

**Address: Kahukuraariki Trust, ATTENTION: Geraldine Baker, 1573A
Matauri Bay Rd, RD1, Kaeo 0478, Northland**

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Email: Geraldine.Baker@kahukuraariki.iwi.nz

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To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fndc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

Kahukuraariki Trust
Attention: Geraldine Baker
PO Box 788
KERIKERI 0295

2. **General Statement**

Kahukuraariki Trust cannot gain an advantage in trade competition through this submission. Kahukuraariki Trust are directly affected by the Proposed Far North District Plan. The effects are not related to trade competition.

3. **Background & Context**

Background

The ancestral lands of Ngatikahu ki Whangaroa are between the eastern side of the Mangonui Harbour and the Whangaroa Harbour. The area covers from Taemaro along the coastline to Omata, then to

Te Whatu (Berghan Point) then to Tokerau (Doubtless Bay), to Waiaua, Te Hihi and to the Paewhenua Motu, up the Oruaiti River taking in Otangaroa, Maunga Taratara, Waihapa, then to Waihapa Bay and following the shoreline along Totara North around to Taupo Bay then northward to Frear Bay, Taupo Bay, Motukahakaha, Waimahana and then back to Taemaro. This area is graphically represented at the attachment found at **Attachment 1**.

The Kahukuraariki Trust is Governed by 8 Trustees, representing 8 Marae. The organisation is a Post Settlement Governance Entity, mandated to represent the interests of the Ngatikahu ki Whangaroa Iwi members who have whakapapa connections to those Marae within its rohe. Its treaty claims were settled in 2017.

Site Description

The lands to which this submission relate are attached at **Attachment 2**.

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**
 1. TSL-R2 – Papakainga;
 2. Enabling Treaty Settlement Land;
 3. TSL-R8 – Any activity not provided for as a permitted, controlled, restricted discretionary or non-complying activity.
 4. Enabling Kaitiakitanga.
 5. Appendix 6: Statutory Acknowledgements.
5. **Kauhukuraarki Trust seek the following amendments/relief:**
 1. Amendments to the Treaty Settlement Overlay provisions:
 - a. TSL-R2 – Papakainga

- b. TSL-R8 – Any activity not provided for as a permitted, controlled, restricted discretionary or non-complying activity.
- 2. Amend Appendix 6: Statutory Acknowledgements to include the Ngatikahu ki Whangaroa Claims Settlement Act 2017 and any required consequential amendments necessary to provide for this.

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

TSL-R2 Papakainga

Kahukuraariki have particularly large landholdings where the provision of housing can be easily carried out alongside a mixture of commercial, cultural and social activities.

TSL-R2 – Papakainga provides, as a permitted activity, up to 10 residential units per site. Using an example, the Thomson Block which is 390ha in size could enjoy up to 32 houses using existing Rural Production arrangements. Stony Creek Station being 2,275ha could have up to 189 houses.

Whilst the provision maybe enabling for some Iwi with smaller landholdings, for Kahukuraariki the need to require resource consents for the provision of housing on large blocks which can internalise and manage any adverse effects arising is not enabling and does not appropriately give rise to the enabling intentions and aims of the Objectives and Policies of the Treaty Settlement Land Overlay.

Our preference as kaitiaki of the land is to determine our own density, based on our understanding of the land in question, and our aspirations, dreams, and objectives.

The Far North District is currently struggling with providing for housing across the housing continuum and the 10-house arbitrary limit continues to depress the contribution Iwi (alongside Government agencies) could make in the provision of housing in rural and urban areas across the District.

Enabling Treaty Settlement Land

The response here is somewhat tied into how the Plan will be implemented. In our view, the proposed overlay adds additional confusion when a simple zone could be used to manage Treaty Settlement Land.

Kahukuraariki quite simply want to know whether they can carry out the following activities, on their landholdings:

- Agriculture
- Apiculture
- Tourism
- Viticulture
- Horticulture
- And ancillary buildings / structures that support these activities.

In our view these are seemingly harmless activities and fit within our investment strategy on our returned landholdings, yet the interplay between overlays and zones and the overall suite of rules makes these seemingly simple activities potentially onerous and non-complying.

At the least, where our landholdings are Rural Production Zoned the suite of activities that are permitted without requirements should be

clearly outlined and identified as being so, to enable these critical activities to be undertaken with minimal compliance costs.

In relation to tourism and other genuine commercial opportunities on returned assets, the Proposed Plan through PSL-2 and PSL-3 enable and provide for commercial activities and industrial, large scale commercial development, however there are no associated rules with such enablement and provision i.e it is expected that at least a permitted activity rule would be found to support these provisions. An example could be a commercial / industrial activity up to 200m² in size.

In summary, Kahukuraariki is not confident Council knows what activities it wants to enable and promote on and across Treaty Settlement Land. If it does not know this answer than Kahukuraariki should be given the mana to dictate their own land use and environmental decisions on their own landholdings.

TSL-R8 – Any activity not provided for as a permitted, controlled, restricted discretionary or non-complying activity.

This provision is likely to cause a range of unintended consequences associated with proposed development on Treaty Settlement Land.

As currently written, farming and forestry, tourism, apiculture, horticulture, and commercial uses would require a resource consent (as well as a range of other activities). Whilst the intention to link back to the underlying zone is noted, unfortunately the Treaty Settlement Land Overlay does not provide a 'same activity' for those listed above and therefore the less restrictive approach cannot be used.

Council needs to consider this catch all provision and how it will work and be implemented in relation to Rural Production Zoned land (as well as any other land) which also contains a Treaty Settlement Land overlay. Under the current draft plan, to have these types of uses require consent and would seriously limit the proposed enabling intent and nature of the objectives and policies written and generate unnecessary cost and delay.

Enabling Kaitiakianga

The definitions associated with 'Customary Activities' and 'Conservation Activities' go some way in providing pathways for Kahukuraariki to carry out activities typically associated with kaitiakitanga. However, these activities are also at the whim of the various overlays that apply to our land blocks.

We require that customary activities and conservation activities be exempt from the requirements of needing to meet District Plan standards as they directly relate to our obligations outlined in Section 6(e) of the Resource Management Act 1991 and the genuine practice and authority of kaitiakitanga.

Appendix 6: Statutory Acknowledgements.

The proposed plan excludes reference to the Ngatikahu ki Whaingaroa Claims Settlement Act in the introductory parts of this Appendix and this should be attended to.

7. **Kahukuraariki Trust wish that the Far North District Council address the above issue by:**

1. Carrying out changes to the Proposed District Plan as outlined above.
2. Applying any other relief to achieve the outcomes sought by this submission.

Yours sincerely,

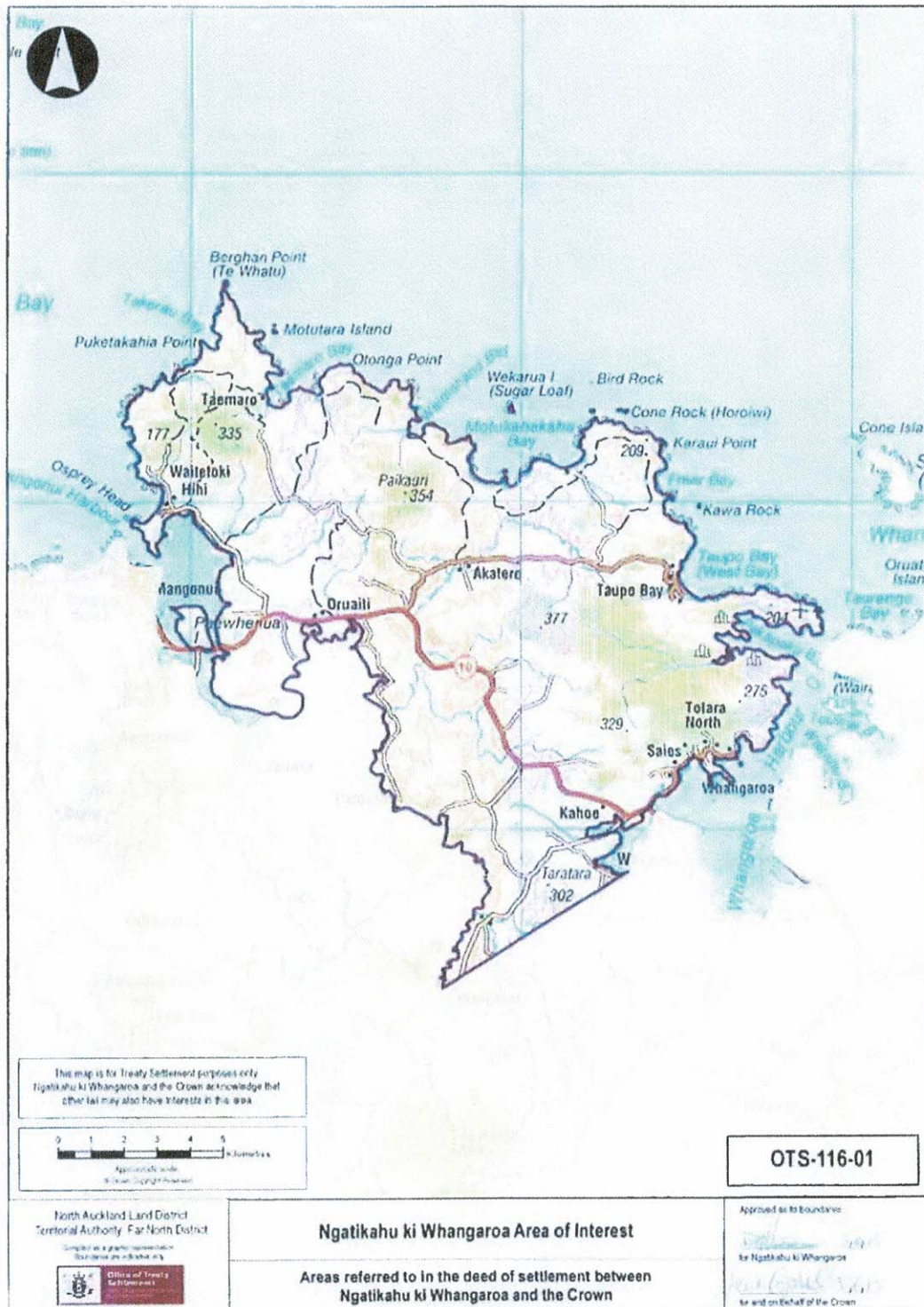
A handwritten signature in blue ink, appearing to read 'G. Baker', with a large, stylized initial 'G'.

Geraldine Baker
General Manager

Dated this 13th day of April 2022

Attachment 1: Kahukuraariki Area of Interest

**NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS**



Attachment 2: Kahukuraariki Landholdings

2. DEED PLANS

North Arrow

Arawhata Point

Overlay Classification

Puketakahia Point

Takera Bay

114

170

Whakaangi

335

Kawhetu Masi

1389

177m

Waitetoki

WAIKUA ROAD

0 100 200 300 400 500 Metres

Approximate scale & Crown Copyright Reserved

OTS-116-15

North Auckland Land District
Territorial Authority: Far North District

Whakaangi (being Whakaangi Scenic Reserve)

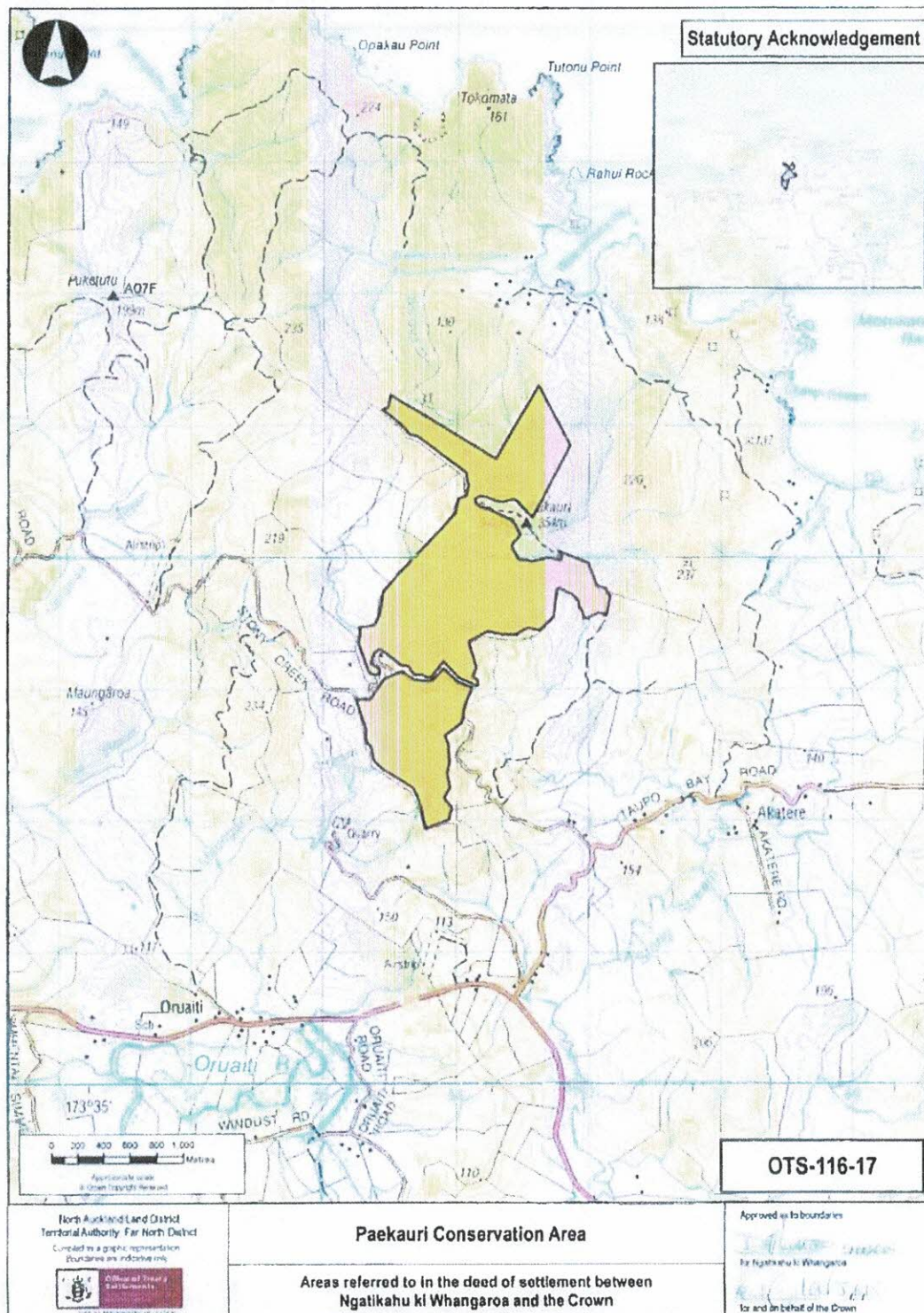
Areas referred to in the deed of settlement between
Ngatikahu ki Whangaroa and the Crown

Approved as to boundaries
for Ngatikahu ki Whangaroa
for and on behalf of the Crown

NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

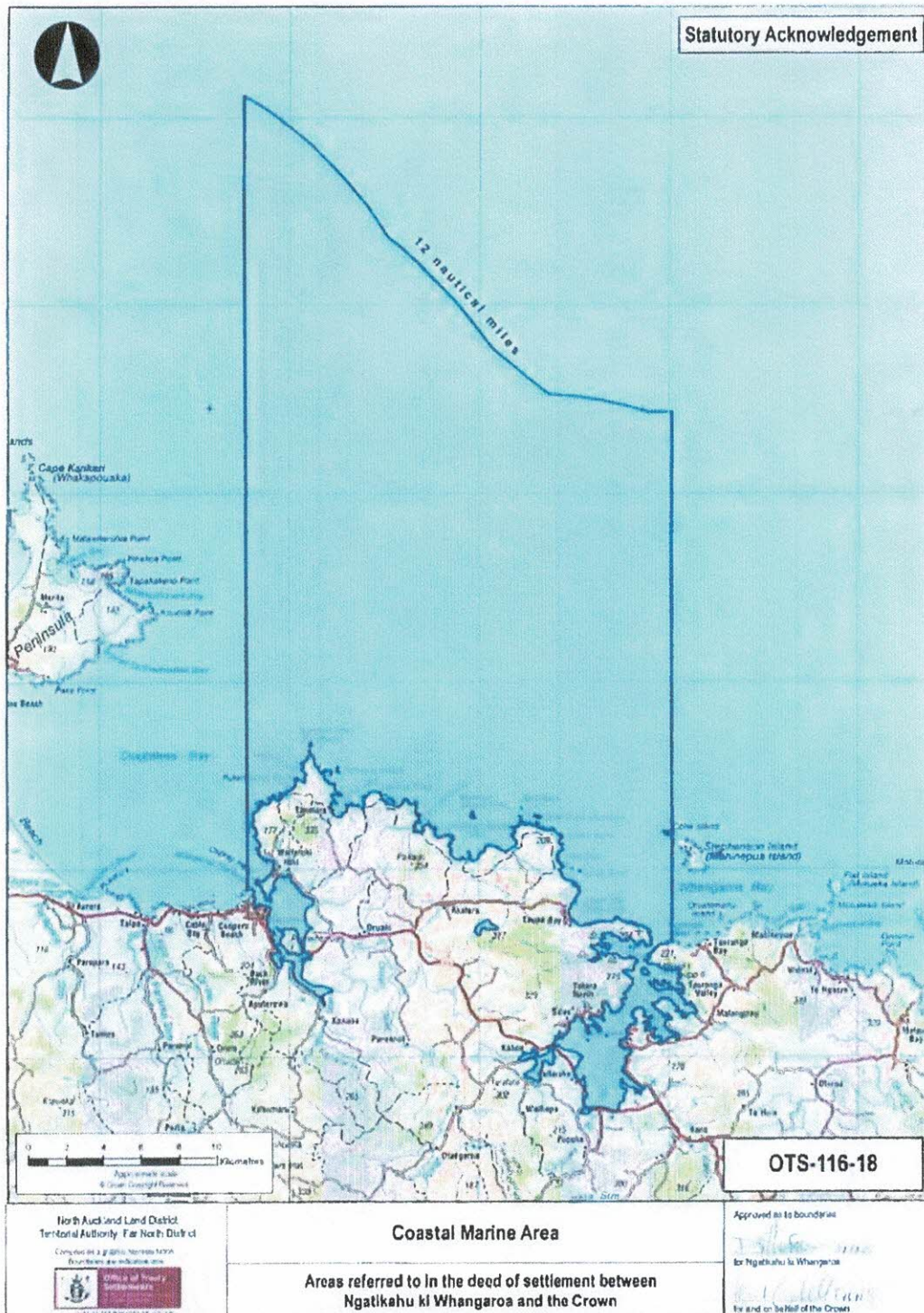
Paekauri Conservation Area - OTS-116-17



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

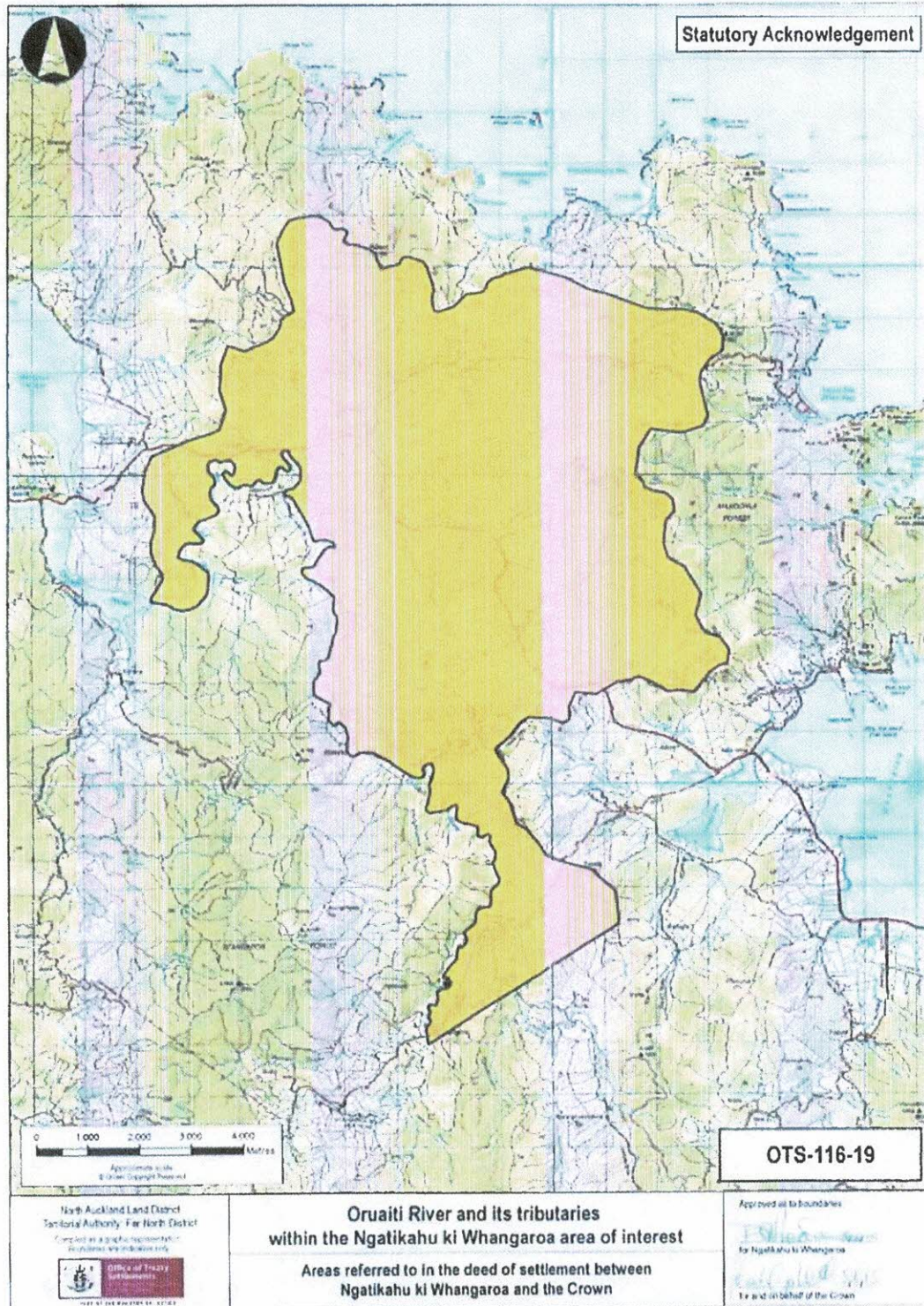
Coastal Marine Area - OTS-116-18



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

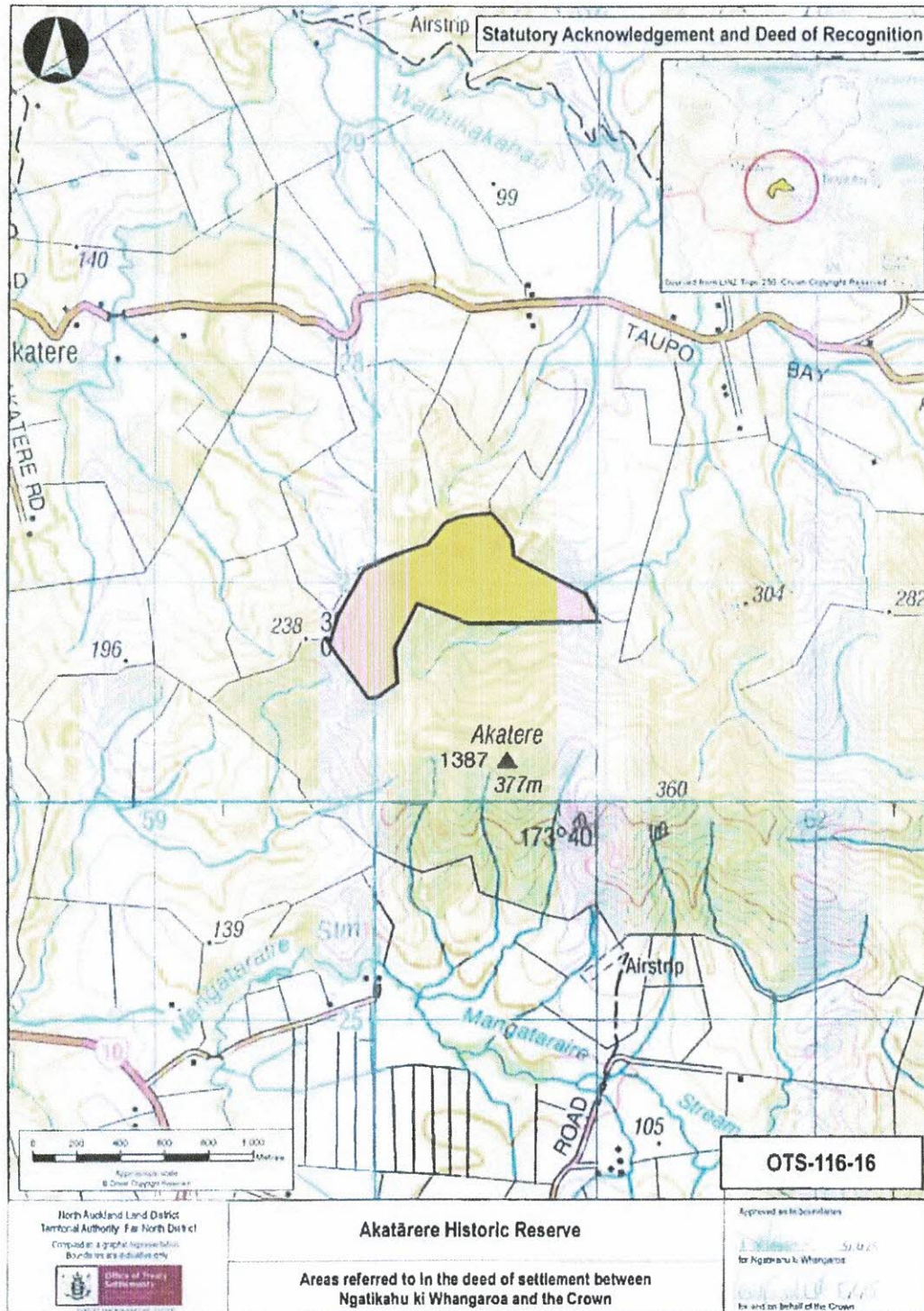
Oruaiti River and its tributaries within the Ngatikahu ki Whangaroa area of interest -
OTS-116-19



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

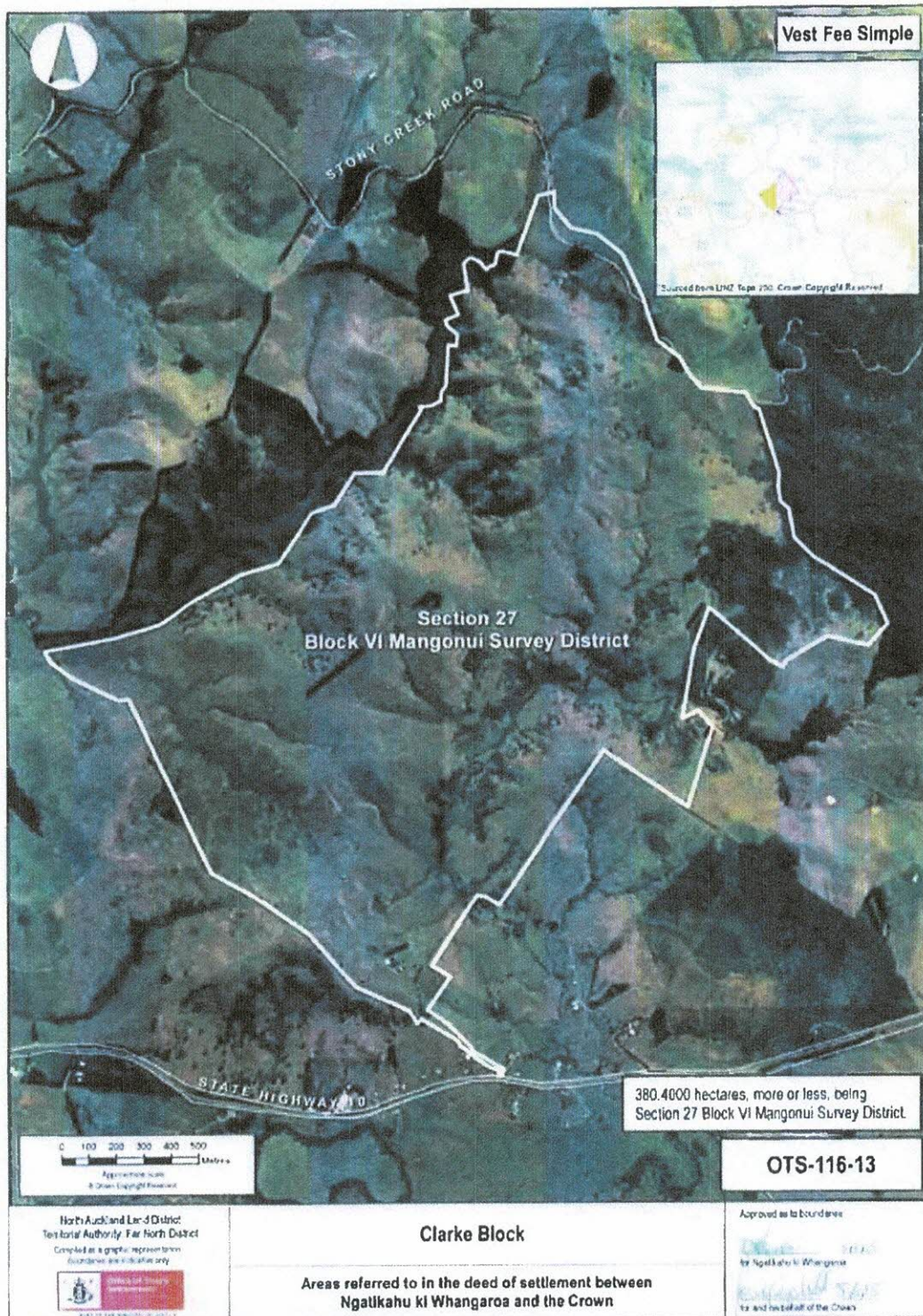
Akatāre Historic Reserve - OTS-116-16



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

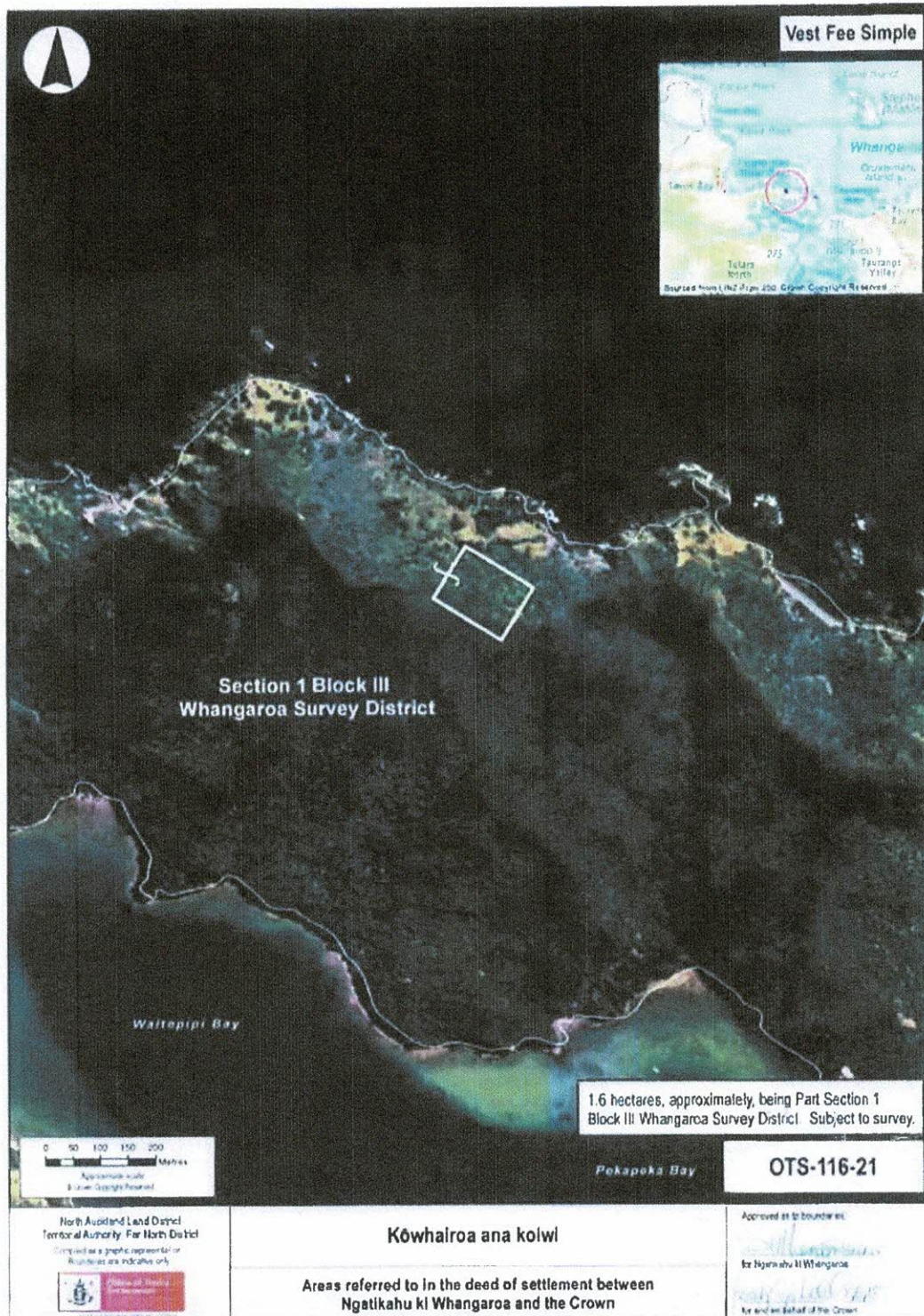
Clarke Block - OTS-116-13



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

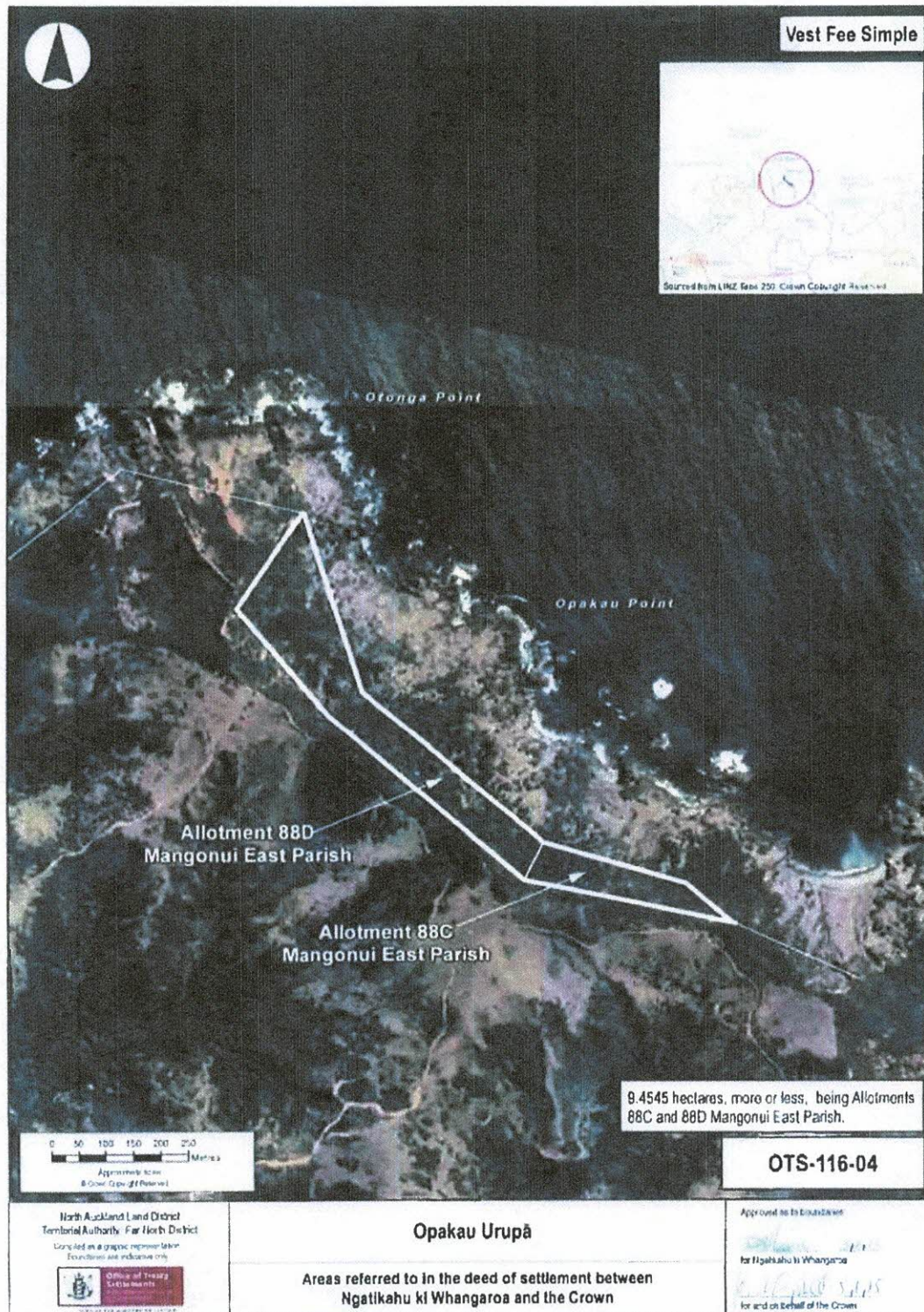
Kōwhairoa ana koiwi - OTS-116-21



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Opakau Urupā - OTS-116-04



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

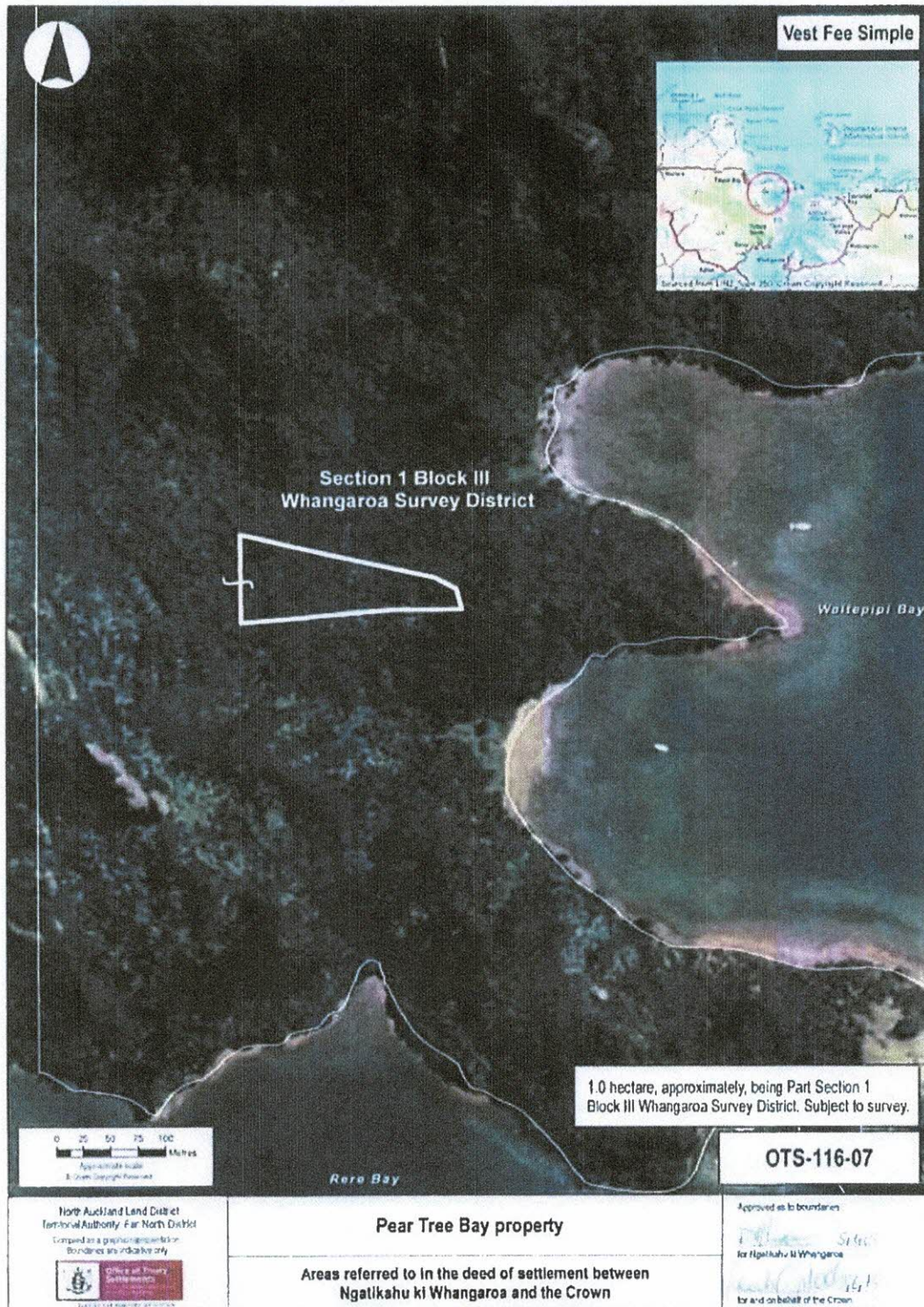
Otara ana koiwi - OTS-116-11



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

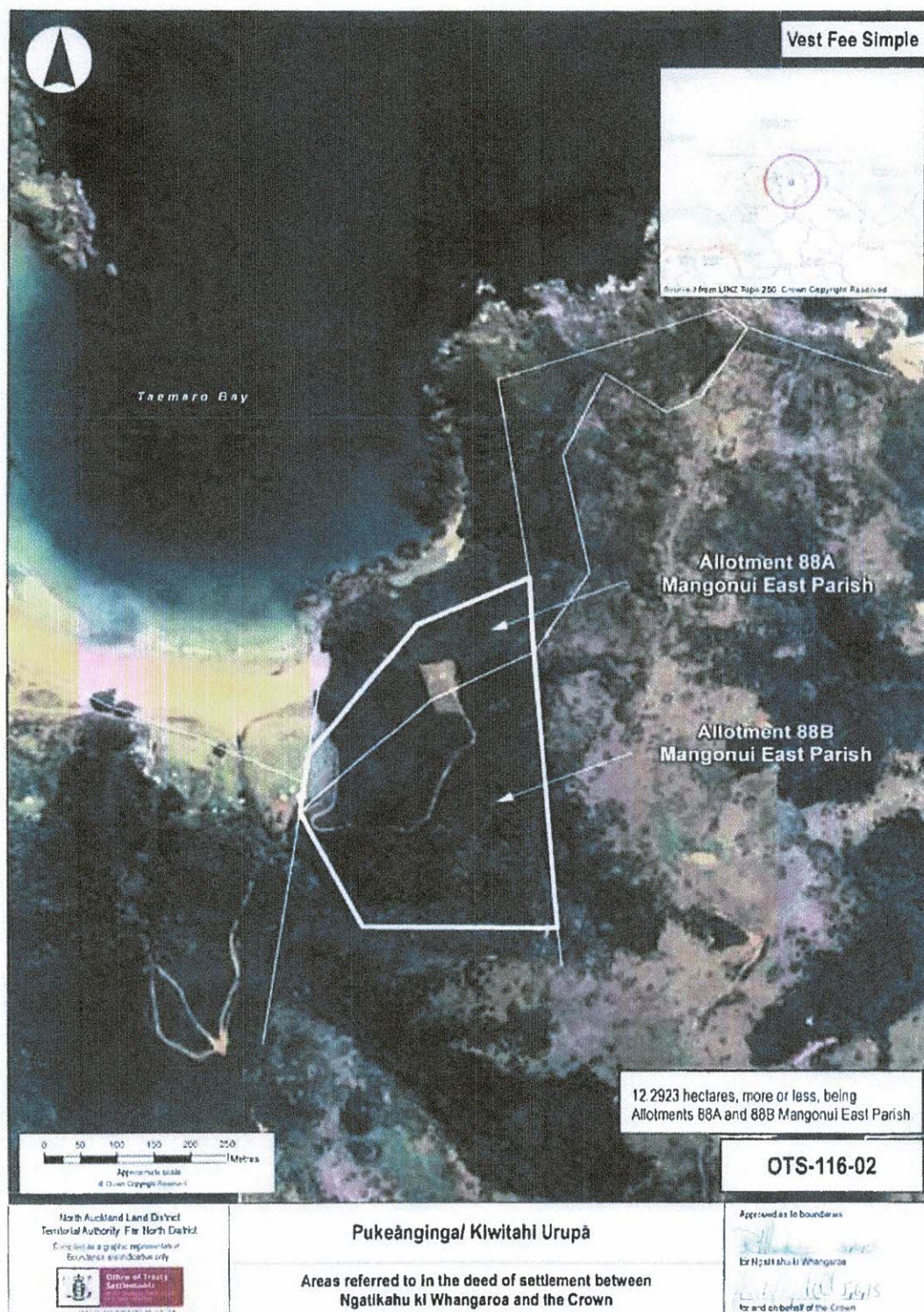
Pear Tree Bay property - OTS-116-07



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

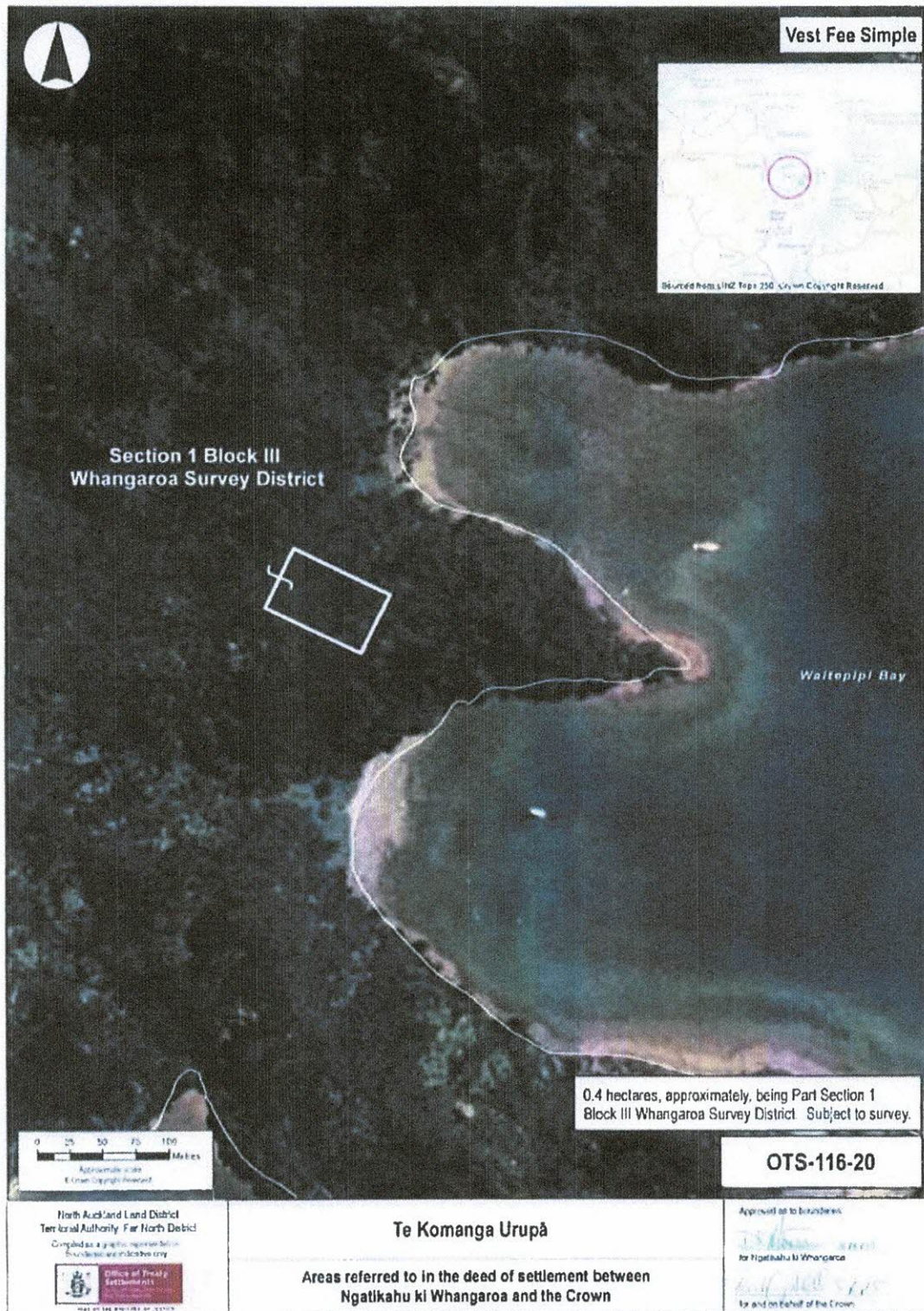
Pukeānginga/Kiwitahi Urupā - OTS-116-02



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

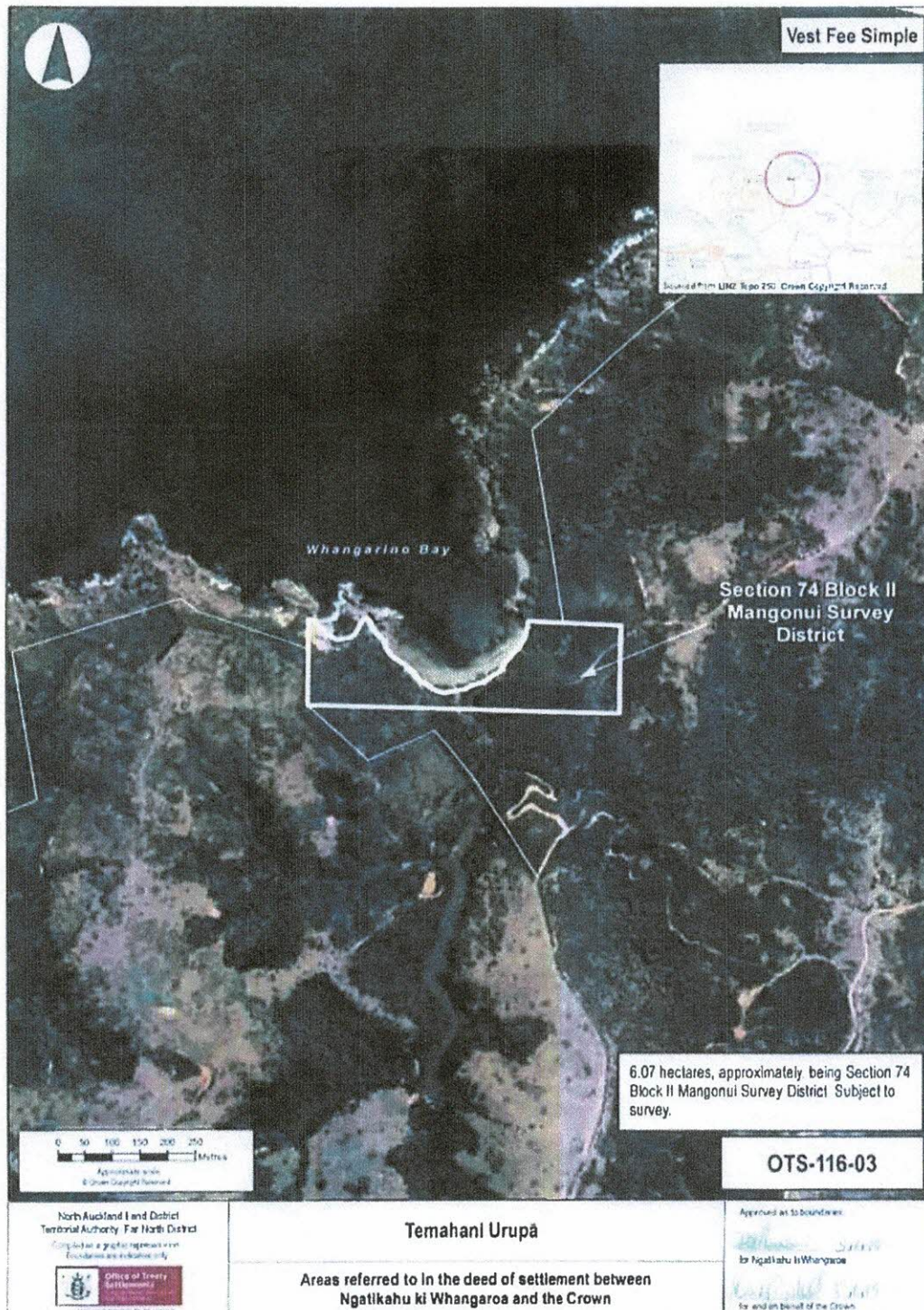
Te Komanga Urupā - OTS-116-20



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

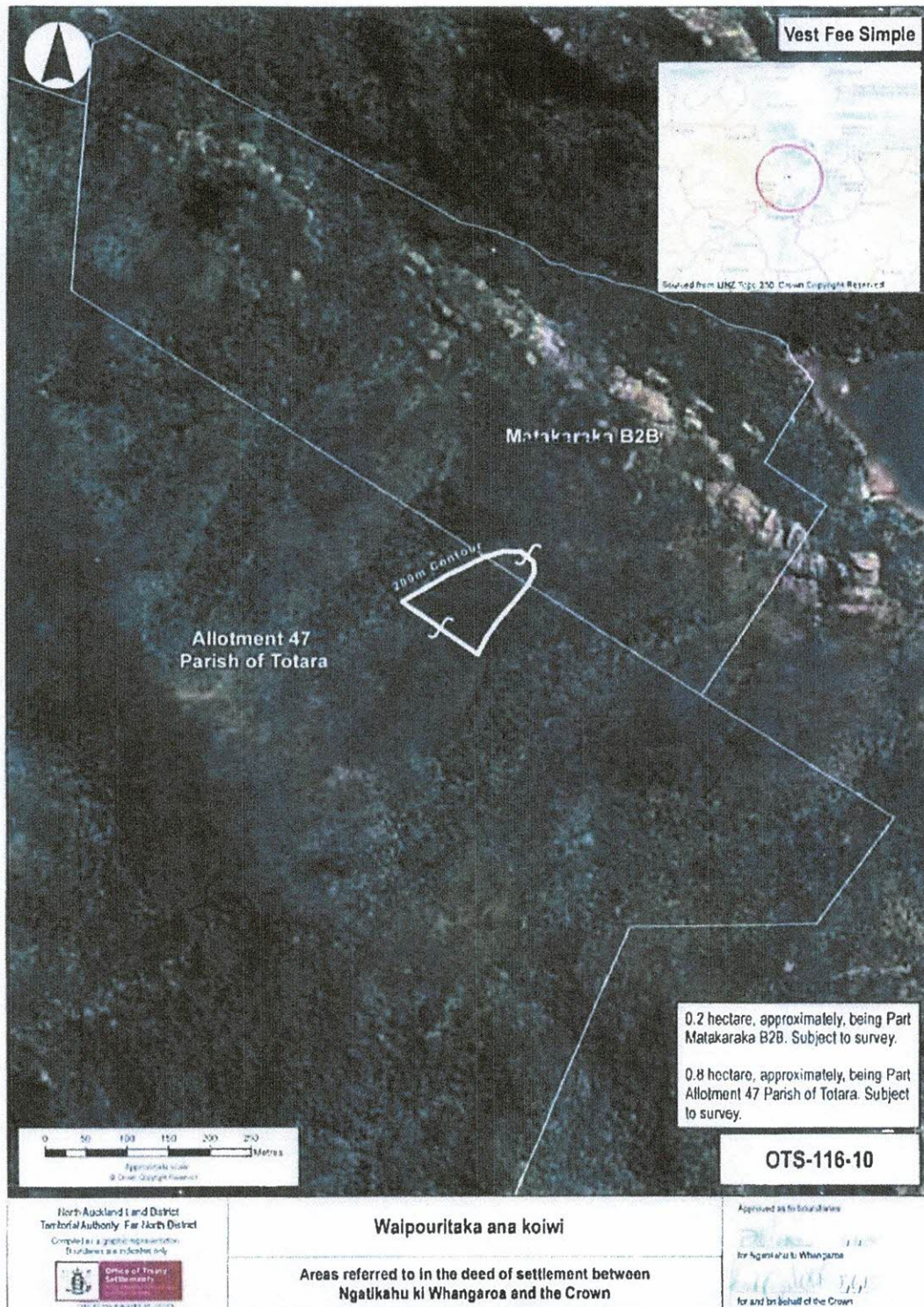
Temahani Urupā - OTS-116-03



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

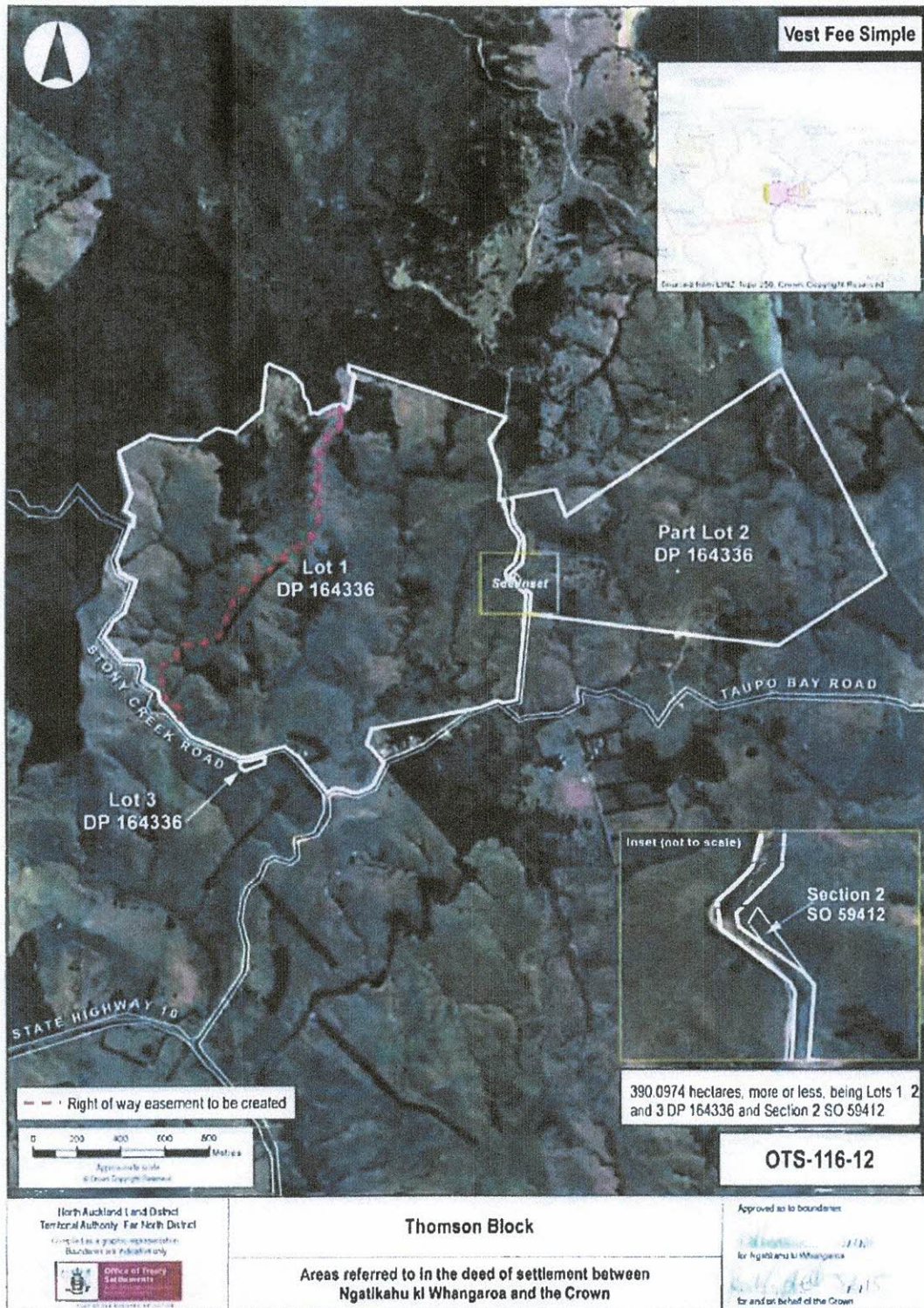
Waipouritaka ana koiwi - OTS-116-10



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

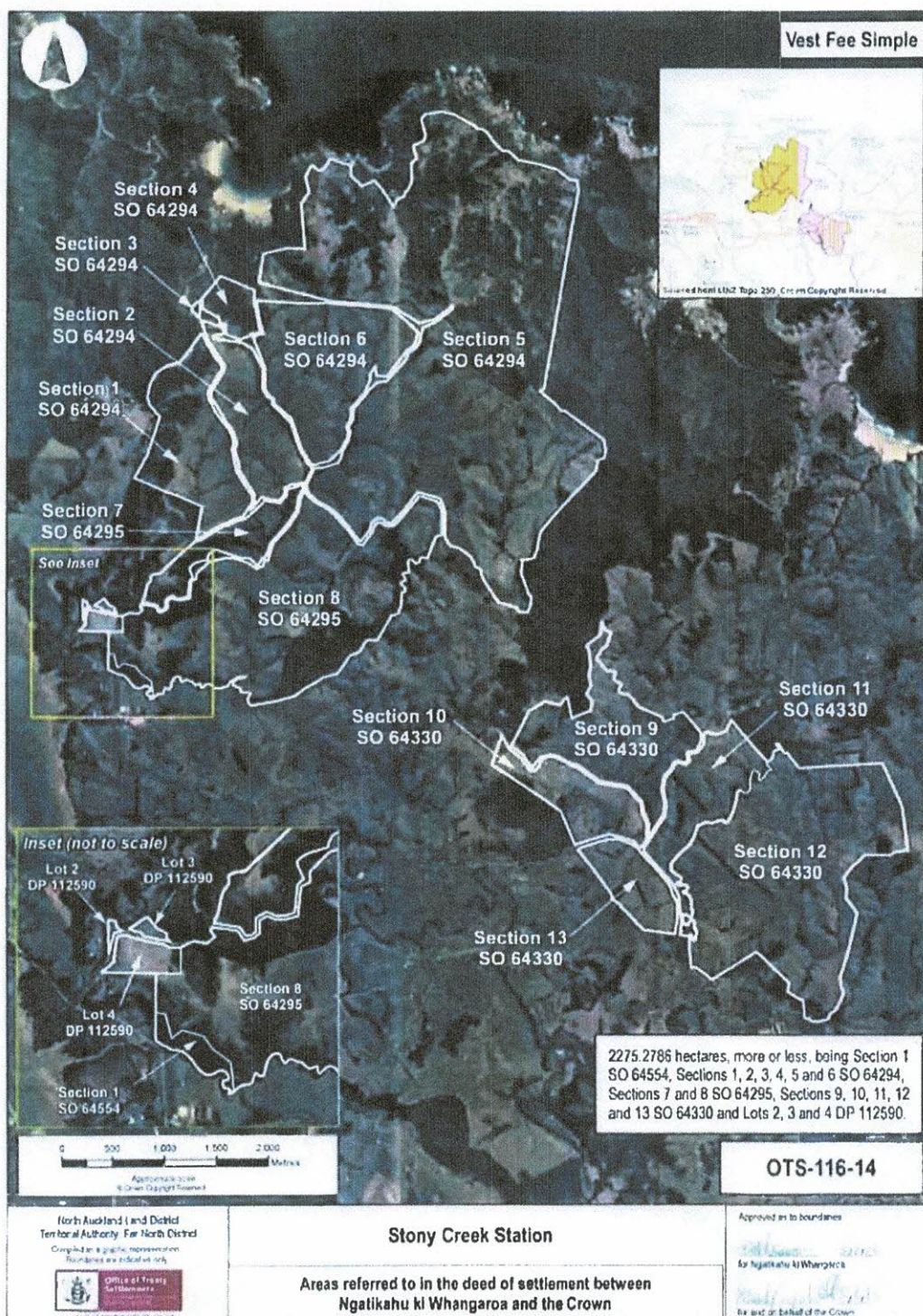
Thomson Block - OTS-116-12



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Stony Creek Station - OTS-116-14



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

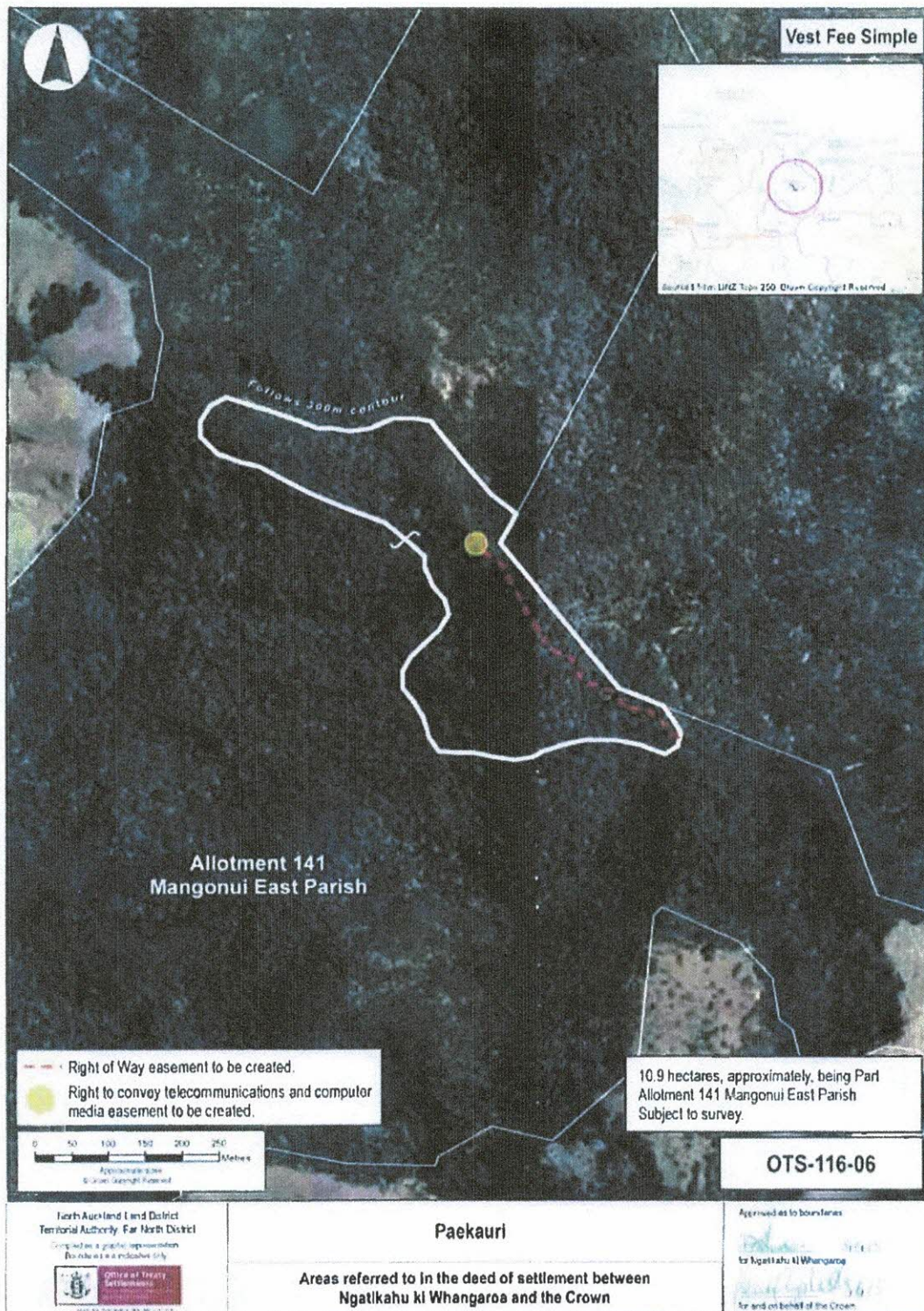
Taemaro to Tokamatā - OTS-116-05



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Paekauri - OTS-116-06



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Kōwhairoa Peninsula property - OTS-116-08



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Waihi Bay property - OTS-116-09



NGATIKAHU KI WHANGAROA DEED OF SETTLEMENT:
ATTACHMENTS

2. DEED PLANS

Ranfurly Bay Scenic Reserve - OTS-116-22

