

# NZ Maritime Parks Submission on PDP



---

Full Name: New Zealand Maritime Parks Ltd Attn: Stuart Galloway

Mobile: 021 922 999

Address for Service: Stuart Galloway, [stuart@landcorp.co.nz](mailto:stuart@landcorp.co.nz) & David Badham, [davidb@barker.co.nz](mailto:davidb@barker.co.nz) and Makarena Dalton, [makarenad@barker.co.nz](mailto:makarenad@barker.co.nz)

Date: 20 October 2022

Re: Submission on Proposed Far North District Plan (PDP) – New Zealand Maritime Park Ltd

---

## Submission Information:

New Zealand Maritime Parks Ltd could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Changes that New Zealand Maritime Parks Ltd submission relates to are attached.

New Zealand Maritime Parks Ltd seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that New Zealand Maritime Parks Ltd wishes Far North District Council (FNDC) to make to ensure the issues raised by New Zealand Maritime Park Ltd are dealt with are also contained in the attached document.

New Zealand Maritime Parks Ltd wishes to be heard in support of this submission.

If others make a similar submission, New Zealand Maritime Parks Ltd will consider presenting a joint case with them at a Hearing.

**Stuart Galloway**

**New Zealand Maritime Park Ltd**

Submission 251

**Barker & Associates**

+64 375 0900 | [admin@barker.co.nz](mailto:admin@barker.co.nz)

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

## 1.0 Introduction

New Zealand Maritime Parks Ltd (NZMPL) welcomes the opportunity to submit on the Far North District Council (FNDC), Proposed Far North District Plan (PDP), that was notified to the public on 27 July 2022.

The PDP is of particular interest to NZMPL, as landowners of 14 Baffin Street, Opuā. The site is held in a single Record of Title (RT) referenced NA1857/84 and legally described as Section 9 Block XXII Town of Opuā. The site measures 1179m<sup>2</sup> with existing development comprising a detached residential unit, garage and access. The site is located on the corner of Baffin and Kellet Street, adjacent to Opuā’s industrial marine park, as shown in **Figure 1** below.



**Figure 1: Locality Plan of NZMPL's Site of Interest (Source: emaps)**

This submission covers matters addressed by the PDP which NZMPL have an interest. Specific points of submission are detailed in **Attachment 1**, whilst general feedback with summarised submission points is detailed in Section 2 below.

## 1.1 Current Zoning

Currently, the site is zoned Coastal Residential under the Operative District Plan (ODP) and is not subject to any overlays or notations (refer to **Figure 2**).

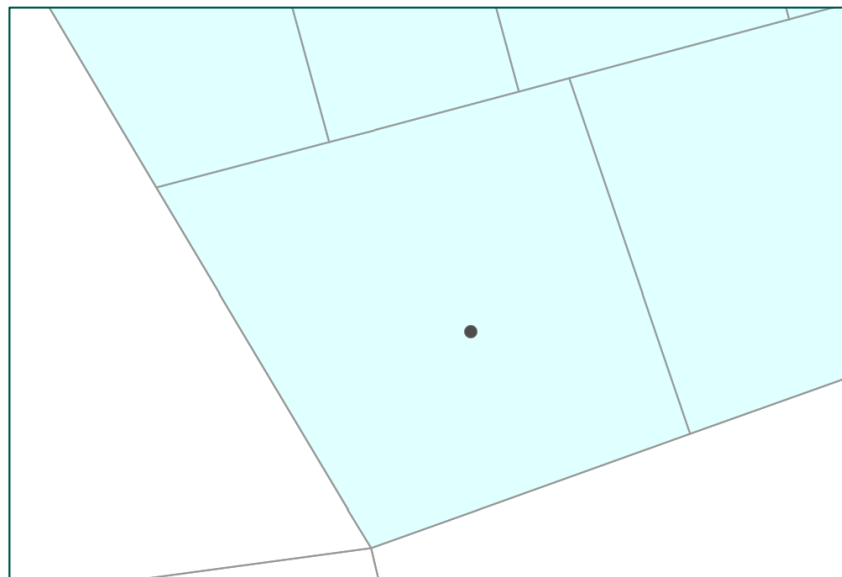


Figure 2: ODP Zoning

## 1.2 Proposed Zoning

As proposed, General Residential Zone (**GRZ**) with a Coastal Environment Overlay (**CE**) has been applied to NZMPL’s site of interest.



Figure 3: PDP Zoning and Overlays

## 2.0 General Feedback

NZMPL acknowledges and appreciates the work that FNDC has put into developing the PDP and is generally supportive of the approach to comprehensively review the District Plan. This fosters greater stakeholder and community engagement beyond the statutory process in the RMA.

However, NZMPL considers that amendments are required to provide a more effective planning framework which better acknowledges the lack of suitable business land supply in the Opuia area.

NZMPL have general concern with the approach taken in the Strategic Direction Chapter, noting that while there are objectives, no policies have been included. In NZMPL's view the objectives need policies to demonstrate how they are going to be achieved in the Plan. This is of particular relevance to NZMPL in light of the mapping and provision of business land in the Opuia area.

Further, NZMPL note that the Strategic Direction objectives have not been evaluated under section 32(1)(a) of the RMA, meaning they are unable to confirm whether the notified objectives are the most appropriate and achieve the purpose of the RMA.

NZMPL does not support the application of the GRZ to their site of interest, due to the site's proximity to Opuia's industrial marine park and its susceptibility to Coastal Flood Hazards and the need to manage vulnerable activities from natural hazard risk. In addition to this, NZMPL are concerned that insufficient land has been supplied with respect to business land to meet the expected demand for the Opuia area. The Urban Section 32 Report demonstrates the need to provide additional business land to meet Opuia's development capacity needs. Accordingly, NZMPL seek that FNDC reconsider the application of the GRZ to their site of interest, and rezone the site Mixed Use Zone to enable much needed business land supply in Opuia.

Further to the general feedback provided here, **Attachment 1** covers specific points of submission that are of interest to NZMPL and are considered to improve the plan and effectively achieve the proposed objectives of the plan change package, and the purpose of the RMA.

## 3.0 Conclusion

---

In conclusion, New Zealand Maritime Park Ltd seeks the following relief:

- (a) New Zealand Maritime Park Ltd's general feedback in Section 2.0 and specific feedback in Attachment 1 is addressed and necessary changes incorporated into the PDP.
- (b) Any further necessary consequential amendments required to achieve (a) above.

New Zealand Maritime Park Ltd looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

# NZ Maritime Parks Submission on PDP



## Attachment 1: Specific Submission Points on PDP

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
Part 2 – District Wide Matters – Strategic Direction – Economic and Social Wellbeing				
1	Strategic Direction	Seek amendment	The Strategic Direction chapters do not contain policy which give effect to proposed objectives. NZMPL consider that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.	Amend the Strategic Direction Chapter to: <ul style="list-style-type: none"> <li>• Provide clear direction for growth and development throughout the Far North District.</li> <li>• Include appropriate policy to give effect to strategic direction objectives.</li> <li>• Establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend zoning as necessary to implement the hierarchy.</li> <li>• Evaluate objectives in accordance with section 32AA to confirm that these are the <u>most appropriate</u> objectives.</li> </ul>
Part 2 – District Wide Matters -Energy, Infrastructure and Transport – Transport				
2	Transport - TRAN-R5 and TRAN- Table 11 – Trip Generation	Seek amendment	The trip generation thresholds have changed from zone-specific daily traffic volumes to district-wide standards set by a combination of daily volumes, gross business area, and occupancy-based thresholds.  NZMPL are concerned with the proposed approach, as the Transport Chapter includes	Amend TRAN-R5 and TRAN – Table 11 – Trip Generation to: <ul style="list-style-type: none"> <li>• Reference defined terms consistently applied throughout the plan to provide clarity for plan users.</li> </ul>

S251.001 & S251.002

S251.003 & S251.004

**Barker & Associates**

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

# NZ Maritime Parks Submission on PDP



			terms that are not defined, accordingly, it is difficult for NZMPL to determine the activities that would be captured.	
--	--	--	--	--

## Part 2 – District Wide Matters - General District Wide Matters – Natural Hazards

3	NH-R5 and NH-R6	Seek amendment	NZMPL note that PDP has retained provisions to manage the risks of wildfire, including the requirements for buildings used for vulnerable activities to be setback a minimum of 20m from <i>“the dripline of any contiguous scrub or shrubland, woodlot or forestry”</i> . Whilst it is recognised that this is a risk that requires management, it is considered that wildfire is suitably managed by the requirements to provide a dedicated firefighting water supply and access that accommodates firefighting appliances in PER-R1, clauses (1) and (2) of rules NH-R5 and NH-R6. Further, the Transport and Subdivision Chapters also contain provisions that set minimum access and firefighting water supply standards. In NZMPL’s view, the risk is sufficiently managed by these provisions and there is no requirement to apply the setback provisions. Furthermore, the phrase <i>“the dripline of any contiguous scrub or shrubland, woodlot or forestry”</i> that appears in the ODP already creates interpretation issues and is inconsistently applied as there are no determining thresholds in the standard.	That FNDC amend rules NH-R5 and NH-R6 to remove PER-2 of each rule.
---	-----------------	----------------	--	---

S251.005 &  
S251.006

## Part 2 – District Wide Matters - General District Wide Matters – Coastal Environment

**Barker & Associates**

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

# NZ Maritime Parks Submission on PDP

S251.007

4	CE-R1	Seek amendment	<p>NZMPL generally support FNDCs efforts to protect the natural character of the coastal environment from inappropriate land use, subdivision and development in accordance with section 6 of the RMA, NZCPS and RPS. However, it has concerns with the bulk and scale approach taken in the PDP, particularly in relation to building height and size in urban areas. In NZMPL’s view, FNDC through its Section 32 report has not adequately assessed the proposed thresholds. When considering the scale and height of existing buildings in urban areas and in the context of each zones anticipated outcomes, the notified thresholds are considered to be in conflict and do not align with the variable values of these established environments. In NZMPL’s view, the urban environment thresholds for building size should be removed and managed by the underlying zone. The coverage rules already set controls to manage the bulk and scale of built form that are aligned with the character of each zone framework.</p> <p>While it is acknowledged that the Section 32 Report mentions building size and height to manage effects in the coastal environment, it is considered that this has not sufficiently evaluated each zone environment or taken into account the existing built form values.</p> <p>Finally, NZMPL are concerned with the default discretionary activity status approach taken for buildings within the CE (but are outside of high or outstanding natural</p>	<ul style="list-style-type: none"> <li>• Amend CE-R1-PER-1 to remove clause (1) that relates to building footprint.</li> <li>• Alternatively, review the thresholds for building size to align with the thresholds set by the coverage standards of the underlying zone.</li> <li>• Incorporate a restricted discretionary activity to CE-R1 with targeted matters of discretion to provide for activities that cannot comply with the permitted standards where the proposal is outside of HNC and ONC areas.</li> </ul>
---	-------	----------------	---	---

# NZ Maritime Parks Submission on PDP



			character areas). It is considered that when compliance is not achieved with the relevant permitted standards, that effects can be more efficiently and effectively managed through a restricted discretionary activity that has targeted matters of discretion.	
5	CE-S1 Maximum height	Oppose in part	For the same reasons described above, NZMPL consider that the maximum 5m building height standard inadequately acknowledges the heights of existing buildings established in urban areas. For instance, many buildings already established within the Opuia industrial park exceed 5m in height and have a functional and operational need to do so, i.e., marine services that accommodate large boats and equipment.	That FNDC review the height limits proposed in CE-S1 and provide tailored height limits for each zone. <span style="color: red;">S251.008</span>
6	CE-R10	Seek amendment	The PDP seeks to manage the risk from natural hazards to people, property and infrastructure. NZMPL’s site of interest is subject to Coastal Flood hazards, while NZMPL appreciate the importance of managing risk from natural hazards, it considers that existing activities and buildings should be recognised and provided for. NZMPL consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications.	Amend CE-R10 to provide for additional and alterations to existing activities as a permitted activity. <span style="color: red;">S251.009</span>

## Part 3 – Area Specific Matters – Zones – Mixed Use

### Barker & Associates

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka



# NZ Maritime Parks Submission on PDP



7	Mixed Use Zone – MUZ – R1		<p>NZMPL seek amendments to the building and structures provisions to ensure that a range of suitable buildings and structures can be established as a permitted activity.</p> <p>NZMPL considers that the 400m<sup>2</sup> Gross Floor Area restriction for permitted activity with a default to discretionary activity where compliance is not achieved is particularly onerous approach. In the absence of any s32 justification for this threshold, NZMPL seeks that this be increased.</p> <p>Flexibility is also required for extensions and alterations for existing legally established structures. As currently drafted, any alteration to an existing building or structure that is already more than 400m<sup>2</sup> GFA would require discretionary resource consent, regardless as to whether this is internal/external or the degree of change to the approved footprint.</p>	<p>Amend MUZ -R1 as follows:</p> <ul style="list-style-type: none"> <li>• Increase threshold for coverage for new buildings or structures.</li> <li>• Insert a new clause which permits alterations where they do not result in an increased building footprint.</li> <li>• Default to a restricted discretionary activity for non- compliance with PER 2.</li> </ul>	S251.010
8	Mixed Use Zone – MUZ – R2	Support, amendments seek	<p>It is unclear whether the intentions of MUZ-R2 is to enable service station activities and no other commercial activity, in any case it is NZMPL’s view that this rule, given the purpose of the zone, should be amended to remove any restrictions to make it clear that the intended environment for all commercial activities is in the MUZ.</p>	Amend MUZ-R2 to remove PER-1 and PER-2.	S251.011

# NZ Maritime Parks Submission on PDP



9	Mixed Use Zone – MUZ-R4	Support	NZMPL support the provision of mixed residential and commercial activities. This is considered to promote vibrancy and vitality within urban centres. Further, requiring residential activities to be established above street frontages ensures the active streetscapes.	Retain as notified.	S257.012
10	Mixed Use Zone – MUZ S1	Support	NZMPL supports the 12m building height for buildings and structures.	Retain as notified	S257.012
11	Mixed Use Zone – MUZ S2	Support	NZMPL supports no height in relation to boundary standard for where the site adjoins industrial or mixed use zoned sites.	Retain as notified	S257.014
12	Mixed Use Zone – MUZ S3	Support	NZMPL support no setback requirements where the site adjoins industrial or mixed use zoned	Retain as notified	S257.015

## Mapping

13	Zoning	Oppose	<p>NZMPL opposes the application of the GRZ to their site of interest, being 14 Baffin Street, as shown in Figure 1 of the submission.</p> <p>NZMPL note that the Opuia/Pahia/Haruru are identified as requiring additional business land to meet the expected demand of the area. The Urban Section 32 details a need to provide an additional 6ha of commercial land over in the next 20 years, with a minimum of 5ha required in the medium term. In addition</p>	That FNDC rezone 14 Baffin Street, Opuia legally described as Section 9 Block XXII Town of Opuia, Mixed Use Zone.	S257.016
----	--------	--------	--	---	----------

**Barker & Associates**

+64 375 0900 | admin@barker.co.nz

Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Queenstown | Wānaka

# NZ Maritime Parks Submission on PDP

			<p>to this, the same Statistical Area 2 (SA2) unit requires an additional 8ha of industrial land over the life of this District Plan, and 10ha overall in the long term. In NZMPL seek that FNDC apply the MUZ to the site of interest for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application of the GRZ is not the most appropriate for the site given the natural hazard constraints that apply;</li> <li>• The demand for business land in the Opuia is projected to grow in the short, medium and long term;</li> <li>• The site of interest is adjacent to and contiguous with land zoned for MUZ on the corner of Baffin and Kellet Street;</li> <li>• The site is in close adjacent to Opuia’s industrial park and will enable the establishment of compatible commercial activities in proximity to Opuia’s industrial and commercial area; and</li> <li>• The application of the MUZ will provide a transition and buffer to adjacent residential activities located in the GRZ.</li> </ul>	
--	--	--	---	--