

PROPOSED FAR NORTH DISTRICT PLAN
MINUTE 34 OF THE INDEPENDENT HEARINGS PANEL
EXPERT CONFERENCING WITH FAR NORTH HOLDINGS LIMITED RELATING TO HEARING 15B

1. The purpose of this minute is to direct expert conferencing between Council and Far North Holdings Limited (**FNHL**) regarding a requested Mixed Use Zone and Precinct to apply to the Opuā Marina and associated land holdings.
2. After hearing the evidence on the requested zoning and precinct provisions in Hearing 15B, we acknowledge that there was a degree of agreement between the parties on the provisions of the Mixed Use Zone and a Precinct. However, there are several significant issues where Council officers and FNHL have not been able to achieve agreement, particularly with regard to the provisions of a Precinct. One principal issue, as the Panel sees it, relates to the consent status for activities within the proposed Bay of Islands Marina Precinct (**BOIMP**). With regard to the requested zoning and precinct provisions, the Council's hearing report identified a range of issues relating to the following:
 - a. Ecological effects
 - b. Landscape effects
 - c. Transport effects
 - d. Urban design effects.

It was then recommended in the hearing report there be significant changes to the precinct provisions to address these issues. These included a recommended consenting pathway which required resource consent for development proposals on the basis that it was 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*"¹.

3. The planning rebuttal evidence of Mr Sanson for FNHL sought a "streamlined framework" based on the Master Plan 2022 they had prepared for the Bay of Islands Marina which was provided with the submission. The Council officers opposed this approach and responded with a legal opinion from Council's lawyer stating that the approach was not correct in law as a master plan or precinct plan is not an "activity" for the purposes of the RMA; and the activity status or treatment of an activity must be derived from the district plan itself rather than from a resource consent.²
4. At the hearing, the planner for FNHL (Mr Sanson), while not appearing to dispute the legal opinion, did not accept the Council's recommended provisions and instead sought a Mixed Use zoning without any precinct at all. There was clearly a difference of views between the approach of Mr Sanson and that of the Council planner with the Panel being at least initially more disposed to the view of the latter. It was apparent that

¹ Hearing report for Hearing 15B - Opuā Precinct and Mixed-Use Zone Rezoning Paragraph 73

² Memorandum of counsel for the Far North District Council in relation to Hearing 15B 29 August 2025

both views sought to address similar issues, particularly seeking to be able to avoid what was referred to as "piecemeal development". That said, Mr Sanson and the Council Planner (Mr Wyeth) both agreed with the Panel that further expert conferencing should be pursued.

5. Having heard all the evidence, the Panel agrees that there is merit in a further round of focussed expert conferencing between the planners to resolve or at least clarify those remaining issues. However, the Panel wishes to note that having had regard to the expert evidence of the Council specialists, and in particular Ms Rennie (urban design), we share her concerns (along with Mr Wyeth) regarding the need for a workable framework for future decision making and we would be reluctant to recommend a Mixed Use Zone on its own without a precinct to direct and guide future development. We are also mindful that the notified zoning for the Opuia Marina and associated land holdings is Light Industrial Zone and that zoning would likely be the default zoning should we not be satisfied with a Mixed Use zone with a precinct.
6. We consider the most appropriate process would be an expert planning conference, resulting in the preparation of a joint witness statement. The procedures for conferencing are set out in [Minute 1](#) and the parties should also refer to Clauses 9.4 and 9.6 of the [Environment Court Practice Note 2023](#).
7. The scope of the planning caucusing is directed as follows:
 - a. Proposed BOIMP as included in Appendix 3 of the section 42A and in particular those rules relating (but not limited) to:
 - i. New buildings or structures – PREC-R1
 - ii. Commercial activity – PREC-R2
 - iii. Residential Activity – PREC-R3
 - b. The information requirements – PREC-S3
 - c. The role and content of the precinct plan and development guidelines within the Proposed BOIMP
 - d. Any other relevant objective, policies, rules or standard associated with the above.
8. At the conclusion of conferencing the parties will prepare a joint witness statement (see Clause 9.5 of the Practice Note 2023) setting out any agreed wording of the above listed provisions and the grounds on which that agreement was reached. If agreement between all planners was not able to be reached, the joint witness statement will clearly record the specific provisions and reasons for disagreement, which will assist the Panel make our final recommendation to the Council.
9. The planners attending the conferencing will comprise Mr Wyeth (Council) and Mr Sanson (FNHL). However, the planners are encouraged to seek advice from their technical experts to assist their preparation.
10. We will leave the timetabling up to the planners to agree among themselves and do not see a need for an independent facilitator. That said, we direct that the final joint witness statement be submitted to the Panel by 4.00pm Friday 31 October 2025.
11. If you have any questions regarding this Minute, please contact the Hearings Administrator Alicia-Kate (AK) Taihia - Submissions & Hearings Administrator District Plan: alicia-kate.taihia@fndc.govt.nz or (09) 4015247.



Robert Scott
Hearings Panel Chairperson

11 September 2025