

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

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the hearing of submissions on the Proposed Far North District Plan
SUBMITTER	Far North Holdings Limited
HEARING TOPIC:	Hearing 4 – Natural Environment Values & Coastal Environment

STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON

22 July 2024

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 **[FNHL]** to provide planning evidence in support of their original and further submissions 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.

SCOPE OF EVIDENCE

6. Hearing 4 addresses submission points relating to the PDP – Natural Environment Values & Coastal Environment. The s42A reports splits these matters into four reports in line with the structure of the PDP.
 - a) Ecosystems and Indigenous Biodiversity
 - b) Natural Character
 - c) Natural features and Landscapes
 - d) Coastal Environment
7. The submissions and further submissions of relevance to this hearing are:
 - Submission 320 [FNHL points 320.009 & 320.010];
 - FNHL further submission 407.004 [submission 150.001]
 - FNHL further submission 407.005 & 407.006 [submission 251.008]
 - FNHL further submission 407.007 [submission 565.002]
 - FNHL further submission 407.008 [submission 250.018]

- FNHL further submission 407.010 [submission 341.012]
8. My evidence relates to the Coastal Environment provisions as they relate to the Opuia Marina Development Area [**OMDA**], the Mixed Use Zone at the Opuia Marina, Marine Business Park, Commercial Estate, and Colenzo Triangle [collectively referenced as the **FNHL Landholdings**].
9. In preparing this evidence, I have reviewed the Section 42A report for the Coastal Environment and the supplementary documents. My evidence also relies on and is complimented by:
- Opuia Marina PDP Hearing Urban Design Assessment prepared by John Lonink - WSP;
 - Urban Design evidence prepared by John Lonink – WSP;
 - The Landscape Assessment of the natural character of the coastal environment Opuia Marina prepared by Catherine Hamilton – WSP.
 - Landscape evidence prepared by Catherine Hamilton – WSP.
10. 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.’

PDP FRAMEWORK

11. The delineation of the Coastal Environment in the PDP is the result of the work undertaken by the Northland Regional Council for the Regional Policy Statement. The mapping and provisions associated with the Coastal Environment replace the coastal zones in the operative Far North District Plan [**ODP**].
12. In contrast to the coastal zones in the ODP the Coastal Environment is an overlay that sits over the underlying zone, placing additional controls on land use and subdivision to preserve and protect its natural character.

THE FNHL LANDHOLDINGS

13. I note that most of the outcomes sought through the FNHL submission rely on the determination of future Hearing 19: Rezoning & Kauri Cliffs. The FNHL submission seeks rezoning of their landholdings¹ to Mixed Use zone.

¹ Bay of Island Marina, Opuia Commercial Estate, Colenzo Triangle and Opuia Marine Business Park

14. A Development Area is also proposed to apply the OMDA. The OMDA is the result of a significant quantum of work undertaken by FNHL who undertook a master planning exercise for the Opuia Marina, inclusive of all of the FNHL landholdings within that area. This piece of work is attached to the section 32 analysis to the FNHL submission [Attachment 1 – The Bay of Islands Marina Village].
15. The land identified within the proposed OMDA is currently zoned Light Industrial within the notified PDP, which is exempt from CE-R1 in accordance with the recommendations in the s42A Report, as it is considered to be within ‘Opuia settlement’. All of the OMDA is located within the Coastal Environment.
16. The Opuia Commercial Estate is currently zoned Mixed Use within the notified PDP but is not exempt from CE-R1 in accordance with the recommendations in the s42A Report, as it is considered to be outside the ‘Opuia settlement’. Approximately half of the land on this site is located within the Coastal Environment.
17. The Colenzo Triangle is currently zoned Rural Production within the notified PDP but is not exempt from CE-R1 in accordance with the recommendations in the s42A Report, as it is considered to be outside the ‘Opuia settlement’. Most of the land on this site is located within the Coastal Environment.
18. The Opuia Marine Business Park is currently zoned Rural Lifestyle within the notified PDP but is not exempt from CE-R1 in accordance with the recommendations in the s42A Report, as it is considered to be outside the ‘Opuia settlement’. Most of the land on this site is located outside of the Coastal Environment.
19. Rezoning of the FNHL landholdings and recognition of being within the ‘Opuia settlement’ is of direct relevance to the Coastal Environment hearing as the combination of the two facilitate exclusions under CE-R1 and CE-S1 of the Coastal Environment chapter, in accordance with the recommendations in the s42A Report.
20. It is prudent to determine through this hearing that the level of development sought and supported for the FNHL Landholdings is appropriate in terms of its coastal context. As such my evidence should be read alongside the evidence and assessments undertaken by WSP in terms of urban design and landscape for FNHL.
21. Specifically, providing for a special zone or development area is consistent with the rationale applied in the s42A Report in [para 294] for special zones and areas such as Orongo Bay, the Hospital zone and Kauri Cliffs – Golf Living sub zone.

Opuia Marina Masterplan

22. The background of the master planning exercise undertaken for ‘The Bay of Island Marina Village’ is outlined in the evidence of Mr Lonink. The evidence details the vision that FNHL has for the sites subject to their submission to create a vibrant, mixed-use hub complimenting the regions existing attractions.

FNHL ORIGINAL SUBMISSION S320 & FURTHER SUBMISSION FS407

23. The FNHL original submission² seeks the following relief:
- to amend CE-R1 to exempt the 300m² footprint limit for new buildings and structures in the proposed OMDA, the Mixed Use Zone at the Opuia Marina, Marine Business Park, Commercial Estate, and Colenzo Triangle. The relief seeks a limit of 800m².
 - to amend CE-S1 to exempt the 5 metre height limit for new buildings and structures in the proposed OMDA, the Mixed Use Zone at the Opuia Marina, Marine Business Park, Commercial Estate, and Colenzo Triangle. The relief seeks a limit of 16 metres in the OMDA and the Mixed Use Zone at the Opuia Marina. In the Marine Business Park, Commercial Estate and Colenzo Triangle relief is sought up to 12 metres.
24. The FNHL further submission³ broadens scope of its original submission to amend the coastal environment provisions to provide exemptions for urban areas generally, which may include changes to objectives, policies, rules and standards to enable relief.

EVALUATION OF SECTION 42A REPORT

Rule CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures

25. Section 5.2.10 of the s42A Report addresses Key Issue 10: CE-R1, principally and in relation to the FNHL submission, the exemption of the building coverage control for the FNHL Landholdings.
26. The recommendation in the s42A Report in part relies on the report prepared by Melean Absolum Limited Landscape Architects [**MAL Report**]. I agree with the recommendation in the s42A Report [para 298] supporting a more nuanced approach to buildings and structures for the six coastal towns/settlements, including the settlement of Opuia, where the land is zoned Mixed Use zone or Light Industrial zone. This is a pragmatic approach to areas that are already 'built up', are highly modified and contain low natural character values.
27. The outcome of the recommendation places reliance on the underlying zone to control building footprints. In the Light Industrial zone the permitted footprint is 450m² and in the Mixed Use zone it is 400m².
28. The FNHL submission seeks a building footprint that is no greater than 800m² as a permitted activity across the FNHL Landholdings. While I acknowledge that it is not necessarily for the Coastal Environment provisions to provide for building coverage

² FNHL submission 320

³ FNHL Further submission 407

provisions exceeding an area greater than that provided for in the underlying zone, FNHL has undertaken a significant quantum of work to establish that the thresholds sought are appropriate in this location, which are within the Coastal Environment.

29. In terms of the effect on the receiving coastal environment, the Landscape Assessment prepared by Catherine Hamilton in support of the FNHL submission concludes that *“...the proposed changes as set out in the FNHL submission will have very low adverse effects on the natural character of the Coastal Environment and will be positive in nature.”*
30. I therefore consider that applying the threshold sought in the FNHL submission for building coverage, in cognisance of the supporting urban design and landscape evidence and assessment, is consistent with recommended Objective CE-O3 and Policy CE-P5 in the s42A Report:

CE-O3 “Land use and subdivision in the coastal environment within urban areas is consolidated and provides for the social, economic and cultural well-being of people and communities without compromising other coastal environment values”

CE-P5 “Enable land use and subdivision in urban areas within the coastal environment by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural well-being of people and communities.”

31. The urban design evidence and assessment prepared by Mr Lonink supports the inclusion of the FNHL landholdings within the consideration of the ‘Opua settlement’, which is provided for in the exclusion from CE-R1 recommended in the s42A Report.

CE-S1 Maximum Height

32. Section 5.2.11 of the s42A Report addresses Key Issue 11: CE-S1, principally and in relation to the FNHL submission, the exemption of the standard for the FNHL Landholdings.
33. I agree with the recommendation in the s42A Report [paras 331 and 332] supporting a more nuanced approach to controls on the height of buildings and structures in the same zones and six coastal settlements discussed in relation to the recommendations for CE-R1. Again, this is a pragmatic approach to areas that are already ‘built up’, are highly modified and contain low natural character values.
34. The outcome of the recommendation places reliance on the underlying zone to control the height of buildings and structures. In the Light Industrial zone that is 12 metres and in the Mixed Use zone 12 metres.

35. The FNHL submission seeks a height limit of 16 metres in the Development Area [OMDA] as a permitted activity and 12 metres on the remaining sites, being the Marine Business Park, Commercial Estate, and Colenzo Triangle.
36. Similarly to the commentary above for the changes to CE-R1, I acknowledge that it is not necessarily for the Coastal Environment provisions to provide for maximum height controls in excess of the underlying zone. However, FNHL has undertaken a significant quantum of work to establish that the heights sought are appropriate in this location, which are within the Coastal Environment.
37. In terms of the effect on the receiving coastal environment, the Landscape Assessment prepared by Catherine Hamilton in support of the FNHL submission concludes that *“...the proposed changes as set out in the FNHL submission will have very low adverse effects on the natural character of the Coastal Environment and will be positive in nature.”*
38. The urban design evidence produced by Mr Lonink identifies in paragraph 79 that:
- Although having buildings with a height of 12 meters or even higher within the Marina area is not necessarily problematic from an urban design perspective and could even provide a better sense of enclosure and legibility if located on key locations for wayfinding purposes, a blanket approach of 12 meters as currently active in the ODP or 16 meters as is proposed in the FNHL submission, would in my view risk a poor urban design outcome, without any other built form controls.*
- Regarding the CT and MBP sites I consider a rezoning to a more urban / commercial land-use is appropriate as it sits within the urban context of the Opuia settlement. However I do believe more refined controls to the built form and street interface are needed. This to ensure the developments will be sensitive to the wider landscape setting and achieve a good level of amenity.*
39. The wider implications of Mr Lonink's evidence are not considered to be in the scope of the Coastal Environment hearing. The further fine-grained analysis and understanding of the OMDA are supported by the master planning exercise undertaken by WSP. This will be considered further at Hearing 19: Rezoning.
40. I therefore consider that applying the threshold sought in the FNHL submission for building coverage, in cognisance of the supporting urban design and landscape evidence and assessment, is consistent with recommended Objective CE-O3 and Policy CE-P5 in the s42A Report:

CE-O3 “Land use and subdivision in the coastal environment within urban areas is consolidated and provides for the social, economic and cultural well-being of people and communities without compromising other coastal environment values”

CE-P5 “Enable land use and subdivision in urban areas within the coastal environment by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural well-being of people and communities.”

41. The urban design evidence and assessment prepared by Mr Lonink supports the inclusion of the FNHL landholdings within the consideration of the ‘Opua settlement’, which is provided for in the exclusion from CE-S1 recommended in the s42A Report. I note that the remaining FNHL Landholdings⁴ will have a 12-metre height limit applied should the proposed rezoning sought through the FNHL submission be successful.

The Opua Settlement

42. The extent of what is considered to be the ‘Opua settlement’ is identified in Appendix 4 to the s42A Report. The ‘Opua settlement’ in Appendix 4 to the s42A Report includes the proposed ODMA and the Mixed Use zone at the Opua Marina of the FNHL landholdings.
43. The Marine Business Park, Commercial Estate, and Colenzo Triangle are excluded from the interpretation in Appendix 4 of the “Opua settlement’ (see Figures 1 and 2 below).

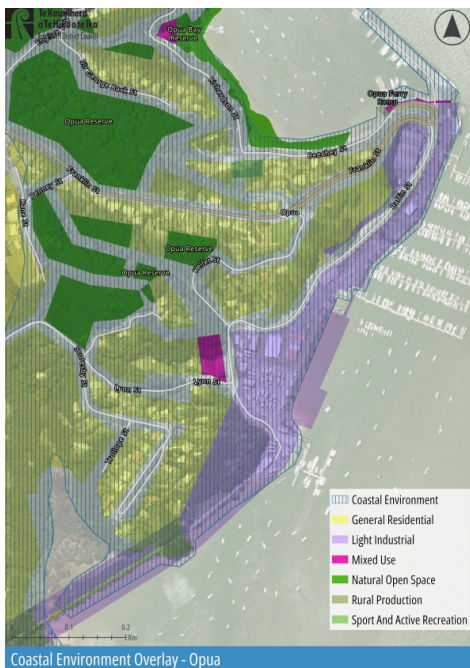


Figure 1: Appendix 4 to the s42A report

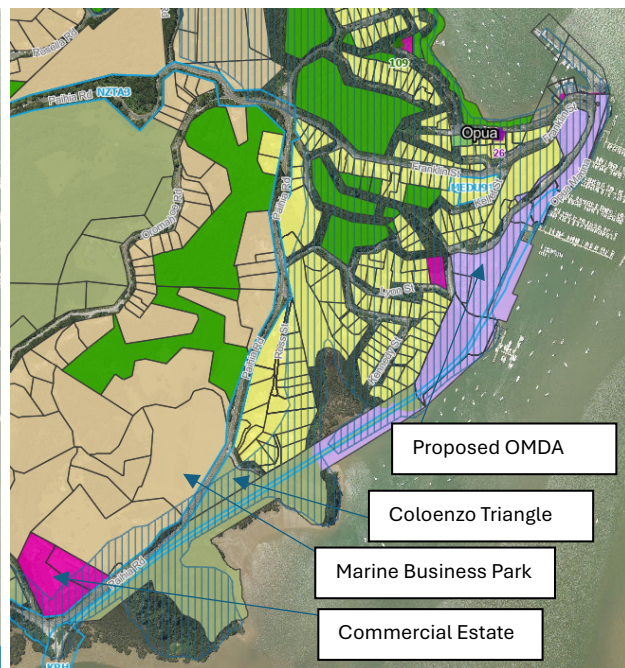


Figure 2 PDP Zoning Map

44. The extent of the ‘Opua settlement’ is the catalyst for exemptions under the provisions CE-R1 and CE-S1 in the Coastal Environment chapter for land zone Mixed Use and Light Industrial.

⁴ Opua Commercial Estate, Colenzo Triangle and Opua Marine Business Park

45. The assessment in the MAL Report is limited in terms of how the ‘Opua settlement’ was established for the purposes of the Coastal Environment exemptions and appears to be limited to the ‘Opua’ commentary paragraph on page 41 of the MAL report.

The coastal edge of Opua, particularly to the south and east of the ferry terminal, is already characterised by substantial buildings in both the LIZ and MUZ. Restricting permitted new development to 5m high in these areas would, in my opinion, be inappropriate, as the natural character values have already been compromised.

46. The s42A report in [paras 299 and 333] relies on **Appendix 4** to delineate where the areas recommended for the exemption to CE-R1 and CE-S1 apply.
47. Further analysis of ‘Opua settlement’ has been undertaken by Mr Lonink within his evidence and assessment. It is Mr Lonink’s opinion that the approach taken to identify the ‘Opua Settlement’ is narrow and would not allow for urbanised areas, not considered urban under the PDP, to be included. In conclusion Mr Lonink demonstrates that the urban extent of the ‘Opua settlement’ includes the landholdings subject to the FNHL submission.
48. The Landscape Assessment prepared by Catherine Hamilton supports, after mitigation, the relief sought through the FNHL submission [including the change of zone for the landholdings to Mixed Use zone, subject to Hearing 19]. The Landscape Assessment concludes [chapter 8] that:

“the proposed changes as set out in the FNHL submission will have very low adverse effects on the natural character of the Coastal Environment and will be positive in nature”

49. In recognition of the conclusions reached in the Urban Design and Landscape assessment and evidence, I consider that it is appropriate to redefine the extent of the ‘Opua settlement’ to include the landholdings subject to the FNHL submission [see the Opua settlement extent identified by Mr Lonink below].

Opua Marina Masterplan
Opua settlement extents

FIGURE 5



Marine exemption area

50. The s42A Report writer recommends that the Maritime Exemption Area be considered at Hearing 18 as per [para 490] and that consequential amendments can be made back to the Coastal Environment, and any other relevant setback related rule in the PDP. As such we provide no assessment here.

PROPOSED WORDING

51. I consider that it is appropriate for the Council to acknowledge that there may be appropriate additions to the exemptions currently provided for within the Coastal Environment chapter that have not been heard yet. Specifically, in relation to the OMDA and the area identified as the ‘Opua settlement’.
52. The wording [or words to the effect] are as follows [note the changes rely on the recommendations in the s42A report as being accepted. Additions are underlined, deletions are ~~struck through~~]:

CE-R1	New buildings or structures, and extensions or alterations to existing buildings or structures
Coastal Environment	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>If a new building or structure is located in the General Residential Zone, Mixed Use Zone, Light Industrial Zone, Russell / Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, <u>or</u> Kauri Cliff SPZ - Golf Living Sub-Zone it:</p> <p>1. is no greater than 300m²;</p>

	<p>2. <u>is no greater than 800m² within the Opuā Marina Development Area, and the Mixed Use Zone at the Opuā Marina, Marine Business Park, Commercial Estate, and Colenzo Triangle;</u></p> <p>3. is located outside high or outstanding natural character areas; and</p> <p>4. complies with:</p> <p>a. CE-S1 Maximum height;</p> <p>b. CE-S2 Colour and materials; and</p> <p>c. CE-S4 Setbacks from MHWS.</p> <p>PER-1(1) does not apply to: <u>the land subject to PER-1(2), the Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka.</u></p>
CE-S1	Maximum Height
Coastal Environment	<p>1. The maximum height of any new building or structure above ground level is 5m; and</p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level.</p> <p>This standard does not apply to:</p> <p>i. Telecommunication facilities;</p> <p>ii. The Orongo Bay zone and the Kororāreka Russell Township zone.</p> <p>iii. <u>The Opuā Marina Development Area where the maximum height is no more than 16m.</u></p> <p>iv. The Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements:</p> <p>a. Coopers Beach;</p> <p>b. Mangonui;</p> <p>c. Opuā;</p> <p>d. Paihia & Waitangi; and</p> <p>e. e. Rawene.</p>

53. In accordance with the evidence prepared by Mr Lonink, I support the inclusion of the FNHL landholdings within the extent of the ‘Opuā settlement’, which will be subject to the exemptions recommended within CE-R1 and CE-S1 of the s42A Report.

54. I note that the rezoning of the Colenzo Triangle and the Marine Business Park will need to be accepted through Hearing 19 to be subject to these exclusions.

SECTION 32AA EVALUATION

Effectiveness and Efficiency

55. The inclusion of the FNHL Landholdings in the list of exemptions will appropriately provide for the development aspirations of FNHL to create a vibrant, mixed-use hub complimenting the regions existing attractions in Opuā.

56. The proposed amendment to the extent of the ‘Opua settlement’ recognises an appropriate boundary in the context of framing Opua and provision for the exemptions from CE-R1 and CE-S1. The proposed amendment to the ‘Opua settlement’ has been extensively considered and addressed in the evidence of Mr Lonink and deemed appropriate.

Costs/Benefits

57. The costs are limited to accepting the wording [or similar] and including them in the relevant part of the provisions of the PDP.
58. Applying appropriate controls and correctly identifying the ‘Opua settlement’ will reduce constraints on development and consenting costs, in the context of protecting the level of natural character present in this location within the coastal environment.

Risk of Acting or not Acting

59. The risk of not acting is that the Coastal Environment chapter does not recognise and provide for a proposed Development Area, and provide appropriate exemptions.
60. Not correctly identifying and framing the ‘Opua settlement’ will incur unnecessary development costs in a location that should be exempt from provisions CE-R1 and CE-S1.

CONCLUSION

61. It is important to acknowledge that hearings for the Light Industrial zone, the Mixed Use zone and the OMDA have not yet been heard. They are scheduled for 2025 in Hearing 19.
62. Given the sequence of the PDP hearing process, it is essential to consider the wider FNHL submission in the context of the coastal environment and any effects on the natural character of the coastal environment.
63. The Landscape Assessment prepared by Catherine Hamilton concludes that the proposed changes as set out in the FNHL submission will have very low adverse effects on the natural character of the Coastal Environment and will be positive in nature.
64. In cognisance of the Urban Design evidence and Landscape Assessment prepared in support of the FNHL submission, I am of the opinion that the amendments sought by FNHL are appropriate and will assist in improving the consistency, usability and interpretation of the PDP.
65. I consider that the wording will provide scope for future hearings to consider rezoning and zoning tools more appropriately.

Attachment 1 – The Bay of Islands Marina Village