

Before the Whangarei District Council Hearings Committee

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of Proposed Plan Changes 88, 109, 115, 136 and 148
(Whangarei District Plan).

**Evidence of Brett Lewis Hood on behalf of Northland Christian Camps Trust
Board (NCCTB) and Stewards Trust of NZ Inc. (STNZ)**

Dated 7 November 2019

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei
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Introduction

1. My full name is Brett Lewis Hood. I am a planner. I hold a Bachelor of Social Science (Geography) from the University of Waikato and a Master of Philosophy (Resources and Environmental Planning) from Massey University. I am a full member of the New Zealand Planning Institute (MNZPI).
2. I have 21 years of experience as a planning consultant in the Northland and Auckland regions. My role has typically been to lead project teams through various resource consent, notice of requirement, and plan change processes, and to provide environmental and strategic planning advice for these projects.
3. I am familiar with the area and site to which the application for resource consent relates.
4. I record that I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2014. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witness as presented to this hearing. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

The Primary Submission

5. The Stewards Trust of NZ Incorporated (STNZ) own 5.2734ha contained in two certificates of title¹ at 89A One Tree Point Road. Northland Christian Camps Trust Board (NCCTB) (a registered charitable trust) is the body currently charged with managing the camp.
6. NCCTB made a primary submission² requesting that the site be contained within a precinct that provides for the existing and future use of the site consistent with the trust deed. The Trust has plans to develop further recreational amenities on the site.

¹ NA1156/65, CFR302465

² Submission 294

The current situation under the Operative District Plan

7. The site is shown as Scheduled Overlay Area 9 in the Operative Whangarei District Plan. The underlying zone is 'Rural Production Environment' (RPE) with a Future Residential Environment overlay. Under Scheduled Overlay Area 9, the provisions of the RPE apply with several permitted activity exceptions including:
 - Temporary non-commercial accommodation buildings in tents or caravans.
 - Educational, social, cultural, sporting, recreational and religious pursuits using indoor and outdoor facilities.
 - 55dBA L10 between 0700 and 2200.
 - Staff accommodation of up to 10 residential units.
 - Accommodation of camp attendees for up to 200 beds at any one time provided that no beds will be occupied for a period of longer than 10 days.
 - Temporary accommodation for tents, caravans, motorhomes and such for 200 beds, at any time, provided none will be occupied for a period of longer than 10 days.
 - The gymnasium may be constructed with a maximum gross floor area of 2,150m², height of 15 m, 20 m set back from boundaries.
 - All buildings (other than the gymnasium) to have a maximum height of 10 m.
 - Total building coverage not to exceed 35%.
8. NCCTB is comfortable operating under these provisions.

The Section 42A report recommendation

9. In my opinion, the recommendation in the s42A is relatively simplistic. Specifically, the report recommends that the submission be rejected and that the General Residential Zone (GRZ)³ be applied to the site instead⁴ for the following reasons:
 - The site can rely on existing use rights and could apply for resource consent

³ Previously 'Medium Density Residential' in the notified version of PC88.

⁴ Part 8 Page 168 (section 42A report)

under the GRZ.

- The additional residential area surrounding the camp is to be expanded, and so the effects of expanding the camp can be managed under the GRZ provisions.⁵

The proposed General Residential Zone

10. Under the proposed GRZ recommended by the Council, the activity status of camp activities that are currently provided for in the Schedule 9 Overlay Area are as follows:

- Visitor Accommodation – Discretionary activity (GRZ-R19)
- Educational facilities – Discretionary activity
- Recreational Facilities – Non-complying activity (GRZ-R26)
- General Community – Non-complying activity (GRZ-R-New7)

The case for a Precinct

11. The guidance document for the National Planning Standards⁶ states that a precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s). The document also states that precincts apply to a defined area where the description(s) of the underlying zone(s) and majority of provisions (especially objectives and policies) are still applicable and are relevant. A precinct introduces a collection of new provisions. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks.⁷
12. In my opinion (which is based on the MFE guidance), a precinct is the appropriate tool to manage the camp activities on this site.

⁵ Paragraph 21 – Notified s32 report

⁶ Ministry for the Environment. 2019. *Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard* Wellington: Ministry for the Environment.

⁷ Ministry for the Environment. 2019. *Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard* Wellington: Ministry for the Environment (page 3)

Existing use rights

13. Under Section 10(1) of the RMA, existing use rights only apply if:
 - (i) the use was lawfully established before the rule became operative or the proposed plan was notified;
and
 - (ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:
14. I have not carried out an investigation into the legality of all existing activities on the site. Assuming they are all legally established, it is likely that they can rely on existing use rights under s10 of the RMA regardless of any change to the underlying zone.
15. Additional activities (like a gymnasium) will likely require a non-complying resource consent under the GRZ due to the constraint under s10(1)(ii) of the RMA.

Discretionary and non-complying activities

16. As identified in paragraph 10 of this evidence, the expansion of existing camp activities that would otherwise be permitted under the Schedule 9 overlay area will be either discretionary or non-complying activities. The planned gymnasium, walking/cycling track, and playing field all fall within the definition of recreational facilities, meaning that a non-complying resource consent would be required.
17. Non-complying resource consent applications are subject to the gateway test in s104D of the RMA, and precedent effects and plan integrity are relevant matters. While there may be a case for approving a non-complying activity on this site, the decision-making bar will be a difficult one to get over, and at the very least there are likely to be considerable costs incurred. NCCTB is a charitable trust and all profits are invested in developing the property and facilities. The cost of obtaining what are likely to be difficult and publicly notified resource consents will be a significant imposition for the trust.
18. In my opinion, it is not appropriate to apply discretionary or non-complying activity status to manage the effects of this existing activity on residential

activities in the surrounding environment proposed under this plan change. Reverse sensitivity concerns should be focussed enabling the continued operation and expansion of the camp which is an activity that has existed since the 1950s. In any event, the camp can comfortably operate alongside future residential use in the surrounding environment, as it is currently doing (noting the existing residential development adjoining the northern and eastern boundaries).

Security of tenure and use

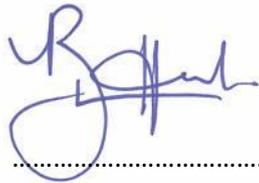
19. The new zones being introduced under PC88 are intended to be in place for the next 10-year period. Given the level of investment (detailed below) and the terms of the trust deed, NCCTB are confident that the current use of the site will endure throughout this period and beyond.

Level of investment

20. As is evident from the photographs in Exhibit 1, there is a significant level of investment on the site, including over 2,000 m² of buildings. The buildings contain a range of accommodation options including 96 single bunks in 12 rooms, and 10 Queen Beds and 24 single beds in 10 carpeted double-glazed family rooms. Other facilities include two modern ablution blocks, a commercial kitchen, a hall/dining area capable of seating 200, a conference room, reception area, laundry, and lounge. The site also contains a range of outdoor pursuit type activities including a flying fox, slide, trust course, volleyball and basketball courts, a native bush education area, walking/cycling track (under development), and playing field (under development).
21. The camp has been established on the property since the 1950s and is used by a wide variety of community groups, including children's camps, school camps, church groups, community groups and clubs, and family groups. NCCTB has had long-term plans for further development of the facilities since 2007.
22. The camp is an important asset for the social well-being of the community.

Relief sought

23. In my opinion, it is appropriate that the site be included in a precinct with GRZ as the underlying zone. The precinct provisions should generally mirror those in Schedule Overlay Area 9. In the context of the activity definitions proposed under the National Planning Standards, the precinct provisions would be as follows:
- Visitor accommodation included as a permitted activity.
 - Recreational facilities included as a permitted activity.
 - Educational facilities included as a permitted activity.
 - General community included as a permitted activity.
 - Maximum height of gymnasium building (15m).
24. The provisions of the GRZ would apply to all development on the site, except where the precinct provisions prevail.



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Brett Hood (Planner)

This 7th day of November 2019

Exhibits

1. Photographs
2. Development Concept

EXHIBIT 1

PHOTOGRAPHS











A photograph of the entrance to Marsden Bay Christian Care. A gravel driveway leads into a wooded area. On the right, a white wall features a sign with the text "MARSDEN BAY" and "CHRISTIAN CARE" and a logo of two figures. A pink flowering bush is in the foreground.

MARSDEN BAY
CHRISTIAN CARE

EXHIBIT 2

DEVELOPMENT CONCEPT



LOCATION

PROPOSED CONCEPT OF DEVELOPMENT:
 BUILDING ENVELOPE IDENTIFIED AS 45M X 35M
 TO HOUSE A GYMNASIUM WITH 1 BASKETBALL COURT
 PROPOSED MAX BUILDING FOOTPRINT 1000M²
 WITH OCCUPANT DENSITY BETWEEN 250 - 500 PERSONS
 AND AN ALLOWANCE OF 100 - 125 PARKING SPACES.
 STEBACKS MIN OF 20M ON ALL BOUNDRIES
 MAXIMUM BUILD HEIGHT OF 15M AS PER SCHEDULE 9



SITE PLAN A2 1:1000

Applicant:	Marsden Bay Christian Camp
Address:	89A One Tree Point Road, Marsden Bay, Northland
Legal Description:	Lot 1 Deposited Plan 375132
Identifier:	302465
Relevant Memorials:	Not researched
Site Area:	36640m ²
District Plan:	Operative Whangarei District Council (District Plan)
District Plan Environment:	Countryside, Rural Production Environment, L1 overlay, Schedule 9
District Plan Resources:	Nil identified
Hazards:	The subject property has standard hazards of Acid Sulphate Soil risk and Effluent unsuitability.
Regional Plan Matters:	Not applicable

ONLY COUNCIL STAMPED PLANS TO BE USED FOR CONSTRUCTION.
DO NOT SCALE OFF PLANS.



GYMNASIUM CONCEPT
 CLIENT: MARDEN BAY CHRISTIAN CAMP
 DESIGN TO NZBC & LOCAL DISTRICT PLAN
 CONTACT: IAN ROWE 021-2421108

Site Plan

DATE:	7/11/2019
REVISION:	A
SHEET SIZE:	A2
DRAWN:	BP
PAGE:	Pg 01