



SECTION 42A REPORT

Hearing 15B: Opua Precinct and Mixed-Use Zone Rezoning

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Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S320	FNHL	Far North Holding Limited
FS36	NZTA	New Zealand Transport Agency

Table 2: Other abbreviations

Abbreviation	Full Term
BOIMDA	Bay of Islands Marina Development Area
BOIMP	Bay of Islands Marina Precinct
CMA	Coastal Marine Area
FNDC	Far North District Council
GFA	Gross Floor Area
GRZ	General Residential Zone
ITA	Integrated Transport Assessment
LIZ	Light Industrial Zone
MHWS	Mean High Water Springs
MUZ	Mixed Use Zone
NES-F	National Environmental Standards for Freshwater 2020
NPS	National Policy Statement
NRC	Northland Regional Council
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
PDP	Proposed District Plan
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
RPROZ	Rural Production Zone
RPS	Northland Regional Policy Statement



1 Executive summary

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. This report provides recommendations on submission points from Far North Holding Limited (S320) requesting a Bay of Islands Marina Precinct (BOIMP)¹ and for four of its landholdings in Opuia to be retained or rezoned as Mixed-Use Zone (MUZ). This section 42A report should be read in conjunction with the Rezoning Submissions - Overview Report.
2. The FNHL landholdings addressed in this report are:
 - a. "Bay of Islands Marina" (zoned MUZ, Light Industrial and General Residential in the PDP)
 - b. "Opuia Commercial Estate" (zoned MUZ in the PDP)
 - c. "Colenzo Triangle" (zoned Rural Production in the PDP)
 - d. "Opuia Marine Business Park" (zoned Rural Lifestyle in the PDP).
3. The requested rezoning from FNHL outlined above is intended to work together where existing maritime businesses in the marina area can relocate to and grow at the Opuia Commercial Estate and Opuia Marina Business Park. This will then enable the marina area to attract a broader mix of commercial, community and residential activities.
4. Section 3.2 of this report groups and evaluates the relevant rezoning submissions from FNHL under the following categories:
 - a. Bay of Islands Marina Precinct
 - b. MUZ rezoning requests from FNHL.
5. This report has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA) and outlines recommendations in response to the issues raised in submissions. Rezoning submissions have been evaluated in this report using criteria consistent with the direction of the Hearing Panel provided in Minute 14: Rezoning Criteria and Process and section 32AA of the RMA.
6. Overall, I am supportive of the requested rezoning from FNHL **in principle** and consider that some improvements to the provisions have been made by FNHL in response to feedback provided. On this basis, I recommend that the requested MUZ for the Opuia Commercial Estate and Colenzo Triangle is accepted. However, in relation to the BOIMP and Opuia Marine Business Park, there are some outstanding issues and improvements that need to be addressed before I recommend that these rezoning requests are accepted. In summary, the key outstanding issues

¹ Note that the request in the original submission was for a Bay of Island Marina Development Area, but this has been refined through the process to be a precinct which also aligns with other rezoning requests being considered in Hearing 15B.



and recommended improvements for the proposed provisions for the BOIMP² are:

- a. Ensuring there is appropriate consideration of the proposed Precinct Plan and Development Schedule and the Development Guidelines when development is proposed in each character area through a consenting process and avoiding the risk of piecemeal permitted development. In this respect, the thresholds for resource consent, applicable standards, and matters of discretion all need work together to ensure development proposals are well designed and can be appropriately assessed. One of my recommendations to achieve this is through new permitted activity conditions in the relevant rules requiring compliance with the Precinct Plan and Development Schedule and Development Guidelines which (with the permitted building GFA and height limits) will the majority of developments will subject to a consent process. However, there are also other options to consider that may deliver better outcomes (e.g. requirements for development within each character area to staged and consented).
 - b. Refining the Precinct Plan and Development Schedule to clearly delineate each character area spatially and describe the outcomes sought for each character area. The Precinct Plan and Development Schedule also needs to be refined to remove development located in the Coastal Marine Area (CMA) which is outside the jurisdiction of the PDP (i.e. the development proposed in "The Garden Pier" character area).
 - c. Deleting BOIMP provisions that duplicate the underlying MUZ provisions.
 - d. A range amendments to the provisions to improve workability and ensure effective implementation (e.g. consistently referring to the information requirements and Development Guidelines when resource consent is required).
 - e. Further clarification on how adequate development infrastructure is intended to be provided and staged as part of the overall development of the BOIMP.
7. My understanding is that FNHL intends to respond to these matters through rebuttal evidence and I expect that there will be an opportunity to refine the provisions through the hearing process and my subsequent right of reply. Accordingly, the BOIMP provisions attached as **Appendix 3** to this report is a "working draft" version with outstanding issues and the intent is that these can be addressed through this process.
 8. Similarly, FNHL has indicated that they will be providing an updated set of provisions and plan for the Opuia Marine Business Park through rebuttal

² This is based on a revised version of the BOIMP provisions from FNHL dated 7 July 2025, not the provisions for the Bay of Islands Marina Development Area included in the FNHL original submission.

evidence to address some key landscape and transport issues. As such, I will be able to confirm my recommendation on that rezoning request after reviewing the updated provisions and plan for the Opuia Marine Business Park from FNHL.

2 Introduction

2.1 Author

9. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
10. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
11. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
12. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes national direction instruments relating to highly productive land, indigenous biodiversity, infrastructure, renewable electricity generation and electricity transmission, climate change, plantation forestry and telecommunication facilities.
13. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity, earthworks, infrastructure, natural hazards topics and rezoning requests being considered in Hearing 15A, 15B and 15D. I have not been involved in any rezoning requests prior to notification of the PDP.

2.2 Scope/Purpose of Report

14. This report should be read in conjunction with the Rezoning Submissions - Overview Report. The Overview Report provides:
 - a. Overview information on the statutory context within which the rezoning submissions must be considered (including changes to the relevant regulatory framework) which officers have considered when making recommendations on the submissions received

- b. An overview of the process that officers have followed when evaluating rezoning submissions, including the criteria and process set out in Minute 14 from the Hearing Panel.
- 15. This report has been prepared in accordance with section 42A of the RMA to:
 - a. Assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP
 - b. Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
- 16. This report responds to rezoning submissions from FNHL requesting a BOIMP and for four of its landholdings in Opuia to be zoned MUZ.

2.3 Expert Advice

- 17. In preparing this report, I have relied on the:
 - a. Ecological advice of Ms Andrews from Wildlands Consultants
 - b. Landscape advice of Ms Absolum from Melean Absolum Limited
 - c. Transport advice of Mr Collins from Abley
 - d. Urban design advice of Ms Rennie from Boffa Miskell.
- 18. The relevant technical memos from these experts are provided in **Appendix 4** to this report and summarised below in the analysis of submissions below as applicable.

2.4 Code of Conduct

- 19. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express in this report.
- 20. I am authorised to give this evidence on behalf of FNDC to the Hearings Panel.

2.5 Procedural matters

2.5.1 Pre-hearing engagement with FNHL

- 21. Table 1 below summarises the pre-hearing informal engagement with FNHL and the broad outcomes of those discussions.

Table 1: Pre-hearing informal engagement with FNHL.

Type of engagement	Date	Summary of broad outcomes
Informal meetings and correspondence	March 2025	Initial discussion to confirm that FNHL is "opting in" to the rezoning submission process set out in Minute 14
Informal meeting	19 May 2025	Meeting to discuss issues with the proposal and provisions in the original submission and subsequent evidence
Email correspondence	23 and 27 May 2025	Emails highlighting issues to be addressed from a planning, landscape, urban design and transport perspective
Email correspondence	June 2025	Correspondence to confirm extended timeframe to provide updated provisions and documents
Email correspondence	7 July 2025	FNHL provided updated provisions and supporting documents
Informal meeting	16 July 2025	Further discussion re updated provisions and associated plans/documents

2.6 Section 32AA evaluation

22. This report groups, considers and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to zoning are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
23. The section 32AA further evaluation for recommendations considers:
 - a. The reasonably practicable options for achieving the PDP objectives
 - b. The environmental, social, economic and cultural benefits and costs of the zoning or requested zone changes
 - c. The efficiency and effectiveness of the zoning or requested zone change and whether it would achieve the objectives
 - d. The risk of acting or not acting where there is uncertain or insufficient information about the requested zone change
 - e. Summarises the reasons for the recommendation.
24. The section 32AA further evaluations in this report contains a level of detail that corresponds to the scale and significance of the anticipated effects of the recommended changes that have been made. Recommendations on editorial, minor and consequential changes are not re-evaluated.
25. I note that FNHL has provided a section 32 evaluation for their rezoning requests as Attachment 2 of their submission dated October 2022. However, there has been no further evaluation under section 32AA of the updated "*Bay of Island Marina Precinct*" (BOIMP) provided by FNHL on 7 July 2025. The section 32AA evaluation in this report therefore focused on

the changes in the proposed provisions for the BOIMP, "Precinct Plan and Development Schedule" and "Development Guidelines".

3 Consideration of submissions received

3.1 Overview of submissions received.

26. There are eight original submissions from FNHL relating to the BOPMP and requested MUZ for its landholdings at Opuā. There are eight further submission points on those original submission points with one relating to the "Opuā Commercial Estate", two relating to the "Colenzo Triangle" and five relating to the "Opuā Marine Business Park".
27. These submissions are evaluated in section 3.2 of this report under the following headings:
 - a. Bay of Islands Marina Precinct
 - b. MUZ rezoning requests.
28. The relevant original submission points from FNHL are summarised in Table 2 below.

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

Submission point	Decision requested
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 Opuā Commercial Estate.
S320.007	Amend the zoning of FNHL landholdings at Colenzo Triangle from Rural Production to MUZ.
S320.008	Amend the zoning of the FNHL landholdings at Opuā Marine Business Park from Rural Lifestyle to MUZ.

29. The above submission points from FNHL relate to their “landholdings” at Opuia which comprise of four separate sites as described above. The original submission from FNHL shows the four sites on aerial imagery as shown in Figure 1 to Figure 4 below

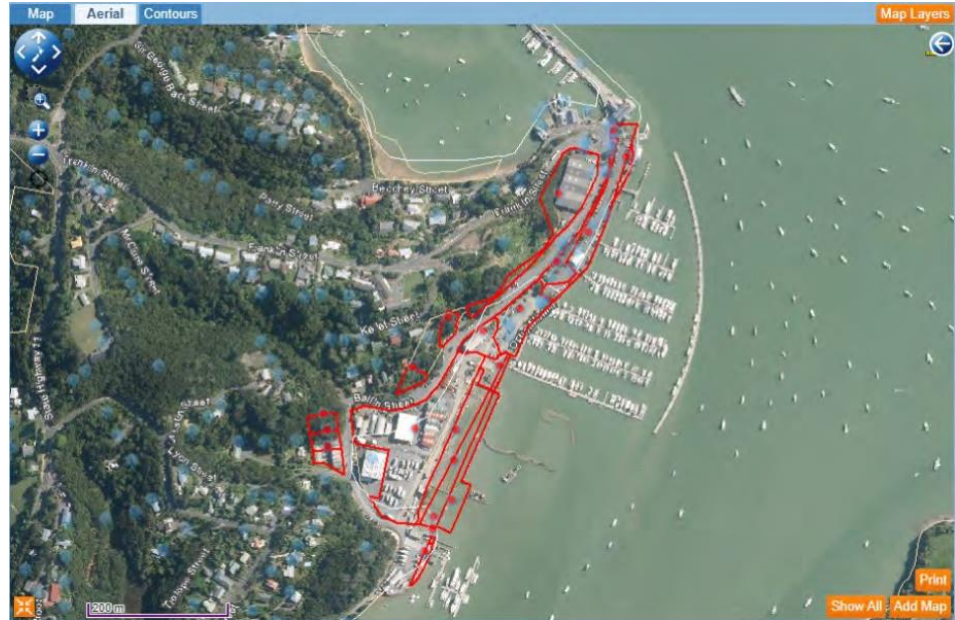


Figure 1: Bay of Islands Marina

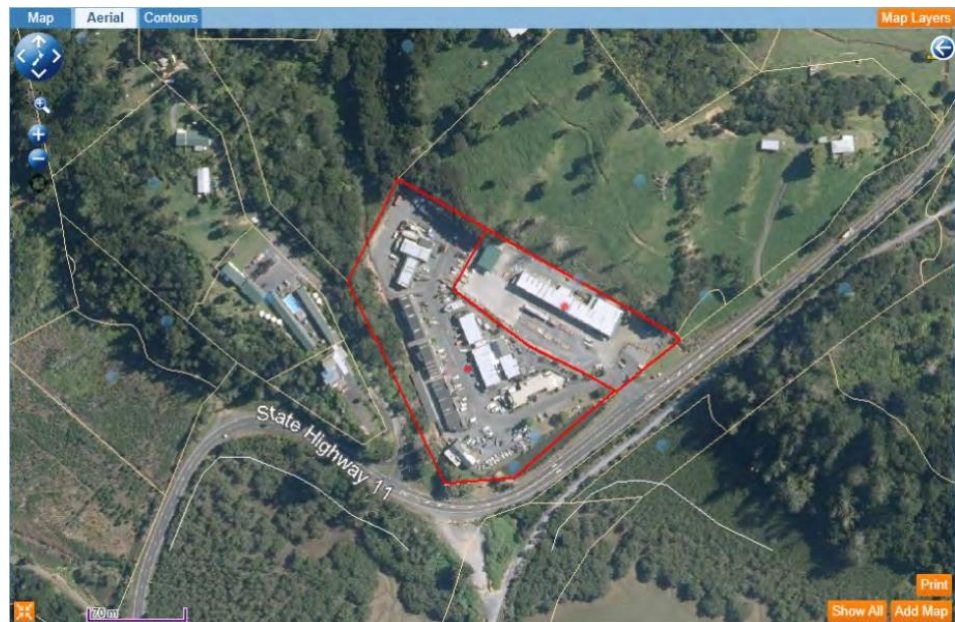


Figure 2: Opuia Commercial Estate



Figure 3: Colenso Triangle



Figure 4: Opua Marine Business Park

30. The location of these sites within the wider Opua settlement is also shown in the Master Plan included in the FNHL original submission as shown in Figure 5 below.



Figure 5: FNHL landholdings within the wider Opuia Settlement (source: Annexure 1 – Master Plan).

3.2 Officer Recommendations

31. **Appendix 1** provides a table which shows where the criteria in Minute 14 from the Hearing Panel have been responded to and provides recommendations on the rezoning submissions to the Hearing Panel. The evaluation of submissions is provided in the relevant subsections of this report.
32. A full list of submissions and further submissions addressed in this report is contained in **Appendix 2 – Officer’s Recommended Decisions on Submissions to this report.**

3.2.1 Bay of Islands Precinct

Overview

Submission point	Notified PDP Zoning/spatial layer	Officer recommendations
S320.001	Light Industrial zone (LIZ)	Amend to MUZ
S320.002	MUZ	Retain MUZ zoning

Submission point	Notified PDP Zoning/spatial layer	Officer recommendations
S320.003	General Residential zone (GRZ)	Amend to MUZ
S320.004	No development area/precinct	Support in principle subject to the issues and recommendations in this report being appropriately addressed by FNHL through rebuttal evidence
320.005	No maritime exemption area	No recommended change

Matters raised in submissions

Overview of submissions

33. The original submission from FNHL (S320.004) requests the insertion of a Bay of Islands Marina Development Area (BOIMDA) overlay for their landholdings in the Bay of Islands Marina, along with a change in the underlying zoning so all of the marina area is zoned MUZ (S320.001, 001, 003).
34. Table 3 below sets out the OPD zoning, the PDP zoning, and the requested zoning from FNHL for the Bay of Islands Marina.

Table 3: Existing, proposed and requested zoning at the Bay of Islands Marina.

FNHL Area	ODP	PDP	Requested zoning
Bay of Islands Marina	<ul style="list-style-type: none"> Commercial Industrial Recreational Activities Coastal Residential Maritime Exemption Area 	<ul style="list-style-type: none"> LIZI MUZ GRZ 	<ul style="list-style-type: none"> MUZ BOIMDA (now BOIMP)

35. FNHL consider that it is appropriate to rezone the Bay of Islands Marina to MUZ with the supporting BOIMDA provisions as the PDP does not promote a modern, world class marina or enable a transition towards this outcome. The reasons for this rezoning request outlined in the FNHL submission also include:
 - a. The Bay of Islands Marina already contains existing commercial activities, such as cafes, offices, a laundromat and various marine-based commercial activities

- b. There is ample area available to promote a more mixed-use environment in this area, including an enhanced public realm as the area services both the marina and the wider community
 - c. The marine related industry and a marine character of the marina will be retained alongside the more mixed-use environment.
36. To support this request, the original submission from FNHL includes:
- a. A section 32 evaluation of the BOIMDA provisions (Attachment 2 of the FNHL submission)
 - b. The proposed BOIMDA provisions (Attachment 7 of the FNHL submission).
37. In addition, FNHL (S320.005) request that the Maritime Exemption Area overlay from the ODP is reinserted into the PDP in relation to the Bay of Islands Marina. FNHL consider that the Maritime Exemption Area overlay is fundamental to retaining and growing the maritime industry within this location as it enables buildings in the marina with a functional need to be located in close proximity to CMA.

Overview of evidence included in FNHL original submission

38. The original submission from FNHL dated October 2022 includes the following evidence and assessments in support of the requested relief:
- a. Urban Design Assessment, prepared by Maddie Palmer, Alex Wierzbicki, and Hayley Hooper of WSP, dated 19 October 2022 (Attachment 1 of FNHL submission)
 - b. Ecological Assessment, prepared by WSP, no date provided (Attachment 2 of FNHL submission)
 - c. Infrastructure Assessment, prepared by David Manning of WSP, 20 October 2022 (Attachment 3 of FNHL submission)
 - d. Marina Comparisons, Case studies of marina townships, prepared by Bayleys Real Estate, October 2022 (Attachment 5 of FNHL submission)
 - e. Economic Assessment, prepared by Lawrence McIlrath and Hannah Ashby of Market Economics³, 20 October 2022 (Attachment 6 of FNHL submission)

³ I note that Mr McIlrath has been engaged by FNDC to advise on other PDP submissions, including a number of rezoning submissions. However, he has not been engaged to advise on the FNHL submissions addressed in this report therefore it is considered that there are no conflict-of-interest issues that need to be managed.

- f. Transport Assessment Report⁴, prepared by WSP, dated November 2022, (Attachment 8 of FNHL submission).

Overview of evidence provided as part of Hearing 4

- 39. FNHL also provided evidence for Hearing 4 on the PDP, which considered the Coastal Environment Chapter (among other PDP chapters dealing with natural environment values). The evidence provided by FNHL in Hearing 4 is as follows:
 - a. Landscape evidence, prepared by Catherine Hamilton, 22 July 2024. This evidence was supported by the report "*Landscape Assessment of the Natural Character of the Coastal Environment Opuā Marina*", Catherine Hamilton of WSP, 19 July 2024.
 - b. Urban Design evidence, prepared by John Lonink, dated 22 July 2024. This was supported by the report "*Opuā Marina PDP Hearing - Urban Design Assessment*", John Lonink of WSP, dated 22 July 2024.
 - c. Planning evidence, prepared by Steve Sanson, dated 22 July 2024. This planning evidence was primarily focused on submission points 320.009 and 320.010 which request amendments provisions in the Coastal Environment Chapter, namely the permitted building GFA thresholds in CE-R1 and the maximum permitted building height thresholds in CE-S1.

Overview of evidence provided as part of the "opt-in" rezoning process

- 40. FNHL subsequently choose to "opt in" to the reverse timetable for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, Mr Sanson provided planning evidence on behalf of FNHL which addresses the criteria in Minute 14 and matters that Mr Sanson considers are unresolved from Hearing 4. Mr Sanson's planning evidence also includes the following attachments:
 - a. Annexure 1 – Master Plan, prepared by WSP, dated 31 October 2022
 - b. Annexure 2 – Transportation Assessment, prepared by WSP, dated 14 November 2022
 - c. Annexure 3 – Strategic Direction Assessment
 - d. Annexure 4 – Alignment with Zone Outcomes
 - e. Annexure 5 – Colenzo Triangle Consents

⁴ This was unintentionally omitted from the FNHL submission published on-line but subsequently provided by FNHL as part of the "opt-in" process for rezoning submissions set out in Minute 14.

f. Annexure 6 – Marine Business Park Consents.

41. This was followed by an informal pre-hearing meeting and written feedback which highlighted a range of planning, landscape, transport and urban design issues with the requested rezoning and in particular the proposed BOIMDA, refer **Appendix 4**. FNDC then provided FNHL with an extended period of time to respond to the issues raised in this initial feedback. In response, on 7 July 2025, FNHL provided the following updated documents and provisions:
 - a. Revised provisions for a “Bay of Islands Marina Precinct” (BOPMP).
 - b. Memorandum, “*RE: Submission 320 – Far North Holdings Limited on the Proposed Far North District Plan*”, Steve Sanson. This memo provides a high-level explanation to the BOIMP provisions and issues raised.
 - c. Memorandum, “*Proposed Bay of Islands Marina Precinct and Mixed-Use Zoning*”, Simon Cocker, 7 July 2025. This memo primarily responded to landscape issues raised by Ms Absolum in her initial memo.
 - d. Stakeholder Consultation 2025.
42. Accordingly, this section is focused on this updated proposal and provisions for the BOIMP provided by FNHL on 7 July 2025⁵.

Overview of updated proposed Bay of Islands Marina Precinct

43. The updated “*Bay of Islands Marina Precinct*” provisions provided by FNHL respond to a number of issues and recommendations in initial advice and differs in key ways to the BOIDMA provided in the original submission⁶. In summary, the revised proposal includes the following BOIMP provisions, a “Precinct Plan and Development Schedule” and supporting “Development Guidelines”:
 - a. **Overview:** of the BOIMP which includes reference to overarching Precinct Plan and Development Schedule and Development Guidelines. The overview also contains a note that land within the precinct is zoned MUZ and that MUZ provisions apply in addition to

⁵ I note that Mr Sanson provided an updated set of BOIMP provisions on 28 July 2025 to respond to some further feedback provided (e.g. removing rules that simply duplicate the MUZ provisions). However, the updated set of BOIMP provisions still had a number of issues (including making more development permitted), so this assessment is based on provisions dated 7 July 2025 in accordance with the agreed timeframe.

⁶ In particular, the revised provisions for the BOIMP address potential “ultra vires” issues associated with the proposed BOIMDA provisions which proposed that resource consent would be required for a masterplan and then subsequent precinct plans which would then provide a more permissive activity status for subsequent development.

the BOIMP provisions, with the BOIMP taking precedence when there are any differences.

- b. **Objectives:** eight objectives are proposed relating to liveable mixed use environment that acts as a gateway to the Bay of Islands (PRECX-O1); staging of development in accordance with capacity of available infrastructure (PRECX-O2); creation of a network of open space for recreation and public access (PRECX-O3); enhancement and protection of landscape values and the natural character of the coastal environment (PRECX-O4); management of environmental effects at precinct boundaries (PRECX-O5); recognition of the relationship of Māori to water, land and the coastline (PRECX-O6); the contribution of the development to the vibrancy, safety, and amenity of the precinct (PRECX-O7); and, the risks of natural hazards (PRECX-O8).
- c. **Policies:** seven policies are proposed which broadly relate to the themes of the objectives outlined above and specific matters to consider when development is proposed in the precinct.
- d. **Rules:** 19 rules are proposed that range from permitted activities through to non-complying activities. As noted in the memo of Mr Sanson, the proposed rules and standards for the BOIMP are largely based on the provisions in the MUZ with specific changes sought to better reflect the outcomes sought for the BOIMP. The proposed rules are summarised as follows:

Permitted activities

- i. **PRECX-R1** - New buildings or structures, or extensions or alterations to existing buildings or structures are permitted subject to compliance with conditions, including that the new building or structure etc., is to accommodate a permitted, restricted discretionary or discretionary activity (e.g., residential activity), the GFA does not exceed 450m², and standards PRECX-S1 to S6 are complied with. Where the conditions are not complied with the activity becomes restricted discretionary, or discretionary activity depending on the height of the building or structure.
- ii. **PRECX-R2** - Commercial activity (excluding supermarkets) is permitted provided that the activity is not a service station, or drive through, and any office does not exceed a GFA of 300m². Non-compliance with the permitted activity conditions is a restricted discretionary, or discretionary if the activity is a service station.
- iii. **PRECX-R3** - Visitor Accommodation largely mirrors the MUZ rules and is intended to provide for visitor accommodation that is located above ground floor that complies with standard NOISE-S5. The activity is a restricted discretionary

where the visitor accommodation is not located above ground floor, or discretionary where NOISE-S7 is not complied with.

- iv. **PRECX-R4** – This rule for residential activity generally adopts the wording of the equivalent MUZ provision, including the condition that residential units be located above the ground floor, but includes an additional condition with a maximum number of dwellings per character area and modified standards with the minimum internal net floor area.
- v. **PRECX-R5** (Healthcare activity), **PRECX-R6** (Community facility), **PRECX-R7** (Emergency service facility), **PRECX-R7** (Conservation activity)⁷, and **PRECX-R11** (Education facility) are all permitted activities within the precinct and are not subject to any conditions.
- vi. **PRECX-R8** - Supported residential care is worded similarly to PRECX-R3 (visitor accommodation) and requires that the number of occupants do not exceed six consistent with the MUZ provisions.
- vii. **PRECX-R8** - Commercial activity (supermarkets)⁸ permits supermarkets within a building on a site in the “Sailors Yard” character area. Establishment of a supermarket in any other character area is a restricted discretionary activity.
- viii. **PRECX-R9** Light industrial activity and **PRECX-R10** Trade supplier permit these activities where they are within the “Opua Maritime” character area. These activities are discretionary in any other character area.

Discretionary Activities

- ix. **PRECX-R12** (Retirement village), **PRECX-R13** (Large format retail), and **PRECX-R14** (Activities not otherwise listed in this chapter).

Non-complying activities

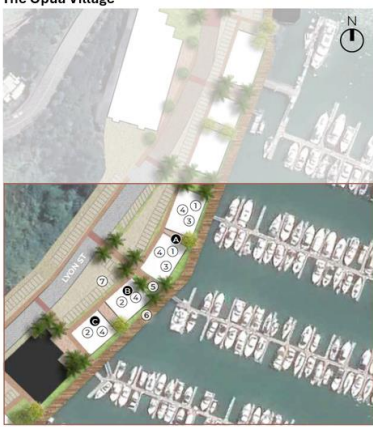
- x. **PRECX-R15** (Industrial activity), **PRECX-R16** (Primary production activity), **PRECX-R17** (Rural industry), **PRECX-R18** (Landfill), and **PRECX-R19** (Offensive trade).
- e. **Standards:** seven standards are proposed for the BOIMP, that largely mirror the MUZ standards except where they are made more specific to particular character areas within the BOIMP. The standards are summarised as follows:

⁷ Numbering of PRECX-R7 is incorrectly duplicated in the proposed provisions provided by FNHL.

⁸ Numbering of PRECX-R8 is incorrectly duplicated in the proposed provisions provided by FNHL.



- i. **PRECX-S1** specifies maximum heights for each character area which are generally 8m except for Opuā Maritime which is 12m and Opuā Gateway and Opuā Close which is 16m (the character areas where apartments are proposed).
 - ii. **PRECX-S2** - Height in relation to boundary, **PRECX-S3** Setback, and **PRECX-S5** Landscaping for sites that adjoin any sites other than MUZ or industrial zones are the same as equivalent standards in the MUZ (although the matters of discretion differ in that they refer to the Development Guidelines).
 - iii. **PRECX-S4** – requires outdoor storage to be screened with an exemption for activities within the Opuā Maritime character area.
 - iv. **PRECX-S6** - relates to site coverage with the first condition requiring 10% of site to have permeable material consistent with the MUZ. The second condition differs in that it requires stormwater to be “disposed of appropriately” (rather than disposed of within the site) where connection to the reticulated network is not available.
 - v. **PRECX-S7** (information requirements) is a standard referred to in the rules when resource consent is required. This requires that a resource consent application within the precinct must include a range of assessments (Urban design and open space, Infrastructure, Hazards, Traffic and Access, Landscape, Visual Amenity and Natural Character, Cultural Values) The standard also requires that all assessment must consider the extent to which the proposal complies with the Development Guidelines.
44. **Bay of Islands Precinct Plan and Development Schedule:** is based on the 2022 Master Plan and outlines eight-character areas with high-level plans, proposed activities within each character area, with an associated description, proposed building height and GFA. An example is provided below for “The Opuā Village”.

The Opua Village		Activity	Description	Height	GFA
		North A	10 x 2bdr 65m ² Apartments.	Level 1 [8m]	750m ²
		South B	10 x 1bdr 55m ² Apartments.	Ground Floor & Level 1 [8m]	600m ²
		South C	10 x 1bdr 55m ² Apartments.	Ground Floor & Level 1 [8m]	600m ²
		1. Touristic Services / Offices	Services Tenancy [2 x Tenancies]	Ground Floor [4m]	750m ² <small>Across two buildings</small>
		2. Food + Bev / Retail	Food + Bev / Retail [2 x Tenancies]	Ground Floor [4m]	750m ² <small>Across two buildings</small>
		4. Residential / Short Stay Accommodation [Comprised as the Apartments Above]	Residential	Ground Floor & Level 1 [8m]	2,000m ²
Note that items not listed above are already constructed.					

45. **Development guidelines:** the stated purpose of the Development Guidelines is to *"guide the evaluation of resource consent applications within the Bay of Islands Marina Precinct. The purpose is to ensure that development achieves a high-quality, integrated, and responsive urban design outcome that reflects Ōpua's unique maritime character and sensitive coastal environment. The criteria seek to ensure development is consistent with the principles of the New Zealand Urban Design Protocol and addresses the specific recommendations identified for the site"*. The guidelines then set out some general criteria followed by "specific matters" covering access, connectivity and movement, built form and urban structure, character and amenity, and land use with each theme setting out an objective followed by specific criteria.
46. **Consequential amendments:** FNHL also propose consequential amendments to provisions in other chapters, including Coastal Environment Chapter standards CE-S3 and CE-S4, and a new rule in the Subdivision Chapter specific to subdivision of a site in the BOIMP.
47. **Infrastructure:** in terms of infrastructure for the BOIMP, the planning evidence from Mr Sanson dated 12 May 2025 states *"In terms of the Bay of Islands Marina, as uses / activities transition to the other sites they will use the capacity from those activities that have transitioned. This will have a net neutral effect on services, but there will be a time / stage where this will meet its natural limit. In lieu of any further detailed provided to Council, the approach within the BOIMDA is to defer assessment of infrastructure to a time when provisions for the Master Plan are finalised ready to be embedded in the PDP. This will enable the collaborative approach outlined in the Infrastructure Assessment to be undertaken between the submitter and the Council"* (paragraph 49 and 50).
48. The memo from Mr Sanson for updated BOIMP does not address infrastructure servicing specifically, noting that this now requires a different approach to that outlined above which was based on the Master Plan being consented and incorporated in the PDP. However, the provision

of infrastructure to support development is addressed in a number of the proposed BOIMP provisions, including PRECX-O2, PRECX-P2, PRECX-P6 and the infrastructure information requirements in clause (2) in PRECX-S2. The intent of these provisions collectively indicates that infrastructure requirements for each character area will be assessed and staged to ensure there is adequate development infrastructure to support the proposed development within the BOIMA. PRECX-P2 also indicates an intent from FNHL to work with FNDC where there are constraints in infrastructure services and agree on an approach to address these prior to development being undertaken.

Analysis

49. Firstly, I am supportive of the overall intent for the Bay of Islands Marina to transition to a more mixed-use environment and I consider it has potential to deliver a range of positive economic, social, cultural and environmental outcomes for the Far North District. In this respect, I support the rezoning requests from FNHL for all of the Bay of Islands Marina area to be zoned as MUZ. While the marina area, particularly in the south, has a marine industrial nature there is already some mixed-use developments with the broader marina area, and I consider that applying MUZ to all of the marina area will better provide for the future development anticipated within this area.
50. The focus of this analysis is therefore on the proposed BOIMA and ensuring that the proposed provisions and supporting Precinct Plan and Development Schedule and Development Guidelines are fit-for-purpose, effective and efficient to achieve the desired outcomes for a high-quality mixed-use marina environment and can be effectively and efficiently implemented by FNDC.
51. As outlined above, there has been correspondence and refinement of the FNHL proposal for the Bay of Islands Marina. This includes a change in the proposal from a Bay of Islands Marina "Development Area" to a "Precinct", which is more aligned with other rezoning requests being considered in Hearing 15B⁹. FNHL has also provided a "Precinct Plan and Development Schedule" and overarching "Development Guidelines" in response to concerns raised that the earlier proposal lacked certainty on the development outcomes sought to be achieved.
52. In broad terms, I support the revised proposed BOIMP **in principle** and I consider a number of improvements have been made by FNHL in respond to feedback provided. However, there a still a number of outstanding matters where further refinements are required in my opinion before I recommend that the BOIMP be included as a precinct in the PDP.

⁹ This includes the Mataka Station Precinct, The Landing Precinct, and Motukiekie Island Precinct. The Rezoning Submissions - Overview Report outlines the different spatial layers in the National Planning Standards, including the use of precincts as a spatial layer to modify the underlying zoning provisions.

53. In my view, the two key overarching issues to resolve with the proposed BOIMP are:
 - a. Ensuring there is appropriate consideration of the Precinct Plan and Development Schedule and Development Guidelines when development is proposed in each character area through an appropriate consenting process and avoiding the risk of piecemeal permitted development. In this respect, the thresholds for resource consent, applicable standards, and matters of discretion all need work together to ensure development proposals are well designed and can be appropriately assessed.
 - b. Refining the Precinct Plan and Development Schedule to clearly delineate each character area spatially and more clearly describe the outcomes sought for each character area. The precinct plan also needs to be refined to remove development located in the Coastal Marine Area (CMA) which is outside the jurisdiction of the PDP (i.e. the development proposed in "The Garden Pier" character area). Ideally, the Precinct Plan and Development Schedule would also be amended to respond to specific urban design issues raised by Ms Rennie, including providing a clearer overall precinct plan, improving provision for open space in the northern extent of the precinct and improved integration of carparking.
54. In addition, numerous other refinements to the provisions, Precinct Plan and Development Schedule and Development Guidelines have been identified to address workability issues and to respond to specific landscape, transport and urban design issues and concerns raised by Council appointed experts.
55. Accordingly, my analysis of the BOIMP below is structured to provide a high-level summary of the key conclusions under the following headings followed by a summary of key issues and recommendations:
 - a. Ecological effects
 - b. Landscape effects
 - c. Transport effects
 - d. Urban design effects
 - e. Recommended amendments to the BOIMP provisions, Precinct Plan and Development Schedule, and Development Guidelines.
56. In addition, the analysis below addresses outstanding issues relating to:
 - a. Coastal Environment rule CE-R1 and standard CE-S1 and the extent of the "Opua" settlement that is exempt from these provisions

- b. The request from FNHL to reinstate the Marine Area Exemption from the ODP for the Bay of Islands marina
- c. The requested exemption to CE-S3 (earthworks and indigenous vegetation clearance) for the BOIMP.

Ecological effects

- 57. Ms Andrews undertook a peer review of the ecological assessment undertaken by WSP in the FNHL submission, refer **Appendix 5**. In relation to the Bay of Islands Marina, this review simply notes that she agrees there are limited ecological features within the marina with very low ecological values and the high-level assessment provided is appropriate for the rezoning request. However, Ms Andrews raises concerns will the requested Marina Exemption Area as detailed below.

Landscape effects

- 58. Ms Absolum provided an initial review of the Bay of Islands Marina proposal on 22 May 2025, followed by an updated memo on 9 July 2025 which considered the updated BOIMP proposal and a memo from Mr Cocker dated 7 July 2025 addressing a range of landscape issues, refer **Appendix 5**.
- 59. The initial memo from Ms Absolum raised a number of landscape issues and uncertainties associated with the earlier BOIMDA proposal (e.g. height limits across the precinct), and she notes that many of these issues have been addressed at least in part by the updated BOIMP provisions, Precinct Plan and Development Schedule and Development Guidelines. In summary, Ms Absolum concludes that the updated BOIMP provisions and plan provide *"a good basis for achieving future development in line with FNHL's Master Plan, while also protecting landscape and natural character values"*.
- 60. However, Ms Absolum also raises some outstanding issues and recommendations from a landscape perspective. The most significant of which relates to the proposed "Gateway Apartments" in the proposed "Opua Gateway" character area of the BOIMP. Ms Absolum reiterates her view that the prominent location of this site means that the proposed apartments need to be carefully assessed from the landscape perspective.
- 61. While Ms Absolum acknowledges that PRECX-S7 (Information requirements) that reference the Development Guidelines include good objectives and criteria across a number of topics, she notes that these guidelines do not pick up the detail of Mr Cocker's recommendations for this site. Ms Absolum considers that *"this building is of sufficient importance at the entrance to Opua, whether arriving by ferry or road, to warrant some more specific guidance than is currently included in the proposed provision's Development Guidelines"*. I agree and, in my view, this also reinforces the need for the proposed Gateway Apartments to be

subject to an appropriate consent process to ensure the Development Guidelines are considered and adhered to.

62. In addition, from a landscape perspective, Ms Absolum makes the following comments in her memo:
- a. **PRECX-R1** - It is unclear why there are separate matters of discretion in the cascading rules relating to building height. I agree and recommend a number of amendments to the wording and structure of this rule below and in **Appendix 5**.
 - b. **The Pou Herenga Tai – Twin Coast Cycle Trail** - Ms Absolum highlights the opportunity to provide a more appropriate and accessible entrance to the cycle trail which is currently hidden with limited amenity.

Transport effects

63. Mr Collins provided an initial memo on the FNHL submission dated 27 May 2025 followed by an updated memo dated 18 July 2025 that considers that the updated BOIMP provisions and Development Guidelines refer **Appendix 5**. Mr Collins notes that the updated proposal from FNHL has addressed a number of the transport-related matters raised in his earlier memo in principle. In particular, Mr Collins supports:
- a. The requirements for Integrated Transport Assessments (ITA) at a character area level (PRECX-S7)
 - b. The Development Guidelines referring to internal connectivity, active transport, and the management of transport and parking effects – under the “*Urban Design and Open Space*” and “*Traffic and Access*” subheadings
 - c. The proposed Precinct Plan and Development Schedule identifying proposed activities and anticipated yields.
64. Mr Collins’s analysis of trip generation associated with the yields outlined in the Precinct Plan and Development Schedule also concludes that these are consistent with those outlined in the ITA provided with the original FNHL submission. On this basis, Mr Collins considers that transport effects from development in the BOIMP can be appropriately managed through the resource consent process.
65. However, Mr Collins raises similar key concerns as those noted above that there are insufficient linkages between the Master Plan, staging of development, the Development Guidelines and appropriate consenting processes. Mr Collins considers that this creates a risk that development will proceed in a “piecemeal manner” as permitted activities without coordinated infrastructure delivery and that key transport interventions (e.g. footpaths, crossing and intersection improvements) may not be delivered. To address these risks, Mr Collins makes a number of

recommendations to address these concerns, including a requirement for ITA and urban design assessment to be approved prior to any development occurring within each character area, which are incorporated into my recommendations below.

Urban design effects

66. Ms Rennie provided an initial memo on dated 22 May 2025 followed by an updated memo dated 28 July 2025, refer **Appendix 5**.
67. The initial memo from Ms Rennie raised a number of key urban design issues with the earlier BOIMDA proposal, including that there is a lack of clarity in what is being proposed from an urban design perspective, inconsistent height limits, and unclear planning framework. Ms Rennie also made a number of recommendations to address these issues, including a clear development plan, a suite of assessment matters, design guidelines and an updated urban design assessment.
68. The updated memo from Ms Rennie focused on the changes in the revised proposal from FNHL and this notes that she is supportive of the vision for the marina and considers that the revised BOIMP framework addresses some urban design issues raised in her initial memo. For example, Ms Rennie is supportive of the Development Guidelines in principle from an urban design perspective. Ms Rennie considers that the Development Guidelines align with the overall vision set out for the BOIMP and will support the development of a comprehensive development approach, address the local context and support the vision as a key destination. Ms Rennie also supports the BOIMP provisions in broad terms from an urban design perspective and considers that these will contribute to achieving a mixed-use precinct within the context of a marina environment and its future role as a key gateway.
69. However, Ms Rennie has identified a number of outstanding matters and recommends a number of amendments to address potential adverse urban design effects. As with Mr Collins, a key concern from Ms Rennie is the lack of a clear consenting pathway to assess development proposals in the context of the overall Precinct Plan and each character area. Ms Rennie considers that this creates a risk of incremental development outcomes that does not contribute to the overall vision. Ms Rennie also raises concerns that the consenting pathway for the staging of development is also unclear, including how staging will support deliver a comprehensive and cohesion urban design outcome.
70. In addition, Ms Rennie identifies a range of more specific issues from an urban design perspective and makes a number of recommendations, including:
 - a. An overall framework diagram or structure plan (rather than snippets of the Master Plan) for the entire precinct should be provided to achieve a comprehensive development outcome. This relates to Ms Rennie's concern that there is no clear consenting pathway for

assessing the overall layout, including staging, public realm design, streetscapes, location of proposed buildings, car parking etc.

- b. Character areas - clear delineation of each of the character areas to provide certainty and clarity in implementation and so there is no overlap. Ms Rennie also recommends that each character area include an overview of the character 'attributes' that currently exist and the key design and development outcomes sought for future development within each character area.
 - c. Precinct layout – Ms Rennie also recommends further consideration of the provision of open space and integration of carparking in the northern part of the precinct to avoid the risk of adverse urban design effects.
 - d. Provisions – Ms Rennie also recommends additional provisions to guide future development along pedestrian frontages, landscaping and screening on a road boundary, and veranda rules (unless the consenting pathway is revised).
 - e. Residential activities – while residential development within the precinct is supported from an urban design perspective, Ms Rennie notes that the justification for the extent of residential units enabled under PRECX-R3 is unclear as is the application of the pedestrian frontage overlay.
71. Consistent with the landscape advice of Ms Absolum, Ms Rennie also raises concerns the height of the proposed "Gateway Apartments" within the Opuia Gateway Area will result in adverse urban design effects given its prominent, highly visible location. From an urban design perspective, Ms Rennie recommends that additional provisions need to be developed to guide the future development of this site (and the other 5-6 storey buildings) that ensure they respond positively to their context.
72. The key urban design issues and recommendations from Ms Rennie are incorporated into my recommendations below.

Recommended amendments to the BOIMP provisions, Precinct Plan and Development Schedule, and Development Guidelines

73. As outlined above, a key overarching issue to address in my view is ensuring that the Precinct Plan and Development Schedule and Development Guidelines are appropriately considered through appropriate consenting processes for development proposals. This is necessary to avoid the risk of a piecemeal approach where development proceeds as a permitted activity without appropriate consideration for the overall outcomes sought for the precinct and each character area.
74. I understand from FNHL that the intent is the development proposals will be assessed against the Development Guidelines which aligns with their stated purpose "to ensure that development achieves a high-quality,

integrated, and responsive urban design outcome...". I also understand from FNHL that the proposed activities outlined in the Precinct Plan and Development Schedule are largely "locked in". However, in my view, there is a risk that this does not occur which could enable much of the precinct to be developed as a permitted activity under the BOIMP provisions, particularly if key developments proposals are not in accordance with the Precinct Plan and Development Schedule (e.g. a building with a smaller GFA to be within the permitted activity thresholds).

75. The key thresholds for consent in the proposed BOIMA provisions provided by Mr Sanson dated 7 July 2025 are the GFA threshold of 450m² for buildings in PER-2 of PRECX-R1 (and 300m² for offices in PRECX-R2) and the maximum heights limits in PERCX-S1, which are referenced in PER-2 of PRECX-R1 and range from 8-16m depending on the character area. Based on these thresholds, Table 4 below provides an indication of what activities would be permitted or require resource consent based on the activity description, heights and GFA for specific development proposals outlined in the Precinct Plan and Development Schedule.

Table 4: Indicative consent requirements for proposed activities in the Precinct Plan and Development Schedule.

Character area ¹⁰	Permitted	Consented
Opua gateway	Boat hub amenities, gym and fitness, spa and retreat	Gateway apartments, customs, marina offices
Opua village	N/A	Apartments, tourism services, food and beverage, accommodation
Lyon on water	Food and beverage	Premium residential apartments, marine time retail
The Sailors Yard	Affordable housing ¹¹ , fresh grocer	Essential marine services, marine services hub, boating club and amenities
O-Kawakawa	N/A	Housing, food and beverage
Opua Close	N/A	Apartments
Opua Marina	N/A – all existing	

76. On this basis, I am satisfied that the majority of development anticipated in the precinct would be subject to a consent process and therefore (with my recommended amendments) be subject to the information requirements in PRECX-S7 and the Development Guidelines. As noted in the advice from Ms Rennie, this still creates a risk that smaller scale

¹⁰ The Garden Pier is not shown here as this is located in the CMA and outside the jurisdiction of the PDP.

¹¹ It is unclear what is meant by "affordable housing" and how that will be practically achieved, which I seek further clarification on below.

developments could result in urban design issues (i.e. in relation to the interface between buildings and the public realm and the design and appearance of buildings) that could result in adverse effects. This could be addressed through a requirement for all development, including smaller permitted activities, to provide an assessment against the Development Guidelines or lowering the threshold for resource consent to capture the permitted activities identified above (e.g. potentially controlled activity status for smaller developments listed as permitted above). It would be useful for FNHL to comment on this risk from permitted development within the BOIMP and how it is best addressed through rebuttal evidence.

77. The more important issue in my view is to ensure the larger developments identified above are subject to an appropriate consent process and avoiding risk of piecemeal permitted development the is designed to be below the permitted GFA and building height thresholds. To address this risk, I recommend an **additional** permitted activity condition in PRECX-R1 that requires all buildings to "*be in accordance with the Precinct Plan and Development Schedule*". This will ensure that where a development is designed to comply with the GFA thresholds in PRECX-R1 but departs from the Precinct Plan and Development Schedule, it is still subject to an appropriate consent process to ensure the development is appropriately designed in accordance with information requirements and assessments in PRECX-S7 and the Development Guidelines. Similarly, where a development proposal complies with the GFA threshold but is not in accordance with Precinct Plan and Development Schedule, resource consent will be required, and the proposal will be subject to the same requirements and considerations.
78. I note that there are other potential options to address this issue, including those recommended by Mr Collins and Ms Rennie:
 - a. A requirement for all development proposals within each character to include an ITA and urban design assessment for approval prior to development
 - b. A clear consenting pathway for all development proposals that ensures a comprehensive and cohesive urban design outcome for the precinct, including in relation to build form, public realm, and streetscape.
79. As above, it would be helpful for FNHL to consider the preferred option to address this key issue through rebuttal evidence.
80. In addition to this recommendation, the table below provide a summary of key issues and recommended amendments to the proposed BOIMP provisions from FNHL dated 7 July 2025, which are also set out in **Appendix 3**.

BOIMP provisions

Provision	Issue	Recommendation
Multiple	The approach recommended for “precinct” through the PDP is that these do not need to replicate the underlying zone provisions – only include provisions where a modification to the underlying zone provision is being sought.	Delete proposed BOIMP provisions that duplicate the underlying MUZ zone provisions. This includes P4, P5, R3, R5, R6, R7, R8 ¹² , R12, R13, R16, R17, R18, R19, S2, S3, S4, S5.
Overview	The statement relating to the relationship with the underlying MUZ needs to be refined to align with other proposed precinct chapters.	Amend the overview as set out in Appendix 3.
Objectives	Potential to incorporate some of the outcome sought through the Development Guidelines into the objectives to improve alignment. This can be achieved through an objective that is aligned with the stated purpose of the Development Guidelines as referred to above.	Insert new objective as follows <u>“The precinct achieves a high-quality, integrated, and responsive urban design outcome that reflects Ōpua’s unique maritime character and sensitive coastal environment.”</u>
PRECX-08	This objective overlaps/duplicates with the outcomes sought in the Natural Hazards Chapter and is considered unnecessary.	Delete objective.
PRECX-P2	The wording of the policy is unclear and needs to be amended to be clear on infrastructure requirements.	Amend the policy as set out in Appendix 3.
PRECX-P6	The policy duplicates TW-P6 and can be incorporated into PRECX-P6 ¹³ consistent with other “consideration” policies.	Delete policy and refer to TW-P6 in PRECX-P6.
Multiple rules	“Compliance with PRECX-S7” is referred to as both a condition and matter of discretion in multiple rules. As a standard to comply with, it should be a condition that must be complied with resource consent is required for all relevant rules.	Amend all relevant rules to ensure compliance with PRECX-S7 is a condition to comply with when resource consent is required.
Multiple rules	“The extent to which the proposal adheres to the development guidelines” is referred to as both a condition and matter of discretion in multiple rules. As assessment matters/criteria to be considered, the Development Guidelines should be consistently referred to in the matters of discretion.	Amend rules to ensure the Development Guidelines are appropriately referred to in the matters of discretion.
Pedestrian frontage overlay	PRECX-R4 (residential activity) refers to residential units being located outside pedestrian frontage overlay but it is unclear	Clarify intent.

¹³ Numbering of policies duplicates in provisions provided by FNHL.

	if/where this overlay is proposed in the precinct.	
Setbacks	Unclear if any setback standards or considerations apply for proposals fronting the public promenade, which would assist in achieving an appropriate relationship between buildings and key public realm spaces.	Delete as duplicates MUZ standard. Alternatively, retain and consider setback requirements to open space areas as identified in Precinct Plan and Development Schedule.
PRECX-S4	Standard applies to adjoining sites and roads, but should be expanded to include key public realm places.	Delete as duplicates MUZ standard. Alternatively, retain and consider setback requirements to open space areas as identified in Precinct Plan and Development Schedule.
PRECX-S6	It is unclear what condition 2 is intended to achieve over and above controls in the Northland Regional Plan and the wording "disposed of appropriately" is subjective and problematic.	Clarify intent.
PRECX-S7	Information requirements generally supported, but risk that these are not considered for the majority of development in precinct if this permitted. Information requirement 1(vi) is incomplete.	Amend rules to ensure that PRECX-S7 must be complied with as condition when resource consent is required. Address information requirement 1(vi).
PRECX-S7(4)	ITA limited to traffic whereas this should consider all transport modes.	Amend as follows: "Traffic & Transport and Access"
PRECX-S7(4)	There should be link to Transport chapter for high trip generating activities	Add new b: "High trip generating activities to consider matters of discretion in TRAN-R5"

Precinct Plan and Development Schedule and Development Guidelines

81. The Precinct Plan and Development Schedule and Development Guidelines are broadly supported in terms of the outcomes they are seeking. However, some key issues remain, and the table below provides a summary of these and my recommended amendments.

Issue	Recommendation
The character areas overlap and are not clearly defined spatially in a manner that	Provide updated mapping of the character areas within the precinct so

can be incorporated into the PDP. This will create uncertainty and implementation issues.	these are clearly delineated with respect to property boundaries and adjacent zones and to ensure there is no overlap.
Parts of the Precinct Plan and Development Schedule are located in the CMA (e.g. The Garden Pier) which is outside the justification of the PDP.	Amend Precinct Plan and Development Schedule to exclude development located in the CMA and to clearly show the seaward extent of the precinct.
The "Bay of Islands Marina Precinct Plan" 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 precinct plan illustrating how public spaces, access and connectivity will be provided throughout the precinct.
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 Opuia 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.
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.
There is a lack of specific criteria for the proposed Gateway Apartments in the Opuia Gateway which is requires given the highly visible and prominent location and proposed height being considered.	Include more specific assessment criteria for the proposed Gateway Apartments drawing on the landscape advice from Mr Cocker. Consider whether these specific criteria should also be applied to the proposed apartments in Opuia 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.
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.
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 Appendix 3 .

82. **Infrastructure:** in addition to the outstanding matters above, in my view further information and clarification is required on how adequate “development infrastructure”¹⁴ will be provided and staged to support development. While the Master Plan indicates a long-term infrastructure and staging plan, this is not reflected in the provisions or Precinct Plan and Development Schedule, nor is there any specific assessment of how this staging will work with the adequacy and capacity of existing development infrastructure and any planned or proposed upgrades. Further information and certainty on these matters would help demonstrate the proposed development yields outlined in the Precinct Plan and Development Schedule are appropriate and will be supported by adequate development infrastructure over time. Further clarification on the “collaborative approach” or how FNHL intends to work with FNDC to identify and address infrastructure issues would also be beneficial.

Extent of Opuia and the exemption from CE-R1 and CE-S1

83. The planning evidence of Mr Sanson identifies outstanding issues from Hearing 4 relating to the spatial extent of the “Opuia” settlement as this has implications for the application of the certain provisions in the Coastal Environment Chapter. More specifically, the extent of the “Opuia” referred to in these provisions determines whether there is an exemption to the controls on the permitted GFA of buildings in CE-R1 and the permitted maximum height in CE-S1 when buildings and structures are located in the coastal environment. This relates to the following submission points from FNHL:
- a. 320.009 which requests an amendment to PER-1 in CE-R1 so that it does not apply to FNHL landholdings to better reflect existing, consented and proposed land uses. FNHL requests that this is achieved through an 800m² threshold for its landholdings at Opuia.
 - b. 320.010 from FNHL which requests an amendment to CE-S1 to provide a height limit of 18m in the BOIMP and 12m in its other landholdings at Opuia.
84. In my Coastal Environment Section 42A report, I recommended that both these submissions be accepted in part through an exemption to CE-R1 and CE-S1 for areas of MUZ (and other “urban zones”) where these are located within six more developed coastal settlements, including Opuia. The spatial extent of the “Opuia” was included in Appendix 4 of my section 42A report for the Coastal Environment Chapter¹⁵ to illustrate the spatial

¹⁴ As defined in the National Policy Statement for Urban Development 2020 (NPS-UD) being “*means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002): network infrastructure for water supply, wastewater, or stormwater land transport (as defined in section 5 of the Land Transport Management Act 2003)*”.

¹⁵ Refer: [Coastal-Environment-S42A-Appendix-4.pdf](#)

implications of the recommended amendments to the rules, but this was not based on a detailed assessment of the extent of these settlements.

85. Mr Sanson refers to the evidence of Mr Lonink presented at Hearing 4 that urban extent of the Opuia (as outlined in Appendix 4 to the Coastal Environment section 42A Report) does not fully align with the proposed zoning and the exemption could be extended to include all of FNHL's landholdings. Mr Sanson therefore requests clarification on the extent of the "Opuia" for the purposes of the exemption to CE-R1 and CE-R2 and whether this extends beyond the Opuia marina to Colenzo Triangle, Opuia Commercial Estate and the Opuia Marine Business Park (noting the coastal environment overlay only covers a small portion of these latter two sites).
86. The extent of the Opuia has been considered further in the landscape advice from Ms Absolum and the memo from Mr Cocker dated 7 July 2025. Mr Cocker concludes that *"when approaching along the State Highway from the south, there is a transition from rural to urban along the section of the State Highway where it climbs along a vegetated corridor from the floor of the valley to the Franklin Street junction, with 'urban' Opuia being fully apparent at the SH11 / Franklin Street junction"* and Ms Absolum concurs with this assessment. On this basis, I am satisfied that the extent of Opuia for the purposes of an exemption to the GFA and building height limits in CE-R1 and CE-S1 can be extended further south to cover FNHL's landholdings at Colenzo Triangle, Opuia Commercial Estate and the Opuia Marine Business Park.

Marine Area Exemption for Opuia Marina

87. As noted above, FNHL requests the reinstatement of the Marine Exemption Area from the ODP with Mr Sanson raising concerns that there have been no reasons provided by FNHL for excluding this from the PDP. The evidence of Mr Sanson also questions how this relief is to be provided for given any setback controls to the CMA would need to sit in CE-S4 (MHWS setbacks) in the Coastal Environment Chapter. I initially considered this request in my Coastal Environment Section 42A Report but determined that the relief sought is best considered though this hearing.
88. I note that "Maritime exemption area" is not included in the PDP but defined in the ODP as *"Means an area identified on the Plan maps exempt from the setback provisions to enable development that is functionally related to the coastal marine area. Maritime Exemption Areas are provided along parts of the coastal marine area where riparian margins are not required"*. The OPD also states that *"The areas identified as Maritime Exemption Areas are generally those that are zoned Commercial and/or Industrial in the District Plan and where the adjoining coastal marine area is zoned in the Regional Coastal Plan for Northland as Marine 6 (Wharves) Management Area"*. The key rule in the OPD is Rule 12.7.6.1.1 (setbacks to lakes, rivers, and the coastal environment) which states the setbacks do not apply *"to activities in a Maritime Exemption Area"*.

89. I am not aware as to why the maritime exemption area is not included in the PDP. However, I expect this is simply due to the broader change in management approach for the coastal environment in the PDP, as detailed in the section 32 evaluation report and in Hearing 4. The Coastal Environment Chapter in the PDP includes specific provisions to give effect to the more directive provisions in the NZCPS and RPS, which has resulted some more stringent provisions in the PDP for coastal environment compared to the ODP. This may be a reason that the exemptions to the MHWS setbacks notified in the PDP are more limited compared to the ODP (noting that I have recommended that some of these be reinstated in Hearing 4).
90. Further, the ecological evidence from Ms Andrews has raised a number of concerns with reinstatement of the Maritime Exemption Area given the more specific policy direction to avoid certain adverse effects in the Coastal Environment Chapter. Ms Andrews is of the view that activities within 26m of MHWS should be subject to a consent process so that adverse effects on the coastal environment, including ecological effects, can be appropriately assessed and mitigated.
91. Further, while I accept that activities undertaken throughout the Opuā marina are functionally related to the CMA, there is no clear justification on the types of buildings and structures that need to be exempt from CE-S4 and/or that this standard would impose unnecessary consent requirements. As outlined above, I also consider that the majority of development proposed in the BOIMP should be subject to an appropriate resource consent process, including that located in close proximity to CMA. Accordingly, I do not recommend that the Marine Exemption Area is reinstated in relation to the BOIMP but my position on this can be reconsidered through any further justification from FNHL through rebuttal evidence.

Requested exemption to CE-S3 (earthworks and indigenous vegetation clearance)

92. The proposed BOIMP provisions from Mr Sanson provided on 7 July 2025 also include a consequential amendment to CE-S3 to exempt earthworks and indigenous vegetation clearance within the BOIMP. The rationale provided by Mr Sanson for this exemption is that "*The precinct is heavily modified, urban, and is largely on reclaimed land*". While I accept that may be the case, this request does not appear to be supported by any submission point. Therefore, I do not recommend any exemption to CE-S3 in response to this request as there is no clear scope to do so.

Recommendation

93. I recommend that:
 - a. All of the FNHL landholdings at the Bay of Islands marina are zoned MUZ (a change from LIZ and GRZ in some areas)

- b. The exemption for MUZ zoning at Opuia to coastal environment rules CE-R1 and CE-S1 is extended to FNHL's landholdings at Opuia Commercial Estate, Colenzo Triangle and Opuia Marine Business Park.

94. As noted above, I support the requested BOIMP **in principle** subject to a number of refinements and amendments as outlined above. My understanding is that FNHL intends to respond to these points through rebuttal evidence and, as such, there will be an opportunity to confirm my position on the BOIMP at the hearing and through my right of reply.

Section 32AA evaluation

95. As I am not recommending that the BOIMP be accepted at this point, no further evaluation is required under section 32AA of the RMA, but this may be provided through FNHL rebuttal evidence and my right of reply.
96. I consider that my recommendation to rezone all of the Bay of Islands marina area to MUZ (compared to LIZ and GRZ in some areas) is appropriate in terms of section 32AA of the RMA as this will better enable this area to transition to a more mixed-use environment which can deliver a range of environmental, economic, social and cultural benefits. It also better reflects some the existing and anticipated activities within the Bay of Islands marina area, and no significant adverse effects are anticipated from this rezoning. My amendments to extend the exemption to CE-R1 and CE-R2 for FNHL's landholdings at Opuia Commercial Estate, Colenzo Triangle and Opuia Marine Business Park is consistent with the intent of the Hearing 4 recommendations and supported in the landscape expert advice. Accordingly, I consider that these recommended amendments are an appropriate, efficient and effective way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

3.2.2 MUZ rezoning requests

Overview

Notified PDP Zoning	Officer Recommendation(s)
Opuia Commercial Estate – MUZ	Retain MUZ
Colenzo Triangle – Rural Production (RPROZ)	Rezone to MUZ
Opuia Marine Business Park – Rural Lifestyle Zone (RLZ)	Confirm recommendation following rebuttal evidence from FNHL

Matters raised in submissions

Overview of original and further submissions

97. In addition to the Bay of Islands Marina proposal outlined above, FNHL request that its other 'landholdings' at Opuia (Commercial Estate, Colenzo Triangle, Marine Business Park Park) are retained or rezoned to MUZ (S320.006, S320.007, S320.008). FNHL consider that MUZ for these sites

better reflect the existing, consented, and proposed land uses within these landholdings.

98. There are eight further submission points on those original submission points with one relating to the Opuia Commercial Estate, two relating to the Colenzo Triangle and five relating to the "Opuia Marine Business Park" outlined below:
 - a. Laurell Douglas (FS107.7) supports FNHL's request to rezone the Colenzo Triangle site from RPROZ to MUZ.
 - b. NZTA (FS36.089 and FS36.091) opposes submission points S320.006, S320.007, and S320.008 for the Opuia Marine Business Park and Colenzo Triangle to be rezoned MUZ until there is a clearer understanding on how the proposal affects the safety, efficiency, and effectiveness of the land transport network. NZTA consider that the proposed rezoning needs to demonstrate how the proposed transport network will provide active modes and support the longer-term development of public transport.
 - c. Maria Bright (FS162.1) owns property that borders the land at Opuia Marine Business Park and opposes submission point S320.008 on the basis that the land is a naturally occurring wetland and despite drainage attempts, is frequently under water. Maria Bright considers that actions need to increasingly protect and restore wetlands, not diminish them.
 - d. Angela Marinkovic (FS227.1) opposes submission point S320.008 as rezoning the Opuia Marine Business Park as MUZ will destroy a valuable wetland. Angela Marinkovic highlights the benefits of wetlands and considers that all steps possible should be taken to mitigate the adverse effects associated with MUZ.
 - e. Diane and Ian Wood (FS224.1 and FS224.2) also oppose submission point S320.008 on the basis that it is a wetland and provide similar reasoning and concerns as those raised by the two further submitters above.

Overview and rationale for MUZ rezoning

99. The table below sets out the ODP zoning, PDP zoning, and the requested zoning for each of the areas subject to the FNHL MUZ rezoning submissions.

Table 5: Existing, proposed and requested zoning at FNHL landholdings.

FNHL Area	ODP zoning	PDP zoning	Requested zoning
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Opua Commercial Estate	• Commercial	• MUZ	• MUZ
Colenzo Triangle	• General Coastal	• RPROZ	• MUZ
Opua Marine Business Park	• Coastal Living	• RLZ	• MUZ

100. In terms of the rationale for retaining or rezoning these three sites as MUZ, the original submission from FNHL states:
- The MUZ zoning in the PDP at Opua Commercial Estate is supported as the site may contain uses such as boat and trailer storage and maritime industry activities which are supported by the MUZ provisions.
 - Colenzo Triangle is already consented for a mixture of uses that are not rural in nature and a MUZ will better reflect the consented environment.
 - The Opua Marine Business Park is currently vacant but can promote the transition required for the Bay of Islands Marina to be more mixed use in nature. This is because it will enable the marina to free up existing space for additional activities by providing space for the existing Opua maritime businesses to relocate and grow.
101. Overall, FNHL consider that its rezoning requests will not result in a loss of maritime industry as these activities will be enabled at the Opua Commercial Estate and the Opua Marine Business Park. Further, FNHL consider that the rezoning will lead to a net gain of other activities to the Bay of Island Marina which will increase its character, public domain, and overall economic, social, cultural and environmental benefits it provides to Opua and the wider Far North District.

Overview of evidence in submission

102. The original submission from FNHL includes the following evidence and assessments in support of the requested MUZ rezoning:
- Urban Design Assessment, prepared by Maddie Palmer, Alex Wierzbicki, and Hayley Hooper of WSP, dated 19 October 2022 (Attachment 1 of FNHL submission).
 - Ecological Assessment, prepared by WSP, no date provided (Attachment 2 of FNHL submission).
 - Infrastructure Assessment, prepared by David Manning of WSP, 20 October 2022 (Attachment 3 of FNHL submission).

- d. Economic Assessment, prepared by Lawrence McIlrath and Hannah Ashby of Market Economics, 20 October 2022 (Attachment 6 of FNHL submission).

Overview of evidence provided as part of Hearing 4

- 103. FNHL also provided the following evidence for Hearing 4 which considered the Coastal Environment Chapter (and other natural environment value chapters):
 - a. Landscape evidence, prepared by Catherine Hamilton, 22 July 2024. This evidence was supported by the report "*Landscape Assessment of the Natural Character of the Coastal Environment Opua Marina*", Catherine Hamilton of WSP, 19 July 2024.
 - b. Urban Design evidence, prepared by John Lonink, dated 22 July 2024. This was supported by the report "*Opua Marina PDP Hearing - Urban Design Assessment*", John Lonink of WSP, dated 22 July 2024.
 - c. Planning evidence, prepared by Steve Sanson, dated 22 July 2024. This planning evidence was primarily focused on submission points 320.009 and 320.010 which relate to provisions in the Coastal Environment Chapter, namely the maximum building footprint in CE-R1 and the maximum building height in CE-R1 as this relates to their landholdings. My further response to these submission points is discussed above under section 3.2.1.

Overview of evidence as part of the "opt-in" rezoning process

- 104. FNHL subsequently choose to "opt in" to the reverse timetable for rezoning submissions set out in Minute 14 from the Hearing Panel. Accordingly, on 12 May 2025, Mr Sanson provided planning evidence on behalf of FNHL which addresses the criteria in Minute 14 and matters that Mr Sanson considers are unresolved from Hearing 4. Mr Sanson's evidence also includes the following attachments:
 - a. Annexure 1 – Master Plan, prepared by WSP, dated 31 October 2022
 - b. Annexure 2 – Transportation Assessment, prepared by WSP, dated 14 November 2022
 - c. Annexure 3 – Strategic Direction Assessment
 - d. Annexure 4 – Alignment with Zone Outcomes
 - e. Annexure 5 – Colenzo Triangle Consents
 - f. Annexure 6 – Marine Business Park Consents.

Overview of updated proposal in response to feedback

105. This was followed by an informal pre-hearing meeting and written feedback that highlighted a range of planning, landscape, transport and urban design issues, refer **Appendix 4**. FNHL was then provided with an extended period of time to respond to the issues raised. In response, FNHL provided the following updated documents and provisions on 7 July 2025:
 - a. Memorandum, RE: Submission 320 – Far North Holdings Limited on the Proposed Far North District Plan, Steve Sanson
 - b. Revised provisions for the “Bay of Islands Marina Precinct”
 - c. Memorandum, Proposed Bay of Islands Marina Precinct and Mixed-Use Zoning, Simon Cocker, 7 July 2025.
 - d. Stakeholder Consultation 2025.
106. There are no changes to the MUZ rezoning requests as part of this updated set of documents from FNHL. However, the memo from Mr Cocker responded to a number of landscape issues associated with these MUZ rezoning requests and recommends further mitigation measures for Opuā Marine Business Park as detailed below.
107. **Infrastructure:** in terms of infrastructure, the proposed approach for Commercial Estate and Opuā Marine Business Park to be the sites to serviced on-site “as far as possible”. For example, the infrastructure assessment in the original FNHL submission states that for Commercial Estate and Opuā Marine Park states “*it is intended that this development will be outside of the network as far as is possible through the use of independent foul drainage system, rainwater harvesting and attenuation, with water treatment for drinking, until the projected FNDC network improvement programme reaches that section of SH11*”. The planning evidence from Mr Sanson dated 12 May 2025 simply states “*The approach is to service the areas outside of the Bay of Islands Marina on site. Therefore, there are no servicing issues or impacts on Council assets.*” I note that the Master Plan also shows some indicative areas for wastewater treatment and stormwater detention at the Opuā Marine Business Park but there is no indication of how this will be provided at the other two sites.

Analysis

108. As outlined above, there has been correspondence with FNHL, further evidence and expert advice relating to the requested MUZ rezoning which is incorporated into my analysis and recommendations below.

Opuā Commercial Estate

109. Firstly, I note that the Opuā Commercial Estate is proposed to be zoned MUZ in the PDP and FNHL requests that this is retained. The site is already

clearly commercial in nature and there have been no concerns raised from a landscape, transport or urban design perspective for the MUZ zoning to be retained. I therefore recommend that this submission point from FNHL is accepted and the MUZ is retained for the Opuia Commercial Estate.

Colenzo Triangle

110. The Colenzo Triangle site is proposed to be zoned RPROZ in the PDP. However, the site itself is not used for productive purposes, but rather appears to be currently used as a temporary storage facility. The site also has existing consents from Northland Regional Council granted in 2019 to establish and operate a railway terminus, including earthworks and infilling within the wetland¹⁶. From a landscape perspective, Ms Absolum considers that this will improve the visual amenity of the site and raises no concerns with the requested MUZ zoning.
111. From a transport perspective, Mr Collins notes that the existing consents to construct the railway terminus on the site includes vehicle crossing onto SH10, parking, manoeuvring and associated vehicle and pedestrian accessways within the site. Mr Collins considers that activities enabled through MUZ would have transport effects of a similar scale to the consented activities and therefore he does not envisage any critical transport issues from rezoning the site to MUZ. Mr Collins also notes that the provisions in the Transport Chapter of the PDP can address the transport effects of any alternative activities proposed within the Colenzo Triangle site.
112. From an ecological perspective, the effects on the wetland have already been assessed through the existing consents granted by NRC and associated conditions. These consents were granted prior to the natural inland wetland provisions in the National Environmental Standards for Freshwater 2020 (NES-F) coming into force. Should these consents lapse, then an assessment against the NES-F would be required which may provide a different outcome. Regardless, the ecological effects of any unconsented development at the site on natural inland wetlands is a matter for the NRC to consider in accordance with the NES-F and Northland Regional Plan.
113. On this basis, I support the requested rezoning of the Colenzo Triangle site to MUZ as this better reflects the consented environment (compared to Rural Production zoning) and no significant adverse effects are anticipated from this rezoning compared to the consented environment.

Opuia Marine Business Park

114. Opuia Marine Business Park differs from the other sites in that it is undeveloped and contains a range of rural character and ecological values that require more careful consideration. The site is currently zoned RLZ in

¹⁶ As provided for in Appendix 5 of Mr Sanson's evidence: [Far-North-Holdings-Limited,-S320-S-Sanson,-Planning-evidence-Annexure-5-Colenzo-Triangle-Consents.pdf](#)

the PDP. The Master Plan provided by FNHL indicates that light industrial activities are anticipated within the Opuia Marine Business Park with an indicative building GFA¹⁷ area of around 12,000m², which would be a significant change to that provided for through the RLZ.

115. In terms of ecological effects, the ecological assessment from WSP identifies that there are a number of wetland areas and these are clearly visible when visiting the site. However, as with Colenzo Triangle, there are existing consents from NRC granted in 2019 which authorise bulk earthworks at the site¹⁸. I understand the consent conditions include offsetting conditions to remediate the drained and filled wetland and requirements for an "Ecological Restoration Plan"¹⁹. Accordingly, from an ecological perspective, ecological effects associated with the earthworks and the draining and filling on the wetland have already been assessed through the existing NRC consents and associated conditions and this forms part of the existing environment. Again, should these consents lapse, then any future development affecting the wetlands an assessment against the natural inland wetland provisions in NES-F would be required which may result in a different outcome and this is a matter for NRC to consider.
116. From a landscape perspective, the initial memo from Ms Absolum raises a number of issues and uncertainties with the requested MUZ rezoning of the Opuia Marine Business Park which she considers retains a degree of rural character that requires careful managed. The memo from Mr Cocker dated 7 July 2025 provides a detailed response to these concerns stating that (**emphasis added**) *"It is recognised that the concept presented to date is not appropriate and **FNHL are working on a revised concept and provisions following feedback**"*.
117. Mr Cocker then states that the *"preliminary proposal is that a suite of mitigation measures, partially facilitated via a conceptual development plan and development guidelines ... and also via modified standards for the MUZ (to be developed) be employed"* which *"seek to integrate future development into its landscape setting"*²⁰. The potential mitigation measures outlined in the memo from Mr Cocker 30-40m building setback to road boundary, 6-8 landscape buffer strip, native revegetation replanting, maximum building height plane etc. However, these are yet to be finalised by FNHL with the memo from Mr Sanson dated 7 July 2025 stating *"Some initial consideration of provisions has been undertaken, however the suite of provisions have not yet been finalised for this site and how they are best incorporated into the Proposed District Plan"*.

¹⁷ Master Plan pg.37, Appendix 1 of Mr Sanson's evidence: [Far-North-Holdings-Limited,-S320-S-Sanson,-Planning-evidence-Annexure-1-Master-Plan.pdf](#)

¹⁸ As provided for in Appendix 6 of Mr Sanson's evidence: [Far-North-Holdings-Limited,-S320-S-Sanson,-Planning-evidence-Annexure-6-Marine-Business-Park-Consents.pdf](#)

¹⁹ As noted in the WSP ecological assessment, Appendix 2 of FNHL submission.

²⁰ Pg. 5.

118. From a transport perspective, Mr Collins also raised a number of issues with the Opuia Marine Business Park as detailed in his memo in **Appendix 5**. Mr Collins estimates that rezoning the site to MUZ (with primarily light industrial development) could generate up to 65 vehicles per hour at peak hour generation compared to 3 vehicles per hour under the Rural Lifestyle Zone. In summary, Mr Collins concludes that insufficient information and assessments have been provided to determine that safe and efficient can be formed onto SH11 which he considers to be a critical gap that otherwise precludes the rezoning of the site. I note that these concerns align with the further submission of NZTA which raised concerns that there needs to be a more detailed assessment of how the proposed rezoning at the Opuia Marine Business Park affects the safety, efficiency, and effectiveness of the land transport network.
119. In summary, while I am broadly supportive of the rezoning of the Opuia Marine Business Park, there are some key landscape and transport issues that need to be resolved before I recommend the site be rezoned. My understanding is that FNHL intend to provide the proposed suite of provisions for Opuia Marine Business Park through rebuttal evidence so this can be considered further at the hearing. As such, I intent to confirm my position on this rezoning request at the hearing and/or through my right of reply.
120. **Infrastructure:** a change to MUZ at Opuia Marine Business Park and Colenzo Triangle (and retaining MUZ at Commercial Estate) also raises questions in terms of infrastructure. This is because the general approach across the PDP is to urban zoning to be limited where there is adequate “development infrastructure” (as defined in the NPS-UD as being council owned/controlled infrastructure) whereas FNHL is proposing to provide three waters infrastructure on-site.
121. I note that this approach is not prevented by the relevant MUZ provisions (in particular MUZ-P1, MUZ-P2, MUZ-P10) but does appear contrary with certain statements in the overview that the MUZ “...will be serviced by appropriate development infrastructure”. Consequential amendments to the MUZ may therefore need to be considered further in response to rebuttal evidence from FNHL and my recommendations on MUZ across the three sites is confirmed. Regardless, I consider that FNHL needs to provide more details on how on-site infrastructure will be provided at Commercial Estate and Colenzo Triangle given this has not been specified in the Master Plan or infrastructure assessment in the FNHL submission (for Colenzo Triangle).

Recommendation

122. In summary, I recommend:
 - a. The MUZ at the Opuia Commercial Estate is retained

- b. That Colenzo Triangle be rezoned from RPORZ to MUZ as this better reflects the consented environment which will likely improve the character and amenity of the site.
- 123. However, there are outstanding issues with the Opuia Marine Business Park, particularly from a landscape and transport perspective, that need to be resolved before this can be supported. So, while I support this rezoning request **in principle**, I intend to confirm my position on this submission at the hearing and/or my right of reply based on updated provisions and plan for Opuia Marine Business Park provided by FNHL through rebuttal evidence. Further clarification on how on-site infrastructure is intended to be provided across the three sites would also be beneficial to support the rezoning requests.

Section 32AA evaluation

- 124. As I am not recommending that Opuia Marine Business Park be rezoned at this point, no further evaluation is required under section 32AA of the RMA, but this may be provided through FNHL rebuttal evidence and my right of reply. Further, the recommendation to retain the MUZ at the Commercial Estate does not require a further evaluation under section 32AA of the RMA.
- 125. My analysis above outlines the reasons that I consider rezoning the Colenzo Triangle from RPORZ to MUZ to be appropriate in accordance with section 32AA of the RMA, including that this better reflects the consented and anticipated future activities at the site and no significant adverse effects are expected to arise from the rezoning.

4 Conclusion

- 126. This report has provided an assessment of submissions received from FNHL in relation to the BOIMP and rezoning of its landholdings at Opuia to MUZ. In summary, my key recommendations are as follows:
 - a. The BOIMP being supported **in principle** for inclusion in the PDP under the MUZ heading, subject to a number of outstanding issues being adequately addressed as identified in this report
 - b. The rezoning of the Opuia Marine Business Park to MUZ being supported **in principle**, subject to some outstanding matters being addressed as identified in this report
 - c. The MUZ at Opuia Commercial Estate is retained
 - d. The Colenzo Triangle is rezoned MUZ.
- 127. Section 32 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions from FNHL requesting a BOIMP and rezoning of its landholdings at Opuia to MUZ rezoning requests in Hearing 15B should be accepted, accepted in part, or rejected, as set out in Appendix 1 and 2 and my recommendations of

this report. However, there also submission points which are made in principle and where I intent to confirm my recommendation following FNHL's response to the outstanding issues identified in this report through the hearing and my right of reply.

128. I consider that the amendments recommended to zoning of the PDP will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the above analysis and section 32AA evaluations undertaken.

Recommended by: Jerome Wyeth, Technical Director – Planning, SLR Consulting

A handwritten signature in black ink, appearing to read "J. Wyeth". The signature is fluid and cursive.

Approved by: Tammy Wooster, Manager, Integrated Planning, Far North District Council.

Date: 4 August 2025