



Remember  
submissions  
close at 5pm,  
Friday 21  
October 2022

## 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:	Zejia Hu		
Company / Organisation Name: (if applicable)			
Contact person (if different):	Ian Diarmid Palmer (husband of Zejia Hu)		
Full Postal Address:	PO Box 273, Mangonui 0442		
Phone contact:	Mobile: 02102477985	Home:	Work:
Email (please print):			

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

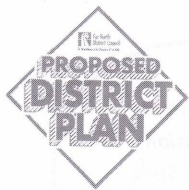
*Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991*

**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)*

**The policies and rules in the 'Natural features and landscapes' chapter of the PDP as they impact on my Site (Rating Unit=79C Peninsula Parade, 0494 Hihi (Lot 1, DP 322506)).**

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



**My submission is:**

*(Include details and reasons for your position)*

**In Summary: The rules in the PDP contravene S.85 of the RMA in that taken together they render my Site incapable of reasonable use and place an unfair and unreasonable burden on me.**

**Explanation and Supporting Evidence:**

I am the owner of only one Site in the District, being the Site located at 79C Peninsula Parade, Hihi 0494 (Lot 1 DP 322506) which is proposed to be zoned Rural Production. (Per another submission I am objecting to that zoning and are proposing the Site be zoned Rural Lifestyle. However, that submission is independent of this submission).

My Site currently does not have a Residential Unit (aka 'dwelling') on it. In the Rate Information Database (RID) the block is appropriately categorised as 'Lifestyle-Vacant'.

All of my Site is covered by Coastal Environment (CE) and Heritage Area (HA) overlays. (Per another submission I am objecting to the HA overlay, however, that submission is independent of this submission). Other overlays cover parts of the Site including Outstanding Natural Landscape (ONL) and High Natural Character (HNC) as illustrated on the e-Plan map screenshot (Attachment-1)

Much of the area of my Site is bush covered, and that area is not developable space (e.g. for constructing a dwelling) because:

- a. the steepness of that area making development largely impractical,
- b. all of that area is subject to ONL overlay (in addition to the Site wide overlays) with the corresponding strict PDP rules limiting activities
- c. most of that area is covered by HNC overlay
- d. I am at the advantaged stage of the process of subjecting the bush area (including essentially all of the HNC overlaid area plus additional area) to a Conservation Covenant (CC). The proposed area to be covenanted is marked "A" and enclosed by a dotted line on Attachment-2 (being a plan prepared for the purpose of the CC application). A FNDC contracted environmental specialist has inspected the area and provided a report to the FNDC supporting my request to have such area be so covenanted.
- e. the area is also overlaid by SNA FN042 "Butlers Point Forest".

There are only two areas of the Site that are potentially practically developable (e.g. for constructing a dwelling and all the usual associated utilities and appendages that would be expected of a dwelling on such a Site). These are as shown Attachment 2:

- a. A thin, partly flattish, non-bush area at the NW end of the Site:  
However, the developable space at that NW end is already occupied by a newly constructed large farm machinery and workshop shed (costing well in excess of \$100k) constructed under the authority of RC 2300099. Usable space at the NW end is further constrained by the presence of a RoW roadway (per RC 3000076) and on account of this part of the Site sharing boundaries with two legal Roads.
- b. A larger flattish area at the SE end of the Site:  
Given the above, the only remaining practically developable area is the pastured land at the SE end of the Site.



In terms of available potential building sites, this area is also somewhat constrained by proximity to boundaries, including a legal Road, the presence of another RoW Easement (created by instrument 8145101.2) and the proposed 'vehicle and boat turning area' per RC Application 2220796 (submitted before the PDP was notified).

The only remaining practically developable land therefore is the relatively flat pastured area marked 'ZZ' on Attachment-2. This area is however proposed to be entirely overlaid by the ONL overlay.

The applicable rules in the PDP for my only available developable land, particularly the combination of the ONL+CE overlays, mean I would not have the right to construct a dwelling and undertake activities customarily associated with such on my Site.

The rule NFL-R1, would, given the circumstances described above, mean the construction of a dwelling on my Site would be categorised as 'Non-Complying', as would, almost certainly, the minimum reasonably required earthworks associated with constructing any reasonably dimensioned dwelling, due to rule NFL-R3 and the extreme limitations associated with standard NFL-S3.

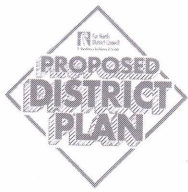
Also, ironically, despite the Site being proposed to be zoned Rural Production, NFL-R6 results in all farming activity on my Site being categorised as 'Non-Complying'!

As a consequence of the matters outlined above, it is demonstrably the case that without amendment, the PDP as Notified would have the effect of making my Site incapable of reasonable use and would place an unfair and unreasonable burden on me (per RMA S.85 3B).

In terms of the definition of 'reasonable use' in S. 85, I assert that permitting me to have the right to build a dwelling and all customary associated constructions and other associated activities on my Site would not adversely affect the environment or any person significantly.

The Northland Regional Landscape Assessment Workshop report for the ONL that covers my Site (Ref ONL 17, ONL Number 2847) does not specifically reference the pastured areas of my Site that are the areas where I am objecting to the impact of the ONL overlay (in conjunction with other overlays and other PDP rules). With regard to the eastern side of the harbour, the assessment largely focusses on the bush covered coastal fringe, which is precisely the area I am proposing be subject to a CC.

There are already a number of dwellings and other structures in this area visible from the other side of the Mangonui Harbour that the FNDC has either given consent to, or allowed to be constructed without consent. These existing and in progress constructions and associated earthworks are clearly visible from the Rangikapiti Historic Reserve and from various vantage points on the harbour itself. It would be intolerable for me not to be permitted to build in this area where Council has tolerated unconsented (non-Permitted) building and earthworks activity for many years.



Given the nature of the location and price of the land in this area, it is reasonable to assume any reasonable minded owner wishing to construct a dwelling on my Site would ensure it was architecturally designed in keeping with the aesthetic values of the surrounds, with appropriate softening of the visual affects by native tree plantings etc (and compliance with relevant standards and rules in the PDP beyond the standards and rules that directly relate to this objection). It would not be a public 'eye sore' and therefore I should have the right to undertake such constructions and associated activities as Permitted activities, or at worst as a Controlled activities.

I seek the following decision from the Council:

*(Give precise details. If seeking amendments, how would you like to see the provision amended?)*

**Modify the area of the overlays and/or modify the PDP rules such that:**

**a. constructing a dwelling and undertaking other customary associated activities, and**

**b. undertaking Farming activities**

**on the non-bush covered areas of my Site would be classed as Permitted or Controlled activities, thereby avoiding my site being rendered incapable of reasonable use and avoiding placing an unfair and unreasonable burden on me.**

S242.001 &  
S242.002

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: 20.10.2022

*(A signature is not required if you are making your submission by electronic means)*

Important information:

Submission 242

Attachment - 1

79C Peninsula Parade, Hihi  
0494

Search for an address...

Map Tools

Legend

- Property Rates (FNDC)
- Coastal Environment
- Outstanding Natural Landscape
- High Natural Character

Help

100 m

Property Specific Proposed District Plan Chapters

- View Full Proposed District Plan
- Zoom to selected property
- Clear selected property

**Proposed:** 27 Jul 2022  
**Revision:** 26 Jul 2022

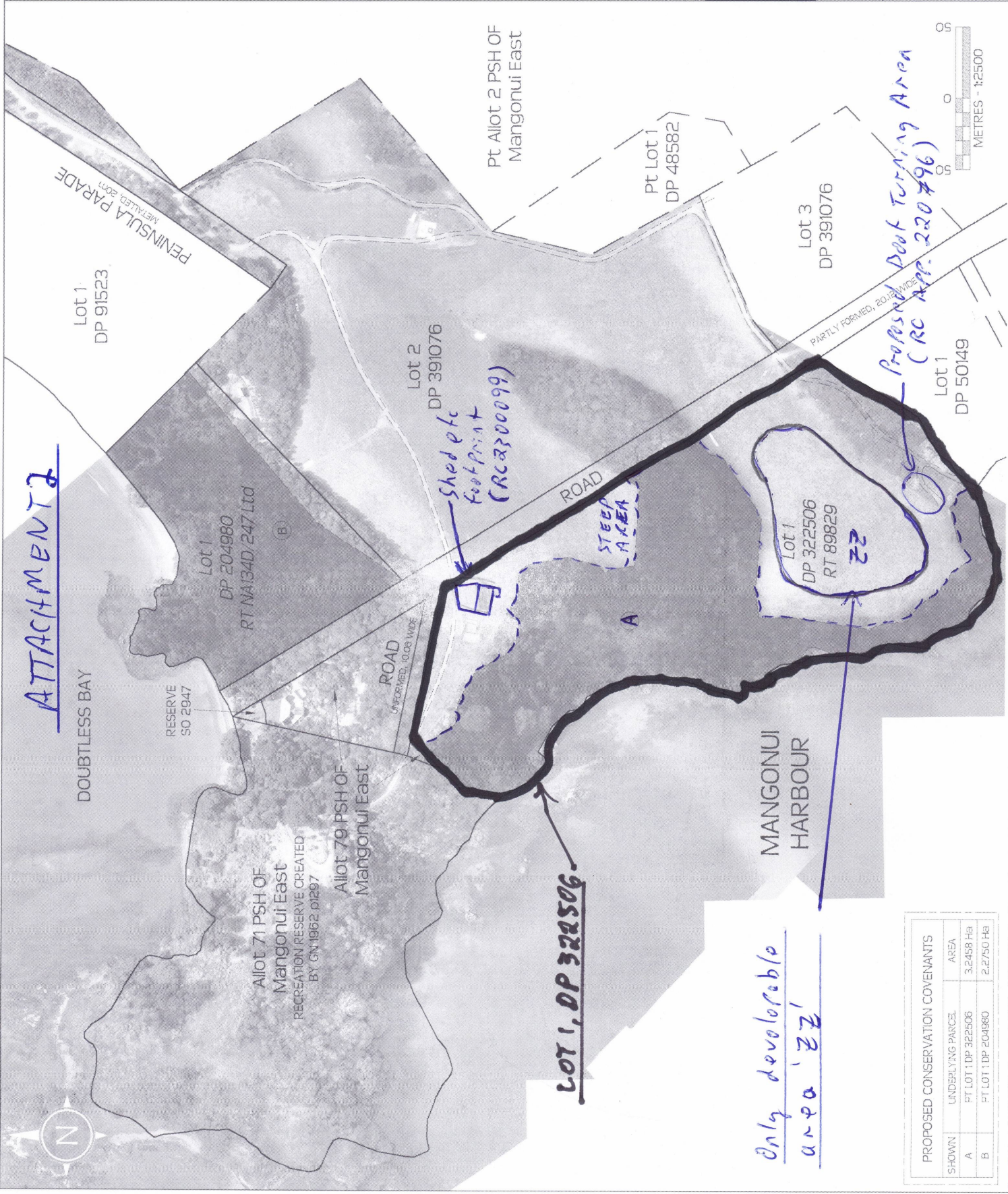
The following information applies to this property

Zone

Rural Production

Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors [LINZ, New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa], Powered by Esri

# ATTACHMENT 2



### CAUTION:

1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY ADJUSTMENTS.
3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR FOR SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
5. DO NOT SCALE OFF DRAWINGS.
6. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (NSW) LIMITED.
7. DESIGNED BY REYBURN & BRYANT (WHANGAREI) NEW ZEALAND
8. GEO AERIAL COURTESY OF LVE.

COMPRISED IN: RST 89829 (All) & NA134D/247 Ltd

THIS SITE IS ZONED 'GENERAL COASTAL' AND THE BUILDING SETBACKS ARE THUS: 10M FROM ALL BOUNDARIES.  
LOT 1 DP 322506 IS WITHIN AN 'OUTSTANDING LANDSCAPE' AREA.

REV	DATE	DESCRIPTION
C	23/03/22	UPDATED TO MATCH SURVEY - PL PD
B	12/10/21	UPDATED FOR REVISION 11 SCHEME - PL PD
A	22/07/20	FIRST ISSUE - PL PD

**reyburn & bryant**  
 Ph: 09 438 3563 PO Box 191, Whangarei 0140  
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz  
 CLIENT: I. PALMER  
 PENINSULA PARADE, HIHI

TITLE: PROPOSED COVENANTS OVER LOT 1 DP 204980 & LOT 1 DP 322506

DATE	MARCH 2022	SCALE	1:2500 @A3
NO.	C13874	SHEET	1/1

SHOWN	UNDERLYING PARCEL	AREA
A	PT LOT 1 DP 322506	3,2458 Ha
B	PT LOT 1 DP 204980	2,2750 Ha