

IN THE MATTER OF

The Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF

the Far North Proposed District Plan

AND

Paradise Found Developments Limited

Submitter

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Submission to the  
Proposed Far North District Plan 2022

21 October 2022

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**Julian  
Dawson**  
BARRISTER

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**SUBMISSION FORM**

**To:** FAR NORTH DISTRICT COUNCIL

1. Name of submitter: **Paradise Found Developments Limited**
2. This is a submission on the **Far North Proposed District Plan 2022**
3. We could **NOT** gain an advantage in trade competition through this submission.
4. The specific provisions of the Proposed District Plan that my submission relates to are:
  - (a) The proposed zoning of a property known as Wiroa Station, 40 McKenzie Road, Purehua Peninsula, Kerikeri; and legally described as Lots 1-21 DP 497523 ("**the Property**").
5. Our submission **OPPOSES** the proposed provisions affecting the Property, including but not limited to the following provisions of the Proposed District Plan:
  - (i) The proposed Coastal Environment ("**CE**") provisions including the overlay, objectives, policies and rules applying to the Property;
  - (ii) The proposed Coastal Flood ("**CF**") provisions including the overlay, objectives, policies and rules applying to the Property;
  - (iii) The proposed Rural Production zone provisions including the overview, objectives, policies and rules applying to the Property generally;
  - (iv) The proposed Natural Open Space zone provisions including the overview, objectives, policies and rules applying to the Property generally;
  - (v) And, the following specific provisions of the Proposed District Plan:
    - (a) NATC – S1(1) and (2)
    - (b) CE-02 and related policies
    - (c) CE-R1 (PER2)

(d) CE-S1

(e) CE-S2

6. The **reasons** for our submission are:

### **Background**

- 6.1 The Property is known as Wiroa Station and is located on the Purerua Peninsula. Several resource consents have been granted enabling development and subdivision of the Property, the principle one of which is RC 2160044-RMAVAR/A (collectively “**the Resource Consents**”).
- 6.2 Wiroa Station is a comprehensive development of 21 Lots, in a farm-park type development totaling some 90ha. Residential development is consented on those lots, 20 of which are around 4000m<sup>2</sup> in area. The balance of the Property (Lot 14) is some 88.5ha and is held for farming, conservation and ecological purposes. The Submitter owns Lot 14 and the majority of the remaining lots.
- 6.3 Presently, only some of the lots have been built on, and the remainder are undeveloped.
- 6.4 All of the lots are subject to controls, secured by Consent Notice, relating to building form and maximum dimension and design controls. Height limits are specified for each of the lots ranging between 4.5m – 7.5 above ground level.
- 6.5 The Resource Consents also impose restrictions on earthworks and future development and subdivision of the Property.

### **Grounds for Submission**

7. The Resource Consents have been given effect to, and remain live, thus development of Wiroa Station, including vacant lots and the Property itself continue to be enabled by those consents. In other words, the Resource Consents enable development, and completion of the Wiroa Station development, notwithstanding the provisions of the Proposed District Plan.
8. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents.

9. The Proposed District Plan provisions will restrict development of the Property in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. Especially the controls within the CE Overlay, which covers the entire property.
10. Parts of the Property are also identified as being subject to the Coastal Flood overlays. Insofar as these interfere with, or purport to restrict development authorised under the Resource Consents, these are inappropriate.
11. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis.
12. The proposed provisions are inconsistent with the Act and relevant planning instruments.

13. **We seek the following decision from the local authority:**

S346.001 to  
S346.004

- 13.1 That the Proposed District Plan (and in particular the provisions of the Rural Production and CE, and CF overlays) be amended to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the Resource Consents; and/or
- 13.2 Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as is authorised by the Resource Consents as a permitted activity (where they are in general accordance with the Resource Consents) as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the CE and CF and/or
- 13.3 Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the Resource Consents on the Property;
- 13.4 Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures, in a manner consistent with the activities and buildings authorised by the Resource Consents on the Property;
- 13.5 Such other further and consequential relief as may be necessary to provide for, and recognise the development and land use authorised by the Resource Consents.
- 13.6 Such other consequential relief as may be necessary to recognise these concerns.

14. We **do wish** to be heard in support of our submission.
15. If others make a similar submission, **we will** consider presenting jointly with them.

A handwritten signature in blue ink, appearing to read 'Julian Dawson'.

Signed by Julian Dawson – Barrister

Counsel for Paradise Found Developments Limited

**Dated:** 21 October 2022

The address for service of the submitter is:

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