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To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fnhc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

The Paihia Property Owners Group (referred collectively as the **'Submitters'**).

C/- Bay of Islands Planning (2022) Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

The Submitters are directly affected by the Proposed Far North District Plan (**'PDP'**). They reject various matters within the PDP as presented.

The Submitters cannot gain an advantage in trade competition through this submission. They are directly impacted by the PDP. The effects are not related to trade competition.

3. **Background & Context**

Background

The Submitters above all have established properties within the Paihia Township and have a series of concerns with the PDP contents.

Whilst many of the Submitters have properties within the Paihia Township, this submission relates to the PDP as it applies to the Paihia township generally, as well as their specific sites. This list is provided in **Appendix 1**.

PDP Approach for Paihia

The PDP seeks to rationalise the existing commercial zoning under the Operative District Plan into a Mixed Use Zone which covers many foreshore properties as well as areas with existing commercial and residential development.

The Mixed Use Zone is then overlain by a number of items such as:

- The Coastal Environment;
- Paihia Heritage Areas A and B; and
- Building Height Controls.

The provisions of the Mixed Use Zone are generally enabling allowing for a mixture of residential and commercial development to be undertaken to create a mixed use environment – one that generally already exists within the Paihia Township.

However, the associated provisions associated with the Coastal Environment and Paihia Heritage Areas seem to work against the

enabling provisions of the Mixed Use Zone and create layers of additional regulation that is to be conformed with.

An overview of the Paihia Township, and the relevant zones and overlays that apply are shown in **Figure 1** below.

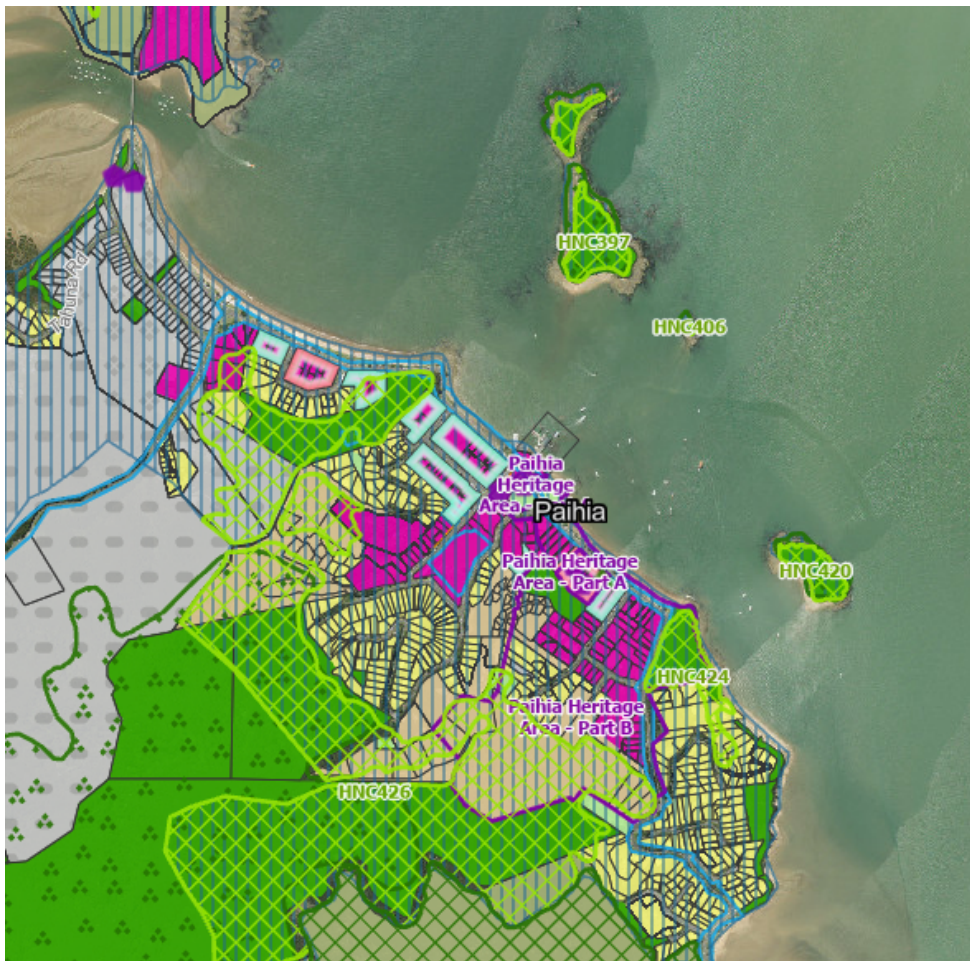


Figure 1 - Paihia Township Zoning & Overlays (Source: Prover)

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- The proposed Paihia Heritage Areas A and B and its provisions;
- The Coastal Environment and its provisions; and
- The Mixed Use Zone and its provisions.

5. **The Landowners seek the following amendments/relief:**

This submission requests that the PDP:

- Removes the proposed Paihia Heritage Areas A and B and their provisions and reversion back to the Paihia Mission Heritage Area and associated provisions. S330.001
S330.002
- Promotes more enabling and appropriate provisions associated with the Coastal Environment as they relate to urban areas such as Paihia; and S330.003
S330.004
- Retains the underlying urban zones as they apply to the Paihia township, with minimal overlays and restrictions. S330.005
S330.006

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

Paihia Heritage Areas A and B

The PDP approach associated with the Paihia Heritage Areas A and B is not supported.

The analysis that underpins the PDP approach is broad in nature and has not been undertaken on a site by site basis to verify and confirm

that each site has the values considered worthy of identification and protection.

If Council is to impose the blanket identification of the areas, there must be more appropriate site by site analysis and assessment undertaken to confirm the heritage values sought to be protected.

Whilst the policy intent associated with the New Zealand Coastal Policy Statement and Regional Policy Statement are clear, the rationale and evidential basis for the proposed mapping is not considered to be appropriate at a District level, where values on a site by site basis should be known, assessed and confirmed to be true.

In this respect the Council's s32 report associated with Heritage is fundamentally lacking and the Submitters reject the PDP approach in its current format.

Whilst there are heritage resources that do require protection, these resources are well known and have formed part of the community for some time. Development has been undertaken in accordance with the Operative District Plan in relation to the Paihia Mission Heritage Area which went through a lengthy plan change process and considered the area and surrounds in far greater detail than the PDP.

Council's s32 report suggests that there is no technical evidence to support the existing spatial extent for the Paihia Mission Heritage Area. This is disagreed with and if this was to be true, the entire plan change process would have had no merit. The Paihia Mission Heritage Area mapping and provisions should be retained as provided in the Operative District Plan.

Overall, there is no confidence in the approach undertaken, and the PDP is not considered to be the most appropriate approach or option undertaken to meet the purpose of the RMA 1991.

Coastal Environment & Urban Growth

The report provided by Melean Absolum Limited, that supports the Coastal Environment s32 Report prepared by Council, only suggests potential rules for the Coastal Environment within an urban area. There is no detailed evidence provided within either report to support these 'suggestions'.

The PDP includes to rules such as a 5m height limit, 300m² building / floor area coverage, and 400m² indigenous vegetation and earthworks limits within an urban area. There is limited rationale as to why and how these provisions were selected.

Whilst the New Zealand Coastal Policy Statement and Regional Policy Statement is clear, the PDP approach does not appropriately justify the provisions.

For example, it is not clear why 5m was selected, or why this height limit is appropriate. No specific locality assessments have been undertaken specifically to suggest that this is appropriate in a highly modified urban environment such as Paihia.

To add further, the imposition of a 5m height limit works directly against the provisions and intent of the Mixed Use Zone. For example, the Mixed Use Zone requires housing or residential

activities to be located on the first floor (and above), with a commercial activity to be located on the ground floor.

The requirements work in tandem to create a situation where Council will effectively minimise residential potential for the Paihia township, in an area which sorely needs a mixture of housing densities, options and typologies as a sought after urban and coastal area.

With a 5m height limit, there is no potential for above ground floor housing by the simple reason that stud and roof heights effectively limit this use. When considered alongside minimum floor level requirements, this only further limits development potential within the township. Accordingly, the provisions confuse and work against their respective intent, objectives, and aims.

Overall, there is no confidence in the approach undertaken, and the PDP is not considered to be the most appropriate approach or option undertaken to meet the purpose of the RMA 1991.

Urban Zones

The Submitters generally support the enabling intent of many of the urban zones proposed by the PDP. However, when considered alongside the myriad of other controls, believe that the PDP unnecessarily constrains and confuses their intent, aims and objectives.

As outlined above, should additional provisions and overlays be warranted, these must be appropriately considered and selected

based on a higher degree of evidence and assessment as they relate specifically to Paihia.

Concluding Comment

The RMA 1991 seeks to enable people to provide for their economic, social, cultural and well-being while ensuring natural and physical resources remain available for future generations, and adverse effects are appropriately avoided, remedied or mitigated.

The additional overlays and restrictions are undoing the positive elements that the Mixed Use Zone seeks to achieve.

The PDP as it relates to the specific submission points is not considered to meet the purpose of the RMA 1991.

These matters may be fleshed out further in the evidence that may be called in support of the Submitters position at a hearing.

7. **The Landowners wish that the Far North District Council address the above matters by:**

- Removing the proposed Paihia Heritage Areas A and B and their provisions and reversion back to the Paihia Mission Heritage Area and associated provisions.
- Promoting more enabling and appropriate provisions associated with the Coastal Environment as they relate to urban areas such as Paihia; and
- Retaining the underlying urban zones as they apply to the Paihia township, with minimal overlays and restrictions.

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S.S.', written in a cursive style.

Steven Sanson

Director | Consultant Planner

On behalf of the Submitters

Dated this 21st Day of October 2022

Attachment 1: List of Submitters

Ed & Inge	Amsler	6 Bedggood Close, Paihia 0200
Busby Manor Resort	Body Corporate	34 Marsden Road
Don	Mandeno	22 Marsden Rd
Chester	Rendell	40 Marsden Road
David	Guy	22a Eastcliffe Road, Auckland 0620
Peter & Wendy	Sharland / Hitesman	76 Seaview Rd
Garth & Anne	Craig & Corbett	49 Kings Road
Cheree & Michael	Byrne	9 Island View Close
Margaret	Millin	Section At 7 Island View Close. Building Soon.
Jamie	Wilson	10 Island View Close
Justin & Tania	Chapman	8 Island View Close, Paihia
Neil	Anderson	5 Island View Close
Richard	Biffin	23 Totara Heights Way
Mark And Vivienne	Javins	44 Marsden Road
Nicki	Kempthorne	8 Marsden Road, Paihia
Bruce	Rogers	19 Kings Road, Paihia
Roger	Mccracken	47 Kings Road
Roger	Mccracken	47 Kings Road
Kathryn	Bavister	20 Macmurray Road
Craig	Pippen	20 Macmurray Road
Gavin	Dreaver	36 Kings Road, Paihia 0200
Ross	Harold	34 Kings Road

Stephen And Hine	Beattie	52 Kings Road
Leon	Vickers	138 Wills Road, Bell Block, New Plymouth 4312
Mark & Vivienne	Javins	44 Marsden Road,
Amanda	Mcclelland	30 Marsden Road Paihia Northland 0200
Vaughan	Norton-Taylor	50 Marsden Rd Paihia
Ross	Chin	157 Hobson Street, Auckland
Margaret	Thomas	51 Kings Road Paihia
Jimmy	Singh	12 Drumquin Rise
Joshua	Riley	3 Island View Close
Christopher	Byrne	4 Island View Close
Klaus	Striegel	13 Totara Hights Way
Stephen	Guy	12a Dundonald Street
Ed & Inge	Amsler	7 Bedggood Close, Paihia 0200
Busby Manor Resort	Body Corporate	35 Marsden Road
Don	Mandeno	23 Marsden Rd
Busby Manor	Resort	34 Marsden Road
Gail	Leabourng	26 Marsden Road, Paihia
Marlin Court Motel		Seaview Road, Paihia
Paihia Pacific Resort		Seaview Road, Paihia
Peppertree Lodge		Kings Road, Paihia
Casa Bella Motel		Macmurray Road, Paihia
Ala Moana Motel		Masden Road, Paihia