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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@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

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

2. **General Statement & Executive Summary**

Ed and Inge Amsler are directly affected by the Proposed Far North District Plan (“**PDP**”).

Ed and Inge Amsler cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.

The submission seeks a change of zoning for one of the two Record of Titles in the Paihia Township. This being:

- ROT NA68D/600 (Lot 2 DP 119719);

from Rural Lifestyle to General Residential.

Such a zoning more appropriately recognises the lands' location within the upper reaches of Beddgood Close, prior to the bush clad hills which surround Paihia. The requested zoning also more appropriately recognises the lands contour, existing access arrangements, and existing infrastructure to and on the land.

The request is more consistent with the surrounding land uses and zoning within the surrounds which is largely urban in nature and will provide for additional residential capacity over the life of the plan. Such a zoning is also more consistent with the objectives and policies of the relevant policy and plan documents and with Part 2 of the Resource Management Act 1991 ("RMA").

With respect to ROT NA160/163, many of the provisions proposed within the Mixed Use Zone are supported, however when these are considered alongside the Coastal Environment Overlay and its provisions, it causes far too great a push away from meeting the objectives and policies of the Mixed Use Zone.

Those rules of concern are considered in more detail below. The change to the provisions and reasons for such changes are provided in **Attachment 1**.

3. **Background & Context**

Background

Ed and Inge Amsler own two sites within the Paihia township. One of the properties contains an existing visitor accommodation premises – Chalet Romantica, whilst the other site fronts Marsden Road and is the only remaining vacant section along this piece of road.

At both sites, Ed and Inge Amsler have serious concerns with the PDP. This includes both the zoning proposed as well as certain provisions which are proposed to be applicable to each site.

Site Descriptions

Ed and Inge Amsler own land comprised within the following properties described and depicted on the following table below and images provided in **Attachment 2**.

Table 1 - Properties

Record of Title	Operative Zone	Proposed Zone	Overlays
ROT NA68D/600 (6 Bedggood Close)	Coastal Living	Rural Lifestyle	Coastal Environment Paihia Heritage Area – Part B
ROT NA160/163 (46-48 Marsden Road)	Commercial A1	Mixed Use Zone	Coastal Environment Paihia Heritage Area – Part B

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

- A change to the zoning for ROT NA68D/600 (6 Bedggood Close) from Rural Lifestyle to General Residential
- The following provisions provided in **Attachment 1**.

5. **Ed and Inge Amsler seek the following amendments/relief:**

This submission relates to the Proposed Far North District Plan:

- Rejects the **Rural Lifestyle Zone** noted across ROT NA68D/600 (6 Bedggood Close) and supports instead a change to **General Residential**. S341.001
- Rejects & Supports certain provisions as outlined in **Attachment 1**.

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

The reasons why the General Residential Zone is a more appropriate zone for this property are:

- It better aligns with topography and surrounding land uses, which as **Figure 1** shows, is largely urban in nature with various residential uses present. Redefining the urban boundary in a more logical way by including this site is considered appropriate in this instance.
- The availability and presence of existing infrastructure. The site is serviced by Council reticulation and contains an existing and appropriate ring road accessway from Bedggood Close. Power

and telecoms are also provided to the site. Provision of such infrastructure supports an urban zoning approach, not a rural lifestyle approach.



Figure 1 - Site and Surrounds (Source: Prover)

- There is no true rural lifestyle use present on the site, nor are there significant vegetated landscapes. The site does not currently provide a transition between the urban fringe of Paihia to the Rural Production Zone or any such rural production activities. In fact, undertaking any true rural lifestyle or production activities may cause concern to the existing uses on the site and surrounds. As such, the site is not consistent with the Rural Lifestyle intention or purpose.
- The General Residential Zone is more consistent with higher order RMA policies and plans and the purpose and principles of the RMA. The key priorities of the General Residential Zone are to:

- Provide a variety of densities, housing types and lot sizes that responds to housing needs and demand, adequacy and capability of available or programmed infrastructure, amenity and character of the residential environment and historic heritage.
 - Consolidates urban development around available or programmed development infrastructure that reduced urban sprawl.
 - Promoting non residential activities which compliment the scale, character and amenity of the zone.
 - Provides functional and high amenity living environments.
 - Provides for resilience to climate change.
- In all respects, the site if changed to the General Residential Zone can meet such purposes for the reasons already previously mentioned. In addition, the site is not impacted by hazards, historic heritage or archaeology, or any designations or special overlays except for the Coastal Environment, which provides specific controls for development.
 - Like the proposed district plan, the Regional Policy Statement for Northland and the New Zealand Coastal Policy Statement both seek to consolidate urban development within or adjacent to existing coastal settlement and avoid sprawling or sporadic patterns of development. Rezoning the Land as requested is not inconsistent with these policies.
 - The RMA 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 current and proposed Rural Lifestyle Zone of the site of does not achieve the sustainable management of resources. As already noted, the current shape, size, contours and other characteristics of the site, and existing uses make it unusable for a rural production / lifestyle purpose, and do not allow the owners to provide for their economic or social wellbeing.
- The General Residential Zone would be more consistent with the purpose and principles of the RMA as it would enable a site which has access to appropriate physical resources to be developed in a manner appropriate to its current qualities and characteristics. For all intents and purposes the site is urban and residential in nature and although largely undeveloped, cannot promote rural uses.

Proposed Provisions

The analysis of specific provisions is found in **Attachment 1**. This is supported by a plan which shows the implications of the PDP rules for the Mixed Use Zone on the Marsden Road site.

Attachment 3 provides an image of how the Marsden Road site is implicated by the PDP.

6. **Overall Ed and Inge Amsler wish that the Far North District Council to address the above issues by:**

1. Amending the zoning of 6 Bedgood Close from Rural Lifestyle to General Residential;

2. Promoting changes as outlined in **Attachment 1**; and
3. Any consequential and further or other relief which may be necessary to give effect to the changes sought in this submission.

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

Yours sincerely,



Steven Sanson

Director | Consultant Planner



Reviewed by

Jeff Kemp

Principal Planning Consultant

On behalf of Ed and Inge Amsler.

Dated this 21st Day of October 2022

Attachment 1: PDP Submissions

Provision	Position	Relief Sought	Rationale
<p>MUZ-R2 Commercial Activity – PER-2</p>	<p>Oppose</p>	<p>Remove the requirements which limit office coverage to 200m2 GFA.</p>	<p>The rationale for limiting office space in a commercial / mixed use zone is not clearly known.</p> <p>The type of activity should be supported, especially where other provisions seek to require bottom floor commercial uses, prior to residential activities being permitted.</p> <p>By using a GFA approach, the proposal also limits the intention of ‘building up’ as indicated by the MUZ height rules.</p>

S341.002

			The rule is not consistent with MUZ-R1 – PER 2 which allows for 400m2 GFA coverage and seems to work against an office space activity specifically.	
MUZ-R3 Visitor Accommodation – PER-1	Oppose	Remove the requirements which promote visitor accommodation to only be located above the ground floor.	The proposed rule seeks residential living above a ground floor or resource consent is required. Such above ground living reduces the potential of the zone to appropriately provide for residential land uses by reason that the cost of development associated with having to meet the rule may actively work against the zones intentions. Residential uses on the ground floor should be actively promoted.	S341.003
MUZ-R4 Residential Activity – PER 1	Oppose	Remove the requirements which promote residential activities to	Refer to commentary for MUZ-R3 above.	S341.004

		only be located above the ground floor.		
MUZ-R5 Residential Unit – PER-1	Oppose	Remove the requirements which promote residential units to only be located above the ground floor.	Refer to commentary for MUZ-R3 & MUZ-R4 above.	S341.005
MUZ-R6-MUZ-R11	Support	Retain permitted activity status for such activities	The zone provisions should enable such uses without secondary limitations and this is supported.	S341.006 and S341.015 to S341.019
MUZ-S1 Maximum Height	Support	Retain maximum height limit	The standard allows 12m building height which is supported to encourage development.	S341.007
MUZ-S2 Height in Relation to Boundary	Oppose	Exemptions should be made for areas which adjoin such Open Space or Natural Open Space zones currently covered in protected vegetation.	It is unclear what the true shadowing effects may be from a potential development on the Marsden Road site to the adjoining Natural Open Space Zone which is currently vegetated. Exemptions should be provided where these situations occur.	S341.008

MUZ-S3 Setback	Oppose and Support	<p>The rear setback of 3m from a Natural Open Space zone is opposed and should be deleted.</p> <p>The 0m setback from road is supported.</p>	<p>With such a narrow site, the Marsden Road property needs minimal setbacks to enjoy potential development opportunities.</p> <p>The 0m road setback is supported as a means to located buildings close to the road frontage.</p>	S341.009
MUZ-S4 Setback from MHWS	Oppose	Oppose the 26m setback from MHWS for the Marsden Road Site and re-institute the exemptions provided for in 12.7.6.1(vii) of the ODP which allows for an exemption to the setbacks where there is a legally formed road.	There is no rationale provided outlining why the existing exemption has not been carried out in this instance. The current rule works against the proposed 0m road setback and will force development to be located further from the road frontage.	S341.010
CE-R1 New Buildings, Structures, and Extensions or	Oppose	Change to align with the Mixed Use Zone of 400m ² for buildings.	There should be alignment between the rules where the site is urban in nature.	S341.011

Alterations to Existing Buildings or Structures – PER-1.1			
CE-S1 Maximum Height	Oppose	The 5m height limit should be increased in urban areas to a more appropriate limit, particularly where the Mixed Use Zone is present.	<p>A 5m height limit imposed by the standard seems to be at odds with the residential / commercial intent of the MUZ.</p> <p>For example, a 5m height limit does not provide genuine bottom floor commercial and above ground residential uses. It is likely that residential activities will not be favourable in this zone, although should be supported with more enabling height provisions in the Coastal Environment.</p>

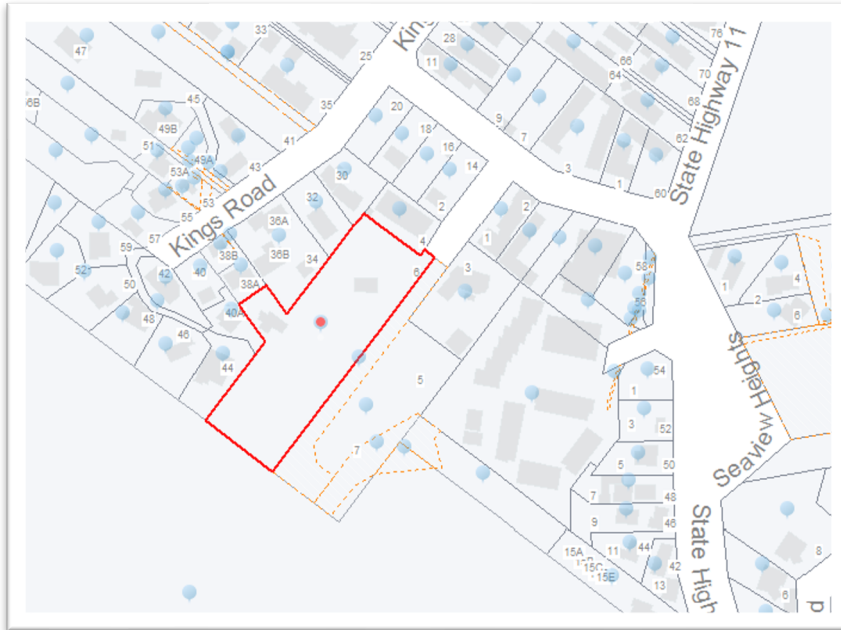
S341.012

CE-S3 Earthworks or Indigenous Vegetation Clearance (3, 4, and 5)	Oppose	In the Mixed Use Zone, where earthworks are required alongside development, the provisions should enable a greater area and cut / fill depths. To screen all exposed faces or require a resource consent is also considered to be onerous and should only relate to those faces which can be seen from a public place.	When coupled with development in the Mixed Use Zone, the effects of earthworks are likely to be temporary in nature. The sediment and erosion control requirements are already outlined in the Earthworks Chapter and in many cases there will be limited approaches to manage the temporary visual amenity effects from earthworks as the rules seem to be targeting.	S341.013
SUB-R20 Subdivision of a Site Within the Coastal Environment	Oppose	Subdivision within a Coastal Environment should have alignment to the underlying zoning of a site and consider the intent of the zone and its minimum allotment sizes.	Subdivision in the Coastal Environment should align to the underlying zone provisions for subdivision allotment sizes. As a Discretionary Activity SUB-R20 includes no specific criteria to consider. It seems more appropriate for any subdivision	

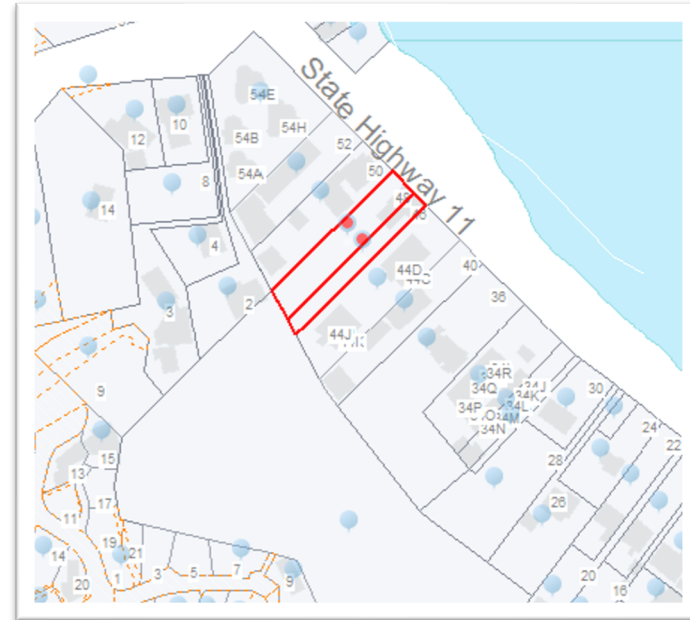
			within the Coastal Environment to assess the characteristics and qualities within that area, with specific assessment criteria as opposed to a blanket discretionary activity status.
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Attachment 2: Site Details

6 Bedggood Close Paihia
Lot 2 DP 119719
8404m²



46-48 Marsden Road, Paihia
Lot 5 & Part Lot 6 Section 1 DP 1217
1970m²



ZONE MAPS

Existing ODP

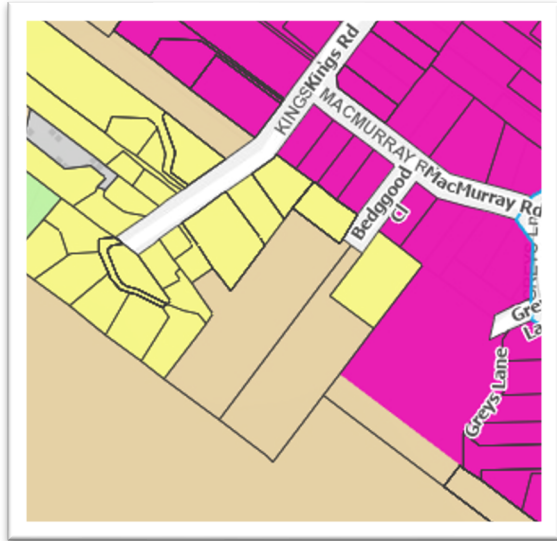


Currently – **Coastal Living**

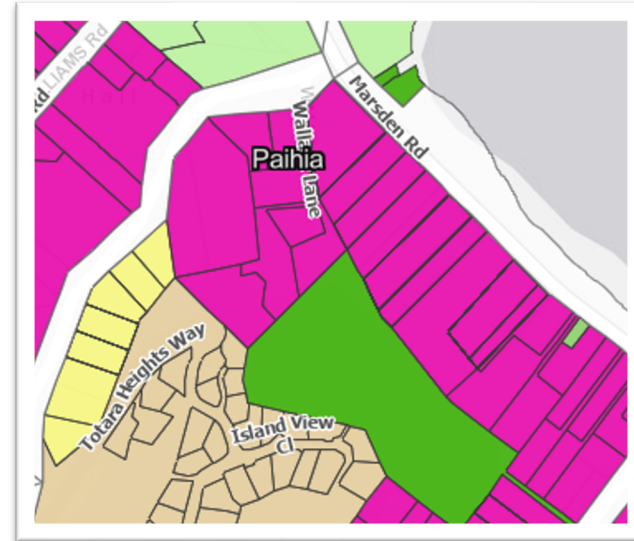


Currently - **Commercial Zone**
- **Paihia Height Area A1**

New PDP



The New **Zone Map** above reveals –
Removal of Coastal Living - now **Rural Lifestyle**



Removal of the Commercial – now **Mixed Use Zone**

OVERLAYS MAPS

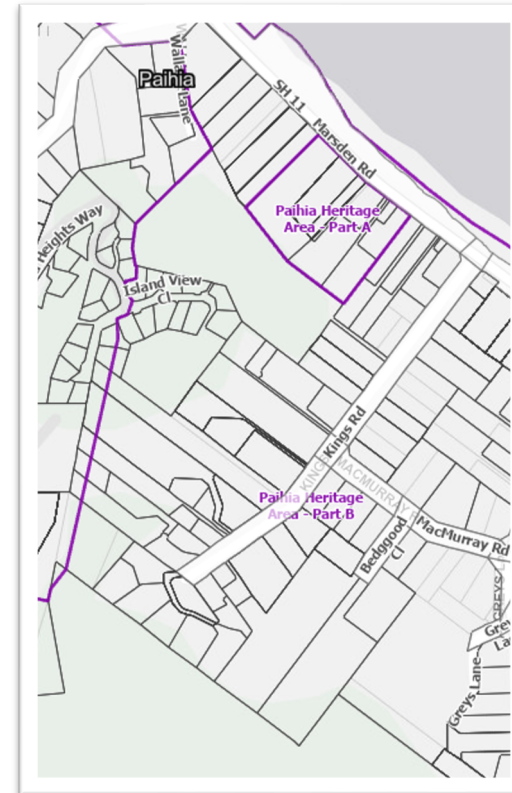
Heritage Area

Existing ODP – Both Properties

There are no Heritage Areas applying to the site but is close to the existing Paihia Heritage Precinct-



New PDP – Both Properties



Both

Building Height Control

Existing ODP – Marsden Road Property



New PDP - Marsden Road Property



Property close to but not within a **Specific Control** –

No building height maps. Height controlled by the zone rules – Maximum 8.5m.

Building Height

Coastal Environment

Existing ODP

No coastal environment overlay.

properties are within the **Coastal Environment**.

New PDP – Both Properties



Both

Natural Hazards and Risks Coastal Flood and Erosion Zones

Existing ODP

New PDP – Marsden Road property

No flood or coastal erosion maps affect either Property.



The property is within the extent of **1: 100 Coastal Flood and Erosion Zones**.

Attachment 3: Impacts of Rules on Marsden Road Property



Various Flooding Hazards

300m2 Build Area:
Coastal Environment

400m2 Earthworks
Area: Coastal
Environment

Open Space 3m
Setback

26m setback from
MHWS

Coastal Hazard
Zone 2

Coastal Hazard
Zone 3