



**Far North
District Council**



TŪHONOTANGA MINITI ATTACHMENTS MINUTES

Ordinary Council Meeting

1 July 2021

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Presentation by Danny Simms to the FNDC Council Meeting. 1pm 1st July 2021

The map before you shows the proposed expansion of the Mangonui Heritage precinct.

If you count them up you will find that it encompasses over 200 mostly non heritage properties. It doesn't show the Rangitoto side of the harbour where they have included about 120 acres of farm land with no heritage buildings nor notable sites.

Mangonui has an iconic "fishing village" waterfront. There are buildings there that date from the earliest European settlement.

But most of Mangonui consists of ordinary homes of 1950s 60s 70s and newer

The existing precinct is along the waterfront and the line is drawn a little up from the waterfront to include some houses. There are some individual old buildings outside this that warrant protection.

No one has any problem with this. But we have huge problems with the proposal shown on the map.

Just two days before the close of submissions not one person in the affected area had any knowledge what so ever as to what was proposed. I only found out of it by chance. Had I not, no one would know, even now.

So however carefully constructed and complex your consultation process may have been, regarding the Mangonui Heritage precinct proposal, it was a total failure.

In the face of this failure Sheryl Bainbridge, Te Hiku Community board member, and I approached Council planning staff and asked them to call a public meeting in Mangonui to inform residents.

The staff declined, so we called one.

Around 65 residents turned up and I presented the information laid out in the PowerPoint I have sent to you all.

It used the wording from the draft plan so it clearly set out what was intended as you will see as you go through it. I don't have time here today to show it.

Following that presentation this resolution was passed unanimously and by acclamation at a meeting of around 65 ratepayers held in the Mangonui Hall

- This meeting acknowledges the value of Heritage Precincts which include historic Buildings, Sites and Objects, Sites of Cultural Significance to Maori, Archaeological Sites and Notable Trees.
- This meeting supports the retention of the existing Mangonui Heritage Precinct along the village business waterfront and other individually identified heritage buildings outside this area.
- However, this meeting opposes the arbitrary extension of this precinct to include many ordinary homes and buildings of multiple designs and age.
- The application of heritage rules to this vastly extended area would apply onerous resource consent, planning, design and engineering requirements with vastly increased costs to do even simple alterations or extensions. To get permission to build family or retirement homes visible from a public area, would become very expensive, if not impossible.
- The Council has not fulfilled its own rule that before seeking to put private property into a heritage area that they should first consult with each and every affected ratepayer
- Accordingly, this meeting calls on the Council to withdraw this proposal forthwith and seek community support for any change to the heritage precinct before proceeding including consulting with each and every affected ratepayer.
- This meeting has the expectation that that the extent of such a replacement proposal should be confined to actual heritage resources.
- Further this meeting calls for the release of any reports or recommendations that this proposal is based on. Also, minutes and emails of any Council deliberation on this topic.

The Council has proposed extending the Mangonui Heritage precinct from the area along the waterfront to a much larger area which includes over 200 ordinary homes of all sorts.

This was never the intent of heritage protection.

This should only be applied to actual heritage buildings or sites.

Following the development of the draft plan, notification is the next step. It is supposed to be followed by further consultation BUT

Rule 86B in the RMA says: A rule in a proposed plan has immediate legal effect if the rule—**protects historic heritage;**

For the purposes of subsection (3), *immediate legal effect* means legal effect on and from the date on which the proposed plan containing the rule is publicly notified.

Since the rule will have immediate legal effect as soon as it is notified, any changes after that will have to be argued in court, with huge legal costs.

The Council has the ratepayer's money to pay lawyers. We the public, only have our own money.

Because of this it is imperative that this proposal be withdrawn before it is notified and totally rewritten to include only actual heritage properties.

To allow it to proceed to notification in its current form is totally unacceptable.

The Local Government Act states that the purpose of local government is to enable democratic local decision-making and action by, and on behalf of, communities.

*(Part 3 District Wide Provisions Rules 12.5 states: "That Council will ensure that, **before seeking** to include within the plan any heritage resource that occurs on private land, **consultation will be undertaken with the landowners affected**".)*

Council have not done that

Rule 12 is there for a very good reason.

Entering freehold property, particularly non heritage property into a heritage precinct carries with it extremely onerous conditions that impinge on property rights.

Therefore, individual communication is required. People have owned and bought property with no idea this rule was going to be imposed.

Heritage resources can be and are protected by individual identification even if they are not encompassed in a Heritage precinct.

There are onerous and frankly unacceptable conditions that will be applied to the some 200 non heritage properties encompassed by the new area.

The building of a new home visible from a public space will become all but impossible, and even simple additions or alterations to existing buildings will need expensive planning processes and controls.

This makes no sense.

Rightly, it is said that Mangonui is a special place. However, it has maintained that character over generations without onerous rules.

Apart from the waterfront there are the few old heritage type buildings scattered cheek by jowl with a wide variety and large numbers of ordinary houses. These are interspersed with some new and modern designs.

It works, Mangonui retains its character, and there is no good reason to expect that it will not continue to do so.

Contributing is the already heritage protected large Rangikapiti reserve.

It is being cared for and developed by enthusiastic and committed volunteers in the "Friends of Rangikapiti" group. Across the harbour is the magnificent Butler Point covered in ancient pohutukawa.

We are calling on Council to discard this faulty proposal and develop a new one, which encompasses only actual heritage resources, and then take this new document to the individuals affected as your operative plan requires.

To do otherwise would put costly planning and consent obligations on owners of ordinary homes if they want to do anything.

To continue with the current proposal would cause anger and conflict and impose costs to no good purpose.

I am here today representing Mangonui residents. Living in their ordinary homes of all ages, shapes and sizes.

I am speaking for the little people, who live in those ordinary homes, many of whom are retired on fixed income who simply cannot afford the costs that will come with this proposal.

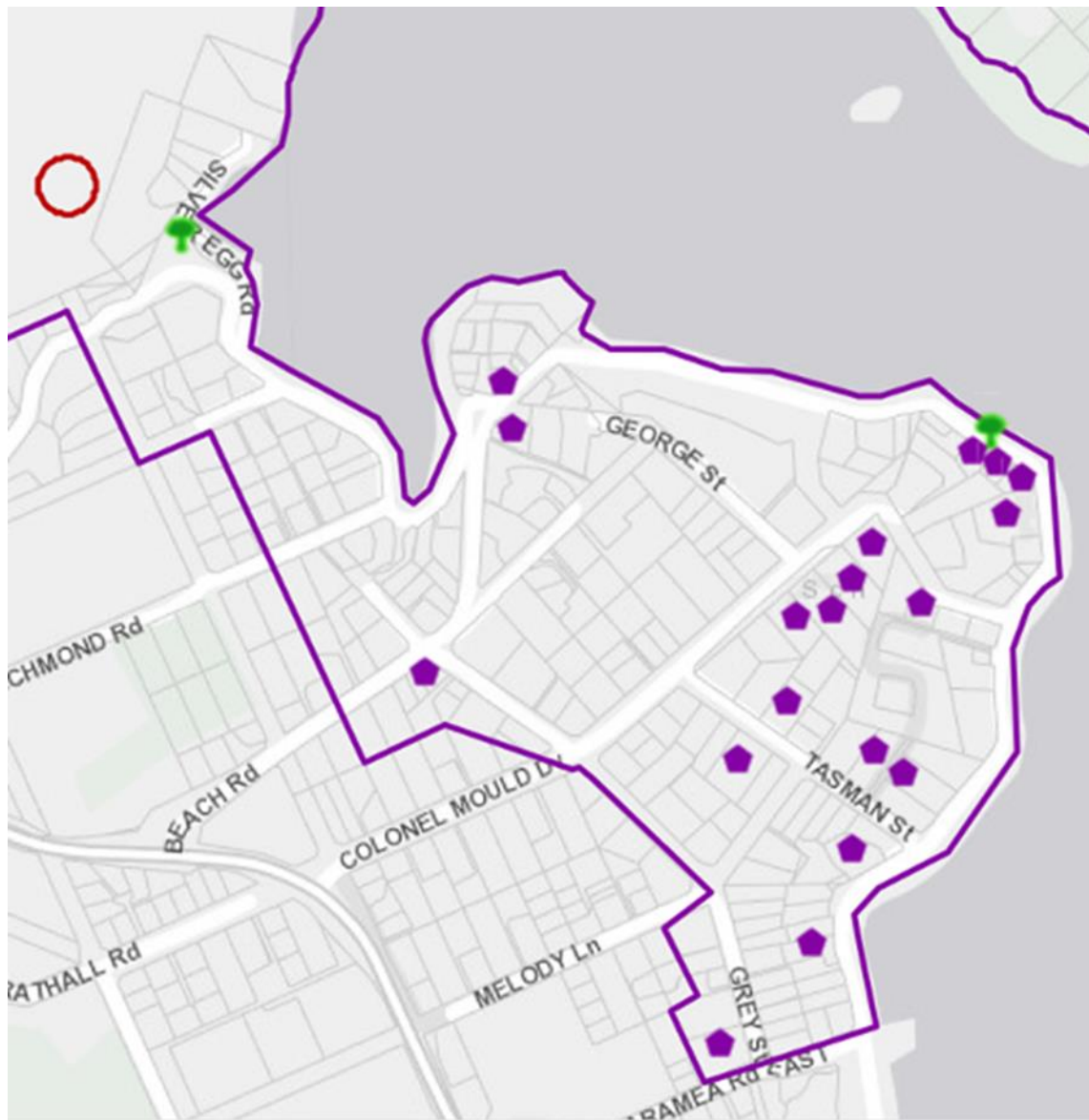
Remember: Mangonui is what it is because we care for it.

Kind Regards

Danny Simms Chair Doubtless Bay Promotions inc

DEPUTATION – DANNY SIMMS

Draft Mangonui Historic Area.



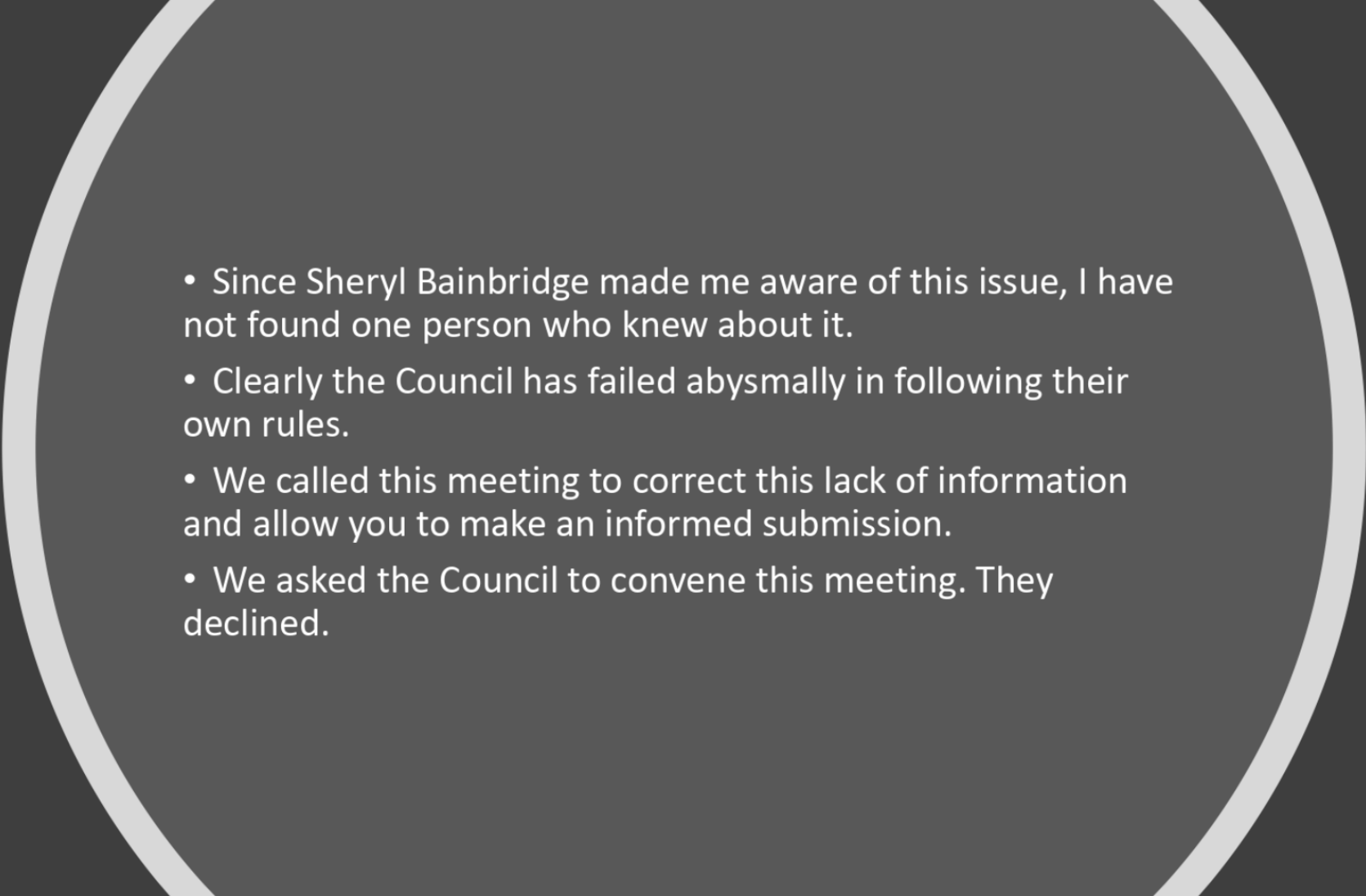


Proposed Mangonui Heritage Zone Meeting 4th May 2021

Convened by Danny Simms Chair Doubtless Bay Promotions inc
And Sheryl Bainbridge Te Hiku community board member

What the
Councils
Rule is

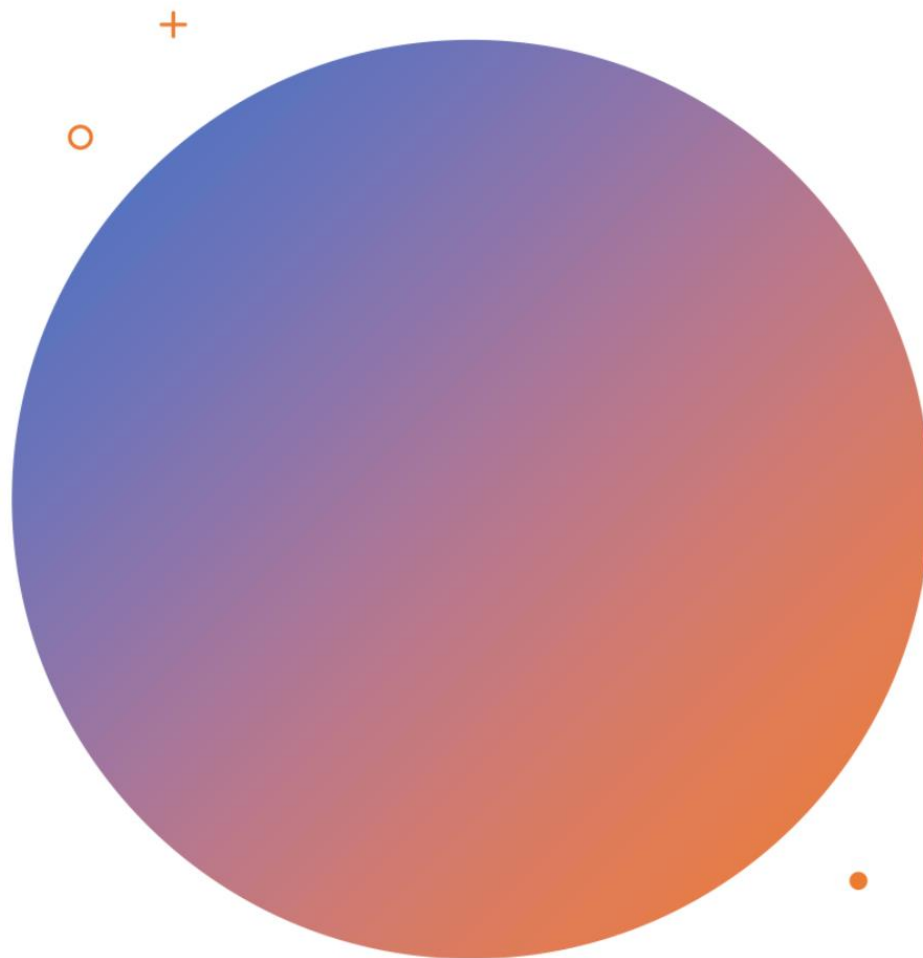
Section 12.5.4.14 Part 3
Operative plan states: "That
Council will ensure that, before
seeking to include within the
plan **any heritage resource that
occurs on private land,**
consultation will be undertaken
with the landowners affected"

- 
- Since Sheryl Bainbridge made me aware of this issue, I have not found one person who knew about it.
 - Clearly the Council has failed abysmally in following their own rules.
 - We called this meeting to correct this lack of information and allow you to make an informed submission.
 - We asked the Council to convene this meeting. They declined.



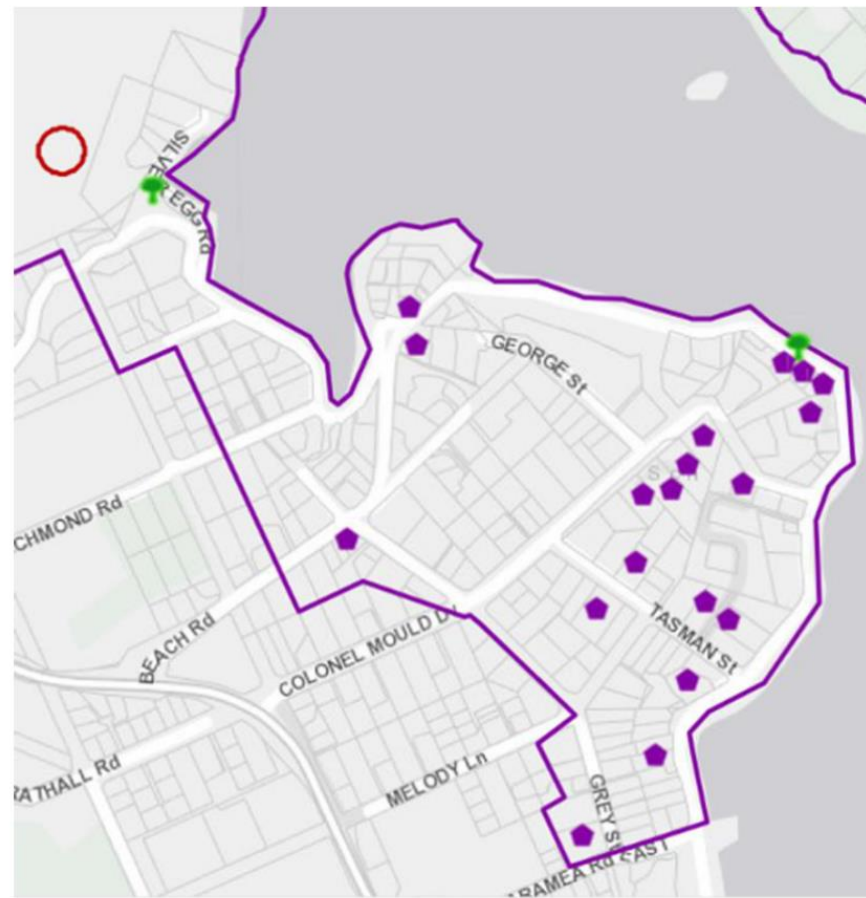
Definition of Heritage resource


- HERITAGE RESOURCE Includes Historic Buildings, Sites and Objects, Sites of Cultural Significance to Maori, Archaeological Sites and Notable Trees



- The next slide is of the proposed expansion. It focusses on the densely subdivided parts of Mangonui. It doesn't show the areas of Rangikapiti and Rangitoto that are included. While Rangikapiti is largely reserve, Rangitoto has extensive areas zoned rural production and has numerous potential building sites

Proposed area
of expansion





Activity definitions

1

- The Resource Management Act classifies activities into six primary categories: permitted, controlled, restricted discretionary, discretionary, non-complying and prohibited.
- If the activity doesn't fit the 'permitted' category, controlled is the next most permissive, then restricted discretionary. Discretionary is the toughest hurdle while prohibited requires a plan change.
- A **controlled activity** requires a resource consent before it can be carried out. The consent authority must grant consent for a controlled activity, unless:
 - The activity is likely to have adverse effects that are more than minor on the exercise of a protected customary right and no exception applies
 - For a subdivision consent there is significant risk from natural hazards, or there is insufficient legal and physical access to each proposed allotment to be created by a subdivision.
 - The consent authority can impose conditions on the consent, but only for those matters over which the council has reserved control in the relevant plan or over which control is reserved in national environmental standards. The activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan.
 - .



Activity definitions 2

A restricted discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise discretion as to whether or not to grant consent, and to impose conditions,

but only in respect of those matters over which it has restricted its discretion in the plan or over which discretion is restricted in national environmental standards or other regulations.

- The activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan.



Activity definitions 3

- A discretionary activity requires a resource consent before it can be carried out. The consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted.
- An activity is discretionary if:
 - The plan identifies it as discretionary
 - A resource consent is required for the activity but the plan fails to classify it as controlled, restricted discretionary, discretionary or non-complying
 - The activity is described as prohibited by a rule in a proposed plan which is not yet operative
- A discretionary activity must also comply with any requirements, conditions and permissions specified in the Resource Management Act, regulations or relevant plan.
- Prohibited requires a plan change.

- I am sure we all want our heritage buildings protected.
- So the question is, does the Heritage Precinct area need to be expanded to encompass all those structures that are worthy of protection?



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HH-R1

Maintenance and repair to a heritage resource outside of a heritage area**All zones****Activity status: Permitted****Where:****PER-1**

The **structure** of the **building** is not altered.

PER-2

The existing visual appearance of the **building** is not changed.

The standard does not apply to changing the colour scheme of a **building** or **structure**.

Note: this rule applies to **maintenance** and **repair** works, if the works go beyond that scale then refer to the other relevant rules for additions and alterations.

Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary**Matters of discretion are restricted to:**

- 1.the necessity of the work to maintain or **repair** the **building**;
- 2.whether the proposed change to the **building** will adversely affect the heritage values of the applicable heritage area and any nearby scheduled **historic heritage** resource;
- 3.whether there is a practicable reason why the **building** needs to be altered or have its appearance changed; and
- 4.any assessments or advice from a suitably qualified and experienced heritage expert.

HH-R9

Additions or alterations to a heritage resource outside of a heritage area

All zones

Activity status: Restricted Discretionary**Matters of discretion are restricted to:**

1. compatibility of the form and materials of the addition or alteration with the heritage values and the setting of the [heritage resource](#);
2. location of the development,
3. whether the development is visible from any public spaces, a heritage area or another [heritage resource](#);
4. relationship with any nearby heritage area or other [heritage resource](#);
5. the extent to which the development will use similar materials and is of similar design to the existing [building](#) or [buildings/structures](#) on the same [site](#);
6. any assessments or advice from a suitably qualified and experienced heritage expert;
7. relationship with other elements of the [site](#) including ancillary [structures](#), planting and access;
8. the extent to which [landscaping](#) is appropriate;
9. whether the development results in removal or loss of the historical or architectural significance of the [heritage resource](#); and
10. any adverse [effects](#) on any archaeological [site](#).

Activity status where compliance not achieved: Not applicable

- These two slides have shown that the answer is unequivocally no. Protection can be and is applied to heritage resources outside a particular heritage area. This is a sensible methodology as these buildings can be scattered over a wide area



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- Now we come to the question: Does being encompassed in this expanded Heritage Precinct/area affect what I may or may not do on my non heritage property
- We read on through the draft plan



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HH-R5

Earthworks in a heritage area

All Heritage areas

Activity status: Permitted

Activity status where compliance not achieved: Discretionary

Where:

PER-1

Within the core hertiage area identified in the [Kororipo-Kerikeri Basin Sustainable Development Plan](#), [earthworks](#) involving no more than 2m³ of excavation and 5m³ of [land](#) area.

PER-2

Within the Pouerua Heritage Area it is no more than 2m³ of excavation and 5m³ of [land](#) area disturbance.

PER-3

Within the Russell Heritage Area any [earthworks](#) between the Strand and the west side of Church Street involving more than 2m³ of excavation and 5m³ of [land](#) area.

PER-4

[Earthworks](#) not provided for within **PER-1**, **PER-2** or **PER-3** where it is less than 200m³.

Note: Rule [HH-R16](#) is a prohibited standard for a [site](#) located in the Te Waimate Heritage Area.

So, we have to get
permission to shift soil



shutterstock - 659829031



- This is an excerpt from a letter from a Paihia resident about restrictions imposed on him in Paihia. Note this is not opinion, it is his experience.
- *These restrictions do not allow for a formed driveway to the cottage , if permission is sought - big hoops - fees to be paid plus an archaeological report at my expense.*
- *When I purchased, I sought official heritage advice as to whether I could have a vegetable garden and was informed I would be restricted to only having a raised one*

This Photo by Unknown Author is licensed under CC BY-SA

- Now what about repairs and maintenance on our family home in a Heritage area?



HH-R2

Maintenance and repair of buildings and structures within a heritage area

All zones

Activity status: Permitted

Where:

PER-1

The [structure](#) of the [building](#) is not altered.

PER-2

The existing visual appearance of the [building](#) is not changed.

PER-3

Any painting or repainting in the the Russell Heritage Area complies with:

[HH-S1 Heritage colours](#).

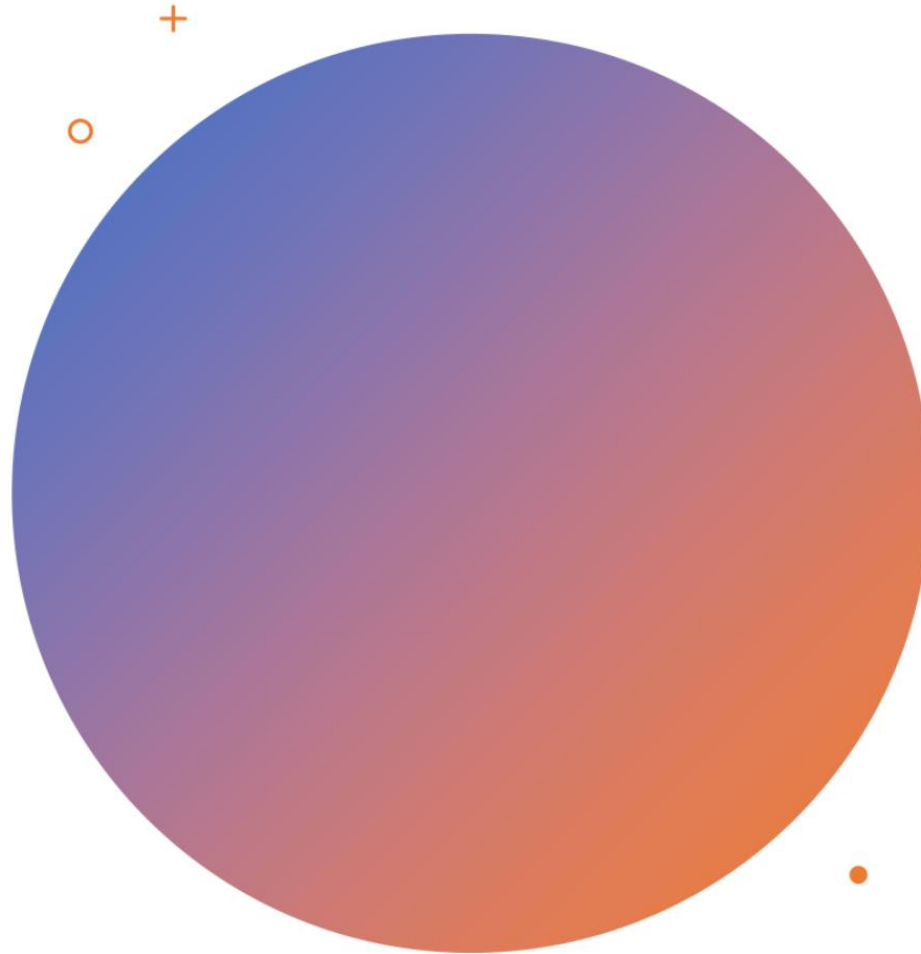
The standard does not apply to changing the colour scheme of a [building](#) or [structure](#), subject to compliance with PER-3

Note: this rule applies to [maintenance](#) and [repair](#) works, if the works go beyond that scale then refer to the other relevant rules for additions and alterations.

Activity status where compliance not achieved with PER-1, PER-2 or PER 3: Restricted discretionary

Matters of discretion are restricted to:

- 1.the necessity of the work to maintain or [repair](#) the [building](#);
- 2.whether the proposed change to the [building](#) will adversely affect the heritage values of the applicable heritage area and any nearby scheduled [historic heritage](#) resource;
- 3.whether there is a practicable reason why the [building](#) needs to be altered or have it appearance changed;
- 4.whether in this case of **PER-3** the identified heritage colours are not appropriate for the [building](#) or its setting; and
- 5.any assessments or advice from a suitably qualified and experienced heritage expert.



- Repairs and maintenance are allowed with strict controls and associated costs, but now we will look to alterations or additions

HH-R7

Alterations or additions to non heritage resources within a heritage area


All Heritage Areas


Activity status: Controlled

Matters of discretion are restricted to:

- 1.the colour of all exterior surfaces and their appropriateness within the heritage area;
- 2.any heritage values associated with the [site](#), [building](#), [structures](#) or surrounding heritage resources;
- 3.any [landscaping](#) or fencing;
- 4.the [effect](#) of the development on the heritage values of the heritage area; and
- 5.the location and relationship of the [building](#) or [structure](#) in relation to adjoining [sites](#) and the [road](#);
- 6.any assessments or advice from a suitably qualified and experienced heritage expert.

Activity status where compliance not achieved: Not applicable

- 
- So there are significantly more onerous permissions needed for additions or alterations with associated costs which will include council planning fees and heritage experts, and possibly engineers, architects etc
 - Including (Plan wording:)
 - *(6) any assessments or advice from a suitably qualified and experienced heritage expert.*

- 
- Now we come to new builds, and we find even more onerous requirements

HH-R8

New buildings or structures within a heritage area**All Heritage Areas****Activity status: Controlled****Where:****CON-1**

The **building** or **structure** is not visible from a public space.

Matters of discretion are restricted to:


1. whether the development could in the future become visible from a public place, if **landscaping** was removed or altered for example;
2. the colour of all exterior surfaces and their appropriateness within the heritage area;
3. any heritage values associated with the **site**, **building**, **structure** or surrounding heritage resources;
4. any **landscaping** or other screening;
5. the **effect** of the development on the heritage values of the heritage area; and
6. the location and relationship of the **building** or **structure** in relation to adjacent **sites**;
7. the scale of the **building** or **structure** and
8. any assessments or advice from a suitably qualified and experienced heritage expert.

**Activity status where
compliance not achieved with
CON-1: Discretionary**

- Note in this slide new building is a controlled status, just one step harder than permitted but only if the building is not visible (nor may become visible) from a public space. (Road, footpath, park, beach, etc etc).
- If it visible the status goes to the hardest of all. Discretionary. If you can get approval, which is by no means certain the costs will be eye watering. So, if your new home has a view????? Reach for your bank account.




- To those who say this is just a proposal I would say we need to consider this.
- Unless we stop this now it will go to the next stage in the formal draft plan. Soothing words from Council that we can submit later conceal the truth that modification or removal of proposals gets progressively harder.
- In a meeting with Greg Wilson, senior planner last week he went through the stages with me saying in the end we have the right to appeal. With lawyers paid for by the appellant v/s lawyers paid by Council.
- Although it is a cold climate analogy the concept of a snowball rolling down a hill getting progressively bigger and faster as it goes is appropriate here



• Resolution regarding proposed extension to the Mangonui Heritage Precinct.

- This meeting acknowledges the value of Heritage Precincts which include historic Buildings, Sites and Objects, Sites of Cultural Significance to Maori, Archaeological Sites and Notable Trees.
- This meeting supports the retention of the existing Mangonui Heritage Precinct along the village business waterfront and other individually identified heritage buildings outside this area.
- However, this meeting opposes the arbitrary extension of this precinct to include many ordinary homes and buildings of multiple designs and age.
- The application of heritage rules to this vastly extended area would apply onerous resource consent, planning, design and engineering requirements with vastly increased costs to do even simple alterations or extensions. To get permission to build family or retirement homes visible from a public area, would become very expensive, if not impossible.

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- The Council has not fulfilled its own rule that before seeking to put private property into a heritage area that they should first consult with each and every affected ratepayer
 - Accordingly, this meeting calls on the Council to withdraw this proposal forthwith and seek community support for any change to the heritage precinct before proceeding including consulting with each and every affected ratepayer.
 - This meeting has the expectation that that the extent of such a replacement proposal should be confined to actual heritage resources.
 - Further this meeting calls for the release of any reports or recommendations that this proposal is based on. Also, minutes and emails of any Council deliberation on this topic.















March 1997







April 2014



April 2014



April 2014





May 2021



May 2021



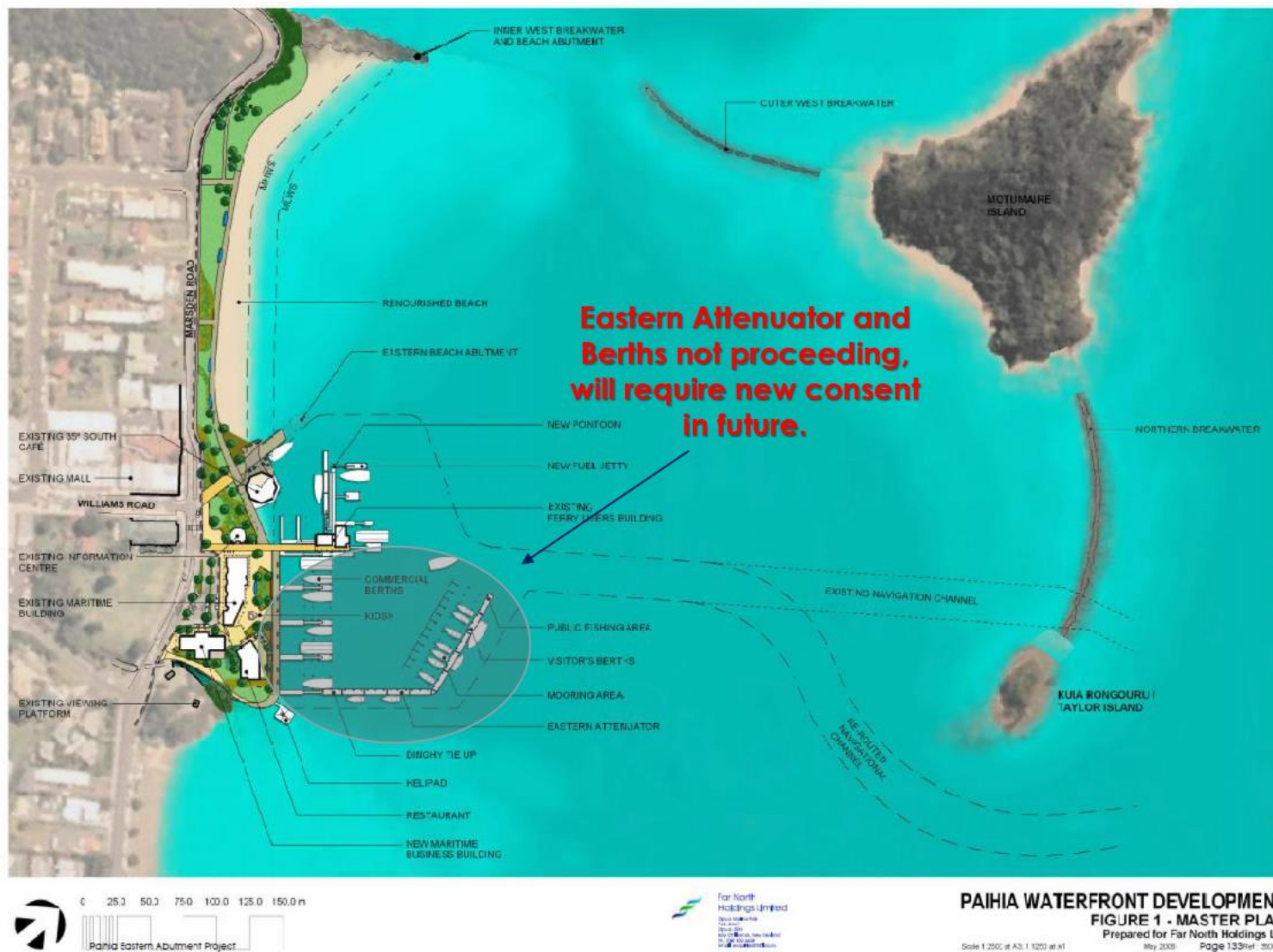
May 2021

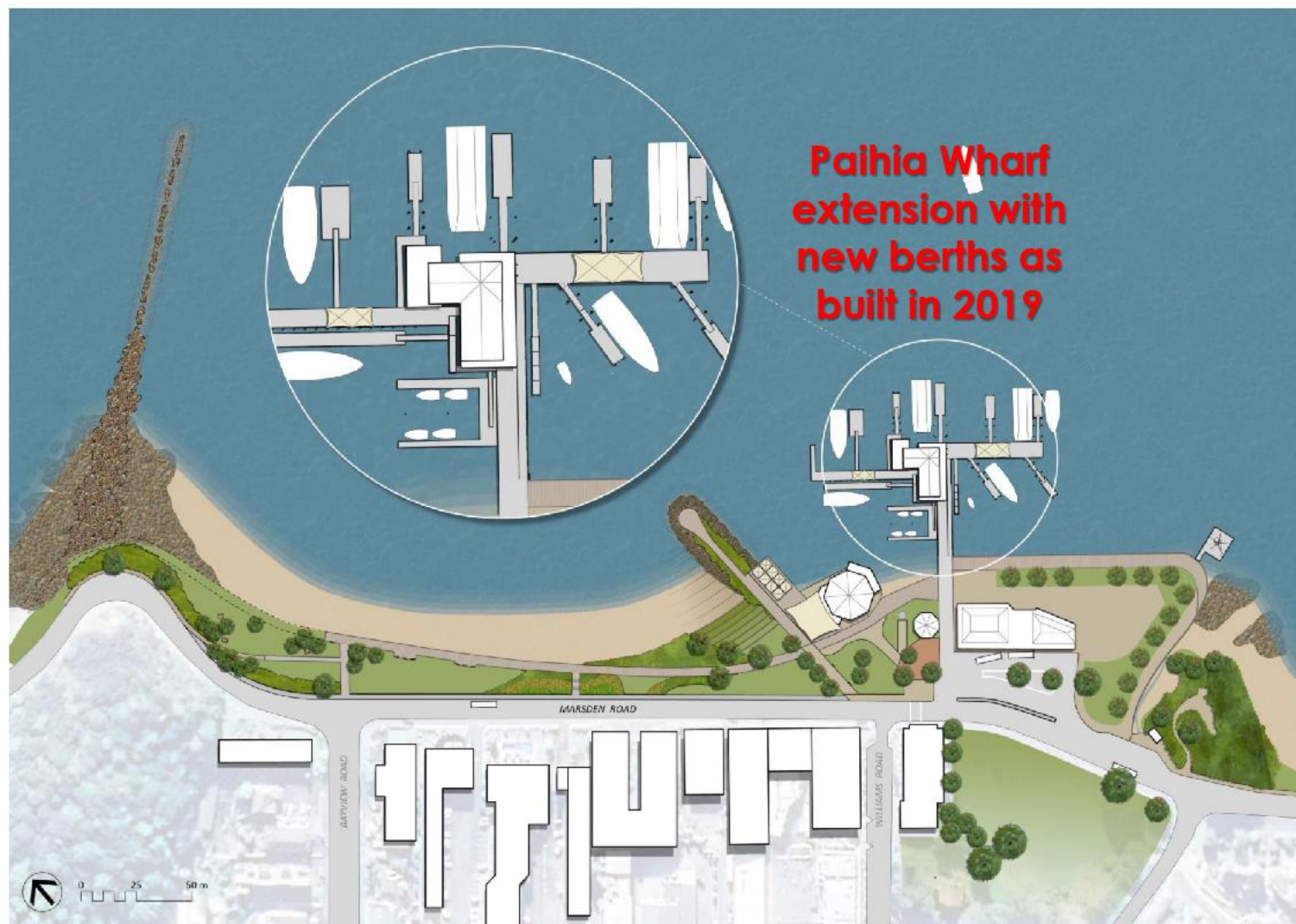
Storm Damage Repair Costs

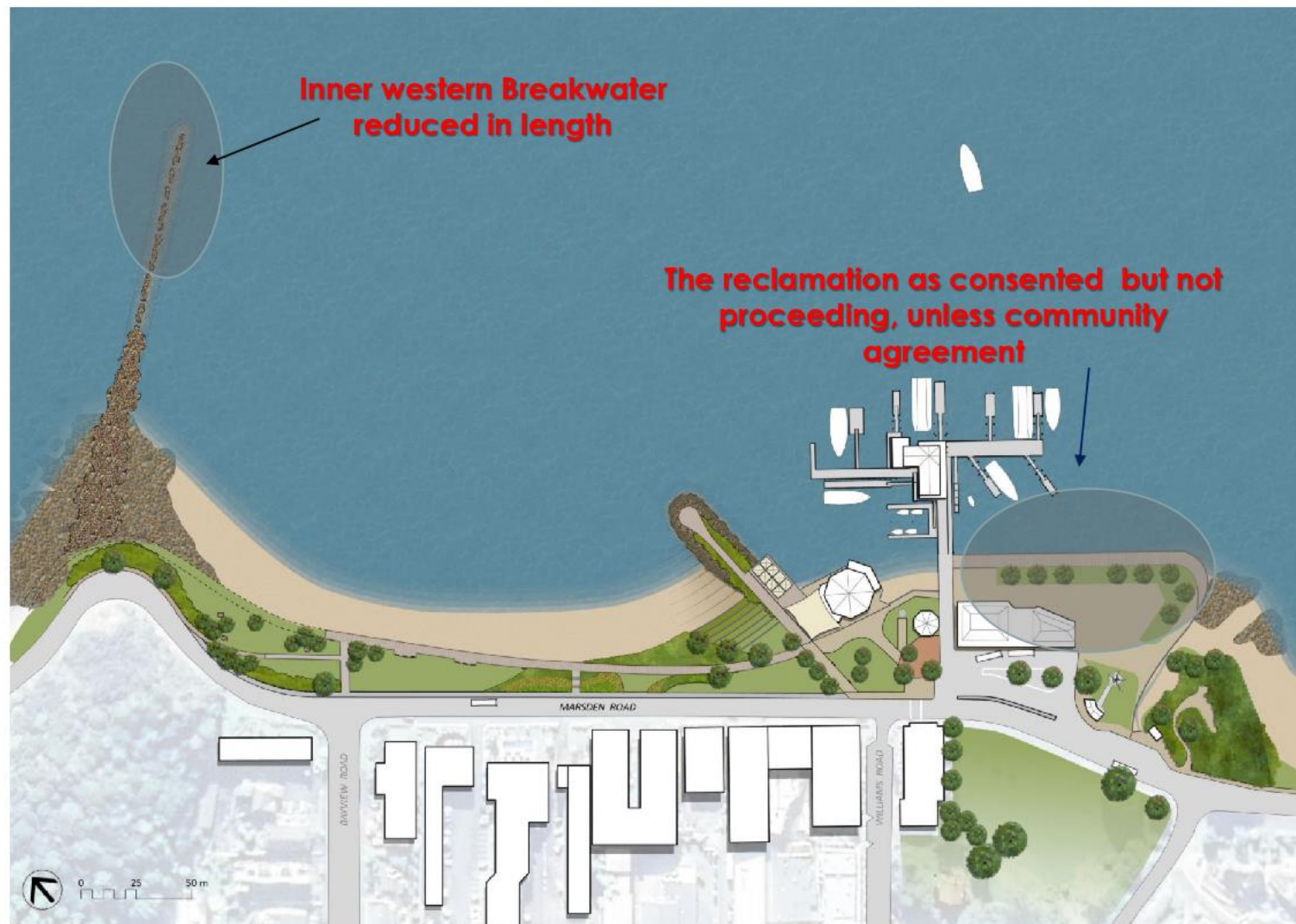
Event	Repair cost estimate
January 1996	\$12,000
June 1996	\$38,400
March 1997	\$345,600
1998-2000	\$15,000
July 2001	\$40,800
2002-2005	\$24,000
June 2006	\$12,000
March 2007	\$44,400
2008-2010	\$18,000
January 2011	\$12,000
2012	\$6,000
April 2013	\$90,000
April 2014	\$12,000
2015-2020	\$36,000
May 2021	\$12,000
Total	\$718,200

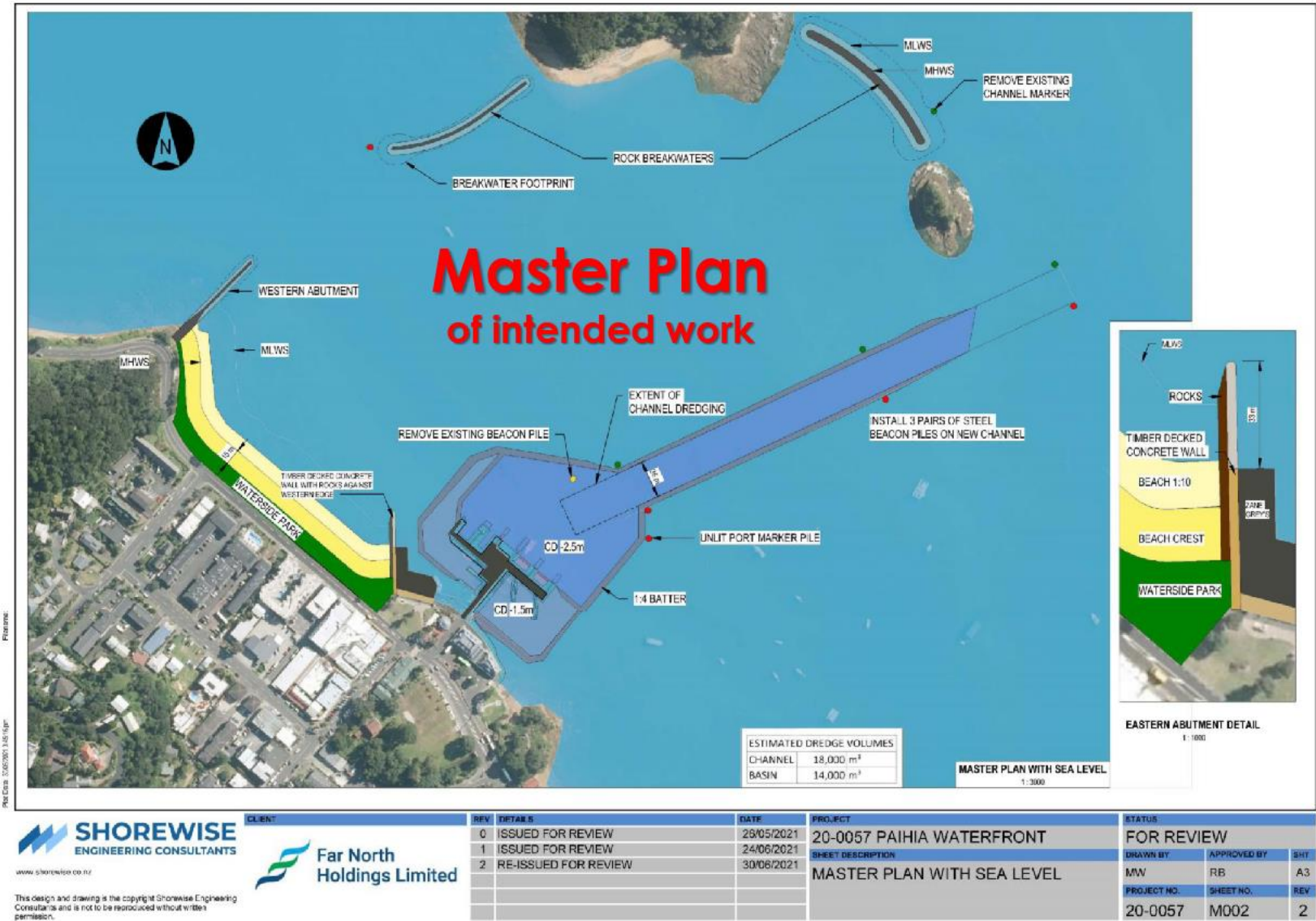
Note figures don't include loss of earnings for local businesses during events or loss of productivity due to delays on the state highway network. Figures don't include resilience works NZTA have undertaken to protect the foreshore e.g. rock armouring. Figures don't include damage to wharf facilities or vessels using the wharf during storm events.





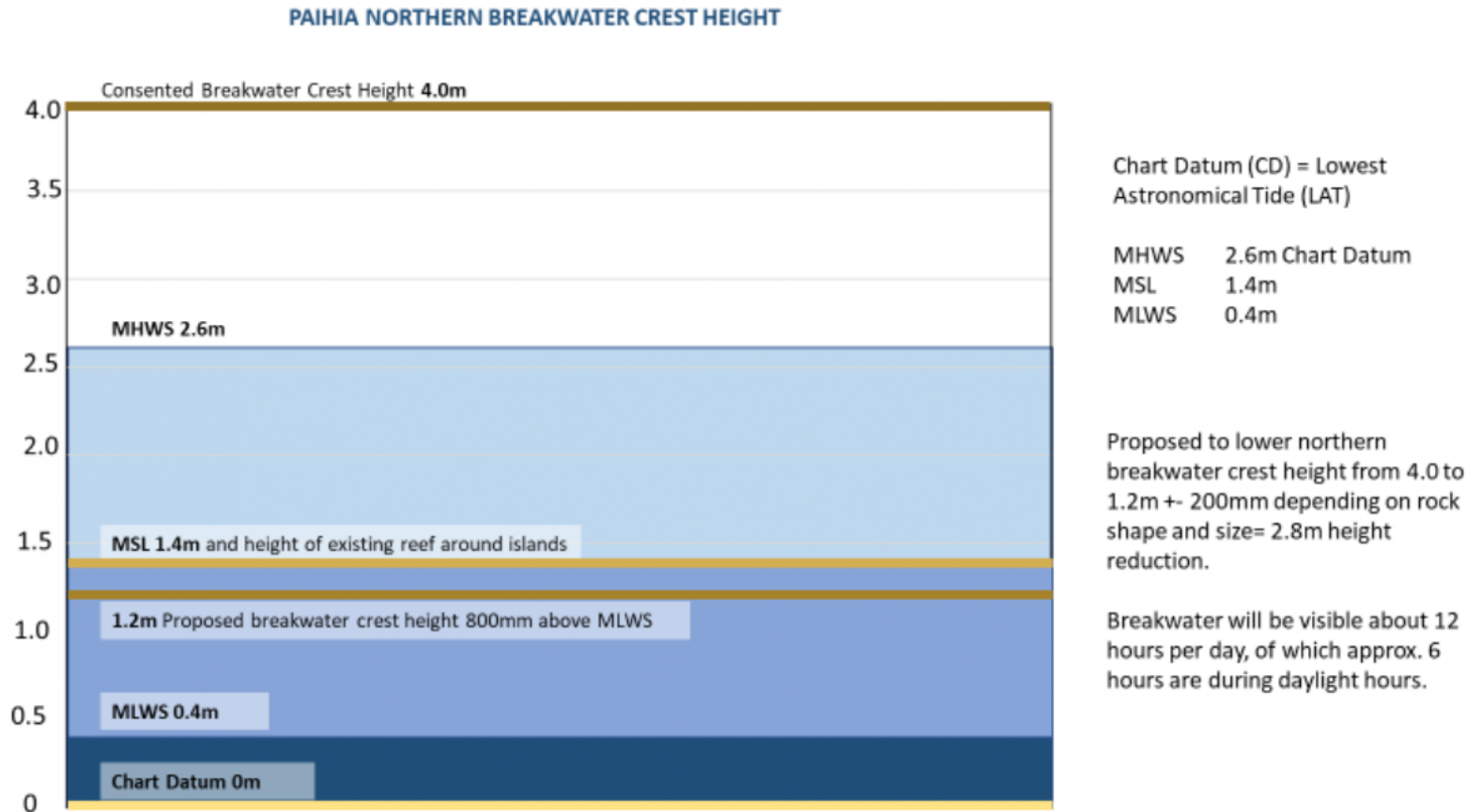




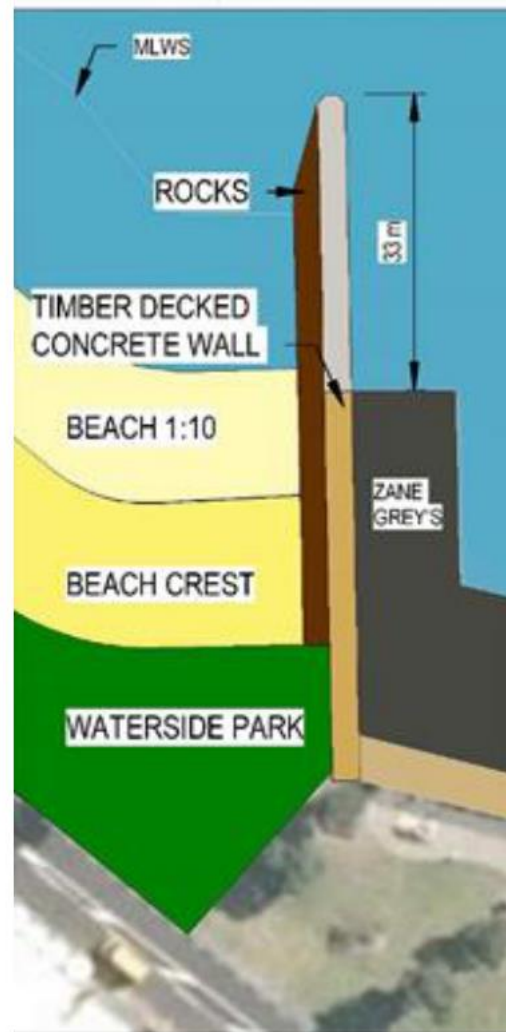


Indication of visual from Paihia wharf, with Northern Breakwater at a height of 2.6mtrs. Final design will be at 1.0 mtr (plus or minus 200) thus only visual half tide and below.





EASTERN GROUYNE







Project Objectives

- **Protect infrastructure** – both land based and marine structures resilience
- **Provide for community amenity** – Beach, Promenade, Green open space, marine reserve
- **Support and invigorate Northland Tourism** and enhance visitor experiences
- **Ecologically**, it is reported that the surface of the boulders, and the voids between the boulders will provide habitat for marine invertebrates and kelps. Areas compromised will be exceeded by the new habitat created. Report references Tutukaka Marina and Marsden Point reclamation.

Existing Resource consent conditions

Motumaire Island, no breakwaters attached, no development on the island, no access onto island during construction

Pest management plan already in place and a requirement ongoing

Landscape assessment, requires three qualified landscape architects sign off

Foreshore monitoring required for both Horotutu Beach and TeTii Beach

Bonds to be in place for unforeseen maintenance of the beaches

Harbourmasters approval

