



## **SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN**

Date : 3 July 2017  
To : Ōpōtiki District Plan Hearings Panel  
From : Michal Akurangi – Senior Policy Planner  
Subject : **PROPOSED DISTRICT PLAN - CHAPTER 07 – HARBOUR INDUSTRIAL ZONE**  
File ID : A118905

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### **1. INTRODCUCTION**

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 07 – Harbour Industrial Zone. The data, information, facts and assumptions I have considered in forming my recommendations are set out in my evidence.

### **2. BACKGROUND TO THE CHAPTER**

The Harbour Industrial Zone is an entirely new chapter. The Chapter seeks to provide a framework for activities to occur within the zone that are industrial in nature but require access to the Ōpōtiki Harbour. The chapter includes issues, objectives, policies, activity status, zone standards, assessment criteria, other methods, expected environmental results, and a structure plan.

The zone has been developed to support the aquaculture industry. The industry is a key economic driver for the District. Research undertaken in 2012 has estimated that 440 full –time jobs will be create with an injection of \$34 million a year to the district’s economy, this will substantially increase average household incomes. It is anticipated that the aquaculture industry will be a platform for economic growth, and therefore it is important to manage the effects of this growth in an appropriate way.

### 3. CONSIDERATIONS INFORMING RECOMMENDATIONS

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:

- Proposed Regional Coastal Environment Plan
  - The Plan recognises the development aspirations in the Ōpōtiki Harbour and as such has included a Harbour development zone.
- 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 1 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:

- There is a functional need for the zone and associated activities to be in the proposed location
- The consolidation of activities in the coastal environment to ensure appropriate management which is confined to a limited area.
- 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”.*

### **3.2 Natural Hazards**

A number of submission points seek greater recognition of natural hazards and flooding within the zone. The Regional Policy Statement requires a risk management approach to control the use, development and protection of land to avoid or mitigate natural hazards by assessing the level of risk according to likelihood of natural hazards occurring and their potential consequences.

In regards to activities within the Harbour Industrial Zone policy NH6B of the RPS states:

*“Policies NH 3B, NH 4B, NH 5B and NH 12A, do not apply to the establishment, operation, maintenance and upgrading of activities that have more than low natural hazard risk or which are located in high and medium risk natural hazard zones if the activity:*

- (a) Has a significant social, economic, environmental or cultural benefit to the community it services, or is a lifeline utility; and*
- (b) Has a functional need for the location.*

*In the circumstances described in (a) and (b) above, risk management measures (including industry standards, guidelines or procedures) must be applied to reduce risk to life and property to be as low as reasonably practicable. Infrastructure should be located away from coastal hazard risk where practicable”.*

Further Policy NH 9B requires that until such a time a District Plan has given effect to the Policies NH 7A and NH8A assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix L where:

- (a) The subdivision of land or the change or intensification of land use is proposed to occur on an urban site of 5 ha or more; or*
- (b) The relevant consent authority considers risk assessment appropriate having regard to:*
  - (i) the nature, scale and/or intensity of the activity,*
  - (ii) the location of the development site relative to known hazards,*
  - (iii) the cumulative effect on risk of developments on sites less than 5 ha,*
  - (iv) the nature and extent of any risk assessment that may be required under, or incorporated within, the operative district or regional plan,*

*Except that the obligation to assess the risk of the natural hazard under this policy shall not arise where the risk derives from a geothermal hazard which is managed under this Statement’s section 2.4 and the Geothermal Resources Policies and Methods”.*

Further discussion will be provided with regards to natural hazards in the relevant S42A report. However in response to submission points raised in this chapter, natural hazard considerations can be dealt with at the

resource consent stage and as indicated in response to other submission points Council is undertaking a project to deal with natural hazards and its implications which may result in a plan change to the Proposed Plan. Requirements under the NZ Coastal Policy Statement will be provided for as part of the project.

#### 4. SUBMISSIONS

91 submission points were received and 55 further submissions points were also received. The broad issues raised in submissions are as follows:

- Greater recognition of the NZCPS
- Protection against unwanted organisms such as flies, mosquitos
- Recognition of flood protection works
- Management of vehicle movements within the transport network
- Amendments to objectives and policies for clarity
- Provide for Temporary Military Training Activities
- Less controls over retail activities
- New permitted activities eg. boat refuelling
- Removal of boat and marine sale yards as permitted activities
- Natural hazard management
- Landscaping requirements and buffer mitigation
- Greater certainty around ecological and cultural buffers.

##### 4.1. SUBMISSIONS

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

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Provisions submitted on</b>
17	Bay of Plenty Regional Council	7.1, 7.2.1.5, 7.2.2, 7.2.2.1, 7.3.2.1.2, 7.3.4.1, 7.4, 7.4.1.4, 7.4.1.5, 7.5.7.1, 7.6.1
38	Brendan Hickey	7, 7.3.2.1.6
6	Chris Petersen	7, 7.1.2, 7.1.3, 7.1.4, 7.2.1, 7.2.1.1, 7.2.1.5, 7.2.2, 7.3.2.1, 7.3.3.1, 7.3.4.1.1, 7.3.4.1.2, 7.5.1.3, 7.5.3.1, 7.5.7.1, 7.7.1,
7	Department of Conservation	7, 7.3.2, 7.4.1.7,
8	Eastern Bay of Plenty – Forest and Bird	7.1.7, 7.2.1, 7.2.1.1, 7.2.2, 7.2.2.1, 7.2.3, 7.2.3.1, 7.7.1 7.2.3.3, 7.3.2.1.1, 7.3.4, 7.3.5, 7.4.1,

		7.5.1.1, 7.5.1.3, 7.5.2.1, 7.5.3, 7.5.4.3,
18	Heritage NZ	7.3, 7.4, 7.4.1.4,
2	Ian Connor	7
47	Jon Burchett	7
32	Ngāi Tama – Tim Selwyn	7, 7.7.1
19	NZ Defence Force	7.3.5.1, 7.5,
37	NZ Fire Commission	7.3.2.1, 7.5,
12	NZ Transport Agency	7.1, 7.1.5, 7.2, 7.2, 7.5
27	Tio Te-Kahika Whanau Trust Joseph Hohepa Te Kahika	7
57	Toi Te Ora – Public Health Service	7, 7.1, 7.2.3.2, 7.2.3.3, 7.4.1.6, 7.5.4.2, 7.5.5
39	Transpower NZ Ltd	7.3.1,
29	Upokorehe Iwi - Lance Reha & Gaylene Kohunui	7.2.1, 7.2.1.1, 7.4,
15	Whaktohea Mussels Ōpōtiki Limited	7, 7.1, 7.2.1, 7.3.2.1, 7.5, 7.7.1

### 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
FS17	Chris Petersen	17.120, 17.124, 17.125,	Bay of Plenty Regional Council
		38.5	Brendan Hickey
		7.11	Department of Conservation
		8.26, 8.34, 8.41, 8.40,	Eastern Bay of Plenty - Forest and Bird
		2.1,	Ian Connor
		24.26	Ōpōtiki District Council
		57.36,	Toi Te Ora - Public Health Service

		15.8	Whakatōhea Mussels Ōpōtiki Limited
FS26	Ian Connor	17.121, 17.122, 17.124, 17.125, 17.7, 17.23, 17.43, 17.33, 17.53,	Bay of Plenty Regional Council
		38.5	Brendan Hickey
		6.3, 6.6,6.7, 6.12, 6.11	Chris Petersen
		57.34, 57.72,	Toi Te Ora - Public Health Service
		8.26, 8.36, 8.39, 8.40, 8.42, 8.43	Eastern Bay of Plenty - Forest and Bird
FS11	Federated Farmers of NZ	17.123,	Bay of Plenty Regional Council
		39.29	Transpower NZ Limited
FS10	Whakatōhea Mussels Ōpōtiki Limited	17.124	Bay of Plenty Regional Council
		7.11	Department of Conservation
FS18	Heritage NZ	17.23	Bay of Plenty Regional Council
FS9	Department of Conservation	17.43	Bay of Plenty Regional Council
FS3	Bay of Plenty Regional Council	6.4, 6.5, 6.7,	Chris Petersen
		8.26, 8.35, 8.38, 8.42,	Eastern Bay of Plenty - Forest and Bird
		18.8	Heritage NZ
FS14	Whakatōhea Māori Trust Board	29.1	Upokorehe Iwi

## 5. CONCLUSION

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

## Appendices

Appendix 1 - Submissions Analysis and Recommendations

Appendix 2 – Chapter 02 – Harbour Industrial Zone Track Changes

**Figure 1- Extent of the Coastal Environment – Regional Policy Statement**

