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20 November 2024

Speaking Submissions before the PDP Independent Hearing Panel; hearing number 8 pursuant to clause 8 (1),(a) of schedule 1 of section 32 of the RMA'91.

With respect, I would like to share the five following observations.

1. That the FNDC Plan Team notified a proposed plan that has extensive zoning that is mapped well outside the boundaries of its jurisdiction. (This because the Natural Open Space Zone is not a term used in conjunction with the Radical Title of the CMA); Ref: sections 30 and 31 of the RMA'91).

2. That other Natural Open Space zoning the FNDC Plan Team applied within its boundary jurisdictions are likely contrary to and/or misrepresentative under the authority of the RMA'91 or for that matter, section 3 of the Treaty of Waitangi Amendment Act 1993. (This in effect, because the FNDC is legally a private person and not a government agency).

3. That the FNDC Plan Team either by mistake or deliberate disregard applied zoning contrary to the authorized rights of ratepayers through rules in the Operational District Plan that are not fit for purpose in regards to the use and resource consents that run with the land. (This because Natural Open Zoning does not at all fit well with the purposes of any reserve owned by the FNDC).

4. That the FNDC Plan Team has zoned land that is contrary to the purpose by which that specific land is held by legislation founded on a Deed of Trust enacted subject to sections 2,4,and 6 of the Public Reserves, Domains, and National Parks Act 1928. Therefore, that land should be recognized as Open Space zoning which was the sole purpose of the Deed in 1932. (This because only a small portion of all the Waitangi Trust land is zoned Opan Space that is held and managed by the Waitangi Trust Board).

5. Conclusion: That these discrepancies in the Proposed District Plan should be re-evaluated and remedied pursuant to section 32 of the RMA'91, which is not in any way a duty and/or responsibility that can be delegated to the submitter by an independent hearing panel. (This because although these concerns are not at this point further submissions pursuant to sub-sections 8 (1),(b) of schedule 1 , they do represent greater aspects of public interest in the CMA and/or regional policy statements that effect public access to and along the CMA and/or any maritime facilities that cross jurisdictional boundaries).

Doug Schmuck
S21.001 & .002; S185.001

ANALYSIS

1993, No. 92

An Act to amend the Treaty of Waitangi Act 1975

[*20 August 1993*

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Treaty of Waitangi Amendment Act 1993, and shall be read together with and deemed part of the Treaty of Waitangi Act 1975 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "Maori", the following definition:

" 'Private land' means any land, or interest in land, held by a person other than—

"(a) The Crown; or

"(b) A Crown entity within the meaning of the Public Finance Act 1989:".

3. Jurisdiction of Tribunal to consider claims—Section 6 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

"(4A) Subject to sections 8A to 8I of this Act, the Tribunal shall not recommend under subsection (3) of this section,—

"(a) The return to Maori ownership of any private land; or

"(b) The acquisition by the Crown of any private land."

This Act is administered in Te Puni Kokiri.