



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 21 April 2017
To : Ōpōtiki District Plan Hearings Panel
From : Michal Akurangi – Senior Policy Planner
Subject : **PROPOSED DISTRICT PLAN - CHAPTER 05 – MARINE SERVICES ZONE**
File ID : A117688

1. INTRODUCTION

My name is Michal Akurangi I hold the qualification of Bachelor of Social Sciences, majoring in Resource and Environmental Planning. At present I hold the position of Senior Policy Planner for the Ōpōtiki District Council. I have 12 years planning experience. My role in preparing this report is that of an expert policy planner.

The scope of my report relates to the submission and further submissions received in relation to Chapter 5 Marine Services Zone. The data, information, facts and assumptions I have considered in forming my recommendations are set out in my evidence.

2. STRUCTURE AND SUMMARY OF THE CHAPTER

The purpose of this chapter is to provide the framework for activities to occur within the Marine Services Zone. The chapter is comprised of issues, objectives, policies, activity status, zone standards, assessment criteria, other methods and expected environmental results. The Marine Services Zone is a new chapter and has been developed to support the growing local aquaculture industry which will be a key economic driver for Ōpotiki.

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.

3. RELEVANT STATUTORY CONSIDERATIONS

The overall Section 42A report provides the statutory framework for the District Plan and the review process and any changes since the Plan was notified. The provisions in this chapter have been developed in accordance with the specific statutory requirements as set out in the Section 32 report prepared and made available at the time the Proposed Plan was publicly notified.

In making recommendations on submissions to this chapter the following has been considered:

- Sections 30 & 31 of the RMA – Functions of regional Councils and territorial authorities. Resource consent for some activities eg. Construction of a marina, will require consent from both Councils.
- Proposed Regional Coastal Environment Plan
 - The Plan recognises the development aspirations in the Ōpōtiki Harbour and as such has included a Harbour development zone. See figure 1.
- Bay of Plenty Regional Policy Statement.
- NZ Coastal Policy Statement

3.1. NZ Coastal Policy Statement

The overall S42A report provides a broad discussion around the recommended policy framework for giving effect to the Statement across a number of chapters. Further discussion is provided below in regards to the Marine Services Zone specifically.

As discussed in the overall report, the application of the NZCPS policy framework has been applied to the area of land identified by the Regional Policy Statement. Figure 2 shows the extent of the area in relation to the zone, it is noted the portion of land affected is small in area.

It is recommended that the framework proposed for other chapters is not applied in this zone for the following reasons:

- The area of land affected is small
- There is a functional need for the zone and associated activities to be in the proposed location
- The zone is required to support the community's economic aspirations.

Objective 6 of the NZCPS supports this approach:

“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”.

4. RECOMMENDATIONS

73 submission points were received and 19 further submissions points were also received. The broad issues raised in submissions are as follows:

- Amendments for consistency with other chapters and clarity
- Inclusion of permitted activities that are consistent with the purpose of the zone
- Recommend moving marina construction from a controlled activity to a restricted discretionary activity to provide more of a robust consenting process. Recommend including assessment criteria as follows:
 - Noise
 - Effects on surface of the water
 - Effects on amenity
 - Transport effects
 - Flooding effects

Marina construction will require a number of consents from Bay of Plenty Regional Council. This process would consider, ecology, effects on the coastal marine area, effects on

- Provision for firefighting standards
- Natural hazards
- Giving effect to the NZCPS
- Controls over activities to ensure coastal waters do not become contaminated by marina activities.

4.1. SUBMISSIONS

The submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
17	Bay of Plenty Regional Council	5.1.2, 5.2.1.8, 5.2.3, 5.2.3.2, 5.3.1.3, 5.4, 5.4.1.1, 5.4.1.5, 5.4.1.7, 5.5, 5.5.1.1, 5.6, 5.6.1
38	Brendan Hickey	5
7	Department of Conservation	5, 5.3.3,
8	Eastern Bay of Plenty – Forest and Bird	5.2.1.6, 5.2.1.9, 5.3.2.3, 5.3.3.1.3,

		5.3.4.1, 5.3.5.1.3, 5.4.1, 5.4.1.2.1, 5.5.4.1, 5.5.9.1
18	Heritage NZ	5.2.1.10, 5.2.1.12, 5.2.1.13, 5.3, 5.4.1.4, 5.5
59	Jim Robinson	5
47	Jon Burchett	5, 5.2, 5.2.1.3, 5.2.1.4, 5.2.1.11, 5.3, 5.5
23	Julie Lux	5
32	Ngāi Tama – Tim Selwyn	5
19	NZ Defence Force	5.3.2.1.7, 5.5,
37	NZ Fire Commission	5.3.2.1, 5.5.11,
12	NZ Transport Agency	5.5
24	Ōpōtiki District Council	5.3.3, 5.3.4.1, 5.5.1, 5.5.4.1
57	Toi Te Ora –Public Health Service	5, 5.1, 5.2.1, 5.2.1.2, 5.2.1.3, 5.2.1.4, 5.3.2.1.7, 5.4.1.6, 5.5.1.1, 5.5.5.1, 5.5.6, 5.5.8.1,
39	Transpower NZ Ltd	5.3.1
15	Whakatōhea Mussels Ōpōtiki Limited	5.1.3, 5.2.1, 5.2.1.9, 5.2.3.3, 5.3.1, 5.3.1.19

3.2 FURTHER SUBMISSIONS

Further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission number and name submitted on	
		Number	Name
9	Department of Conservation	17.111, 17.112, 17.113, 17.41, 17.60,	Bay of Plenty Regional Council
10	Whakatōhea Mussels Ōpōtiki Limited	17.114, 17.31,	Bay of Plenty Regional Council
		7.1	Department of Conservation
		8.16, 8.18, 8.20, 8.25,	Eastern Bay of Plenty – Forest and Bird

18	Heritage NZ	17.21	Bay of Plenty Regional Council
		23.1	Julie Lux
17	Whakatōhea Māori Trust Board	17.115	Bay of Plenty Regional Council
		18.55, 18.6	Heritage NZ
		14.4	Whakatōhea Mussels Ōpōtiki Limited
		23.1	Julie Lux
15	NZ Defence Force	24.9	Ōpōtiki District Council

5. CONCLUSION

The changes recommended as a result of my analysis are outlined in the Tracked Changes Version of the Chapter (Appendix 2). The submission analysis can be found in Appendix 1.

Appendices

Appendix 1 - Submissions Analysis and Recommendations

Appendix 2 – Chapter 04 – Marine Services Zone Track Changes

Figure 1 – Ōpōtiki Harbour Development Zone (Proposed Regional Coastal Plan).

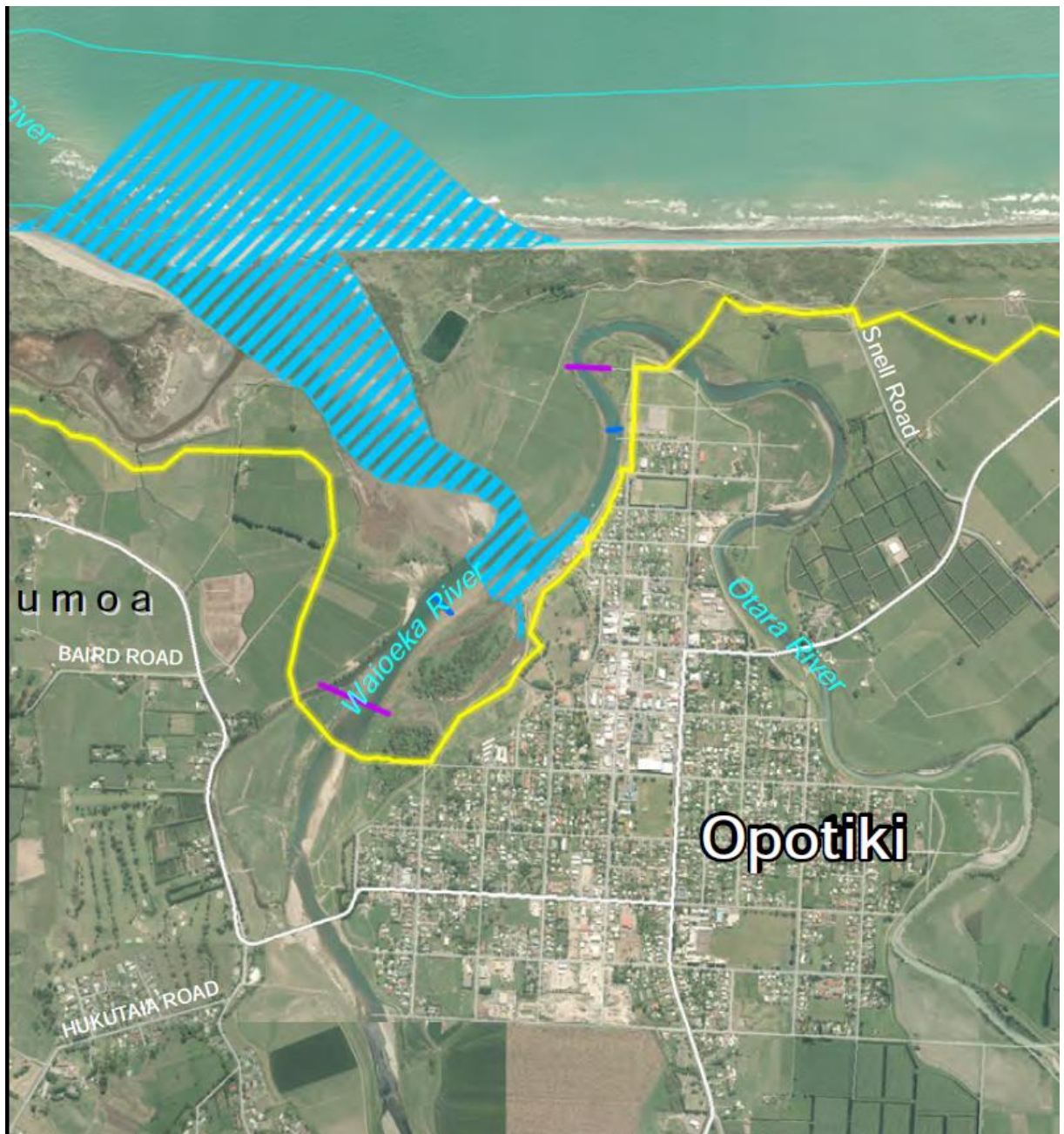


Figure 2: Extent of the Coastal Environment within the Marine Services Zone.
(Yellow line shows extend of the coastal environment line)

