



Submission # 579

Remember submissions close at 5pm, Friday 21 October 2022

## Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

### 1. Submitter details:

|   |                           |       |       |
|---|---------------------------|-------|-------|
| Full Name:                                      | John Hepa Makimou Paitai  |       |       |
| Company / Organisation Name:<br>(if applicable) | Ahipara Takiwā            |       |       |
| Contact person (if different):                  | John Paitai               |       |       |
| Full Postal Address:                            | 184 Roma Rd, Kaitaia 0481 |       |       |
| Phone contact:                                  | Mobile:<br>027 528 5373   | Home: | Work: |
| Email (please print):                           | John.paitai@gmail.com     |       |       |

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission **no**
- I **could** gain an advantage in trade competition through this submission **no.**

*If you could gain an advantage in trade competition through this submission, please complete point 3 below*

3.  I am directly affected by an effect of the subject matter of the submission that:  
Yes. (A) Adversely affects the environment; and  
(B) Does not relate to trade competition or the effect of trade competition **Yes**

~~I am not directly affected by an effect of the subject matter of the submission that:  
(A) Adversely affects the environment; and  
(B) Does not relate to trade competition or the effect of trade competition~~

*Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991*

**The specific provisions of the Plan that my submission relates to are:**

*(please provide details including the reference number of the specific provision you are submitting on)*

**Morangai - at 233 Foreshore Rd, Ahipara.**

*I would like to apologise for the late submission. I was not too sure of the process regarding Morangai or the closing dates*



Confirm your position:  Support  Support In-part  Oppose

(please tick relevant box) **I support the Pohutukawa tree be protected and the land around the Pohutukawa be made into a Māori Reserve and all developments in the subdivision require a CIA. The section that is being occupied be purchased by Council and put into a Māori Reserve.**

**My submission is:**

(Include details and reasons for your position)

When a Resource Consent was issued to the developer, FNDC were negligent in following the directive of the Environment Court. FNDC did not monitor or make the developer comply to the consent.

**Consent Order Environment Court 2005 states: (in italics)**

*Provide landscape planting for land to vest as Reserve and the areas to be subject to a land covenant (lots 19, 20 and area (B) on lot 15).*

**Response:** The reserve has not had landscaping planting done apart from what the whanau have done during the occupation. Further documentation that this has been monitored by FNDC and FNDC have complied to the conditions of the consent.

*No work to be undertaken within the drip line of the existing pohutakawa tree without the approval of council, subject to a report prepared by a suitably qualified arborist addressing the effects of such work on the tree.*

**Response:** My understanding of **Work** in this context: meaning any building, roads, infrastructure therefore nothing to do with cutting or pruning.

If works were to happen around the tree it would show some sort of significance.

When the road and paths were created, I have not seen an arborist report.

**Response:**

The tree was protected by the consent notice issued by FNDC in 2003, but, upon review at the Environment Court Hearing (2005), the protection was not upheld, and a preplacement consent notice was issued it should be noted that the Environment Court did not undertake a full hearing but instead worked with the various parties involved in the appeal namely Melville Holding Ltd (the applicant), the then-named Historic Places Trust (Heritage Trust) and FNDC. Several submissions from Iwi asked for the tree to be protected and the Council's hearing report included full protection of the tree in perpetuity. The original decision also protected the tree as lot 1 was a reserve. Following an appeal, Lot 1 was no longer included in the reserve and the tree was not protected other than by private covenant.

*Lot 23 encompassing the **whole of the archaeological terrace identifies in the Clough and Associates Limited, Archaeological assessment dated 23 March 2003** and being shown as Local Purpose (Historic) Reserve to vest in the Far North District Council, with a minimum frontage of 20 metres.*

*"that the archaeological sites identified in the report (Terraces 1 and 3) are avoided by locating house platforms and service and access routs by redesigning the subdivision as the access road transects Terrace 1 and Terrace 3 appears to be located within Allotments 2 and 3". (please see attached map)*



**Response: In the hearing it states:** "Lots 1&2 being shown as local purpose (historic) reserve to vest in the Far North District council, with a minimum area of 1320m<sup>2</sup>". Page 2c.

Lot 23 does not seem to encompass what is in the archaeological report. The hearing it states 1320m<sup>2</sup>. Lot 23 is only 679m<sup>2</sup>.

I know we are only supposed to take what the Enviro Court Judge consent. I am wondering how the sections got decreased and possibly does not cover all the archaeological site of significance.

The way I read the map in Cloughs report is that the pa site is in lot 1-3.

It seems they have taken off a little bit of land from 1,2 and 3 to create lot **23**. Creating lot 23 only includes a small segment of the pa site.

### Conclusion

The above directives from the Court were not followed and the development should be monitored carefully, and any more housing should go through a rigorous CIA.

### I seek the following decision from the Council:

*(Give precise details. If seeking amendments, how would you like to see the provision amended)*

The Pohutukawa tree be protected, and the land around should be returned to Te Runanga o Te Rarawa. In November 2017, the Council asked Far North residents to nominate exceptional trees they thought deserving of special protection under its Schedule of Notable Trees. Unfortunately, this was overlooked due to the lack of resourcing to complete this work.

S579.001

The tree was protected by the consent notice issued by FNDC in 2003, but, upon review at the Environment Court Hearing (2005), the protection was not upheld, and a replacement consent notice was issued it should be noted that the Environment Court did not undertake a full hearing but instead worked with the various parties involved in the appeal namely Melville Holding Ltd (the applicant), the then-named Historic Places Trust (Heritage Trust) and FNDC. Several submissions from Iwi asked for the tree to be protected and the Council's hearing report included full protection of the tree in perpetuity. The original decision also protected the tree as lot 1 was a reserve. Following an appeal, Lot 1 was no longer included in the reserve and the tree was not protected other than by private covenant.

The tree has been recognized as significant from iwi and there has been submissions asking for protection. The whole areas is of cultural significance. The tree throughout the years has been requested by iwi to be protected and has fallen on deaf ears.

Morangai is a pa site and terraces have been identified. The significance of this area has been ignored and directives from a Judge. FNDC has not monitored the consent and some sort of reflection of bad decisions by FNDC need to be compensated and state the Pohutukawa tree is of significance and should be registered as a tree of significance and land made into a Māori Reserve or returned to Te Runanga o Te Rarawa. The land that is being occupied and in private ownership should be purchased by the Council and made into a Māori Reserve. The Reserve land that exists should be turned into Māori land.

S579.002

I would also like to point out there is a waterfall at the top of the subdivision and the stream is called Moringae, and also be identified as a significant waterway onto Te Oneroa a Tōhē.

S579.003

I wish to be heard in support of my submission **Yes, if needed. I think others would have similar information.**  
 I do not wish to be heard in support of my submission

*(Please tick relevant box)*



|  |
|--|
| If others make a similar submission, I will consider presenting a joint case with them at a hearing<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |
| Do you wish to present your submission via Microsoft Teams?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |
| <b>Signature of submitter:</b><br><i>(or person authorised to sign on behalf of submitter)</i><br><br><b>John Paitai</b><br><br><b>Date: 26/6/2023</b><br><br><i>(A signature is not required if you are making your submission by electronic means)</i> |

**Important information:**

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

**Send your submission to:**

**Post to:** Proposed District Plan  
Strategic Planning and Policy, Far North District Council  
Far North District Council,  
Private Bag 752  
KAIKOHE 0400

**Email to:** [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)

**Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.**

**Submissions close 5pm, 21 October 2022**

**Please refer to [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) for further information and updates.**

***Please note that original documents will not be returned. Please retain copies for your file.***

**Note to person making submission**

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is no independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



**SUBMISSION NUMBER**

26 June 2023

**Far North District Council**  
**Private Bag 752**  
**KAIKOHE 0440**  
**Attention: Llani Harding**  
**Email: llani.harding@fndc.govt.nz**

**Urgent: Late Submission to Protect a Culturally Significant Tree and Moringai land for our hapu, iwi and takiwa of Ahipara.**

**The whenua at issue where the tree is sited is described below:**

- a. Physical address: 1 Wharo Way, Ahipara, Northland
- b. Legal description: Lot 1, Deposited Plan 381292
- c. Area: 789m<sup>2</sup>
- d. Estate: Fee simple
- e. Current owner: Dr Cecil Williams
- f. Land features: A level corner section lying adjacent to the Tasman Sea. Moringai Stream runs along its eastern boundary.

- This submission requests the protection of the site above including the tree to be a site of cultural significance to the uri who affiliate to Roma Marae the principal marae of Ahipara.
- Please accept this late submission brought about largely by the fact that I misunderstood what the Council District Plan was asking for.

S579.004

**Dear Members of the Council,**

I am writing to you today firstly on behalf of the Trustees of Roma Marae, Ahipara and the following hapu Ngāti Houpure, Ngāti Moetonga, Te Rokeka, Te Parewhero, Ngāti Pakahi, Patukirikiri, Ngāti Rua, Ngāti Moroki Ngati Waiora, Nga Uri o Hina, Ngā Uri o Hau, Rotohuri and Whanau Moana, that affiliate to Roma Marae. Secondly in support of the Tamaki Legal letter send to Council on the 2 December 2022.

It is with great urgency and deep respect that I advocate for the preservation of this culturally important tree that holds immense significance for our hapu and takiwa. This cherished tree stands as a living testament to our heritage, identity, and the invaluable cultural legacy passed down through generations.

The tree in question, is unique because it is sited on land that holds extraordinary historical and spiritual significance for our people. It is not merely a tree, but a living connection to our ancestors, a guardian of stories and traditions, and a symbol of our shared cultural heritage. Its roots run deep, mirroring the resilience and longevity of our people, while its branches reach for the sky, embodying the aspirations and dreams of future generations.

Throughout history, our ancestors have woven tales and legends around this magnificent tree, making it a beacon of cultural pride and an intrinsic part of our

collective consciousness. The land and tree have been a site for ceremonies, gatherings, and rituals, where knowledge, customs, and traditions have been imparted and celebrated. Its presence serves as a reminder of our deep connection to the land, the natural world, and our ancestors who walked this sacred land before us.

The potential loss of this culturally significant tree would have far-reaching implications for our Māori community, (ahi kā roa) causing irreparable damage to our cultural fabric and sense of belonging. Its destruction would be akin to severing a vital link to our ancestral past, eroding our cultural heritage, and depriving future generations of a tangible connection to their roots.

I implore the Council to recognize the importance of preserving this sacred tree, not only for the Māori community but also for the entire community at large. By protecting this irreplaceable symbol of our culture, we can foster a greater understanding and appreciation of Māori values, traditions, and contributions. Moreover, preserving this tree aligns with the principles of environmental sustainability and respect for indigenous knowledge and practices.

I respectfully urge the Council to take immediate action to halt any plans for the removal or destruction of this culturally significant tree. I propose that comprehensive consultation be undertaken with the Māori community, engaging cultural experts, elders, and representatives who have already developed an Ahipara Takiwa Management Plan, that respects and safeguards our heritage.

By working together in a spirit of partnership and mutual respect, we can find a solution that ensures the survival of this invaluable cultural asset, while also fostering cultural diversity, intergenerational connections, and community harmony. Let us seize this opportunity to demonstrate our commitment to cultural preservation and to build a more inclusive and vibrant community for all.

Finally I would appreciate an opportunity to present in person to the Council as there are aspects of our history that I consider are private and are not for public dissemination. Thank you for your attention to this urgent matter. I trust that you will consider the profound significance of this tree and land and assist us to take the necessary steps to preserve it for the benefit of present and future generations.

**“Whatungarongaro te tangata, toitu te whenua.”**  
***Man passes from this world, but land remains.***

Ngā mihi nui,

John Paitai, JP

Chairman

- Roma Marae Trustees Ahipara
- 5,7,48 Ngā Urupa o Ahipara
- St Clements Anglican Maori Church Ahipara
- Parengarenga, Ahipara, Peria Pastorate (Aotearoa)
- Ahipara A7 Ahuwhenua Trust

- Tai Tokerau Maori Trust Board Member
- Nga Marae Takiwa o Ahipara Committee Member
- Ahipara Aroha Committee Member



## Liz Searle

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**From:** John Paitai <john.paitai@gmail.com>  
**Sent:** Tuesday, 4 July 2023 9:48 pm  
**To:** Proposed District Plan  
**Subject:** Re: Ahipara Takiwā late submission to the Far North Proposed District Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside Far North District Council.

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Kia ora Theresa

This submission is late because of a misunderstanding on my part of Council's process for submissions. I have been involved with Council through the Te Hiku Revitalisation Project and with the Speed Reduction and Speed Humps in the Ahipara community through the Ahipara Aroha Community Group. The Te Moringai occupation has been supported by the three marae of Ahipara and I am the chairman of Roma Marae. However as Te Moringai meetings were always held on Sundays these clashed with my church commitments and I missed the meeting where the process for submissions was presented. I trust that this is sufficient explanation to warrant reconsideration of my late application.

Yours sincerely

John Paitai

Chairman

Roma Marae

Ahipara

ph 027 528 5373

[john.paitai@gmail.com](mailto:john.paitai@gmail.com)

On Tue, Jul 4, 2023 at 4:20 PM Proposed District Plan <[pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)> wrote:

Tēnā koe John,

Thank you for your submission which was received on the 3<sup>rd</sup> of July 2023.

Because your submission was received after the closing date for submissions (5pm, Friday 21 October 2022):

- Your submission will be summarised and made available on Council's website, alongside all other submissions, but will be labelled as a 'late submission'.
- When the Independent Hearing Panel for the Proposed District Plan is appointed, they will make a procedural decision on whether to accept late submissions. **To assist the hearing panel with their decision can you please advise, via response email by 7 July, the reasons why your submission was submitted late.** We will let you know the outcome of this decision when it is made.

If your submission is accepted and you have indicated that you would like to speak to your submission at a hearing, you will be contacted directly when hearings are being scheduled for the topics relevant to your submission. For more information and next steps please visit: <https://pdp.fndc.govt.nz>.

If you require any further information, please feel free to contact the District Planning Team on email [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz) or 0800 920 029.

Nāku, nā



**Theresa Burkhardt**

**Policy Planner**

Planning and Policy, Far North District Council | **24-hour Contact Centre** 0800 920 029

**DDI** 6494089408 | **M** 64272214149 | [Theresa.Burkhardt@fndc.govt.nz](mailto:Theresa.Burkhardt@fndc.govt.nz)

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Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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Nāku noa na

John Paitai

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