

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Far North Proposed District Plan –

Hearing 3: Special Purpose Zones – Orongo Bay, Ngawha Innovation and Enterprise Park and Moturoa Island.

**STATEMENT OF EVIDENCE OF WAYNE ERIC SMITH
ON BEHALF OF FAR NORTH HOLDINGS LIMITED**

PLANNING

4 June 2024

SUMMARY OF EVIDENCE

- a) This evidence has been prepared on behalf of Far North Holdings Limited as it relates to their submission and further submissions on Far North District Council's ("Council") PDP with regard to Hearing Stream 3. This evidence focuses on responses to the recommendations for zone provisions for the Ngawha Innovation and Enterprise Park Special Purpose Zone.
- b) The evidence follows the layout within the s42A Report and provides further details and assessments, as required, on the matters which remain in contention. The s42A report provides recommendations which support, support or oppose in part, and reject the relevant submission matters.
- c) Where FNHL agrees with the recommendations as proposed, this has been noted while where there remains outstanding matters, then these issues are discussed in more detail and amendments and requested changes noted.
- d) The combination of agreed changes and those still to be sought by FNHL will result in a Park which can deliver on its aspirations and goals while respecting the environment and maintain a robust and effective relationship with Ngati Rangī.
- e) The Design Guidelines for the Park provide degree of certainty over the scale and location of development while activities within the Park are to follow the Parks goals and improve the social and economic well being of the community while also achieving superior environmental outcomes.
- f) This Statement of Evidence is supported by a number of supplementary documents and additional Statements prepared by Mr. Andy Nock and Mr. Adrian Tonks.

INTRODUCTION

1. My full name is Wayne Eric Smith. I am principal planner and Director of Zenith Planning Consultants Limited. I hold the qualification of Bachelor Planning obtained from Auckland University in 1994 and a Bachelor of Social Sciences (Geography) from the University of Waikato. I am a full member of the New Zealand Planning Institute.
2. I have over 28-years' experience as a planner within both New Zealand and the United Kingdom. I have worked as an independent planning consultant for the past 6½ years establishing Zenith Planning Consultants and have previously held senior and team leader roles within several district councils within New Zealand and the United Kingdom.
3. I have been involved in numerous land use and subdivision proposals involving coastal, commercial, and residential land, and district plan review processes from a district council perspective. The vast majority of planning work and experience within New Zealand has been within in the Far North District but have also completed work within both Whangarei and Auckland. I have been the Far North District Council's planning expert witness in several Environment Court hearings and the comparable expert planner for matters attended to by the UK Planning Inspectorate for West Berkshire Council in the United Kingdom.
4. Zenith Planning Consultants was engaged by Far North Holdings Limited (FNHL) in November 2018 to assist in the aspirations of creating a business development park near to both Ngawha and Kaikohe and which would provide the basis for economic development, employment opportunities, and skills based training and education.
5. FNHL role is described on their website as follows:

Far North Holdings Limited (FNHL) is the commercial trading and asset management arm of Far North District Council (FNDC). We manage a diverse range of property, maritime and transport assets right across the district on behalf of Far North ratepayers.

But we also play another important role, using our assets and expertise to boost investment and employment in the region for the benefit of our communities and our local businesses.
6. A key contributor to achieving the above goals for FNHL was the establishment of the Ngawha Innovation and Enterprise Park. The original scope of work involved the preparation of a plan change reflective of the proposed purpose for the Park. During the preliminary and preparatory work for the plan change (and prior to the completion of the required s32 report), the private plan change was placed on hold as a result of Council undertaking a full review of the district plan. The review process and a new proposed plan was to be prepared. FNHL contended that if a plan change could not be undertaken, that a Special Purpose Zone for the Park be included within the proposed district plan.
7. Central government at the time was providing funding via the Provincial Growth Fund (PGF) and criteria for securing funding was required to be

satisfied. FNHL sought to take advantage of funding opportunities through the PGF for the Parks establishment including providing significant contributions to required infrastructure. A series of resource consent applications were prepared and lodged to both the Far North District Council and Northland Regional Council. Following the approval of these resource consents, funding was secured and onsite works commenced. The completed development onsite to date, reflect the consented development however there remains several approved development areas within the Innovation Hub which have yet to be developed. The associated development will be established when the need arises.

8. When the draft proposed district plan was released by FNDC for comment, the proposed zoning was Rural Production. The Park had been excluded as a Special Purpose Zone. Submissions were called for to the released Draft PDP and FNHL requested a Special Purpose Zone be established. The proposed Rural Production zoning would have negated any future growth due to conflicts with the proposed development standards and intent of the Rural Production Zone. For the Park this zoning would have been wholly inappropriate.
9. In response to Draft PDP, Zenith Planning Consultants prepared a draft s32 report and draft zone provisions for FNHL in support of the establishment of a Special Purpose Zone and reflective of the Park's aspirations and which was supported by the relevant technical reports. The s32 report was reviewed by an independent planning consultant and ultimately included within the proposed district plan. The draft zone provisions provided with the original s32 report were updated following input from Council staff and consultants engaged to assist.
10. The uptake of development within the Park resulted in the need for future expansion of the park to be provided for within the development areas identified. The confirmation of the Ngawha Innovation and Enterprise Park special purpose zone would ensure the efficient use of onsite infrastructure. The Park seeks to continue the growth of the economic, educational and employment opportunities for the local economy and residents whilst ensuring that the potential effects of the Park were managed effectively.
11. Ngati Rangī as mana whenua have played a critical role in the Park's establishment and this relationship is ongoing. Since the concept of the Park was first mooted there have been hui held to inform hapu members of the proposal. The concept received support from hapu members and the measures and involvement of Ngati Rangī is evident within the design guidelines for the Park and the Memorandum of Understanding which is near completion.

CODE OF CONDUCT

12. Although this is not a hearing before the Environment Court, I record that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except

where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

SCOPE: HEARING 3

13. I have been asked by FNHL to provide planning evidence in respect of its submission on the Proposed Plan. This evidence relates to Hearing 3: Special Purpose Zones – Orongo Bay, Ngawha Innovation and Enterprise Park and Moturoa Island. Of the Special Purpose Zones noted, this evidence only relates to the Ngawha Innovation and Enterprise Park.
14. The majority of submission points made by FNHL for the NIEP, relate to this hearing topic with other points relating to several district wide matters – Infrastructure, which were made through the further submission process.
15. The s42A report for the Ngawha Innovation Park Special Purpose Zone is comprehensive and makes recommendations which support, support or oppose in part, or reject FNHL's submission points. My evidence addresses FNHL's submission points and gives my expert planning opinion on the stated positions. The evidence will follow the order of the s42A report and provide commentary as necessary on the matters for consideration as well as my conclusions. The evidence will focus on the remaining points of contention whilst endorsing any agreed areas as noted.
16. In support of my evidence, Mr. Andy Nock, the CEO of FNHL will provide commentary over the Park's vision, the proposed ancillary education services, and provide an update on iwi engagement including the MOU with Ngati Rangi who hold mana whenua over the Park and surrounding area. In addition, Mr. Adrian Tonks will provide clarification (as required) for onsite infrastructure servicing, the updated plans within the Parks Design Guidelines, and traffic related matters.

STATUTORY REQUIREMENTS

17. The Section 42A report details the statutory matters which are relevant to the Park under the following topic headings contained within Part 4.1 of the report. These include:
 - Statutory documents
 - Resource Management Act Reform
 - National Policy Statements
 - National Policy Statements Gazetted since notification of the PDP
 - National Policy Statements announced future changes
 - National Environment Standards
 - National Planning Standards
 - Treaty Settlement
 - Iwi Management Plans – update
18. The analysis of the above matters is detailed within paragraphs 18-44 of the s42A report and FNHL agrees with this analysis and the related

conclusions. It is therefore unnecessary to replicate these matters within this statement of evidence. FNHL agree with the stated positions and observations relevant to the NIEP.

REVIEW OF SECTION 42A REPORT ANALYSIS

19. The s42A report details the key issues as evaluated in response to submissions made to the PDP in either the original submission period or the further submission period. An evaluation of the relief sought within the submissions has been provided and recommended changes or confirmation of the status quo has been provided. In considering this statement of evidence, the submissions are noted and have been reviewed as well as the recommendations noted.
20. The s42A categorises the relevant matters into seven key issues as noted:
 - a. Key Issue 1: NIEP SPZ objectives
 - b. Key Issue 2: NIEP SPZ policies
 - c. Key Issue 3: General submissions
 - d. Key Issue 4: Engagement with tangata whenua
 - e. Key Issue 5: Rules for buildings and structures
 - f. Key Issue 6: NIEP SPZ rules
 - g. Key Issue 7: NIEP SPZ standards.
21. These issues will now be evaluated and commented on by FNHL including any changes sought to the recommendations. Only those objectives, policies, rules or standards referenced within the s42A report will be assessed and responded to.

KEY ISSUE 1: NIEP SPZ OBJECTIVES

22. It is FNHL contention that while this objective acknowledges the core elements of the Park, it does not reinforce the support services which could further enhance the key objectives of the Park. Objective 1 as notified reads as follows:

NIEP-O1 The NIEP zone enables compatible development and activities that provide for primary production innovation including manufacturing, further processing of raw materials, research and fostering technological advancements, and directly related education and training opportunities.

23. The updated Objective 1 sought by FNHL via the submission process highlights the supporting service components which need to be formally recognised to ensure that there is no uncertainty in the provision of these functions moving forward.

NIEP-O1 The NIEP zone enables compatible development and activities that provide for primary production innovation, including manufacturing, further processing of raw materials, research and fostering technological advancements, ~~and~~ directly related education and training opportunities, education support such as childcare facilities, employment and business development initiatives offered within the Park.

24. Following an evaluation of the reasons for the change requested by FNHL the recommended updated objective within the s42A report reads as follows:

NIEP-O1 The NIEP zone enables compatible development and activities that provide for primary production innovation, including manufacturing, further processing of raw materials, research and fostering technological advancements, and directly related employment, education and training opportunities.
25. In considering the updated objective, it is contended that there is a slight misunderstanding of the intent for the support services and an over statement to the potential impacts resulting from the inclusion of the requested additional wording.
26. To qualify this additional wording, it is important to review and consider the key goals and aspirations of the Park, and the range of services currently offered within the Park and its operations. The Park offers the potential for an idea or small business to receive the necessary support to foster and grow the opportunity as presented. This includes offering not only facilities to achieve this but also business support and guidance from key personal. Education and training is a key aspect of the Park and currently there are several education and training facilities currently operating within the Park.
27. The facilities are being provided within the buildings constructed with additional facilities possible in the future. Business support is already in place with Northland Inc being one of the key Park partners. Northland Inc's presence at the Park as well as dedicated staff providing a range of support services. This provides a small business or entrepreneur, the required support to achieve their goals and aspirations and potentially result in a viable business proposition. It is for this reason that the "business development initiatives offered within the Park" was requested to be added to the objective.
28. In the same way that support services for business establishment are provided, the opportunity exists for personal growth, education and training. With the educational and training located within new purpose built facilities, and role numbers increasing, it is important to offer support for anyone undertaking these programs. Reducing any potential impediment for anyone making use of the Park facilities and offerings is very important.
29. A review of potential issues for participants primarily from education and training establishments within the Park noted that the accessibility to childcare was a matter requiring some attention. Where this was not possible, participation became problematic. This is not simply an issue for education but for other matters as well.
30. Participation in employment, education, and training can be impaired if childcare is required or not available. Demand for space within Kaikohe sees that there is currently no or very limited spare capacity available. Proximity to the place of study or employment is also an important consideration. For these reasons and based on tenant feedback from the education and training providers on site as well as the berry farm operation, there is a real demand for childcare facilities within or near to the

Park. The scaling up of the berry farm operation over the next few years will see more people employed within the Park and potentially an increase in demand. There should be no impediment to seize this opportunity for any person seeking employment or undertaking training or education.

31. For this reason, FNHL seeks the inclusion of the additional wording as noted within the submission. Such provision onsite for support services such as childcare facilities would not in my view detract from the provision of similar services in Kaikohe or Ngawha where demand currently exceeds capacity.
32. Technically, a larger onsite operator such as Te Pukenga or the berry farm could not offer these services to their workers or students/ trainees. This would be particularly relevant if specifically excluded as recommended within the updated objective within the s42A report.
33. The inclusion of the additional wording as submitted by FNHL more effectively reflects the purpose of the zone and will assist in removing potential impediments for Park participants. The inclusion of the additional wording as sought will result changes to subsequent policies and rules later within the SPZ chapter. FNHL request that the updated objective reads as follows:

NIEP-O1 The NIEP zone enables compatible development and activities that provide for primary production innovation, including manufacturing, further processing of raw materials, research and fostering technological advancements, directly related employment, education and training opportunities, education support such as childcare facilities, employment and business development initiatives offered within the Park.

34. For the purposes of completeness NIEP-O2, O3 and O4 are to be retained as notified. FNHL support these objectives.

KEY ISSUE 2: NIEP SPZ POLICIES

35. There were several policies where FNHL sought to modify and be amended via the submission process. The following assessment provides additional context and information as to why the changes sought should be confirmed within the updated set of policies for the NIEP-SPZ.
36. I have followed the order of policies referenced and considered with the s42A report.

NIEP-P1

37. For Policy 1, FNHL sought to have the word “employment” added to bullet point (d) and the inclusion of “by-products and waste stream product development” into bullet point (e). The analysis of the request within the s42A report results in the acceptance of these modifications as sought. The updated wording as noted from the s42A report is accepted and noted as follows:

- NIEP - P1 Provide for activities directly related to primary production where these are of an appropriate scale, nature and design for the NIEP zone, including:
- a. farming activities;
 - b. conservation activities;
 - c. rural industry;
 - d. primary production innovation, tertiary education, employment, and 'research and development' activities; and
 - e. manufacturing of primary production raw materials into a range of products, including by-product waste materials and its by-products or waste streams into a range of products.

NIEP – P2

38. There was a minor change sought by the Ministry of Education with respect to NIEP-P2. This is a not a policy to which FNHL submitted to, but the change sought seeks to remove “activities” and replace with “facilities”. This is not seen as an issue by FNHL for the Park.
39. However, in undertaking the analysis of P-2 additional wording has been added via the s42A report which conflicts with the intent of Objective 1 as contended by FNHL. It is considered for the reasons as previously noted that there is a place for childcare facilities and other support services within the Park. The key objective and result sought, is for there to be “no impediment” for people seeking education, training or employment opportunities. Demand exists for this additional support service and is common within education and employment establishments.
40. On the basis of changes sought within the s42A report, FNHL contend that the following wording is acceptable for the reasons noted above. FNHL would also contend that with there be no need to include the word “schools”. The facilities on site do not represent a typical school and there is no need for its inclusion. FNHL request that the reference to childcare facilities remain within the policy.

Recommended changes to NIEP-P2 as follows

Enable the establishment of retail, office and educational facilities ~~activities~~ (including temporary course related accommodation for students and trainees but which may include support services such as ~~excluding childcare facilities services and schools~~) where these are ancillary to permitted or existing primary production activities and are consistent with the outcomes sought for the NIEP zone.

NIEP – P3

41. FNHL sought to modify the policy by replacing the word “materials” as noted in (b) to “streams” which is a more accurate description of onsite activities and operations. The s42A report recommends that the submission from FNHL on NIEP-P3 is accepted in part and that the policy is amended as follows. The change sees the word “materials” change to “streams”. The updated P-3 would see the following wording:

NIEP-P3 Avoid land use and development that would compromise the function of the NIEP zone or detract from the function and well-being of Kaikohe and Ngawha, including but not limited to avoiding:

- a. ...
- b. industrial activities (excluding activities which incorporate manufacturing and processes relating to primary production including by-product waste ~~materials~~ streams);
- c. ...

42. The second change sought was from the current wording as noted within the PDP as follows:

- e. residential activities (excluding temporary student and trainee accommodation as provided for within the zone)

43. FNHL sought to modify the wording of point (e) to read as follows:

- e. residential activities (excluding temporary student, trainee, and visiting staff and/or onsite employee accommodation as provided for in the zone);

44. It is noted within the analysis within the s42A report that it is considered that this matter is covered already within P1 & P2. While this is generally correct it is important to make a distinction between the types of accommodation sought onsite and why the above matters should be excluded from the general premise for accommodation within the site.

45. It is further contended that if students and trainees are exempted and can be accommodated on site, then why is this not also afforded to visiting staff and employees required to remain onsite.

46. The need for accommodation for employers is a real issue faced within the Far North and one of the major issues facing the continued growth of the district. There are many instances where onsite options are either not allowed or simply too difficult to be provided. Most of the demand relates to seasonal employment options and has resulted in a number of existing accommodation establishments being purchased and used to meet this demand. This removes a large portion of the temporary accommodation available from tourism related purposes.

47. The accommodation reference is seen as a means to secure the use by staff and employees as required. The presence of onsite staff also assists with onsite security.

48. It is therefore respectfully requested that the exemptions for clause (e) be expanded to include visiting staff and onsite employees.

49. The FNHL submission sought to expand the range of education facilities as detailed and described in clause (g) as follows:

- g. education facilities not directly related to primary production activities, trade and added value trade and manufacturing education programs, or education services which are not provided

for currently in Kaikohe or which forms extension to existing providers;

50. The original clause (g) within the PDP reads as follows:

g. education facilities not directly related to primary production activities

51. The widening of the scope within this policy is a result of consultation with training establishments who currently operate from the Park and those who are potentially looking to establish within the Park in the future. It is important to ensure that education and training relates to the park objectives and while primary production is part of this, there are related uses and activities which seek to add value to the primary product. To limit this solely to primary production results in training and education for other Park activities not being available.

52. The inclusion of additional wording for clauses (e) & (g) as proposed by FNHL is recommended for these reasons

53. There were no submissions made on P-4 and P-5 and these are retained as notified.

NIEP-P6

54. FNHL sought to modify the wording within NIEP-P6 to allow for onsite servicing to be an available option for development proposals. The policy as notified required any generated wastewater to be connected to the reticulated onsite system. The submission by FNHL highlights that there may be situations where an onsite system which was not connected to the reticulated network would be considered to be more appropriate due to the isolation of the development.

55. The s42A report recommends that the submission from FNHL on NIEP-P6 is accepted and that the policy is amended the words “except wastewater” deleted. The updated policy is as follows:

NIEP-P6 Ensure adequate infrastructure is provided to service development and activities within the zone, through connections to the NIEP reticulated infrastructure or by suitable onsite infrastructure (~~except wastewater~~).

NIEP-P7

56. The submission by FNHL requested no changes to the policy but does note that the design guidelines for the Park requires updating. The reasons for this were highlighted within the reasons for the request. The Ngawha Innovation and Enterprise Park Design Guidelines’ issues include:

- a) Some of the development areas approved are not coloured – e.g. areas 5 & 19;
- b) the lizard relocation reserve is indicated as being within the Swamp Maire planting which is incorrect.
- c) the main horticultural area is unlabelled which will cause some confusion over number references within rules.

- d) Several properties located on SH12 and formally owned by FNHL should revert to the Rural Production Zone. The SPZ does not suit a regular lifestyle property which these properties are.
57. A copy of the updated document is available and there are no other changes beyond those noted above. There is no changes to the proposed development areas as illustrated within the original design guideline document.
58. The second reason for an updated plan for the Design Guidelines refers to potential development occurring over two development areas. This is now covered adequately in changes proposed for the rules and is therefore no longer relevant to the Ngawha Innovation and Enterprise Park Design Guideline. There is no change sought relating to this consideration.

KEY ISSUE 3 – GENERAL SUBMISSIONS WHICH IMPACT ON ALL ZONES

59. There were a number of submissions which sought to include provisions which relate to all zones. The general conclusion within the s42A report was that such submission points were either irrelevant or covered sufficiently by existing district wide provisions. The analysis and recommendations within the report are considered to be adequate and FNHL concur with the recommendations.
60. The matters covered include the following which has been summarised from the s42 report.
- Transpower – Critical Lines provisions – withdrawn from specific zone chapters and covered in the Utilities section – rejected with no changes recommended within s42A report
 - BOI Watchdog – generic submission over enabling pet ownership in all zones – not specifically relevant to the NIEP zone – rejected with no changes recommended within s42A report
 - FENZ – seeking new rules for fire related matters including allowance of emergency services to be established in the zone throughout all zones within the Proposed Plan. The Rural Production zone allows for the activities as sought and other matters covered by rules or other regulations – rejected with no changes recommended within s42A report
61. FNHL concur with the rejection of these suggested rules as detailed and recommended within the s42A report. The analysis is sufficient to conclude that the changes are unnecessary for the NIEP-SPZ.
62. There were several other general submissions which sought to influence all zones and which are detailed, noted, and analysed accordingly:
63. Heavy Haulage Association Inc.
- seeks the inclusion of relocatable buildings into the rules relating to allowance of buildings.
64. The analysis completed within the s42A report suggests that the reference although not directly specified within the rules is inferred. The report

recommends that NIEP-R1 can be modified to include a specific reference – minor amendment recommended with updated wording as follows:

New buildings or structures, relocated buildings, and extensions or alterations to existing buildings or structures

65. FNHL has no concerns with this minor change and agrees with the minor change to the wording under NIEP-R1.
66. Puketotara Lodge
 - seeks stormwater management related provisions across the district.
67. The analysis within the s42A report identifies a gap in the provisions for NIEP-S4 and therefore recommends the following wording be added in relation to the stormwater and the matters to be considered.
 - a. the extent to which landscaping or vegetation may reduce adverse effects of run-off,
 - b. the effectiveness of the proposed method for controlling stormwater on site;
 - c. the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites;
 - d. whether low impact design methods and use of green spaces can be used;
 - e. any cumulative effects on total catchment impermeability; and
 - f. natural hazard mitigation and site constraints.
68. With respect to the identified gap in the provisions it is agreed to by FNHL that the suggested amendments should be included within the relevant Standard. The matter raised is considered to be reflective of typical requirements for any stormwater management report prepared or required for development. FNHL support the inclusion of this assessment criteria.
69. Other matters raised by Puketotara Lodge we analysed within the s42A report and were not considered relevant to the NIEP-SPZ zone and were therefore recommended to be rejected accordingly. FNHL support the conclusion reached within the s42A report.
70. Trent Simpkin's submission sought additional relief for impermeable surfaces across the district particularly where rules for stormwater were considered onerous. It was proposed within the submission point that if stormwater related matters were supported by an Engineer's report (for any proposal), that there be no resource consent required.
71. It is considered by FNHL that it would be inappropriate to endorse the submission point and effectively remove the management of stormwater effects from FNDC. Significant reliance would be placed on the report not only addressing site specific requirements but also cumulative effects and would also somehow lead to effective monitoring within the respective catchments. The submission point was recommended to be rejected within the s42A report and this conclusion is supported by FNHL.

KEY ISSUE 4 – ENGAGEMENT WITH TANGATA WHENUA

72. In developing the Park concept, FNHL from the early stages engaged with tangata whenua prior to any formalisation of any proposal for the site. Hui were held at Ngawha Marae with Ngati Rangi who hold mana whenua over the site and general area. In undertaking the consultation process it was clear and apparent that Ngati Rangi were keen to be involved within the Park's development and this was seen as a positive way forward. As the relationship evolved there were moments where matters needed to be resolved and understanding from all sides considered before moving forward.
73. The applications for resource consent and the draft s32 prepared included a Cultural Impact Assessment completed by Ngati Rangi which covered the entire Park including development platforms and identified potential mitigation measures and protected areas from the onsite activities. The CIA noted several key elements to be focussed on and this resulted in several changes to design elements as well as around the construction methods used. The CIA also provided context to the Design Guidelines which also involved Ngati Rangi.
74. The formalisation of the relationship and ongoing role of Ngati Rangi within the Park and its establishment is important next step. There is currently a draft MOU which has been developed and has had input from both Ngati Rangi and FNHL. This is in the process of being finalised and expected to be completed before the end of this year.
75. During the construction phase for the Park, there were several issues which were required to be resolved around monitoring and participation in aspects of the development. This also included post RC decision matters surrounding the Horticultural Hub establishment and Ms Drader's property. This resulted in complaints and some disagreements before the matters were finally resolved.
76. It is further noted that these issues primarily occurred around the time of the submission period for the proposed district plan. This was unfortunate timing and potentially led to some of the comments raised within submissions. It is understood that these matters have been largely resolved.
77. The MOU forms the basis of this ongoing relationship, and this remains a priority for FNHL and Ngati Rangi. The management of expectations from both parties is important and this may not have been expressly stated in the original discussions.
78. Since the original submission period (which closed 21st October 2022) there has been further consultation and engagement, and the MOU has progressed.
79. In considering the resolution to the received submissions and identifying a solution it is considered by FNHL that there is a targeted approach for objectives and policies. The general conclusions reached for addressing this issue within the s42A is accepted however it is considered more appropriate to link the policy to the Ngati Rangi prepared Cultural Impact

Assessment completed for the Park and the Memorandum of Understanding to be signed off between Ngati Rangī and FNHL. This results in the following suggested wording for NIEP-P7.

NIEP-P7 any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in the completed Cultural Impact Assessment and the signed Memorandum of Understanding between Ngati Rangī and FNHL.

KEY ISSUE 5: RULES FOR BUILDINGS AND STRUCTURES

80. This issue relates specifically to rules for buildings and structures and identifies two rules which need to be evaluated and considered. These rules are very similar and seek to achieve generally the same outcomes. The two rules are as follows:
 - a. NIEP-R1 - new accessory buildings or structures, and extensions and alterations to existing accessory buildings and structures.
 - b. NIEP-R8 - new buildings or structures, and extensions or alterations to existing buildings or structures.
81. The suggestion within the s42A report is that these two rules be amalgamated. FNHL agree that there seems to be little logic in having two separate rules and this is modified accordingly.
82. The amalgamation of NIEP-R1 and NIEP-R8 is agreed to.
83. As part of the updated rule for buildings under NIEP-R1 and NIEP-R8, there is reference to impermeable surfaces. This is an area of contention and infers a degree of complexity which is considered unnecessary. The draft s32 report prepared by FNHL identified no impermeable surfaces limitation. A percentage was deliberately excluded for the following reasons.
84. The development sites identified within the design guidelines equated to less than 15% impermeable surfaces for the overall site (240ha) and this was a comparable allowance to the Rural Production zone. With buildings required to be located only within the development areas, it was considered within the FNHL prepared s32 evaluation that no coverage limit was necessary. In addition, it was noted within the draft s32 provisions provided by FNHL that a Controlled resource consent be required for all buildings.
85. The PDP as notified introduced the two building rules but also required a 10% percentage permitted allowance (in relation to the development area) which prompted FNHL to lodge submissions seeking an increase to a more realistic allowance. The development areas were already less than 15% and that the real permitted allowance for the development platforms would be effectively only 1.5% of the entire site. The modified percentages sought by FNHL in respect to the original 10% proposed allowance was motivated by the prospect of a permitted activity status. This new proposed percentage was still likely to be insufficient for potential developments within the development platforms.

86. The site has had a comprehensive landscape assessment with detailed designs provided for the innovation hub and horticultural hub where development has been undertaken.
87. Within the s42 assessment, the percentages were removed and the suggestion to require a controlled activity status for all buildings now proposed. This premise is accepted by FNHL and the suggested of no coverage allowance rule for within the development areas is also accepted by FNHL. The application status of a proposal which does not meet this requirement is to be considered as a Discretionary Activity and this is also acceptable to FNHL. The instance where a development traverses over two development areas is accepted as being a Discretionary proposition and accepted accordingly.
88. The amalgamation of the R-1 & R-8 is acceptable and the modification which require a controlled resource consent for any buildings within the development areas is appropriate providing the coverage limitations within the development areas is removed. The application status for failing to meet the controlled threshold is a discretionary activity is also accepted.
89. FNHL also acknowledges that this would add some time and cost through a resource consent but would remove any queries over permitted allowances which is more important for all involved. As a controlled activity there is certainty over the outcome and this would be conveyed to prospective developers within the Park.
90. The date attached to the Design Guideline for the Park will also need updating to reflect the updated plans which address the minor issues associated primarily with labelling and a location error for the Lizard Park.

KEY ISSUE 6: NIEP SPZ RULES

91. There were several rules to which submissions were lodged by FNHL and by other persons/ parties. The submissions by FNHL were predominantly where a conflict was noted, or the allowances sought within the respective rule was onerous or unclear. The updated wording sought by FNHL for the respective rule is provided accordingly.
92. Several rule modifications result from earlier issues raised including the NIEP Objectives and Policies or general matters as noted within Key Issues 4 & 5. There are also several inclusions which reflect consistency with other zones and result from consequential amendments.

NIEP-R1

93. As referenced earlier NIEP-R1 and NIEP-8 are to be amalgamated with NIEP-R1 deleted and NIEP-R8 modified to accommodate the required changes. FNHL concur with this approach as there is no logic in having two very similar rules within the zone.
94. The consequential amendment results in NIEP-R8 changing to NIEP-7 for the purposes of this change with all other rules numbering modified as well.

95. FNHL agree that the permitted threshold for new buildings will now change to become a Controlled Activity. All previous permitted thresholds which reference size and areas are replaced with a controlled activity status as per the updated wording. The following wording as suggested within the s42A report is accepted on the basis of the amalgamation of R1 & R8 and the removal of percentages or areas of built form to simply all buildings being controlled.
96. The updated wording agreed to by FNHL is as follows:

NIEP-R7& New buildings or structures, and extensions or alterations to existing buildings and structures

CON-1

~~New buildings or structures, and extensions or alterations to existing buildings and structures not otherwise provided for by NIEP-R1~~

~~New accessory buildings or structures, and extensions or alterations to existing accessory buildings and structures are~~ The building or structure is located and designed in accordance with ~~the development platform areas shown in the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022.~~

CON-2

Artificial crop protection and support structures:

1. are located at least 3m from all boundaries; and
2. do not exceed 6m in height.

CON-3

The development platform and buildings are connected to the NIEP internal reticulated 3 waters systems or sufficient onsite provision within the development platform can be demonstrated by a suitably qualified person.

CON-4

The building or structure complies with standards:

NIEP-S1 Building or structure design appearance;

NIEP-S2 Maximum height;

NIEP-S3 Setback (excluding from wetland, lake and river margins);

NIEP-S4 Impermeable surface coverage;

NIEP-S5 Landscaping;

NIEP-S6 Stormwater, wastewater and water supply; and

NIEP-S7 Traffic movements

Matters of control are limited to:

- a. the extent to which the building or structure and ~~development~~ is consistent with the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022;
- b. the materials used, including consideration of colour, finishing, reflectivity, and permeability;
- c. the effect of buildings, structures and signage design (including facades and roofs) on the character and amenity of the zone and surrounding rural environment;
- d. the siting and separation of buildings; e. provisions of infrastructure services and the ability of stormwater, water and wastewater to be managed adequately; and
- f. access and onsite manoeuvrability.

NIEP-R4 Primary Production Retail

97. FNHL raised two issues within NIEP-R4 to which changes were sought. The first change related to the title of the rule where FNHL sought to delete the words “Primary Production” and for the heading to simply read – Retail. The request was because whilst primary production was a key component there were some processing which may fall outside of the “Primary Production” definition.
98. In considering this request, the s42A report raised no specific objection and suggest that the words “Primary Production” could be removed but referenced in other sections as an exclusion matter rather than to modify the heading. It is considered more appropriate to modify the heading and therefore not result in any confusion over what the matter to which the rule applies. Cross referencing to other rules or Objectives and Policies may be required leading to unnecessary complication.
99. The second consideration related to the size allowance for retail space within any building. The Park offers the opportunity for businesses to not only establish and develop in the incubator or shared facilities but to also operate from the Park as an established business operation. The types of business can hold many forms from adding value to raw products through processing operations. Such activities can also involve a retail component.
100. It is therefore important that retail space which often includes display or showroom type spaces are able to be created within the buildings. The proposed rules for this aspect were submitted on by FNHL because the permitted allowance was inadequate when considering the types of retail product that could be created within the site.
101. The rule as proposed in the PDP included the following wording.

The retail area for any development platform area shown in the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022, has a maximum GBA of 100m² and is set back at least 30m from any zone boundary.

102. The relief sought by the submission from FNHL was to allow 20% of the Gross Business Area to be available for retail. The s42A report noted several examples which highlighted that a percentage of GBA was potentially overly generous and not what was intended by the suggested change. The use of GBA involves much more than just the retail aspect to which the concern relates.

103. The definition of Gross Business Area reads:

- b) the area of any part of the site used solely or principally for the storage, sale, display or servicing of goods or the provision of services on the site but not including permanently designated vehicle parking, manoeuvring, loading and landscaped areas.

104. FNHL maintain that the allowance remains insufficient but also recognises that a percentage for the larger buildings in particular would be potentially excessive. FNHL in light of the examples offered within the s42A report and the definition of Gross Business Area, now proposes the following allowances:

Maximum of 150m² for buildings up to 600m²
Maximum of 200m² for buildings over 600m²

105. The increased allowance ensures that a realistic retail space is possible whilst ensuring that the retail component remains ancillary to the primary use.

106. FNHL therefore requests that the rule read as follows:

NIEP-R4 ~~Primary Production~~ Retail

The retail area for any development platform area shown in the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022, has a maximum GBA of ~~400m²~~ 150m² for buildings up to 600m² and a maximum of 200m² for buildings over 600m² in area and is set back at least 30m from any zone boundary.

NIEP-R5 Rural Industry

107. FNHL made submissions to all parts of this rule – PER-1, PER-2, & PER-3. The following evidence seeks to qualify the submission positions.

108. In response to earlier agreed positions, PER-1, which relates to building sizes, this can be deleted as all buildings are now addressed by a new Controlled activity rule. The rule as previously addressed requires all buildings to be subject to a Controlled Resource Consent with no size limitations providing the building is within the development area.

109. The rule detailed in PER-2 under NIEP-R5 has the following wording to which FNHL has concerns.

The number of rural industry operations per development platform area shown in the 'Ngawha Innovation and Enterprise Park Design guidelines' dated March 2022, does not exceed one.

110. It is FNHL's contention that there will be instances where more than one industry could co-exist on a site. Providing that the activities are contained within the development platform there should make no difference if one or more operations occurred on the site. There could be synergies and increased efficiencies from this approach and may enable more effective use of the development platforms. The s42A report concurs with this suggestion as submitted to by FNHL.
111. The third concern related to the following rule PER-3 which sought to ensure all activities would be undertaken within a building.

PER-3

All manufacturing, altering, repairing, dismantling or processing of any materials or articles is carried out within a building.

112. FNHL contend that the types of activities proposed would make this type of control very difficult and impractical to comply with. The s42A report agrees with this conclusion and recommends that this requirement be deleted as suggested by FNHL.
113. For the purposes of NIEP-R5 there is agreement between FNHL and the s42A report and recommendations.

NIEP-R6 Office and tertiary educational activity

114. There are several changes sought to rule provisions under NIEP-R6 and there are common positions on many of the matters raised. FNHL maintain that the common concerns raised within the s42A report for objective and policy considerations are overstated especially with respect to childcare facilities. The reasons for the availability of childcare facilities have been previously raised and cascade into rules.
115. For the purposes of PER-R-1, PER-R2, PER-r3 there is general agreement with the changes and the wording offered within the FNHL submission remains the preference for these sections.

PER-1

The office directly supports primary production activities, trades, and pathways-to employment programmes.

PER-2

The education activity directly supports primary production activities, trades, and pathways to-employment programmes.

PER-3

The office or education activity is ancillary to a lawfully established activity on the same development platform area shown in the 'Ngawha Innovation and Enterprise Park Design Guidelines', dated March 2022.

Note 1: lawfully established means an activity consented or operating under permitted activity rules when this Plan was notified.

Note 2: there could be more than one education provider located within each development area as co-location and on-the-job training and education programs are likely to be delivered by a number of different providers with specialist expertise.

116. The submission from FNHL seeks that both PER-R4 and PER-R5 be deleted. The rules currently read as follow:

PER-4

The number of office or tertiary education facilities per development platform area shown in the 'Ngawha Innovation Park Design Guidelines' dated March 2022, does not exceed one.

PER-5

The GFA of the office or tertiary educational facility does not exceed 300m².

117. FNHL submit for PER-R4 that there could be potentially more than one education provider offering courses and programs from the same facilities within the Park. This could involve some providers who offer primarily daytime offerings and those more pitched at evenings or weekends. Additionally, there may be workshops or seminars from experts who come for the day or the duration of the course.

118. Much like the general agreement and consensus for more than one occupier for rural industry within the development platforms, the same argument applies to education providers where multiple users could make use of the same facilities.

119. With respect the PER-R5 there does not appear to be any justification for the permitted building allowance of 300m² and how this was concluded as being acceptable. The draft FNHL prepared s32 did not reference any size limitations and details on this allowance are not known. The education facilities constructed on site to date are significantly larger.

120. The approach for buildings size considerations within the s42A report has generally seen the removal of size allowances and the introduction of a Controlled standard for all buildings. There is general agreement from FNHL to this approach requiring a controlled resource consent. It is noted that the approach in this rule conflicts with other changes sought. An allowance as noted conflicts with this approach and is considered to be unnecessary. For the purposes of consistency with the other rules the rule is requested to be removed or further information provided as to how the proposed allowance was reached.

NIEP-R7 Primary production research and development activity

121. The submission from FNHL for NIEP-R7 seeks to widen the scope of the activities defined. There is agreement within the s42A report for this proposed change with the wording accepted and the modified wording to read as follows:

The research and development activity directly relates to primary production, manufacturing of primary production and its by-products/waste streams, trades, and employment programmes.

NIEP-R8 New buildings or structures, and extensions or alterations to existing buildings or structures

122. The submission by FNHL on matters pertaining to NIEP-R8 has been addressed via the amalgamation of NIEP-R1 and NIEP-R8. This change sees all building trigger the need for a controlled resource consent. While this will potentially add time and some cost to the future development, the removal of allowances for sizing removes any uncertainty.

NIEP-R9 Education facility

123. FNHL sought to modify the wording to more accurately reflect the educational offerings as detailed within the submission. The s42A report identifies that NIEP-R6 and NIEP-R9 seek to reference similar aspects and duplicate one another. It is contended that these two rules are consolidated. FNHL do not oppose this consolidation exercise but seek to ensure that changes sought by FNHL as it relates to NIEP-R6 are noted and provided for in the consolidated rule.

124. If consolidation of the rule is not agreed to by the Hearings Panel then we would ask that the FNHL's submitted wording for NIEP-R9 is accepted as provided a more accurate description of the proposed education facility. The suggested wording is as follows:

The education facility provides education services, including trade training, alternative education and secondary education pathways to employment and education that primarily relates to the manufacturing and production of primary products.

NIEP-R10 Caf  and takeaway food outlets

125. FNHL made submissions on the NIEP-R10(a) which refers to the size of any caf  or food outlet within the Innovation hub. The current rule within the PDP reads as follows:

MDA-1(a) The caf  and takeaway food outlet does not exceed a GFA of 50m².

The definition for GFA is as follows:

Means the sum of the total area of all floors of a building or buildings (including and void area in each of those floors, such as service shafts, liftwells or stairwells), measured:

- a) where there are exterior walls, from the exterior faces of those exterior walls;
- b) where there are walls separating two buildings, from the centre lines of the walls separating the two buildings;

- c) where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.

126. The definition includes not only the space use for seating but also the counter space, the preparation and kitchen space, and the storage space. To fit this within 50m² and even the revised 100m² is considered to be unrealistic.

127. FNHL's submission seeks to increase this allowance to the following:

The café and takeaway food outlet does not exceed a GFA of 150m² plus a customer area not exceeding 200m².

128. FNHL is prepared to reduce this preferred allowance to 150m² which acknowledges the ancillary nature of the proposed activity and includes the customer area. It is further noted that the activity falls under the Restricted Discretionary threshold and would trigger the need for a consent which would be subject to Councils discretion. The updated wording would read as follows:

The café and takeaway food outlet does not exceed a GFA of 150m².

NIEP-R11 Residential accommodation ancillary to educational facility

129. FNHL sought an amendment to the heading for NIEP-R11 which added the word "- accommodation" to the title. This appears to be unnecessary and there is agreement with the s42A conclusion that this additional wording is not required. FNHL support its deletion and support the original wording.

KEY ISSUE 7: NIEP SPZ STANDARDS.

130. FNHL under NIEP-S7 seeks to fully replace the wording within the PDP and replace it with the wording provided within its submission. The reason for this relates partially to the complicated description but also does not take into account the consented allowances and current design parameters.

131. The designs for access onto both Wallis Road and SH12 have been subjected to rigorous review and assessment with a number of controls put in place for not only the flow of traffic but also the type of vehicle. The rules infer that a traffic report is required for any new activity on site which is considered to an onerous requirement. The updated rule allows for a review when traffic thresholds exceed a set threshold. Mr Tonks will speak to this rule and answer specific questions in relation to this.

132. The observation and net result is that when traffic volumes reach the required threshold as specified in the updated rule then consideration of traffic related matters can be completed. To require this before the thresholds are reached would result in unnecessary cost and time delay which would confirm that the access remains fit for purpose. There needs

to be a measurable outcome from the standard as notified and this is not achieved.

133. FNHL request that the replacement Standard for NIEP-S7 be applied and shall read as follows:

NIEP-S7

1. Prior to reaching 80% of the traffic movement thresholds set out below an annual traffic movement survey of the NIEP zone and Wallis Road entrance shall be undertaken to confirm movements are within the stated limits. Until Wallis Road is sealed, this shall include restricting the use of Wallis Road to heavy vehicles (trucks, including provision for emergency vehicles).
2. Exceeding 80% of the movement thresholds a traffic management assessment shall be prepared by a suitably qualified person which outlines traffic generation and movements from the activity.
3. Traffic movements do not exceed the following thresholds:
 - i. 541 afternoon weekday peak hour vehicle movements (equivalent to approximately 1379 FTE) across the NIEP zone; and
 - ii. a maximum of 30 peak hour vehicle movements via Wallis Road.
4. Following confirmation being provided by Waka Kotahi NZ Transport Agency that the Wallis Road/State Highway 12 intersection has been upgraded, the related traffic movements across the NIEP zone do not exceed:
 - i. 620 afternoon weekday peak hour vehicle movements (equivalent to approximately 1599 FTE) across the NIEP zone; and
 - ii. a maximum of 95 peak hour vehicle movements via Wallis Road.

134. The updated wording as proposed is seen to acknowledge not only the existing access capacity but also identify when report are to be required on traffic related matters.

CONCLUSION

135. I consider that the s42A Reporting Planner has partially satisfied the relief sought through the submission of FNHL and that those areas remaining outstanding from FNHL's perspective have been discussed and analysed accordingly.
136. It is my recommendation that the changes sought by FNHL be adopted into the updated provisions for the Special Purpose Zone for the Ngawha Innovation and Enterprise Zone. These changes are considered appropriate and practical and do not result in some of the concerns raised which are overstated. The Parks intent and management enable occupiers to establish within the site and so there remains control over potential Park occupants.
137. The proposed changes as sought will enable a Park to be established which not only meets the expectations noted within its goals and aspirations but which also is competitive on a regional and national level.

138. These outcomes can be achieved while upholding environmental bottom lines and ensuring cultural values are in the forefront of design and activity considerations.

Wayne Smith

Dated 4th June 2024