WAI-3582

Under	the Treaty of Waitangi Act 1975 (**Act**)
And	in the matter of a claim concerning the Crown's failure to protect Paikauri Conservation Area from *Phytophora agathidicida* (PA) infection and associated ecological decline
By	**Priscilla Rivers on behalf of and for Ngāti Aukiwa hapū** **Claimant**

Response to the Application for an Urgent Hearing on behalf of

Far North District Council

18 September 2026

RECEIVED
Waitangi Tribunal
17 Sep 26
Ministry of Justice
WELLINGTON

Counsel:
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Shortland Chambers
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MAY IT PLEASE THE TRIBUNAL:

1. On 4 September 2026 Judge Sarah Reeves directed the interested parties to respond to the application for an urgent hearing by no later than midday, 18 September 2026.

2. The Statement of Claim received on 2 September 2026 sets out the nature of the claim:

> *The Crown, through DOC, FNDC, MPI, NRC, and NTA, has failed to protect Paikauri Conservation Area (247 Hectare) its ecosystem and kauri from PA infection, breaching statutory duties and Te Tiriti o Waitangi obligations.*

3. Far North District Council (FNDC) is therefore an interested party.

4. FNDC is not the Crown. The Tribunal does not have the jurisdiction to consider the claim as it relates to actions or omissions by FNDC.

5. Regardless, there has been no unlawful action by FNDC in relation to its control, management or maintenance of the unsealed local road that passes through the Paikauri Conservation Area.

6. In addition, FNDC is working collaboratively with the relevant agencies and the claimant to address the substance of the claimant's concerns. In particular, FNDC advises:

   (a) it convened a meeting of all stakeholders on 2 September 2026 and attended the same;

   (b) Council officers are in the process of preparing a report for consideration by the elected members of FNDC outlining all potential options available to FNDC with respect to its road capable of addressing the substance of the claimant's concerns as they relate to the road;

   (c) the unsealed road has not been graded since 2019;

   (d) minimal repair works have been undertaken, primarily filling potholes or adding gravel in locations where bare clay was exposed;

   (e) it has advised its roading contractor not to do any further maintenance on the unsealed road until officially instructed to do so;

(f) in the event further works are required, the FNDC will comply with all applicable controls at the time.

7. The application for urgency does not meet the criteria set out in paragraphs 6 and 7 of the Practice Note issued under clause 5(9) and (10) of Schedule 2 to the Act.

Dated 17 September 2026

Bronwyn Carruthers KC
Counsel for Far North District Council