Proposed Far North District Plan – Hearing 4

Natural Environments – Planning

Te Aupōuri Commercial Development Ltd

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- Te Aupōuri Context
- Key Issues
  - Defined Terms
  - Minimum necessary
  - Clearance for papakāinga and marae
  - Other vegetation clearance for TSL and MPZ land.

Presentation Structure

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Reference

- Aupouri Maori Trust Board
- Fee Simple Vesting in Te Aupouri
- Joint Vesting in Te Aupouri and Other Iwi
- Te Aupouri Area Of Interest
- Te Oneroa-a-Tohe Management Area
- Aupouri Forest

- TeKao 71
- Te Arai
- Te Raite Station
- Cape View Station
- Kokota
- Onepu Forest
- Wairahi Farm
- Hukatere Flats
- Onepu Farm
- Te Rerenga Wairua

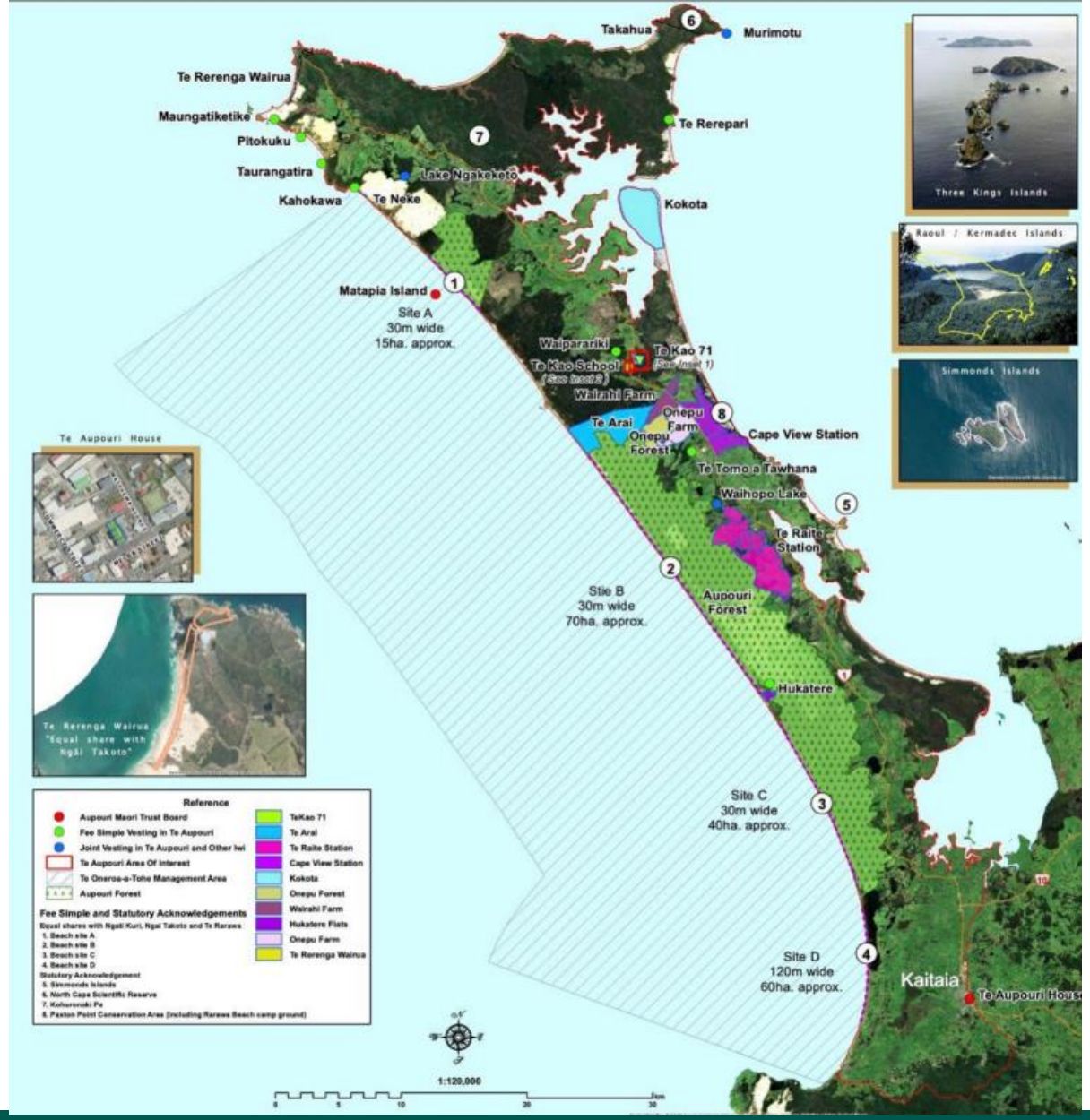
Fee Simple and Statutory Acknowledgements

Equal shares with Ngati Kuri, Ngai Takoto and Te Rarawa

1. Beach site A
2. Beach stie B
3. Beach site C
4. Beach site D

Statutory Acknowledgement

5. Simmonds Islands
6. North Cape Scientific Reserve
7. Kohuronaki Pa
8. Paxton Point Conservation Area (including Rarawa Beach camp ground)



Te Aupōuri Treaty Settlement

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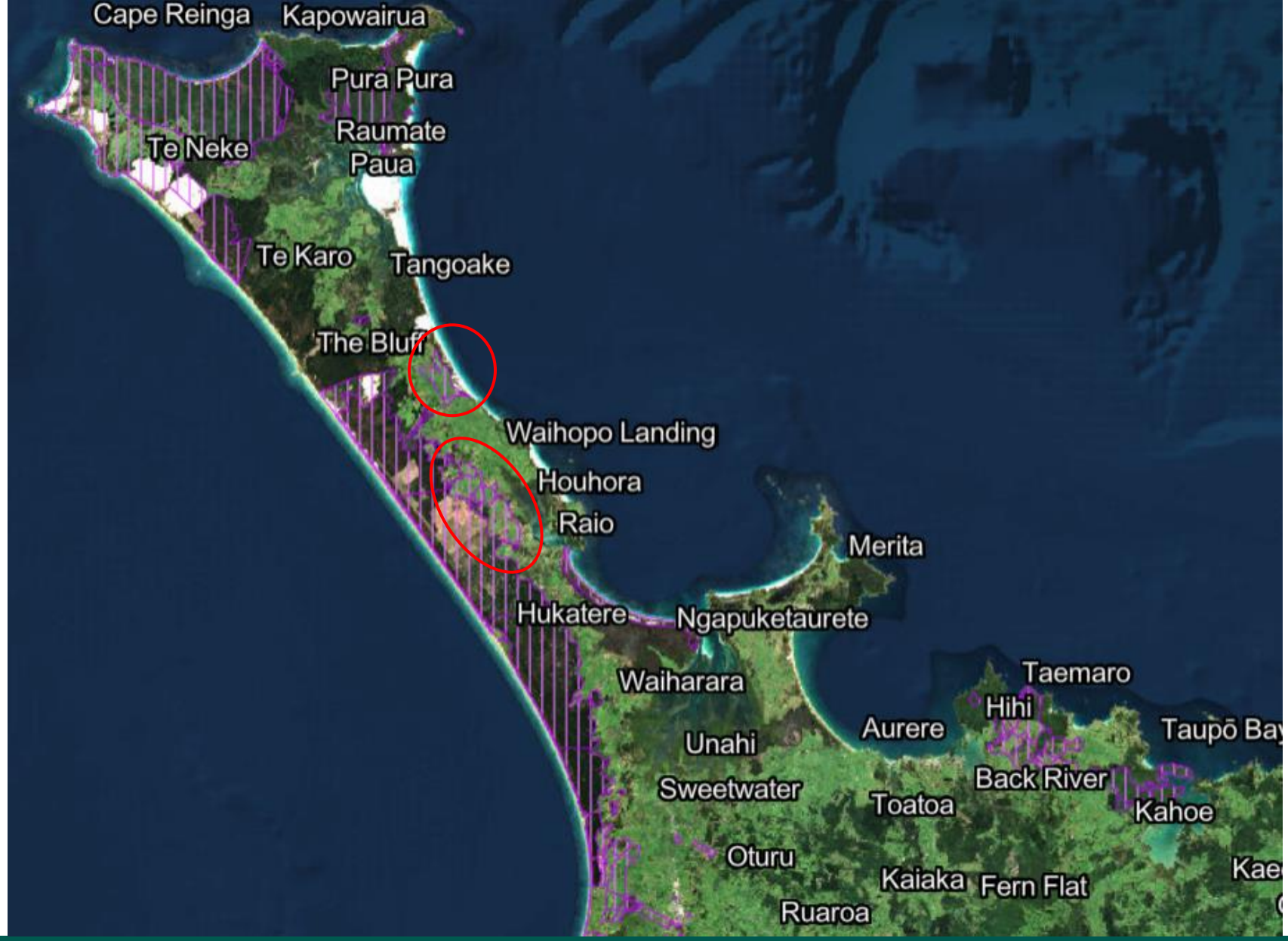
"The Treaty settlement process and the return of land has been fundamental in ***reconciling and enabling the relationship of Te Aupōuri to their ancestral lands,*** *rivers and oceans, wāhi tapu and other taonga.*

Ensuring that ***Treaty Settlement land is ancestral land in the FNDP*** *is critical. The treaty settlement process has, by legislation, recognised Te Aupōuri's relationship to this land as outlined in our deed of settlement."*



PDP TSL Overlay – Te Raite & Pukekaroro Station's

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- *Acknowledge that these are being addressed in a separate hearing, at a later date, but these are necessary to understand the true meaning and implementation of the rules.*

The PDP proposed definition for “Papakāinga” as follows:

“means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on:

a) Māori land;

b) Treaty Settlement Land;

c) Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or

d) General land owned by Māori where it can be demonstrated that there is an ancestral link identified.

Papakāinga may include (but is not limited to) **residential**, social, cultural, economic, conservation and recreation activities, **marae**, wāhi tapu and urupā.”

PDP – Defined Terms: Papakāinga

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PDP proposes to list the term “marae” in the Glossary and is described as:

*“**Complex** of buildings which provide the focal point for social, cultural, and economic activity for Māori and the wider community.”*

- *Given “marae” are specifically mentioned in a number of PDP provisions (policies and rules), it is my opinion that this would more appropriately sit in the Definitions Chapter.*

- The term “minimum necessary” is recommended to be included in IB-R1.
- Permitted activity rules must be written in a way that removes any judgement, and must be clear and measurable, i.e., you comply or you don’t.
- Any material nuance or eligibility criteria to the rule should specified by criteria or by a general performance / development standard. In terms of this rule, I consider that this achieved through sub-clauses 1 – 14.
- *I recommend “minimum necessary” is deleted.*

- s42A Recommends the following amendments to the IB-R2 :

"PER-1 It does not exceed:

1. 1,500m2 for a marae ~~complex~~, including associated infrastructure and access; and

2. 1,000m2 for the first residential unit and 500m2 for each additional unit per residential unit."

- *Support tiered approach to provide for indigenous vegetation clearance for one or more residential unit as part of a papakāinga development.*
- *In terms of IB-R2 PER-1(1), I recommend an additional amendment to delete the term 'complex' from the rule as "marae" already refers to a "complex of buildings"*

- s42A recommends reductions in the indigenous vegetation clearance within PER-R1-(2) in the RPZ, MPZ and TSL Overlay given the absence of SNA mapping and expert ecological evidence to support these thresholds.

- The Operative Far North District Plan (ODP) provides for up to 2ha of indigenous vegetation clearance within the Rural Production Zone.

- *The 5,000m2 threshold to be more appropriate in the MPZ and TSL Overlay, particularly in the absence of SNA Mapping. Particularly in the MPZ and TSL Overlay, as it will better give effect to the directions of clause 3.18 of the NPS-IB for Specified Māori Land*

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