

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Mark CHESTER Rendell		
Company / Organisation Name: (if applicable)	Baywater Inn Ltd		
Contact person (if different):	Chester Rendell		
Full Postal Address:	P.O. Box 303		
	Palma 0247		
Phone contact:	Mobile:	Home:	Work:
	021964873	021964873	021964873
	Email (please print):		
chester@therendells.co.nz			

2. (Please select one of the two options below)

- I could not gain an advantage in trade competition through this submission
 I could gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I am directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition
- I am not directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

refer to attached submission



Confirm your position: Support Support In-part Oppose
(please tick relevant box)

in relation to
my property

My submission is:
(Include details and reasons for your position)

see attached submission

I seek the following decision from the Council:
(Give precise details. If seeking amendments, how would you like to see the provision amended?)

see attached submission

I wish to be heard in support of my submission
 I do not wish to be heard in support of my submission
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing
 Yes No

Do you wish to present your submission via Microsoft Teams?
 Yes No

Signature of submitter:
(or person authorised to sign on behalf of submitter)

Date: 25 September 2022
(A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).



Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

29

Bayswater Inn Ltd

23 September 2022

Far North District Council
Bay of Islands

Re: The Proposed District Plan.

Dear Sirs

I wish to make a submission on the Heritage Overlay and Rules in the PDP as it effects my property on the Paihia waterfront – 40 Marsden Road, Paihia – the St Pauls Church (the old stone church) is my immediate neighbour to the south – a Heritage site.

I have been through this process before in 2005/2006 when the Environment Court ordered that the FNDC amend the proposed district plan and create a new map HA1 with additional rules – decision attached. This process cost a considerable amount of money and I felt that the heritage requirements for my property would be in place for a very long time.

To now have the FNDC impose yet another Heritage Plan on my property is distressing as, in my view, the property has sufficient rules to accommodate any future heritage values. The heritage values in 2005/2006 are no different than today's.

S29.007 I request that the current provisions relating to my property stay as per the Environment Court Order and we are exempted from the proposed Heritage Plan rules in the PDP.

In support of my request I make these specific points to the PDP:

1. Heritage Overlay – Paihia Heritage Area – Part B. The PDP is now applying new rules and other provisions and standards that do not currently apply to the property. Refer to Overlay Activity status – Permitted.

HA-R2 Additions or alterations to existing buildings or structure. *Any addition or alteration shall be no closer than 20m to the Scheduled Heritage resource.*

S29.001 This new rule is unworkable as it cannot be achieved given the size and shape of the property. Consent as a Restricted Discretionary Activity [RDA] would be required.

2. HA-R4 *This Rule requires new buildings or structures to be set back 20m from adjoining Heritage Resource.*

S29.002 This cannot be achieved and would require consent as a RDA.

3. HA-S1 Setback from a scheduled Heritage Resource. *Required to be 20m from the Heritage Resource.*

S29.003 This cannot be achieved and is impracticable for long narrow sections.

4. The 3 rules above refer to "*heritage resource*".

S29.004 However, it is not clear whether this means the measurement is taken from the heritage building or structure (for example, the church) or from the property boundary.

5. Coastal Environment Overlay. With regard to the inclusion of the property in the coastal environment overlay, the PDP has introduced new rules which have an impact on the subdivision status, along with the future development of the sites. The creation of lots in the coastal environment would in terms of subdivision be assessed as a Discretionary Activity, whereas it is currently a Controlled Activity. Some of the *restrictions on future development* are illogical and unreasonable, including

- maximum floor area of 300m²
- maximum extension of 20%
- limits on excavation and filling
- maximum height of 5m
- additional controls on indigenous vegetation removal.

S29.005,
S29.008
and
S29.009 None of these limits currently exist in the ODP and are more relevant to a proposed urban area. The PDP should make it clear that they do not apply to existing urban areas.

6. Subdivision would be assessed as a Restricted Discretionary Activity but the building platform and access must be outside the Coastal Hazard Area.

S29.006 This rule is not appropriate for the site given its frontage and existing use rights which make it impractical to achieve this requirement.

I would be happy to receive feedback from Council on my submission.

Yours faithfully



Chester Rendell
Director – Bayswater Inn Ltd
Property Owner
40 Marsden Road
Paihia

CONSENT ORDER

IN THE ENVIRONMENT COURT
AT AUCKLAND

UNDER

the Resource Management Act 1991

IN THE MATTER

a reference under Clause 14 of the First Schedule of that Act over *decisions on a submission to the Proposed District Plan relating to a Proposed Paihia Heritage Precinct.*

BETWEEN

PAIHIA HERITAGE PRECINCT
SUPPORT SOCIETY (RMA 0610/03)

AND

PAIHIA AND DISTRICT
CITIZENS' ASSOCIATION (RMA
0669/03-CALL OVER 514 ONLY)

Appellants

AND

FAR NORTH DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Judge Newhook sitting alone pursuant to s279 of the Act

In Chambers at Auckland

CONSENT ORDER

Having read the appellants' notices of appeal, the respondent's points of reply and the memorandum of the parties filed herein, THIS COURT ORDERS BY CONSENT THAT:

1. The Far North District Council is directed to amend its Proposed District Plan as follows:


A new chapter 11.5B (~~draft~~ attached) to be inserted;



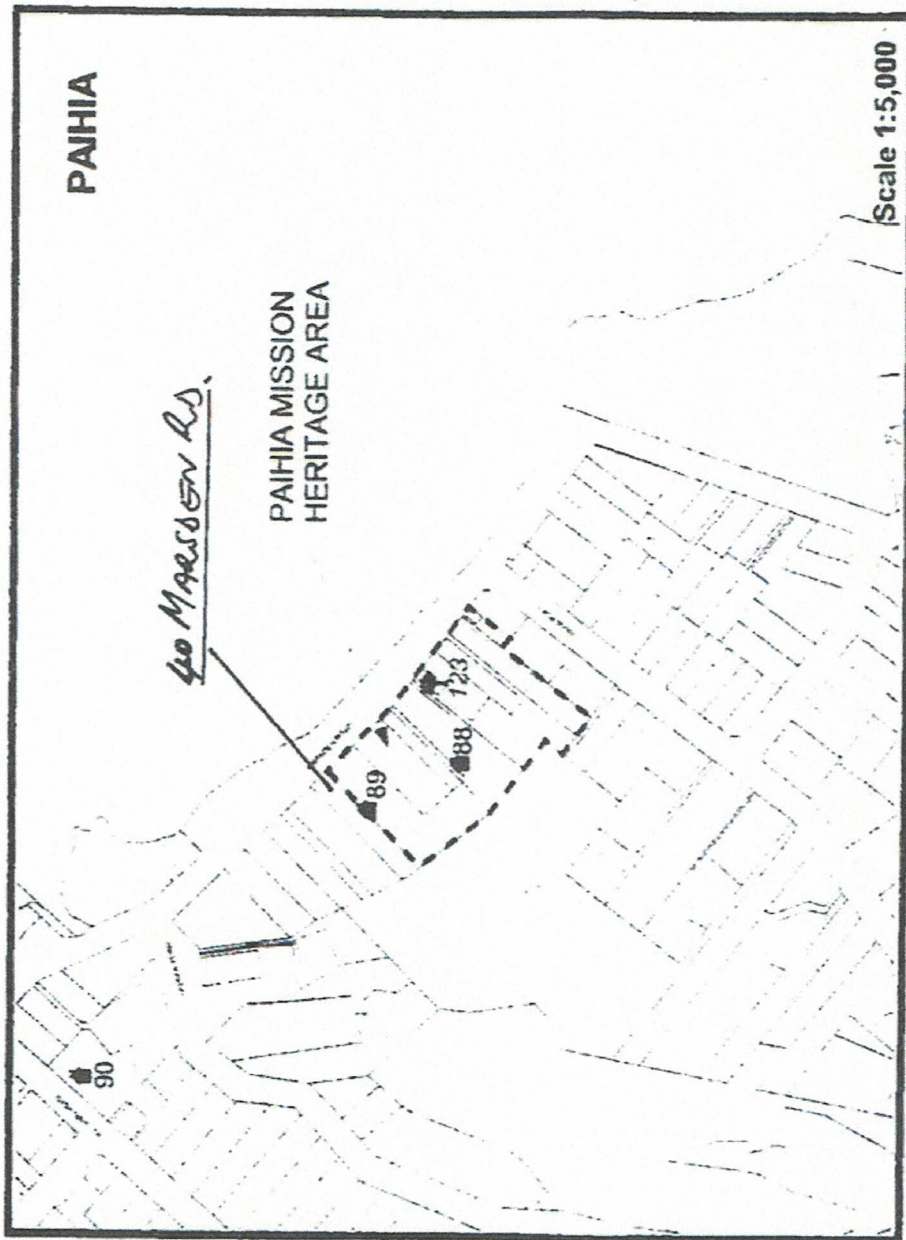
- b) A new Map HA1 to be inserted as annexed to this order;
- c) Map 89 is to be amended to show the new Paihia Mission Heritage Area, the new Area A5 (Bistro 40 property) and the corrected location of notable tree 123, as indicated on the Map 89 annexed to this order.
- d) By amending rule 7.7.5.1.5(b) (setback) by adding the following words after the words which were inserted by consent order dated 30 June 2005: "Area A5 10m (which setback shall not include the decks and staircase of the existing Bistro 40 building if that building is relocated on the site)"
- e) By adding another rule 7.7.5.1.5 (c) as follows: "For the area A5 on Map 89, a driveway width of 3 metres from the eastern boundary, over the front portion of the property, extending from Marsden Road to a point which is 31 metres from the Marsden Road boundary."
- f) By adding another rule 7.7.5.1.10 as follows: "Roof pitch. For Area A5 on Map 89, if the existing Bistro 40 building is demolished or removed from the site, any replacement building or part of a building occupying the area within 31 metres from the Marsden Road boundary must have the same roof pitch as the principal roof pitch on the existing Bistro 40 building."
- g) By amending the site description of notable tree 123 in Appendix 3 to read "Lot 3 DP38287 Blk IV Kawakawa SD".

2. The respondent ^{has resolved} is to commence a Plan Change process by 31 July 2006 to look at the provision for historic heritage in Paihia more generally, giving consideration to all of the land between School Road and Kings Road, except for 40 Marsden Road. In the event that any party sought to include 40 Marsden Road in that plan change process, it is recorded that the appellants in these proceedings ^{have to concede that they} will not support that party.
3. There is no order for costs.

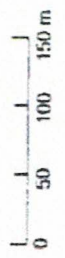
Dated at Auckland this 16th day of January 2006


 LJ Newhook
 Environment Court Judge





FAR NORTH DISTRICT COUNCIL
REVISED PROPOSED DISTRICT PLAN
 HERITAGE AREA



DECEMBER 2005
HA1

CONSENT ORDER

IN THE ENVIRONMENT COURT
AT AUCKLAND

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relating to a Proposed Paihia Heritage
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AND

PAIHIA AND DISTRICT
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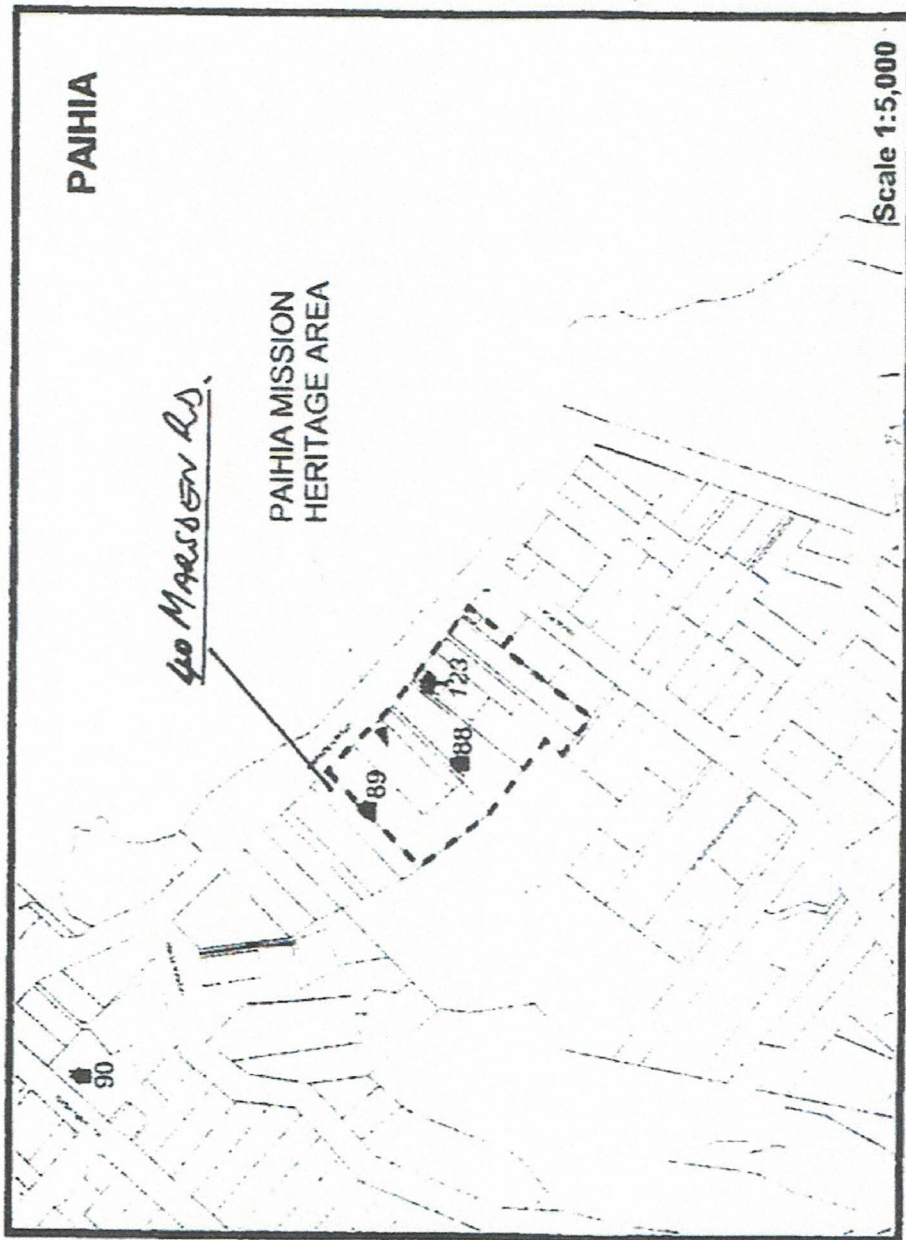
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Dated at Auckland this 16th day of January 2006


 LJ Newhook
 Environment Court Judge





FAR NORTH DISTRICT COUNCIL
REVISED PROPOSED DISTRICT PLAN
 HERITAGE AREA



DECEMBER 2005
HA1