

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

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on the Proposed  
Far North District Plan

**SUBMITTER** Waitoto Development Limited

**HEARING TOPIC:** Hearing 3 – Special Purpose Zones – Orongo Bay

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**STATEMENT OF PLANNING EVIDENCE OF STEVEN REMANA SANSON**

31 May 2024

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## **INTRODUCTION**

1. My name is Steven Remana Sanson. I am a Director / Consultant Planner at Sanson and Associates Limited and Bay of Islands Planning [2022] Limited.
2. I have been engaged by Waitoto Development Limited **[WDL]** to provide evidence in support of its original and further submissions to the Proposed Far North District Plan **[PDP]**.
3. I note that while the Environment Court Code of Conduct does not apply to a Council hearing, I am familiar with the principles of the code and have followed these in preparing this evidence.

## **QUALIFICATIONS AND EXPERIENCE**

4. I hold the qualification of Bachelor of Planning [Hons] from The University of Auckland, graduating in 2012 and I am an Intermediate Member of the New Zealand Planning Institute.
5. I have over 10 years' experience and have previously held planning positions in the Far North District. In my current role I regularly advise and assist corporate and private individuals with the preparation of resource consent applications including subdivision and land use consents and relevant regional council consents. I have also processed resource consent applications for councils, prepared submissions on district plan changes, and processed plan changes.

## **SCOPE OF EVIDENCE**

6. Hearing 3 addresses submission points relating to the following Special Purpose Zones :
  - a) Orongo Bay
  - b) Ngawha Innovation and Enterprise Park
  - c) Moturoa Island
7. My scope of evidence is strictly related to the Orongo Bay Special Purpose Zone and is within the scope of the submission<sup>1</sup> and further submissions<sup>2</sup> made by WDL.
8. In preparing this evidence, I have reviewed the s42A Report for the Orongo Bay Special Purpose Zone.
9. I have also adhered to the instructions of hearing Minute 1 to :

*'take a lead from the s42A Report in terms of content of evidence, specifically that evidence highlights areas of agreement and disagreement with the s42A Report, outlines*

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<sup>1</sup> Submission No. 263

<sup>2</sup> Further Submission No. 398

*any changes in Plan wording proposed (along with the rationale for these changes) together with an assessment pursuant to S32AA of the RMA'.*

## **PDP FRAMEWORK**

10. The PDP is broken down into 4 parts as follows:
  1. Introduction & General Provisions
  2. District Wide Matters
  3. Area Specific Matters
  4. Appendices & Schedules
11. Special Zones are located within Part 3 – Area Specific Matters. To ensure coherence between and across the PDP, the Orongo Bay Zone refers back to Part 2 requirements in the preamble within the Rules section.
12. This approach aligns with the National Planning Standards and ensures that the Orongo Bay Zone rules and standards relate to activities within that zone.

## **EVALUATION OF SECTION 42A REPORT**

13. The relief sought by the submitters / further submitters was broken down into seven key issues being:
  - Key Issue 1: Specific Recognition of the National Grid
  - Key Issue 2: Storage of Second Hand Buildings
  - Key Issue 3: Relocatable Buildings as a Permitted Activity
  - Key Issue 4: Specific Recognition of Emergency Services
  - Key Issue 5: Stormwater Provisions
  - Key Issue 6: Building and Structure Coverage Provisions
  - Key Issue 7: General Support for Notified Provisions

## **KEY ISSUE 1: NATIONAL GRID**

14. I concur with the decision by Transpower to no longer pursue their submission (S454.139). The submission sought amendments to the provisions in the Orongo Bay Special Purpose Zone to ensure that critical infrastructure, such as transmission facilities, is provided for.

15. The National Planning Framework is clear in terms of where provisions should sit within a district plan. In respect of Energy, Infrastructure and Transport it states in Standard 7 (District Wide matters Standard) provisions:

*“5. Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading”.*

16. I therefore agree with the recommendation by the s42A reporting planner. I note there is no commentary in the s42A Report in respect of the further submission made by Top Energy supporting Transpower’s submission<sup>3</sup>.

#### **KEY ISSUE 2: SECOND HAND BUILDINGS**

17. I agree with the recommendations made by the s42A report writer in respect of the storage of buildings and provision for doing so being enabled by rule OBZ-R5 as notified.
18. Within the rules at present, there is a requirement for an assessment under OBZ-R14 for any new subdivision, use and development on any site within the Orongo Bay Special Zone. The matters of discretion within OBZ-R14 are extensive and ensure a broad consideration before consent is granted. As such, it negates the need for an additional rule in the Orongo Bay Special Zone specifically controlling second hand buildings.

#### **KEY ISSUE 3: RELOCATED BUILDINGS AS A PERMITTED ACTIVITY**

19. I concur with the rationale provided by the s42A report writer in respect of OBZ-R1, in so far that it already provides for relocated buildings. As such I do not see the need, as recommended by the report writer, to add clarifying wording within the rule and subsequent standard PER-1.
20. It could just as effectively remain unchanged. While I consider it unnecessary to make the amendments, I do not consider that the addition of these words changes the intent or workability of the rule.

#### **KEY ISSUE 4: EMERGENCY SERVICES**

21. While I question whether there is scope within the Fire and Emergency New Zealand submission S512.070 to include a new policy and listing activities not sought within the submission in the new policy and new rule, I agree with the outcome and the rationale for doing so. The addition of the policy provides the framework for the method, being the addition of the rule for the purpose of providing for an emergency service facility.
22. I agree with the recommended rejection of S512.046 in relation to standards associated with water supply and access for emergency vehicles. The approach would be duplicitous and go against the current PDP framework.

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<sup>3</sup> Further submission FS369.021

## **KEY ISSUE 5: STORMWATER PROVISIONS**

23. I concur with the rationale of the s42A report writer to recommend retaining the OBZ-R2 as notified. I note however that the language used in the report in paragraph 99 is confusing as it appears to disagree that it is appropriate to retain OBZ-R2 as notified, where the recommendation accepts submission point S263.004 seeking to retain OBZ-R2 as notified.
24. Assuming this is a typo, OBZ-R2 does seek to replicate the same provision in the Operative District Plan, where the environment was understood, and provisions applied in understanding the effects of stormwater on the environment. It is considered that appropriate matters of discretion are applied should any application in the Orongo Bay Special Purpose Zone not comply with PER-1 or PER-2 in OBZ-R2.

## **KEY ISSUE 6: BUILDING AND STRUCTURE COVERAGE**

25. I agree with the rationale applied by the s42A report writer in respect of the recommended deletion of OBZ-S4, in so far that the activities within the Orongo Bay Special Purpose Zone are subject to a Comprehensive Development Plan, which considers a broad set of matters. Building or structure coverage by proxy has already been considered by the above Plan.
26. The s42A report does raise an anomaly however in respect of the Coastal Environment provisions requiring the same consideration through CE-R1. It seems perverse for the reasons identified in the s42A report for the Coastal Environment now to require further consideration of building and structure coverage despite the presence of a Comprehensive Development Plan.
27. I note that a submission by WDL seeks an exclusion for the Orongo Bay Special Purpose zone from CE-R1 for that reason. This matter in respect of the Coastal Environment provision will be addressed in Hearing 4.

## **KEY ISSUE 7: GENERAL SUPPORT OF NOTIFIED PROVISIONS**

28. In cognisance of the commentary made already regarding the provisions of the Orongo Bay Special Purpose zone in my evidence, I agree with the conclusion made by the s42A report writer that the provisions as notified, with the exception of OBZ-S4, should be retained as notified.

## **SECTION 32AA EVALUATION**

### ***Effectiveness and Efficiency***

29. The removal of OBZ-S4 removes duplication in the PDP in so far that the consideration of building coverage is undertaken at the time of submitting a Comprehensive Development Plan for the Orongo Bay Special Purpose zone. This is considered to be more effective and efficient as a Comprehensive Development Plan looks at development holistically and assesses it against multiple matters of discretion.

**Costs/Benefits**

30. Similar to the conclusions reached by the s42A report writer, the provisions are an appropriate balance between the efficient use of land and the management of effects on the environment. Removing the need to duplicate assessments in the same location across multiple chapters provides efficiencies for applicants.

**Risk of Acting or not Acting**

31. The risk of not acting places additional, unnecessary cost and burden on applicants in the Orongo Bay Special Purpose Zone, where the effects should already be determined through the Comprehensive Development Plan.

**CONCLUSION**

32. In conclusion, I am of the opinion that the amendments sought by WDL, as outlined in this evidence, are appropriate and will assist in improving the consistency, usability and interpretation of the PDP.