

Tapuaetahi Incorporation
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By Email

Attention:

The Hearing Commissioners
Hearing 17: General / Miscellaneous / Sweep Up & Tangata Whenua Matters
Proposed District Plan
Far North District Council

RE: Lay Evidence Submission for Tapuaetahi Incorporation to the Proposed Far North District Council District Plan, hearing 17: General / Miscellaneous / Sweep Up & Tangata Whenua Matters

“Kia kua te whenua e riro ai”

Tēnā koutou, Commissioners.

This lay evidence is prepared by Mariao Hohaia, Executive Manager of Tapuaetahi Incorporation.

Introduction

Tapuaetahi was founded in March 1965 to ensure that the whenua was never lost to the Local Government rating scheme. At its inception, the vision was determined as “Kia kua te whenua e riro ai”—that the land is never lost.

Our vision is underpinned by our role as kaitiaki, a principle guided by our core values of Kaitiakitanga (stewardship), Māramatanga (transparency), Rangatiratanga (leadership), Wairuatanga (spirituality), and Whanaungatanga (relationships).

For us, kaitiakitanga is not a passive concept of preservation; it is an active duty and holistic responsibility of guardianship. It is for this reason that it is one of six strategic strands for our organisation to which we commit resources annually.

The other five are Farming, Leasing, Organisation, New Investment, and Shareholders.

Since its inception up until 2008, we struggled to access capital for development, as the land cannot be used for security and the annual surplus was just enough to cover the losses from

the farm operation, a few grants, and to make sure we paid the rates and kept the Council from taking our land.

Today, Tapuaetahi is a Māori Incorporation comprising approximately 717 hectares (up from 314 ha) of whenua across four blocks, including both Māori freehold land and general titles. As an ahūwhenua entity of the kāinga and people of Te Tii, its businesses are beachfront leases, farming Wagyu cattle, and forestry.

Tapuaetahi represents 485 registered shareholders, whose descendant's number is in the thousands. This is important to note because there are numerous voices and expectations spanning five to six generations, and reaching consensus on any future commitment is difficult unless the design of benefits ensures they are equitably dispersed.

We employ a Farm Manager (1 FTE) and an Executive Manager (0.8 FTE). The Committee of Management is made up of five members and meets bi-monthly.

Through the farming portfolio, we have evolved into specialty farmers who breed and finish Wagyu cross animals for Firstlight Foods. Firstlight exports a lot to the USA and distributes through supermarkets across New Zealand. We joined not long after the company started because its values and aspirations closely aligned with ours as a Māori organisation. For example, a less intensive approach to farming with a focus on animal welfare.

Our leasing portfolio along the Tapuaetahi beachfront includes 51 lease sites. This business began returning benefits to the owners (beyond merely administering the land, rates and covering farming losses) following the 2008 rent reviews.

Since 2008, we have been able to capitalise the farming operation, purchase new farm blocks (three), reinvest in the development of the leasing business, and begin increasing revenue to support shareholder initiatives such as papakāinga development. It has taken considerable time to reach this position because the whenua (our primary asset) cannot be used as security. With very few other assets, access to capital has been difficult.

The proposed new subdivision development on the parcel of land zoned Coastal Living has always been the focus for increasing our means to grow our assets and deliver more benefits for our people and the wider community.

It has been a long-term goal for our Incorporation, and we have just about negotiated ourselves into a position where we can realise this longstanding vision. A goal that has been disrupted by a few major external factors in recent years, resulting in project planning and implementation delays.

As we look to recommence this project, we are now being impacted by the Proposed District Plan and its broad approach to whenua Māori. Had we been able to continue when we started in 2018, there is no doubt we wouldn't be standing in front of you today. The subdivision would be all but completed.

We aspire to be a model for other Māori incorporations seeking to convert marginal farmland (classified as coastal dry and only conducive to dry stock) into much-needed housing. We aim to manage our whenua in a way that enhances its environmental and cultural values, ensuring it can provide for all the generations that will follow us.



Benefits

Every year there are significant grants to both our marae, Hiruharama Hou and Whitiara. These maraes not only support our cultural purposes but are well used by our wider community of Kerikeri, including district schools. Whitiara is one of the larger marae in the north and is used for large Tai Tokerau gatherings such as Waitangi Tribunal hearings, etc. Other Ngāti Rēhia marae, such as Takou and Tauwhara, have also been past recipients of contributions towards upgrade projects.

Annually, we also provide scholarships for tertiary study and sponsorship grants for regional, national, and international representation in sports, academics, and culture. We also pay dividends to shareholders.

Over the last decade and a half, these benefits have amounted to around \$2.7 million reinvested into our community and our people. From 1964 to 2008, you can imagine the sacrifices that many of our past leaders and whānau members made to get us to this position. Now these proposed changes by Council place shareholders' future benefits at significant risk through the application of policies looking to re-categorise our whenua.

Rating

While we face various constraints and challenges around Māori land tenure, unlike general land title, that has not stopped the rating of the land being assessed as if it were general title. In 2022, Quotable Value assessed our farm (120 hectares effective) at \$11,202,000.

This is crippling because rating is as if the land is general title where valuation is determined by a free-market (international) economy where the willingness of someone on the other side of the world to pay a premium for land on the north side of the Bay of Islands, among New Zealand's wealthiest land owners, sets the rateable value for our whenua.

Yet, our whenua lacks many of the attributes that give general title land its economic value. This inequity is a burden we already face compared to general title landowners.

Our rates for the Tapuaetahi farm, amount to somewhere between 50–65% of our gross income for a dry-stock block. Without the leasehold properties, we would never have been able to pay the rates. Even with the old farming concession, rates remain disproportionately high relative to the income. The lessees also pay their own individual rates. Combined, the Tapuaetahi farm and beachfront leases contribute a significant amount to FNDC. In the last decade we estimate this to be over \$2,000,000 to FNDC.

Our Submission

We consider that the Far North District Council, in its Proposed District Plan (PDP), has made a fundamental error that threatens the vision of the Incorporation. This error is the rezoning of land currently zoned Coastal Residential to Māori Purpose – Rural.

We acknowledge the efforts of the Council's s42A report writer to provide for development in the area currently zoned Coastal Living and consider this a positive shift that will support the Incorporation into the future.

We don't see a fundamental difference in whether the development area provides for papakāinga activity, residential activity, or a mixture of both housing outcomes, because our approach to these activities will be exactly the same, to best protect the equity of shareholders and the whānau who may build there. We have put a lot of consideration into this matter where (from our observations) current models fail.

There is some concern that the Council might be attempting to define what papakāinga is in application. Tapuaetahi is our whenua and part of our home here in Te Tii (papakāinga). Our occupation here predates European arrival, as documented by early missionaries. Through leasing arrangements, we have invited others to live among us, and they do so with acceptance that the land does not belong to them (it is the same for our whanau).

Moving back to the rezoning of the Coastal Residential portion of the site to Māori Purpose – Rural, we continue to have concerns with this blanket approach that doesn't appear to be grounded in the "on the ground" reality or show due consideration of the impacts.

One thing we have noted with the recent Transport Assessment by Council is that they consider the Coastal Living Zone proposal to be urban. If that is the case and is agreed, then surely so too is the Coastal Residential portion. If it is to be treated as urban, zoning should follow suit. If we are required to provide urban type infrastructure, then zoning should follow suit. Why is that not fair?

It continues to make no sense to require land that is not rural in nature to be zoned rural. It is simply incorrect. The Council is knowingly creating a situation where the lawful, reasonable use of our land potentially becomes a non-complying activity. This is not sound planning but rather the creation of a legal fiction that forms a regulatory trap. One that requires us to pretend our coastal village is a farm and then ultimately punishes us for failing to comply with that fiction

A change to Māori Purpose – Rural puts the beachfront land value (\$36,594,000 – QV 2022) in jeopardy, along with the loss of existing income. This zoning is not a mere inconvenience that we are pleading with you to change, it is an act of economic sterilisation of our business, which we have spent six decades developing.

The rezoning would make it nearly impossible to build, renovate, or even secure a mortgage on these properties (already quite challenging), effectively destroying their value. This is a direct “down-zoning” that removes development potential and strips financial value that our Incorporation and its shareholders currently hold.

The Council officer’s justification for this flawed proposal rests on a rigid, three-part test for what can be zoned Māori Purpose – Urban:

1. The land must adjoin a General Residential Zone;
2. It must be residential in character; and
3. It must be serviced with “urban infrastructure.”

This is a crude, “one-size-fits-all” tick-box exercise that completely fails to engage with the specific reality of Tapuaetahi that has been developed over time in accordance with council rules and regulations.

First, the idea that our land must physically adjoin a General Residential Zone is bureaucratic nonsense. Our landholding is a large, self-contained entity. The residential part is insulated from any neighbours by our own farm. Whether it touches a specific colour on a planning map is utterly irrelevant to its actual character or the effects of its use.

Second, the Council concedes that the land is “residential in character.” This is precisely our point. The Council acknowledges the reality on the ground but refuses to apply the logical zoning that should follow from that reality.

Third, the Council claims our land is not “serviced.” However, these areas are fully self-sufficient, and we would question whether all of the Council’s land zoned “urban” would meet this same test.

The Council officer expresses a fear of creating “isolated pockets of urban zoning across the district” with “district-wide implications and unintended consequences.”

This is a generic and unsubstantiated concern. Our community is not an “isolated pocket”; it is a long-established, logically located coastal settlement that represents the highest and best use of the land that was developed in accordance with council regulations. Good planning demands site-specific assessment, not the application of blunt, generic policies that cause demonstrable harm just to avoid a phantom “precedent.”

We, like many others, believe Tapuaetahi is a good model for whenua Māori, as it currently derive benefits for its owners and for the district as a whole. The beachfront and farm combined amount to a land value of \$47,796,000 (QV 2022). As a Māori entity, all benefits are vested straight back into our district through various means, contributing to regional wealth and development. Isn’t this what we should be enabling?

Our planning evidence has pointed out that Māori-owned land in Paihia has been zoned Mixed Use—not forced into the flawed Māori Purpose Zone framework. This proves the Council can and does use other, more appropriate zones for Māori land. Their refusal to do so here is a choice, not a necessity, and we cannot understand why they would intentionally continue down this path given the likely adverse impacts.

This is not about sound planning outcomes for our site; it is about the Council's desire for administrative simplicity, prioritising its own convenience over our rights and the wellbeing of our community. However, if we are affected, so too will the Council be, through significant reductions in its rating income of over \$200,000 annually.

This issue goes beyond mere planning rules; it strikes at the heart of the principles of the Resource Management Act (RMA). Section 6(e) of the RMA states that "*the relationship of Māori and their culture and traditions with their ancestral lands... and other taonga*" is a matter of national importance that you, the Panel, must recognise and provide for.

Our relationship with Tapuaetahi is not just a spiritual, or historical one (bound by duty to protect it) it is a living, practical relationship that includes occupying the land, housing our people, and ensuring its economic sustainability for the future. The Council's proposal serves to cripple our means to do so and to sever this practical relationship by making occupation and use impossible. To what end?

Under Section 7(a), you must have "*particular regard to kaitiakitanga.*" As we have established, our practice of kaitiakitanga involves providing for our people. The proposal to sterilise our residential land is a direct attack on our ability to be effective kaitiaki. It prevents us from developing, providing housing, and generating economic returns to reinvest in the health of our whenua and our community.

The Council has misunderstood kaitiakitanga as being only about conservation, ignoring its vital human and developmental dimensions.

Finally, under Section 8, you must "*take into account the principles of the Treaty of Waitangi.*" The Council's proposal fails this test. The principle of Active Protection requires the Council, as a delegate of the Crown, to actively protect Māori interests, including the potential and value of our assets. This proposal actively diminishes the value and utility of our land, the very opposite of active protection.

The principle of Partnership requires working together to find solutions. The Council has instead adopted a rigid, top-down position, dismissing our reasonable requests for a more nuanced approach. This is not partnership; it is imposition.

The practical planning mistake of applying the wrong zone is simultaneously a failure to uphold the high-level principles of Te Tiriti. A decision to uphold the Council's position would not just be a poor planning outcome, it would be a failure by a Crown entity to honour its obligations to tangata whenua.

To conclude, the Council's proposal to zone our entire landholding as Māori Purpose – Rural is fundamentally flawed. It is divorced from the physical reality of our whenua; it is impractical and unjust in its application, effectively sterilising our coastal lots; it is inconsistent with the Council's own precedents; and it fails to meet the Council's core obligations to us under the RMA and Te Tiriti o Waitangi.

We ask you to reject this simplistic and damaging proposal. We ask you to direct the Council to implement a solution that works for Tapuaetahi, for our people, and for the future.

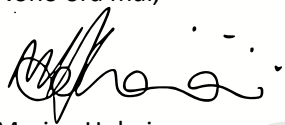
We are asking for sensible treatment of what is already there and was developed under the council's rules historically. We are asking for a planning framework that recognises reality, that is consistent and fair, and that enables us to be the best kaitiaki we can be for our land and our people.

We are extremely concerned about the FNDC Proposed District Plan and the threat it poses to our community's livelihood. We hope that you will look at all the evidence before you, the expert analysis from our planner, and the lived reality we have shared with you today, and make a decision that supports a just, sustainable, and prosperous future for Tapuaetahi.

On behalf of our Board, staff, shareholders, and their whānau, we thank you for the opportunity to be heard.

Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Noho ora mai,



Marião Hohaia

Executive Manager

For the Proprietors of Tapuaetahi Incorporation

