

Doug's Opua Boat Yard

Attention: Alicia Taihia
District Plan Team

Kerikeri Service Centre

9 November 2024

11 NOV 2024



1 Richardson Street, Opua, Bay of Islands
Ph (09) 402 7055, A/h (09) 407 4577
totarahill@xtra.co.nz

Robert Scott
Far North Proposed District Plan
Hearings Panel Chairperson

REF: REQUEST TO SPEAK ON MATTERS EMBEDDED IN MY SUBMISSIONS

Sir

My name is Doug Schmuck and I am the owner and sole proprietor of a small traditional boatyard and slipway that occupies land, open space, and sea bed by a complex set of rights born out of the history of the various planning doctrines and legislations that all led to and are in effect, affected by the RMA'91.

I make no claim that I am expert at any particular thing. But one thing I am for sure is pragmatic! And with that eye, I embedded in my simple submissions issues that are not solely concerning rezoning; that I believe the panel would want and/or need to consider for completeness in their task. Please see attachments "A" to "D".

Therefore with the greatest respect, I would like to direct the committee's attention to Natural Open Space zoning issues, that I find either misdirected and/or appear legally unachievable under the circumstances of their jurisdictional status. Thus, zoning of foreshore and seabed for which the FNDC has no authority pursuant to the RMA. And in like form, zoning where the parameters of that zone are not in alignment with the zone's purpose or indeed contrary to the activities, structures, character, scale, and intensity by which that land has historically been use and occupied.

Secondly, the scope of Rural Production zoning that superimposes a planning doctrine of exclusivity, where the land is pledged by legislation to the citizens of New Zealand in perpetuity very much in alignment with the objectives and policies of Open Space zoning, and for which, Rural Production and only small areas of Open Space Zoning are likely inappropriate not only on principle, but by potential circumvention of the Trust Deed by which the land is held.

I do not raise these matters lightly, for I have had a long history of duty to protect the public access to the open space of the esplanade reserve at my site, in conjunction with all my commercial activities, that I created in cooperation with the FNDC pursuant to the Local Government Act, RMA'91, and Reserves Act 1977.

Lastly, anything I might say to the panel on any of the above cannot and will not possibly prejudice any submitter or authority to this planning process.

Kind regards


Doug Schmuck

S21.001 & .002; S185.001

Subject: Hearing *
From: Doug and Helen <totarahill@xtra.co.nz>
Date: 03/11/2024, 08:16
To: alicia-kate.taihia@fndc.govt.nz

"A"

Good morning Alicia

I note that hearing 8 is underway 19 th of this month but have received no notice regarding my submission to be heard on matters I have raised regarding Open Space save the hearings on rezoning next year.

Can you please clarify the standing of my submission of Oct 2022 regarding this subject matter.

Kind regards

Doug Schmuck

For: Doug's Opuia Boatyard

"B."

Subject: PDP Hearings - Doug's Opua Boatyard
From: Proposed District Plan <pdp@fncd.govt.nz>
Date: 04/11/2024, 16:17
To: "totarahill@xtra.co.nz" <totarahill@xtra.co.nz>

Good Afternoon Doug,

Thanks for speaking earlier on the phone.

I have reviewed your original submissions on the PDP.

You have two submissions S21 and S185 as per below.

Submitter name	Submission Point	Plan section	Provision	Position	Reasons	Decision Requested	Reporting Topic
Doug's Opua Boatyard	S21.002	Planning maps	Mixed use Zone	Support in part	Maritime Exemption Areas in Opua that are zoned industrial under the Operative District Plan have been zoned light industrial under the Proposed District Plan. 1 Richardson Street, Opua, is no longer a commercial site and should not be zoned Mixed Use.	Amend the zoning of 1 Richardson Street, Opua, from Mixed Use zone to the light industrial zone	Hearing 15C - Rezoning General - Urban
Doug's Opua Boatyard	S21.001	Planning maps	Rural Production Zone	Support in part	1/5 Beechy Street, Opua, has a proposed zoning of Rural Production. The property is supported by pilings over the coastal marine area	Amend the zoning of 1/5 Beechy Street, Opua	Hearing 15C - Rezoning General - Urban
Doug's Opua Boatyard	S185.001	Planning maps	Rural Production Zone	Oppose	Opposed to any change to the Trust land of the Waitangi National Trust Board from its primary purpose of providing public access to and along the CMA in conjunction with its historical purpose.	Amend the zoning of the Trust land of the Waitangi National Trust Board, Waitangi - as a minimum, land that was designated Conservation in the ODP should be maintained and/or reinstated as "Natural Open Space" and/or even be extended to the treaty coastal grounds boundary along the golf course to the north and/or even further along the coastal margin of the golf course to wherever that land adjoins private land.	Hearing 15B - Rezoning - New Special Purpose Zones

S21 will be addressed in Hearing 15C – Rezoning General – Urban

S185 will be addressed in Hearing 15B – Rezoning – New Special Purpose Zones

Given your submissions both relate to rezoning you will need to follow the process as outlined in Minute 14 this also includes the dates for these hearings.

See link [Minute 1](#)

In terms of scope of your submission points you are restricted to those points made in your original submissions.

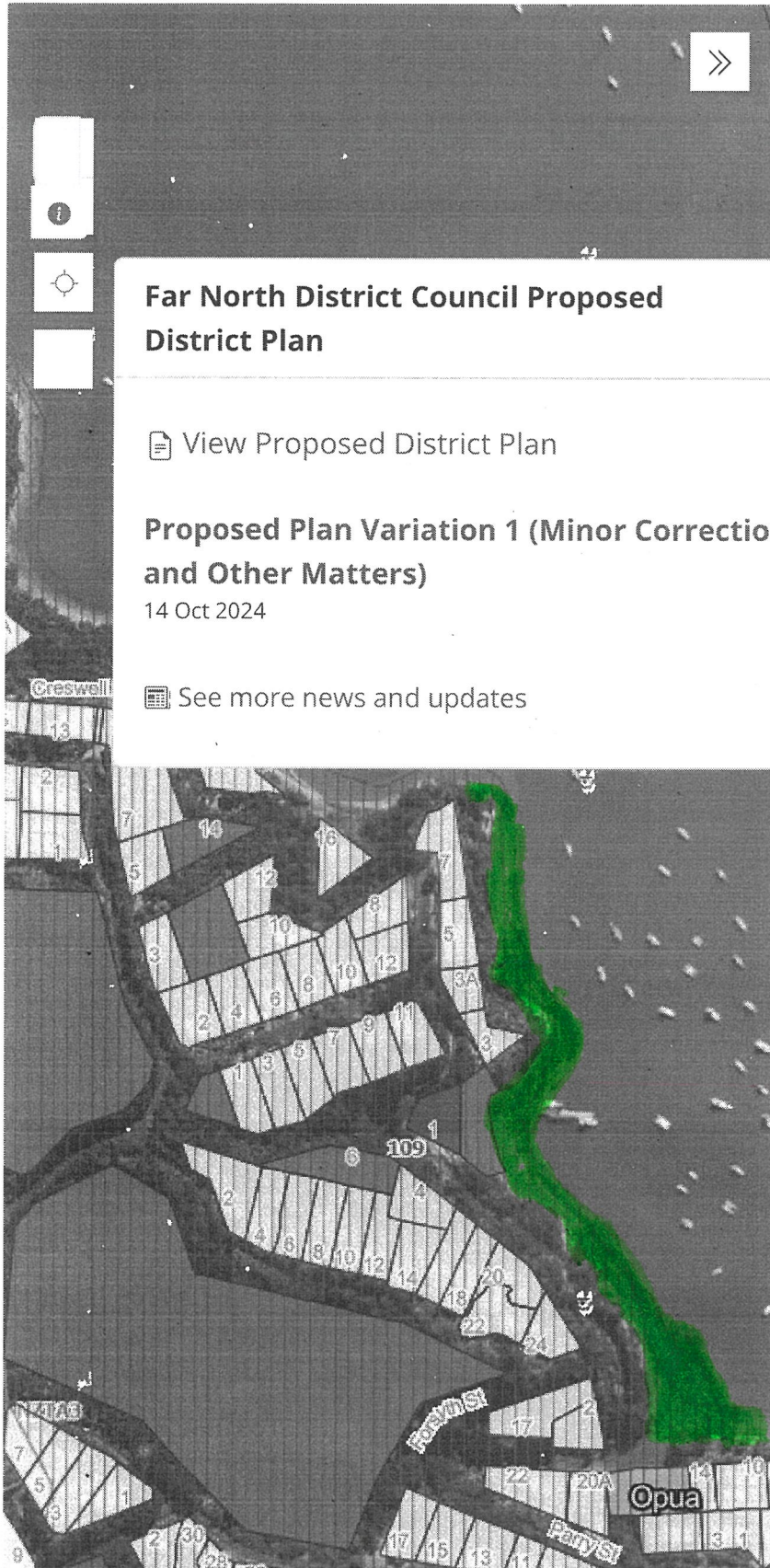
However, you can provide additional evidence and information to support these points as required by Minute 14.

Please let us know if you require any further information.

Kind Regards,
 District Plan Team

"C"

Far North Proposed District Plan



Far North District Council Proposed District Plan

View Proposed District Plan

Proposed Plan Variation 1 (Minor Corrections and Other Matters)

14 Oct 2024

See more news and updates

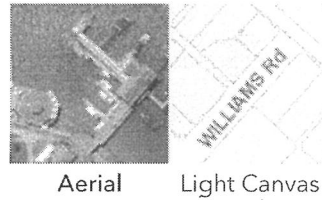
Map Tools

Map Layers ^

- Non-District Plan Layers ▾
- Zone ▾
- Plan Variation 1 ▾
- Historical and Cultural Values Overlays ▾
- Specific Controls ▾
- Overlays ▾
- Energy Infrastructure and Transport Overlays ▾
- Precincts ▾
- Natural Environments Overlays ▾
- Designations ▾
- Natural Hazards and Risks Overlays ▾

Transparency ^

Basemaps ^



Measure ▾

Draw ▾

Text ▾

Print

Legend

Help

100 m

"A"

