

# Submission on PDP

**Full Name:** Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd  
Attn: Ross Porter

**Address for Service:** Ross Porter, RPorter@urbanpartners.co.nz & David Badham,  
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**Date:** 18 October 2022

**Re:** Submission on Proposed Far North District Plan (**PDP**) – Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd

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## Submission Information:

Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Changes that Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd submission relates to are attached.

Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd seek amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd wish Far North District Council (**FNDC**) to make to ensure the issues raised by Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd are dealt with are also contained in the attached document.

Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd wish to be heard in support of this submission.

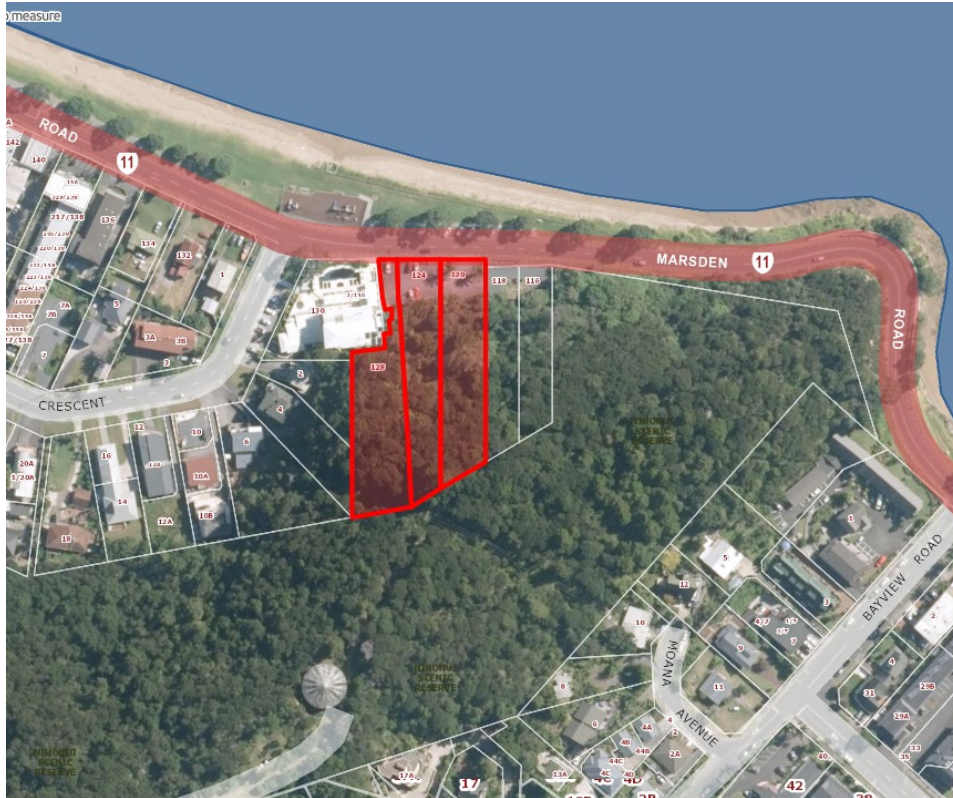
If others make a similar submission, Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd will consider presenting a joint case with them at a Hearing.

**Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd**

## 1.0 Introduction

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Paihia Properties Holdings Corporate Trustee Limited own 120-128 Marsden Road, Paihia (NA120B/600, NA425/151, and NA623/171) (**the subject site**); Urban Properties Management Limited are the property managers.



**Figure 1: Subject site – source Emaps**

This submission has been prepared on behalf of both Paihia Properties Holdings Corporate Trustee Limited and UP Management Limited, referred to as **PPHCTL** throughout this memorandum. This submission considers the implications of the Far North District Council (**FNDC**) Proposed District Plan (**PDP**) on the subject site.

**Section 2.0** of this memorandum contains general feedback and observations on chapters of relevance giving consideration to how they could be improved to efficiently and effectively achieve the proposed objectives of the plan change, and the purpose of the RMA.

**Section 3.0** provides more detailed feedback on specific provisions of interest to PPHCTL.

## 2.0 General Feedback

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The subject site is subject to a number of proposed zones and overlays under the PDP

- Mixed Use Zone
- Coastal Environment

- Building Height Control – Height Limit Area B
- High Natural Character – in part
- Coastal Erosion Zone 3: 100 Year + Rapid Sea Level Rise scenario
- Coastal Erosion Zone 2: 100 year scenario

## Strategic Direction

PPHCTL have general concern that the Strategic Direction chapter contains objectives for each topic, and not policies. The objectives need policies to demonstrate how they are going to be achieved in the Plan. It is also important at this strategic level of the PDP, that the policies provide clear direction for the consideration of resource consents where there is conflict between different areas of strategic direction.

The Strategic Direction Chapter does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. There is no identification of small, medium or large centres, or rural/coastal settlements versus large towns. PPHCTL consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan and Paihia would benefit from stronger policy direction with respect to economic growth and development.

PPHCTL have not been able to confirm that the proposed Strategic Direction objectives are appropriate under section 32 (1)(a) of the RMA, because the section 32 report does not include an evaluation of the proposed objectives.

In terms of the notified zones and provisions, PPHCTL do not support the proposed rezoning of their site to Mixed Use Zone (MUZ). The PDP does not provide alternative commercial zones providing only a Mixed-Use Zone. PPHCTL are unable to understand why Council has chosen to only use one commercial zone being the MUZ. As drafted the MUZ will limit the expansion or redevelopment of the subject site, and may not be the most appropriate site zoning. The National Planning Standards provide a range of commercial zones, which could be utilised:

- Neighbourhood Centre Zone
- Local Centre Zone
- Commercial Zone
- Large Format Retail Zone
- Mixed Use Zone
- Town Centre Zone
- Metropolitan Centre Zone
- City Centre Zone

Council has not undertaken an analysis of the range of zones provided in the proposed District Plan, there has been no section 32 evaluation of the appropriateness of the suite of zones and no consideration of an alternative combination of business zones.

## Coastal Environment

PPHCTL seek amendment to the CE to remove or reduce controls that manage development within existing urban areas such as Paihia.

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## Outstanding and High Natural Character

PPHCTL seek a review of the HNCA mapping to ensure that the spatial extent of the HNCA overlay accurately reflect the existing landform and vegetation of the subject site. In particular PPHCTL request that the spatial extent of the HNCA is amended to remove any land below the 12m contour line.

## Coastal Hazard Areas

PPHCTL consider that the Coastal Hazard Area provisions are restrictive and onerous resulting in the inability to sustainably develop urban zoned land within Paihia. PPHCTL seek that FNDC review MUZ, CE and Coastal Hazards with particular consideration given the existing urban areas within the CE and the constrained building envelopes created by the conflicting zoning and overlays.

## 3.0 Conclusion

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In conclusion, PPHCTL seeks the following relief:

- (a) PPHCTL's general feedback in Section 2.0 and specific feedback in Section 4.0 is addressed and necessary changes incorporated into the PDP.
- (b) Any further necessary consequential amendments required to achieve (a) above.

PPHCTL looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

# Submission on PDP

## 4.0 Specific Submission Points on PDP

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
Entire Plan				
1	Entire Plan	Seek amendment	The PDP does not include any form of direction by way of mapping or provisions to set a clear hierarchy of centres. There is no identification of small, medium or large centres. PPHCTL consider this lack of strategic direction and centres hierarchy to be a significant flaw in the plan that will hinder the ability to achieve a sustainable and compact urban form.	Establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend provisions and zoning as necessary to implement the hierarchy that achieves a compact urban form.  <b>S344.001</b>
Part 1 – Introduction and General Provisions – How the Plan Works				
2	Zoning	Seek amendment	The PDP does not provide alternative commercial zones. The National Planning Standards provide a range of commercial zones:  Neighbourhood Centre Zone  Local Centre Zone  Commercial Zone  Large Format Retail Zone	That Council reconsider the approach to commercial zones and reconsider the most appropriate zoning of the subject site.  That Council provide clear strategic direction for a compact urban form and establish a centres hierarchy within the Plan. Reconsider the approach to commercial zones and reconsider the most appropriate zoning for existing centres and villages which accurately reflects existing and

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			<p>Mixed Use Zone</p> <p>Town Centre Zone</p> <p>Metropolitan Centre Zone</p> <p>City Centre Zone</p> <p>Council has not provided any section 32 evaluation to support the approach to MUZ, nor has it considered all viable zoning options.</p>	<p>planned levels of development specific to those areas.</p> <p>Provide sufficient section 32 evaluation to support the approach to zoning.</p> <p style="color: red; text-align: center;"><b>S344.002</b></p>
3	How the plan works	Seek amendment	<p>PPHCTL have identified that the overlay chapters are inconsistent with respect to referencing rules for “activities not otherwise listed”. The How the Plan Works chapter includes a statement that <u>some overlays</u> will automatically default to a permitted activity. Noting that resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone).</p> <p>This lack of consistency will cause confusion for plan users:</p> <p>The overlay chapters do not include notes to this effect.</p> <p>Each overlay chapter has a different approach activity status default rules.</p>	<p>Amend “Applications Subject to Multiple Provisions” as follows:</p> <p><i>The overall activity status of a proposal will be determined on the basis of <b>all rules which apply to the proposal</b>. This includes rules in the District-Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities, <b>the proposal will be assessed on the basis of the most restrictive activity status</b> (unless otherwise stated).</i></p> <p><i>Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited</i></p>

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			<p>Overlays and zone chapters use different terminology.</p> <p>Applying an automatic permitted activity default could lead to unintentional consequences, for example:</p> <p>Coastal environment is silent with respect to farm quarries, defaulting to a permitted activity under How the Plan Works. Rule RPROZ-R12 Farm Quarry provides for this activity as a permitted activity.</p>	<p>to that part of the site to which the overlay or zone applies.</p> <p><del>Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone).</del></p> <p style="text-align: right;"><b>S344.003</b></p> <p>...</p> <p>And amend all relevant overlay chapters as necessary to insert rules for <b><u>“Activities not otherwise listed in this chapter”</u></b> consistent with zone chapters.</p>
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S344.041 to S344.044

## Part 1 – Introduction and General Provisions – Interpretation - Definitions

4	Definitions	Seek amendment	<p>The PDP includes activity-based rules which manage the establishment and operation of activities within zones and sites. However, the rules include terms as activity rules that do not have definitions. It is difficult to confirm</p>	<p>That FNDC review all definitions, and amend overlaps or create definitions for terms which are not currently defined and incorporate nesting tables.</p> <p style="text-align: right;"><b>S344.004</b></p>
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			<p>activities permitted within the sites of interest in the absence of clear definitions.</p> <p>No definition nesting tables are used in the Draft PDP. It is considered that it is worthwhile to include nesting tables to provide certainty for plan users as to what activities are captured in the rules. The introduction and explanation of nesting tables would need to be included within the Definitions Chapter.</p>	
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## Part 2 – District Wide Matters – Strategic Direction – Economic and Social Wellbeing

5	Strategic Direction	Seek amendment	<p>The Strategic Direction chapters do not contain policy which give effect to proposed objectives. PPHCTL consider that there is no clear policy direction to give effect to the proposed objective which could lead to an ineffective plan.</p>	<p>The strategic direction chapter be reconsidered to provide clear direction for growth and development throughout the Far North District.</p> <p>Insert appropriate policy in to the Strategic Direction chapters to give effect to strategic direction objectives.</p> <p>FNDC establish a centre hierarchy to set a clear policy direction for the larger urban areas within the District, and amend zoning as necessary to implement the hierarchy.</p> <p>Proposed objectives be evaluated in accordance with section 32AA to confirm that these are the <u>most appropriate</u> objectives.</p> <p style="text-align: right;"><b>S344.005</b></p>
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6	Strategic Direction	Seek amendment	<p>The Strategic Direction does not provide high level policy direction with respect to sufficient provision of business land to meet demand. PPHCTL consider that policy should reflect and give effect to the National Policy Statement on Urban Design.</p>	<p>Insert objectives and policies to give effect to NPS-UD as follows: <b>S344.006</b></p> <p><b><u>Objective: Ensure that there are sufficient opportunities for development of residential and business land to meet demand.</u></b></p> <p><b><u>Policy: To ensure that there is sufficient residential and business development capacity by zoning land where development is feasible and: Is serviced with development infrastructure; or Funding for development infrastructure is identified in the Long Term Plan.</u></b></p>
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## Energy, Infrastructure and Transport – Transport

7	TRAN-R5	Seek amendment	<p>The trip generation thresholds have changed from zone-specific daily traffic volumes to district-wide standards set by a combination of daily volumes, gross business area, and occupancy-based thresholds. PPHCTL consider this to be a more appropriate trigger for traffic-related considerations.</p> <p>The standards applying to private accessways have been amended to refer to residential units and sites, as opposed to requiring a HE assessment. These new standards provide little clarity of when a private access would be required to be upgraded to public road standard</p>	<p>That TRAN-R5 is amended to provide permitted activity standard for activities complying with the trip generation thresholds, that the exemptions relating to first residential unit, farming and forestry are retained, and to clarify the expectations for EVCS's and upgrading standards for private accessways.</p> <p><b>S344.007</b></p>
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			for any activity other than residential activities (i.e. visitor accommodation, commercial activities etc.).	
8	TRAN-R2	Seek amendment	PPHCTL consider that a discretionary activity status to establish a vehicle crossing off the State Highway can be appropriately managed through a restricted discretionary activity status, with targeted matters of discretion, as opposed to a blanket discretionary status. This would target (and potentially streamline) resource consent assessments to specific matters, which in our opinion are already clearly set out in the policies.	Amend PER-3 to ensure that existing access from State Highways can be upgraded as a permitted activity. <b>S344.008</b>
9	Transport Chapter	Seek amendment	The Council’s Environmental Engineering Standards are referenced throughout the transport chapter setting minimum standards for the establishment of roads. PPHCTL are concerned that this is inconsistent application of engineering standards. Furthermore, the referenced Environmental Engineering Standards do not ensure sustainable, safe and efficient provision of roading infrastructure.	Review and refine the relationship of the District Plan to the Environmental Engineering Standards to:  Ensure the District Plan requires the delivery of infrastructure in a manner that achieves sustainable, safe and efficient provision of infrastructure.  Ensure referencing of the Environmental Engineering Standards in the District Plan is appropriate and results in clear and measurable rules. <b>S344.009</b>

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				Cross-referencing to Environmental Engineering Standards is consistent across all chapters.
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## Part 2 – District Wide Matters – Natural Hazards

10	NH-R2	Seek amendment	PPHCTL consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications.	That NH-R2 be amended to provide for additional and alterations to existing activities as a permitted activity. <b>S344.010</b>
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## Part 2 – District Wide Matters – Subdivision

11	Subdivision – SUB-R11 and SUB-R12	Seek amendment	As proposed, rules SUB-R11 and SUB-R12 are inefficient and ineffective. Coastal and flood hazard areas are mapped overlays, rules and constraints apply to the mapped location. These rules will result in any subdivision of any site containing a portion of identified coastal hazard as a restricted discretionary activity no matter what the potential risk is.	Amend SUB-R11 and SUB-R12 to provide for subdivision of land mapped as a coastal or flood hazard area as a restricted discretionary activity. <b>S344.011 and S344.012</b>
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## Part 2 – District Wide Matters – General District Wide Matters – Coastal Environment

11	CE-R1, and Standards CE-S1 and CE-S2	Seek amendment	The Coastal Environment (CE) overlay effectively adopts the Northland Regional Policy Statement (RPS) mapping of the coastal environment and from that, identifies areas of high and outstanding natural character.	Amend CE-R1, CE-S1 and S2 to exclude land zoned MUZ, RSZ and LIZ or any equivalent commercial zone, to enable development to occur in accordance with the underlying zone provisions. <b>S344.013, S344.014 and S344.015</b>
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			It is considered that these rules and standards place unnecessarily restrictive rules upon urban areas such as Paihia within the CE where amenity and character has already been compromised.	
12	CE-R1	Seek amendment	PPHCTL consider it is extremely onerous to limit all buildings within an existing coastal township to be managed by strict standards and that the discretionary activity status applying to the construction of new buildings (over 300m <sup>2</sup> ) within the CE but outside any ONCA can be appropriately managed through a restricted discretionary activity status, with targeted matters of discretion, as opposed to a blanket discretionary status. This would target (and potentially streamline) resource consent assessments to specific matters, which in are already clearly set out in the policies.	<p>Seek a permitted activity tier for new buildings within an existing commercial area of a coastal township and a restricted discretionary status for proposals that do not comply (outside any ONCA).</p> <p>Request that the relationship between MUZ and CE activity-based rules are either refined to improve clarity, or additional rules are included to ensure certain activities are clearly permitted in both areas.</p> <p style="text-align: right;"><b>S344.016</b></p>
13	HNCA Overlay Mapping	Seek amendment	PPHCTL consider the HNCA overlay as it applies to the subject site does not accurately reflect the existing landform and vegetation of the subject site.	<p>That the spatial extent of the HNCA is amended to remove any land below the 12m contour line.</p> <p style="text-align: right;"><b>S344.017</b></p>
14	CE/HNCA Rules	Seek amendment	PPHCTL consider that the default to discretionary activity for all activities within the HNCA is onerous and potential effects can be appropriately managed through a restricted	<p>That FNDC amend rules to default to restricted discretionary activity inside the high natural character area.</p> <p style="text-align: right;"><b>S344.018</b></p>

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			discretionary activity status, with targeted matters of discretion, as opposed to a blanket discretionary status. This would target (and potentially streamline) resource consent assessments to specific matters, which in are already clearly set out in the policies.	
15	CE-R10	Seek amendment	PPHCTL consider that the default performance standard of no increase in GFA or footprint of structures, is overly restrictive and will require unnecessary resource consent applications.	That CE-R10 be amended to provide for additional and alterations to existing activities as a permitted activity. <b>S344.019</b>
16	CE-R12, CE-R14 - 16	Seek amendment	CE-R12, CE-R14 – 16 as drafted will not enable the development of any form of new building, change of use of buildings or extension of existing buildings of appropriate size without the requirement to obtain a resource consent. This is overly restrictive and will require unnecessary resource consent applications.	That CE-R12, CE-R14-R16 be amended to provide new buildings and structures within urban zoned land as a permitted activity. <b>S344.020, S344.021, S344.022 and S344.023</b>
17	CE-R19	Oppose	CE, HNCA, ONCA and Coastal Hazards are overlays in the district plan, management of land use and activities is more appropriately managed via the underlying zone. It is considered that a catch all default of discretionary activity is inappropriate and restrictive.	Delete CE-R19. <b>S344.024</b>

## Part 2 – District Wide Matters – General District Wide Matters – Noise

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15	NOISE-R2 and S5	Oppose	<p>The District Plan mitigation provisions are more stringent than the operative District Plan. PPHCTL consider that the requirement to attenuate 40m from the State Highway is onerous, given the nature of the use of the road.</p> <p>PPHCTL are concerned that the MUZ and State Highway setback noise attenuation rules have different standards.</p>	<p>Delete Standard 5.</p> <p><b>S344.025 and S344.026</b></p>
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## Part 3 – Area Specific Matters - Zones

16	Zoning	Seek amendment	<p>The PDP utilises MUZ for all existing urban centres, with no alternative commercial zones proposed. The MUZ does not provide for a sufficient range of commercial activities as a permitted activity. In the absence of a section 32 evaluation, PPHCTL are unable to understand why Council has chosen to only use one commercial zone being the MUZ.</p>	<p>That Council provide clear strategic direction for a compact urban form and establish a centres hierarchy within the Plan. Reconsider the approach to commercial zones and reconsider the most appropriate zoning for existing centres and villages which accurately reflects existing and planned levels of development specific to those areas. <b>S344.0027</b></p> <p>Provide sufficient section 32 evaluation to support the approach to zoning.</p> <p>That Council reconsider MUZ and rezone the subject site to an appropriate and enabling commercial zone.</p>
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## Mixed Use Zone

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17	MUZ-R1 and MUZ-S1-S9	Seek amendment	<p>MUZ-R1 provides for new buildings and structures, and additions to existing buildings and structures where the total gross floor area is less than 400m2 and compliance with performance standards MUZ-S1-S9 can be achieved which include a 12m height limit and minimum landscaping requirements.</p> <p>Where compliance with the 400m2 GFA cannot be achieved, discretionary activity status is triggered. Non-compliance with the performance standards listed in MUZ-S1-S9 only (and compliance with the GFA can be achieved), triggers restricted discretionary activity status.</p> <p>This is further restricted by the rule note which requires all buildings to comply with the maximum GFA except where it is specifically provided for by another rule.</p> <p>It is considered that a GFA of less than 400m2 with a default to discretionary activity where compliance cannot be achieved is particularly onerous within the MUZ given this is the only commercial zone providing for supermarket activities.</p> <p>It is considered that building bulk and scale should be managed separately to the scale of activities, MUZ-R1 note is confusing these</p>	<p>Amend MUZ-R1 to provide for an increase to GFA, to ensure that supermarkets (buildings) can be established as a permitted activity and a restricted discretionary activity status where compliance cannot be achieved with the GFA cannot be achieved.</p> <p>Delete the MUZ-R1 note.</p> <p><b>S344.028, S344.029, S344.030, S344.033 to S344.040</b></p>
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			effects, resulting unnecessary restrictions upon activities within the MUZ.	
18	MUZ - Activities	Seek amendment	<p>PPHCTL note that the Commercial Zone of the ODP was extremely flexible with no activity limitations.</p> <p>The MUZ appears to have an unusual mix of activities permitted, with an onerous default to discretionary activity status. Due to the complicated nature of the commercial activities rules and the lack of definitions we are unable to confirm what activities would be permitted onsite.</p> <p>Both the MUZ and CE state that any activity not specifically provided for requires consent for a discretionary activity.</p>	<p>PPHCTL request that Council review the MUZ and overlay provisions to clarify the relationship between the zone and overlay rules; and</p> <p>Reconsider the most appropriate zone of the site, including reviewing the limited commercial zone options.</p> <p>Should the site remain MUZ, PPHCTL seek that additional (permitted activity) rules are included in the MUZ should the site remain zoned MUZ.</p> <p>Review the MUZ rules to provide clear permitted activities and consenting pathways with particular reference to definitions.</p> <p><b>S344.031 and S344.032</b></p>