Summary of Planning Evidence – PPC85 (Brett Hood for BSL)

1. Introduction

My name is Brett Hood. I am a planning consultant and Director at Reyburn and Bryant with over 28 years' experience in resource management planning in Northland.

I prepared the submission and further submission on behalf of Black Swamp Limited (BSL) in relation to Private Plan Change 85. I also filed evidence including a Section 32 assessment.

2. Overall Position

I support the strategic intent of PPC85 to enable coordinated urban growth in Mangawhai East. However, the submission sought refinements to the zoning as it applies to the BSL land at 25 Black Swamp Road. Specifically, the submission sought that a portion of the BSL land be zoned Low Density Residential Zone (LDRZ) rather than Rural Lifestyle Zone (RLZ) and a Mixed Use Zone (MUZ) around the existing brewery on the site.

3. Why the Notified Rural Lifestyle Zoning Is No Longer Appropriate

The site was proposed to be zoned RLZ in PPC85 solely because it was identified as being subject to coastal inundation and flood hazard constraints at the time PPC85 was prepared.

Those constraints have since been lawfully addressed through Northland Regional Council consent authorising filling and stormwater works that remove the hazard from the developable portion of the land.

As a result, the original planning assumption underpinning the RLZ zoning no longer applies.

Retaining RLZ would now create an anomalous outcome where land that is physically equivalent to surrounding residential land is artificially constrained without environmental justification.

4. Why Low Density Residential Zoning Is the Correct Response

Rezoning the developable portion of the site to LDR is the correct response because:

- It enables efficient use of serviced, hazard-free land;
- It achieves integration with adjoining urban land;
- It supports the coordinated urban form PPC85 is intended to deliver.

Both Council officers and the reporting planner now support LDRZ for the hazard-free area, meaning the key issue before the Panel is not whether urban zoning is appropriate, but how best to recognise the existing brewery activity.

5. The Remaining Issue – How the Existing Brewery Is Treated

The site contains an established, lawfully authorised brewery.

I understand that the Section 42A position (via the rebuttal evidence of Mr Clease) is that the MUZ is appropriate provided there is scope. Conversely, the position of Ms O'Connor (via her rebuttal evidence) is that the brewery can continue under its existing consent and future changes to the use can be addressed through discretionary consents under the LDR zoning.

6. Why a Small Mixed Use Zone Is Appropriate

The MUZ sought is restricted to an area of approximately 5,450m² around the existing brewery. It is not intended to create a commercial centre.

Under the MUZ:

- Small-scale commercial activities remain restricted discretionary;
- Larger activities remain discretionary;
- Council retains full control over scale and effects.

From a Resource Management Act perspective, the purpose of zoning is to provide a clear, plan-led framework for managing effects and signalling anticipated land use outcomes. If the brewery site was left zoned LDRZ, the brewery would still continue to operate under its existing approvals, but future changes would rely on repeated discretionary consents. That is a less efficient and more uncertain method under Section 32, and it treats an established activity as an ongoing exception rather than integrating it into the Development Area.

The MUZ relief is also tightly confined to the operational footprint and does not create a new commercial centre or materially expand the scale of effects that could otherwise be considered. Council retains full control over future activities through restricted discretionary and discretionary pathways.

So, rather than creating an anomalous zoning, the proposal removes one. It ensures the plan accurately reflects the site-specific circumstances, supports the coordinated urban outcome anticipated by PPC85, and provides a more efficient and certain planning framework going forward.

7. Section 32 Considerations

From a Section 32 perspective, applying MUZ to the brewery site is:

- More effective because it aligns zoning with actual land use;
- More efficient because it reduces repeated discretionary applications;
- Lower risk because it provides certainty and reduces reverse sensitivity pressures as surrounding residential development occurs.

Zoning the brewery LDR would perpetuate uncertainty and reactive decision making rather than delivering the plan led outcome PPC85 is intended to achieve.

8. Scope

The relief sought does not expand the plan change area, introduce new development types, or create effects beyond those already assessed across PPC85.

It is simply a refinement to reflect updated hazard information and existing land use within the notified Development Area.

I understand from the legal submissions of Mr Dawson that there are no scope issues with zoning of the brewery MUZ or the remainder of the developable land LDRZ.

9. Conclusion

In summary:

- The original justification for Rural Lifestyle zoning no longer exists;
- Applying LDRZ to the developable land achieves the integrated urban outcome PPC85 seeks;
- A narrowly applied Mixed Use Zone appropriately recognises the established brewery and provides a clear, efficient planning framework;
- The relief represents a logical refinement, not a departure from the intent of PPC85.