

**Before the Hearings Panel
At Far North District Council**

Under the Resource Management Act 1991

In the matter of the Proposed Far North District Plan

Joint Witness Statement – Bay of Islands Marina Precinct

Date: 31 October 2025

INTRODUCTION:

- 1 This Joint Witness Statement [**JWS**] relates to expert conferencing on the Bay of Islands Marina Precinct [**BOIMP**].
- 2 The following participants were involved in this conferencing:
 - (a) Jerome Wyeth [Far North District Council Consultant Planner, Reporting Officer for the BOIMP]
 - (b) Steven Sanson [Bay of Islands Planning Ltd, Planning Expert for Far North Holdings Limited]
 - (c) Jane Rennie [Urban Design Expert for Far North District Council]
- [Parties]
- 3 Meeting between the Parties were held on the following dates:
 - (a) 17 September 2025 [Online]; 16 October 2025 [Online], 22 October 2025 [In Person]¹ and 29 October 2025 [Online].
- 4 This JWS has resulted from the meeting and discussions. However, it has been prepared and signed by Jerome Wyeth and Steve Sanson as the planning experts involved in the expert conferencing as directed by Minute 34 from the Hearing Panel.
- 5 In preparing this statement, the experts have read and understand the Code of Conduct for Expert Witnesses as included in the Environment Court of New Zealand Practice Note 2023².

PURPOSE AND SCOPE OF CONFERENCING:

- 6 The conferencing was focused on matters identified in Minute 34 from the Hearing Panel, dated 11 September 2025 "*Opuia Expert Conferencing*". This minute states:

¹ However, Jane Rennie attended on-line.

² <https://www.environmentcourt.govt.nz/assets/Practice-Note-2023-.pdf>

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 Opua 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.

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.

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.*

7 Minute 34 from the Hearing Panel also directed that:

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.

PROCESS AND ACTIONS TAKEN

- 8 A relatively “informal” process was undertaken to initiate the expert conferencing to firstly agree on some the overall options for BOIMA and then some key principles and outcomes to be achieved through the BOIMA provisions. This was achieved through a series of meeting between Mr Wyeth and Mr Sanson as the planning experts and Ms Rennie to provide expert urban design input. Expert transport advice was also sought from Mr Collins to review the updated BOIMA provisions specifically relating to transport matters.
- 9 The method undertaken by the Parties was also to rely on the body of evidence and specialist reports and plans that have been provided to date and to further analyse and assess them to come up with a robust planning approach. Accordingly, no further site visits were undertaken, and no further technical assessments were commissioned.

MATTERS THAT THE EXPERTS AGREE ON:

- 10 Through the series of discussions and meetings referred to above, we agreed on some overarching principles and outcomes for the BOIMP to inform the amendments to the provisions as follows:
 - (a) **Permitted activity framework:** it was agreed there should be some level of permitted development that does not require resource consent, provided this is of a scale that it does not undermine the overall objectives for the Precinct and each Character Area.
 - (b) **Comprehensive development plan (CDP) rule framework for each character area:** it was agreed that a new restricted discretionary rule requiring a CDP for the proposed development would provide an appropriate consenting framework for each Character Area. More specifically, this rule framework is intended to encourage and enable

development within the BOIMP to occur in an integrated manner with an appropriate assessment of all relevant effects and considerations, including infrastructure servicing, urban design outcomes and provision of public open space.

- (c) **Precinct Plan, Development Schedule and Character Area:** it was agreed that elements of the Master Plan should be retained as part of the overall BOIMP framework but not in the prescriptive nature of the development schedule that was included in the '*Section 42A Working Draft*' provisions. The approach agreed is a more flexible approach based on an overall "*Appendix X - Precinct Plan, Character Areas and Development Guidelines*" which are all intended to work together to provide guidance on the outcomes sought for the Precinct and high-quality development outcomes. A key change is the inclusion of the "Bay of Islands Precinct – Character Areas" in the Appendix with the latter providing a more detailed description of the Character Area in terms of the intended character, built form and anticipated land use activities – the drafting of which was led by Ms Rennie from an urban design perspective. This will enable future development to be assessed to ensure it is consistent with the intended character, built form and anticipated land use activities within each Character Area without being overly prescriptive in terms of GFA, building height, development yield etc.
- (d) **Development guidelines:** it was agreed these largely fit-for-purpose in terms of the outcomes they are seeking but needed refinement to actually be development guidelines (rather than assessment criteria) and to avoid duplication/confusion with the BOIMP objectives. It was also agreed that key aspects of the development guidelines could be better incorporated into BOIMP objectives and policies to improve integration.

11 The key matters of agreement above informed updates to the BOIMA provisions which was done in an iterative manner ahead of final expert conferencing which was held on 29 October 2025.

- 12 The updated BOIMP provisions, including the updated Precinct Plan, Character Areas and Development Guidelines, are attached to this JWS as **Appendix A**. The parties agree that this provides a suitable framework for the future use and development of the Bay of Islands Marina Precinct.
- 13 The experts also agree that the updated BOIMP provisions address the matters raised by the Hearing Panel in Minute 34, including providing for appropriate consenting pathways for future development and avoiding the risk of piecemeal development that undermines the intended outcomes for the BOIMP.

MATTERS THAT THE EXPERTS DISAGREE ON:

- 14 Following the conferencing, there are only two outstanding matters that the experts disagree on.

Permitted Activity Threshold (GFA) for New Buildings– PRECX-R1

- 15 This matter relates to the permitted activity threshold for new buildings under PRECX-R1 PER-3. Mr Wyeth and Ms Rennie support the 300m² GFA limit as drafted in **Appendix A** as they consider that this provides an appropriate level of flexibility for development to occur as a permitted activity in advance of a more comprehensive development proposal for the Character Area (or Character Areas) under PRECX-R7. Mr Wyeth considers that developments larger than the 300m² permitted threshold have the potential to undermine the broader outcomes sought for the Character Areas and should therefore be assessed through a resource consent process having regard to PRECX-P4 in particular.
- 16 Mr. Sanson considers a 400m² GFA limit to be an appropriate threshold for permitted new buildings. Mr Sanson considers that that this is more aligned with the corresponding thresholds in the Mixed Use Zone and Light Industrial Zone and is of a scale that would otherwise be anticipated in this environment.

Permitted Activity Threshold - Maximum Height – PRECX-S1

- 17 This matter relates to the maximum height standard for buildings and structures in PRECX-S1. Mr. Wyeth and Ms. Rennie support the 8m maximum height limit as drafted in **Appendix A**. The reasons for this position are essentially the same as outlined above for PRECX-R1.
- 18 Mr. Sanson considers a 12m maximum height limit to be appropriate. The reasons for this position are essentially the same as outlined above for PRECX-R1.

Date: 31 October 2025

Signatories



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Steven Sanson – Bay of Islands Planning



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**Jerome Wyeth – FNDC Consultant
Planner**