future development of the house sites
 - Enables specific provisions focused on broader conservation and landscape outcomes sought for Matakā
- Provisions for “Matakā Station Precinct” also generally supported:
 - Modifies the underlying RPROZ, CE and NFL rules in specific and targeted ways
 - Ensures that effects can be appropriately assessed and managed (e.g. controls on building location, height, colours and materials etc.)
- Further amendments recommended (e.g. clarifying location of house sites in Precinct Plan 1, remove earthworks rule PRECX-R4)

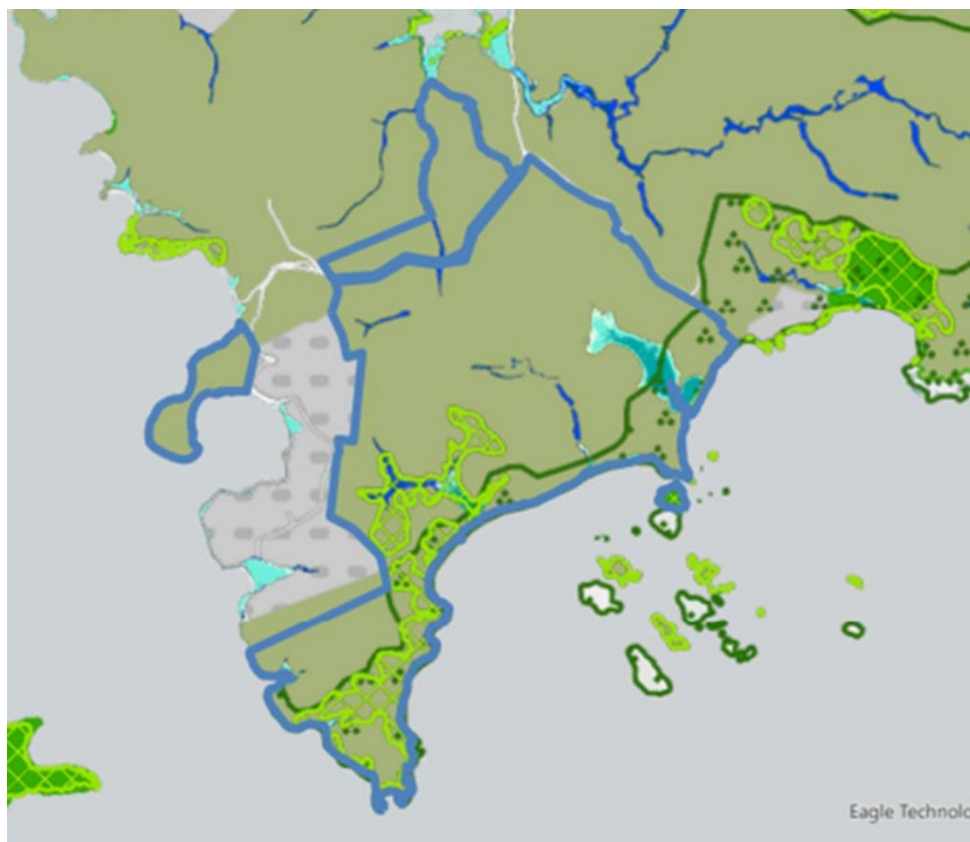
Matakā Station Precinct – Outstanding issues



Outstanding issues in rebuttal evidence from Mr Hall

- Broadly agreed with outstanding issues relatively minor
- Minor amendments to advice note relating to consent notices and the Precinct Plan to remove reference to plan being “indicative”
- Further amendments to the matters of control and discretion to refer to “ONL” rather than “natural landscapes”
- Retain PRECX-R4 (earthworks and vegetation clearance) as it has different activity status and to enable vegetation less than 10 years to be cleared
- Does not support reference to “protect” in PRECX-O4 as:
 - This objective about integrated residential development
 - Duplicates direction in the CE and NFL chapters
- Agreement that preferable to clarify the role of precincts in Part 1 of the PDP rather than lots of consequential amendments to zone and overlay rules

The Landing - Overview of submissions and process



Original submissions

- MLP LLC request a new SPZ for “The Landing Precinct”
- Request intended to recognise and enable the construction of residential dwellings authorised by the Landing Scheme
- Request that objectives, policies, and rules specific to The Landing Scheme are included in the PDP

Rezoning process in Hearing 14

- Submitter chose to “opt-in” to the rezoning process
- Planning, landscape and architectural evidence provided
- Evidence includes provisions for the “The Landing Development Area” and a supporting “Development Area Plan”
- Subsequent site visit and correspondence with submitter prior to s42A reporting

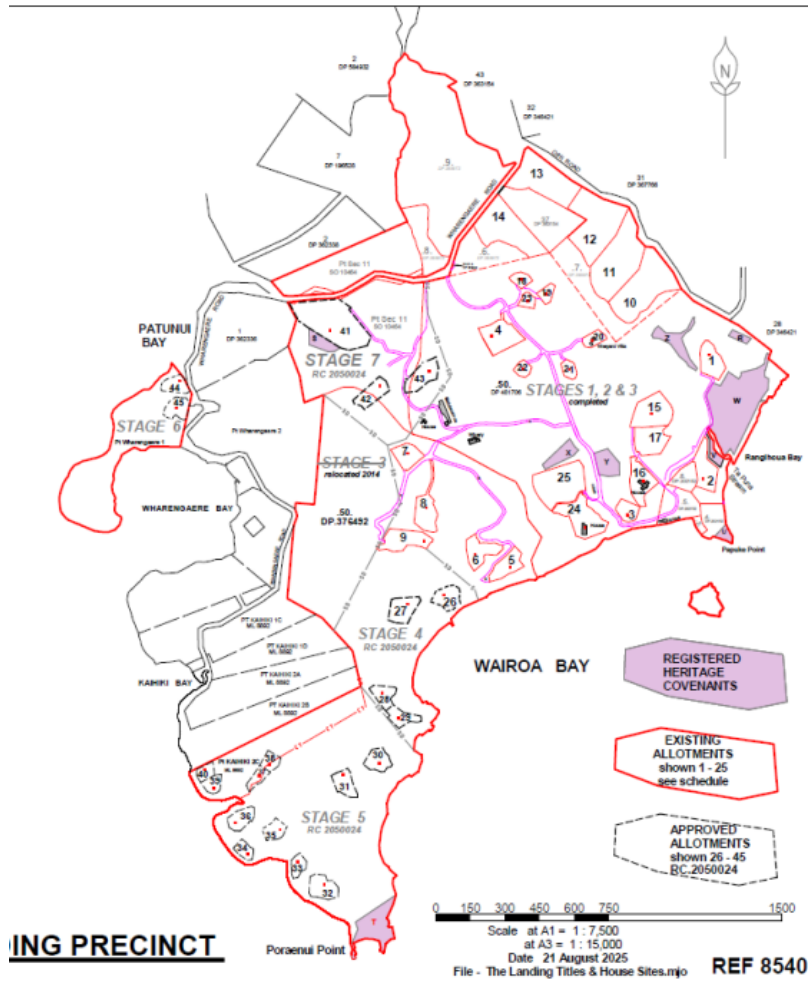
The Landing – Section 42A recommendations



Recommendations

- The Landing Precinct (rather than Development Area) is included in the PDP for similar reasons to Matakā Station:
 - Recognises the existing and consented environment through the existing subdivision consents that include detailed landscape assessments
 - Addresses identified consenting issues and provides more certainty for future development
 - Ensures future residential development is subject to an appropriate assessment process
- Recommended refinements to the provisions to better clarify relationship with the underlying RPROZ, CE and NFL chapters
- Precinct supported “in principle” in s42A report pending confirmation of two key recommendations in rebuttal evidence:
 - Amendments to precinct plan to more clearly identify approved building locations
 - Include the Landscape Guidelines (with controls on building height) with the overall “Architectural and Landscape Design Guidelines”

The Landing – Outstanding issues



Amendments in rebuttal evidence

- Includes revised set of provisions and Landscape Guidelines
- Precinct Plan 1 - updated to have 45 (rather than 46) lots, new red dot on plan with GPS coordinates for approved building location
- Amendments to TLP-S1 :
 - New standard that building footprint must not extend in any direction more than 60% from GPS coordinates
 - Amendments to building height to identify lots limited to a single level except where it is designed to “hug the landform”

Outstanding issues in rebuttal evidence

- Retain “acknowledges and respects” wording in TLP-P2(5) and (6) given the provisions relate to residential development
- Do not support reference to colour chart in the colour and materials standard as per the CE and NFL Chapter (experts disagree)
- Outstanding issues with the precinct plan from landscape perspective

Other SPZ - Overview of submissions and recommendations

Green Inc – SPZ for a ‘Tupou Managed Ecological Zone’

- Request for new SPZ to achieve the “vision” for Tupou
- Reestablish and manage extensive native forest ecosystems with supporting eco-tourism and eco-education activities
- Submitter did not “opt in” to the rezoning process so this SPZ was not supported in s42A based on insufficient information (e.g. no SPZ provisions or supporting s32 evaluation)

Green Inc – planning and ecology evidence

- Planning evidence includes set of provisions for the proposed SPZ with management plan requirements
 - Consequential amendments, e.g. amendments IB-R1 to allow clearance of trees with “Bio Value Index” of less than 50
 - Key planning issues/constraints appears to relate:
 - Constraints for eco-tourism and associated clearance
 - Potential restrictions on future SNAs identified on the site
 - Need for specific SPZ needs to be considered further as do the ecological concepts proposed in terms of RMA requirements
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Other SPZ requests

- **Wiroa Station SPZ** – similar to Matakā and The Landing, but no information/evidence to support the proposed relief.
- **Ōmarino SPZ or RLZ** – Bentzen Farms has advised their primary relief can be addressed through recommendations in Hearing 4.
- **Henderson Bay SPZ** - submitters provided statement to confirm that no longer pursuing relief for a SPZ and support RPROZ to protect the natural character of the coastal environment at Henderson Bay

FNHL requests for BOIMP and MUZ - Overview of submissions



Original submissions from FNHL

- Request that Bay of Islands Marina be rezoned to MUZ and that a “*Bay of Islands Marina Development Area*” be applied
- Retain MUZ at “Opuia Commercial Estate”
- The “Colenso Triangle” and “Opuia Marine Business Park” be rezoned to MUZ

Rezoning process in Hearing 14

- FNHL choose to “opt in” to the rezoning process
- Further correspondence and feedback highlighting issues with the provisions in FNHL submission (as per legal submission)
- FNHL provided updated provisions and information on 7 July:
 - Revised set of provisions for “*Bay of Islands Marina Precinct*” (BOIMP)
 - Memo from Mr Cocker addressing landscape issues raised in technical reviews

BOIMP and Opua MUZ – Section 42A recommendations

Bay of Islands Marina Precinct

- Support the BOIMP “in principle” but numerous issues that need to be addressed to be supported, particularly from an urban design and transport perspective
- Key issues to resolve are aimed at ensuring development occurs in an integrated manner with appropriate consideration of Precinct Plan and Development Guidelines
- S42A includes “Working Draft” provisions with amendments:
 - Permitted activity conditions requiring compliance with the Precinct Plan and Development Schedule
 - Numerous amendments aimed at achieving better development outcomes (e.g. new objective, compliance with information requirements) and improving workability (e.g. remove duplication with MUZ provisions)
- Numerous recommendations to Precinct Plan, including overall plan and refining mapping and outcomes sought for the proposed character areas

MUZ request for other three landholdings

- *Commercial Estate* – retain MUZ
- *Colenzo Triangle* – rezone to MUZ as this reflects the consented environment (railway terminus)
- *Opua Marine Business Park* – unsolved landscape and transport issues to be addressed before it can be supported, noting that ecology/wetlands addressed through existing consents (included as attachments to FNHL evidence)

BOIMP – Outstanding issues



BOIMP – rebuttal evidence

- FNHL concerned that all activities will require resource consent making BOIMP less attractive than the MUZ
- Rather than address identified issues, two options proposed:
 1. Proceed with section 42A recommendations
 2. MUZ applies until BOIMP approved by Council and then development permitted under Precinct Plan (FNHL preferred)
- *NB: legal memo provided on Option 2*
- Urban design, transport and landscape issues not resolved with Option 1 – this will require further work post hearing

Marine Exemption Area/MHWS setback

- Reiterates request for exemption to MHWS setback for marina
- Considered appropriate as is marina a highly modified, reclaimed environment with limited natural character

Opua Marine Business Park – Outstanding issues



FNHL – rebuttal evidence

- Seeking further amendments to MUZ provisions re infrastructure servicing (minor amendment to overview section)
- Considers that transport effects can be adequately managed through PDP Transport Chapter which directs engagement with NZTA for any access onto State Highways
- Amendments to MUZ to address identified landscape issues:
 - Modified height limits (8m and 12m)
 - Colour and material standards (from CE and NFL chapters)
 - New standards for landscaping and for site amenity and design

Maria Bright (FS162) and witnesses

- Concerned with the rezoning of the Opua Marina Business Park as important for area to remain as a wetland
- Enabling industry will adversely affect this fragile environment
- Concern about a lack of consultation on the MUZ and BOIMP