

To: Far North District Council (**FNDC**)
Full Name: Tracy and Kenneth Dalton (**TKD**)
Re: Submission on Proposed Far North District Plan (**PDP**) – Tracy and Kenneth Dalton (**TKD**)
Mobile: 021703182
Address for Service: Tracy and Kenneth Dalton, trydalton@gmail.com
Date: 21 October 2022

Submission Information:

This is a submission on the Proposed Far North District Plan (**PDP**).

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

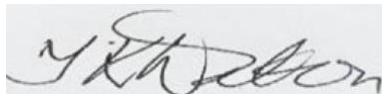
The specific provisions of the Plan Changes that TKD submission relates to are attached.

TKD opposes/supports/seek amendment TKD to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

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

TKD wishes to be heard in support of this submission / does not wish to be heard in support of this submission TKD.

If others make a similar submission, TKD will consider presenting a joint case with them at a Hearing.



Tracy Dalton

1.0 Introduction

The PDP is of particular interest to TKD as kaitiaki and owners of whenua land in the Far North District. TKD are the name owners or shareholders on land at the following sites:

1. 4749 State Highway 12, Kaikohe (NA31B/253, Tuhuna 4H Block);
2. Record of Title referenced NA31B/253, and legally described as Tuhuna 4H Block;
3. Record of Title referenced 495668, and legally described as Tuhuna No.4F Block;

The sites of interest are shown in Figure 1 below, and are numbered to correspond with the list above.

The submission covers matters addressed by the PDP which TKD have an interest in, particularly in regard to their landholdings, which are either zoned Rural Production Zone (**RPROZ**) or Māori Purpose Zone (**MPZ**). **Attachment 1** includes specific points of submission and relief sought.



Figure 1: Locality of Land of Interest to TDK

2.0 Conclusion

In conclusion, TKD seeks the following relief:

- (a) That TKD's submission is addressed through decisions on the PDP and that the specific amendments sought in **Attachment 1** are made; and
- (b) Any further necessary consequential amendments required to achieve (a) above.

TKD looks forward to working collaboratively with FNDC to address the above relief and is happy to meet with FNDC policy staff or consultants to work through these matters.

Attachment 1: Specific Submission Points on PDP

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
1	Definitions – Papakāinga	Support, seek amendment	<p>We supports the inclusive intention of this definition, however, it is concerned that the broadness and reference to undefined terms make it unclear and may make it challenging to determine whether it is a permitted activity or not. Undefined terms include:</p> <ul style="list-style-type: none"> • Social activity; • Cultural activity; and • Economic activity. <p>This issue may be resolved by nesting tables, however, we seek that FNDC refine the definition for “papakāinga” to ensure clear and consistent application and interpretation of the activity and definition.</p>	<p>Amend the term Papakāinga to remove vague terminology as follows:</p> <p><i>“means an activity undertaken to support traditional Māori cultural living for tangata whenua residing in the Far North District on:</i></p> <ol style="list-style-type: none"> 1. <i>Māori land;</i> 2. <i>Treaty Settlement Land;</i> 3. <i>Land which is the subject of proceedings before the Māori land court to convert the land to Māori land; or</i> 4. <i>General land owned by Māori where it can be demonstrated that there is an ancestral link identified.</i> <p><i>Papakāinga may include (but is not limited to) residential, social, Māori cultural, economic commercial, conservation and recreation activities, marae, wāhi tapu and urupā”</i></p>
2	Definitions	Seek amendment	<p>Further to the changes sought to the definition of “Papakāinga” in submission point 2, we that seek that FNDC incorporate a new definition for “Māori Cultural Activities”</p>	<p>Include a new definition for Māori Cultural Activity as follows: S479.002</p> <p><i>“means activities undertaken by or associated with whanau, hapū or iwi that are in</i></p>

			to assist with interpretation of the Papakāinga rules provided throughout the PDP.	<u>accordance with tikanga, including ceremonial, ritual, transferring marking areas or boundaries, or recreational activities.”</u>
Part 1 – Introduction and General Provisions – Tangata Whenua				
3	TW-01 – TW-05	Support	We supports the intentions of the objectives proposed in the Tangata Whenua Chapter.	Retain as notified. S479.003
4	TW-P1	Support	We support the intentions of this policy.	Retain as notified. S479.004
5	TW-P2	Support, seek amendment	We support the intentions of this policy as it specifically provides for opportunities for tangata whenua to participate in the management of resources where it relates to ancestral lands, water, sites, wāhi tapu and other taonga. However, in TKD’s view, this policy can be strengthened by providing for the transfer and/or delegation of functions and powers in accordance with Sections 33 of the RMA.	Amend as follows: S479.005 “Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga, including through: <ul style="list-style-type: none"> a. recognition of the holistic nature of the Māori worldview; b. the exercise of kaitiakitanga; c. the acknowledgement of matauranga Māori; d. regard to Iwi/Hapū environmental management plans; and e. <u>Mana Whakahono-ā-Rohe arrangements;</u> f. <u>the transfer of powers to iwi, hapū and whānau; and</u>

				g. any other agreements.
6	TW-P3 – TW-P6	Support	We support the intentions of this policy.	Retain as notified. S479.006 S479.007 S479.008 S479.009
Part 2 – District Wide Matters – Hazards and Risks – Natural Hazards				
7	NH-R5 and NH-R6	Seek amendments	NH-R5 and R6 require all new buildings and extensions or alterations to buildings that accommodate vulnerable activities to be set back a minimum of 20m from the dripline of any ‘contiguous scrub or shrubland, woodlot or forestry’, none of which are defined terms. This provision is very similar to that contained in Chapter 12 of the ODP and is often a trigger for resource consents, whereby FNDC typically request approval from Fire and Emergency NZ who assess whether there is adequate provision of fire sighting supply and access. There is considered to be adequate consideration of firefighting water supply within the NH-R5 and R6 PER-1 and TRAN-R3-PER-1. Therefore, it is considered unnecessary to include a setback requirement when there is already adequate provision of the firefighting supply and access requirements.	Delete PER-2 from rules NH-R5 and NH-R6. S479.010 S479.011
Part 2 – Natural Environment Values – Ecosystems and Indigenous Biodiversity				
Policies				
8	Overview	Seek amendment	TKD are concerned that the overview section of the Ecosystems and Indigenous Biodiversity Chapter (EIB Chapter) does not contain or reflect the role of tangata whenua	<ul style="list-style-type: none"> TKD seeks that FNDC undertake direct engagement with tangata whenua to better understand the role of tangata whenua as kaitiaki, S479.012

			<p>as kaitiaki over existing forests/bush that exist on their whenua. As detailed in the overview, there are large tracts of indigenous vegetation that exist of whenua Māori or land owned by Māori that are being managed and protected in accordance with Māori cultural values such as manaakitanga that is in line with tikanga and mātauranga Māori whereby tangata are exercising their role as kaitiaki.</p> <p>TKD are concerned that FNDC are proceeding with provisions that relate and reference Significant Natural Area's without undertaking the necessary engagement with tangata whenua. This is in direct conflict with the directions outlined in the exposure draft for the Natural and Built Environment Act and draft National Policy Statement for Indigenous Biodiversity (NPSIB).</p>	<p>particularly how this is variable across whanau, hapū and iwi.</p> <ul style="list-style-type: none"> • That FNDC amend the overview to recognise and provide for tangata whenua as kaitiaki, acknowledging that tikanga and mātauranga Māori play a central role in how tangata whenua manage this resource.
9	IB-P1	Seek amendment	<p>The PDP relies primarily on the identification of SNA's by using the methods and criteria outlined in Appendix 5 of the RPS. However, the criteria are principally based on ecological values and there is no provision or recognition of te ao Māori values or mātauranga Māori. In our view, IB-P1 needs to be broadened to ensure the following is achieved:</p>	<p>That FNDC amend as follows: S479.013</p> <ul style="list-style-type: none"> • That requires engagement with tangata whenua to identify areas of significant ecosystems and biodiversity, particularly for the identification of taonga species. • Delete clauses (c) – (e) of policy IB-P1. <p>S479.014</p>

			<ul style="list-style-type: none"> • Engagement with tangata whenua is undertaken as part of the identification of any SNA's; • Mātauranga and tikanga Māori is incorporated. <p>Additionally, it is considered that clarity and coherence of this policy would be improved by narrowing its focus to identification related directions only and establishing new policies to encourage protection and provide assistance.</p>	
10	IB-R2	Seek amendments	<p>A number of our sites of interest has established indigenous vegetation providing important habitat for fauna. The extent and health of this habitat demonstrates how we have been exercising and performing our role as kaitiaki and managing this resource for current and future generations of our whanau.</p> <p>We have concerns with the provisions for EIB, as they do not provide sufficient enablement for the use and occupation of land. As FNDC is aware, whenua Māori has been alienated through decades of legislative processes resulting in the marginalisation of Māori from their lands, waters, sites, wāhi tapu and taonga. For these reasons, the enablement of use and development to support the</p>	<p>Amend the thresholds detailed in IB-R2, to reflect the role of tangata whenua as kaitiaki, and provide for tangata whenua to use and occupy their land. S479.015</p>

			<p>occupation of whenua is required. While IB-R2 provides for limited clearance of land for papakāinga, the thresholds do not sufficiently enable the development of land for papakāinga development, particularly where there is more than one residential unit being constructed. In our view, this does not recognise the complex nature of multiple ownership of whenua Māori land. In our case, our land was converted through Māori Affairs legislation in the 50's to General Title, and although two of these blocks have remained in general title the land is ancestral and provides for the wellbeing of our wider whanau.</p> <p>Finally, it is noted that the section 32 does not include analysis on the suitability of the thresholds proposed, and in the absence of this, we seek flexibility in the thresholds to provide for the wellbeing of our whanau.</p>	
11	Rules IB-R1, IB-R3 and IB-R4	Seek amendments	<p>The PDP excludes the mapping that was released as part of the Draft Plan, and while we support its removal, it is now unclear how these provisions will be applied, assessed and monitored. Rules IB-R1, IB-R3 and IB-R4 all reference SNA as permitted activity rules. Given there is no mapping to identify these areas, there is no means to assess compliance</p>	<p>Amend IB-R1-R4 to include maximum clearance thresholds to apply to indigenous biodiversity more generally. S479.016 S479.017 S479.018 S479.019</p>

				with the permitted standards except by providing a site-specific report prepared by a suitably qualified ecologist which is considered to be inappropriate as a permitted activity status. For these reasons, we are concerned with this approach and seek amendments to the provisions as they have been notified.	
Part 3 – Area-Specific Matters					
Rural Production Zone					
12	PROIZ-R3 Activity	Residential	Seek amendment	The RPROZ limits residential development to one unit per 40ha of site area, up to a maximum of 6 per site and requires a discretionary activity resource consent for non-compliance with either of these standards. This is considered to be an overly restrictive rule framework. The section 32 has some brief commentary regarding the 40ha size limit at it relates to subdivision and considers this to be a response to manage fragmentation effects. We note that this density control has been proposed to align with the controlled activity subdivision threshold (which is discussed separately), however, aside from this there is little evaluation within the section 32 of the appropriateness of threshold. Further, it is noted that the Whangārei District Plan and	Amend PROZ-R3-PER-1 to allow for at a minimum, one residential unit per 20ha. S479.020

			Kaipara's Exposure Draft Plan each have rule frameworks that would provide for two residential units per 40ha. It is considered that these provisions should be amended to align with adjacent Councils to provide a more consistent region wide approach to the management of RPROZ land.	
13	RPROZ-R4	Support	We support the intention of this rule.	Retain as notified. S479.021
14	RPROZ-R7	Support	We support the intention of this rule.	Retain as notified. S479.022
15	RPROZ-R8	Support	We support the intention of this rule.	Retain as notified. S479.023
16	RPROZ-R10	Support with amendments	We support the intention of this rule, however, it is unclear why a 30m setback from any 'internal' boundary is required. Particularly as 'internal boundary' is not a defined term and it is unclear what this relates to. Further, there are already appropriate setbacks in place by RPROZ-S3.	That FNDC amend RPROZ-R10 to delete the 30m setback in RPROZ-R10-PER-1. S479.024
17	RPROZ-R11	Support	We support the intention of this rule.	Retain as notified. S479.025
18	RPROZ-R19	Seek amendment	We support the inclusion of a minor residential unit rule, however, considers this can be appropriately managed as a permitted activity with the same clauses applied. Further, it is noted that this rule does not contain any matters of control making it unclear which matters/effects require assessment and what the parameters of control are.	Amend activity status to make a permitted activity. S479.026

19	RPROZ-R20	Support, amendments	seek	We generally support the intention of these provisions. However, we consider that these would be best managed as a controlled activity, in line with the ODP's activity status.	Amend activity status to make a controlled activity. S479.027
Part 3 – Area-Specific Matters – Special Purpose Zones – Māori Purpose Zone					
20	MPZ-R2	Support		We support increased impermeable surface thresholds, as in our view it recognises the nature of whenua Māori, particularly the innate nature that it is often in common and shared ownership. This often results in the land be used and occupied by multiple whanau.	Retain as notified. S479.028
21	MPZ-R3	Seek amendments		It is unclear why farming is constrained by PER-1. In our view, the management of offensive trade is best managed as a separate activity. The RPROZ does not restrict farming in this way. For consistency across the PDP, we seek PER-1 is deleted.	Amend MPZ-R3 to delete PER-1. S479.029
22	MPZ-R4	Seek amendments		For the reasons detailed in submission point 12, we consider that the 40ha density control to be inappropriate. It is noted that there appears to be a numbering error in this rule as it does not contain a PER-1.	Amend MPZ-R4-PER-2 to allow for at a minimum, one residential unit per 20ha. S479.030
23	MPZ-R15	Support with amendments		We support the intention of this rule, however, we concerned with the thresholds proposed in PER-1. In the absence of section	Seek that FNDC delete PER-1. S479.031

			32 analysis of the thresholds, it is unclear whether these are the most practical in achieving the purpose of the RMA.	
Mapping				
24	MPZ	Seek amendment	<p>The MPZ recognises and provides for Māori freehold land, Māori customary land and general land owned by Māori, as defined in Te Ture Whenua Māori Act 1993. The land identified as '1' and '2' in Figure 1 above shows our sites of interest which meet the definition of General Land Owned by Māori.</p> <p>Our whanau have been the kaitiaki of this whenua ("owners") since the early 1900s, when titles were established. The history and whakapapa of this whenua is sensitive and is not something we want to share through this public process. Despite the land being in general title, we consider ourselves the kaitiaki and ahi kā of the land with responsibilities to care for the whenua and be a place where family can return. In our view, the land is a papakāinga for the wider whanau and will not be sold or disposed of now and into the future. For this reasons, we seek the land be rezoned MPZ in line with our values, the nature of the tenure and recognise our relationship with our land in accordance with section 6(e) of the RMA.</p>	That FNDC rezone the sites show in Figure 1 as '1' and '2' to MPZ. S479.032