

# Proposed Heritage Area Overlay Plan .

Historic and Cultural Values

Paihia Oral submission . FNDC

Don Mandeno

Tuesday 27 th May 2025 .

Thank you for allowing me to make this lay oral submission in support of my written one which I believe was the first on 20 th Oct 2022 now I am amongst the last .

I believe this proposed Plan regarding Historic Heritage and Cultural Values is being foisted unnecessarily on 22 Marsden Rd Paihia under the following 8 headings .

## ( 1 ) Incompatible land use.

---

The heritage around me is already well catered for and is obviously compatible . My neighbours all respect and comply with the existing plan their properties have remained the same in basic appearance since their constructions all with correct paint colours and this has been voluntary over all these years and without intervention .

I am grateful the Notable Norfolk Pine planted by my great great aunt has long been protected . Same for the ruins site of my great great uncle William Colenso ,s printing press also long been protected .

## ( 2 ) Heritage

---

My own heritage story shows my great great grandfather John Fairburn was the first European to be born 202 years ago at the Mission site on land fairly purchased from Māori by the Church Missionary Society the area was a European enclave with European culture .

## ( 3 ). Tangata whenua and Spirituality over my land

Considering any historical, spiritual, or cultural association held by tangata whenua when assessing and managing the defects of land use . Ha- p1f

---

I have not asked for or need Māori spiritual or cultural values here , neither did any of the preceding generations living here before me request any Māori

Spiritual / Cultural Control Legislation over the land I hold .

This could be seen as a discreetly veiled land grab in my personal opinion .

My Great great great grandfather William Fairburn built the Kerikeri Mission House starting 1819 then from 1823 onwards constructed the three

Paihia Mission house,s , a school and a church over the first ten years .

He was a signatory to the Treaty .

As a lay missionary his culture and spiritual values was to read from the bible — BUT ONLY to those interested .

Culture and spirituality should

be VOLUNTARY and definitely not legislated in to law by Council plans such as this one in my opinion I do not support divisive race - based policies .

My cottage is approximately 100 years old its grounds have been well and truly picked over as was popular practise in the 1970,s so most likely no archeological value left .

Now removal of tree roots could be illegal if this overlay is ruled at 500 mm as that's just a one and a half of my spade,s depth .

Am I expected to be living in a museum ?

whilst having payed huge rates over the last 12 years for a 2 bed cottage with a 20 metre setback and a regulation low front fence .

To quote Chris Bishop Cabinet Minister recently - councils would be expected to give greater consideration to how character and heritage area rules impact private property rights under the new planning rules .

#### ( 4 ). Coastal Environment Overlay

---

To have accesments or advice from suitably qualified heritage and or cultural experts would involve not only Heritage NZ,

The Department of Conservation and also Tangata Whenua in your overlay plan managing the maintenance and repair , additions and alterations to existing buildings .

I believe these expert expenses should be met by the experts them selves in historical overlay areas concerning private land .

The built heritage on my property is very minimal and the archeology underfoot is already adequately protected as is the scenic reserve behind me .

If it ain't broke why try and fix it .

#### ( 5 ) Make changes to improve consistency across the heritage areas - to quote council.

---

In April 2021 I did question senior council planner Tammy Wooster by email feedback submission as to why the proposed HA zone does not apply equally to Haruru ,Te Haumi , Opua and especially in the area of Waitangi .

The Waitangi Lower Marae has I believe two listed historic element resources .

My missionary great great aunt Elizabeth Colenso and her sister ran a native school there in the early 1880,s.

I note no proposed coastal environment heritage overlay plan has been drawn around the

Waitangi housing lands behind and including the Marae these appear to me to fit the objectives of the plan entirely archaeologically , spiritually and culturally.

To quote Councils own written plan objectives in 2022 -

Enlarge the area to recognise the broader context- early Māori and European settlement patterns .

So why was this proposed extensive overlay plan drawn around Paihia and not around Waitangi ?

When and if my property is reintroduced into any Heritage zone the result will be instant lower property value along with higher insurance costs for being in a specially designated area .

It will become very much harder to sell .

Intending purchasers will weigh up all the extra compliance costs and restrictive legislation against more straightforward purchase,s.

Some of you will be aware of the recent very telling Heritage NZ double glazing debacle .

If plan B is adopted then a fair and reasonable rates relief rebate should be adopted for all those property owners concerned

as it is council alone who is responsible in these property devaluations in my opinion .

## ( 6 ) Lack of Engagement

Councils hasty zoom meeting was a total flop in my opinion .

Lumping all the different towns together really astounded me.

The clear picture of the zoom session to me was a real dissatisfaction of this very costly inadequate Council plan .

If Council really wanted to

“Let's Plan Together “

surely just one public hall council run meeting for the Paihia community would surely have given a pretty good insight into their ratepayers thoughts and positions either way .

So why was there no public hall council run meeting held for our community I ask ?

I just don't accept - one on one consultations can gauge full and adequate feed back let alone give the community clarity .

So council engagement gets a very big minus in my opinion .

It is feared Council will push this plan through regardless as justification of their enormous expenditure to date over the last three plans .

Accordingly and under accountability and transparency .

I have requested the full council costs over the previous Paihia Heritage Plan and also this proposed Heritage plan .

Including Council,s appellant costs in regard to the 2013 Environment Court case No. ( . 2014 ) NZ EnvC 129 which involved my property . These will be an eye opener if ever released .

Last week council informed me that I may likely face personal costs to obtain this information . O My God .

## ( 7 ) Conclusion

I believe these massive changes will produce a storm of opposition if adopted .

These changes are a real threat to the quiet enjoyment for me personally of my property .

With reference to the obscure line drawn around our properties.

These decisions need to be made on each individual title after complete and thorough research by qualified experts who can produce proof of their findings.

In 2014 the Heritage Area Precinct around me consisted of eight residential properties with seven kept on being removed .

Later in the year thankfully four were removed and totally  
by Environment court order

Decision no 2014 NZ Env Court 129 .

So why does Council now in 2025 seek to have a massive 179 private properties in this proposed Heritage B overlay plan ?

In total 204 properties are involved .

Sorry but that suggests to me of some very heavy handed expensive planning that has fallen short its own stated objectives in my opinion .

The Paihia Property Owners Group was formed by word of mouth and have in excess of fifty interested parties listed .

So funding for another Enviro Court challenge next time round could well be greatly enabled given the increased numbers .

Should council lose again in a future Enviro Court then I believe a case for a hefty compensation claim for the past years of stress and strain beset on me over this current plan by this Council would be in order .

My property has been

in the Heritage Area once

then taken out by Court order

and now Council propose to put it back in again named as overlay area part B .

( 8 ) To finish a truly crucial and telling quote from the enviro court 2014 findings.

---

We are not persuaded however that the overlay should apply to the full area covered by the Decisions Version .

That is we have concluded that 16 to 22 Marsden Rd and the sliver of 3 Kings Rd behind the Herald plaque site are sufficiently distant from the historic heritage resources around St Paul's and Trust land and are sufficiently devoid of historic values as not to warrant management for the purposes of s . 6 ( f ) R MA .

Consequently to those who will listen today .

Once again I seek total exclusion from this proposed flawed heritage plan for my property at 22 Marsden Rd Paihia.

Thank you .

Don Mandeno 27 th May 2025