



Proposed Ōpōtiki District Plan

# Section 32 Evaluation Report

Chapter 5 - Marine Services  
Zone & Chapter 7 - Harbour  
Industrial Zone

Michal Akurangi  
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# 1 Introduction

## 1.1 Purpose of Report

This report documents the Ōpōtiki District Council's consideration of alternatives, benefits and costs associated with the new Harbour Industrial and Marine Services Zones in the Proposed Ōpōtiki District Plan (PDP). It addresses the requirements of section 32 of the Resource Management Act 1991 (RMA). The Plan Overview evaluation should also be referred to.

## 1.2 Requirements of Section 32 of the Resource Management Act 1991

Under section 32 of the RMA, a proposed plan must be accompanied by an evaluation report at the time of public notification. In broad terms the evaluation report must:

- Assess the extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Assess the efficiency and effectiveness of the policies, rules and other methods contained in the proposed plan at achieving the objectives;
- Consider alternative options for achieving the objectives;
- Assess the risk of taking or not taking action if there is uncertain or insufficient information about the identified issues; and
- Contain a level of detail that corresponds to the scale of significance of the effects anticipated from implementing the proposed plan.

Section 32(2) requires that the benefits and costs of implementing provisions be assessed in terms of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. If practical, these benefits and costs should be quantified.

# 2 Overview and Purpose of Proposed Zones

## 2.1 Harbour Industrial Zone

The development of the local aquaculture industry will be a key economic driver for Ōpōtiki. This will be supported by improvements to the navigability of the Ōpōtiki harbour entrance giving all weather access to the harbour.

The Harbour Industrial Zone enables the establishment of a new wharf and businesses to support the aquaculture and fishing industries. Maintaining this land for these uses is a priority and reflected in the objectives and policies of the zone, which recognise the land's strategic location and limited area.

The Harbour Industrial Zone has been established on the west bank of the Waioeka River due to its accessibility to navigable waters, its elevation above Mean High Water Springs and its potential to be accessed directly from the State Highway. The zone has sufficient separation from the urban area of Ōpōtiki, to assist in managing any adverse effects, including reverse sensitivity. As industrial activities have the potential to adversely affect the amenity values of nearby areas, grouping the activities together in a Zone is an effective mechanism to mitigate the potential adverse effects of industrial activities.

The Harbour Industrial Zone enables activities that have the potential to generate effects that would not be appropriate in other zones of the district. The harbour industrial area is characterised by activities requiring harbour access, potentially higher noise levels, higher levels of glare and light spill, higher incidence of heavy transport movement, and a range of activity that may operate 24 hours.

Characteristics that contribute to the character of the zone are:

- A commercial wharf adjoining the Waioeka River.
- Boat ramps and travel lift bays.
- Higher noise levels at varying times of the day and night than in surrounding areas.
- Safe and visible transportation networks.
- Yards used for the storage of boats, materials and machinery.
- Moderate degree of signage.
- Limited pedestrian activity.
- Limited areas of public open space.
- Large buildings.
- On-site areas for the loading and unloading of vehicles.
- High traffic flows to the zone from heavy vehicles and hazardous substance transporters.
- Sites where hazardous substances are stored and used.
- On-street and off-street parking facilities.
- Separation of industrial activities from adjoining non-industrial activities.
- Mixture of various land use activities ranging from commercial, retail and wholesale, to predominantly industrial activities.

## 2.2 Marine Services Zone

The Marine Services Zone comprises an area adjacent to the town centre and Waioeka River and Otara River. A marina adjacent to the Ōpōtiki Township has the potential to create a vibrant attractive recreational space that will provide better access to the river and coastal environments, attract tourism and contribute to the local economy. A marina can provide berthing, boat launching and a hard stand storage area for recreational boats.

Marinas require various commercial activities to support the functioning of the marina and enhance the recreational experience. Likely commercial activities include a club house and restaurant, offices for coastguard and boat sales, a chandlery and a small retail shop. Tourist operators are also likely to meet their clients at the marina.

There is a significant opportunity for the marina area to be a focal point for Ōpōtiki town and assist in urban revitalisation by activating Ōpōtiki's interface with the Waioeka and Otara Rivers. Achieving this outcome will require careful planning, design and implementation to ensure good urban design outcomes are achieved. This will assist in increasing the recreational use of the reserve area and maintaining a safe environment for its users.

The Marine Services Zone is located on the 'Recreational Reserve Volkner Island' and is consequently subject to the Reserves Act 1977. The Reserve Management Plan will be used to formulate the marina proposal through a consultative process with the public.

The Marine Services Zone includes a stop bank to protect the flood waters from the Waioeka and Otara Streams. Any development within the Zone will need to provide for continuous protection to manage flood risk.

The objectives, policies and rules of this section seek to enable a marina to be developed that achieves good urban design outcomes at the interface between the town and Waioeka and Otara Rivers and in a manner that manages the effects of natural hazards.

Characteristics that contribute to the character of the Marine Services zone are:

- Man-made inlet with marina and boat berths.
- Commercial activities to support the Marina.
- Recreational Open Space.
- Higher noise levels at varying times of the day and night, than in surrounding Residential areas.
- Limited signage.
- High levels of pedestrian and cycle activity.
- Access to a public boat ramp.
- On-site areas for parking vehicles and boat trailers.
- River Flood management including stop banks.

The Marine Services Zone provides for marina and associated activities which have similar requirements and effects and will operate in a manner that maintains the quality of the natural and physical environment. Potential adverse effects on the environment include noise, glare, and the discharge of pollutants which may detrimentally affect water, soil and air. The policies of this section provide guidance on how the adverse effects of activities within the Marine Services Zone will be managed. The Marine Services Zone, as with other zones, has zone standards. The standards, or rules, ensure compliance with minimum standards. Compliance with these standards assists in maintaining the present quality of the environment.

### 3 Proposed Plan Provisions of the Harbour Industrial and Marine Services Zones

The Harbour Industrial and Marine Services zones are both located adjacent to the Waioeka and Otara Rivers as activities required to support the aquaculture, fishing and marine industries that are expected to establish after the harbour entrance works area is completed.

The proposed District Plan uses zoning as a method for managing activities within the district to achieve the purpose of the RMA. This is considered to be an appropriate way to manage the environmental effects from activities within the proposed Harbour Industrial and Marine Services Zones.

Structure Plans have been established for each area to guide development proposals and interface in a positive way with sensitive ecological environments and adjacent zones, where a design response is required to maintain amenity values.

#### 3.1 Harbour Industrial Zone

##### 3.1.1 Zone Introduction

###### **Zone Introduction and identification of key Resource Management Issues**

The zone introduction identifies the purpose of the zone which is to enable land based activities supporting the aquaculture and fisheries industries. It also addresses the key environmental issues including natural hazards, limiting retail activity, proximity of significant ecological features, landscape, stormwater management, hazardous substances and reverse sensitivity issues.

###### **Objective 7.2.1**

**The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for as a matter of priority, while limiting the effects of those activities on landscape values, natural character and the environment.**

This objective recognises the need to provide for land based activities that support the aquaculture and fishing and marine industries as a priority, while avoiding or mitigating adverse environmental effects. Several policies provide specific detail on how this will be achieved, including an emphasis

on activities that service these industrial activities, rather than being generic industrial activities that could establish in other industrial zones.

### **Objective 7.2.2**

**The limited land area available for zone activities should be reserved principally for those activities that require harbour access or need to use that infrastructure to operate and support the aquaculture, fishing and marine industries.**

This objective recognises the land is strategic and of limited area and should therefore be protected for activities that need to be located there to support the aquaculture and fishing industries.

### **Objective 7.2.3**

**Activities within the zone are undertaken in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.**

The Harbour Industrial Zone is located adjacent to sensitive environments, including the Waioeka River, Huntress Creek and other ecological features. The adjacent land is also zoned Rural and while there are no current reverse sensitivity effects this could occur with new development in the Rural Zone. The objective seeks to ensure that these issues are addressed and several policies support this objective

### **Rule Framework**

The rule framework has been developed on the basis that the management of environmental effects are controlled in two ways. Firstly, through compliance with a structure plan which identifies how buffer areas are established as well as the interface with the Waioeka River. Secondly, through compliance with performance standards. Bulk and location standards enable the development of buildings that will support the likely activities to establish in the zone. These include setbacks and a tiered height limit to mitigate the landscape and visual effects of the development.

Permitted activities include:

1. Buildings and activities accessory to a Permitted Activity.
2. Seafood and marine product processing, packaging and storage factories.
3. Port Activities.
4. Wharf structures.
5. Ice manufacturing.
6. Boat and marine equipment sales yards.
7. Boat construction and engineering.
8. Boat maintenance, repair and servicing.
9. Boat lifting and storage facilities.
10. Boat ramp and trailer parking facilities.

11. Retail activities accessory to a Permitted or Controlled Activity where the total floor area related to retailing is the lesser of either 100m<sup>2</sup> or 20% of the total floor area.
12. Maintenance work carried out by Bay of Plenty Regional Council on drainage and flood control scheme works.
13. Maintenance works on wharf structures, travel bay, and boat ramps.
14. Activities on reserves as provided for in the Reserves Act 1977 or an approved Reserve Management Plan.
15. Temporary buildings and temporary activities required for a building or construction project of not more than 12 months duration.
16. Signage located on buildings and free standing signs up to 4m<sup>2</sup> and 5m in height.

A new definition of *port activities* has also been established to ensure there is certainty about activities that are permitted in the Zone.

Subdivision is enabled as a controlled activity and minimum lot sizes have been established at 500m<sup>2</sup> for seweried sites, essentially enabling enterprises to determine the lot sizes that are necessary for various activities. This is likely to be driven initially by anchor tenants, followed by activities that support the anchor tenants such as engineering workshops.

Activities not listed as permitted or controlled are likely to be classified as a discretionary activity. Vehicle and machinery sales have been included in this category as it is considered there are zones in the district that could accommodate that activity. It will be Council's full discretion to consider each proposal on its merits and land uptake within the Harbour Industrial Zone is likely to be a key consideration.

There is a catch all provision for all other activities not otherwise classified being a non-complying activity.

### **3.2 Marine Services Zone**

The zone introduction identifies the purpose of the zone which is to enable the establishment of a marina and associated commercial activities to support its operation. The introduction identifies the opportunity to create better connections to the Waioeka River and the Otara River through the marina development. It identifies the land is also classified as a Recreation Reserve under the Reserves Act 1977 and that the land encompassing the zone also includes the river stop bank.

The zone introduction identifies key environmental issues including natural hazards, limiting retail activity, landscape, stormwater management, hazardous substances, and reverse sensitivity issues.



### **Objective 5.2.1**

**A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Otara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.**

As discussed in the Zone introduction, there is an opportunity to create a better interface between the town and the Waioeka and Otara Rivers and the marina. This objective identifies the marina as the vehicle to help this vision to be achieved by creating an active edge to the town, which is also likely to promote urban revitalization. Several policies identify key outcomes, including a functional and well integrated design, enabling limited commercial activities and recognition of the existing walking and cycle trail and the need to integrate these within the marina design.

### **Objective 5.2.2**

**Activities within the Marine Services Zone are undertaken in a manner that avoids, remedies, or mitigates the effects of natural hazards.**

This objective recognises the importance of the stop bank to protect the town from flood waters. A marina will require a channel through the stop bank and the introduction of a flood gate. The design of the marina area needs to be planned to address the flood hazard.

### **Objective 15.2.2.2**

**Activities in the Marine Services Zone maintain or enhance amenity values.**

The marina is located adjacent to the Residential and Mixed Use Zones which have dwellings located adjacent to the marina site. The objective recognises the need to maintain and enhance amenity values. This can be achieved through good urban design.

By their nature, marinas operate at all hours of the day and night, therefore the design of the marina and its supporting commercial activities needs to consider potential reverse sensitivity effects. There is also an opportunity to improve the streetscape on these adjoining roads through a comprehensive landscape plan. Policies supporting this objective address these issues.

### **Rule Framework**

The rule framework for the Marine Services Zone has been specifically drafted to be enabling to assist in reducing consenting costs. Any marina development will require approvals under the Reserves Act unless the reserve is revoked. A structure plan has been established to assist in guiding development proposals and this may be refined by way of a development concept being approved through a Reserve Management Plan process. Several resource consents will be required from the Regional Council, including amendments to the stop bank, earthwork, stormwater discharges and occupation of the CMA.

Compliance with performance standards, including the bulk and location of buildings, compliance with the structure plan, landscaping and other amenity controls.

Permitted activities include:

1. Activities on reserves as provided for in the Reserves Act 1977 or under an approved Reserve Management Plan.
2. Temporary Activities.
3. Buildings and activities accessory to a Permitted Activity.
4. Maintenance work carried out by Bay of Plenty Regional Council on established drainage and flood control scheme works.
5. Temporary buildings and activities required for a building or construction project of not more than 12 months duration.
6. Signs meeting the following standards:
  - (a) Temporary signs with an area of less than 1.8m<sup>2</sup>, where the written consent of the landowner has been obtained and a copy provided to Council.
  - (b) Traffic signs, or signs denoting the name of the street, number of the premises or the location or timetable or other details of any public utility or facility.
  - (c) Signs attached to buildings provided that the total area does not exceed 4m<sup>2</sup>.
  - (d) Two free-standing pole-mounted signs on a site where the frontage of a building is set back more than 5m from a road boundary, provided that each sign does not exceed 5m in height and 4m<sup>2</sup> in area.
7. Temporary Military Training Activities complying with the noise controls in Appendix 3.
8. Navigational Aids.
9. Maintenance and operation of a marina facility.
10. Maintenance of lawfully existing wharf facilities.
11. Cafés.
12. Restaurants.
13. Carparking facilities.
14. Boat storage.
15. Boat sales.
16. Boat dry stack.
17. Tourism operations.
18. Harbour Master office.
19. Loading and unloading cargo.
20. Chandlery.

To provide as much flexibility as possible, activities not meeting the permitted activity standards are classified discretionary activities. This includes activities that are not consistent with an approved Reserve Management Plan for the Recreation Reserve Volkner Island. This enables an applicant to

obtain necessary resource consents under the RMA before, or simultaneously with, proceeding through the Reserves Management Plan approval process.

There is a default provision for all other activities not otherwise classified being a non-complying activity.

## 4 Statutory Context

### 4.1 Resource Management Act 1991 (RMA)

Section 5 of the RMA sets out the purpose of the RMA as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Section 6 (a)(d)(e) of the RMA sets out Matters of national importance as follows:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate, subdivision, use and development*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*
- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and other taonga.*

### 4.2 National Policy Statements (NPS)

The RMA provides for Government to prepare National Policy Statements. District Plans must give effect to any National Policy Statement (s 25A (2)). There are currently four:

- National Policy Statement for Freshwater Management 2011
- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Renewable Electricity Generation 2011
- National Coastal Policy Statement 2010

Of these, only the NCPS is relevant to the zones.

The NZCPS guides local authorities in their day to day management of the coastal environment. The policies seek to achieve the purpose of the RMA in relation to the coastal environment. The purpose of the NZCPS is to promote the sustainable management of the natural and physical resources of the coastal environment, including coastal land, the foreshore and seabed, and coastal waters from the high tide mark to the 12 nautical mile limit.

The preamble of the statement provides a description of the coastal environment which includes the land zoned Marine Services and Harbour Industrial. The key issues facing the coastal environment include:

- *“demand for coastal sites for infrastructure uses (including energy generation) and for aquaculture to meet the economic, social and cultural needs of people and communities;*
- *poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;*
- *adverse effects of poor water quality on aquatic life and opportunities for aquaculture, mahinga kai gathering and recreational uses such as swimming and kayaking;”*

The sites identified for the Harbour Industrial land and also the Marine Services zone area located within or adjacent to the coastal environment as defined by the Regional Coastal Environment Plan. There are several objectives of the NZCPS that are relevant to the proposed new zones. The following extracts from the objectives of the NZCPS are particularly relevant to both zone areas:

- maintaining or enhancing natural biological and physical processes in the coastal environment (Objective 1)
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities (Objective 1)
- To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by recognising the ongoing and enduring relationship of tangata whenua over their lands(Objective 2)
- To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by: recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy; maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; (Objectives 4)
- To ensure that coastal hazard risks taking account of climate change, are managed by: locating new development away from areas prone to such risks; considering responses, including managed retreat, for existing development in this situation; and protecting or restoring natural defences to coastal hazards (Objective 5).
- To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that: the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people

and communities; functionally some uses and developments can only be located on the coast or in the coastal marine area (Objective 6)

- To ensure that management of the coastal environment recognises and provides for New Zealand’s international obligations regarding the coastal environment, including the coastal marine area. (Objective 7).

### 4.3 Regional Policy Statement (RPS)

The RMA requires that every region has one Operative Regional Policy Statement (s60 (1)) and that District Plans must give effect to a RPS. In developing the PDP, Council has considered the requirements of the RPS and gives effect to it.

The RPS identifies regionally significant issues as relating to:

- Effects of growth and development pressures on access to the coast, lakes and rivers, ancestral sites and historic heritage
- Degradation of mauri of land and water
- Effects of infrastructure.

Although the port is not recognised as a regionally significant infrastructure, relevant objectives and policies include:

Objective	RPS Objective	Policies	Relevance
2	Preservation, restoration, and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment	CE2B CE4A CE 6B	Managing adverse effects on natural character in the coastal environment and protecting and restoring natural coastal margins and indigenous biodiversity
6	Provide for the social, economic, cultural and environmental benefits of, and the use and development of nationally and regionally significant infrastructure and renewable energy	EI 3B EI 4B	Protecting nationally and regionally significant infrastructure Recognising the benefits from nationally and regionally significant infrastructure and the use and development of renewable energy
7	Provide for the appropriate management of: (a) any adverse environmental effects (including effects on existing lawfully established land uses) created by the development and use of infrastructure and associated resources; (b) any reverse sensitivity effects on established, consented or designated infrastructure.	EI 7B	Managing the effects of infrastructure development and use
10	Cumulative effects of existing and new activities are appropriately managed	IR3B IR5B	Adopting an integrated approach Assessing cumulative effects

## 4.4 Regional Plans

The Regional Council has regional plans that Council has considered in the development of the PDP. These are:

- Regional Coastal Environment Plan
- Proposed Regional Coastal Environment Plan
- Operative Regional Water and Land Plan
- Operative Regional Air Plan
- Operative On-site Effluent Treatment Regional Plan

The proposed BOPRCP identifies part of the proposed Harbour Industrial Zone land as being within the coastal environment. Special consideration has been given to the interface between the zone and sensitive ecological areas adjacent to the site, including creation of buffer areas.

## 4.5 Iwi and Hapū Management Plans

When a Council is changing or developing a plan under the RMA, it must take into account any relevant planning document recognised by an iwi authority that has been lodged with the Council.

The Whakatohea Iwi Management Plan<sup>1</sup> is relevant to the land areas, including the proposed Harbour Industrial and Marine Services zones. Consultation with Whakatohea has been undertaken during the formulation of the PDP, including the development of these new zones and their interface with ecological and cultural areas of significance.

# 5 Evaluation

## 5.1 Consideration of Options

The options with respect to each zone proposal are as follows:

### **Harbour Industrial Area**

There are only two options available associated with the Harbour Industrial Zone. They are:

Option 1- Introduce the Harbour Industrial Zone into the Proposed District Plan.

Option 2 - Status Quo – rely on the existing Rural Zone objectives and provisions to manage the activities or relocate to existing Industrial zones.

Due to the size of the investment required to establish the new harbour entrance and dredge the harbour area, certainty is required that Harbour Industrial activities that support the aquaculture and fishing industries can establish and operate without undue costs, consenting time delays, or risk of reverse sensitivity issues.

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<sup>1</sup> Whakatohea Iwi Management Plan 1993 – now under review

Not introducing the Harbour Industrial Zone would potentially result in successive resource consent applications being made under the Rural Zone provisions, or relocating those activities to an existing Industrial Zone.

Proceeding without the Harbour Industrial Zone is highly likely to result in ad hoc development and potentially high consent processing costs and time delays, which does not assist the strategic objective of supporting the aquaculture and fishing industries. The lack of comprehensive planning is likely to result in environmental effects that are greater than what could otherwise be achieved by a dedicated zone, with structure plan and well defined and appropriate environmental performance standards.

Requiring activities to locate into an Industrial zone has logistical problems resulting from double handling of goods. There may also be reverse sensitivity issues as food processing activities are more sensitive to pollution and contamination, which are more likely in a general Industrial zone.

For this reason Option 1 is preferred.

### **Marina Site**

Option 1- Introduce the Marine Services Zone into the Proposed District Plan.

Option 2 – Status Quo – rely on the Rural zoning and Reserves Act to manage activities.

The Marine Services Zone is also a response to the improved access that will result from the new harbour entrance and improved harbour areas. A marina could be established through a resource consent process, but this does not provide the flexibility for small changes in activities within the zone on an ongoing basis. Varying consents would be an expensive exercise, especially following additional property investment and development that may occur around the location of the marina due to the higher amenity, pleasant outlook and vibrancy that a marina is likely to promote.

Urban design may also not be considered with the same emphasis as proposed in the zone, particularly the need to interface with the Ōpōtiki commercial area and providing positive connections through to the Waioeka and Otara Rivers.

For these reasons Option 1 to zone the land Marine Services Zone is preferred.

## **5.2 An examination of the extent to which the objectives (purpose) of the proposal is the most appropriate way to achieve the purpose of the Act**

The purpose of the Harbour Industrial and Marine Services Zones is identified in Section 2 of this report, which is to provide a planning framework to enable the Harbour Industrial and Marina activities to establish and operate without unnecessary regulation, while minimising environmental effects of the receiving environment. This approach takes into account the Regional Planning framework that also applies to the land use activities and activities associated with the development of the land.

The purpose of the Act is to promote sustainable management of natural and physical resources. The table below assesses the appropriateness of each proposed objective and how it is the most appropriate way to achieve the purpose of the Act.

### **Harbour Industrial Zone - Objectives**

<b>7.2.1 The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for as a matter of priority, while limiting the effects of those activities on landscape values, natural character and the environment.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• Identifies the importance of Harbour Industrial zone activities that support the aquaculture and fishing industries, which supports economic growth.</li> <li>• Recognises the importance of protecting the environment, including landscape character, which is specifically relevant to sustaining the potential for sensitive environments surrounding the zone.</li> <li>• Assists in protecting these resources for current and future generations.</li> </ul>
<b>7.2.2 The limited land area available for Zone activities should be reserved principally for those activities that require harbour access or need to use that infrastructure to operate and support the aquaculture, fishing and marine industries.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• Recognises finite characteristics of the land resource and need to protect this resource for activities that legitimately support the aquaculture and fishing industries.</li> <li>• Provides guidance for location of activities within the zone, for example requiring direct harbour access.</li> </ul>
<b>7.2.3 Activities within the Zone are undertaken in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• Recognises the importance of protecting receiving environments.</li> <li>• This is particularly relevant when stormwater management will discharge into or adjacent to sensitive ecological areas.</li> <li>• Relevant to consideration of reverse sensitivity effects.</li> </ul>

### **Marine Services Zone - Objectives**

<b>5.2.1 A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Ōtara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• Recognises the community vision to improve the interface between the town commercial area and the Waioeka River.</li> <li>• Urban design outcomes are important to development of vibrant and safe urban environments.</li> </ul>
<b>5.2.2 Activities within the Marine Services Zone are undertaken in manner that avoids, remedies, or mitigates the effects of natural hazards.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• Recognises the importance of avoiding natural hazards.</li> <li>• Sufficient to highlight the importance of the stop bank that protects the town from flash floods.</li> <li>• This is particularly relevant when stormwater management will</li> </ul>



	discharge into or adjacent to Waioeka River.
<b>5.2.3 Activities in the Marine Services Zone which maintain or enhance the amenity values.</b>	
Assessment of Appropriateness	<ul style="list-style-type: none"> <li>• This recognises that amenity values of this area are important to the community and already support a walkway/cycleway.</li> <li>• Maintaining amenity values for surrounding sensitive areas will assist the community, providing for their social and economic wellbeing.</li> </ul>

In summary the objectives are appropriate in managing the use, development and protection of natural and physical resources.

### 5.3 Examine whether the provisions in the proposal are the most appropriate to achieve the objective of the proposal by – identifying if there are any other reasonable practicable options for achieving the proposal.

The appropriateness of the policies, rules and other methods to achieve each objective are evaluated in terms of efficiency, effectiveness, costs/benefits, and the risks of acting or not acting (as required by section 32(3)(b) RMA).

#### Harbour Industrial Zone

<b>Objective 7.2.1: The infrastructure and operational needs of the aquaculture, fishing and marine industries are provided for as a matter of priority, while limiting the effects of those activities on landscape values, natural character and the environment.</b>		
Policy	Effectiveness/Efficiency	Benefits/Costs
7.2.1.1 Enable aquaculture and marine related industry to establish in the Harbour Industrial Zone with appropriate controls so that the adverse effects from these activities are managed to minimise the effects of activities and structures on the receiving environments, including landscape.	Zoning is an effective and efficient planning tool for managing activities and adverse environmental effects.  Policy recognises importance of mitigating effects on the receiving environment.	Benefits - Provides certainty for aquaculture and fisheries support activities to establish without undue process or cost.  Provides transparency for the public.  Costs - Rezoning rural land results in an irreversible loss of productive land.
7.2.1.2 Control the location of retail activities within the Zone to ensure that the qualities and characteristics of the Zone are maintained.	The policy is effective as it limits retail use of the Harbour Industrial land being a finite resource.	Benefits - Provides clear limitations and direction that retail activities should be limited in scale and the land resource should be retained for legitimate Harbour Industrial activities.
7.2.1.3 Ensure the wharf area is maintained for active	The policy provides clear direction of the importance of maintaining a functional wharf	Benefits - Provides certainty that activities in the wharf area should require that strategic location.

operation without buildings or other activities adversely affecting its efficient operation as primary port infrastructure.	area for activities that need them.  Ultimately efficient development and operation of activities in the zone may be driven by land and wharf ownership.	Provides transparency for the public.  Costs –May limit development options and development uptake if too constrained.
7.2.1.4 Ensure that there is adequate on-site parking and manoeuvring space for vehicles using sites within the Zone.	Promotes operational efficiency of site/activity development.  Supports car parking and manoeuvring performance standards.	Benefits - Results in functional site development.  Costs – Requires larger sites and cost of providing parking and manoeuvring areas
7.2.1.5 Ensure that any effects of activities within the Harbour Industrial Zone do not adversely affect the efficient functioning and capacity of stormwater ponding areas.	Provides clear recognition of the critical aspect of stormwater control and protection of live stormwater storage capacity for Ōpōtiki Township.	Benefits - Recognises importance of flood flow displacement and need for stormwater ponding areas.  Recognises the importance of protecting private investment in property.  Costs - Cost associated with calculating and modelling impact. Potentially adds to consenting costs.

**Objective 7.2.2: The limited land area available for zone activities should be reserved principally for those activities that require harbour access or need to use that infrastructure to operate and support the aquaculture, fishing and marine industries.**

Policy	Effectiveness/Efficiency	Benefits/Costs
7.2.1 Provide for a range of harbour industrial zone activities that rely on the proximity of the harbour margin and associated infrastructure, together with necessary complementary activities, and ensure that activities that do not require such a location are directed to other areas of the District.	Recognises the issue of finite resource of harbour Industrial land.	Benefit - Prioritises activities that need to be located in the Harbour Industrial zone protecting the servicing.  Costs – reduces choice.

**Objective 7.2.3: Activities within the zone are undertaken in a manner that avoids, remedies, or mitigates their adverse effects on the receiving environment.**

Policy	Effectiveness/Efficiency	Benefits/Costs
7.2.3.1	Links to structure plan buffer	Easy to implement and provides

Ensure that sites within the Zone do not detract from the character of the adjacent area by such methods as requiring service and storage areas to be screened from non-harbour industrial properties and from the harbour.	<p>zones and terraced building envelopes. Considered the most efficient method of ensuring zone interface addresses character issues.</p> <p>Given the change in land use the method will be effective to the extent the character of the surrounding environment can be protected from the visual impact of large industrial buildings and associated machinery, i.e. there will be a noticeable change in land use character.</p>	<p>certainty.</p> <p>The policy will assist in reducing impact on character of surrounding rural and harbour environments but there will still be landscape effects arising from development within the Harbour Industrial zone.</p>
7.2.3.2 Ensure that potential adverse effects such as noise, litter, glare, and traffic movements are mitigated or avoided.	The policy is effective as it identifies the key environmental effects that could impact on sensitive receiving environments.	<p>The benefits are that the policy clearly identifies the potential adverse effects associated with the Harbour Industrial zone.</p> <p>Few costs, as most can be addressed through the structure plan, subdivision design and performance standards, which are accepted development and operational standards. The location of the Harbour Industrial area will assist in mitigating potential reverse sensitivity effects</p>
7.2.3.3 Use buffer zones to mitigate potential adverse effects on sensitive ecological areas and the surrounding rural and harbour environments.	<p>Considered the most efficient method of ensuring zone interface addresses impact on adjacent significant ecological areas.</p> <p>Considered effective in conjunction with the structure plan.</p>	<p>Benefits - Provides certain and clear mitigation parameters.</p> <p>Costs - The land will be unavailable for rural productive and commercial (Harbour Industrial) use.</p>

### **Marine Services Zone**

<b>Objective 5.2.1: A Marine Services Zone that achieves good urban design outcomes at the interface between the town and Waioeka and Otara Rivers whilst providing for the infrastructure and operational needs of marine related industries and recreational boating.</b>		
Policy	Effectiveness/Efficiency	Benefits/Costs
5.2.1.1 To provide for a marina within the Marine Services Zone,	Requires compliance with the Structure Plan and integrated design to achieve the purpose	Benefits - Highlights key issues for design that take into account need for positive design

subject to the Structure Plan, and a comprehensive design that is functional and has high amenity values	of the zone. This is efficient and effective.	outcomes.  Costs – Design process costs, including community engagement.
5.2.1.2 Establish connectivity between the town centre area and the Marine Services Zone.	Provide clear and effective policy guidance regarding the need for good connectivity between the town and the Marine Services Zone.	Benefits – Promotes positive design outcomes while still seeking efficient and functional operational design of marina.  Costs – None identified.
5.2.1.3 Maintain and enhance pedestrian and cycle connections through the Marine Services Zone.	Provide clear direction that the existing cycle pedestrian trails need to be considered within any design proposal.	Benefits – promotes integration of marina with other recreational users.  Promotes marina as a destination for community use and enjoyment.  Consistent with purpose of the recreational reserve classification.
5.2.1.4 Ensure that access to the marina site is designed so that vehicles, pedestrians and cyclists have safe and efficient access.	Recognises multi transport modes and user groups and need to provide for all of them within a design.	Benefits – promotes additional recreational use of the reserve land.  Costs – None identified.
5.2.1.5 Provide for temporary activities within the Marine Services Zone to promote the public's enjoyment and use.	Provides for flexibility for short term events including recreational events without unnecessary consenting.	Benefits – provides for events including short term recreational events.  Costs – non marina activities may temporarily conflict with the function of the marina.
5.2.1.6 Control the location and design of commercial/retail activities within the zone to ensure that the qualities and characteristics of the zone are maintained and that adverse amenity effects are avoided or mitigated and ecological values are enhanced where practicable.	Recognises the importance that commercial activities are designed to fit in with the Marina, maintain amenity values, and consider opportunities for ecological enhancement.	Benefits – recognises and provides for commercial activities while maintaining amenity values of the Zone.  Costs – limits location of commercial activities (most likely through an approved development plan under the Reserves Act). Possibly duplicates the process given Reserves Act and RMA approvals necessary.
5.2.1.7 Ensure that there is adequate on-site parking and	Promotes operational efficiency of site/activity development.	Benefits - Results in functional site development. Costs – None identified.

manoeuvring space for vehicles using the Marine Services Zone, while taking into account the adjacent public road network.	Supports car parking and manoeuvring performance standards to achieve functional design outcomes.	
5.2.1.8 Manage the effects of activities within the zone that use, store, or dispose of hazardous substances to prevent contamination of waterways and soil.	Promotes safe and efficient management of hazardous substances.	Benefits - Assist in managing hazardous substances to avoid contamination.  Costs – Design and compliance costs to meet the policy and standards.
5.2.1.9 Provide for limited commercial activities within the Zone to enable the marina to function	Recognises that limited commercial activities are necessary to support the marina to function effectively.	Benefits – Provides for limited commercial activities to establish within the Zone to support the marina activity.  Costs – May detract from other commercial centres. Considered limited risk given scale of commercial activities.
5.2.1.10 Recognise, and where, practicable enhance cultural values.	Ensures that cultural values are considered in development and consent processes.	Benefits – recognises that cultural values are integral to the location  Costs – may require investment in consultation and studies as part of development processes
5.2.1.11 Enable a range of activities that relate to the harbour and marine environment whilst managing any adverse effects.	Supports activities that can only locate in the zone but requires adverse effects to be managed.	Benefits – recognises and provides for appropriate activities while maintaining amenity values.  Costs – seeks to enable only activities that need a harbour-side location so may limit opportunities for other activities to locate there..
5.2.1.12 Provide for cultural activities.	Ensures that cultural activities are considered in the development and consent processes.	Benefits – recognises that cultural activities are important in this location  Costs – no costs identified
5.2.1.13 Recognise the relationship tangata whenua have with the area.	Ensures that tangata whenua relationships are considered in development and consent processes.	Benefits – recognises that there may be cultural values in relation to the location  Costs – may require investment in consultation and studies as part of development processes

<b>Objective 5.2.2: Activities within the Marine Services Zone are undertaken in a manner that avoids, remedies, or mitigates the effects of natural hazards.</b>		
<b>Policy</b>	<b>Effectiveness/Efficiency</b>	<b>Benefits/Costs</b>
5.2.2.1 Manage activities that have a need to locate in flood prone areas or areas potentially affected by coastal inundation so that the effects of hazards can be mitigated by protection measures such as stop banks, flood gates, minimum floor levels, or design.	Recognises the importance of flood protection infrastructure.	Benefits – provide options of how flood management can be managed while raising this development constraint.  Costs – requires the marina development to consider the potential to enhance stop bank/ flood protection measures and implement these if practicable.
5.2.2.2 Manage activities to ensure the integrity of the stop bank is maintained and where practicable enhanced.	Recognises the importance of flood protection infrastructure.	Benefits – provide options of how flood management can be managed while raising this development constraint.  Costs – requires the marina development to consider the potential to enhance stop bank/ flood protection measures and implement these if practicable.
5.2.2.3 Ensure that activities within the Marine Services Zone do not adversely affect the efficient functioning and capacity of ponding areas within or adjacent to the zone.	Recognises importance of maintaining stormwater ponding areas as a means of mitigating flood risk. Provide flexibility about how this is achieved	Benefits – recognises the importance stormwater ponding areas and ensures the marina development will not detract from existing ponding areas.  Costs – Cost associated with calculating and modelling impact on existing ponding areas. Potentially adds to consenting costs.

<b>Objective 5.2.3: Activities in the Marine Services Zone maintain or enhance the amenity values.</b>		
<b>Policy</b>	<b>Effectiveness/Efficiency</b>	<b>Benefits/Costs</b>
5.2.3.1 Ensure that the marina and associated commercial activities are designed and operate in a way that maintains amenity values of the adjacent residential and commercial areas.	Recognises the need for design solutions to maintain amenity values of sensitive receiving environments. Spatial design solutions provide efficient and effective long term solutions to land use conflict.	Benefits – design lead solutions provide more sustainable long term solutions to land use conflict.  Costs – May result in constraints on the location of some activities and buildings.
5.2.3.2 Ensure that activities operating in the Marine	Recognises the need for activities to be managed in a way that is compatible with	Benefits – maintains an environment that is consistent with the purpose of the zone.

Services Zone do so in a manner that maintains the amenity values within the zone.	other activities in the zone.	Costs – May result in constraints on the location of some activities and buildings.
5.2.3.3 Ensure that any development provides for landscaping to enhance the visual amenity of the zone and adjacent areas.	Recognises the need for activities to be managed in a way that is visually attractive.	Benefits – maintains an environment that is attractive and consistent with the purpose of the zone.  Costs – potential costs of landscaping.

## 5.4 Risk of acting or not acting

The Council, in conjunction with the community, has identified the Harbour restoration project as a vital one for supporting the aquaculture industry, which has been identified as a potentially significant contributor to the local economy. It will have positive economic and consequential positive social effects through direct and indirect job creation.

The Act requires assessment of the risk of acting or not acting if there is uncertainty or insufficient information. In relation to this request for plan change there is no reason for not acting on the basis of insufficient information. Sufficient information is available regarding the characteristics and values of the site and surrounding area, and analysis has been undertaken into any actual and potential effects of future development within the proposed Harbour Industrial Zone. While the exact nature of future development is unknown, the Structure Plan, objectives, policies and performance standards provide clear guidance on the environmental outcomes anticipated.

Not acting could result in significant inefficiencies associated with the logistical issues of locating harbour industrial activities into existing Industrial Zones, or proceeding through expensive consenting processes to establish activities in the Rural Zone. There are no Industrial ones located adjacent to the harbour area that could provide wharf access.

There is no Marine Services Zone or area currently zoned specifically for marina activities. The risk of not acting may result in lost opportunities associated with connecting the Ōpōtiki Commercial area to the Waioeka and Otara Rivers. This would include the beneficial economic effects associated with revitalising the Commercial area.

The risks associated with acting are understood to include retirement of the productive rural land resource, reserve land, landscape and visual effects, and the need to manage activities within the zones to ensure sensitive receiving environments are not adversely affected. These effects are considered to be outweighed by the positive economic and consequential positive social effects that are likely to arise from an improved local economy, more local jobs and reduced unemployment.

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