



Submission # 576



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:	Tui Lorraine Qauqau Te Paa.		
Company / Organisation Name: (if applicable)	Ahipara Takiwā		
Contact person (if different):	Tui Qauqau Te Paa		
Full Postal Address:	PO Box 30, Ahipara, Kaitaia 0481		
Phone contact:	Mobile: 027 308 5986	Home:	Work:
Email (please print):	tui.qauqau@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 1320m²". Page 2c.

Lot 23 does not seem to encompass what is in the archaeological report. The hearing it states 1320m². Lot 23 is only 679m².

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.

S576.001

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 area is of cultural significance. The tree throughout the years has been requested by Iwi to be protected and has fallen on deaf ears.

S576.002

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.

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.

S576.003

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

Yes No

Do you wish to present your submission via Microsoft Teams?

Yes No

Signature of submitter:

(or person authorised to sign on behalf of submitter)

Tui Qauqau Te Paa

Date: 20/6/2023

(A signature is not required if you are making your submission by electronic means)

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

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 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