
To: Far North District Council

Re: Further Submission on Proposed Far North District Plan – Te Aupōuri Commercial Development Ltd

Full Name: Te Aupōuri Commercial Development Ltd Attn: Tipene Kapa-Kingi

Phone: Tipene – 021 0818 9903, Makarena 027 286 2298

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Date: 4 September 2023

Further Submission Information:

This is a further submission on the Far North District Council’s (FNDC) Proposed Far North District Plan (PDP). Te Aupōuri Commercial Development Ltd (TACDL) has an interest greater than the interest the general public has, as it made an original submission on the PDP (#339), and the submission points identified within this further submission, specifically affect TACDL interests in the Far North District.

TACDL could not gain an advantage in trade competition through this further submission.

The specific original submission points of the PDP that TACDL further submission relates to are attached.

TACDL supports or opposes to the specific submission points as listed in the attached document. The reasons are provided in the attached document.

The decisions that TACDL wishes Far North District Council (FNDC) to make to ensure the issues raised by TACDL are dealt with are also contained in the attached document.

TACDL wishes to be heard in support of this further submission.

Ngā mihi,



Makarena Dalton (on behalf of TACDL)

Associate – Barker & Associates

Sub point #	Submitter Name	Plan Section & Provision	Support/Oppose	Reasons	Relief Sought
S338.028	Our Kerikeri Community Charitable Trust	Treaty settlement land overlay & TSL-R3	Oppose	Our Kerikeri Community Charitable Trust submission point generally applies to multi-unit development and does not take into account the purpose or intended outcomes of the TSL land. Importantly, it does not recognise that TSL land may be located in urban or rural areas and in TACDL’s view, TSL provisions require flexibility to respond to site characteristics based on the carrying capacity of each site.	Reject FS409.001
S481.001	Puketotara Lodge Ltd	Treaty settlement land overlay & TSL-R2	Oppose in part	Puketotara Lodge Ltd seeks to include additional matters of discretion that in TACDL’s view is unclear, in particular the following: <ul style="list-style-type: none"> • <u>Avoiding nuisance or damage to adjacent or downstream properties;</u> The term ‘nuisance’ is considered subjective and inappropriate in this instance.	Reject in part FS409.002
S383.001	Trustees of Jet#2 Trust	Overview	Oppose in part	In TACDL’s view, the relief sought by Trustees of Jet#2 Trust is unclear. The submission seeks to	Reject removing the TSL Overlay. FS409.003

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				provide a more 'fair' and 'consistent' planning framework to avoid sporadic development outcomes. However, this position does not recognise that the TSL requires flexibility to provide for commercial, social and cultural redress aspirations. In TACDL's views, this is appropriate, given land is returned for cultural and economic redress purposes. Each Post-Treaty Settlement Groups (PSG) has varying aspirations to the support the economic, social and cultural aspiration. In TACDL's view, relief sought in primary submission (#383) is unclear and cannot easily be attributed to a resource management issue or effect.	
S359.024	Northland Regional Council	Treaty settlement land overlay & Rules	Support	TACDL supports Northland Regional Council's for the reasons outlined in the primary submission. In particular, the amendment of provisions that unduly and unnecessarily restrict PSG's using TSL land to will support their economic, cultural and social aspirations.	Accept FS409.004
S512.039	Royal Forest and Bird Protection Society of New Zealand	Treaty settlement land overlay / TSL-P3	Oppose in part	TACDL considers that the management of SNA's is most efficiently managed in the relevant Natural Environment Chapter as	Reject FS409.005

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				opposed to within another overlay. This is considered to create unnecessary duplication.	
S561.055	Kāinga Ora Homes and Communities	Objectives	Support in part	TACDL supports the submission for the reasons outlined in their submission	Accept in part FS409.006
S561.056	Kāinga Ora Homes and Communities	TSL-P3	Support in part	TACDL supports Kāinga Ora’s intentions to provide for the inclusion of kaitiakitanga, mātauranga and tikanga Māori. However, the amendments sought restrict the policy to land that is zoned MPZ and the TSL Overlay largely applies to land that is not MPZ.	Accept in part FS409.007
S561.057	Kāinga Ora Homes and Communities	TSL-P4	Support in part	Supports intentions of submission, in particular, to enable the use and development of TSL land where it supports TACD’s social, economic and cultural aspirations.	Accept in part FS409.008
S561.058	Kāinga Ora Homes and Communities	TSL-P5	Support in part	TADCL supports the amendments sought by Kāinga Ora for the reasons outlined in their primary submission.	Accept in part FS409.009
S561.061	Kāinga Ora Homes and Communities	Standards	Support in part	TACDL supports the amendments sought by Kāinga Ora.	Accept in part FS409.0010
S561.062	Kāinga Ora Homes and Communities	TSL-R3	Oppose in part	TACDL agrees that Papakāinga includes residential activities. However, not all housing developments undertaken on TSL land will be ‘papakāinga’. For these reasons, TACDL considers the	Reject in part. FS409.011

				provision of residential and papakāinga activities is necessary.	
S561.063	Kāinga Ora Homes and Communities	TSL-R4	Support in part	TACDL supports the deletion of TSL-R4 PER-1.	Accept in part. FS409.012
S561.064	Kāinga Ora Homes and Communities	TSL-R5	Support in part	TACDL supports the deletion of TSL-R5 PER-1.	Accept in part. FS409.013
S561.065	Kāinga Ora Homes and Communities	TSL-R11	Support in part	Supports the provision of kohanga as being exempt and that the overall activity status of discretionary is not needed in this case. The objectives of TSL Overlay seek to provide for the occupation, use and development of the land in a manner that supports redress and can be appropriately serviced by infrastructure. This is considered to include education facilities such as kura and kohanga.	Accept in part. FS409.014
S498.072	Te Rūnanga Ā Iwi O Ngapuhi	TSL-R4	Support in part	Support the removal of density threshold that restricts the number of dwellings on a site. TACDL agrees that the number of dwellings can be suitably managed by the carrying capacity (infrastructure constraints) of the land.	Support in part FS409.015
S498.073	Te Rūnanga Ā Iwi O Ngapuhi	TSL-R4	Support in part	TACDL supports for the reasons outlined in the primary submission.	Support in part FS409.016
S498.074	Te Rūnanga Ā Iwi O Ngapuhi	TSL-R11	Support in part	TACDL agrees that restrictions should not apply to education activities such as kohanga reo, kura	Support in part FS409.017

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				kaupapa and where wānanga on TSL land.	
S442.126	Kapiro Conservation Trust	TSL-P3	Oppose	TACDL considers that the management of SNA's is most efficiently managed in the relevant Natural Environment Chapter as opposed to within another overlay. This is considered to create unnecessary duplication.	Reject FS409.018
S516.009	Ngā Tai Ora - Public Health Northland	Rules	Support in part	TACDL supports improvements to the overall plan structure that will provide clarity and consistency for how overlays / zones and other chapters will interact.	Accept in part. FS409.019