

UNDER

the Resource Management Act 1991
(RMA)

IN THE MATTER

of the Proposed Far North District Plan

AND

a submission and further submission
by Haititaimarangai Marae Kaitiaki
Trust

**LEGAL SUBMISSIONS FOR HAITITAIMARANGAI MARAE KAITIAKI
MARAE TRUST
22 AUGUST 2025**



Tu Pono Legal Limited
Barristers and Solicitors

First Floor
1222 Eruera St Ph: 07 348 0034
P.O. Box 1693 Fax: 07 346 2933
ROTORUA 3040 DX JP30025

Solicitor Acting
Jason Pou

MAY IT PLEASE THE PANEL

1. INTRODUCTION

- 1.1 These submissions are made on behalf of Haititaimarangai Marae Kaitiaki Trust (**HMKT**). They address HMKT's original and further submission on the Carrington Estate Special Purpose Zone (**CAR-SPZ**) of the Proposed Far North District Plan (**PDP**).
- 1.2 Te Whaanau Moana and Te Rorohuri are mana whenua of Karikari Peninsula and mana moana of the surrounding waters. These hapuu whakapapa to Haititaimarangai Marae.¹
- 1.3 HMKT was established to, among other things, attend to environmental matters within their rohe, with the support of the Haititaimarangai Marae 339 Trust.²
- 1.4 These submissions address the following:
 - a. Context.
 - b. Relevance of Court proceedings.
 - c. Key submission points.
 - d. Legal framework.
 - e. HMKT values and associations.
 - f. Failure to implement the New Zealand Policy Statement for Freshwater Management 2020 (**NPS-FM**).
 - g. Failure to implement the New Zealand Coastal Policy Statement (**NZCPS**).
 - h. Failure to implement New Zealand Planning Standards 2019 (**NZPS**).
 - i. Inadequacies in the s 32 report.
- 1.5 In addition to these legal submissions, evidence will be presented by:
 - a. Mr Paul on cultural matters.
 - b. Mr Percy on planning matters.

¹ Mr Paul SoE 11 August 2025 at [2.1], [1.1].

² Ms Hita Statement 7 August 2025 at [1.2].

2. CONTEXT

- 2.1 The origins of the CAR-SPZ lie in two non-notified resource consents, RC 1990480 and RC1990481 (the **Consents**), granted by the Far North District Council (**FNDC**) in 1999.³
- 2.2 In around 2003, FNDC introduced the Carrington Estate Zone into its District Plan,⁴ effectively enabling activities authorised by the Consents.⁵
- 2.3 As Mr Percy identifies, many of the activities authorised by the Consents have not been established.⁶
- 2.4 The CAR-SPZ sits within the rohe of Te Whaanau Moana and Te Rorohuri. It is located adjacent to the coastal environment and upstream and uphill from culturally significant areas, including Waimango wetland and Karikari Moana. Wairahoraho Awa, a traditional mahinga kai site, flow through the CAR-SPZ and puna (freshwater springs) are located beneath the whenua (land) within the CAR-SPZ.
- 2.5 Waimango and Karikari encompass areas identified as significant natural areas, high natural character and outstanding natural landscape.
- 2.6 Since 2003, several higher-order policy statements came into force, including the NZCPS, NPS-FM and NZNPS.

3. RELEVANCE OF COURT PROCEEDINGS

- 3.1 The s 42A Report records a reluctance to recommend changes due to HMKT's Court proceedings.⁷ This reflects a misunderstanding: the proceedings do not concern the provisions of any plan.
- 3.2 HMKT sought an Environment Court declaration that the Consents had lapsed. During proceedings, Carrington sought a counter-declaration that the Consents had been given effect. The Environment Court declined to make a declaration either way, and HMKT has appealed that decision.⁸

³ Mr Percy at [95].

⁴ Memorandum of Counsel for Carrington dated 24 July 2025 at [4].

⁵ Mr Percy EIC at [21].

⁶ Mr Percy EIC at [27].

⁷ S 42A Report at [40] – [41].

⁸ *Haititaimarangai Marae Kaitiaki Trust v Far North District Council* [2025] NZEnvC 134 at [1], [3], [109], [112], [113].

3.3 The outcome of the Environment Court and High Court's decisions will not alter the statutory obligations that apply to the CAR-SPZ or any plan overlays.

3.4 If the Court ultimately finds the Consents have not lapsed, they may be exercised regardless of the CAR-SPZ provisions. However, if the Court finds the Consents have lapsed, the CAR-SPZ in its current form, would entrench and outdated planning framework.

4. KEY SUBMISSION POINTS

4.1 HMKT's core submission is that the CAR-SPZ provisions fail to give effect to Part 2 RMA and higher order planning instruments. In particular, the provisions:

- a. Do not recognise and provide for the culture, traditions and associations of HMKT.
- b. Fail to implement higher order planning instruments.
- c. Do not adequately identify, consider or control present-day effects of activities permitted by the CAR-SPZ.
- d. Do not promote sustainable and integrated management within the district.

4.2 Mr Percy addresses the specific submission points, along with the relief sought.

5. LEGAL FRAMEWORK FOR PDP

5.1 Tikanga is a relevant consideration to the PDP, as it forms a part of New Zealand law.⁹

5.2 Section 72 RMA provides that the purpose of the PDP is to assist territorial authorities – such as FNDC – to perform their functions for the purpose of achieving the RMA's purpose.

⁹ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC at [297].

5.3 Section 31 RMA sets out FNDC's functions, including:¹⁰

...the **establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects** of the use, development, or protection of land and associated natural and physical resources of the district...

...the **control of any actual or potential effects of the use, development, or protection** of land, including for the purpose of... the **maintenance of indigenous biological diversity**...

... **the control of any actual or potential effects of activities** in relation to the **surface of water in rivers and lakes**...

5.4 The RMA's purpose is to promote sustainable management of natural and physical resources.¹¹ Part 2 RMA provides principles that guide how the RMA's purpose ought to be applied in practice, including:

a. Section 6 matters of national importance that must be recognised and provided for:

- i HMKT culture, traditions and ancestral relationships.¹²
- ii Preservation of the coastal environment's natural character and protection from inappropriate subdivision.¹³
- iii Protection of outstanding natural landscapes, such as Waimango and Karikari Moana.¹⁴
- iv Protection of areas of significant habitats of indigenous fauna.¹⁵

b. Section 7 matters to which decision-makers must have particular regard:

- i Kaitiakitanga.¹⁶
- ii Intrinsic ecosystem values.¹⁷
- iii The maintenance and enhancement of the quality of the environment.

¹⁰ RMA, s 31(1), (a), (b)(iii), (e).

¹¹ RMA, s 5.

¹² RMA, s 6(e).

¹³ RMA, s 6(a).

¹⁴ RMA, s 6(b).

¹⁵ RMA, s 6(c).

¹⁶ RMA, s 7(a).

¹⁷ RMA, s 7(d).

iv The effects of climate change.¹⁸

c. Section 8, which requires decision-makers to take Te Tiriti o Waitangi principles into account.

5.5 Section 75 RMA requires the PDP to “give effect to” higher order planning instruments.

5.6 The Supreme Court has confirmed that to “give effect” means “to implement”. The PDP must implement higher order instruments with increased specificity.¹⁹

5.7 The RMA does not require the PDP to be shaped to accommodate or to give effect to the Consents.²⁰ There is no RMA provision that legitimises elevating the Consents such that they trump statutory directives.

5.8 Section 104 RMA makes it clear that activities relating to resource consents to be evaluated against planning instrument provisions - not the other way around.

5.9 The CAR-SPZ appears to have been designed to give effect to the Consents, rather than Part 2 RMA and higher order planning instruments. This approach results in a feedback planning loop that is inconsistent with the RMA’s structure, conflicts with the planning framework and undermines FNDC’s statutory obligations.

6. CAR-SPZ DISREGARDS HMKT VALUES AND ASSOCIATIONS

6.1 Per the Privy Council in *McGuire*, the Part 2 RMA obligations to recognise and provide for HMKT’s culture, traditions and ancestral relationships, have particular regard to their role as kaitiaki and to account for Te Tiriti o Waitangi principles:²¹

...are **strong directions to be borne in mind at every stage of the planning process.**

6.2 In practical terms, s 6(e) RMA requires actual provision for the tikanga and relationships HMKT have with elements within the CAR-SPZ and the receiving environment.

¹⁸ RMA, s 7(f).

¹⁹ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [77], [30].

²⁰ RMA, s 74, noting there is no reference to existing resource consents being considered in plan preparation processes.

²¹ *McGuire v Hastings DC* PC43/2000 at [21].

6.3 It is well established at law that tikanga and Maori values are relational,²² meaning hapuu are best placed to identify and express their values and associations.

6.4 Mr Paul has identified culturally significant areas such as Waimango and Karikari Moana, traditional mahinga kai sites like Wairahoraho and the habitat of threatened or at risk taonga species within the CAR-SPZ and the receiving environment.²³ These areas are unwell. He also highlights the social impacts of provision for intensive accommodation, stating:²⁴

We do not want to be manuhiri in our rohe. Nor do we want to be trying to manage our mahinga kai sites, pollution and restoration of our rohe around more people. We are **already having issues with paru running into our waterbodies and taonga species declining. The answer is not to put more pressure** on or rohe – more pressure on us.

6.5 The s 7(a) RMA obligation to “have particular regard” to kaitiakitanga imposes a duty to be on enquiry.²⁵ An overlap presents in that kaitiakitanga is a principle of tikanga and inextricably connected to culture and traditions, as contemplated in s 6(e) RMA.

6.6 In considering overlaps within Part 2 RMA, the Environment Court found:²⁶

It is wrong, in the end, **to be overly concerned with “double-counting”**, that is, whether the values identified in section 7 should also be taken into account under section 6...

6.7 Section 8 Te Tiriti o Waitangi principles to take into account include:

- a. Partnership: consultation requires more than passive notification.²⁷ Maaori to be consulted are those who hold rangatiratanga and kaitiakitanga in respect of the related area and whom possess appropriate and accurate information.²⁸

²² *Trans-Tasman Resources Ltd v The Taranaki-Whanganui Conservation Board* [2021] NZSC 127 at [297].

²³ Mr Paul SoE 11 August 2025 at [4.3], [4.5], [4.6]. Also see T Paul SoE 7 August 2024 at [5.1].

²⁴ Mr Paul SoE 11 August 2025 at [5.8].

²⁵ *Gill v Rotorua DC* (1993) 2 NZRMA 604 at p. 26.

²⁶ *Wakatipu Environmental Society Inc v Queenstown Lakes DC* C180/99, 29 October 1999 at [79].

²⁷ *Gill v Rotorua DC* (1993) 2 NZRMA 604 at p. 26.

²⁸ *Beadle v Minister of Corrections* [2002] ELHNZ 144 at [584].

- b. Rangatiratanga: the right to manage resources in a manner compatible with relevant customs.²⁹
 - c. Active protection: a proactive approach must be taken to protecting Maaori interests.³⁰
- 6.8 The CAR-SPZ provisions rely on the Consents to identify and manage effects associated with permitted activities. The process for the Consents did not involve evaluation of the cultural effects experienced by Te Whaanau Moana and Te Rorohuri – such impacts remain largely unassessed.
- 6.9 FNDC's decision to engage with an iwi authority rather than Te Whaanau Moana and Te Rorohuri has resulted in the unfortunate, though foreseeable consequence of ignoring rather than recognising and providing for their values and associations.
- 6.10 Rather than treating ss 6(e), 7(a) and 8 RMA as fundamental considerations throughout the planning process, the permissive nature of the CAR-SPZ provisions effectively displace these statutory obligations.

7. CAR-SPZ FAILS TO IMPLEMENT THE NPS-FM

- 7.1 The CAR-SPZ must give effect to the NPS-FM pursuant to s 75(3)(a) RMA. The NPS-FM was commenced approximately seventeen years after the Carrington Estate Zone was introduced to the district plan.
- 7.2 Mr Percy notes that neither the s 32 or s 42A reports mention the NPS-FM, indicating a critical omission in the evaluations.³¹
- 7.3 Subpart 1.3 NPS-FM establishes the fundamental concept of freshwater management – Te Mana o Te Wai:

Te Mana o te Wai is a concept that refers to the fundamental importance of water and **recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai.** Te Mana o te Wai is about **restoring and preserving the balance** between the water, the wider environment, and the community.

Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

²⁹ *Carter Holt Harvey Ltd v Te Runanga o Tuwharetoa ki Kawerau* at [27](g)

³⁰ *Carter Holt Harvey Ltd v Te Runanga o Tuwharetoa ki Kawerau* at [27](a).

³¹ Mr Percy EIC at [31].

7.4 Subpart 3.5 NPS-FM prescribes the approach to managing freshwater:

Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

- (a) **recognise the interconnectedness of the whole environment**, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and
- (b) **recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments**; and
- (c) **manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects**, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments...

7.5 Mr Paul's evidence highlights that the CAR-SPZ is upstream from culturally significant sites that are unhealthy due to existing stressors. That includes traditional mahinga kai sites such as Karikari, Waimango and Wairahoraho and ecosystems that include habitat for threatened or at risk indigenous species.³²

7.6 Mr Paul identifies that their tikanga imposes an obligation to restore and uphold the health, mauri and mana of Wai Maaori (freshwater). For HMKT, reinstating their integrity is a critical component of maintaining ancestral relationships.³³

7.7 The tikanga-based approach aligns naturally with the NPS-FM directives to adopt an integrated approach to managing freshwater, to protect freshwater health and to restore balance.

7.8 The lack of reference to or engagement with the NPS-FM in the CAR-SPZ assessments represent a lacunar in the PDP. This omission is inconsistent with the requirement to implement the NPS-FM.

8. THE CAR-SPZ FAILS TO IMPLEMENT THE NZCPS

8.1 From a legislative a policy perspective, coastal environment matters are relevant in four ways:

- a. s 6(a) RMA requires preservation of the coastal environment's natural character and protection from inappropriate use and development.

³² Mr Paul SoE dated 11 August 2025 at [4.5].

³³ Mr Paul SoE dated 11 August 2025 at [3.5].

- b. s 6(b) RMA requires protection of outstanding natural landscape and protection from inappropriate use and development.
 - c. s 6(c) RMA requires protection of habitat for indigenous species.
 - d. S 75(3)(b) RMA requires the CAR-SPZ to give effect to the NZCPS, which commenced 7 years after the Carrington Estate Zone was introduced.
- 8.2 In *Te Rūnanga o Ngāti Whātua v Auckland Council* the Environment Court considered the NZCPS applied to activities located well inland, where they are within the same catchment and may affect coastal values. This confirms that spatial proximity is not determinative – catchment context, cultural values and ecological linkage are.³⁴
- 8.3 The above approach accords with FNDC’s core function of achieving integrated management via the PDP / CAR-SPZ.³⁵
- 8.4 The CAR-SPZ is located partially within and otherwise adjacent,³⁶ upstream and uphill from the coastal environment,³⁷ including outstanding natural landscapes,³⁸ natural character³⁹ and areas that qualify as significant natural areas.⁴⁰
- 8.5 The s 6(c) RMA obligation to protect the significant habitat of indigenous species is implemented via Policy 11 NZCPS.
- 8.6 Policy 11 requires the PDP provisions to be fashioned such that they “avoid adverse effects” on indigenous species that are listed as threatened or at risk and “avoid significant adverse effects” on habitats, including areas and routes important to migratory species.

³⁴ *Te Rūnanga o Ngāti Whātua v Auckland Council* [2023] NZEnvC 277 at [5], [600], [825], [834], [835].

³⁵ RMA,s 31(1).

³⁶ Section 32 Report at Fig. 4.

³⁷ Mr Percy EIC at Appendix C.

³⁸ Northland Regional Council <https://data-nrcgis.opendata.arcgis.com/datasets/NRCGIS::rps-outstanding-natural-landscapes/explore?location=-34.860707%2C173.425377%2C12.13> (21 August 2025). For the identified values, see <https://www.nrc.govt.nz/media/m3dfh3cp/capekarikariandsouthcoast.pdf>.

³⁹ Northland Regional Council <https://data-nrcgis.opendata.arcgis.com/datasets/NRCGIS::regional-policy-statement/explore?layer=4&location=-35.343876%2C173.693209%2C8.24>

⁴⁰ Section 32 Report at Fig. 2.

- 8.7 The s 6(a) RMA obligation to preserve natural character is implemented via Policy 13 NZCPS. This Policy requires CAR-SPZ provisions to be fashioned such that they “avoid adverse effects” on areas of outstanding natural character and “avoid significant adverse effects” on natural character.
- 8.8 The s 6(b) RMA obligation to protect outstanding natural landscapes is implemented via Policy 15 NZCPS. This Policy requires CAR-SPZ provisions to be fashioned such that they “avoid adverse effects” on outstanding natural landscapes and avoid significant adverse effects on other natural features and landscapes.
- 8.9 The NZCPS directives of “avoiding” mean “not allowing” or “preventing the occurrence of”.⁴¹ Where tensions in policies exist and effects may be reduced such that no material harm exists, avoidance may be achieved by adaptive management.⁴²
- 8.10 The CAR-SPZ enables large-scale development (e.g. 230 buildings up to ten metres in height) in close proximity to sensitive coastal areas. It is difficult to reconcile such permissiveness with policy directives to “avoid” adverse effects. Potential consequences include:
- a. Disruption to flight paths of threatened birds,⁴³ noting that the Environment Court has considered the loss of one bird significant in the case of highly threatened species.⁴⁴
 - b. Runoff affecting waterbodies and disrupting ecological, biophysical and transient values,⁴⁵
 - c. Earthworks disrupting puna (underground springs) that feed Wairahoraho, Waimango and ultimately Karikari thereby impacting natural processes.⁴⁶
 - d. Loss of natural darkness of the night sky;⁴⁷

⁴¹ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [24](b).

⁴² *Port Otago Ltd v Environmental Defence Society Inc* [2023] NZSC 112 at [68], [72].

⁴³ NZCPS, Pol. 11(1)(1), 11(2)(5).

⁴⁴ *McCallum Bros Ltd v Auckland Council* [2024] NZEnvC 75 at [99].

⁴⁵ NZCPS, Pol. 15(3)(6).

⁴⁶ NZCPS, Pol. 13(2)(1).

⁴⁷ NZCPS, Pol. 13(2)(5).

- e. Generation of effects relating to sounds, smells and other experiential attributes;⁴⁸
 - f. Direct and indirect effects on cultural and spiritual values of tangata whenua.⁴⁹
- 8.11 There is no present day effects assessment demonstrating that impacts such as those outlined above have been considered or can be avoided. The conditions of the Consents do not address cultural effects, nor did they include adaptive management conditions or a mechanism for review under s 128 RMA.
- 8.12 Given the passage of time (over ¼ century since the grant of the Consents), environmental baselines, the quality of knowledge, approaches and law, policy expectations and approaches to effects assessments have changed significantly. It is not appropriate to continue to rely on outdated information.⁵⁰
- 8.13 The precautionary approach, as prescribed by the NZCPS,⁵¹ requires caution where effects are uncertain or not well understood. It does not lend itself to enabling flexible, large-scale development without a clear understanding of present-day impacts.

9. CAR-SPZ FAILS TO IMPLEMENT PLANNING STANDARDS

- 9.1 Relevant RMA provisions include:
- a. Section 74(1)(ea): FNDC must prepare and amend its plan in accordance with the NZPS.
 - b. Section 75(3)(ba): the PDP, including the CAR-SPZ must give effect to the NZPS.
 - c. Section 58B: the purpose of the NZPS is to achieve the purpose of the RMA and to standardise requirements to:
 - i Achieve national consistency.
 - ii Enable implementation of national instruments.
 - iii Assist people to comply with “procedural principles”.

⁴⁸ NZCPS, Pol 13(2)(8).

⁴⁹ NZCPS, Pol. 15(8).

⁵⁰ *Katz v Auckland CC* A68/87 PT at p. 7.

⁵¹ NZCPS, Pol. 3(1).

- d. Section 18A: procedural principles means that persons exercising powers and functions under the RMA must:
 - i take all practicable steps to use timely efficient, consistent and cost effective processes; and
 - ii ensure policy statements and plans include only those matters that are relevant to the RMA's purpose and are worded in a way that is clear and concise.
- 9.2 Mr Percy identifies that the CAR-SPZ provision contain inconsistencies and ambiguities.⁵² These issues and the lack of assessment indicate a failure to comply with the procedural principles.
- 9.3 Dual regulation via the Consents and the CAR-SPZ has a risk of producing unintended consequences – including conferring developmental rights that exceed those purportedly afforded by the Consents. For example, accommodation and associated works could be undertaken via the CAR-SPZ, alongside and in addition to those that are contemplated by the Consents.

10. S 32 REPORT INADEQUACIES

- 10.1 A s 32 Report ought to assess:
- a. Whether the CAR-SPZ provisions are the most appropriate way to achieve the RMA's purpose.
 - b. The scale of effects in detail that corresponds to the scale and significance of the environmental and cultural effects anticipated from the implementation of the proposal.
 - c. The risk of acting or not acting if there is uncertain or insufficient information.
- 10.2 The s 32 report records that the Carrington Estate Zone in the operative plan:⁵³

...was **established as part of the approval of numerous resource consent applications**, including RC1990480, RC1990480A and RC1990481). The provisions of the **ODP chapter generally seek to recognise and provide for development in accordance with the Carrington Estate Development Plan and Schedule**, which is a statutory document that was prepared and established in accordance with the RMA.

⁵² Mr Percy EIC, for example at [63] – [77].

⁵³ S 32 Report at [4.2.1].

- 10.3 The s 32 Report primarily undertakes a comparative exercise between the PDP and the operative district plan by identifying differences between the two versions.⁵⁴
- 10.4 The s 32 Report contains no fulsome assessment of the RMA's purpose, cultural matters, intrinsic values of ecosystems, maintenance and enhancement of the environment or the effects of climate change. There is no mention of any risk associated with information gaps. Mr Percy addresses these gaps.⁵⁵
- 10.5 Whilst the s 32 Report identifies significant natural areas, outstanding natural landscape and natural character, there is no assessment of the scale and significance of effects anticipated from the implementation of the CAR-SPZ.
- 10.6 Similarly, there is no assessment of the sufficiency of information and associated risks.
- 10.7 The approach adopted in the s 32 Report falls short of a substantive assessment of whether the CAR-SPZ provisions are appropriate in the current planning and policy context.
- 10.8 HMKT requested information on the efficiency and effectiveness of the Carrington zone policies rules and other methods, per FNDC's s 35 RMA duty. FNDC confirmed that no such information existed shortly after HMKT's evidence was filed. The **attached** document marked "A" contains related correspondence.

11. CONCLUDING COMMENTS

- 11.1 The CAR-SPZ represents an effort to implement the Consents. This equally represents a failure by FNDC to discharge central functions and prepare a PDP in a manner that accord with its statutory obligations.
- 11.2 Mr Percy clearly identifies the inconsistencies and uncertainties generated by the CAR-SPZ. Allowing such defeats the very purpose of vesting power in FNDC to control land use and development within the district. It compromises the purpose of the RMA and has the likely potential of contravening directive provisions in higher order documents.


⁵⁴ S 32 Report at [5.2].

⁵⁵ Mr Percy EIC at [61], [78], [95].

11.3 We end with the words of Mr Paul:⁵⁶

As far as this process goes, **we ask this Panel to take a step towards helping us to protect our relationships – our environs within the CEZ by not cementing the consents in the propose plan for another decade.**

Dated 22 August 2025

A handwritten signature in dark ink, appearing to read 'Jason Pou', written over a horizontal line.

Jason Pou

Counsel for Haititaimarangai Marae Kaitiaki Trust

⁵⁶

Mr Paul SoE 11 August 2025 at [7.9].

ATTACHMENT A

From: **Erica Cooney** <Erica.Cooney@fndc.govt.nz>

Date: Thu, 7 Aug 2025 at 4:44 PM

Subject: Official information request RFS 4259587 - Re "Section 35(2)(b)
RMA: Special Zone – Carrington Estate".

To: [REDACTED]

Michael Ulrich

on behalf of the Haiti-Tai-Marangai Marae Kaitiaki Trust

By email only to: [REDACTED]

Ahiahī mārie Michael,

Official information request: RFS 4259587

Thank you for your official information request to the Far North District Council ('Council') received on 10 July 2025. Your request is being considered in accordance with the provisions of the Local Government Official Information and Meetings Act 1987 (the 'LGOIMA').

The LGOIMA requires that we advise the requester of our decision on the request as soon as reasonably practicable, and no later than 20 working days after the day we received it. Council has decided that unfortunately, it will not be possible to meet that time limit. We are therefore writing to notify you of an extension of time to make our decision, to Friday, 15 August 2025 at the latest.

The extension is required because consultations necessary to make a decision on your request are such that a proper response to the request cannot reasonably be made within the original time limit.

You have the right to seek a review of this decision by the Ombudsman if you so choose. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Thank you for your enquiry.

Ngā mihi

Erica Cooney

Erica Cooney

Legal Services Officer - Legal Services



P 6494015306 | Erica.Cooney@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North
District Council

Pokapū Kōrero 24-hāora | 24-hour Contact
Centre 0800 920 029
fndc.govt.nz



From: **Erica Cooney** <Erica.Cooney@fndc.govt.nz>

Date: Wed, 13 Aug 2025 at 12:59

Subject: Official information request RFS 4259587 - Re "Section 35(2)(b)

RMA: Special Zone – Carrington Estate".

Michael Urlich

on behalf of the Haiti-Tai-Marangai Marae Kaitiaki Trust

By email only to: [REDACTED]

Ahiahī mārie, Michael,

Official information request: RFS 4259587

Thank you for your official information request to the Far North District Council ('Council') received on 10 July 2025. Your request has been considered in accordance with the provisions of the Local Government Official Information and Meetings Act 1987 (the 'LGOIMA').

Your request

"I request copies of the following information:

- * Any documentation, reports, data, or internal records showing how the Council has monitored (or intends to monitor) the effectiveness and efficiency of the objectives, policies, and methods concerning the Special Zone – Carrington Estate;*
- * Any evaluations, reviews, or updates prepared in fulfilment of section 35(2)(b), whether completed or in progress, specific to this Special Zone or covering it as part of a broader monitoring programme;*
- * Any internal correspondence, planning documents, or implementation plans that outline the Council's approach to meeting its monitoring obligations under section 35(2)(b) RMA in respect of this zoning area.*

** Any external correspondence that was considered in the above assessments.”*

Council’s response

As part of the process of preparing the Proposed District Plan, in 2020 Council prepared a Section 35 Efficiency and Effectiveness Review please refer to the following link [Far North District Plan – Section 35 Report](#). However, the section 35 report did not specifically cover the position in relation to the “the Special Zone – Carrington Estate”. To the extent that any of the information you have requested is not provided, Council relies upon section 17(e) of the LGOIMA, that is,

“17 Refusal of requests

A request [...] may be refused only for 1 or more of the following reasons, namely:

- (1) ***(e) that the document alleged to contain the information requested does not exist [...]***

You have the right to seek a review of this decision by the Ombudsman if you so choose. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Thank you for your enquiry.

Ngā mihi

Erica Cooney



Erica Cooney

Legal Services Officer - Legal Services

P 6494015306 | Erica.Cooney@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North
District Council

Pokapū Kōrero 24-hāora | 24-hour Contact
Centre 0800 920 029

fndc.govt.nz

