



**PROPOSED FAR NORTH DISTRICT PLAN**

**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS**

**PANEL**

**RECOMMENDATION REPORT 2 and 3**

**Hearings 2 and 3: Area Specific Matters - Special Purpose**

**Zones**

**Airport Zone; Hospital Zone; Quail Ridge Zone; Orongo Bay**

**Zone; Ngawha Innovation and Enterprise Park Zone and**

**Moturoa Island Zone.**

**March 2026**

### **Recommendation Report 2 and 3**

**Recommendation Report 2 and 3** is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 8, 15C, and 17**.

**Recommendation Report 2 and 3** is a combined recommendation report for Hearings 2 and 3 and contains the Hearings Panel's recommendations on Special Purpose Zones being the Airport zone, Hospital zone, Quail Ridge zone, Orongo Bay zone, Ngawha Innovation and Enterprise Park zone, and Moturoa Island zone.

**Recommendation Report 2 and 3** may contain consequential amendments resulting from recommendations from other recommendation reports.

**Recommendation Report 2 and 3** also contains the following appendices:

**Appendix 1:** Schedule of Hearing Attendances

**Appendix 2:** Hearings Panel Recommended Amendments to the PDP - tracked from notified version (provisions not subsequently renumbered) including:

**Appendix 2.1** Airport Zone

**Appendix 2.2** Hospital Zone

**Appendix 2.3** Quail Ridge Zone

**Appendix 2.4** Orongo Bay Zone

**Appendix 2.5** Ngawha Innovation and Enterprise Park Zone

**Appendix 2.5A** Ngawha Innovation and Enterprise Park Design Guidelines

**Appendix 2.6** Moturoa Island Zone

**Appendix 3:** Summary table of the Hearings Panel recommended decisions on each submission point including:

**Appendix 3.1** Recommended Decisions on Submissions – Airport Zone

**Appendix 3.2** Recommended Decisions on Submissions – Hospital Zone

**Appendix 3.3** Recommended Decisions on Submissions - Quail Ridge Zone

**Appendix 3.4** Recommended Decisions on Submissions - Orongo Bay Zone

**Appendix 3.5** Recommended Decisions on Submissions - Ngawha Innovation and Enterprise Park Zone

**Appendix 3.6** Recommended Decisions on Submissions - Moturoa Island Zone

The Independent Hearings Panel for Hearings 2 and 3 comprised Bill Smith - Independent panel member and Chairperson; Kelly Stratford – Council panel member; and Felicity Foy – Council panel member.

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# RECOMMENDATION REPORT 2 and 3

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## 1 Introduction

### 1.1 Report Structure

This is **Recommendation Report 2 and 3** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and, where necessary, on a number of other general matters.

PDP Part	PDP Sub-Part	PDP Chapter
<b>Part 3 - Area Specific Matters</b>	Special Purpose Zones	
		Airport Zone Hospital Zone Quail Ridge Zone Orongo Bay Zone Ngawha Innovation and Enterprise Park Zone Moturoa Island Zone

### 1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

### 1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

## 2 Procedural Issues

### 2.1 National Policy Documents

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

## 3 Summary of Provisions and Key Issues

### 3.1 Relevant Provisions

The relevant provisions we address in this Recommendation Report relate to the following Special Purpose zones:

- Airport zone (AIRPZ);
- Hospital zone (HOSZ);
- Quail Ridge zone (QRZ);
- Orongo Bay zone (OBZ);
- Ngawha Innovation and Enterprise Park zone (NIEPZ); and
- Moturoa Island zone (MIZ).

### 3.2 Overview of Submissions Received

There were:

- 17 primary submission points and two further submissions on the Airport zone;
- 9 original submissions and six further submissions on the Hospital zone.
- 9 original submissions and eight further submissions on the Quail Ridge zone.
- 10 primary submissions and nine further submissions on the Orongo Bay zone.
- 31 original submissions and 13 further submissions on the Ngawha Innovation and Enterprise Park zone.
- 6 original submissions and two further submissions on the Moturoa Island zone.

The majority of submissions relating to Hearing 2 and 3 came from a number of sources and the submitters details and requested amendments were shown in the respective hearing reports. We were also provided with the original submissions and further submissions which we had read before the hearing.

### 3.3 Key Issues

A summary of the key issues identified in the hearing reports, the submissions and in evidence are set out below:

- Key Issue 1: Airport zone - General submissions; clarify scope of airport activities within the Airport zone; outdoor storage; Airport zone objectives and policies; and Airport Protection Surfaces.
- Key Issue 2: Hospital zone - General submissions, definitions for hospital and hospital related activities, Hospital zone objectives and policies, rules and standards.
- Key Issue 3: Quail Ridge zone - Specific recognition of the National Grid; specific recognition of Emergency Services; relocatable buildings as a permitted activity; stormwater provisions; and pets provisions.
- Key Issue 4: Orongo Bay zone – Specific recognition of the National Grid; storage of second-hand buildings; relocatable buildings as a permitted activity; specific recognition of emergency services, stormwater provisions; building and structure coverage provisions; and general support for notified provisions.
- Key Issue 5: Ngawha Innovation and Enterprise Park zone – Objectives and policies; general submissions; engagement with tangata whenua; rules for buildings and structures; rules and standards.
- Key Issue 6: Moturoa Island zone – Specific recognition of the National Grid; support for notified provisions; specific recognition of emergency services; relocatable buildings as a permitted activity; and farming provisions.

### 3.4 Key Issue 1: Airport Zone

#### 3.4.1 Matters Raised in Submissions

As outlined in section 3.2 above, there were 17 primary submission points and two further submissions on the Airport zone. These submissions addressed the following matters:

- clarify scope of airport activities within Airport zone;
- outdoor storage;
- the objectives and policies;
- Airport Protection Surfaces; and
- some general matters.

The majority of the Airport zone provisions did not attract any submissions and do not require any recommended changes from those notified. There were also a number of submission points that supported certain Airport zone provisions and requested that they be retained as notified (John Andrew Riddell 9S431.195); The Fuel Companies (S335.030); and Z Energy (S336.032).

The submissions from Fire and Emergency New Zealand (FENZ) (S512.060, 107, 0.83) sought that emergency service facilities be listed as an activity in special purpose zones, and that they be exempt from standards for setback distances and vehicle crossings. In addition, FENZ sought a new standard and matters of discretion regarding infrastructure servicing, including emergency response access and the provision of adequate water supply for fire fighting purposes; and, an advice note for the building setback standards to recognise that there is further control on building setbacks and fire fighting access through the New Zealand Building Code.

The submission from Puketotara Lodge (S481.011) also sought the inclusion of additional matters of discretion to address stormwater management as part of impermeable surface rules in all Special Purpose zones.

The submission from NZAAA (S182.005) sought that the term ‘agricultural aviation’ be deleted from the broader definition of ‘general aviation activity’ as NZAAA was seeking ‘agricultural aviation’ to be a separate definition in the plan (S182.001).

The submission from Z Energy (S336.033) sought clarification that the term ‘outdoor storage’ did not include above ground tanks.

The Te Hiku Iwi (399.079) sought amendments to the Airport zone policies; while the submissions from Far North Holdings Limited (**FNHL**) (S510.001 – 005) sought amendments to the Airport approach surfaces in Appendix 4, contained in Part 3 – appendices and Schedules of the PDP.

No submitter attended the hearing in person to give evidence. However, we did hear from Melanie Miller (on-line) for the Kapiro Residents Association (S428.009 and S428.012 – 026), who referred to tabled paper titled, ‘PDP Hearing 2 – June 2024. The paper included a request that a policy be included in all the Special Purpose zones as follows:

*‘promote energy efficient design and the use of renewable electricity generation in construction of (name of zone) development’.*

### **3.4.2 Hearings Panel Evaluation**

With regard to Kapiro Residents Association request for a new policy, we note that this applied to all of the Special zone provisions as part of Hearings 2 and 3. The Council’s right of reply addendum report recommended that a new policy should not be included in the special purpose zones as:

- policies enabling renewable energy are already contained in the Renewable Electricity Chapter of the PDP;
- policies to promote energy efficient design are most appropriately located in the Subdivision Chapter; and
- there is limited ability to practically implement energy efficient design through the PDP when considering existing buildings, potential costs and the existing requirements in the building code.

We agree with and adopt the reporting officer’s reasoning and reject submissions of the Kapiro Residents Association S428.009 and S428.012 – 026.

With regard to the other submitters and submission points we have, in the absence of any evidence to the contrary, we have adopted the recommendations of the Council's reporting officer. Therefore, we agree that the definition of 'general aviation activity' be amended to remove reference to 'agricultural aviation'. We also agree with the inclusion of an advice note in the Airport zone provisions that clarifies that above ground storage tanks are not 'outdoor storage' in the Airport zone. As a result, the submission points from NZAAA and Z Energy are accepted or accepted in part.

We agree with the Council's officer's recommended amendments to AIRPZ-P3, and therefore that S399.079 by Te Hiku Iwi is accepted in part.

We did not receive any technical evidence from FNHL regarding Airport protection surfaces and their description, in Appendix 4 to the PDP. Therefore, we agree with the reporting officer that no changes are required to this appendix and the submissions by FNHL are rejected.

Finally, we agree with the consequential amendment proposed in the hearing report regarding the reference to mean high water springs as it relates to the Airport zone.

### **3.4.3 Hearings Panel Recommendations**

Having considered submissions and further submissions, we recommend amendments to the Airport zone provisions as recommended by Council and as set out in **Appendix 2.1**. Accordingly, we recommend that the submissions and further submissions be accepted, accepted in part, or rejected, as set out in **Appendix 3.1**.

## **3.5 Key Issue 2: Hospital Zone**

### **3.5.1 Matters Raised in Submissions**

The majority of the provisions of the Hospital zone did not receive any submissions and do not require a recommendation from us. In addition, we note that Te Whatu Ora supported the Hospital zone 'Overview' as notified, and supported the hospitals being recognised as regionally significant infrastructure.

As well as hearing and considering the submissions and evidence on the Hospital zone provisions, the Hearings Panel undertook a site visit to each of the hospital sites (external) and the surrounding areas on Thursday, 25 July 2024.

At the hearing we heard expert evidence from Ms McGrath on behalf of Te Whatu Ora, had tabled evidence from Ms Fowler on behalf of Te Whatu Ora, and as outlined in section 3.4.1 above, heard evidence from Ms Miller who was on-line.

The main submissions were from Te Whatu Ora who is the key stakeholder on the three hospitals subject to the Hospital zone provisions. Te Whatu Ora primarily sought that the provisions of the Hospital zone be more enabling, particularly with respect to the range of activities provided within the zone and the bulk and location standards that may limit future development plans for the hospital sites.

### **3.5.2 Hearings Panel Evaluation**

Based on a review of the planning evidence received by Ms McGrath for Te Whatu Ora, the reporting officer considered that there were four key issues to respond to, as follows:

- Amendments to the height to boundary standard HOSZ-S2;
- Amendments to objective HOSZ-O1;
- Definition of hospital related activities; and
- Activity status for supported residential care.

In addition, the reporting officer provided comment on the parking standards for the Hospital zone, noting that parking standards are scheduled to be considered through the Transport topic (Hearing 12) and that Te Whatu Ora has made a submission requesting that parking standards are more enabling.

### **Amendments to the Height in Relation to Boundary Standard HOSZ-S2.**

With regard to the height in relation to boundary standard HOSZ-S2, Ms McGrath for Te Whatu Ora, considered that there should be a more enabling height to boundary threshold of 45 degrees at 3m from ground level. Ms McGrath considered that this would not result in adverse effects due to the nature of the three hospital sites. Ms Garth's evidence also noted that the requested height in relation to boundary standard is consistent with equivalent standards in other more recent Hospital special purposes zones in other district plans in New Zealand.

The evidence of Ms McGrath helpfully provided further details on the likely effects of an increased height in relation to boundary threshold, particularly at the Bay of Islands/Kawakawa and Rawene sites (which we did visit). With respect to the Kaitaia Hospital site, the north-western boundary is likely to be the most impacted by proposed buildings as shown on the Kaitaia Hospital masterplan (Figure 2 in Ms McGrath's evidence). However, we agree that these existing allotments already have residential dwellings, which are generally well set back from the shared boundary and we observed this during our site visit.

The reporting officer accepted that the more permissive height in relation to boundary standard is consistent with the more enabling intent of the Hospital zone in the National Planning Standards and that a more enabling standard is also appropriate to recognise the hospital sites as regionally significant infrastructure with wider public benefits where localised adverse effects on residential amenity can be more justified. It was also accepted that this more enabling height in relation to boundary standard is consistent with other equivalent Hospital zone standards in other recent district plans, including the Whangarei District Plan. Therefore, officers recommended that height in relation to boundary standard HOSZ-S2 be amended as sought in the original relief from Te Whatu Ora. We agree.

### **Amendments to Objective HOSZ-O1**

Ms McGrath's evidence also requested amendments to objective HOSP-O1 to refer to "*efficiently and cost effectively*" in clause a), and also to incorporate the concept of integrated services through a reference to "*integrated*" in clause b).

The reporting officer supported the general intent of the amendments requested by Ms McGrath but considered the reference to "*cost-effectively*" was not necessary as this duplicates the earlier reference in the objective to "*efficiency*". Further, the reference to

operating “*efficiently and effectively*”, as notified in objective HOSP-O1, is commonly used terminology under the RMA and in plan provisions relating to regionally significant infrastructure. However, the reporting officer did agree that it was appropriate for clause b) in objective HOSP-O1 to incorporate the concept of integrated services and recommended that clause b) be amended as follows:

*...provide an integrated and wider range of hospital activities and hospital related activities.*

We agree with the reporting officer.

### **Definition of Hospital Related Activities**

Ms McGrath’s evidence also considered that it was appropriate for the definition of “*hospital related activities*” to be expanded in line with the original relief sought by Te Whatu Ora. More specifically, Ms McGrath considered that the definition should be expanded to include commercial services, private and general medical facilities, visitor accommodation, emergency services, care centres, signage and lighting and generally be the same as what is in the Whangarei District Council Plan.

The Reporting Officer considered each of the activities requested for inclusion in the definition of “*hospital related activity*” in a table to his right of reply and, in broad terms, largely agreed that the definition should be expanded based on the evidence provided by Ms McGrath, with the exception of emergency services and signage. Having read the evidence of Ms McGrath and the Council’s right of reply we agree with the reporting officer. However, as raised at the hearing, the panel has considered the addition of “Rongoa Māori” (Traditional Māori Healing System) to the definition and during our site visit of the Kaitaia Hospital site noticed the Rongoa Māori area at the entrance to the hospital.

Te Whatu Ora sought that ‘supported residential care’ be provided for as a permitted activity as this is increasingly common on hospital sites (e.g. Hospice, Ronald McDonald House). Ms McGrath’s evidence considered this appropriate as the activity is likely to have environmental effects that are less or similar to other hospital related activities within the Hospital zone. The reporting officer recommended that ‘supported residential care activity’ be included in the definition of hospital related activities (on the proviso that the chapeau of the definition clearly requires this activity to be ancillary to the core hospital activity) and accordingly, the reporting officer also recommended that Rule HOSZ-R5, relating to supported residential care activity is deleted. We agree with the reporting planner.

As we outlined in Topic 1, section 3.4.1 above, heard from Melanie Miller (on-line) for the Kapiro Residents Association (S428.009 and S428.012 – 026), regarding the request for a new policy across special purpose zones. For the same reasons outlined in section 3.4.2 above, we reject these submission points.

### **3.5.3 Hearings Panel Recommendations**

The Hearings Panel recommends that:

- a) the height in relation to boundary standard HOSZ-S2 be amended to be 45 degrees measured 3m above ground level.

b) Objective HOSZ-O1 be amended so that it reads as follows:

*...provide an integrated and wider range of hospital activities and hospital related activities.*

c) the definitions for ‘Hospital’ and Hospital Related Activities’ be amended as recommended by Council.

These amendments are shown in **Appendix 2.2** and for definitions in Hearing 17, **Appendix 2.1**.

Furthermore, having considered the submission points, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected as set out in **Appendix 3.2**.

### **3.6 Key Issue 3 – Quail Ridge Zone**

#### **3.6.1 Matters Raised in Submissions**

The main submissions on the Quail Ridge zone came from Transpower (S454), Fire and Emergency New Zealand (**FENZ**) (S512), Heavy Haulage Association (S482), BOI Watchdogs (S354), John Andrew Riddell (S431), Puketotara Lodge (S481) and Trent Simpkin (S283). We note here that we were informed that Transpower no longer wished to pursue its submission with regard to the Quail Ridge zone.

Similar to the Airport zone, FENZ sought a new rule for emergency service facilities and amended standards and matters of discretion for infrastructure servicing, including emergency response access and the provision of adequate water supply for fire fighting purposes. FENZ also sought to amend the minimum standard for internal accessways under Rule QR-R6 from 3.5m to 4m; and an advice note for the building setback standards to recognise that there is further control on building setbacks and fire fighting access through the New Zealand Building Code. Furthermore, FENZ sought an advice note be added to standard QR-S10 regarding the plans and specifications for stormwater, water supply and wastewater facilities.

Heavy Haulage sought the inclusion of a new rule for ‘relocatable buildings’ in the Quail Ridge zone. This was considered across all zones in Hearing 17.

While Puketotara Lodge (S481) and Trent Simpkin (S283) seek amendments to stormwater management provisions.

We heard evidence in person from Ms Exel on behalf of BOI Watchdogs ; and, as with the other special purpose zones, Ms Melanie Miller for the Kapiro Residents Association (S428.009 and S428.012 – 026) appeared on-line.

#### **3.6.2 Hearings Panel Evaluation**

At the hearing Ms Exel, for BIO Watchdogs, spoke about the policy that Quail Ridge has regarding the keeping of pets and dogs and tabled evidence and a letter which she stated Quail Ridge uses in relation to the keeping of dogs on the property. Ms Exel spoke at length about the present Council controls/restrictions on dogs, Council policy, Department of Conservation (**DoC**) policy, the policy of Quail Ridge and the restrictions on pets and dogs. During her presentation we pointed out to Ms Exel that we could not change the

DoC policy or the Quail Ridge policy as that was a private matter between the land owner and tenants.

With regard to Council's policy to control pests (including dogs) in certain areas where kiwi are or could be present etc we suggested to Ms Exel that she would need to approach the Council and request time to speak at an appropriate hearing.

Ms Exel also presented evidence on this matter at Hearing 4 (Natural Character, Natural Features and Landscapes, Coastal Environment and Ecosystems and Biodiversity) and her concerns and those of BOI Watchdogs are dealt with in greater detail in **Recommendation Report 4**.

As we outlined in Topic 1, sections 3.4.1 and 3.4.2 above, the Kapiro Residents Association (S428.009 and S428.012 – 026) request for a new policy across the special purpose zones is rejected.

We did not receive any other evidence on the Quail Ridge zone, and in the absence of such evidence, we accept and agree with the recommendations of the Council's reporting officer that the submission points from FENZ, (S512.071, S512.047, S512.118, S512.092 and S512.048), Puketotara Lodge (S481) and Trent Simpkin (S283) suitably addressed by other provisions in the PDP; and that these submission points be rejected or accepted in part.

Despite the reporting officer's recommendation in the hearing report that there is no need to reference 'relocated buildings' in the Quail Ridge zone, the Heavy Haulage submission for the inclusion of a new rule for 'relocatable buildings' was considered further in Hearing 17 as it relates to all buildings and structures across all zones. The Hearings Panel for Hearing 17 recommended that the term 'relocated buildings' be included across all zones. Therefore, submission point S482.021 is accepted and this amendment is included in the Quail Ridge zone provisions in **Appendix 2.3**.

### **3.6.3 Hearings Panel Recommendations**

The Hearings Panels recommend that the Quail Ridge zone provisions be amended as recommended by the hearing report and as identified in **Appendix 2.3**. The Hearings Panel also recommends that the submissions and further submissions be accepted, accepted in part or rejected, as set out in **Appendix 3.3**.

## **3.7 Key Issue 4: Orongo Bay Zone**

### **3.7.1 Matters Raised in Submissions**

The matters raised in the Orongo Bay zone submissions are similar to those raised for the other special purpose zones discussed above. For example, a permitted activity rule for emergency service facilities; and an amendment to the description of new buildings and structures to include relocatable buildings.

The submission by Russell Protection Society (S179) seeks an additional rule to make the storage of second-hand buildings something other than a permitted activity. Waitoto Development (S263) sought the deletion of the maximum footprint of single buildings or structures standard.

Two submitters seek changes to stormwater management provisions in the zone (Puketotara Lodge (S481.019) and Trent Simpkin (S283.027)).

FENZ submissions for the Orongo Bay zone were similar to their submissions for other special purpose zones. However, FENZ also seek to amend Rule OBZ-R14 to include reference to emergency response access and firefighting water supply. The requested amendments are as follows:

“...

3. *internal access ways, carparking, vehicle circulation and storage areas; including how emergency response access has been provided for;*
4. *location of all infrastructure and services including stormwater and effluent collection, treatment and disposal; and access to adequate firefighting water supply;...*”

A number of matters were deferred to be considered in later hearings, such as Hearings 4, 8 or 17.

### **3.7.2 Hearings Panel Evaluation**

Our consideration of and recommendations the broader FENZ and Kapiro Residents Association submissions remain relevant here and are not repeated. However, we also agree with the analysis provided in the hearing report regarding how FENZ requirements are provided for, or not, in the Orongo Bay zone. In this regard we agree with the reporting officer’s recommendation for a new policy to be included in the zone to establish the appropriate range of activities in the zone. The proposed wording is as follows:

***OBZ-PX Enable industrial and mixed-use activities including:***

- a. *Garden centres*
- b. *Trade suppliers*
- c. *Storage facilities*
- d. *Vehicle and boat display and sales*
- e. *Small scale manufacturing*
- f. *Tradesmen’s workshop/repair centres*
- g. *Convenience store (excluding supermarket)*
- h. *Community facilities*
- i. *Emergency Service facilities*

We also agree with the reporting officer regarding the need for an ‘Emergency service facility’ rule in the Orongo Bay zone. We find that this rule is more appropriate in achieving the objectives of the Orongo Bay zone and providing opportunities for emergency service facilities to be established with minimum restrictions within the Russell area. The wording of the new Rule is as follows:

***OBZ-RX Emergency service facility***

***Activity status: Permitted***

**Where:**

**PER-1**

The new building or structure, or extension or alteration to an existing building or structure, and repairs and maintenance to buildings comply with standards:

OBZ-S1 Maximum height;

OBZ-S2 Height in relation to boundary;

OBZ-S3 Setback from boundaries;

OBZ-S4 Building or structure coverage; and

OBZ-S5 Landscaping.

With regard to the Russell Protection Society (S179.067) submission to insert a new rule that excludes storage of Second-Hand Building as a permitted activity, we agree with the reporting officer that such a rule is not necessary for the Orongo Bay zone. The effects associated with any proposed activities involving the storage of relocated buildings can be appropriately assessed within the OBZ-R14 rule, and it does not warrant amendments to existing rules or a specific rule that refers to this activity.

We heard from Mr Sanson for Waitoto Development (the property owner of the Orongo Bay site) who generally supported the hearing report recommendations and spoke in support of the proposed Orongo Bay zone. With regard to the deletion of the maximum footprint of single buildings or structures standard as sought by Waitoto Development (S263.029) we agree with the reporting officer that this standard be deleted as, given Orongo Bay's location in the coastal environment, the management of amenity and landscape effects from buildings and structures can be considered under the coastal environment provisions. Therefore, this submission point is accepted.

With regard to the submissions from Puketotara Lodge (S481.019) and Trent Simpkin (S283.027) we agree with the analysis of the reporting officer that the amendments sought are not appropriate and/or already covered by other plan wording. Therefore, these submission points are rejected.

Again, as we outlined in Topic 1, section 3.4.1 above, we heard from Ms Melanie Miller (on-line) for the Kapiro Residents Association (S428.009 and S428.012 – 026), regarding the request for a new policy across special purpose zones. For the same reasons outlined in section 3.4.2 above, we reject these submission points.

### **3.7.3 Hearings Panel Recommendations**

For the reasons identified above, the Hearings Panel recommends:

- the inclusion of a new permitted activity rule for emergency service facilities.
- the deletion of the maximum footprint of single buildings or structures standard; and
- amendment to the description of the new buildings and structures rule to clarify relocated buildings are included.

Furthermore, having considered the submission points, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in **Appendix 3.4**.

### **3.8 Key Issue 5: Ngawha Innovation and Enterprise Park Zone**

#### **3.8.1 Matters Raised in Submissions**

A large number of the provisions of the Ngawha Innovation and Enterprise Park zone did not receive any submissions and do not require a recommendation from us.

Far North Holdings Limited (**FNHL**) (S375) generally supported the provisions but requested amendments generally in relation to inclusion of Ngati Rangī in the objectives and policies instead of Tangata Whenua; updated Ngawha Innovation and Enterprise Park design plans; the inclusion of reference to memorandum of understanding between FNHL and Ngati Rangī; the provision of childcare services and schools; retail area/size; traffic movements and appropriate wording; and accommodation (residential) on site for workers.

#### **3.8.2 Hearings Panel Evaluation**

As well as hearing and considering the submissions and evidence on the Ngawha Innovation and Enterprise Park zone provisions the Panel undertook a site visit to the Ngawha Innovation and Enterprise Park and the surrounding area on Thursday, 25 July 2024 to see firsthand the existing development and the sites for the proposed childcare and accommodation. We were accompanied on the site (for safety reasons) by a staff member who was not part of the hearing and also by Ms Taihia, the Hearings Advisor.

The main evidence we heard was from Far North Holdings Limited (**FNHL**) who own the land known as the Ngawha Innovation and Enterprise Park. FNHL was represented by Andy Nock, CEO; Adrian Tonks, Engineering; and Wayne Smith, Planning.

The evidence from the FNHL representatives covered a number of issues, summarised as follows:

- The provision for childcare facilities/childcare service within the zone;
- The provision for accommodation in the zone;
- Amendments to the Ngawha Innovation and Enterprise Park zone objectives;
- Amendments to the Ngawha Innovation and Enterprise Park zone policies;
- Engagement with tangata whenua;
- Amendments to the Ngawha Innovation and Enterprise Park zone rules; and
- Standard NIEP-S7 – traffic movements.

#### **Childcare Facilities**

FNHL considers that it is important to enable childcare facilities within the Ngawha Innovation and Enterprise Park zone as this will reduce potential barriers for students, trainees, employees, or business owners operating within the Park who require this

service. The supplementary evidence from Mr Smith also indicated that there is advanced interest in establishing a childcare facility within the zone and this evidence included design plans for a potential childcare facility based on these preliminary discussions.

Based on his consideration of the evidence from FNHL and issues raised during the hearing, the Council's reporting officer considered that it was appropriate to provide for "child care service" (as defined in the PDP) within the Ngawha Innovation and Enterprise Park zone subject to the following controls:

- There is no more than one childcare service within the zone. This is consistent with the relief sought by FNHL; and one childcare service facility is anticipated to provide for the needs of workers on site for the foreseeable future.
- The childcare service must be located within the Innovation and Enterprise Precinct. Again, this recommendation is consistent with the relief sought by FNHL who indicated that the most suitable and desirable development platform for a child care service is likely to be located near the front entrance to the Park. This location will ensure that the child care facility is located away from primary production activities within the park/zone, which will reduce the likelihood of potential reverse sensitivity effects occurring. The Panel was shown the proposed location of the child care facility near the front entrance of the Ngawha Innovation and Enterprise Park zone during our site visit.

To provide for the relief sought, the reporting officer recommended:

- Amendments to policy NIEP-P2 to remove the direction to specifically exclude child care services; and
- Amendments to rule NIEP-R5 (PER-4) to provide for new permitted activity conditions for child care services that restrict the number of facilities to one and require the facility to be located within the Innovation and Enterprise Precinct.

We agree with the reporting officer's recommendation and recommend the amendments accordingly.

### **Accommodation – Students, Trainees and Visiting Staff**

In response to questions raised during the hearing, Mr Smith provided supplementary evidence on behalf of FNHL regarding the need to better provide for accommodation within the Ngawha Innovation and Enterprise Park, in particular the type, location and potential number of units. In short, FNHL is seeking that the Ngawha Innovation and Enterprise Park zone provisions better enable accommodation for visiting staff and on-site employees, in addition to accommodation for temporary students and trainees. The supplementary evidence from Mr Smith also:

- a. Identified development platform 19 as the preferred location for the proposed accommodation, which is located to the north of the Innovation and Enterprise Precinct and is adjacent to the Matawii Dam. The Panel were shown this site during our site visit.
- b. Provided details of FNHL's preferred accommodation mix, which comprises:

- i. 20 standalone residential units (mix of one, two and three bedroom units), intended for trainees and on-site employees; and
- ii. Two larger accommodation blocks with 30 bedrooms each, intended for student and trainee use.

Mr Smith considered that this residential density was appropriate as it equates to approximately one dwelling per 12 ha over the full 240ha Ngawha Innovation and Enterprise Park (excluding the accommodation blocks). Mr Smith also considered that the location of this accommodation within development platform 19 will ensure potential reverse sensitivity effects are avoided.

In the Council's right of reply, the reporting officer, in broad terms, supported the proposal to limit accommodation to development platform 19 as this will help to manage potential reverse sensitivity effects on other activities within the Ngawha Innovation and Enterprise Park and is more effective and certain than a general provision for accommodation throughout the Ngawha Innovation and Enterprise Park zone. The reporting officer was also comfortable with the requested accommodation blocks for students and trainees as, providing for this type of accommodation was always intended within the Ngawha Innovation and Enterprise Park zone, and there is a degree of certainty that these will be used for this purpose. The reporting officer also agreed that temporary accommodation for visiting education staff was appropriate, and some provision for standalone residential units may be appropriate for these staff. The Panel generally agrees with these comments.

However, the reporting officer was not convinced that there is a need to provide for accommodation for on-site employees and particularly not at the scale requested by FNHL (i.e. 20 new residential units with capacity for approximately 40 employees). In the reporting officer's view, there is no real demonstrated need for employees within the Ngawha Innovation and Enterprise Park to have on-site accommodation given there are numerous opportunities for residential accommodation and new residential units within nearby Kaikohe and Ngawha and the surrounding rural environment. The reporting officer also considered that there is a risk that the 20 residential units requested by FNHL could transition from workers accommodation to more general rental accommodation overtime with no/limited connection to education facilities and businesses operating within the Ngawha Innovation and Enterprise Park zone.

The Council's reporting officer therefore recommended that the relief sought by FNHL was accepted in part through an amendment to rule NIEP-R9 to provide for 'temporary accommodation ancillary to education facility' as a restricted discretionary activity subject to the following conditions:

- The accommodation is located within development platform 19.
- The accommodation is temporary accommodation for students, trainees, or visiting education staff.
- The number of standalone residential units does not exceed five.
- The number of accommodation blocks for students does not exceed two, with a capacity of no more than 30 bedrooms.

The reporting officer also recommended consequential amendments to policies NIEP-P2 and NIEP-P3 to provide for this relief as detailed further below.

Having considered the evidence, we are in agreement that accommodation should be provided generally as recommended by the reporting officer with the only amendment being that the number of standalone units for visiting employees should not exceed 10. The evidence before us was that there is a need for accommodation for students, trainees and visiting staff and/or onsite employee accommodation and by providing some such accommodation on site it meets the need in the area/district. The accommodation reference requested by FNHL is seen as a means to secure the use by staff and employees as required. It is accepted that the provisions should be amended as above to include visiting staff and employees.

Furthermore, we consider that the scale of accommodation to be provided is appropriate. The accommodation will be limited to building platform 19 to assist in avoiding the potential for reverse sensitivity effects throughout the park. FNHL evidence was that the remaining areas of building platform 19 would be used for an activity which would be suitable for being located adjacent to the residential activity. Also, that any further increase in the number of accommodation units should be a non-complying activity or via a Plan Change, as should any proposed subdivision around the units on development platform 19.

### **Objectives**

Mr Smith also requested amendments to objective NIEP-O1 to refer to “education support such as childcare facilities, employment and business development initiatives offered within the Park”. FNHL was concerned that ‘child care services’ and ‘business development initiatives’ are not explicitly provided for and the wording for NIEP-O1 recommended in the hearing report does not adequately provide for the full range of activities anticipated within the Ngawha Innovation and Enterprise Park zone.

The Council’s reporting officer agreed that providing for ‘child care services’ within the Ngawha Innovation and Enterprise Park zone (subject to certain controls) was appropriate, and recommended amendments to the relevant policies and rules to provide for this. However, the reporting officer did not consider that child care services need to be explicitly referenced at an objective level. In the officer’s view, the wording of objective NIEP-O1 is broad enough to support a more enabling activity status for child care services without needing to reference these services within the objective. For similar reasons, the reporting officer did not consider that ‘business development initiatives’ need to be specifically referenced in objective NIEP-O1, and considered that this was best addressed at a policy level. The reporting officer recommended an amendment to policy NIEP-P1(d) to include a reference to ‘business development initiatives’ which would specifically provide for activities undertaken by Northland Inc for example, noting that the limit of policy NIEP-P1 ensures that these business development initiatives are directly related to primary production. The Panel agrees with this approach.

### **Policies**

Mr Smith also requested amendments to the Ngawha Innovation and Enterprise Park zone policies as follows:

- Amend policy NIEP-P2 to include reference to child care services.
- Amend policy NIEP-P3(e) to include a reference to visiting staff and/or onsite employee accommodation as an appropriate type of residential activity.
- Amend policy NIEP-P3(g) to include education facilities for “trade and added value trade and manufacturing education programs, or education services which are not provided for currently in Kaikohe or which forms extension to existing providers” as appropriate within the Ngawha Innovation and Enterprise Park zone.

With regard to the requested amendments to the policies to better provide for child care services and accommodation, the Council’s reporting officer recommended that policy NIEP-P2 be amended to better separate out the direction for education facilities and accommodation as follows:

*“Enable the establishment of retail, office, ~~and educational facilities (excluding schools) and temporary accommodation activities (including temporary course related accommodation for students, and trainees and visiting education staff) -but excluding childcare services or schools~~<sup>1</sup> where these are ancillary to permitted or existing primary production activities and are consistent with the outcomes sought for the NIEP zone”*

In terms of the requested amendment to policy NIEP-P3(e), the reporting officer recommended that the clause is amended to more directly relate back to policy NIEP-P2 as follows:

*“...including but not limited to avoiding...(e) residential activities (excluding temporary accommodation expressly provided for under NIEP-P2); ~~(excluding temporary student and trainee accommodation as provided for in the zone);~~”.*

The reporting officer also recommended that NIEP-P3(g) is deleted as educational facilities and associated inclusions/exclusions are already covered by NIEP-P2 (and the associated rules). We agree with the reporting officers recommendations and amendments.

### **Engagement with Tangata Whenua**

Mr Smith agreed with adding an additional matter to policy NIEP-P7 relating to cultural matters. However, FNHL requested that policy NIEP-P7 should be amended to include a specific reference to the Cultural Impact Assessment (**CIA**) that Ngāti Rangī completed for the NIEP and the Memorandum of Understanding (**MOU**) soon to be signed off between Ngāti Rangī and FNHL. FNHL requested the following alternative wording for policy NIEP-P7(p):

*“any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in the completed Cultural Impact”*

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<sup>1</sup> Ministry of Education Te Tāhuhu o Te Mātauranga (S331.113)

Assessment and the signed Memorandum of Understanding between Ngāti Rangī and FNHL.”

The Reporting Officer did not agree with this requested amendment and recommended that policy NIEP-P7(p) is retained as recommended in the hearing report. The officer considered that referring to documents such as the CIA and MOU, which sit outside of the PDP, is potentially problematic as Council does not have any ownership of these documents, this could potentially limit the scope of engagement, and also potentially limit the scope of tangata whenua groups that are engaged with in relation to the future development of the Ngawha Innovation and Enterprise Park zone. In the reporting officer’s opinion, the hearing report recommendation for policy NIEP-P7(p) was preferable as the cross-reference TW-P6 is consistent with the wording of equivalent policies in other zone chapters. Furthermore, the reporting officer considered that if FNHL are complying with the CIA and MOU, they will also be compliant with the policy direction in TW-P6, so there should be no issues in practice. We agree.

**Rules (Using new numbering as per Appendix 1 of the Hearing Report)**

Mr Smith supported the majority of amendments to the Ngawha Innovation and Enterprise Park zone rules as outlined in the hearing report. But Mr Smith raised the following outstanding issues in his evidence in chief:

- **NIEP R3 – Retail:** Mr Smith supported the change to the heading of the rule to delete the reference to ‘primary production’. He also supported other proposed amendments to the rule content, with the exception of the restrictions on Gross Business Area (GBA) in PER-2. Mr Smith accepted that a blanket percentage rule for retail would potentially be too excessive for large buildings and proposed the following wording for PER-2 as an alternative to the 100m<sup>2</sup> max GBA recommended in the hearing report:

*“The retail area for any development platform area shown in the ‘Ngawha Innovation and Enterprise Park Design Guidelines’, dated March 2022, has a maximum GBA of ~~100m<sup>2</sup>~~ 150m<sup>2</sup> for buildings up to 600m<sup>2</sup> and a maximum of 200m<sup>2</sup> for buildings over 600m<sup>2</sup> in area and is set back at least 30m from any zone boundary.”*

- **NIEP-R5 – Office and educational facility:** Mr Smith agreed with the majority of amendments to this rule, except for:
  - a. The exclusion of child care services for the reasons set out above.
  - b. The deletion of PER-4 and PER-5 on the basis that restricting the size or number of either office or tertiary education activities is unnecessary and inconsistent with the other amendments to remove coverage, number or size controls elsewhere in the chapter.
- **NIEP-R8 – Café and takeaway food outlets:** Mr Smith considered that 100m<sup>2</sup> maximum Gross Floor Area (GFA) is still not a large enough permitted area per premise, but that FNHL would accept a 150m<sup>2</sup> GFA limit (as opposed to the 350m<sup>2</sup> limit sought by FNHL in their submission).

The reporting officer in the right of reply responded to the outstanding issues in Mr Smith's evidence are as follows:

- **NIEP-R3 – Retail:** The reporting officer agreed with Mr Smith that, including staggered GBA limits (as proposed in evidence) for retail activities is a more appropriate alternative than the original percentage-based control requested by FNHL in their submission. Although the staggered limits suggested by Mr Smith are slightly more permissive than what had been recommended in the hearing report, the reporting officer considered that they are appropriate within the overall Ngawha Innovation and Enterprise Park zone and will essentially have the same intended result (i.e. limiting the proportion of retail GBA within the Ngawha Innovation and Enterprise Park zone compared to the proportion of “core activities”, as set out in NIEP-O1). The reporting officer noted that Mr Smith's evidence contends, in paragraph 98, that the removal of the words ‘primary production’ from the heading of NIEP-R3 was not accepted by the hearing report, however he confirmed that this change did occur and was shown in the hearing report and was not in contention.
- **NIEP-R5 – Office and educational facility:** The reporting officer agreed that removing the exclusion on child care services from PER-2 is appropriate for the reasons set out above. The officer considered that it is appropriate to retain the exclusion on schools in PER-2 and also agreed that restricting the number of office and education facilities per development platform in PER-4 is unnecessary when viewed in light of other recommendations to the Ngawha Innovation and Enterprise Park zone chapter, and may artificially prevent the benefits of agglomerating some of these activities. The reporting officer also agreed that the 300m<sup>2</sup> GFA limit for educational facilities was unnecessary given the nature of the existing facilities on site and to recognise that education for primary production innovation is a key focus of the Ngawha Innovation and Enterprise Park zone. The reporting officer also noted that the controlled activity rule for buildings and structures will also help ensure that new buildings for education facilities are appropriate within the overall Ngawha Innovation and Enterprise Park zone. The reporting officer therefore recommended that the PER-5 in rule NIEP-R5 is deleted. We agree.
- **NIEP-R8 – Café and takeaway food outlets (amended to Food and beverage through Hearing 17):** In the right of reply, the reporting officer confirmed acceptance of an 150m<sup>2</sup> GFA as an appropriate ‘middle ground’ between the notified version of the rule (50m<sup>2</sup>) and the version requested by FNHL in the submission (350m<sup>2</sup>). He considered that 150m<sup>2</sup> strikes a balance between creating a viable café or takeaway (food and beverage) business but also ensures that the scale of the premise is focused on serving the Ngawha Innovation and Enterprise Park businesses and is not of a scale that is better located in nearby Kaikohe or Ngawha.

### Standards

The Council's hearing report concluded that, based on FNHL's submission alone, there was not sufficient justification for the extent of the requested amendments to standard NIEP-S7. The submission simply stated the requested amendments were to “remove confusion”. However, the evidence of Mr Smith and Mr Tonks reiterated the request from FNHL to replace standard NIEP-S7 with the preferred wording included in the FNHL

submission. Both of these statements of evidence provided more context as to why the amended wording for standard NIEP-S7 was required from a traffic engineering perspective. The core issue appears to be that NIEP-S7 as notified, would require a traffic report for any new activity within the NIEP-S7, regardless of whether the intersections on Wallis Road and SH12 are close to, or have reached, capacity.

Both Mr Tonks and Mr Smith contended that to require a traffic report to support each new activity, well in advance of thresholds for traffic movements being reached, is overly onerous and will result in unnecessary time delays and costs for applicants. They proposed amending NIEP-S7 so that annual traffic movement surveys are required to check how close the Ngawha Innovation and Enterprise Park and Wallis Road intersections are to capacity, and only require a traffic management assessment for new activities if the annual traffic movement survey indicates that 80% of the stated movement thresholds have been reached. The standard also includes alternative traffic movement thresholds to be used once the Wallis Road / SH 12 intersection has been upgraded.

It was the opinion of Mr Tonks that:

*“It is unlikely the intersection capacity thresholds will be reached based on the NIEP anticipated fully developed Full Time Equivalent employment/occupant numbers and the correlation between FTE and traffic movements. Revisiting the intersection capacity impact with each application would be an inefficient use of resources.”<sup>2</sup>*

The reporting officer accepted the argument put forward in the evidence from Mr Tonks and Mr Smith that requiring a traffic management assessment each time a new building is constructed is not an efficient approach to managing the capacity of intersections servicing the Ngawha Innovation and Enterprise Park zone. The additional information provided in evidence has helped clarify why the amendments to standard NIEP-S7 are required and have provided context for why the 80% threshold is considered necessary. As a result, the reporting officer considered that the amended wording of standard NIEP-S7 could be supported on the basis that it is a more efficient mechanism compared to the notified wording, and that the requirement for annual traffic movement surveys will ensure that the intersection capacity is regularly checked. We agree.

### **Design Guidelines**

During the hearing, Mr Tonks outlined a number of changes to the Ngawha Innovation and Enterprise Park Design Guidelines, which were primarily minor changes to make the guidelines clearer and easier to comply with. The reporting officer raised no issues with the updates presented by Mr Tonks and recommended to the Panel that the amended Ngawha Innovation and Enterprise Park zone Design Guidelines be incorporated into the PDP. We agree that the updated guidelines (2024 version) should replace those in Appendix 5 (APP5), in Part 4 of the PDP.

### **Section 32AA Evaluation**

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<sup>2</sup> Paragraph 2.4 of the evidence of Adrian Tonks, dated 4 June 2024

The reporting officer considered that his recommended amendments to the Ngawha Innovation and Enterprise Park zone provisions are an appropriate, effective and efficient way to achieve the relevant PDP objectives. Furthermore, the officer considered that the recommended amendments are consistent with the original policy intent, as the amendments and are primarily focused on better providing for the activities anticipated in the Ngawha Innovation and Enterprise Park zone and associated ancillary activities, including child care services and temporary accommodation. These will ensure that the zone can operate effectively and efficiently, as intended, to support the economic, social and cultural well-being of the Far North District. We agree and adopt this evaluation.

### **Other Submissions**

Again, as we outlined in Topic 1, section 3.4.1 above, we heard from Ms Melanie Miller (on-line) for the Kapiro Residents Association (S428.009 and S428.012 – 026), regarding the request for a new policy across special purpose zones. For the same reasons outlined in section 3.4.2 above, we reject these submission points.

We also heard evidence from Ms Exel on behalf of BOI Watchdogs, in support of the requested amendments to the provisions in the Ngawha Innovation and Enterprise Park zone to ensure that they do not restrict ownership of pets. In this regard, we agree with the reporting officer that the Ngawha Innovation and Enterprise Park zone objective and policy framework does not unduly restrict pet ownership as there are no specific provisions in the chapter relating to pet ownership. We also agree with the reporting officer that domestic pet ownership will not be an issue in the Ngawha Innovation and Enterprise Park zone given that the purpose of the zone is to support primary production innovation and directly related activities, rather than enabling residential activities where pet ownership is a more relevant issue. Therefore, the submission points of BOI Watch dogs are rejected.

### **3.8.3 Hearings Panel Recommendations**

The Hearings Panel recommends the following in relation to the Ngawha Innovation and Enterprise Park zone:

- Amendment to policy NIEP-P1(d) to include a reference to ‘business development initiatives’.
- Amendments to policy NIEP-P2 to remove the direction to specifically exclude child care services, as follows:

*NIEP-O1 Enable the establishment of retail, office, ~~and~~ educational facilities (excluding schools) and temporary accommodation activities (including temporary course related accommodation for students, ~~and~~ trainees and visiting education staff) ~~but excluding childcare services or schools~~<sup>3</sup> where these are ancillary to permitted or existing primary production activities and are consistent with the outcomes sought for the NIEP zone”*

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<sup>3</sup> Ministry of Education Te Tāhuhu o Te Mātauranga (S331.113)

- Amendments to NIEP-P3(e) to reference NIEP-P2, as follows:
  - ...including but not limited to avoiding...*
  - ...(e) residential activities (excluding temporary accommodation expressly provided for under NIEP-P2); (excluding temporary student and trainee accommodation as provided for in the zone);*
- The deletion of NIEP-P3(g) as educational facilities and associated inclusions/exclusions are addressed by policy NIEP-P2.
- Amendment to NIEP-R3 Retail and the introduction of a new PER-2 as follows:
  - PER-2***
  - The retail area for any development platform area shown in the ‘Ngawha Innovation and Enterprise Park Design Guidelines’, dated March 2022:*
  - 1. *Has a maximum GBA of:*
    - a. *150m<sup>2</sup> for buildings up to 600m<sup>2</sup>; or<sup>or</sup>*
    - b. *200m<sup>2</sup> for buildings over 600m<sup>2</sup> in area; and*
  - 2. *Is set back at least 30m from any zone boundary.*
- Amendments to rule NIEP-R5.
- Amendments to rule NIEP-R8 - Café and takeaway food outlets (amended to ‘food and beverage’ through Hearing 17) gross floor area to 150m<sup>2</sup> GFA.
- An amendment to policy NIEP-R9 to provide for ‘temporary accommodation ancillary to education facility’ as a restricted discretionary activity subject to the following requirements:
  - a. The accommodation is located within development platform 19.
  - b. The accommodation is temporary accommodation for students, trainees, or visiting education staff.
  - c. The number of standalone residential units does not exceed ten.
  - d. The number of accommodation blocks for students does not exceed two, with a capacity of no more than 30 bedrooms. 34.
- Consequential amendments to NIEP-P2 and NIEP-P3 to provide the policy basis for the amendments to NIEP-R9.
- Amendments to standard NIEP-S7 Traffic movements, as follows:
  - 1. *Until Wallis Road is sealed, the use of Wallis Road is restricted to heavy vehicles (trucks, including provision for emergency vehicles).*
  - 2. *Prior to the Wallis Road/State Highway 12 intersection upgrade, traffic movements do not exceed the following thresholds:*

- i. 541 afternoon weekday peak hour vehicle movements (equivalent to approximately 1379 FTE) across the NIEP zone; and
    - ii. a maximum of 30 peak hour vehicle movements via Wallis Road.
  - 3. Following confirmation being provided by Waka Kotahi NZ Transport Agency that the Wallis Road/State Highway 12 intersection has been upgraded, traffic movements do not exceed the following thresholds:
    - i. 620 afternoon weekday peak hour vehicle movements (equivalent to approximately 1599 FTE) across the NIEP zone; and
    - ii. a maximum of 95 peak hour vehicle movements via Wallis Road.
  - 4. An annual traffic movement survey of the NIEP zone and Wallis Road entrance shall be undertaken to confirm movements from activities within the NIEP zone are within the stated limits in NIEP-S7(2) or NIEP-S7(3) as relevant.
  - 5. In the event that 80% of the traffic movement thresholds in NIEP-S7(2) or NIEP-S7(3) are exceeded (as demonstrated by the annual survey required by NIEP-S7(4)), a traffic management assessment shall be prepared by a suitably qualified person to accompany an application for a new activity in the NIEP zone, which outlines anticipated traffic generation and movements from the activity and potential impacts on the surrounding road network.
- The inclusion of updated/amended Ngawha Innovation and Enterprise Park Design Guidelines (2024 version) to replace those in Appendix 5 (APP5), in Part 4 of the PDP.

Having considered the submission points, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in **Appendix 3.5**.

### **3.9 Key Issue 6: Moturoa Island Zone**

#### **3.9.1 Matters Raised in Submissions**

The main submissions on the Moturoa Island zone came from:

- Transpower (S454) - who seek an amendment to ensure critical infrastructure, such as transmission facilities is provided for within the Moturoa Island zone.
- Moturoa Island Limited (S30) – who support objective, policy and rule provisions as notified.
- Fire and Emergency New Zealand (**FENZ**) (S512) - who support policy referring to consideration for the provision of potable and firefighting water supply. FENZ also seek that emergency service facilities are a permitted activity and are exempt from certain requirements. d)
- Heavy Haulage (S482) – who seek to make relocated buildings a permitted activity.

- Far North District Council (S368) - who seek a minor amendment to the wording of rule MIZ-R3.

We note here that we were informed that Transpower no longer wished to pursue its submission with regard to the Moturoa Island zone.

We did not hear from any submitter in person on the Moturoa Island zone. However, Ms Miller, for the Kapiro Residents Association (S428.009 and S428.012 – 026) appeared on-line to give evidence.

### 3.9.2 Hearings Panel Evaluation

With regard to the Kapiro Residents Association request for a new policy across special purpose zones, for the same reasons outlined in section 3.4.2 above, we reject these submission points.

We did not receive any other evidence on the Moturoa Island zone. Therefore, in the absence of any evidence to the contrary, we have adopted the recommendations of the reporting officer, that the Moturoa Island zone objectives and policies be retained and are appropriate. As a result, the submissions by Moturoa Island Limited (S30.001 and S30.002) are accepted. The submission by FENZ (S512.044) is accepted and S512.068 is rejected.

Despite the reporting officer’s recommendation in the hearing report that there is no need to reference ‘relocated buildings’ in the Moturoa Island zone, the Heavy Haulage submission for the inclusion of a new rule for ‘relocatable buildings’ was considered further in Hearing 17 as it relates to all buildings and structures across all zones. The Hearings Panel for Hearing 17 recommended that the term ‘relocated buildings’ be included across all zones. Therefore, submission point S482.018 is accepted and this amendment is included in the Moturoa Island zone provisions in **Appendix 2.6**.

In addition, the Panel noted that the ‘Overview’ for the Moturoa Island zone included the last sentence stating that “....*subdivision will not be undertaken on Moturoa Island*” and that policy MIZ-P7 referred to “*Manage land use and subdivision....*” The Panel queried the reference to ‘subdivision’ in policy MIZ-P7 at the hearing. The reporting officer advised that the reference to subdivision should be deleted from MIZ-P7 as it was not appropriate, and that this deletion could be undertaken as a clause 16 correction. The Panel notes that this clause 16 amendment has been made.

### 3.9.3 Hearings Panel Recommendations

The Hearings Panel recommends no substantive amendments to the Moturoa Island zone. Amendments, as identified in **Appendix 2.6**, are consequential amendments from Hearing 17 or Plan Variation 1.

Having considered the submission points, the Hearings Panel recommends that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in **Appendix 3.6**.

## 4 Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to the Special Purpose zones being the

Airport zone, Hospital zone, Quail Ridge zone, Orongo Bay zone, Ngawha Innovation and Enterprise Park zone, and Moturoa Island zone.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

The Hearings Panel recommended amendments are shown in **Appendices 2.1 - 2.6**.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the Council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation, when needed, into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 3.1 – 3.6**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.