

**BEFORE HEARINGS COMMISISONERS 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 Requests for New Special  
Purpose Zone

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**STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON**

18 August 2025

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## 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 <sup>1</sup> [FNHL], to provide evidence in support of their submission to the Proposed Far North District Plan [PDP].
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.

## PROCEDURAL MATTERS

6. I concur with the outline and summary of pre-hearing engagement that has occurred as part of the 'Opt In' process.
7. Feedback received from this process indicated that the approach within Submission 320 was not workable i.e the presentation of a Development Area, lodging a Master Plan and then subsequent Precinct Plans for approval of Council to precede development at the Opua Marina.
8. Changes were made based on this feedback to the Precinct Plan approach now before the Panel. As identified in the s42A Report, there have been a number of opportunities to reflect on the provisions and attempt to make them as workable as possible.
9. The recommendations in the s42A Report, based off technical evidence, now suggest that there be a component of approving the Precinct Plan through a resource consent process, to make things workable.

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<sup>1</sup> Submission 320

10. After opting in and making changes in good faith collaboratively with FNDC it appears the status of the submission has progressed somewhat in terms of Council now having general comfort with the approach, but not absolute comfort with what is proposed.

#### **SUPPORT FOR THE FNHL PROPOSAL**

11. Moving the above to the side as this is addressed in more detail below, support for the FNHL submission to rezone areas in Ōpua has been articulated by several key community and business groups.
12. The overarching sentiment is positive, with an emphasis on creating a more flexible, vibrant, and sustainable future for the area.
13. The Bay of Islands-Whangaroa Community Board has expressed its strong support for the proposed change from the status quo to mixed-use zoning. In a letter from Chairperson Belinda Ward, the board highlighted the transformative potential of the development, which would integrate much-needed residential housing, childcare services, and new employment opportunities. The board commended FNHL's commitment to community and Hapū engagement, staged infrastructure development, and place-based design that respects the area's natural and cultural heritage. They underscored that high-quality engagement with the community and Hapū is essential for the project's success.
14. From a business perspective, the Opua Business Association also voiced its support for the FNHL submission. The association sees the proposed mixed-use zoning as a path to greater flexibility that will benefit local enterprises. They believe that providing for more residential accommodation will bring more people to Ōpua, which in turn will support existing and new businesses and boost tourism. While supporting the development, they stressed the importance of maintaining and enhancing the Bay of Islands Marina Precinct (**BOIMP**) and ensuring that any new development complements, rather than prohibits, the growth of maritime activities.
15. Ngāti Manu, mana whenua of the Ōpua area, also view the proposed zoning change in a positive light, seeing it as a move away from the current industrial zoning. In a letter from the Karetu Māori Committee, they stated their interest is to ensure that any development has appropriate cultural representation and provides for hapū interests. A key requirement for their support is the protection of the awa (river), with high environmental standards to manage water quality. Ngāti Manu supports moving heavier maritime activities away from the water's edge and introducing residential, tourism, and educational opportunities. A significant aspiration for Ngāti Manu is the creation of a Cultural Center and Museum in Ōpua to house taonga they plan to repatriate from the Smithsonian Museum, an initiative they feel the proposed zoning would support. To inform this process, Ngāti Manu has agreed to provide an up-to-date Cultural Impact Assessment for the Ōpua area.

16. Ōpua School, also provided supportive feedback, focusing on benefits for the community and educational outcomes. Principal Sandy Blackburn highlighted the potential for an early childhood education (ECE) facility to be included in the development, which would serve both Ōpua and the surrounding communities and support the school's roll growth. The school also supports the inclusion of family-sized residential housing to attract and retain more families in the area. To ensure the success and safety of the expanded community, the school emphasized the need for adequate and safe car parking and careful planning to manage the impact of increased traffic.
17. The letter from Keteriki Ltd [a joint venture including the Bay of Islands Vintage Railway Trust], expresses strong support for FNHL's submission to rezone areas of Opua to Mixed-Use. The trust, which holds the lease for the rail corridor and a resource consent for a visitor terminus on the Colenso Triangle, sees the rezoning as a key enabler for their vision of a combined rail, cycle, and steamboat tourism experience in the Bay of Islands. They state the zoning will better support the development of a railway station, public carparking, and other visitor facilities that are part of their plans.
18. More specifically, the letter argues that the Mixed-Use Zoning is needed to enable the provision of more short-term and residential accommodation in Opua. This is considered essential to encourage visitors to stay longer in the area, which would, in turn, increase local spending. This increased economic activity is vital for the long-term sustainability of the vintage railway itself, as well as for the many other tourism and service providers in the Opua community.
19. On behalf of Business Bay of Islands Incorporated, Chair Lesley Lucas wrote a letter on, to express support for FNHL's submission to rezone the Opua Marina from "Industrial" to "Mixed Use".
20. The group supports the proposal for several reasons:
  - The rezoning would align the official designation with the area's current reality, as the marina precinct already operates as a mixed-use space.
  - FNHL has provided assurances that Opua will remain primarily a maritime precinct.
  - The change will help create a more vibrant and active waterfront, which is something the community desires.
  - It could create diverse economic opportunities, such as small industrial units and "live/work" spaces, which would encourage entrepreneurship.
  - The rezoning could attract more events like sailing regattas and community gatherings, benefiting local businesses.

21. While acknowledging concerns about the potential loss of hardstand space, the group notes FNHL's assurance that this is "highly unlikely" as it is a key business driver for the marina
22. Whilst no formal letters have been received, I also understand that FNHL have been in contact about the submission with NZ Customs, the Ministry For Primary Industries, and the collective group of berth holders at the Opuia Marina.
23. Finally, a PowerPoint presentation was provided by Pumuka Hapu outlining their feedback and general guidelines relating to the Opuia Marina.
24. These letters and presentations are provided in **Appendix A**.

### **SCOPE OF EVIDENCE**

25. Hearing 15B addresses submission points relating to the PDP – Rezoning Requests for New Special Purpose Zones. The s42A reports splits these matters into four reports and include:
  - Rezoning Submissions Overview;
  - Rezoning Request – New Special Purpose Zones;
  - BOIMP and Mixed Use Rezoning; and
  - Waitangi Estate Special Purpose Zone.
26. I have been asked by FNHL to provide expert planning evidence arising from their submission in relation to the BOIMP and Mixed Use Rezoning.
27. I have adhered to the instructions of hearing Minute 1 to ‘take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to s32AA of the RMA’.

### **ORIGINAL SUBMISSION 320 AND RELIEF SOUGHT**

28. Table 2 of the s42A Report clearly summarises the relief sought by FNHL for their submissions. This table is provided below.

**Table 2: Overview of FNHL submissions addressed in this report.**

<b>Submission point</b>	<b>Decision requested</b>
S320.001	Amend FNHL landholdings at the Bay of Islands Marina from Light Industrial zone to MUZ.
S320.002	Retain the MUZ for FNHL landholdings at the Bay of Islands Marina.
S320.003	Amend FNHL landholdings at the Bay of Islands Marina from General Residential to MUZ.
S320.004	Amend the zoning of the FNHL landholdings at Bay of Islands Marina to include a Bay of Islands Marina Development Area overlay.
S320.005	Reinsert the Maritime Exemption Area from the Operative District Plan (ODP) in relation to the Bay of Islands Marina.
S320.006	Retain the MUZ for FNHL landholdings at Opuia Commercial Estate.
S320.007	Amend the zoning of FNHL landholdings at Colenso Triangle from Rural Production to MUZ.
S320.008	Amend the zoning of the FNHL landholdings at Opuia Marine Business Park from Rural Lifestyle to MUZ.

Figure 1 - Relief Sought by FNHL

## SECTION 42A REPORT

### Opua Marina / Bay of Islands Marina Precinct

29. I generally agree with the summary contained within the s42A Report from paras [33 – 52]. This provides an overview of the submission from FNHL, the relevant sites and provisions prepared, and evidence provided to date. It also outlines the change in approach from the original submission based on feedback received during the ‘Opt In’ process.
30. I also agree with the s42A Report Writer that the shift from Light Industrial to a Mixed Use environment has the potential to deliver greater positive economic, social, cultural and environmental outcomes for the Far North District.
31. I therefore also agree with the recommendation that the Opua Marina be changed from the Light Industrial Zone to a Mixed Use Zone [**MUZ**] as the underlying zone for the Marina.
32. Respectfully, I have some concerns with the approach and recommendations within the s42A Report as it relates to the BOIMP), an overlay that would sit alongside the MUZ.
33. While the BOIMP is supported generally, the recommended approach and changes sought within the s42A Report and associated technical memos, in my view, makes the BOIMP less attractive than what can be achieved through the MUZ.

34. This is because the approach requested is that any activity, whether it conforms with or is inconsistent with the BOIMP and Schedule should require a resource consent. Whilst I consider we have provided sufficient overview of the Precinct and the relevant activities, it is considered that the risk of acting is too high due to potential permitted piecemeal activities.
35. The BOIMP and Schedule is a summary of the Master Plan lodged as part of the FNHL submission. Feedback from the urban design expert appears to suggest that more components of the Master Plan should be included in the Precinct. Again, this approach was not supported during earlier phases of the Opt In process, so it is surprising to see the suggestion at this part of the process.
36. The key concern by the s42A Report Writer and associated technical staff they rely on is the risk of piecemeal permitted development and this happening without coordination across items such as infrastructure, transport, open space, and urban design.
37. In my view, aside from the Kerikeri Waipapa Spatial Plan, bespoke planning requests as part of the PDP, and the BOIMP are the only attempts to coordinate urban development in the Far North District.
38. Aside from these examples, urban development isn't coordinated across the Far North District and happens in a piecemeal fashion. There is some consideration of urban design matters as part of the MUZ, however the BOIMP provides far more than what is currently provided in the PDP.
39. The logical extension of the experts opinions in relation to the BOIMP is that there shouldn't be any permitted development throughout the District because it happens in a piecemeal fashion. I don't think this is an appropriate outcome to reach and would stifle any attempt at urban regeneration in the Far North District.
40. It is worth noting that if the BOIMP area was left as Light Industrial as notified in the PDP, FNHL could undertake a number of permitted activities. A similar outcome is true if simply zoned MUZ. I agree that the MUZ, as does the s42A Report Writer, that the MUZ is more appropriate than the Light Industrial Zone.
41. From a planning perspective, I consider that it would be easier to apply for consents under the MUZ rather than under the BOIMP with the recommended changes sought in the s42A Report.
42. This is a perverse outcome as the BOIMP should be the optimal pathway, offering scale and integration of development i.e specific heights, residential densities, integrated design, that the standard MUZ cannot offer.
43. In summary, the requirements sought in the s42A Report for the BOIMP make it suboptimal. It is agreed between myself and the s42A Report Writer that most of the activities in the BOIMP would require a consent. However, to manage a potentially very

small risk of piecemeal development, the recommended approach in the s42A report is to over compensate with additional consenting requirements.

44. I consider that there is sufficient detail to proceed with the approach provided through the Opt In process should the Panel agree.
45. However to find balance between what has been sought by the s42A Report Writer and what is provided, it is simply proposed that the MUZ applies to the Opuia Marina until such a time that an overall BOIMP and associated Development Schedule and Design Guidelines are lodged and approved with Council.
46. This process provides Council with the certainty that they require, whilst allowing FNHL to continue to promote the area and undertake activities that are acceptable in a MUZ environment. If and when the BOIMP is to be sought, then FNHL have the option to lodge the necessary documentation for the approval of Council.
47. In my view, this is the only logical approach which provides certainty and flexibility for all parties involved, because as currently recommended by the s42A Report Writer, there is little incentive provided by the Council to proceed with a BOIMP approach i.e even if they had full information it would appear that they would still require resource consent.
48. To ensure certainty of development within the BOIMP, development must proceed in accordance with the documents lodged. This ensures that development must comply with all specified development parameters (e.g., building footprint, height, GFA, use, and location) and is consistent with the character and design principles of the approved Development Guidelines.
49. In effect, the lodgement and approval of the Precinct Plan would be similar to that of a resource consent. Development approved would then be permitted.
50. Based on the above the updated provisions for the BOIMP are provided in **Appendix B**.

#### *Ecological Effects & Setback from the CMA*

51. I understand that the Council's ecologist, Ms Andrews, has few concerns with the Marina itself, agreeing it has low ecological values. Her primary concern relates to the requested reinstatement of the Maritime Exemption Area **[MEA]** from the Operative District Plan **[ODP]**.
52. Her argument is that buildings within the setback of 26m from Mean High Water Springs **[MHWS]** have the potential for adverse effects and these should be assessed through a resource consent process, and not be permitted by a blanket exemption.
53. I note that whilst FNHL still wish to retain the MEA, as part of the provisions submitted to Council as a part of the 'Opt In' process, a consequential amendment was made to Rule CE-S4 Setback from MHWS seeking an exclusion of the BOIMP. The rationale here was that the exemption would be retained without the need for a MEA overlay.



54. As part of Hearing 4, it was recommended that the setback from MHWS does not apply where there is a legally formed and maintained road between the property and MHWS. This recommended approach appears contradictory to the evidence provided by the Council ecologist in relation to the BOIMP as the s42A Report writer for Hearing 4 clearly considers that the imposition of a road between development and the CMA negates the need for the setback provision. I agree with the s42A Report Writers position that it is appropriate in some instances to provide exemptions to this standard.
55. The reasons I believe the exemption is appropriate in relation to the Marina are as follows:
- The Marina has a public boardwalk along its coastal extent, which is akin to a road but not legally considered one. As such, public access is available and secured.
  - The imposition of a 26m blanket exclusion is incongruent with quality urban design. Adhering to this District Wide provision strictly, could see the majority of the space provided in the Marina set aside for carparking and other uses, which would be contrary to the efficient use of this land.
  - The Marina is a highly modified, hard-engineered reclaimed port environment, not a natural beach. The public already has secured access via the boardwalk. In this specific context, the traditional purposes of a coastal setback (preserving natural character, providing a buffer for natural processes) are less relevant.
  - The matters listed below from the ecologist as being potential effects are considered very broad and not specific to the Marina environment.
56. The Council ecologist considers that the matters of to assess in relation to a rule breach associated with setback are –
- The New Zealand Coastal Policy Statement, which discourages the use of hard structures and encourages the use of natural defences (acknowledging that hard structures are considered appropriate in some cases).
  - Potential effects on migration or movement of fish (especially those with Threatened or At Risk conservation status), particularly if flood gates are proposed.
  - Potential effects on habitats and ecological values.
  - Potential effects of sediment and contaminant discharges. Consent for buildings and/or structures or extensions should require a robust assessment and appropriate mitigation.

57. I note that the s42A Report Writer mentions the reason for rejecting the MEA is that the PDP is intentionally stricter than the ODP. On my review, the rules and their intent are similar. The setback distance itself is not 'stricter' and similar exemptions remain.
58. In my view, it simply appears that Council has rolled over the setback from MHWS rules but do not wish to do the same thing for the MEA. Additionally, rather than justifying their rules around which buildings throughout the district can be exempt, they are requiring the submitter to provide a clear description of what specific buildings would need a specific exemption. This does not appear to be an equitable planning response.
59. While I acknowledge the setback requirement would ordinarily be 26m, the figure below shows the effects of a 30m setback (which in this case is similar) if initiated. The setback imposition would significantly limit development along the Marina and / or result in unintended consequences such as FNHL promoting car parking along this margin. A strict application of the setback would frustrate, not achieve, the PDP's own objectives for vibrant, activated, mixed-use centres and maximising public access to and along the coast.
60. As a planning outcome, this is not ideal, but it appears the position of Council and its experts is that this outcome is required for the Opuia Marina to manage effects.

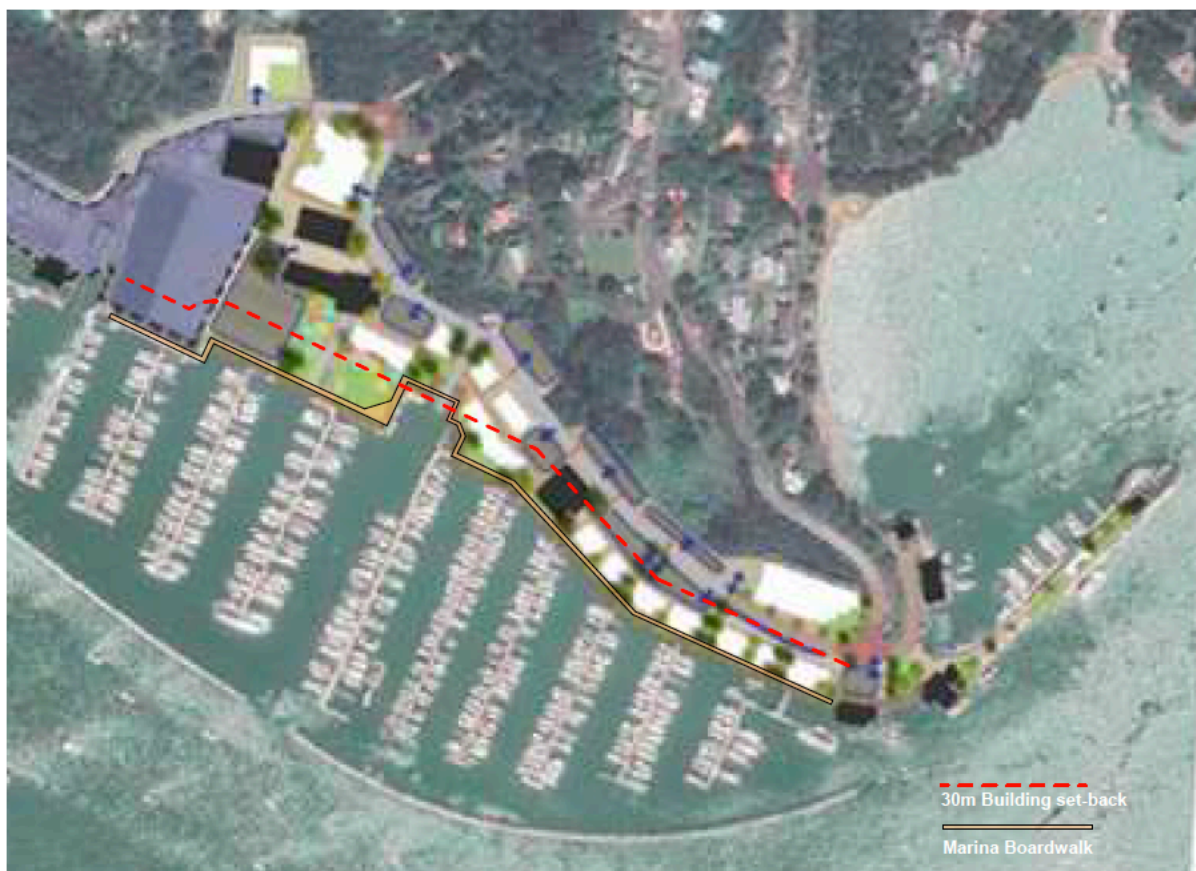


Figure 2 – Setback from MHWS

61. Based on the above, I consider that the Opuia Marina should be exempt from consideration of CE-S4 Setback from MHWS.
62. I have made amendments to this rule and this is found in **Appendix B**.

#### *Landscape Effects*

63. The Council's landscape architect, Ms Absolum, is broadly supporting of the proposal, noting the updated provisions provide a "good basis for achieving future development... while also protecting landscape and natural character values."
64. Her most significant outstanding concern is the potential landscape and visual impact of the Gateway Apartments and Opuia Close. She considers that these buildings are in a prominent location and warrant more specific design guidance than is currently provided to ensure they respond positively to their context.
65. As part of the amended approach provided in **Appendix B**, landscape input can consider such buildings and various landscape, visual amenity, and natural character effects through PREC-RX1, or through a consent approach where and if required in the MUZ.

#### *Transport Effects*

66. The council's transport expert, Mr. Collins, supports the requirements for Integrated Transport Assessments (ITAs) and the general direction of the Development Guidelines. His primary concern is the risk that development proceeds in a "piecemeal manner" as permitted activities, without coordinated infrastructure delivery or the delivery of key transport interventions like footpath and intersection upgrades.
67. As part of the amended approach provided in **Appendix B**, traffic experts can consider such matters through PREC-RX1 or through a consent approach where and if required in the MUZ Zone.

#### *Urban Design Effects*

68. The council's urban designer, Ms. Rennie, raises the most comprehensive set of issues, which can be summarised as:
- Unclear Consenting Pathway: Like Mr. Collins, she is concerned about the risk of incremental development and outcomes that don't deliver the overall vision.
  - Lack of Clarity in BOIMP: She recommends the Character Area maps be clearly delineated without overlap and that the plan provide a clearer picture of the overall layout, public realm, and open space provision.

- **Adverse Urban Design Effects:** She notes the potential for a "wall effect" from continuous buildings along the promenade and poor integration of car parking.
- **Height of Gateway Apartments:** She shares Ms. Absolum's concerns about the height and visual dominance of this building.

69. As part of the amended approach provided in **Appendix B**, urban design experts can consider such matters through PREC-RX1 or through a consent approach where and if required in the MUZ.

#### *Infrastructure Effects*

70. The s42A Report Writer is concerned with how adequate development infrastructure will be provided.

71. As outlined in the evidence of Mr Nock and Mr Galbraith in **Appendix C**, it is understood that the Opuia Marina was largely serviced by the submitter with various upgrades undertaken to support the area, also provided and paid for by the submitter.

72. The proposed approach by FNHL is to continue to provide infrastructure in collaboration with FNDC to support the growth of the area. This level of detail can be provided when the various documentation is lodged to give effect to the amended PREC-R1 as provided in **Appendix B**.

#### *Coastal Environment Exclusions*

73. I understand that no changes are recommended to the exclusions provided for in Hearing 4 for the Opuia Marina. Rather, these exclusions have been extended to the other sites which form part of the FNHL submission. Further discussion about these exclusions are provided in more detail as they relate to each site below, but in summary the approach in the s42A Report is supported.

#### *Changes to the Subdivision Chapter*

74. It was initially proposed that subdivision for the BOIMP be a Discretionary Activity and managed within the Chapter. It is now simply proposed that subdivision be linked to the underlying MUZ. Accordingly, the Precinct no longer seeks to manage subdivision activities.

#### **Precinct and Development Schedule and Development Guidelines**

75. In relation to the various requests for information and detail on the above matters, the table below provides an appropriate response. In summary, the details sought can all be provided as part of the updated provisions sought for the BOIMP.

Issue	Recommendation	Submitter Response
The character areas overlap and are not clearly defined spatially in a manner that can be incorporated in the PDP. This will create uncertainty and implementation issues.	Provide updated mapping of the character areas within the BOIMP so these are clearly delineated with respect to property boundaries and adjacent zones and to ensure there is no overlap.	PRECX-R1 provides sufficient scope to consider these matters in more detail.
Parts of the BOIMP and Development Schedule are located in the CMA (e.g. The Garden Pier) which is outside the justification of the PDP.	Amend BOIMP and Development Schedule to exclude development located in the CMA and to clearly show the seaward extent of the precinct.	PRECX-R1 provides sufficient scope to consider these matters in more detail.
The “BOIMP” lacks detail and there is no overall plan showing how all the character areas will be developed in a cohesive and comprehensive manner, in particular in relation to public spaces, access and connectivity.	Consider providing a more detailed BOIMP illustrating how public spaces, access and connectivity will be provided throughout the BOIMP.	PRECX-R1 provides sufficient scope to consider these matters.
Precinct layout in northern extent - There is a lack of provision of open space within the northern extent of the Precinct and the extent of continuous built form along the promenade within the Opua Village and Lyon on Water Areas has the potential to create a ‘wall effect’ and adverse urban design effects.	Consider how to respond to the concerns raised by Ms Rennie from an urban design perspective.	PRECX-R1 provides sufficient scope to consider these matters.
Precinct layout integration of carparking - There is a lack of integration of carparking areas within the northern extent of the Precinct either side of Lyon Street. This is anticipated to give rise to adverse urban design effects.	Consider how to respond to the concerns raised by Ms Rennie from an urban design perspective.	PRECX-R1 provides sufficient scope to consider these matters.
There is a lack of specific criteria for the proposed Gateway Apartments in the Opua Gateway which is	Include more specific assessment criteria for the proposed Gateway Apartments drawing on the	PRECX-R1 provides sufficient scope to consider these matters.

requires given the highly visible and prominent location and proposed height being considered.	landscape advice from Mr Cocker. Consider whether these specific criteria should also be applied to the proposed apartments in Opua Close character area.	
Lack of clarity in the outcomes sought for each character area.	Consider defining each character and the development outcomes sought to be incorporated into the Development Guidelines.	PRECX-R1 provides sufficient scope to consider these matters.
Unclear what is meant by “affordable housing A” in “the Sailors Yard” and how this is intended to be provided for.	Clarify intent and how it will be achieved.	PRECX-R1 provides sufficient scope to consider these matters.
Criteria relating to “Access, Connectivity and Movement” can be refined to better focus on existing and proposed transport network and to separate out criteria relating to traffic and parking. It is also recommended that this includes specific reference to planting to reduce visual impacts and achieve a high standard of amenity.	Amend “Access, Connectivity and Movement” criteria as set out in <b>Appendix 3</b> .	PRECX-R1 provides sufficient scope to consider these matters.

## **MUZ Rezoning Requests**

### *Opua Commercial Estate*

76. I concur with the s42A Report Writers recommendation that the MUZ is retained for the reasons provided. This site has been in a commercial use for a number of years and the intention for the site is to continue to support development at the Opua Marina. This is best achieved by a MUZ zoning.
77. With respect to the exemptions from CE-R1 and CE-S1, I agree with the recommendation that this be extended to include the Opua Commercial Estate for the reasons outlined in the s42A Report.

### *Colenzo Triangle*

78. I concur with the s42A Report Writers recommendation that the site be rezoned to MUZ for the reasons provided. The site has existing consents and when undertaken, the MUZ will accurately reflect the consented activities.

79. Despite the above, the s42A Report queries the infrastructure servicing arrangements for the site. I have previously provided the relevant consents for Colenzo Triangle.
80. Within those consents are requirements [consent conditions] regarding servicing<sup>2</sup> which highlight that the sites can be serviced on site.
81. With respect to the exemptions from CE-R1 and CE-S1, I agree with the recommendation that this be extended to include the Opuia Commercial Estate for the reasons outlined in the s42A Report.

#### *Opuia Marine Business Park*

##### *Ecological*

82. I concur with the conclusion within the s42A Report that the submitter has the necessary approvals to undertake works on this site. Any discussion regarding lapse dates, expiry or future processes are not considered relevant.

##### *Infrastructure*

83. I agree that the original intent of the MUZ was to be completely serviced with development infrastructure. As outlined in the s42A Report this is consistent with MUZ-P1, MUZ-P2 and MUZ-P10.
84. I believe minor changes to the MUZ are appropriate. My suggested amendments are provided in **Appendix B**. This is a practical response that provides for development to take place whilst understanding that Council doesn't, and cant in all circumstances, provide development infrastructure to every MUZ site. This approach is consistent with and reflected in changes recommended after Hearing 1.

##### *Transportation*

85. FNHL have approval to construct a "Diagram C" crossing onto SH11. The below figure was also provided previously provided to Council.

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<sup>2</sup> Refer Annexure 5 of my Statement of Planning Evidence – Response to Minute 14, dated 12 May 2025.

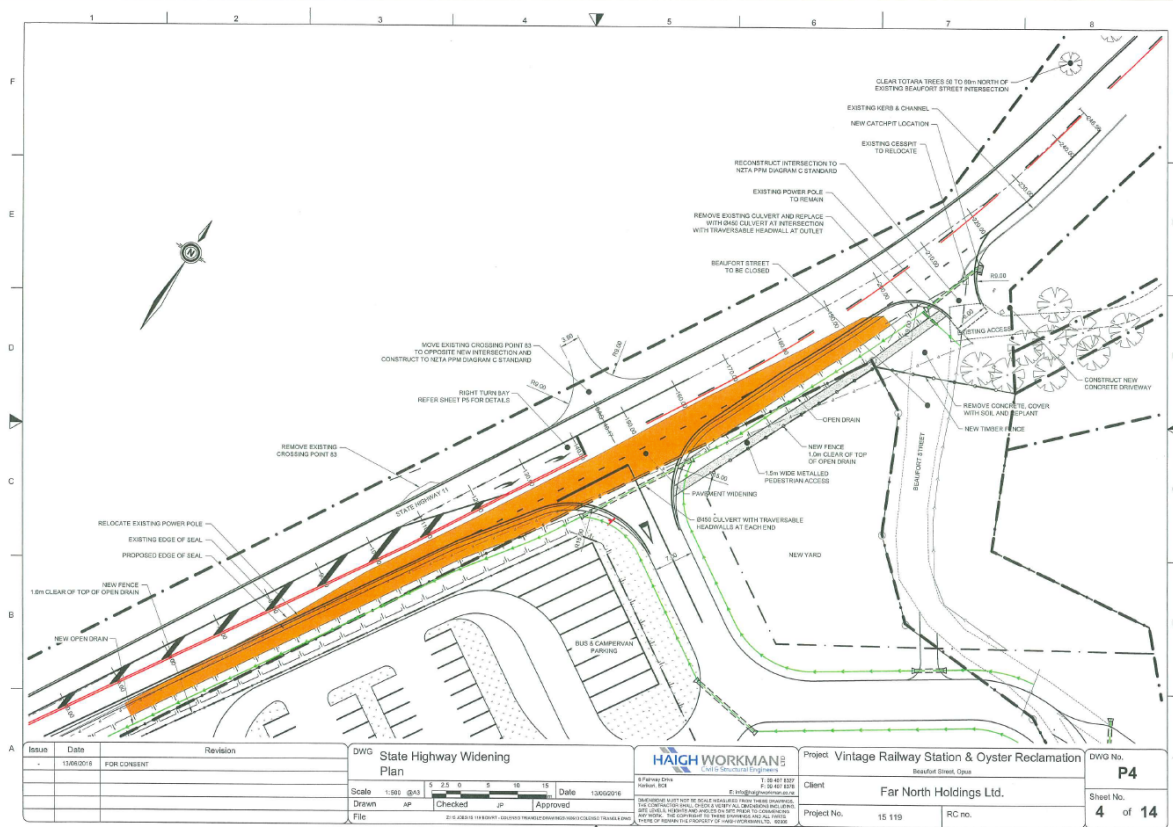


Figure 3 - Plan for Colenzo Triangle / Opuia Marine Business Park

86. I understand that NZTA and FNDC are concerned with access from the Opuia Marine Business Park to the State Highway and potential traffic effects from land use intensification from the change to a MUZ.
87. The request is to provide detail on traffic movements, analysis on safety and operations, and other usual assessments. In my view, the correct procedure is to rely on the robust provisions within the Transport Chapter of the PDP.
88. The Chapter notes that:
  - Any changes to existing or new accesses ~~All access~~ to the State Highway network, ~~(including or changes to land use activities or subdivisions relying on to existing accesses to the State Highway Network, subdivision or change in land use utilising an existing access)~~ require the approval of ~~Waka Kotahi~~ New Zealand Transport Agency (Waka Kotahi) (NZTA) under the Government Rounding Powers Act 1989. This approval is separate and additional to any land use or subdivision resource consent approval required.<sup>3</sup>

<sup>3</sup> Appendix 1 – Officers Recommended Amendments to the Transport Chapter. Dated 8/05/2025



89. In my view this approach ensures, regardless of zone, intensification or development proposed, that NZTA will be involved and that they will promote the requirements necessary for their approval at time of development.

#### *Landscaping*

90. Landscape architect Melean Absolum initially raised concerns that development envisaged under the standard MUZ would harm the site's "degree of rural character". A revised concept, which incorporates a 30m building setback and a 15m wide landscape buffer along the road frontage to integrate the development into its setting is provided.
91. I have made changes to the MUZ in line with the recommended changes. This is provided in **Appendix B**.
92. As an explanation of how I envisage the rules working, in Pahia there are height limits controls which appear on the PDP maps and as rules. A similar demarcation on the Plan maps could be provided to restrict height limits as sought.
93. The Plan for Opuia Marine Business Park is envisaged to sit within the Appendices section of the PDP for reference purposes. Rules have been amended and added where relevant in the Mixed Use Zone provisions. These are considered to be appropriate changes to reflect the landscape concerns of the site.
94. Mr Cocker provides an updated Memo in **Appendix D** that supports the provisions.

#### *Coastal Environment Exclusions*

95. With respect to the exemptions from CE-R1 and CE-S1, I agree with the recommendation that this be extended to include the Opuia Commercial Estate for the reasons outlined in the s42A Report.

### **SECTION 32AA EVALUATION**

96. In relation to the changes proposed to the planning framework for the FNHL landholdings, the following evaluation has been undertaken in accordance with Section 32AA of the RMA. This evaluation considers two main options:
97. **Option 1: The Officer's Recommended Approach** - This involves rezoning the FNHL landholdings to MUZ and applying a BOIMP. However, this approach requires most, if not all, new development within the BOIMP to obtain resource consent to manage the risk of "piecemeal" development. It also rejects the reinstatement of the Maritime Exemption Area.
98. **Option 2: The Submitter's Proposed Approach (as amended)** - This approach, detailed in **Appendix B** of my evidence, also rezones the land to MUZ but introduces a more streamlined and certain framework. It includes:

- A two-step consent process for the BOIMP, where a comprehensive Precinct Plan and its supporting documents are approved upfront via a single Restricted Discretionary consent, after which development that complies with that approved plan is permitted.
- Specific amendments to the Mixed-Use Zone provisions to secure the agreed design outcomes for the Opua Marine Business Park.
- A specific exemption for the BOIMP from the coastal setback rule CE-S4 to enable development along the waterfront.
- A minor clarification to the MUZ overview to recognise on-site infrastructure servicing.

### **Effectiveness and Efficiency**

99. Option 2 is considered more effective and efficient at achieving the objectives of the Proposed District Plan (PDP).
100. The officer's primary concern is managing the risk of uncoordinated, piecemeal development. While this concern is somewhat valid, the proposed solution of requiring resource consent for almost all activities is inefficient and counter-productive. It creates significant uncertainty, cost, and delay for the submitter, which perversely makes it more attractive to abandon the BOIMP framework altogether and simply develop under the standard MUZ rules—the very piecemeal outcome the officer is seeking to avoid.
101. In contrast, proposed Option 2 is more effective because it secures a comprehensive, integrated, and high-quality outcome for the BOIMP upfront through the approval of the Precinct Plan, Development Schedule, and Design Guidelines. This front-loading of the assessment process ensures that all key elements—urban design, infrastructure staging, transport, public space, and landscape are considered holistically. It is more efficient by consolidating this assessment into a single consent process, providing certainty and a clear pathway for implementation, which is a better incentive to deliver the high-quality master-planned vision for Ōpua.

### **Benefits**

102. Option 2 (Submitter's Approach): The primary benefit is certainty for the Council, the submitter, and the community. It guarantees the delivery of a comprehensive, master-planned development. It significantly reduces ongoing transactional costs and delays associated with multiple small resource consents. The specific design rules proposed for the Opua Marine Business Park provide guaranteed high-quality landscape and amenity outcomes that would otherwise be uncertain. The exemption from coastal setbacks enables superior urban design and public activation of the waterfront, a key objective for the BOIMP.

103. Option 1 (Officer's Approach): The main benefit is that it provides the Council with maximum oversight on a per-building basis, where development could be permitted in any event under the MUZ.

### **Costs**

104. **Option 2 (Submitter's Approach):** The perceived cost is a reduction in Council oversight for individual buildings *after* the comprehensive plan has been approved. However, this is not a significant cost, as any development that deviates from the approved plan would still require a discretionary activity resource consent, ensuring Council retains control.
105. **Option 1 (Officer's Approach):** The costs are significant. It creates an uncertain, expensive, and inefficient consenting regime that risks making the entire BOIMP vision unviable. This could lead to the loss of all the economic, social, and environmental benefits that the integrated development promises. It risks a far worse outcome of standard, uncoordinated development if the BOIMP framework is abandoned.

### **Risk of Acting or Not Acting**

106. There is a significant risk in acting on the officer's recommendation (Option 1). The risk is that the proposed consenting pathway is so onerous that it stifles the high-quality, integrated development envisioned for Ōpua.
107. The risk in adopting my recommended approach (Option 2) is low. The comprehensive assessment is front-loaded into the approval of the BOIMP. Council and its experts have full input at this crucial stage to ensure the plan is robust. The subsequent permitted activity status only applies to development that is *in accordance* with this approved plan, providing a strong and certain implementation pathway while managing risk.

### **Reasons for the Recommendation**

108. For the reasons outlined above, Option 2 is considered the most appropriate way to achieve the purpose of the RMA and the objectives of the PDP. It provides a more certain, practical, efficient, and effective planning framework to deliver a high-quality, comprehensively planned mixed-use marina. It balances the Council's need for certainty regarding overall outcomes with the developer's need for a workable and efficient implementation process. This approach will deliver superior environmental, economic, social, and cultural outcomes for Ōpua and the wider Far North District than the framework proposed in the Section 42A report.

### **CONCLUSION**

109. My evidence has responded to the Section 42A report prepared for Hearing 15B.

110. There are significant areas of agreement with the reporting officer. I agree that the rezoning of FNHL's landholdings at the Bay of Islands Marina, Opuia Commercial Estate, Colenzo Triangle, and Opuia Marine Business Park to Mixed-Use Zone is appropriate.
111. I also agree on the need for high-quality development outcomes that are sensitive to landscape, transport, and urban design matters.
112. However, I disagree with the consenting pathway recommended by the officer for the BOIMP. The officer's recommendation to require resource consent for most activities to manage a perceived risk of "piecemeal" development is, in my view, inefficient, overly cautious, and ultimately counter-productive, as it creates a framework that is unworkable and provides a disincentive to pursue the comprehensive vision.
113. In response, I have proposed a new, streamlined framework that better achieves the shared objectives of the Council and the submitter. This approach involves:
- A two-step process for the BOIMP, which secures Council approval of a comprehensive BOIMP and supporting guidelines upfront, before allowing for compliant development to proceed as a permitted activity.
  - An exemption for the BOIMP from the coastal setback rules to enable high-quality urban design outcomes along the critical waterfront interface.
  - New, targeted rules within the MUZ for the Opuia Marine Business Park to guarantee the specific landscape and amenity mitigation measures that have been agreed upon with the Council's own expert.
114. These proposed amendments, detailed in **Appendix B**, provide certainty for all parties. They ensure a comprehensively planned, high-quality development is assessed holistically while providing an efficient and practical pathway for its implementation. This approach is more effective at delivering the vision for a world-class marina and will achieve the purpose of the RMA by promoting the sustainable management of resources and enabling the social, economic, and cultural wellbeing of the Ōpuia community.

Steven Sanson