



SECTION 42A REPORT

Officer's written right of reply 3 July 2024

Hearings 2 and 3 – Special Purpose Zones

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Appendix 1: Officer's Recommended Amendments to Provisions.



1 Introduction

1.1 Background

1. My name is Jerome Wyeth and I am the author of the section 42A reports for the Airport Special Purpose Zone, the Hospital Special Purpose Zone and the Ngawha Innovation and Enterprise Special Purpose Zone, which were considered in Hearings 2 and 3 on the Proposed Far North District Plan (**PDP**) held on 18 June 2024.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the section 42A reports referred to above and request that the Hearings Panel (**the Panel**) take this as read.

2 Purpose of Report

3. The purpose of this report is to respond to the evidence of the submitters that was pre-circulated and presented at Hearing 2 and 3 on the PDP and to reply to questions raised by the Panel during these hearings. No further evidence was received or presented on the Airport Special Purpose Zone at Hearing 3. Accordingly, the Airport Special Purpose Zone is not considered further in this right of reply.

3 Consideration of evidence recieved

4. Evidence was pre-circulated and presented on the Hospital Special Purpose Zone (**Hospital SPZ**) and the Ngawha Innovation and Enterprise Special Purpose Zone (**NIEP SPZ**) from the following submitters:
 - a. Health New Zealand - Te Whatu Ora (**Te Whatu Ora**) – planning evidence from Ms McGrath on the Hospital SPZ.
 - b. Far North Holdings Limited (**FNHL**) – planning evidence from Mr Smith, engineering evidence from Mr Tonks, and corporate evidence from Mr Nock on the NIEP SPZ. Mr Smith also provided supplementary evidence dated 24 June 2024 in response to directions from the Panel.
5. At Hearings 2 and 3, evidence was presented by Kapiro Conservation Trust that raised a range of broader issues relating to energy efficiency, climate change and low impact stormwater design (among others). My understanding is that the relevant submission points referred to in the evidence of Kapiro Conservation Trust are being addressed through other PDP topics (primarily the subdivision topic). These submission points are not specific to the Airport, Hospital or NIEP Special Purpose Zones and are therefore not addressed further in this reply evidence.
6. At Hearings 2 and 3, evidence was also presented BOI Watchdogs with the submitter raising a range of issues and concerns relating to controls on dog ownership. The issues raised by the submitter will be addressed in more



detail through the Ecosystem and Indigenous Biodiversity chapter being considered in Hearing 4 and the Subdivision chapter being considered Hearing 17 and are not specific issues for the Airport, Hospital or Ngawha Special Purpose Zones. As such, the issues raised by the submitter are not considered further in this right of reply.

7. In order to distinguish between the recommendations made in the s42A Report and my revised recommendations contained in Appendix 1 of this report:
 - a. Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and
 - b. Revised recommendations from this Report are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text.
8. As a result of recommendations in my section 42A reports and this Right of Reply, a number of the provisions require renumbering. Where I reference provisions in this report, I use the new reference number (consistent with renumbered provisions in **red text** in **Appendix 1**).
9. For all other submissions not addressed in this report, I maintain my position set out in my original section 42A reports.

3.1 Hospital Special Purpose Zone

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issues 2, 3, 4 and 5
Evidence in chief from Ms McGrath for Te Whatu Ora	The full statement of evidence

Analysis

10. Based on a review of the planning evidence received by Ms McGrath on behalf of Te Whatu Ora and matters raised during the hearing, I consider that there are four key issues to respond to as follows:
 - a. HOSZ- S2- amendments to the height to boundary standard.
 - b. HOSZ-O1 – amendments to objective.
 - c. Definition of hospital related activities.
 - d. Activity status for supported residential care.



11. I address each of these four matters below. In addition, there were some questions raised at the hearing about parking standards for the Hospital SPZ, partly due to concerns raised about existing parking issues around the Kaitaia Hospital and the potential for these to be exacerbated through future development of this site. While submissions on the parking standards are scheduled to be considered through the Transport topic (Hearing 12), I can confirm that Te Whatu Ora has made a submission on the parking standards for the Hospital SPZ requesting that these are more enabling¹.

HOSZ-S2: Height to boundary

12. Ms McGrath considers that there should be a more enabling height to boundary threshold of 45 degrees at 3m measured from ground level as sought by Te Whatu Ora. This compares to a threshold of 55-35 degrees at 2m from ground level based on the orientation of the boundary notified in the PDP, which is a common height to boundary standard adopted in the PDP zone chapters. Ms McGrath considers that this will not result in adverse effects due to nature of the three hospital sites and her evidence also notes that the requested height to boundary standard is consistent with equivalent standards in other more recent Hospital Special Zones in other district plans New Zealand.
13. I consider that the evidence of Ms McGrath has helpfully provided further details on the likely effects of an increased height to boundary threshold, particularly at the Bay of Islands/Kawakawa and Rawene sites. With respect to Kaitaia Hospital site, I note that the north-western boundary is likely to be the most impacted by proposed buildings as show on the Kaitaia Hospital masterplan (Figure 2 in Ms McGrath's evidence). However, I agree that these existing allotments already have residential dwellings, which are generally well set back from the shared boundary.
14. I also accept that the more permissive height to boundary standard is consistent with the more enabling intent of the Hospital SPZ in the National Planning Standards. In my opinion, a more enabling standard is also appropriate to recognise the hospital sites as regionally significant infrastructure with wider public benefits where localised adverse effects on residential amenity can be more justified. I also accept that this more enabling height to boundary standard is consistent with other equivalent Hospital SPZ standards in other recent district plans, including the Whangarei District Plan. I therefore recommend that HOSZ-S2 is amended as sought in the original relief from Te Whatu Ora.

¹ For example, Te Whatu Ora (S42.012) "*The proposed car parking standard is too generous as the size of facilities increase to meet Australasian Health Facility Guidelines which are much larger than existing facilities. Amend the Hospital required car parking space rate to 1 space per 2 beds plus 1 per 2 employees.*"



Objective

15. Ms McGrath requests amendments to HOSP-O1 to refer to “*efficiently and cost effectively*” in clause a) and also to incorporate the concept of integrated services through a reference to “*integrated*” in clause b).
16. I support the general intent of the amendments requested by Ms McGrath but consider the reference to “*cost-effectively*” is not necessary as this duplicates the earlier reference in the objective to “*efficiency*”. Further, the reference to operating “*efficiently and effectively*”, as notified in HOSP-O1, is commonly used terminology under the RMA and in plan provisions relating to regionally significant infrastructure. However, I agree that it is appropriate for clause b) in HOSP-O1 to incorporate the concept of integrated services and recommend that clause b) is amended as follows “...provide *an integrated and wider range of hospital activities and hospital related activities*”.

Definition of hospital related activities

17. Ms McGrath considers that it is appropriate for the definition of “*hospital related activities*” to be expanded in line the original relief sought by Te Whatu Ora. More specifically, Ms McGrath considers that the definition should be expanded to include commercial services, private and general medical facilities, visitor accommodation, emergency services, care centres, and signage and lighting.
18. I consider each of the activities requested for inclusion in the definition of “*hospital related activity*” in the table below. In broad terms, I largely agree that the definition should be expanded based on consideration of the evidence provided by Ms McGrath, with the exception of emergency services and signage as set out below.

Requested Activity	Recommendation
Commercial services ²	I accept that it is appropriate for commercial services to be included within the definition on the basis that the chapeau of the definition still requires the

² Defined in the PDP as ‘**Commercial service** means a business providing personal, property, financial, household, private or business services to the general public as a commercial activity. It includes:

- a. bank;
- b. commercial indoor fitness centres/gymnasiums/play areas;
- c. professional and financial services;
- d. commercial sexual services;
- e. dry cleaner;
- f. funeral director premises;
- g. hair dresser;
- h. real estate agent;
- i. show home;
- j. travel agent; and
- k. veterinary clinic.



	activity to be " <i>ancillary</i> " to the hospital. This will help prevent the risk of a broader range of commercial services being established in the Hospital SPZ and ensure that these commercial services are compatible with the core hospital activities within each site, which Te Whatu Ora will retain control over as owner of the three sites.
Private and general medical facilities	I accept that private medical facilities are excluded from the definition of hospital due to the definition being linked back to these being regionally significant infrastructure (which as defined in the RPS and PDP only applies to public hospitals). Therefore, I recommend that these private facilities are included in the definition of hospital relates activities.
Visitor accommodation	I consider that this is more a drafting question of whether ancillary accommodation should be provided for within the definition of hospital related activities or a as a separate rule as notified rather than any disagreement about the policy intent. On balance, I agree that it is more efficient to include ancillary visitor accommodation within the definition of hospital related activities but recommend that the requirement in PER-1 from HOSZ-R3 be retained. This will make it clear that any visitor accommodation needs to be " <i>ancillary and for the purposes of non-permanent accommodation for hospital staff, contractors, patients or family</i> ".
Emergency services	The PDP includes a definition of emergency service facilities ³ which is broader than the emergency services that would typically operate in a Hospital SPZ. I also note that ambulance facilities, helicopter facilities and first aid training facilities are already included in the definition of hospital related activities, and it is unclear from the evidence of Ms McGrath why this definition should be expanded to include fire stations or police stations (being the other two types of emergency service facilities not captured by the definition of hospital related activities). In my view, these two activities are more appropriately located in other zones and, in the absence of any specific reasons from Ms McGrath as to why these activities should be in the Hospital SPZ, I do not recommend that the definition of hospital related activities include emergency service facilities.
Care centres	I note that " <i>supported residential care activity</i> " is defined in the PDP ⁴ so I consider this request should align with that definition. As for commercial services, I accept the rationale that the chapeau of the definition of hospital related activities requires the activity to be " <i>ancillary</i> " to the core hospital activities on site, which will help ensure that the supported residential care activity is compatible with these core hospital activities. I also agree that facilities such as Ronald McDonald House are appropriate activities within the Hospital SPZ and should be provided for within the definition of hospital related activities.
Signage and lighting	I note that the PDP includes specific chapters on lighting and signage under " <i>general district wide matters</i> " in accordance with the National Planning Standards. Ms McGrath has provided no details on why these more generic signage and lighting rules are not fit for purpose for the Hospital SPZ. I also note that the signage chapter does include some specific signage rules for other special purpose zones. Therefore, in my view, it is more appropriate to

³Defined in the PDP as "*means fire stations, ambulance stations, police stations and associated ancillary facilities*".

⁴ Defined in PDP as "*means land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents.*"



	consider specific lighting and signage rules standards for the Hospital SPZ through those chapters rather than through the definition of hospital related activities.
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Supported residential care as a permitted activity

19. Te Whatu Ora requests that supported residential care is provided for as a permitted activity as these are increasingly common on Hospital Sites (e.g. Hospice, Ronald McDonald). Ms McGrath also considers that this request is appropriate as this activity is likely to have environmental effects that are less or similar to other hospital related activities within the Hospital SPZ.
20. As outlined above, I recommend that "*supported residential care activity*" be included in the definition of hospital related activities (on the proviso that the chapeau of the definition clearly requires this activity to be ancillary to the core hospital activity). Accordingly, I recommend HOSZ-R5 is deleted.

Section 32AA evaluation

21. **Height to boundary standard** – I consider that making the height in relation to boundary standard more permissive for the Hospital SPZ will be more efficient and effective in supporting the future development of hospital sites as regionally significant infrastructure compared to the notified HOSZ-S2. The more permissive standard may result in development within the Hospital SPZ with some adverse effects on the residential amenity on adjacent sites, particularly along the north-western boundary of the Kaitaia Hospital site. However, on balance, I consider that this is appropriate given the size of, and level of residential development on, these adjacent sites, which reduces the likelihood of significant built dominance effects resulting from future expansion of the Kaitaia Hospital. I consider that is also appropriate to allow for some degree of adverse effects on residential amenity when necessary to recognise the significant public benefits of the hospitals as regionally significant infrastructure.
22. **HOSP-O1** – I consider that the inclusion of a reference to "*integrated*" services in HOSP-O1 is a more effective way to reflect the inter-related nature of hospital and hospital related activities that are provided for in the Hospital SPZ compared to the notified wording of the objective. I consider that this provides appropriate direction as to the desired outcome for the Hospital SPZ, namely that integration is considered as a core part of deciding the mix of activities that are necessary/appropriate for each hospital site.
23. **Definition of "hospital related activities" and associated deletion of rules** – I consider that removing activity specific permitted activity rules and instead incorporating those activities into the definition of "*hospital related activities*" is a more efficient drafting approach for the Hospital SPZ chapter without changing the underlying policy intent. The expanded definition of "*hospital related activities*" is more efficient with respect to the additional activities included as it will avoid the need for a resource consent process



for these activities while still ensuring that there is a clear link to these activities being ancillary to, and compatible with, the core hospital functions.

3.2 Ngawha Special Purpose Zone

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issues 1, 2, 4, 5, 6 and 7
Evidence in chief and supplementary evidence of FNHL	All evidence received

Analysis

24. Based on consideration of the evidence in chief received from FNHL and issues relating to the NIEP Zone raised at the hearing, I consider that there are seven main issues to respond to:

- a. The provision for childcare facilities/child care service⁵ within the NIEP SPZ.
- b. The provision for accommodation in the NIEP SPZ.
- c. Amendments to the NIEP SPZ objectives.
- d. Amendments to the NIEP SPZ policies.
- e. Engagement with tangata whenua.
- f. Amendments to the NIEP SPZ rules.
- g. NIEP-S7 – traffic movements.

25. I address each of these issues below. In addition, I note that during the hearing, Mr Tonks outlined a number of changes to the NIEP Design Guidelines, which are primarily minor changes to make the guidelines clearer and easier to comply with. I have no issues with the updates presented by

⁵ While the evidence from FNHL uses the term "childcare facility" this is not defined in the PDP. However, the PDP does include a definition of "child care service" as follows: "means a facility for the care and/or education of children under the age of seven during the day, and includes but is not limited to:

- a. creches;
- b. early childhood centres;
- c. day care centres;
- d. kindergartens;
- e. Kohanga Reo;
- f. playgroups; and
- g. day nurseries."



Mr Tonks and recommend that the amended NIEP Design Guidelines are incorporated into the PDP.

Child care service

26. FNHL considers that it is important to enable childcare facilities within the NIEP SPZ as this will reduce potential barriers for students, trainees, employees, or business owners operating within the Park who require this service. The supplementary evidence from Mr Smith also indicates that there is advanced interest in establishing a childcare facility within the NIEP SPZ and this evidence includes design plans for a potential childcare facility based on these preliminary discussions.
27. Based on consideration of the evidence from FNHL and issues raised during the hearing, I consider that it is appropriate to provide for “child care service” (as defined in the PDP) within the NIEP SPZ subject to the following controls:
 - a. There is no more than one child care service within the NIEP SPZ. This is consistent with the relief sought by FNHL and one child care service facility is anticipated to provide for the needs of workers on site for the foreseeable future.
 - b. The childcare service must be located within the Innovation and Enterprise Precinct. Again, this recommendation is consistent with the relief sought by FNHL who indicate that the most suitable and desirable development platform for this child care service is likely to be located near the front entrance to the Park. This location will ensure that the childcare facility is located away from primary production activities within the NIEP SPZ, which will reduce the likelihood of potential reverse sensitivity effects occurring.
28. To provide for this relief, I recommend:
 - a. Amendments to NIEP-P2 to remove the direction to specifically exclude child care services; and
 - b. Amendments to NIEP-R5 to provide for new permitted activity conditions for child care services that restrict the number of facilities to one and requires the facility to be located within the Innovation and Enterprise Precinct.

Accommodation

29. In response to questions raised during the hearing, Mr Smith has provided supplementary evidence on behalf of FNHL on the need to be better provide for accommodation within the NIEP SPZ, in particular the type, location and potential number of units. In short, FNHL is seeking that NIEP SPZ provisions better enable accommodation for visiting staff and on-site employee in addition to accommodation for temporary students and trainees. The supplementary evidence from Mr Smith also:



- a. Identifies development platform 19 as the preferred location for the proposed accommodation, which is located to the north of the Innovation and Enterprise Precinct and is adjacent to the Matawii Dam.
 - b. Provides details of FNHL's preferred accommodation mix, which comprises of:
 - i. 20 standalone residential units (mix of one-, two- and three-bedroom units), intended for trainees and on-site employees; and
 - ii. Two larger accommodation blocks with 30 bedrooms each, intended for student and trainee use.
30. Mr Smith considers that this residential density is appropriate as it equates to approximately one dwelling per 12 ha over the full 240ha NIEP SPZ (excluding the accommodation blocks). Mr Smith also considers that the location of this accommodation within development platform 19 will ensure potential reverse sensitivity effects are avoided.
31. In broad terms, I support the proposal to limit accommodation to development platform 19 as this will help to manage potential reverse sensitivity effects on other activities within the NIEP SPZ and is more effective and certain that general provision for accommodation throughout the NIEP SPZ in my opinion. I am also comfortable with the requested accommodation blocks for students and trainees as providing for this type of accommodation was always intended within the NIEP SPZ and there is a degree of certainty that these will be used for this purpose. I also agree that temporary accommodation for visiting education staff is appropriate and some provision for standalone residential units may be appropriate for these staff.
32. However, I am still not convinced that there is a need to provide for accommodation for on-site employees and particularly not at the scale requested by FNHL (i.e. 20 new residential units with capacity for approx. 40 employees). In my view, there is no real demonstrated need for employees within the NIEP SPZ to have on-site accommodation given there are numerous opportunities for residential accommodation and new residential units within nearby Kaikohe and Ngawha and the surrounding rural environment. I also consider that there is a risk that the 20 residential units requested by FNHL transition from workers accommodation to more general rental accommodation overtime with no/limited connection to education facilities and businesses operating within the NIEP SPZ.
33. I therefore recommended that the relief sought by FNHL is accepted in part through an amendment to NIEP-R9 that provides for "**temporary accommodation ancillary to education facility**" as a restricted discretionary activity subject to the following conditions:
- a. The accommodation is located within development platform 19.



- b. The accommodation is temporary accommodation for students, trainees, or visiting education staff.
- c. The number of standalone residential units does not exceed five.
- d. The number of accommodation blocks for students does not exceed two with a capacity of no more than 30 bedrooms.

34. I also recommend consequential amendments to NIEP-P2 and NIEP-P3 to provide for this relief as detailed further below.

NIEP SPZ Objectives

35. The evidence in chief from Mr Smith for FNHL requests amendments to NIEP-O1 to refer to "education support such as childcare facilities, employment and business development initiatives offered within the Park". FNHL is concerned that "*childcare services*" and "*business development initiatives*" are not explicitly provided for and the wording for NIEP-O1 recommended in the section 42A report does not adequately provide for the full range of activities anticipated within the NIEP SPZ.
36. As noted above, I agree providing for childcare services within the NIEP SPZ (subject to certain controls) is appropriate and recommend amendments to the relevant policies and rules to provide for this. However, I do not consider that child care services need to be explicitly referenced at an objective level. In my view, the wording of NIEP-O1 is broad enough to support a more enabling activity status for child care services without needing to reference these services within the objective. For similar reasons, I do not consider that "*business development initiatives*" need to be specifically referenced in NIEP-O1 and consider that this best addressed at a policy level. I therefore recommend an amendment to NIEP-P1(d) to include a reference to "*business development initiatives*" which would specifically provide for activities undertaken by Northland Inc for example, noting that the chapeau of NIEP-P1 ensures that these business development initiatives are directly related to primary production.

NIEP SPZ Policies

37. The evidence in chief from Mr Smith requests amendments to the NIEP SPZ policies as follows:
 - a. Amend NIEP-P2 to include reference to child care services.
 - b. Amend NIEP-P3(e) to include a reference to visiting staff and/or onsite employee accommodation as an appropriate type of residential activity.
 - c. Amend NIEP-P3(g) to include education facilities for "*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*" as appropriate within the NIEP.



38. In terms of the requested amendments to the policies to better provide for child care services and accommodation, I have addressed these issues under specific headings for these activities above. In terms of the specific amendments requested to the policies I recommend that NIEP-P2 is amended to better separate out the direction for education facilities and accommodation as follows:

"Enable the establishment of retail, office, ~~and~~ educational facilities (excluding schools) and temporary accommodation activities (including temporary course-related accommodation for students, ~~and~~ trainees and visiting education staff) ~~but excluding childcare services or schools~~⁶ where these are ancillary to permitted or existing primary production activities and are consistent with the outcomes sought for the NIEP zone"

39. In terms of the requested amendment to NIEP-P3(e), I recommend that this clause is amended to more directly relate back to NIEP-P2 as follows:

"...including but not limited to avoiding...(e) residential activities (excluding temporary accommodation expressly provided for under NIEP-P2); (excluding temporary student and trainee accommodation as provided for in the zone);".

40. I also recommend that NIEP-P3(g) is deleted as educational facilities and associated inclusions/exclusions are already covered by NIEP-P2 (and the associated rules).

Engagement with tangata whenua

41. Mr Smith for FNHL agreed in his evidence with adding in an additional matter to NIEP-P7 relating to cultural matters. However, FNHL request that NIEP-P7 is amended to include a specific reference to the Cultural Impact Assessment (CIA) that Ngāti Rangī completed for the NIEP and the Memorandum of Understanding (MOU) soon to be signed off between Ngāti Rangī and FNHL. FNHL requests the following alternative wording for NIEP-P7(p):

"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 Ngāti Rangī and FNHL."

42. I do not agree with this requested amendment and recommend that NIEP-P7(p) is retained as recommended in my section 42A report. Referring to documents such as the CIA and MOU that sit outside of the PDP is potentially problematic in my view as Council does not have any ownership of these documents, this could potentially limit the scope of engagement, and also potentially limit the scope of tangata whenua groups that are engaged with

⁶ Ministry of Education Te Tāhuhu o Te Mātauranga (S331.113).



in relation to the future development of the NIEP SPZ. In my opinion, the section 42A report recommendation for NIEP-P7(p) is preferable as the cross-reference TW-P6 is consistent with the wording of equivalent policies in other zone chapters. Further, I consider that if FNHL are complying with the CIA and MOU, they will also be compliant with the policy direction in TW-P6 so there should be no issues in practice.

NIEP SPZ Rules (using new numbering as per Appendix 1 of the section 42A report)

43. Mr Smith supports the majority of amendments to the NIEP SPZ rules in the section 42A report, but raised the following outstanding issues in his evidence in chief:

- a. **NIEP R3 – Retail:** Mr Smith supports the change to the heading of the rule to delete the reference to “primary production”. He also supports other proposed amendments to the rule content, with the exception of the restrictions on Gross Business Area (GBA) in PER-2. Mr Smith accepts that a blanket percentage rule for retail would potentially be too excessive for large buildings and has proposed the following wording for PER-2 as an alternative to the 100m² max GBA recommended in the section 42A report:

"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~~ 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."

- b. **NIEP-R5 – Office and educational facility:** Mr Smith agrees with the majority of amendments to this rule, except for:
 - i. The exclusion of childcare services for the reasons set out above.
 - ii. The deletion of PER-4 and PER-5 on the basis that restricting the size or number of either office or tertiary education activities is unnecessary and inconsistent with the other amendments to remove coverage, number or size controls elsewhere in the chapter.
- c. **NIEP-R8 – Café and takeaway food outlets:** Mr Smith considers that 100m² maximum Gross Floor Area (GFA) is still not a large enough permitted area per premise, but that FNHL would accept a 150m² GFA limit (as opposed to the 350m² limit sought by FNHL in their submission).

44. My responses to the outstanding issues in Mr Smith’s evidence are as follows:

- a. **NIEP-R3 – Retail:** I agree with Mr Smith that including staggered GBA limits (as proposed in his evidence) for retail activities is a more appropriate alternative than the original percentage-based control



requested by FNHL in their submission. Although the staggered limits suggested by Mr Smith are slightly more permissive than what I recommended in the section 42A report, I consider that they are appropriate within the overall NIEP SPZ and will essentially have the same intended result, i.e. limiting the proportion of retail GBA within the NIEP SPZ compared to the proportion of "core activities", as set out in NIEP-O1. I note that Mr Smith's evidence contends in paragraph 98 that the removal of the words 'primary production' from the heading of NIEP-R3 was not accepted by the section 42A report, however I confirm that this change did occur and is shown in Appendix 1 of the section 42A report. This matter is not in contention.

- b. **NIEP-R5 – Office and educational facility:** I agree that removing the exclusion on child care services from PER-2 is appropriate for the reasons set out above. I consider that it is appropriate to retain the exclusion on schools in PER-2. I also agree that restricting the number of office and education facilities per development platform in PER-4 is unnecessary when viewed in light of other recommendations to the NIEP SPZ chapter and may artificially prevent the benefits of agglomerating some of these activities. I also agree that the 300m² GFA limit for educational facilities is unnecessary given nature of existing facilities on site and to recognise that education for primary production innovation is a key focus of the NIEP SPZ. The controlled activity rule for buildings and structures will also help ensure that new buildings for education facilities are appropriate within the overall NIEP SPZ. I therefore recommend that the PER-5 in NIEP-R5 is deleted.
- c. **NIEP-R8 – Café and takeaway food outlets:** I can accept 150m² GFA as an appropriate "middle ground" between the notified version of the rule (50m²) and the version requested by FNHL in their submission (350m²). I consider that 150m² strikes a balance between creating a viable café or takeaway food business but also ensuring that the scale of the premise is focused on serving the NIEP SPZ businesses and is not of a scale that is better located in nearby Kaikohe or Ngawha.

NIEP SPZ Standards

- 45. I concluded in the section 42A report that, based on FNHL's submission alone, that there was not sufficient justification for the extent of the requested amendments to NIEP-S7 (the submission simply stated the requested amendments were to "remove confusion").
- 46. The evidence of Mr Smith and Mr Tonks reiterates the request from FNHL to replace NIEP-S7 with the preferred wording included in the FNHL submission. Both of these statements of evidence provide more context as to why the amended wording for NIEP-S7 is required from a traffic engineering perspective. The core issue appears to be that NIEP-S7 as notified would require a traffic report for any new activity within the NIEP-



S7, regardless of whether the intersections on Wallis Road and SH12 are close to, or have reached, capacity.

47. Both Mr Tonks and Mr Smith contend that to require a traffic report to support each new activity well in advance of thresholds for traffic movements being reached is overly onerous and will result in unnecessary time delays and costs for applicants. They propose amending NIEP-S7 so that annual traffic movement surveys are required to check how close the NIEP SPZ and Wallis Road intersections are to capacity and only require a traffic management assessment for new activities if the annual traffic movement survey indicates that 80% of the stated movement thresholds have been reached. The standard also includes alternative traffic movement thresholds to be used once the Wallis Road/State Highway 12 intersection has been upgraded.

48. It is the opinion of Mr Tonks that:

"It is unlikely the intersection capacity thresholds will be reached based on the NIEP anticipated fully developed Full Time Equivalent employment/occupant numbers and the correlation between FTE and traffic movements. Revisiting the intersection capacity impact with each application would be an inefficient use of resources."⁷

49. I accept the argument put forward by Mr Tonks and Mr Smith that requiring a traffic management assessment each time a new building is constructed is not an efficient approach to managing the capacity of intersections servicing the NIEP SPZ. The additional information provided in evidence has helped clarify why the amendments to NIEP-S7 are required and have provided context for why the 80% threshold is considered necessary. I consider that the amended wording of NIEP-S7 can be supported on the basis that it is a more efficient mechanism compared to the notified wording and that the requirement for annual traffic movement surveys will ensure that the intersection capacity is regularly checked.

Section 32AA evaluation

50. I consider that my recommended amendments to the NIEP SPZ provisions are an appropriate, effective and efficient way to achieve the relevant PDP objectives. My recommended amendments are consistent with the original policy intent and are primarily focused on better providing for the activities anticipated in the NIEP SPZ and associated ancillary activities, including child care services and temporary accommodation, to ensure the zone can operate effectively and efficiently as intended to support the economic, social and cultural well-being of the Far North District.

⁷ Paragraph 2.4 of the evidence of Adrian Tonks, dated 4 June 2024