

BAY OF ISLANDS PLANNING (2022) LIMITED

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18 November 2024

To the Commission,

We have reviewed your draft minute dated 31 October 2024 on Rezoning Criteria and Process associated with the Proposed District Plan (PDP).

We understand the need for a robust framework to support submissions to rezone land and thank the Commission for the opportunity to comment on this matter.

We provide the following feedback:

General Criteria for Rezoning Submissions

Criteria	Matters to be addressed	Our Comment / Feedback
Strategic Direction	How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)	We assume this relates to the notified version of the Strategic Direction in the PDP. Are submitters directed to observe / consider anything further in this respect given that the Hearing has been completed and a right of reply drafted?
Alignment with Zone Outcomes	When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone.	The PDP does not provide a list of intended outcomes for each zone like the Operative District Plan (ODP), which provided 'Environmental Outcomes Expected'. This is an interesting requirement as it is a proposal for rezoning not for an activity provided for within the zone. As such, is there an expectation that an assessment of the land use

		activities provided for within the proposed rezoned land is considered? Is there an expectation that existing land use is also considered? Is this something Council has done when undertaking rezoning as part of the PDP? If so, it is not apparent in the section 32 reports.
Higher Order Direction	<ul style="list-style-type: none"> • How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA? • Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement. 	Ok
Reasons for the request	The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.	OK. This would ordinarily be within the original submission.
Assessment of site suitability and potential effects of rezoning	<p>Assessment of the suitability of the land for rezoning, including an assessment of:</p> <ul style="list-style-type: none"> • The risks from natural hazards (refer Part 2 – District Wide Matters) 	<p>Does this include the need to assess telecoms and power at this stage?</p> <p>Does this include the need to assess engineering standards?</p> <p>We understand this scope for hazards to be limited to flooding [coastal / river], land instability and wildfire as per Part 2, and not a wider assessment of all hazards as per s106 of the RMA. Please confirm.</p>

	<ul style="list-style-type: none"> • Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters) • Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects. 	<p>Ok. We assume this is as it applies to the site or area subject to rezoning. Not for example if it is on a neighbouring property. These are interesting matters to consider at this juncture, as these matters are a consideration for a land use application or subdivision proposal.</p> <p>Ok. We assume the term ‘surrounding’ to mean ‘adjacent’ sites for the purposes of this assessment. Please confirm.</p>
<p>Infrastructure (three waters) servicing</p>	<p>How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out as applicable:</p> <ul style="list-style-type: none"> • Any proposed connections to existing infrastructure systems. • Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. 	<p>Our experience suggests that this could potentially result in a number of dead-end conversations.</p> <p>We are not confident that Council has the existing understanding of capacity, coverage, and condition of all three water assets to provide submitters with appropriate information.</p> <p>We have no baseline data to respond to, or to formulate rezoning submissions against [or to prepare infrastructure solutions against].</p>

	<ul style="list-style-type: none"> Any on-site provision of infrastructure. <p>Note: if the rezoning request would result in any substantive demand on Council’s infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council infrastructure staff during preparation of submitter evidence.</p>	<p>Council <u>must</u> know information about its own assets and proactively release areas of concern at township / location levels throughout the Far North to fill this gap.</p> <p>It should not be the role of submitters to fill information gaps in relation to Council assets and we are concerned that this could be used against submitters / submissions.</p> <p>If Council does not know this baseline information, then how is a submitter supposed to know and assess?</p>
<p>Transport infrastructure</p>	<p>How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.</p> <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>	<p>Council are the road controlling authority and we see no overarching strategy to compare proposals against at a township level. Many existing roads are not up to engineering standards required.</p> <p>There is no fair and equitable way to consider potential roading upgrades as there are no development contributions in the Far North.</p> <p>We note that the PDP doesn’t include a ‘frontage to existing roads’ rule so it is unclear where submitters lie in this respect.</p>
<p>Consultation and further submissions</p>	<ul style="list-style-type: none"> Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request. 	<p>Noted.</p>

	<ul style="list-style-type: none"> A list of any further submissions on the rezoning request and a response to those further submissions 	
Section 32AA evaluation	How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA	Ok.

Additional Criteria for Special Purpose Zones

Criteria	Matters to be addressed	Our Comment / Feedback
National Planning Standards Criteria	<p>How the SPZ meets all of the following three criteria for additional special purpose zones in the national planning standards (8.3), i.e. the activities or outcomes sought from the SPZ are:</p> <ul style="list-style-type: none"> Significant to the district, region or country; and Impractical to be managed through another zone; and Impractical to be managed through a combination of spatial layers. 	Ok.
Relationship with Part 2 – District Wide Matters	How the SPZ is intended to interact with the provisions in Part 2 – District Wide Matters, including more stringent rules for overlay areas (e.g coastal environment, natural features and landscape etc.)	Ok.
Consultation on the SPZ proposal	An assessment of parties directly affected by the SPZ	Ok.

	proposal, any consultation undertaken, and any further consultation proposed.	
SPZ Provisions	The requested SPZ provisions (objectives, policies, rules, matters of control / discretion and standards), which should be consistent with other PDP zone chapters.	Ok
Section 32AA Evaluation	<p>A section 32AA evaluation that assesses (compared to the PDP provisions):</p> <ul style="list-style-type: none"> • How the SPZ objectives are the most appropriate way to achieve the purpose of the RMA. • How the SPZ provisions are the most appropriate to achieve the SPZ objectives. 	Ok

In terms of general comments, we provide the following:

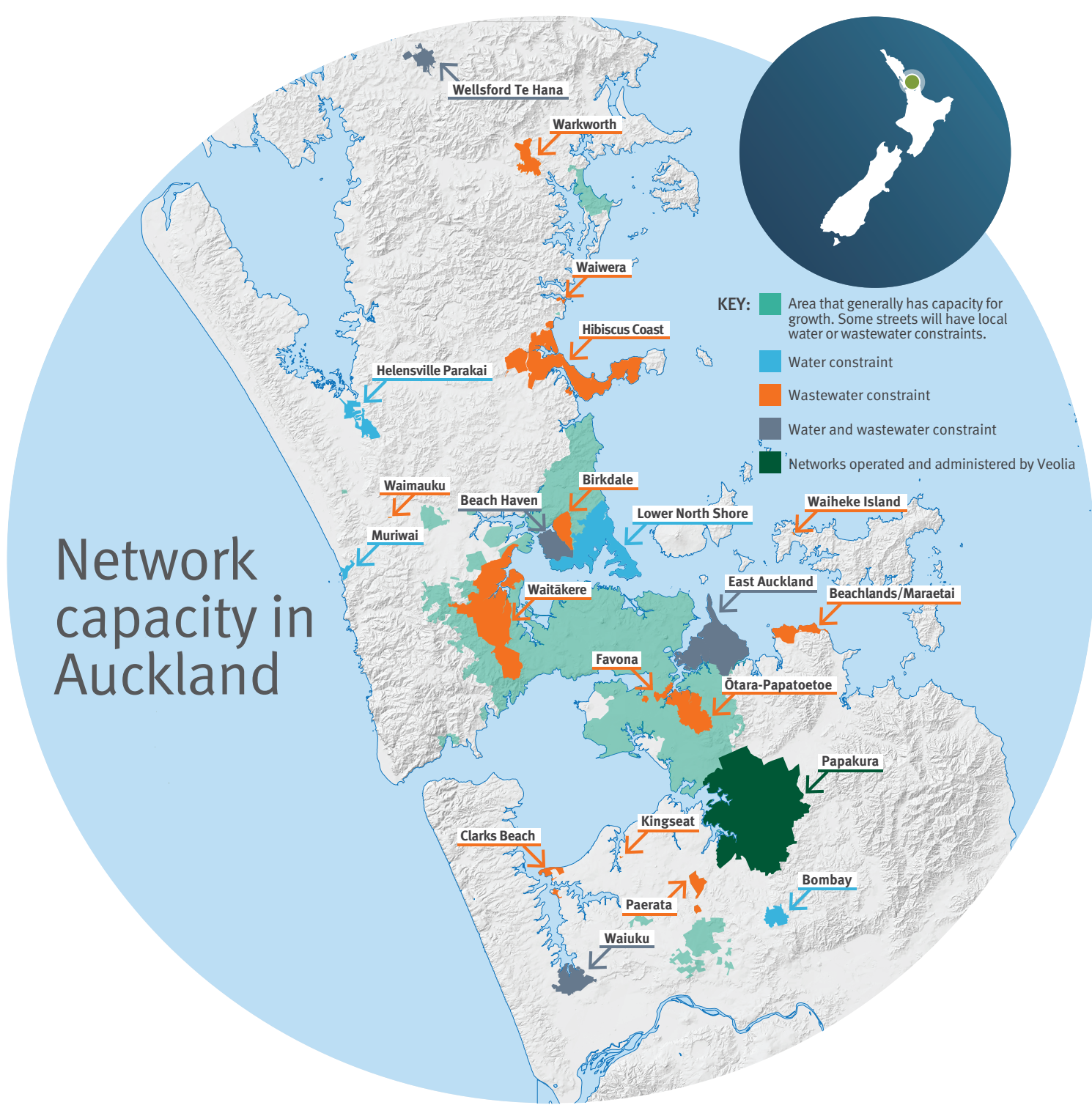
- We assume that FNDC has also undertaken a similar process when undertaking rezoning of land through the PDP. It is not equitable for there to be one rule for submitters and not for Council, so we expect that their zoning changes proposed in the PDP has / must go through similar rigour and we look forward to receiving their assessment as per the criteria [or amended criteria] above. Noting this has not been provided as part of the s32 analysis.
- We are concerned with the potential start – stop nature of receiving information from Council where required to support a rezoning submission. Has the Council dedicated appropriate staff and time to these requests, noting that some of these changes will be substantial and may be pulled in multiple directions across multiple townships. How will this be undertaken at a practical level? This is in relation to transport / three waters.
- The general tenor of the PDP is that there are no real areas proposed for urban growth, as infrastructure information was insufficient at the time to provide Council confidence to rezone in this capacity and service it appropriately. Council should provide infrastructure and transport statements providing the baseline it knows for each township to provide some level of understanding of the status quo. This should be married up against what is proposed via the LTP. This may save submitters considerable time and effort.

Therefore, we would include in the submission process / timeframe for evidence exchange to include an information component from Council infrastructure team 32 weeks before each hearing outlining their understanding of three waters and transport.

Kind regards,

Steven Sanson
Director

Andrew McPhee
Director



Areas with limited capacity at present

Area	Constraint	Expected timeframe for solution
Beach Haven	Water and wastewater network capacity	2040-2045
Beachlands / Maraetai	Wastewater treatment plant capacity	2025-2030
Birkdale	Wastewater network capacity	2030-2035
Clarks Beach	Wastewater treatment plant capacity	2026
East Auckland	Water and wastewater network capacity	2035-2040
Favona	Wastewater network capacity	2025-2030
Helensville / Parakai	Water treatment plant capacity	2025-2030
Lower North Shore	Water network capacity	2040-2045
Ōtara-Papatoetoe	Wastewater network capacity	2035-2040
Paerata	Wastewater network capacity	2025-2030
Waitākere	Wastewater network capacity	2035-2040
Waiuku	Water and wastewater treatment plant capacity	2025-2030

Areas with no capacity at present*

Hibiscus Coast	Wastewater treatment plant capacity	2031
Kingseat	Wastewater treatment plant capacity	2030-2035
Waiwera	Wastewater treatment plant capacity and water network capacity	2025-2030
Warkworth	Wastewater treatment plant capacity and network capacity	2025-2030
Wellsford / Te Hana	Water and wastewater treatment plant capacity	2026-2028

* There is some capacity at present to accommodate developments with current consents on the Hibiscus Coast and in Warkworth and Wellsford / Te Hana. See our website for area-specific conditions.

Areas with no capacity long term

Bombay	Water treatment plant capacity	n/a
Muriwai	Water treatment plant capacity	n/a
Waiheke Island	Wastewater treatment plant capacity	n/a
Waimauku	Wastewater treatment plant capacity	n/a