

**PROPOSED FAR NORTH DISTRICT PLAN**

**REQUEST TO REZONE THE WAITANGI ESTATE**

**Section 32AA Evaluation Report**



**Prepared by Northland Planning & Development 2020 Limited**

**30 May 2025**

## Contents

Contents.....	2
1 Executive Summary.....	7
2 Introduction .....	13
3 Author and Qualifications .....	15
Code of Conduct .....	15
Scope / Purpose of the Report.....	15
4 Background .....	16
Waitangi Proposed District Plan Submission .....	16
Description of the Waitangi Estate .....	19
Main Waitangi Estate Lands, Treaty Grounds and Waitangi Golf course – (Lots 1, 2 & 3 DP 326610) .....	21
Copthorne Resort Hotel Site – (Lots 1 & 2 DP 152502) .....	21
Paihia Pony Club – (Lot 3 DP 51155).....	22
Additional Estate lands - Section 6-11, 15 & 16 SO 338905 .....	23
Historic Heritage Features .....	23
Natural and landscape features.....	28
Landscape Features .....	30
Productive Land Use Capability (Soil Type).....	34
Cultural Landscape Features / Values.....	35
Existing Activities and Built Features .....	36
Existing Infrastructure.....	37
Surrounding Environment.....	39
5 Site History.....	40
Pre-European Settlement .....	40
European Settlement .....	40
Trust Board Act .....	41

	Māori Battalion .....	42
	Waitangi Limited .....	43
6	Procedural Matters .....	44
	Proposed Plan Variation 1.....	44
	Previous PDP hearings .....	45
	PDP Minute 14 – Rezoning Criteria & Process.....	45
7	Strategic Context.....	47
	Far North District – Resource Management Issues .....	47
	Far North 2100 .....	48
	Waitangi Estate Strategic Vision 2040 .....	49
8	Statutory & Policy Context.....	50
	Resource Management Act 1991 - RMA.....	50
	Heritage New Zealand (Pouhere Taonga) Act 2014 – (HNZ Act) .....	52
	Higher order planning Instruments .....	53
	National Planning Standards.....	53
	National Policy Statement(s) .....	56
	National Environmental Standards .....	64
	Treaty Settlements.....	65
	Iwi and Hapu Management Plans .....	65
	Regional Policy Statement for Northland 2016 .....	65
	Operative Far North District Plan 2009.....	71
	Proposed Far North District Plan 2022 .....	73
	PDP Structure .....	73
	Identified Resource Management Issues.....	74
	Applied Zones & Overlay Provisions .....	74
	Objectives and Policies .....	76
	Applicable Rules .....	80
	Definitions .....	100

9	Evaluation of Options.....	101
	Option 1 – Do nothing – Proposed PDP zoning and provisions .....	101
	Option 2 – Apply a special purpose zone to the Treaty Grounds and retain RPZ, MU and SAR over the balance land.....	102
	Option 3 – Apply a precinct with the notified zoning .....	103
	Option 4 – Special purpose zone over Estate except for long term leaseholds .....	103
	Option 5 – Application of a heritage overlay for the upper Treaty Grounds .....	104
	Option 6 – Apply a special purpose zone over the entire Estate with appropriate changes to district-wide standards and overlays .....	105
	Option 7 – Seek changes to the notified zoning and overlay provisions.....	107
	Option 8 - Apply a special purpose zone over the entire Estate including relevant District Wide standards and overlay provisions within the special purpose zone chapter.....	107
	Summary of benefits and costs to the four well-beings under the RMA .....	108
	Economic.....	108
	Environmental.....	108
	Cultural.....	109
	Social .....	110
	Sufficient information .....	110
	Overall evaluation.....	110
10	Hearing Panel Minute 14 .....	112
	Reasons for the Request .....	112
	Alignment with PDP strategic direction.....	112
	Higher Order Direction.....	113
	Assessment of site suitability and potential effects of re-zoning.....	114
	Infrastructure (three waters) servicing.....	117
	Transport Infrastructure .....	117
	Consultation on the WSZ proposal .....	117
	Consistency with other chapters in the PDP.....	121

	National Planning Standards.....	121
	Relationship with Part 2 – District-wide Matters.....	124
11	Waitangi Estate Special Purpose Zone and Provisions .....	127
	Proposed WSZ Estate overview .....	129
	Proposed Objectives .....	129
	Proposed Policies .....	131
	WSZ Rules & Standards.....	133
	Definitions.....	136
	Consequential changes to district-wide rules.....	136
12	Section 32AA evaluation summary .....	144
	Section 32(1)(a) – an evaluation of the extent to which the objectives of the amending proposal are the most appropriate way to achieve the purpose of the Act .....	144
	Rural Production Zone .....	145
	Mixed Use Zone .....	147
	Sport & Active Recreation Zone .....	148
	Section 32(1)(b) - Evaluation of the Special Purpose zone objectives and provisions (WEZ).....	149
	Section 32(1)(c) - Scale and Significance.....	151
	Section 32(4) - National Environmental Standards.....	151
13	Conclusion.....	152

<b>Appendix A</b>	<b>Waitangi Limited Submission</b>
<b>Appendix B</b>	<b>Waitangi Estate Records of Title</b>
<b>Appendix C</b>	<b>Assessment of Landscape Effects – Simon Cocker</b>
<b>Appendix D</b>	<b>Land Resource Inventory Survey of Waitangi National Trust Land – AgFirst</b>
<b>Appendix E</b>	<b>Cultural Values Assessment – Ngahuia Ramari Harawira</b>
<b>Appendix F</b>	<b>Copy of the Waitangi National Trust Deed</b>
<b>Appendix G</b>	<b>Waitangi Limited's Strategic Statement</b>
<b>Appendix H</b>	<b>Proposed District Plan Strategic Directions – Assessment Table</b>
<b>Appendix I</b>	<b>Waitangi Estate Boundary Map</b>

<b>Appendix J</b>	<b>Proposed Waitangi Estate Special Purpose Zone Map</b>
<b>Appendix K</b>	<b>Proposed Waitangi Estate Special Purpose Zone Provisions</b>
<b>Appendix L</b>	<b>Email correspondence with Heritage New Zealand Pouhere Taonga</b>

# 1 Executive Summary

- 1.1. Waitangi Limited, through a submission on the Proposed Far North District Plan (PDP), is seeking as its primary relief the application of a special purpose zoning to apply to the Waitangi Estate (Estate). This request is sought as an alternative to the general land use zones and provisions that apply to the Estate in the PDP. In conjunction with seeking a special purpose zoning, some changes to general district-wide provisions have been sought. While some of these changes are consequential, others are sought to reflect the unique characteristics of the Estate.
- 1.2. In accordance with section 32AA of the Resource Management Act 1991 (RMA), evaluation reporting is required to support the Hearing Panel's (Panel) decision making on the request. This report has been prepared to comply with the requirements of the RMA and the Panel's Minute 14.
- 1.3. The Estate is a unique 506-hectare area of land at Waitangi and includes the historic Treaty Grounds where Te Tiriti o Waitangi / the Treaty of Waitangi (Te Tiriti) was first signed between Māori and the British Crown on 6 February 1840. The Treaty Grounds are of national significance and are considered by many to be New Zealand's pre-eminent historic site.
- 1.4. Waitangi Limited manages the operations of the Estate on behalf of the Waitangi National Trust Board (Trust Board), and in line with its governing legislation, the Waitangi National Trust Board Act 1932 (Trust Board Act).
- 1.5. The lands comprising the Estate were gifted to the people of New Zealand by the then Governor-General Lord Bledisloe, and his wife, Lady Bledisloe, under the Trust Board Act as *"a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand."* The Estate is managed in accordance with this purpose.
- 1.6. Today, the Estate accommodates a variety of activities in addition to the Treaty Grounds themselves, including pastoral farm land and indigenous vegetation, a hotel, a golf club and other sports facilities, a concert venue, a public boat ramp, slipway, jetty and pontoon. The Estate is a unique and complex environment that combines very special historical and cultural significance (for the whole nation and all New Zealanders) with recreational and tourism values, productive uses, and coastal, estuarine, and other natural values. These circumstances warrant a considered planning response.

- 1.7. Of concern to the Estate's governing bodies is the extent that the proposed provisions (as notified) do not appropriately reflect the national significance and special nature of the Estate and its many uses, and are misaligned with the legislative scheme under the Trust Board Act relating to the Estate.
- 1.8. This is complicated by the eleven zones and overlays that are proposed to apply to the Estate under the PDP.
- 1.9. The PDP zones most of the Estate as Rural Production zone (RPZ) (shown in mid green in Figure 3 below). The purpose of the RPZ does not align with the purpose for which the Estate is managed, and the provisions for the RPZ do not aid in the continued protection of nationally significant historic heritage on the Treaty Grounds, or provide for the recreation, enjoyment and benefit for all New Zealanders.
- 1.10. While a high number of overlays is to be expected on a site where multiple values and features require management, the extent of the rules that apply to the Estate and their general application means that even the most basic activities on the Estate will require resource consents under the PDP. Examples of such activities are included in **Table 1 (Summary of PDP standards as applied to the Waitangi Estate)** of this report. These highlight both zone and district-wide rules which, as notified, will result in resource consent requirements for the Estate. Some examples include:
- (a) new buildings and structures where the proposed activity they are associated with is not permitted, or where the building is not for farming purposes;
  - (b) new staff housing;
  - (c) new or expanded education spaces;
  - (d) any tourism activities;
  - (e) any commercial activity;
  - (f) any activity that involves built development, indigenous vegetation clearance or earthworks on the Treaty Grounds, such as extensions to non-heritage buildings, installing irrigation, improving or clearing out drains, storm maintenance (remedying slips, removing dangerous trees etc.) inspecting and maintaining infrastructure, upgrading CCTV cables as technology changes) and installing temporary signage;



- (g) across the Estate, any new infrastructure on Lot 1 DP 326610, any new sign (commercial or community based), or an increase in the size of an existing sign and any new temporary sign associated with events.
- 1.11. It is noted that as the hearings have progressed, in some situations the recommended changes by the reporting planners to the panel for those zone, district-wide and overlay rules that apply to the Estate have somewhat remedied issues highlighted by Waitangi in its fall back relief and other issues raised by other submitters. For example, in the Coastal Environment and Outstanding Natural Landscapes and Features rules, buildings must be for farming purposes in order to be permitted, and further activities within the building must be permitted in order to comply with the building rule. This has been remedied to remove the reference to farming and the requirement for the activity being permitted. This ensures some minor buildings and structures can be established on the Estate without requiring resource consent.
- 1.12. However, in many other instances, issues remain, or new infringements have been created. A full discussion on this is included at section 9 below, with those specific rules being the proposed changes to ***Rule HH-R4 New Buildings or structures, extension or alterations to existing building or structures*** and ***Rule RPROZ-R22 Rural Tourism Activity***. The proposed wording and application of ***Rule SASM-R1 New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance***. ***Rule RPROZ-R27 Extension of existing commercial activity and RPROZ-R33 Commercial activities not otherwise provided for as a permitted, restricted discretionary or discretionary activity***. The proposed Signage provisions specifically in ***Sign-R2 Community Signs, Sign-R3 Temporary Signs, Sign-R5 Freestanding signs, Sign-R6 Double-sided and V-shaped signs, Sign-R7 Signs on or attached to a building, window, fence or wall (excluding a scheduled heritage resource) Sign-R8 Signs located within any overlay other than a Natural Hazard Overlay, Sign-R9 Signs on or attached to a scheduled heritage resource*** and referenced associated standards. And the temporary event provision ***Rule TA-R1 Temporary activity (excluding any activity listed in the rules below as a permitted or restricted discretionary)***.
- 1.13. In considering the planning issues at the Estate, a number of alternatives to Waitangi's primary relief were considered throughout the evaluation process to determine the most efficient and effective option. Alternative options considered included applying a special purpose zoning over just the Treaty Grounds, or over the Estate but exempting the larger lease holdings, the creation of a precinct, the development of a heritage area, and retaining

the notified zoning with rule amendments. Many of these options were discounted, as they did not resolve the primary issue with the PDP, being that the general zoning under the PDP does not enable the necessary day-to-day management of the Estate or future activities that align with the Trust Board Act purpose. Many created uncertainty, and resulted in unnecessary consenting requirements and costs. Options that resolved the underlying zoning issue did not enable wider Estate management and the suitable consideration of heritage resources Estate-wide.

- 1.14. As notified, the general zoning applied to the Estate requires an activity to 'include consideration of any adverse effects on areas with historic heritage' (SARZ-P4, MUZ-P8 & RPROZ-P7). As New Zealand's most historically significant site, a special purpose zone can elevate the policy framework to ensure the matter of historic heritage is given utmost importance. A special purpose zone could include provisions that cover an array of different circumstances including maintenance, upkeep, alteration and expansion for existing activities and the development of future tourism and non-rural related activities. For the reasons set out in this report, special purpose zoning is considered the most efficient and effective option for protecting and managing the Estate, taking into account the costs and benefits of the options and other considerations relevant to an evaluation under section 32 of the RMA.
- 1.15. After careful consideration, this report concludes that:
  - (a) creating a special purpose zone for the Estate will result in the most practical outcomes in terms of protecting nationally significant heritage at the Estate while, at the same time, enabling operations and maintenance, appropriate future development and other minor activities to be undertaken at the Estate that aligns with the Trust Board Act; and
  - (b) a special purpose zone for the Estate is able to achieve the tests for a special purpose zone prescribed by the National Planning Standards.
- 1.16. It is considered that a special purpose zoning for the Estate will provide a practical management approach for activities proposed at the Estate. The use of a special purpose zone method enables tailored rules, objectives, and policies to be utilised to manage the historic, cultural, recreational, and natural and landscape values of the Estate. As detailed above, the application of a general zoning for the Estate is considered impractical as it compromises the future maintenance and upkeep of the Treaty Grounds.

- 1.17. On behalf of Waitangi Limited, I have been involved in developing a proposal and drafted provisions for a Waitangi Estate Special Purpose Zone (attached at Appendix K). The proposed alternate provisions seek to ensure that the issues caused by the overlapping of spatial layers applying to the Estate (including those identified in Table 1) can be addressed, through a careful review of standards and how they interact with one another.
- 1.18. Objectives and policies have been developed and are accompanied by bespoke sub-zone provisions that have been designed to better reflect the varying land uses and environs throughout the Estate.
- 1.19. The special purpose zoning approach is intended to better enable focused management of the values of the Estate that have local, regional and national significance. This will be achieved through a prescribed set of objectives and policies which ensures that any development on the wider Estate considers potential impacts on the Treaty Grounds as well as its coastal setting. More restrictive permitted building controls have also been sought, and additional standards have been introduced.
- 1.20. The site-specific objectives and policies that have been developed for the special purpose zone are largely directed at the protection and ongoing management of the Estate. For the reasons set out below, it is considered that these bespoke provisions will better achieve the purpose of the RMA and the wider interests of New Zealanders.
- 1.21. Given the varying activities required to be undertaken throughout the Estate, the multitude of different overlays applying and the varying landscape values, the Waitangi Estate Special Purpose zone is proposed to include the establishment of sub-zones, similar to the Kauri Cliffs zone. This method allows more stringent standards to be applied to particular areas, such as the Treaty Grounds which has a high landscape and historic value, in comparison to the Copthorne site which is highly developed with less landscape value. However, given its position immediately adjacent to the Treaty Grounds, consideration is still required of those shared boundaries and approach routes so as not to detract from those heritage values. This is where the overarching objectives and policies that will apply to the whole Estate are important.
- 1.22. Throughout the preparation of this report and the development of the draft Waitangi Special Purpose zone provisions there has been engagement with the Council, Heritage New Zealand Pouhere Taonga, Cognitum Corporation Limited, the Waitangi Golf Course, the Waitangi Yacht Club, Te Tii Marae, the Trust Board and the Waitangi Limited Board. Through this

process, there has been various discussions and input into the spatial extent of the Estate, the sub zones, and detail on the context, objectives, policies, and rules. This has culminated into the fully formed proposal which is at Appendix K of this report.

## 2 Introduction

- 2.1 Waitangi Limited is seeking via its submission (#503) on the Far North District Council's (FNDC) notified Proposed District Plan (PDP), alternative zoning provisions that would apply to the Waitangi Estate lands at Waitangi.
- 2.2 This report has been compiled in accordance with both the requirements under s32 of the RMA and the PDP Hearings Panel Minute 14.
- 2.3 For any new District Plan 'proposal', section 32 of the Resource Management Act 1991 ("RMA") requires an evaluation report to be prepared to examine the extent to which the objectives of a proposal are the most appropriate way to achieve the purpose of the RMA, and any reasonably practicable alternative options and the efficiency and effectiveness of achieving those objectives. A section 32 evaluation report must identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.
- 2.4 The PDP Hearings Panel Minute 14 sets out the procedural requirements for rezoning requests. This included an 'opt in' reverse timetable process for considering more complex rezoning requests. Minute 14 sets out general guidance criteria for rezoning requests, along with criteria that is specific to requests for special purpose zones. Waitangi Limited has engaged with this process and the preparation of alternative zoning provisions in consultation with Council officers.
- 2.5 This report is structured as follows:
- (a) The Waitangi Estate has a rich history and this background information on the site is detailed in sections 5 and 6 to set the scene for any legislative changes being sought.
  - (b) Procedural matters including commentary on Variation 1, previous hearings and Minute 14 are discussed in section 7, followed by the strategic context for the Far North District and the Estate in section 8.
  - (c) The statutory and policy context is then discussed in section 9 setting the scene on what is relevant to address for the Waitangi Estate in seeking any changes to the planning legislation.

- (d) The planning issue for the site is highlighted and the different planning options available are assessed in section 10, and the guidance criteria for rezoning submissions from Minute 14 are assessed at section 11.
- (e) The most appropriate option once confirmed is detailed in section 12.
- (f) A final evaluation in section 13, in accordance with section 32AA of the RMA, confirms the option as meeting the requirements.

### **3 Author and Qualifications**

- 3.1 My name is Rochelle Ashley Jacobs. I am a Director and Senior Planner at Northland Planning & Development 2020 Limited.
- 3.2 I have the following qualifications and experience relevant to the preparation of this report:
- (a) I hold a Bachelor of Resource and Environmental Planning from Massey University.
  - (b) I am an Intermediate Member of the New Zealand Planning Institute.
  - (c) I have more than 15 years' experience as a planner in New Zealand with the majority of my planning career being in the Far North.
  - (d) In 2020, I joined Northland Planning and Development 2020 Limited as a part owner. In this role, I regularly advise and assist corporate and private individuals with the preparation of resource consent applications under the Resource Management Act 1991 (RMA), including subdivision applications, land use resource consents, and coastal permits in the coastal marine area.
  - (e) Throughout my planning career, I have processed resource consent applications on behalf of the Far North District Council for activities on the Estate, and have also complied resource consent applications for proposed activities at the Estate on behalf of Waitangi Limited. As a result of my experiences, I have a good understanding of the planning issues that exist in respect of the Estate.

#### **Code of Conduct**

- 3.3 While this document is to support a hearing that is not before the Environment Court, I acknowledge that I have read the Environment Court's Code of Conduct for Expert Witnesses (contained in the 2023 Practice Note) and agree to comply with it. Except where I rely on the evidence of another person, I confirm that the issues addressed in this report are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

#### **Scope / Purpose of the Report**

- 3.4 The purpose of this report is to provide the background information required to support a Special Purpose zone in accordance with the RMA and Minute 14.

## 4 Background

### Waitangi Proposed District Plan Submission

- 4.1 Waitangi Limited has lodged a submission on the PDP. Waitangi Limited is referenced as submitter number S503. Its submission is attached to this report at **Appendix A**.
- 4.2 The Waitangi Limited submission applies broadly across the PDP and includes requested amendments to the following sections of the Plan:
- (a) Part 1 – Definitions
  - (b) Part 2 – District-Wide - Transport
  - (c) Part 2 – District-Wide – Sites and Areas of Significance to Māori
  - (d) Part 2 – District-Wide – Historic Heritage
  - (e) Part 2 – District-Wide – Notable Trees
  - (f) Part 2 – District-Wide – Natural Character
  - (g) Part 2 – District-Wide – Natural Features and Landscapes
  - (h) Part 2 – District-Wide – Coastal Environment
  - (i) Part 2 - District-Wide - Earthworks
  - (j) Part 2 – District-Wide – Signs
  - (k) Part 2 – District-Wide – Temporary Activities
  - (l) Part 3 – Area-Specific Matters – Rural Production Zone
  - (m) Part 3 – Area-Specific Matters – Mixed Use Zone
- 4.3 As its primary relief Waitangi Limited sought that a Special Purpose Zone or Precinct, be applied to the site. The preferred option was a Special Purpose Zone (SPZ) rather than a Precinct. The reasons for that preference, is set out in **Section 10**.
- 4.4 The rationale for seeking a SPZ is set out in paragraphs 3.1 to 3.4 of Waitangi Limited's original submission to the PDP. In summary, Waitangi Limited considers that the proposed zone(s) (and in part District-wide and spatial overlay) objectives, policies and rules that have been applied to the Estate lands are not appropriate for achieving the purpose of the RMA. Of particular concern, is the extent to which the proposed provisions fail to recognise the



historic significance of the Waitangi Estate lands as New Zealand's foremost national landmark. The PDP as notified applies various land use zone types to the Estate including Rural Production Zone (RPZ) (to the majority of the Estate including Te Pitowhenua / Waitangi Treaty Grounds), Sport and Active Recreation (to part of the Waitangi golf course land) and Mixed Use (to the Copthorne Resort Hotel site). The proposed objectives and policies for these zones do not reflect the unique land use activity that is Waitangi Estate. Nor do they place any emphasis on the historic significance of the site or appropriately managing land use activities to ensure the protection of historic heritage and sustainable management of the Estate assets. The application of a RPZ to most of the Estate would seek to prioritise rural production activity over any other Estate purpose to which an overlay or precinct provisions would be subservient.

4.5 In addition to what the submitter considers to be a misaligned policy direction for the Estate, the applicable zone, overlay and general district-wide rules as notified would restrict even the minor day-to-day management and general upkeep of the Waitangi Treaty grounds and wider Estate with limited to no ability to undertake any further development of the site including:

- (a) Rendering all new buildings (other than extensions to existing buildings) on the Treaty Grounds (and within the coastal environment overlay) a non-complying activity (ref NFL-R1);
- (b) Rendering the repair and maintenance of existing internal roads, carparking areas, footpaths and boardwalks a Discretionary Activity (ref PDP CE-R2);
- (c) Rendering any general earthworks or indigenous vegetation clearance (other than the listed permitted activities) in the coastal environment / outstanding natural landscape overlays a non-complying activity where those works exceed 50m<sup>2</sup> over the life of the District Plan (ref PDP NFL-R3);
- (d) Rendering most land use activities to be a Discretionary or Non-complying activity due to the combination of the underlying Rural Production Zone and proposed overlays. This includes the expansion of existing activities and residential activities that would be limited to 1 residential unit / 40 hectares or six residential units per site (ref; RPOZ-R31);
- (e) Requiring resource consent for any works (earthworks, indigenous vegetation clearance and new buildings) within sites of significance to Māori, other than those

undertaken by the requesting party (Heritage New Zealand Pouhere Taonga) a restricted discretionary activity and rendering all other activities a Discretionary Activity (ref PDP SASM-R1 and SASM-R3);

- (f) Causing the policy application of the National Policy Statement – Highly Productive Land 2022 to apply to rural and non-rural parts of the Estate (e.g. the Treaty Grounds and the Waitangi golf course) because of the proposed Rural Production Zone.

4.6 The proposed alternative to the application of the PDP Rural Production Zone, Mixed Use zone and Sport and Active Recreation zone, is a Special Purpose Zone method that would better enable focussed and comprehensive management of the site. The submitter considers that site specific District Plan objectives and policies that are directed at the protection and ongoing management of the historic Waitangi Estate lands will better achieve the purpose of the RMA, provide for matters of national importance including the protection of historic heritage, and also the wider interests of New Zealanders as envisaged by the Trust Board Act.

4.7 The central focus of the Estate is the Waitangi Treaty Grounds, which is the site of the historic signing of Te Tiriti o Waitangi that occurred on the 6<sup>th</sup> of February 1840. This document is still considered to be the founding document for the nation of Aotearoa / New Zealand. Furthermore, the Waitangi Treaty Grounds are identified as New Zealand's first (and only) national historic landmark under the Heritage New Zealand Pouhere Taonga Act 2014.

4.8 The Waitangi Estate is governed by the Trust Board comprising nominated Trustees that are appointed under the Trust Board Act and administered by its' Waitangi Limited company. The purpose of the Trust Board Act is to manage the Estate as a 'place of historic interest, recreation enjoyment and benefit in perpetuity for the 'inhabitants of New Zealand'. This statutory purpose is consistent with the sustainable management purpose of the RMA.

4.9 To date, Waitangi Ltd has provided evidence at the following PDP hearings:

- (a) Hearing 1 - Strategic Direction, Tangata Whenua and Part 1 / General /Miscellaneous
- (b) Hearing 4 – Natural Character, Natural Features and Landscapes, Coastal Environment and Ecosystems & Indigenous Biodiversity
- (c) Hearing 6/7 - General District-Wide Matters – Earthworks, Light, noise, Sings & Temporary Activities and Genetically Modified Organisms
- (d) Hearing 9 – Rural, Horticulture & Horticulture Processing

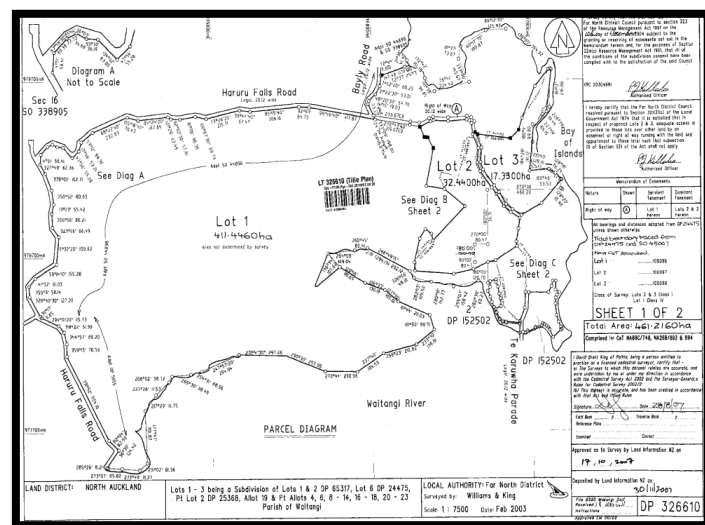
- 4.10 In accordance with section 32(3)(b)(i)&(ii) of the RMA, where a proposal will amend a proposed plan, it is required to consider the objectives and policies of that plan. This section 32AA evaluation is provided in the context of the notified PDP and the resource management issues that it is seeking to manage.
- 4.11 This report provides, as required by section 32AA of the RMA, a further evaluation assessment of alternative proposed objectives, policies and methods to better ensure the protection and ongoing management of the nationally significant historic resources that comprise the Waitangi Treaty Grounds and its surrounding Waitangi Estate lands.

### Description of the Waitangi Estate

- 4.12 The Waitangi Estate is a large 506-hectare landholding located north of the township of Paihia at Waitangi. The Estate contains the nationally significant historic Waitangi Treaty Grounds which is the location of the signing of the Treaty of Waitangi on the 6<sup>th</sup> of February 1840. Waitangi Estate is the venue for annual national Waitangi Day hui and public commemorations
- 4.13 The Waitangi Estate is described in the trust deed at schedule 1 of the Trust Board Act as comprising Lots 1, 2 and 3 DP 326610 and Lots 1 and 2 DP 152502. Historically, missionary settlers purchased the land from local Iwi and established it as a farm prior to it being acquired by Lord and Lady Bledisloe who gifted the land to resident New Zealanders in 1932. The Estate as it exists today also includes adjacent lands that have been added to the original Estate. Copies of the Estate titles are attached at **Appendix B**.
- 4.14 **Figure 1** below is the original plan of subdivision referenced in the Waitangi Act Trust Deed, comprising Lots 2, 3, 5 and 6 DP 24475. **Figure 2** is the plan of subdivision that was created in 2007. Lots 1-3 DP 326610 comprise the Treaty Grounds and the wider rural estate. Lots 1 and 2 DP 152502 comprise the Copthorne Hotel and staff accommodation buildings located west of the Waitangi boat ramp. Additional lands were added to the Waitangi Estate from the Waitangi Endowment Forest lands. These are described in the paragraphs below.



**Figure 1: Waitangi Deposited Plan 24475 – 1932**

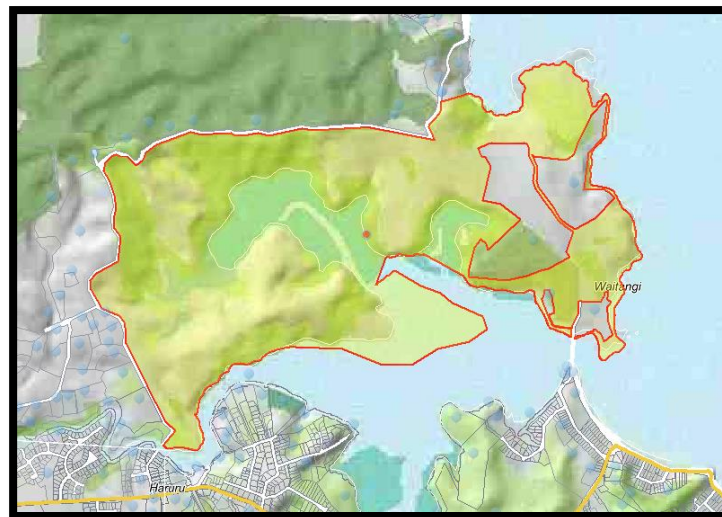


**Figure 2: Waitangi Estate - DP 326610: 2007**

- 4.15 The Waitangi Estate is the location of the historic Treaty Grounds, which members of the public are able to visit and learn about. The Estate also functions as pseudo public open space to provide recreational opportunities such as playing golf, walking tracks, sailing, attending events and concerts.

***Main Waitangi Estate Lands, Treaty Grounds and Waitangi Golf course – (Lots 1, 2 & 3 DP 326610)***

- 4.16 Lot 1 comprises 411.44 hectares. Lots 2 & 3 comprise 17.33 hectares. Lot 1 contains the majority of the Waitangi Estate grounds, including the main Treaty Grounds, the Waitangi sports fields, the Bay of Islands Yacht Club, the Waitangi boat ramp and carparking, Bledisloe sports grounds off Haruru Falls Road, and the mixed bush and leased rural pastoral land to the north and west. Lots 2 and 3 contain the Waitangi Golf course. Waitangi Golf course Inc has a thirty-year lease with two rights of renewals over the golf course sites that commenced in 1972. The Bledisloe Sport grounds are leased to Far North District Council on a 30-lease basis. This is due for review in 2026. These Estate titles are subject to the provisions of the Trust Board Act.



***Figure 3 – Waitanai Estate Grounds, Treatv Grounds and Waitanai Golf course – Lots 1, 2 & 3 DP 326610***

***Copthorne Resort Hotel Site – (Lots 1 & 2 DP 152502)***

- 4.17 These lots comprise 5.2250 hectares and include the Copthorne Resort Hotel and worker residential accommodation located west of the Waitangi boat ramp. The Copthorne Resort Hotel (Cognitum Corporation Limited and Context Securities Limited) has a thirty-year lease over the site that was re-entered in 2021.



*Figure 4 – Copthorne resort Hotel and Staff Housing – Lots 1 & 2 DP 152502*

***Paihia Pony Club – (Lot 3 DP 51155)***

- 4.18 This lot comprises 4.76 hectares and contains the leased Paihia Pony Club grounds. This site is not part of the original Waitangi Estate referenced in the Waitangi Act Trust Deed. We are unsure of the date in which the site was added, however investigations to date have determined that it was added prior to 1991. It is currently leased to Paihia Pony Club on an annual lease renewal basis.



*Figure 5 – Paihia Pony Club – Lot 3 DP 51155*



#### ***Additional Estate lands - Section 6-11, 15 & 16 SO 338905***

- 4.19 These lots comprise land along Bayly Road, which includes residential accommodation, an education building facility, and a former camping ground site adjacent to Wairoa Bay. There is a single site comprised in this title that is further west along Haruru Falls Road. A horse trekking business 'Horse Trekn' lease land within Sections 6 and 9. These sites do not form part of the original Waitangi Estate referenced in the Trust Board Act. Similar to the Pony Club site above, investigations into when the sites were added to the estate could not be established, however it appears that they were added prior to 1991.



***Figure 6A – Section 6-11, 15 & 16 SO 338905***

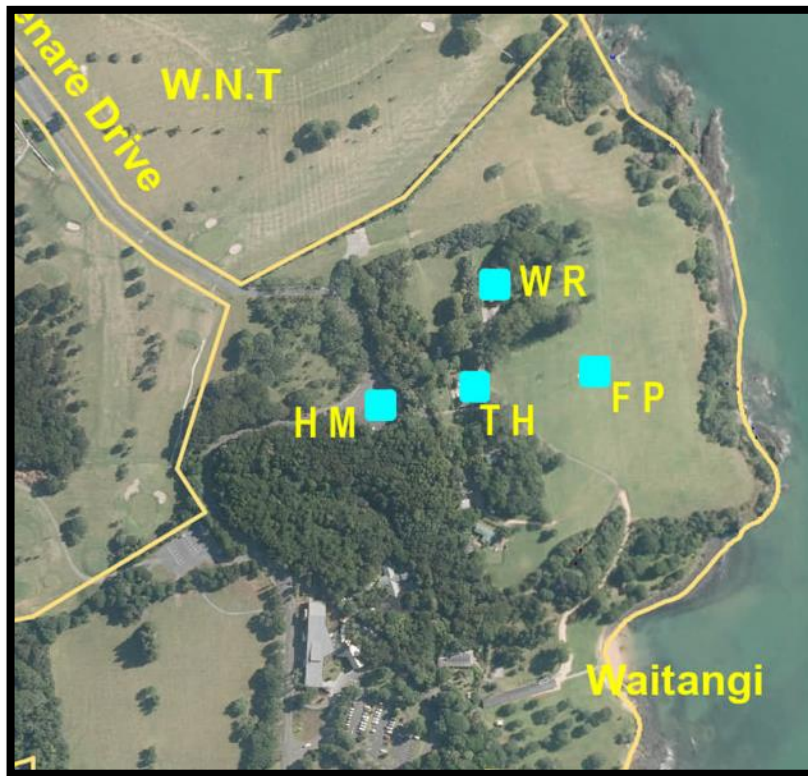
#### **Historic Heritage Features**

- 4.20 The central and most well-known heritage features on the Waitangi Estate are those buildings and structures associated with the signing of Te Tiriti o Waitangi (Treaty of Waitangi) in 1840. These are located on the upper Waitangi Treaty Grounds and include the flagpole, and James Busby's house (renamed at Lord Bledisloe's request the 'Treaty House' in 1932). There is also Te Whare Runanga which was established at the centenary of the signing of the Treaty and Hobson's memorial on the upper Treaty Grounds. All those buildings and objects are scheduled historic items in both the Operative Far North District Plan and the Heritage New Zealand Heritage List (Rārangi Kōrero). The Waitangi Treaty Grounds, also known as Te Pitowhenua is a National Historical Landmark site and Category 1 Historic Place listed under the Heritage New Zealand Pouhere Taonga Act 2014. In the Proposed District Plan the Historic sites, buildings and objects have been rolled over as site #100. While these buildings are located some distance apart, they are all recorded under the

same

plan

reference.



*Figure 6B - Historic buildings and objects described in notation 100*

- 4.21 Te Pitowhenua is a new reference in the PDP shown as MS09-49 as a 'Site and Area of Significance to Māori'. The mapped PDP extent differs from the Heritage New Zealand's mapped extent and the reference within the PDP schedule.



*Figure 7 – MS09-49 located just below the new Māori Battalion Museum and adjacent to the caretakers residence on the upper treaty grounds*





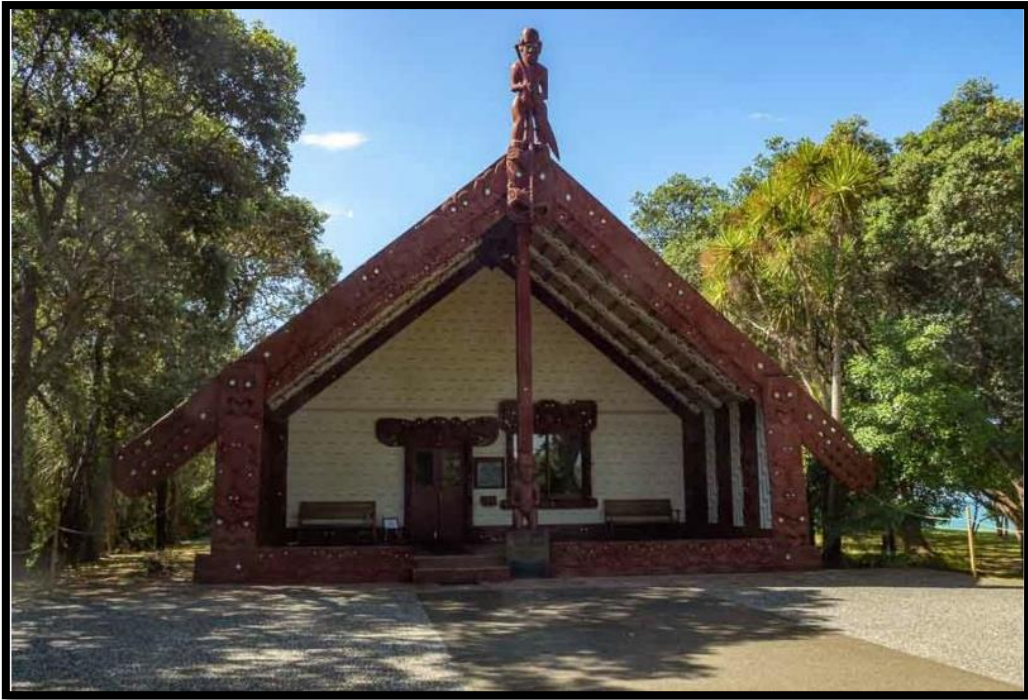
*Figure 8 - Te Pitowhenua as mapped by Heritage New Zealand*

MS09-49	Waitangi	Te Pitowhenua/Waitangi Treaty Grounds Wāhi Tūpuna/Tipuna	Heritage New Zealand Pouhere Taonga	Lot 1 DP 326610
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*Figure 9 - SCHED3 - Schedule of sites and areas of significance to Māori*



*Figure 10 - James Busby House (Treaty House) Historic Building #100*



*Figure 11 - Te Whare Runanga Historic Building #100*



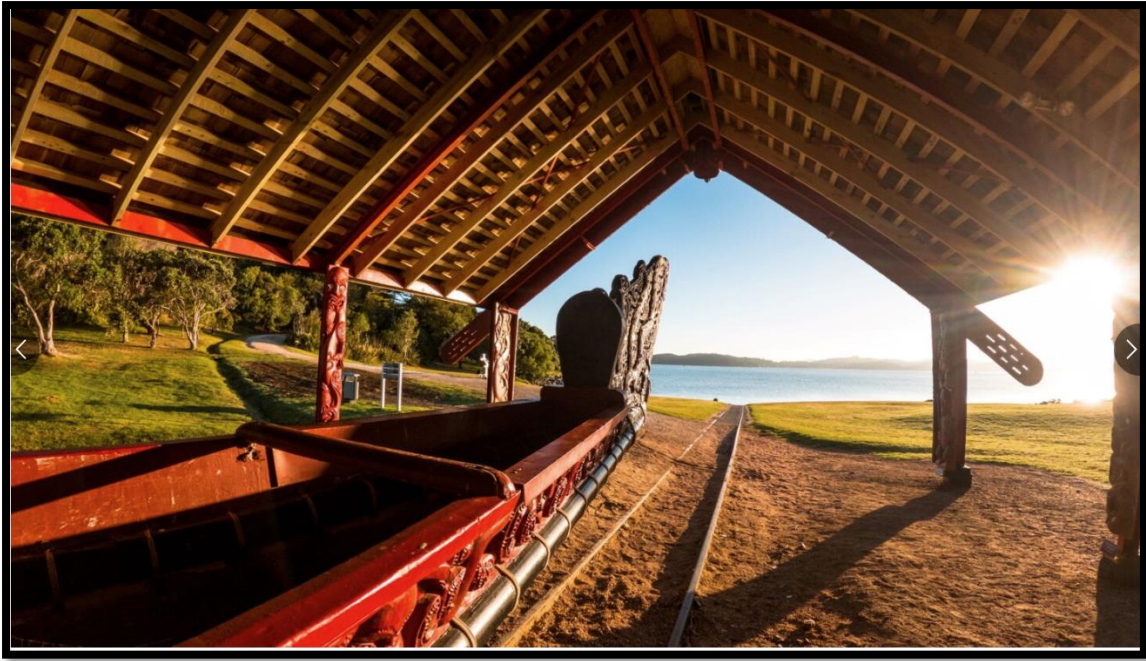
*Figure 12 - Flagpole Historic Building #100*



*Figure 13 - Hobson Memorial*

4.22 In addition to the main features, there is the Whare Waka which houses Ngātokimatawhaorua. This waka was gifted to the Trust Board at the centenary (7<sup>th</sup> Feb 1940) by five Northern iwi (Ngāpuhi, Te Rarawa, Te Aupouri, Ngāti Kahu and Ngātiwhātua) for safekeeping. There are also more than 100 recorded archaeological features and sites associated with pre-European Māori settlement including shell middens, wahi tapu and a pa site, as well as World War II encampments near the Waitangi golf club known as 'Cactus Camp'. These are notated on the various maps and listed within the 'Desktop Review of Identified Archaeological Resources within the Waitangi Estate' report prepared by Don Prince dated June 2024. A full archaeological assessment of the site is currently being undertaken in conjunction with Heritage New Zealand. This desktop report will be updated with any new findings made.





*Figure 14 – Ngātokimatawahaorua Waka and Shelter*

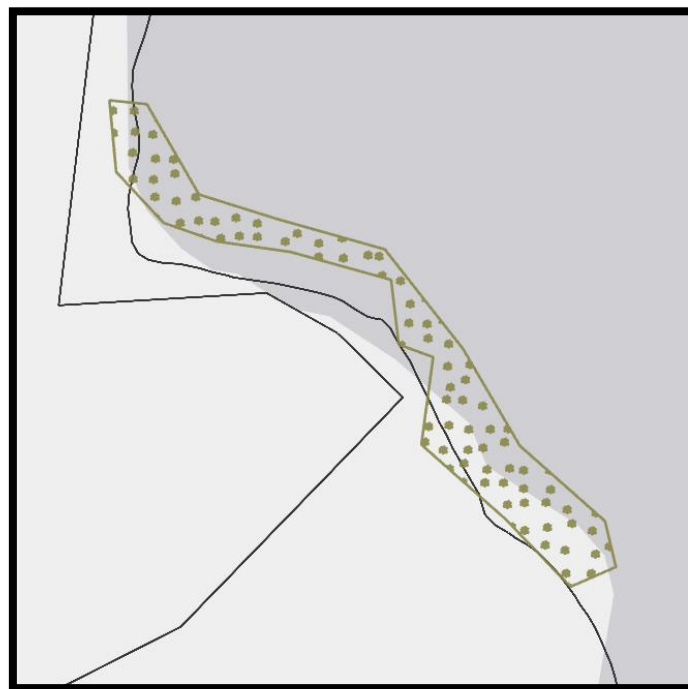
#### **Natural and landscape features**

- 4.23 The site and its location are significant in terms of natural features that provide the environmental, landscape and cultural setting for the site. The Waitangi Estate is strongly influenced by the coastal environment landscape that frames the southern, eastern and northern perimeter of the site. Coastal estuarine inlets extend far into the site and are densely vegetated with established mangroves. There are also several large inland wetlands on the site. As the original Waitangi Estate was a pastoral farm, it was largely clear of any kind of vegetation. Over time indigenous vegetation, along with notable planted exotic species have regenerated on the site and currently form a vegetated background to the upper Treaty Grounds and a screened location for the main Waitangi visitor, administration, and museum buildings. This vegetation has now been identified in the Regional Policy Statement for Northland and the PDP as having ‘high natural character’.



*Figure 15 - View of the Treaty Grounds and Copthorne from the Coastal Marine Area (CMA)*

- 4.25 Coastal Pohutukawa are a feature of the foreshore. Volcanic rocky outcrop features to the north of the upper Treaty Grounds are identified in the PDP as an outstanding natural feature (ONF). This feature is generally mapped as being within the Coastal Marine Area (CMA), however in some areas the feature is shown to encroach on the Estate as shown on the PDP map below.



*Figure 16 - Location of Volcanic Rocky outcrop ONF in relation to the Waitangi Estate boundaries*

- 4.26 On the western periphery of the Estate is Haruru Falls. This feature is also mapped in the PDP. Similar to the volcanic rocks as described above, Haruru Falls is generally mapped within the tidal river, with some encroachment onto the Estate Land.



*Figure 17 - Location of Haruru Falls ONF in relation to the Waitangi Estate boundaries*

#### **Landscape Features**

- 4.27 The Waitangi Estate comprises a variety of landscape values and features that are described in the Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture (**refer Appendix C**). The Estate is situated adjacent to the western side of the Bay of Islands coastal marine area. It is opposite the historic township of Kororareka (Russell) and close to the township of Paihia. The undulating topography of the Estate and its elevation above sea level offers expansive views of the Bay marine area. Similarly, views of the Waitangi Estate land are visible from the surrounding mainland areas opposite the site and from boats within the coastal marine area.
- 4.28 The Waitangi Endowment Forest provides a forested backdrop to the Estate and was intended for this scenic purpose when it was established by the Crown in 1932. This area is actively utilised for forestry, and there is an agreement that 50% of the net proceeds generated be payable to the Trust Board as a source of revenue to assist the management of the Estate. It is noted that recent felling of *pinus radiata* has removed some of this backdrop.
- 4.29 The site itself is undulating with a mix of pastoral and regenerating native vegetation within gully areas, along the margins estuarine inlets and surrounding the Treaty Grounds.

4.30 The PDP has mapped the Estate with the following Landscape Features:

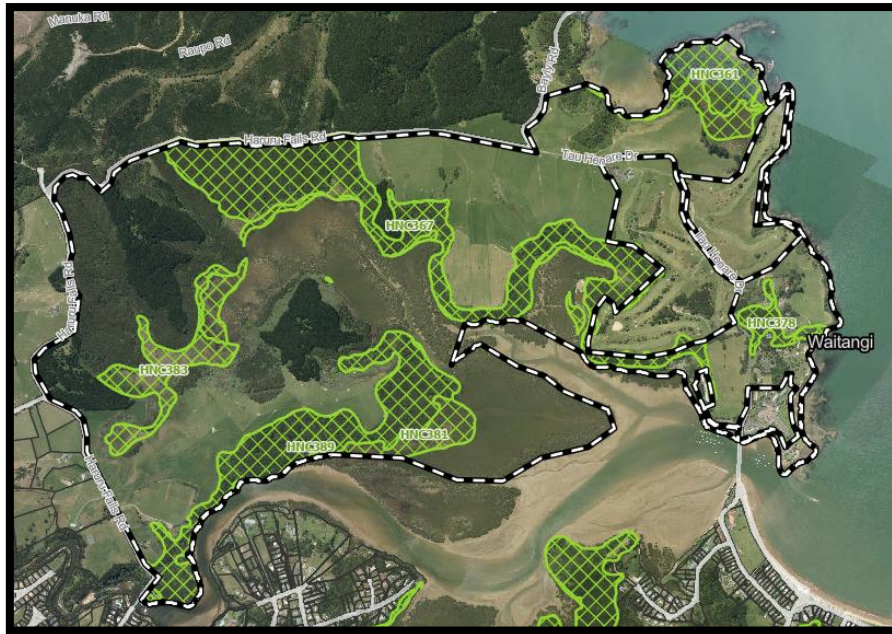
- (a) Outstanding Natural Landscape – This covers the Treaty Grounds, bowling club and some vegetation on the western side of Tau Henare Drive as pictured below.



*Figure 18 – Areas of Outstanding Natural Landscape*

- (b) Outstanding Natural Features – Covering the rocky outcrop to the north of the flagpole and Haruru Falls refer **Figure 16** and **Figure 17** above.
- (c) High Natural Character - Referenced as areas 318, 361, 367, 378, 381, 383 and 389, as pictured below.

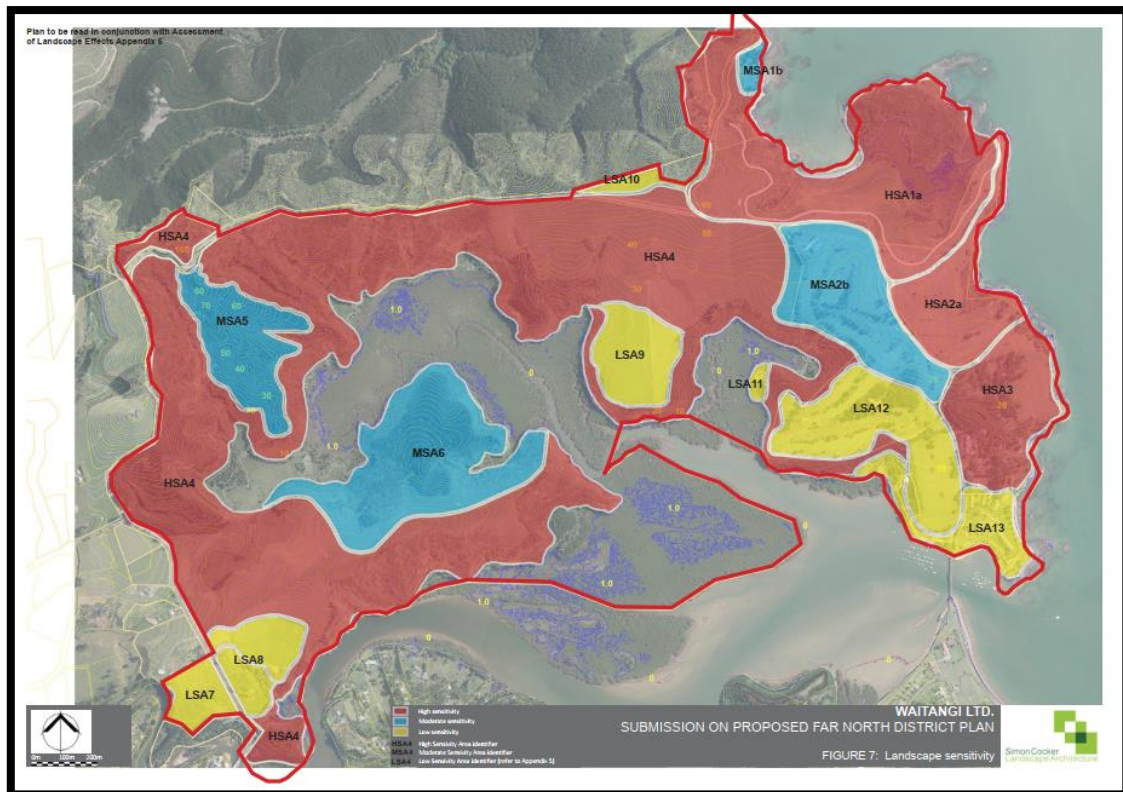




*Figure 19 - Areas of Mapped High Natural Character*

- 4.31 Mr Cocker has assessed the Waitangi Estate landscape environment to determine its landscape values and in its wider coastal environment context. The existing landscape features vary from open pasture, vegetated corridors, coastal foreshore / estuarine and river margin environments and the central historic built heritage located within the eastern Treaty Grounds. The modified Treaty Grounds landscape is described as one of New Zealand's most important cultural landscapes that is closely linked to the origins of its modern nationhood. Mr Cocker states in his report that the Treaty Grounds cannot be viewed in isolation from their landscape and seascape context, which are critical to the integrity of its cultural, historical and aesthetic values. This is combined with the terrestrial, historical, cultural, archaeological and visual context of the site. Mr Cocker has mapped the landscape character areas within the Estate, which are illustrated on **Figure 6A** of his report attached at **Appendix C**. The landscape sensitivity of the various land use areas within the Estate (proposed as sub-zones) are described in Section 5.0 of Mr Cocker's report and illustrated in **Figure 20** below.



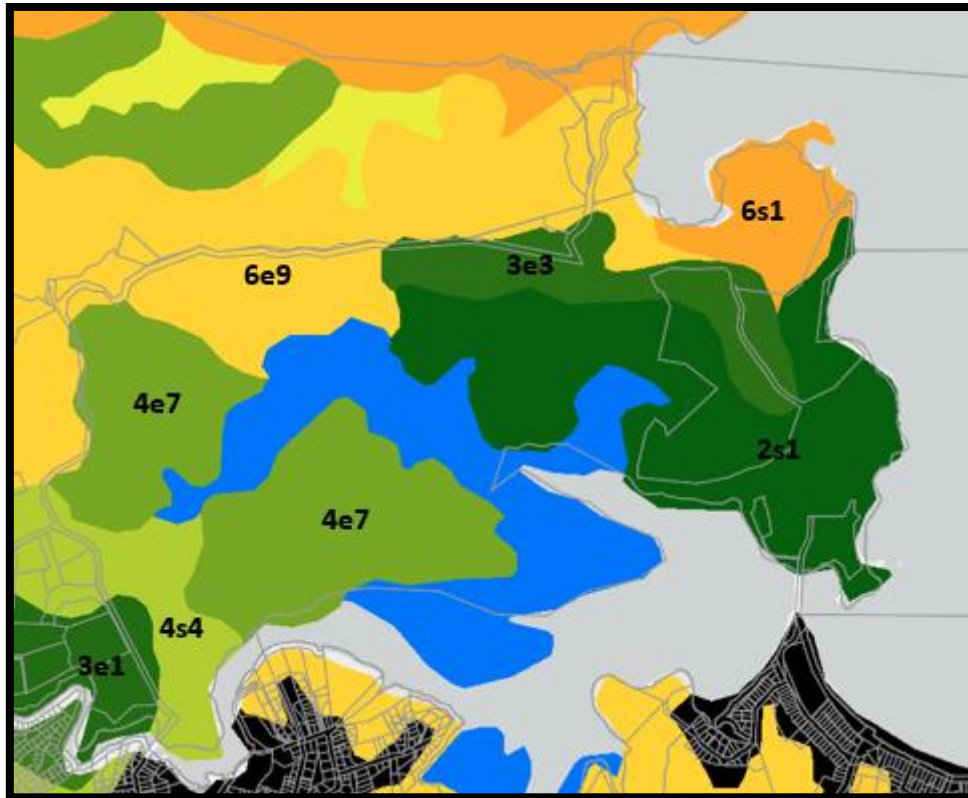


**Figure 20 - Areas of Landscape Sensitivity**

- 4.32 Areas of high landscape sensitivity (shown in red) are located around the elevated Estate margins where they are visible from the coastal marine area and from publicly accessible areas such as roads and walking tracks. Low sensitivity areas include the low-lying built environment associated with the Copthorne Hotel Development, inland low-lying rural pastoral land and the pony club grazing land at Haruru Falls.

### Productive Land Use Capability (Soil Type)

4.33 The Estate is mapped with the following NZLRI Land Use Capability v3\_1 soil classifications.

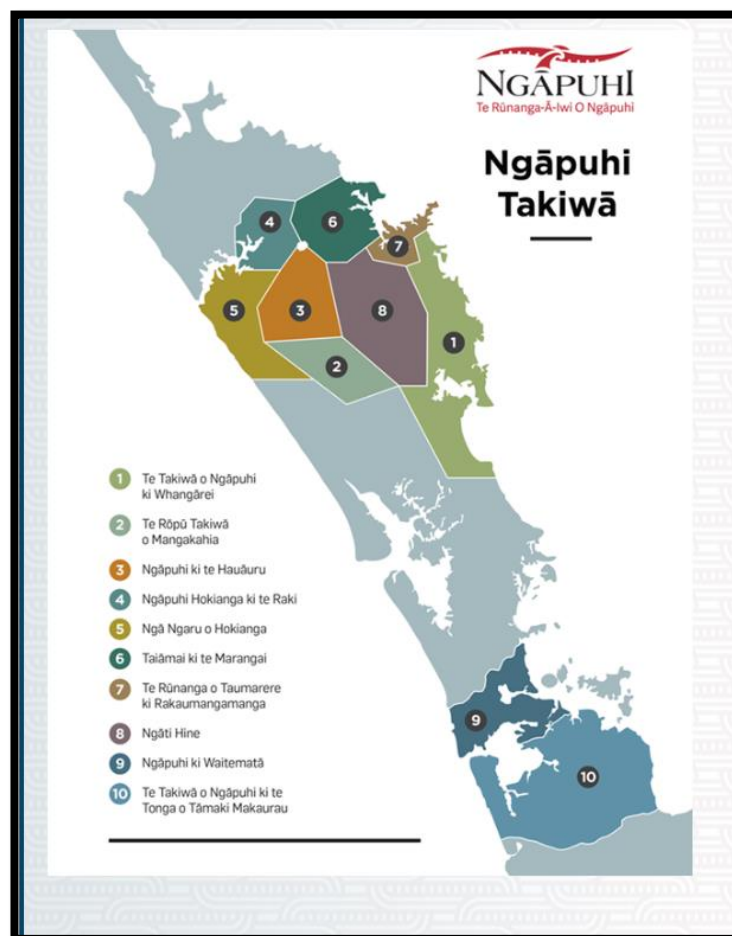


*Figure 21 – NZLRI LUC Soil Types*

- 4.34 A land survey of the Waitangi Estate has been completed by AgFirst and is attached at **Appendix D**. The described soil types are a mix of greywacke, volcanic basalt, and other miscellaneous sediment and peat areas found within the lower tributary valleys around the edges of the Waitangi estuary. As mapped, the LUC land soil classes vary between higher versatile on and around the Treaty Grounds and the grassed slopes between the golf course and the Waitangi Estuary lesser LUC soil types around the inland freshwater wetland and coastal margins. Class LUC 4 soils are present within the Waitangi golf course and rolling pastoral land south of Haruru Falls Road and Tau Henare Drive and the Paihia Pony Club site (including grazing land opposite). LUC 5 land east of Haruru Falls Road adjacent to the Bledisloe Domain.
- 4.35 The Estate has limited productive value due to the presence of heavier clay soils on the majority of undeveloped sloping pastoral land, the presence of protected historic heritage and land occupied by long term leases, such as the Waitangi golf course.

## Cultural Landscape Features / Values

- 4.36 As recorded on the Iwi Authority Ngāpuhi website, Waitangi Estate is within the Takiwa of the Ngāti Rahiri and Ngāti Kawa hapu and is of cultural interest to other Ngāpuhi hapu as a seasonal location for accessing the coast. Ngāti Rahiri and Ngāti Kawa are the recognised (kaitiaki) hapu associated with the national marae on the Waitangi Estate. Waitangi Estate and Te Pitowhenua is of national interest to all Iwi throughout the country as the place where the Crown entered into a mutually agreed governance agreement for the emerging nation



of New Zealand / Aotearoa.

**Figure 22 - Collective Hapu Takiwa Locations – source Ngāpuhi website - <https://ngāpuhi.iwi.nz/>**

<b>Te Tii Waitangi</b>	Ngāti Kawa, Ngāti Rāhiri	Te Tiriti o Waitangi	Te Karuwha Parade, Waitangi	Waireti Paora 02108252926
<b>Waitangi National</b>	Ngāti Kawa, Ngāti Rāhiri	Te Whare Rūnanga	Tau Henare Drive, Waitangi	09 4027437 or 0800 92482644 info@waitangi.org.nz

**Figure 23 -Contact Details for the Marae on the Estate and immediately adjacent**

- 4.37 Archaeological surveys of the Waitangi National Trust Estate to date, indicate more than 100 sites, predominantly along the coast and near Hutia Creek. Many sites are shell middens,

but some are identified as wāhi tapu, and there is evidence of a pa on a roadside look-out point south of the golf course. Early European accounts indicate Waitangi was not heavily populated and that settlements appeared to be seasonal. There were close kin-affiliated settlements from the Waitangi River inlet to Lake Owhareiti, with Ngati Rahiri occupying pa at Waitangi, Te Aute, Pakaraka and Pou.

### Existing Activities and Built Features

- 4.38 There are numerous activities operating across the Waitangi Estate lands. Some of these operate on a long-term lease arrangement. The existing activities reflect the original intent of the Estate which is for the protection of the historic grounds and features associated with the signing of the Treaty of Waitangi, and for the recreation enjoyment of all New Zealanders. These activities also generate revenue that fund the day-to-day operations of the site. Treaty Grounds – includes the Visitor centre, Waitangi Museum, Māori Battalion Museum, Whare Waka café, Wharewaka and Ngātokimatawhaorua. Treaty Grounds heritage features (flagpole, James Busby house, Whare Runanga and Hobson Memorial), Event Marquee, old bowling club, caretakers house.
- The former Bowling Club building is now used as a venue space for school and public education programmes
  - The marquee is used as a venue space for various hui held during Waitangi week and throughout the year and as an occasional reception venue for weddings or larger gatherings (authorised under RC2240177)
- (b) Copthorne Hotel & Resort Bay of Islands located in the southern part of the Waitangi Estate. This consists of a number of buildings used for accommodation, associated dining and conferencing. This is a 30-year leased site and includes resident worker accommodation located west of the Waitangi Boat Ramp.
- (c) Waitangi Golf Club located to the Northwest of the Treaty Grounds. This consists of a main club room with separate toilet block and sheds. This is a 30-year leased site which expires in 2061.
- (d) Waitangi Sports Grounds located opposite the Treaty Grounds on Tau Henare Dr is used predominately for overflow carparking for the Treaty Grounds or to accommodate larger vehicles such as campervans. It is also used as a venue for sports and cultural activities and a concert venue for up to six concerts a year as authorised by RC2220351.

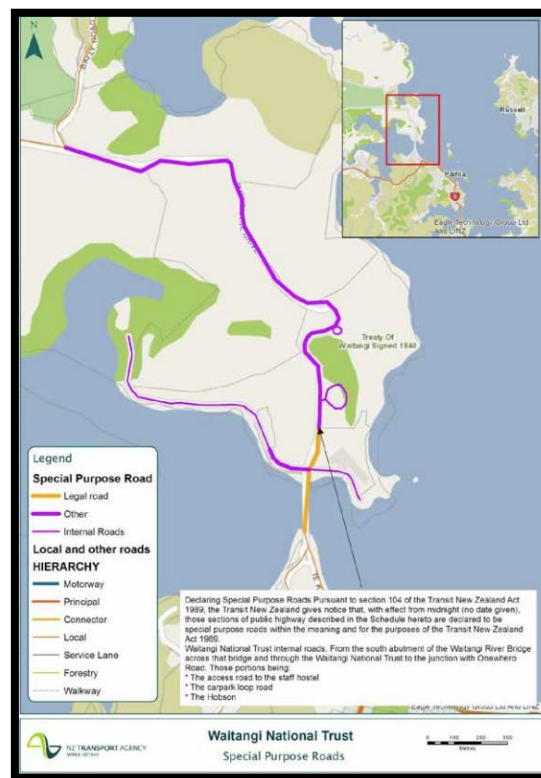
- (e) Waitangi Boat Ramp and associated facilities including a toilet block is located to the west of Te Kauwhata Parade. The facilities are managed by Far North Holdings Limited on a 35 year lease.
- (f) Waitangi Wharf and boat ramp located to the East of Te Kauwhata Parade. Is used by Cruise Ships to transport guests to activities around the Bay of Islands. Is also used by members of the public to launch vessels. These facilities are also managed by Far North Holdings Limited.
- (g) Workshop facilities and groundskeeping storage sheds. Located to the west of the Waitangi boat ramp.
- (h) Public walking tracks that connect Haruru Falls to the main Treaty Grounds along the northern margin of Waitangi River inlet. These facilities include boardwalks over areas of mangroves.
- (i) Bay of Islands Yacht Club located to the East of the Copthorne Hotel. This is a 350-member club operated under a 30-year lease which expires in 2039.
- (j) Bledisloe Sportsgrounds and club rooms (Haruru Falls Road). Used for parking for large events such as Waitangi Day. Currently leased to FNDC and used as soccer grounds during the winter season. The club rooms are also used by members of the community for events and classes. This is a 30-year lease which expires in 2026.
- (k) Rural pastoral land – leased to John and Tom Bayly
- (l) Horse Trekking business. Currently leased paddocks and use of Estate for horse trekking by Horse Trek’N Limited.
- (m) Pahia Pony Club grounds located on Haruru Falls Road. Operated on an annual lease basis.
- (n) Rental accommodation – Estate and Copthorne Resort staff housing located to the West of the main public boat ramp, at the northern end of the Estate off Bayley Road.
- (o) Old education / art building and housing. Located at the northern end of the Estate off Bayley Road. Currently sitting vacant.

### Existing Infrastructure

- 4.39 **3 waters (reticulated services)** Established 3 waters infrastructure within the site includes public water supply services extend to the upper Treaty grounds via Tau Henare Drive. The



Estate wastewater services are connected to a public 225mm gravity main and pump station located on the northern side of the Waitangi bridge. There are no other reticulated Council services within the site. **Roading and Access** – the Estate is accessed from Paihia via Te Karuwha Parade. This road stops at the Copthorne. From this point onwards access is via Tau Henare Drive which is one of only 5 special purpose roads in the Country. This Special purpose road extends from the Copthorne through to Haruru Falls Road at its intersection with Bayley Road. Waka Kotahi and FNDC have maintenance responsibility of this part of the Estate’s Road network (refer image below). Haruru Falls Road is the western and northern boundary of the Estate. Bayly Road connects to the smaller land parcels north of the main Estate.



**Figure 24 – Waka Kotahi Special Purpose Road Map**

- 4.41 **Waitangi Boat Ramp** – the Waitangi boat ramp is located just west of the northern side of the Waitangi bridge. The boat ramp is a public ramp that is owned by FNDC and managed by Far North Holdings Limited. There is an existing carparking area located adjacent to the ramp and more recently toilet facilities have been added.
- 4.42 **Pontoon Jetty (cruise ship access)** – the pontoon jetty is located on the Estate’s southern peninsula, and adjacent to the Bay of Islands marine slipway and boat ramp. The jetty is primarily used for unloading and loading summer cruise ship passengers onto ships that

moor in the Bay opposite the township of Russell. There is dedicated bus carparking located next to the pontoon jetty

### **Surrounding Environment**

- 4.43 The Waitangi Estate is located on the western side of a large marine environment known as the Bay of Islands. Across the Bay, the historic township of Kororareka (Russell) lies opposite the Treaty Grounds site. The Paihia coastal settlement is to the south. To the west is the residential settlement of Haruru. The Waitangi River bounds the southern part of the Estate and extends inland through its rural hinterland. The Waitangi Endowment forest is to the north-west. The Waitangi forest is a popular destination for mountain biking in the Waitangi Mountain Bike Park. Bayly's farm further to the north is a working farm and wedding venue destination that is popular during the summer months.

## 5 Site History

### Pre-European Settlement

- 5.1 As part of this process, a Cultural Values Report was commissioned to research the pre-colonisation history of the site. This report is attached at **Appendix E**. The earliest reference to Waitangi in oral tradition comes from hundreds of years prior to European arrival. Maikuku, daughter of Uenuku (Eldest son of Rahiri one of the founding chiefs of Ngapuhi) and Kareariki, was placed in a cave on the Waitangi peninsula; and area now known as Te Ana o Maikuku. Maikuku was considered tapu, and due to her elevated status, her people took extraordinary measures to protect her. Maikuku married Hua, and had a son named Te Ra who is recognised as the founding ancestor of Ngati Rahiri.

### European Settlement

- 5.2 During the early stages of colonisation, the land at Waitangi was sold to the Church Missionary Society (CMS) by Waraki, a chief of Ngāti Rahiri, in 1815. The Halls were involved as leaders within the CMS alongside Thomas Kendall and John King. Records show the Hall family did not stay long, and the site subsequently became the residence of the Crown appointed British Resident, James Busby. James Busby purchased the Hall's deed and nine other separate land transactions with local hapu chiefs that totalled 270 acres. It was on this land the British Residency (now the Treaty house) was constructed. In 1834, James Busby invited a representative of the Confederation of United Tribes to choose a flag by which they would be identified and have maritime recognition. The flag was registered by King William VI along with the signed Declaration of Independence in 1839. The site went on to be the location for the signing of the Treaty of Waitangi in 1840, and an important annual meeting place for Māori and Crown representatives.
- 5.3 During the latter 19th century, the Estate lands were occupied by James Busby and his family, despite uncertainty about legal ownership. Significant farming operations were undertaken along with a planned (but never developed) town called 'Victoria' (Raurangi) on the Treaty Grounds land. The town and the settlement plan never eventuated with the Estate lands, including the Busby residence falling into disrepair in the early 20th century.



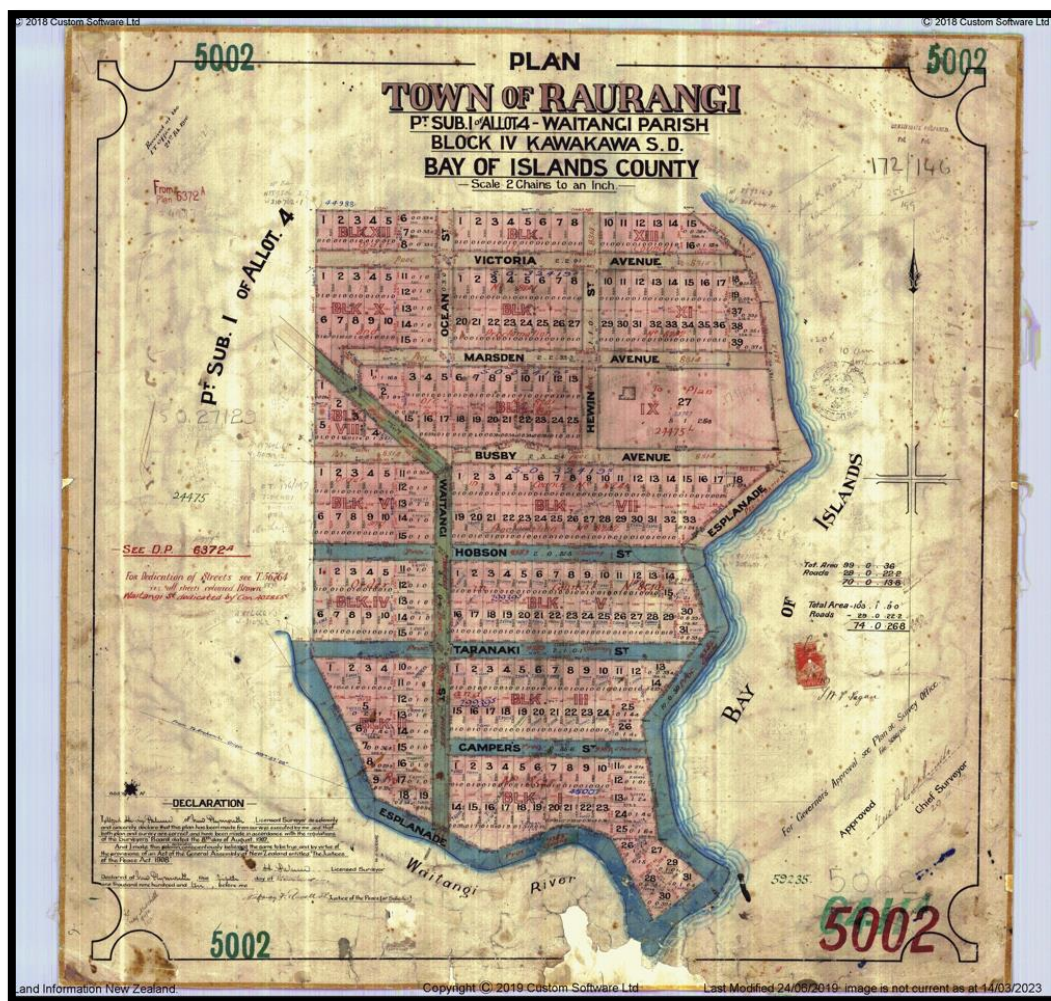


Figure 25 - James Busby's Town Plan for Waitangi

- 5.4 In 1929, Lord Charles Bathurst Bledisloe was appointed Governor-General of New Zealand. He and his wife purchased the 1,000-acre Estate at Waitangi and presented it to the nation as a national memorial. The family helped fund the repair of the Busby residence and were closely involved in the Trust Board's establishment under the Trust Board Act.

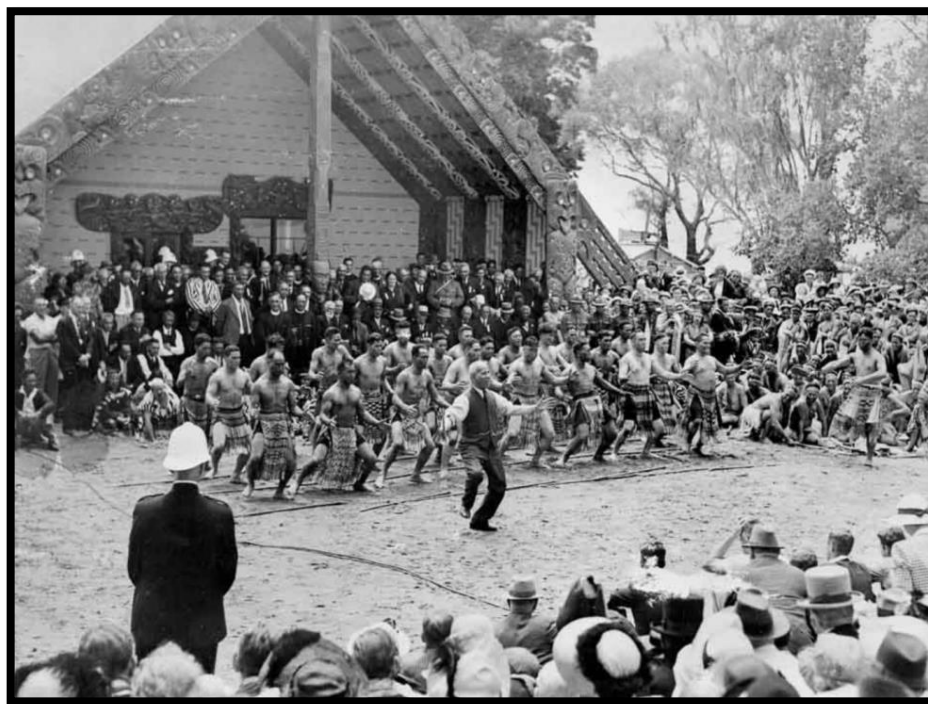
#### Trust Board Act

- 5.5 The Trust Board Act was enacted in 1932 when Lord and Lady Bledisloe gifted the Waitangi Estate to New Zealanders. The Trust Board Act established in law a group of representative Trustees to oversee the management of the Estate lands as described in the Deed of Trust (Schedule 1), with the intent that the site be protected as a place of historic interest and recreational enjoyment for inhabitants of New Zealand. A copy of the Deed is attached at **Appendix F**. To this day, the appointed Trustees include a variety of Crown, Māori and descendant representatives who have general powers assigned to them, including various development activities that enable the use and public enjoyment of the Estate, and

also the ability to generate revenue to pay for the day-to-day operational expenses. The Board meet throughout the calendar year as required.

### ***Māori Battalion***

- 5.6 On the 6<sup>th</sup> February 1940 it marked a century since the signing of the Treaty of Waitangi. Māori representation at this celebration was drawn from various tribes whose men formed part of the 28<sup>th</sup> Māori Battalion. This celebration was the stage for Sir Apiranga Ngata's historical speech on the price of citizenship during the opening of the Whare Runanga.
- 5.7 500 men representing all 5 companies of the Māori Battalion travelled to Waitangi to attend the centennial commemorations of the signing of the Treaty. For Māori, this gathering provided a space to discuss equality with pākehā. The Māori Battalion also signified unity with different tribes from all over New Zealand working together through internal issues they may have had with another tribe. The New Zealand Māori Battalion is a significant part of New Zealand's history and its gathering at Waitangi has set the platform for discussing bicultural matters with the government. This is still evident today where the Estate provides the stage for Māori to discuss those prominent issues with both the government and its main opposition parties every Waitangi Day. Other than parliament in Wellington, there is no other site in the country that provides a similar stage for these discussions to take place.



*Figure 26 - Sir Apirana Ngata at Waitangi 1940*

### ***Waitangi Limited***

- 5.8 Waitangi Limited was established in 2016 as a wholly owned subsidiary of the Trust Board and is responsible for the day-to-day management of the Estate, including the Waitangi Day celebrations. Waitangi Limited employs 43 staff and is governed by a Board of Directors that report to the Trust Board. Waitangi Limited administer and maintain all of the visitor facilities on the Estate.

## 6 Procedural Matters

### Proposed Plan Variation 1

- 6.1 The Council notified PDP Variation 1 – Minor Corrections and Other Matters on 14 October 2024. The Variation makes minor amendments to the PDP to correct minor errors, amend provisions that would have unintended consequences, remove ambiguity and improve the clarity and workability of provisions. Corrections to property zoning and coastal flood hazards have been made. Variation 1 changes to PDP maps include additions to the coastal flood hazard layer, amendments to the Open Space, Hospital Zone, Airport Zone, Kororareka Russell Township Zone. None of the proposed amendments apply to the Waitangi Estate land.
- 6.2 Variation 1 additions are proposed to the following zone and overlay provisions including references to the Airport Protection Surface Overlay, additions to the Heritage Area overlay, and zone setbacks in the Heavy Industry, Horticulture Processing Facilities and Māori Purpose Zone:
- (a) Part 2 – District-wide – Heritage Area Overlays
  - (b) Part 2 – Notable Trees
  - (c) Part 2 – Treaty Settlement Land Overlay
  - (d) Part 3 - General Residential Zone
  - (e) Part 3 - Heavy Industry Zone
  - (f) Part 3 – Horticulture Zone
  - (g) Part 3- Horticulture Processing Facilities
  - (h) Part 3 – Māori Purpose – Urban and Rural
  - (i) Part 3 – Mixed Use
  - (j) Part 3 – Natural Open Space Zone
  - (k) Part 3 – Open Space Zone
  - (l) Part 3 – Rural Production Zone
  - (m) Part 3 – Rural Residential Zone

(n) Part 3 – Sport and Active Recreation Zone

(o) Part 3 – Quail Ridge (Special Purpose) Zone

6.3 None of the proposed provision changes apply to the Waitangi Estate lands or are relevant to the WSZ provisions.

#### **Previous PDP hearings**

6.4 Independent panel hearings on submissions to the PDP commenced in May 2024. To date, hearings on the following topics have been held and post-hearing officer recommendations provided: Hearing 1 – Strategic Direction, Tangata Whenua and Part 1 / General / Miscellaneous

(b) Hearing 2 – Airport, Hospital and Quail Ridge special purpose zones

(c) Hearing 3 – Orongo Bay, Ngawha Innovation and Enterprise Park and Moturoa Island special purpose zones

(d) Hearing 4 – Natural Character, Natural Features and Landscapes, Coastal Environment and Ecosystems & Indigenous Biodiversity

(e) Hearing 5 – Activities on the surface of water and public access

(f) Hearing 6/7 – General District-Wide Matters – Earthworks, Light, noise, Signs & Temporary Activities and Genetically Modified Organisms

(g) Hearing 8 – Open Space, Engineering Standards & Mineral Extraction

(h) Hearing 9 – Rural Environment

(i) Hearing 10 – Māori Purpose & Treaty Settlement

(j) Hearing 11 - Energy, Infrastructure, Transport & Designations

6.5 To date Waitangi Ltd has participated in presenting aspects of its submission at Hearings 4, 6/7 and 9. As secondary relief, Waitangi Limited sought changes to the zones and District-wide land use provisions to better accommodate activities on the Waitangi Estate.

#### **PDP Minute 14 – Rezoning Criteria & Process**

6.6 The Hearings Panel issued Minute 14 on the 31<sup>st</sup> of October 2024. This was then superseded by a later version dated 2<sup>nd</sup> December 2024. Minute 14 outlines the information needed to support rezoning requests and a reverse timetable process, which places the obligation on

submitters to provide the necessary assessment of the request for rezoning under section 32 of the RMA. Waitangi Limited opted into this process on the 4<sup>th</sup> of February 2025. This report provides the necessary information to support Waitangi Ltd.'s request to rezone the Waitangi Estate with a special purpose zone. The responses to the Minute 14 listed evaluation criteria are set out in the sections below.



## 7 Strategic Context

### Far North District – Resource Management Issues

- 7.1 The Council’s section 32 overview report outlines the Far North District’s environment and community context and its strategic resource management issues<sup>1</sup> including:
- (a) a growing population centred around main towns;
  - (b) the predominance of a low socio-economic community;
  - (c) increasing demand for affordable housing; and
  - (d) a varied primary production reliant economy
- 7.2 In addition to these, is a significant tourism industry that attracts visitors to the spectacular natural resources found within the extensive coastline, historic heritage in some of the oldest settlement locations in New Zealand, and a pleasant climate.
- 7.3 The Council’s identified resource management responsibility includes fostering relationships with the many tangata whenua Iwi hapu groups in the north, protecting rural resources on which the rural economy relies, careful management of natural hazard risk including adaptations that may be required as a result of climate change, management and protection of indigenous biodiversity, heritage features, outstanding landscapes and features, the coastal environment along with the provision of adequate infrastructure. The Far North is a complex district, not only in terms of its extensive land mass and distribution of its population, but also its varied natural environment and its sensitivity to change brought about by land development.
- 7.4 Of relevance to the Waitangi Estate and its future management is its land-based location adjacent to the coastal environment, the adjacent tourist mecca of Paihia that is the gateway to the Bay of Islands, and the nationally significant historic heritage of the Waitangi Treaty Grounds. The Waitangi Estate is a national destination venue for the annual Waitangi Day celebrations and thousands of people that visit the Waitangi Treaty Grounds each year enjoy a game of golf or a stay at the Copthorne Resort Hotel. The original vision of Lord and Lady Bledisloe when the Estate was gifted to New Zealanders was that it be managed comprehensively under a single mandate administered by a representative Board of

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<sup>1</sup> FNDC – Proposed District Plan – Section 32 overview –[p24-31] & [p35-37]

Trustees. That Board is tasked with the protection of the historic Treaty Grounds site and enabling the recreational enjoyment of the gifted lands.

- 7.5 Like any landowner, the Trust Board and its management company, Waitangi Limited, is required to adhere to the resource management regulations that are prescribed by the RMA. While this is not objected to, the unique historic nature of the Estate is such that particular attention is warranted to ensure that the heritage values of the site are not lost or adversely affected by Plan provisions that are misaligned with its mandated purpose.

***Far North 2100***

- 7.6 As described in section 4.8.1 of the Council's section 32 overview report, Far North 2100 is the 80-year district strategy that was adopted by the Council in 2021. Key areas of focus include:

- (a) Growth – Economic Prosperity
- (b) Stewardship – Environmental Prosperity
- (c) Communities of Care – Social Prosperity; and
- (d) Communities of Care – Cultural Prosperity

- 7.7 The strategy outlines key drivers of change. It is essentially an adopted philosophical framework for how the Far North will be governed, with high level aspirational statements about valued community ideals. Embedded in this document are social, cultural, economic and environmental goals that are consistent with establishing a sustainable Far North community. Geographical isolation and limited government funding present challenges for growth and development opportunities across the district. It is necessary for business and landowners to take a resourceful and innovative approach to development that does not undermine the natural and physical resources upon which they rely.

- 7.8 The management of the Waitangi Estate relies heavily on being able to manage and develop the Estate in the most efficient ways possible. Visitors to the site are a source of revenue, as are lease arrangements with existing resort accommodation and recreational golf facilities. The potential to develop or enable other activities to create streams of revenue on the site in line with the purpose of the Trust Board Act is a significant priority and is necessary for the Estate's survival.



- 7.9 As stated in the Council’s section 32 overview report, the PDP has an important role to play in helping to enable change by providing for appropriate and sustainable development of District land.

***Waitangi Estate Strategic Vision 2040***

- 7.10 The Trust Board are undertaking a strategic planning exercise to identify a future vision for the site. Waitangi Limited’s chief transformational officer, Mr Ralph Johnson, has provided a statement explaining the vision for the Estate and its strategic direction. A copy of this report is attached at **Appendix G**.
- 7.11 Future planning for the site is centred on key dates in 2032 and 2040 that will celebrate the centenary of Lord and Lady Bledisloe gifting the Waitangi Estate to New Zealanders and the bicentenary of the signing of the Treaty of Waitangi. The Strategic Vision establishes the intent of the National Trust, the key principles that are to define the Estate and development goals that will *‘demonstrably meet and exceed the remit of the Bledisloe gift’*.
- 7.12 The Vision document outlines a number of activities that range from small-scale pop-up activities such as guided walks, summer camping and outdoor dining, teaching bush craft and survival skills and local festivals and events. These activities align with the recreational purpose of the Estate. Other possible activities include expanding the variety of bi-cultural experiences within the Estate including as a facilitator for cultural leadership and mahinga kai, the production of rural produce, and possibility viticulture and winemaking. The potential for additional larger scale long term lease activities is also contemplated.

## 8 Statutory & Policy Context

### Resource Management Act 1991 - RMA

- 8.1 The RMA governs the use and development of natural and physical resources in New Zealand. The sustainable management purpose of the RMA is set out in section 5 and is to *‘promote the sustainable management of natural and physical resources.’* Sustainable management has the following meaning:

*“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

- 8.2 **Sections 6-8** comprise resource management principles. Section 6 sets out matters of national importance to be recognised and provided for. These are:

*(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*

*(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*

*(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*

*(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*

- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *The protection of protected customary rights;*
- (h) *The management of significant risks from natural hazards*

8.3 **Section 7** requires all persons exercising functions and powers under the RMA to have particular regard to the following other matters:

- (a) *Kaitiakitanga;*
- (aa) *The ethic of stewardship;*
- (b) *The efficient use and development of natural and physical resources;*
- (ba) *The efficiency of the end use of energy;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *Intrinsic values of ecosystems;*
- (e) *[Repealed]*
- (f) *Maintenance and enhancement of the quality of the environment;*
- (g) *Any finite characteristics of natural and physical resources;*
- (h) *The protection of the habitat of trout and salmon;*
- (i) *The effects of climate change;*
- (j) *The benefits to be derived from the use and development of renewable energy*

8.4 **Section 8** requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi.

8.5 District Plans must be prepared in accordance with sections 72-77 of the RMA. The purpose of a district plan is to assist territorial authorities to carry out regulatory functions to achieve the purpose of the RMA. Consistency with higher order policy documents is required, as is an evaluation of the matters set out in section 32 of the RMA.

## Heritage New Zealand (Pouhere Taonga) Act 2014 – (HNZ Act)

- 8.6 The purpose of the HNZ Act is to *‘promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand’*.
- 8.7 The HNZ Act gives legal protection to New Zealand’s historic resources that may be historic places, historic areas, wahi tupuna, wahi tapu and wahi tapu areas. Heritage NZ has the authority to regulate activities that may modify or destroy both recorded and unrecorded archaeological sites.
- 8.8 An archaeological site is defined as:
- (a) *any place in New Zealand, including any building or structure (or part of a building or structure), that—*
    - (i) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
    - (ii) *provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
  - (b) *includes a site for which a declaration is made under section 43(1)*
- 8.9 The Waitangi Estate has a number of recorded (scheduled) archaeological sites that are within the National Landmark known as Te Pitowhenua. Archaeological investigate work is currently underway to identify any additional sites. Te Pitowhenua comprises all of the Waitangi Treaty Grounds as illustrated in **Figure 6B** above. As the Crown's guardian of historic features associated with the signing of the Treaty of Waitangi and pre-European wahi tapu sites associated with the local hapu ancestor Maikuku, the HNZ Act provides an additional layer of statutory protection over the Waitangi Estate lands. Heritage New Zealand Pouhere Taonga (HNZPT) has a close working relationship with Waitangi Limited that involves regular consultation about development proposals and matters relating to the maintenance of existing historic heritage. Waitangi Ltd is obligated to consult HNZPT about any activities that might impact or alter the Estate lands in terms of its heritage. If there is the chance that proposed activities might affect an archaeological site, following receipt of an application, HNZPT may issue archaeological authorities. These are required to be

obtained prior to any works commencing and require consultation with local hapu as part of the application process.

- 8.10 Similarly, in relation to resource consent applications, the Council requires that HNZPT is consulted where archaeological site may be affected. In relation to the scheduled 'sites and areas of significance to Māori' identified on the Waitangi Treaty Grounds, permitted activity status is currently limited to those activities undertaken by HNZPT, who is listed in the PDP Schedule 3 as the 'Requesting Party'.

### **Higher order planning Instruments**

- 8.11 The following planning instruments are considered applicable.

- (a) National Planning Standards
- (b) National Policy Statements
- (c) National Environmental Standards

### **National Planning Standards**

- 8.12 Section 75(3)(ba) of the RMA requires that district plans give effect to the National Planning Standards (NP-S). The NP-S were gazetted in April 2019. Their purpose is to assist in achieving the purpose of the RMA and improving the efficiency and effectiveness of the national planning system by providing a consistent Plan structure, format, definitions, noise and vibration metrics, and electronic functionality and accessibility.

### **PDP Structure**

- 8.13 The structure of the PDP is set out in Part 1 'How the Plan Works'. The Council's section 32 Overview Report sets out the rationale for the plan structure that is consistent with the National Planning Standards.

### **NP-S Mandatory Directions**

- 8.14 The NP-S contains mandatory directions for Councils to include in plans. Mandatory directions 1-6 are complied with in the context of the proposed structure of the PDP. Mandatory direction 7 is relevant to the setting of standards for District-wide matters. It specifies the location for provisions relating to identified resource management issues and corresponding activity rules. Where issues align with the topics listed in the NP-S they are to be located in accordance with the specified chapter location.

- 8.15 A limited number of directives (including clauses 5 and 6 – Energy, Infrastructure and Transport), clause 31 (Earthworks) and clause 28(c) (Coastal Environment), enable provisions to be located in different chapters of a plan, including special purpose zones, rather than the more general chapters. In each instance, cross references to those provisions must be included in the general chapters. This does not apply to provisions relating to clause 17 ‘sites and areas of significance to Māori’, natural environment values including provisions relating to clause 20 ‘Ecosystems and indigenous biodiversity (‘Significant Natural Areas’ – SNA), the natural character of wetlands, lakes and rivers and their margins and clause 21 provisions to protect and manage outstanding natural features and landscapes. These provisions must be located in specified chapters.

#### Assessment of Alternative Spatial Provisions and Zone Framework

- 8.16 Mandatory Direction 8 relates to the District Plan’s zone framework. Clause 1 states that a district plan must only contain the zones listed in table 13 consistent with the description of those zones except for special zones (when direction 3) is followed. The PDP has adopted eight of the twenty-three standard zones. The Rural Production zone has been applied to most of the Estate, with the Sport and Active Recreation Zone applying to the northern part of the Waitangi golf course and the Mixed Use Zone applying to Copthorne Resort site.
- 8.17 The PDP includes twelve special purpose zones including the Airport Zone and the Hospital Zone, which are mandatory. Most of these special purpose zones have been transferred from the Operative Far North District Plan (ODP). The Rural Residential, Horticulture and Ngawha Innovation and Enterprise Park zones are new, as are the three mandatory zones.
- 8.18 Direction 8.3 provides for special zones where the following land use activities or anticipated outcomes for the zone criteria are met:
- *Are significant to the district, region or country*
  - *Are impractical to be managed through another zone*
  - *Are impractical to be managed through a combination of spatial layers*
- 8.19 Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA.
- 8.20 Mandatory Direction 12 ‘District Spatial Layers Standards’ specifies the spatial layers that may be used in a district plan. A district plan must use the name and location for the spatial

layers. The function of the spatial layers is described in Table 18. Of relevance to this proposal are:

- (a) **Zones:** A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.
- (b) **Overlays:** An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.
- (c) **Precincts:** A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).
- (d) **Development Areas:** A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.

*NPS 'Guidance for the District Spatial Layers Standard and Zone Framework Standard' (Ministry for the Environment)*

- 8.21 The Ministry for the Environment has provided guidance on the use of spatial layer standards in District Plans and when it may be appropriate to adopt one method over another. Zone framework standards are intended to be the default method that cover a wide variety for urban and non-urban land use type. In the absence of other unique environmental factors, risks or values, zone provisions and any associated district-wide provisions form a complete management framework. Additional special purpose zones are provided where a specific planning regime is required. Examples given in the guidance include Mystery Creek Events Zone (in Waipa District) and McCraes Mining Zone (in Waitaki District). A similar example where a special purpose zone has been applied in the Far North is Kauri Cliffs. This Special Purpose zone was established under the ODP and makes a significant contribution to the economic wellbeing of the District. It is similar to the Waitangi Estate in the sense that its primary purpose is not rural production, but tourism and recreation.
- 8.22 District overlays can apply anywhere and are designed to identify particular values and features (e.g. coastal and outstanding natural features and landscapes), risks (e.g. coastal



and river flood hazard areas) or other significant factors (e.g. Treaty Settlements areas and mineral extraction locations). Overlays are generally more restrictive than underlying zone provisions but can be more enabling. The proposed overlays that apply to the Waitangi Estate are specific to the management of values associated with coastal, natural environment features or sites that are significant to Māori but they do not alter the intent of the proposed underlying zone which is to prioritise rural production on the Estate.

- 8.23 Precincts apply to a geographically defined area where the description(s) of the underlying zone and the majority of provisions (especially objectives and policies) are still applicable and relevant. Example precincts adopted into the PDP include the proposed Ngawha Innovation and Enterprise Park Special Purpose Zone. The underlying zone purpose and its associated objectives and policies provide for primary production innovation. The central ‘innovation and enterprise’ precinct enables training and education opportunities associated with primary production activities. The precinct provisions refine but do not contradict the underlying zone objectives and policies.

***National Policy Statement(s)***

- 8.24 Sections 75(3)(a) and 75(3)(b) of the RMA require that district plans give effect to any National Policy Statement, including the New Zealand Coastal Policy Statement 2010 (NZCPS).

- 8.25 Existing gazetted National Policy Statements include:

- (a) New Zealand Coastal Policy Statement 2010
- (b) National Policy Statement on Electricity Transmission 2008
- (c) National Policy Statement on Renewable Electricity Generation 2011
- (d) National Policy Statement on Urban Development 2020
- (e) National Policy Statement on Highly Productive Land 2022
- (f) National Policy Statement on Freshwater Management 2020
- (g) National Policy Statement for Indigenous Biodiversity 2023

***New Zealand Coastal Policy Statement 2010 (NZCPS)***

- 8.26 The NZCPS contains national policy direction for the management of the coastal environment and giving effect to section 6(a) of the RMA.

8.27 Seven objectives are listed:

- *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems.*
- *To preserve the natural character of the coastal environment and protect natural features and landscape values.*
- *To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.*
- *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.*
- *To ensure that coastal hazard risks taking account of climate change are managed through a range of activities.*
- *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development.*
- *To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.*

8.28 The geophysical extent of the coastal environment is mapped by the Regional Policy Statement for Northland (**RPSN**). The PDP includes a mapped area of coastal environment that is the proposed coastal environment overlay. Except for the Paihia Pony Club site (Lot 3 DP 51155) and the smaller adjacent sites to the north of Haruru Falls Road, all of the Waitangi Estate lands are mapped to be within the coastal environment overlay.

8.29 In addition to the coastal environment, the Waitangi Estate includes areas that are mapped as having high natural or outstanding natural landscape values. Under the NZCPS, there is an expectation that these areas will be preserved.

8.30 The NZCPS is relevant to the Waitangi Estate because most of the Estate is within the mapped RPS for Northland's Coastal Environment boundary and the PDP coastal environment overlay. However, in addition to historic heritage values, the site has a strong coastal influence and value in terms of both its visible landscape and coastal processes (which includes coastal hazards). The coastal landscape elements of the Estate are described in the Simon Cocker landscape assessment report that is attached at **Appendix C**. Activities at the Waitangi Estate would be subject to the PDP coastal environment overlay provisions.

8.31 Key NZCPS provisions that are to be given effect to in the zone include:

NZCPS	
Policy 6	Activities in the coastal environment
Policy 11	Indigenous biological diversity (biodiversity)
Policy 13	Preservation of natural character
Policy 14	Restoration of natural character
Policy 15	Natural features and natural landscapes
Policy 17	Historic heritage identification and protection
Policy 24	Identification of coastal hazards

National Policy Statement for the Protection of Highly Productive Land (NPS-HPL)

8.32 On its face, the NPS-HPL could be considered to apply to rural land within the site that is currently zoned Rural Production and General Coastal (a rural production zone equivalent) and mapped as highly productive land (NZLRI LUC 1-3). As explained below, however, in my view the provisions of the NPS-HPL do not apply to the Estate, on a proper planning interpretation.

8.33 The Objective 1 purpose of the NPS-HPL is that: *“Highly productive land is protected for use in land based primary production, both now and for future generations.”*

8.34 Under the NPS-HPL Highly Productive Land is defined as:

*“land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).”*

8.35 Clause 3.4 states that every regional council must map as highly productive land any land in its region that:

- (a) *Is in a general rural zone or rural production zone; and*
- (b) *Is predominantly LUC 1, 2 or 3 land; and*
- (c) *Forms a large and geographically cohesive area.*

8.36 Clause 3.4(2) excludes land that is identified for future urban development. Mapping is to be undertaken in consultation with territorial authorities, tangata whenua and at a level of detail that identified individual parcels or parts of parcels where appropriate. Mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status unless the regional council accepts more detailed mapping that uses the NZLRI LUC classification. Recent caselaw has confirmed that in respect of resource consents applications, site specific soil reports cannot be used to discount land as highly productive. For the purpose of a rezoning decision, Waitangi Limited is again not seeking to reclassify the NZLRI LUC present on the Estate. While this is the case a report produced by Agfirst at **Appendix D** has been included in our suite of information. This report was commissioned by Waitangi Limited as one of the first initial assessments in providing context for future potential use of land at the Estate. This review does in fact provide more detailed site specific feedback on LUC which differ from the general higher level NZLRI classification database. This initial document helps to set the scene on the ability of the Estate to be used for productive purposes.

8.37 In the absence of regional policy statement highly productive land maps, clause 3.5(7) sets out the basis for identifying highly productive land as follows:

*“Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:*

*(a) Is*

*(i) Zoned general rural or rural production; and*

*(ii) LUC 1, 2 or 3 land; but*

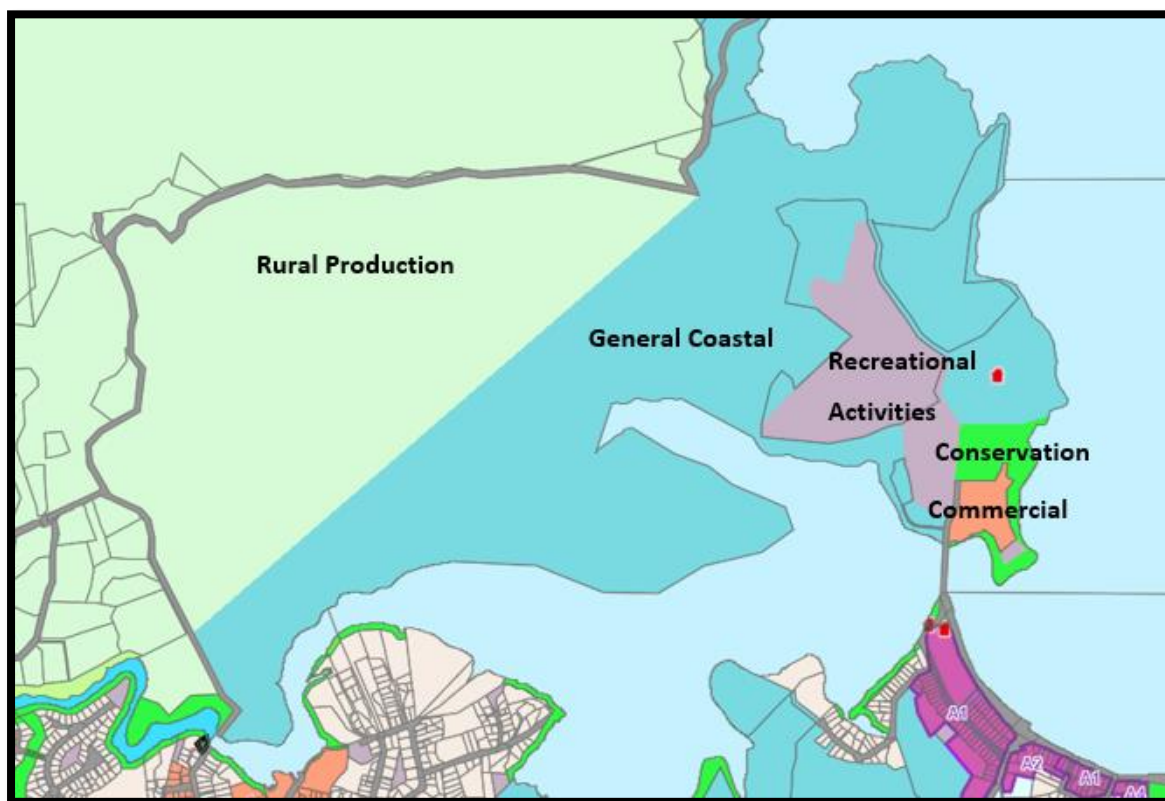
*(b) Is not:*

*(i) Identified for future urban development; or*

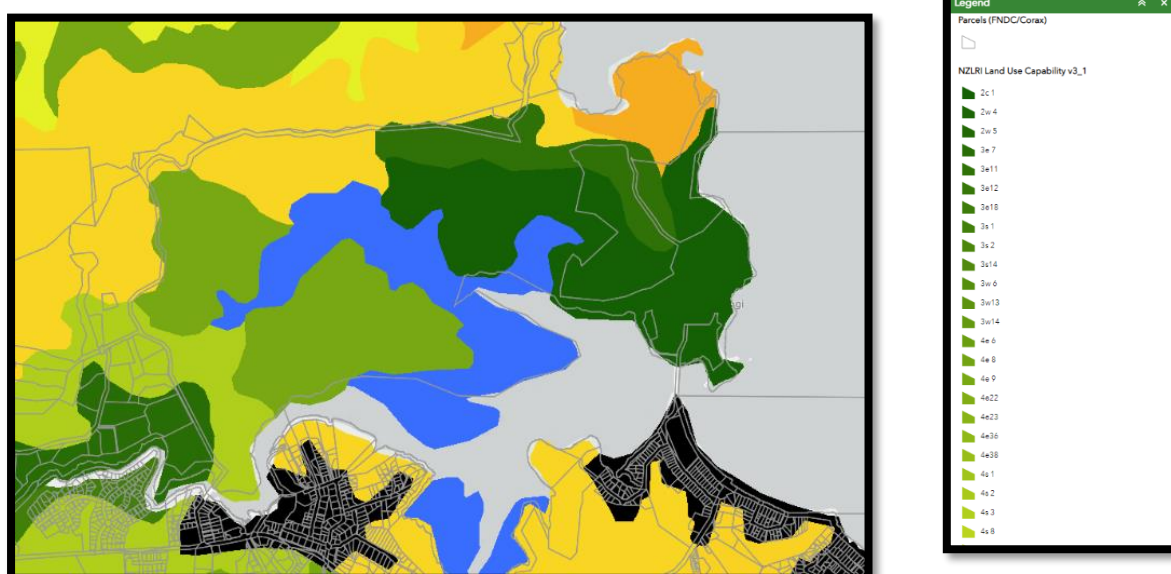
*(ii) Subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.”*

8.38 At present, the Estate is zoned as a mixture of Rural Production and General Coastal in the ODP shown in **Figure 26** below, and as Rural Production in the PDP noting that clause (b)(ii) is not applicable. The General Coastal zone extends over the upper Treaty Grounds, the

southern part of the Waitangi golf course and the wider Estate lands comprised in Lot 1 DP 326610, and which extends out to Haruru Falls Road and Baylys Road. At the 1:50,000 LRI and LUC scale, the Waitangi Estate comprises the soil types and classes that are illustrated on the regional scale soil map depicted in **Figure 27**.



**Figure 27 - Operative District Plan zoning**



**Figure 28: LUC Soil Classes**

- 8.39 As detailed earlier in this report the soil class types range between 2s1 – 6e9. The north-eastern part of the site, which includes the golf course and the Treaty Grounds, and the smaller Paihia Pony Club site in the south - west has the highest soil type values.
- 8.40 Soil types including LUC 1, 2, or 3 are defined by the NPS-HPL as highly productive and are subject to national policies that seek to avoid the rezoning, subdivision and development of land for urban (Policy 5) or rural lifestyle purposes (Policy 6), except where otherwise provided for.
- 8.41 As relevant to the rezoning proposal, the restrictions in the NPS-HPL that apply to the rezoning of highly productive land at clause 3.6 only apply to 'urban' rezoning (ie changing from a general rural or rural production zone to an urban zone) and therefore contemplate a different situation to the proposed special purpose zone – which is not 'urban' in character. Under the definitions a 'urban' zone includes a special purpose zone, other than a Māori purpose zone. If anything, what is proposed for the Waitangi Estate is most akin to a Māori purpose zone, being an area used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities (National Planning Standards definition) – but has a somewhat different character again.
- 8.42 Furthermore, the exception under clause 3.9(2)(c) (i.e. that the use and development of highly productive land is not inappropriate) is likely to apply to those parts of the Estate that are mapped as Class 3 land as the Estate is held and managed for, or is for a purpose associated with, a matter of national importance under section 6(e) and (f) of the RMA. This includes the Treaty Grounds land and its surrounds as a nationally important historic site associated with the signing of the Treaty of Waitangi (Te Tiriti). The site is owned and managed in accordance with the WNT Act and has been developed to preserve and showcase the historic buildings and objects associated with that event. It is a visitor destination that attracts thousands of people every year. It is also a significant gathering place for government and Iwi officials during Waitangi week.
- 8.43 The Northland Regional Council is yet to map soil types in Northland as required by the NPS-HPL. In the interim the existing Land Use Capability Maps (1:50,000 scale) are relied upon, along with a specialist soils report prepared by Bob Cathcart. A copy of Mr Cathcart's Land Resource Inventory Survey of Waitangi National Trust Land is attached at **Appendix D**. Mr Cathcart has undertaken field mapping of the soil types on the Waitangi Estate. The mapped soil classes range between **Class 3s2** located on and around the Treaty house and neighbouring buildings and on the adjacent sports grounds to **Class 7w2 / 7w5\*** and **Class**

**8w3\*** that are comprised of wetland environments in low basin areas adjacent to the Waitangi estuary. Mapped land soil classes that would qualify as ‘highly productive land’ under the NPS-HPL are limited to the area of the Treaty Grounds and its immediate surrounds.

- 8.44 Notwithstanding the fact that the rezoning proposal is not for urban land or rural lifestyle purposes, in my view, the site is not subject to the NPS-HPL. The purpose of the NPS-HPL is to direct new housing development away from highly productive land to safeguard and ensure the availability of that land for food production. This does not align with, and is entirely different to, the purpose of the Estate for which the rezoning is sought. Case law requires that planning instruments be assessed in their context, including the important legislative context of the WT Act. It is highly unlikely that the NPS-HPL was intended to be used to safeguard people's ability to use the Estate for food production of a meaningful scale, including because the WT Act does not provide for this.

*National Policy Statement for Indigenous Biodiversity*

- 8.45 The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on 4 August 2023, after the PDP was notified for public submissions. The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring that there is at least no overall loss in indigenous biodiversity.
- 8.46 The NPS-IB is limited to land based (terrestrial) ecosystems and some aspect of wetlands and it applies across all land types / tenures. In that regard, the policy influence of the NPS-IB is not limited by cadastral boundary or ecosystem flora and fauna that may traverse land and water based natural environments. For example, if a significant natural area (SNA) contains a natural inland wetland, the wetland can be treated as part of the SNA it is located in.
- 8.47 The NPS-IB prioritises tangata whenua as kaitiaki of indigenous biodiversity and people and communities, including landowners as stewards. Protection and restoration of indigenous biodiversity is expected to occur alongside providing for the social, economic and cultural wellbeing of people and communities.
- 8.48 The central management tool that local authorities are directed to use in their districts is the identification of significant indigenous vegetation or habitats of indigenous fauna that would qualify as an SNA. Existing and proposed land use activities and new subdivisions that affect SNAs are to be managed to avoid the loss of ecosystem representation and extent, disrupting the ecosystem function, fragmenting the SNA as a buffer or connection to other important



habitats or ecosystems or a reduction in the population size or occupancy of a Threatened or At Risk (declining) species that use SNAs. There is also mandatory direction of the restoration of indigenous biodiversity outside of mapped SNA, including within urban areas.

- 8.49 There are no direct implications arising from the NPS-IB to be applied to the Waitangi Estate land. It is expected that matters relating to the management of SNA's and biodiversity will continue to apply to all land throughout the district via applicable District-wide policy provisions and rules.

National Policy Statement for Freshwater Management 2020 – NPS FM

- 8.50 The updated National Policy Statement for Freshwater Management (**NPS-FM**) was gazetted in 2020. Its purpose is to give national guidance to the management of freshwater and activities that impact freshwater values.

- 8.51 Te Mana o Te Wai is the overarching objective meaning the '*integrated and holistic wellbeing of a freshwater body*'.

- 8.52 The NPS-FM seeks to ensure that natural and physical resources are managed in a way that prioritises, in the following order:

- 1. The health and wellbeing of water bodies and freshwater ecosystems.*
- 2. The health needs of people (such as drinking water)*
- 3. The ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

- 8.53 The accompanying National Environmental Standard for Freshwater (NES-F) regulates activities in relation to freshwater. The Waitangi Estate contains inland freshwater wetlands that are located within the rural part of the Estate and away from the Treaty Grounds, Copthorne Resort and Golf course activity areas. It is intended that any activities on the Waitangi Estate would be subject to the provisions of the NES-F and the PDP natural character provisions that regulate activities within wetland, lakes and river margins. There are currently no future plans to modify any of the existing freshwater environments within or adjacent to the Estate.

- 8.54 Regional Councils are responsible for regulating activities that impact freshwater resources, including natural inland wetlands. There are inland wetlands within undeveloped parts of the Waitangi Estate that are recognised as forming a significant part of the Estate's natural

environment values. Any development proposal affecting wetlands would be subject to the NES-F regulations and higher order NPS-F policy.

***National Environmental Standards***

- 8.55 The national regulatory regime includes the following National Environmental Standards:
- (a) National Environmental Standards for Commercial Forestry 2023
  - (b) National Environmental Standards for Air Quality 2004
  - (c) National Environmental Standard for Sources of Drinking Water 2007
  - (d) National Environmental Standards for Telecommunications Facilities 2016
  - (e) National Environmental Standards for Electricity Transmission Activities 2009
  - (f) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
  - (g) National Environmental Standards for Freshwater 2020
  - (h) National Environmental Standard for Marine Aquaculture 2020
  - (i) National Environmental Standard for Storing Tyres Outdoors 2021 National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023
- 8.56 Other than the NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 and for Freshwater 2020, national standards are not relevant a decision on this rezoning request.

***National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health***

- 8.57 The Waitangi Estate includes a number of HAIL activities and HAIL sites. These include the Golf Course which is more likely than not subject to a spray regime, above ground fuel bowzers for tractors, mowers, vehicles and other machinery used for the maintenance of the grounds. The Yacht club, which includes an area in which boats can be maintained. These areas are subject to the above legalisation where a change in use, or a subdivision of the land is applicable.

### National Environmental Standard for Freshwater

- 8.58 The Estate includes a number of wetland areas and small streams throughout. These areas are subject to the regulations where works or development are sought within, or within close proximity to, these features.

### ***Treaty Settlements***

- 8.59 Waitangi is located within the rohe of Ngapuhi who are yet to settle their historical Treaty settlement claims with the Crown. As detailed within the CVA (**Appendix E**) the Ngapuhi settlement is complex. Settlement reports detail the significance of the Estate to Te Whare Tapu o Ngapuhi. The settlement process has helped set the scene on what hapu should be consulted and this is evident in the CVA.

### ***Iwi and Hapu Management Plans***

- 8.60 Both District and Regional Councils have a list of those iwi and hapu who have developed environmental management plans and formally lodged them with the consent authority. Within proximity to the Waitangi Estate, the following plans are listed on the Northland Regional Council website:

- (a) Nga Tikanga mo te Taiao o Ngati Hine, Ngati Hine Environmental Management Plan 2022
- (b) Ngati Rehia Hapu Environmental Management Plan 2018
- (c) Mana Whakahono a Rohe – Northland Regional Council & Te Parawhau ki Tai, Te Patuharakeke and Te Runanga o Ngati Rehia

- 8.61 On the Waitangi Estate, the hapu who are recognised by Ngapuhi as having manawhenua (Ngati Rahiri and Ngati Kawa) do not appear to have a Hapu Environmental Management Plan lodged with the relevant Councils. This has been confirmed as part of the CVA with the need to develop their own highlighted.

### ***Regional Policy Statement for Northland 2016***

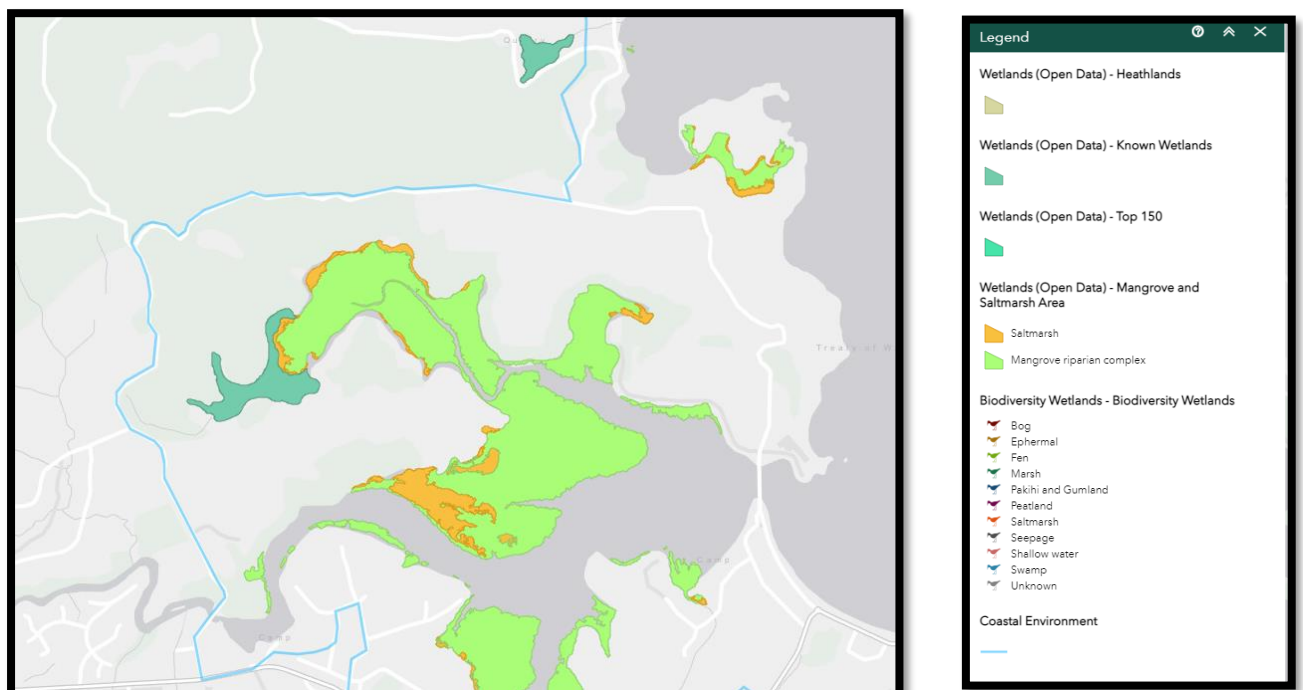
- 8.62 The Waitangi Estate land is within the Northland region. The Regional Policy Statement for Northland is the governing regional policy document that sets out the resource management issues for the region and includes policies and methods to achieve integrated management of the region's natural and physical resources.

8.63 Relevant to the management of land and natural resources within and adjacent to the Waitangi Estate are issues relating to:

*Fresh and coastal water resources (coastal hazards)*

8.64 Freshwater rivers, wetlands and coastal water resources are mapped. The Waitangi Estate is bounded by the coastal marine area to the east and north. The Waitangi River and its coastal inlets form the southern boundary and extend well into the Estate land. The adjacent coastal margins include extensive mangrove and salt marsh areas, with large freshwater wetlands that extend inland from those margins. The majority of the Waitangi Estate is within the regional mapped 'coastal environment'.

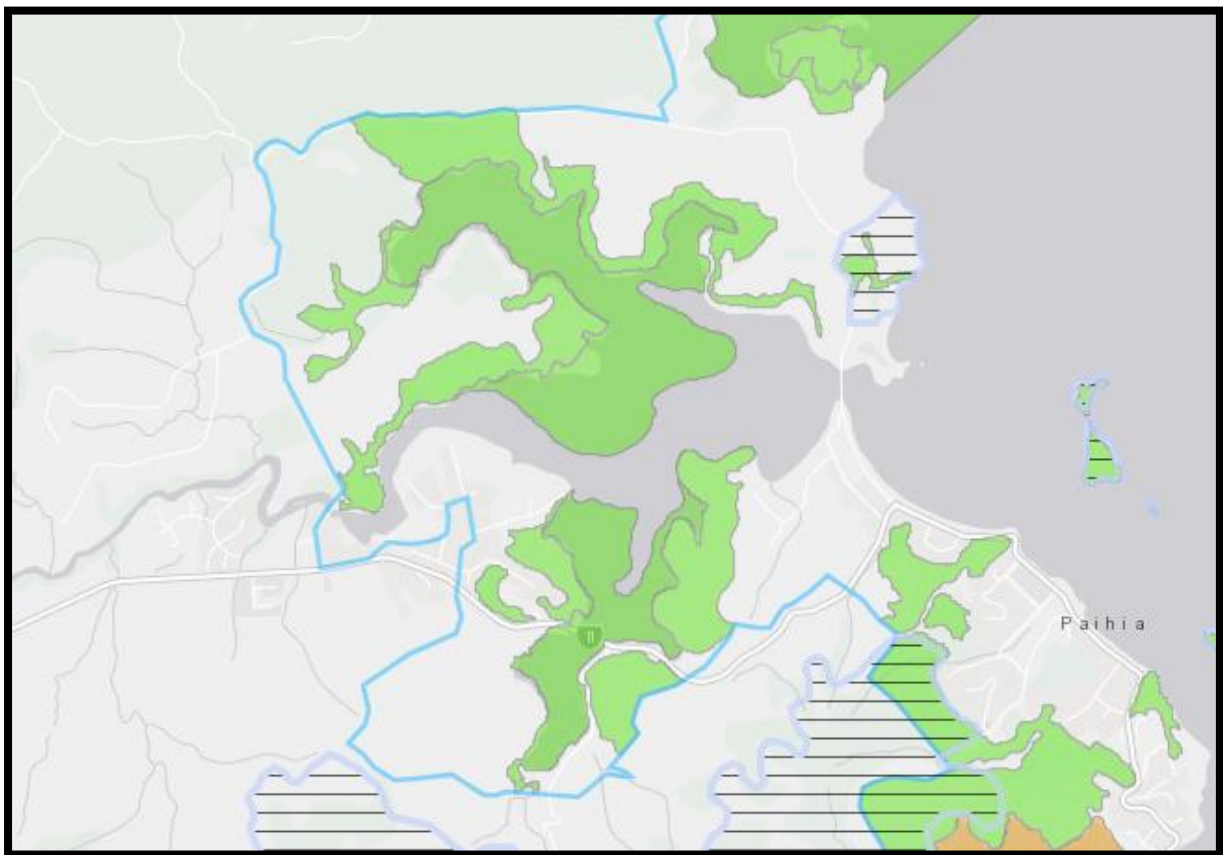
8.65 The quantity and quality of freshwater resources, climate change and rising sea levels, the drainage and diversion of wetlands and consequential effects on aquatic ecosystems and Iwi relationships with water resources are key issues that the RPSN seeks to manage. The RPSN has adopted an integrated management approach to managing freshwater resources with objectives that focus on improving the overall quality of Northlands fresh and coastal water (Objective 3.2), maintaining water levels to sustain existing ecosystems and indigenous species (Objectives 3.3 and 3.4).



**Figure 29: Regional policy statement map: Fresh and coastal water resources**

Natural character (coastal environment), outstanding natural landscapes, outstanding natural features

8.66 The landward extent of the RPSN coastal environment location has been mapped in accordance with the assessment criteria set out in the RPSN Appendix 1. The site also includes mapped areas of Outstanding Natural Landscape Character that apply to the Treaty Grounds, and areas of High Natural Character that apply to remnant areas of indigenous vegetation on the Estate. The RPSN mapped landscape features are depicted in **Figure 29** below.



**Figure 30: Regional policy statement map: coastal environment (blue line), outstanding landscape features (horizontal black line) and high natural character (green)**

8.67 The mapped coastal environment boundary encompasses the majority of the Estate, excluding some smaller lots on the margins such as the Paihia Pony Club site on the western side of Haruru Falls Road. The coastal environment is a significant landscape feature of the Estate that physically defines its eastern margins at the Treaty Grounds, the Copthorne Resort lease site, and northern parts that include the Waitangi Golf course and other rural parts of the site. At its southern boundary, the Waitangi River outlet has a strong tidal influence that extends west towards Haruru Falls.

- 8.68 The mapped outstanding natural landscape that applies to the Waitangi Treaty Grounds is described on the Northland Regional Landscape Assessment Worksheet as follows:

*“A broadly rounded headland with narrow coastal reefs that projects subtly from the northern mouth of the Waitangi River. Topped by a very gently undulating crest that runs over to the mid reaches of the Waitangi River.”*

- 8.69 The landscape is characterised as:

*“One of New Zealand’s most important cultural landscapes, closely linked to the origins of modern nationhood. Its position in a moderately natural setting and with a sweeping connection to the sea, and the Bay of Islands, is a key part of Waitangi’s identity. It may also be seen to feed back into a national identity that sees many New Zealanders relating closely to the sea and having affinity for natural and wilderness areas.*

*The coastline of this very small landscape unit is interesting, diverse and predominantly natural in its character. It features a variety of rock formations, typically clear water and assemblages of indigenous plants, including Pohutukawa of some stature, that appear to be a reasonably natural state. The Treaty House grounds include a backdrop of kanuka shrubland of scale, with a varied understory and groves of native hardwood species in a couple of sheltered gullies. The main body of the grounds contain substantial trees that are of mixed native and exotic origins, set amongst meticulously mown lawns.*

*On the inland edge of this substantial lawn sits the modest Treaty House and nearby whare. A small formal garden relates to the Treaty House, leaving the main body of the managed grounds with a spacious, informal atmosphere that focuses upon the imposing flagpole that is central to the main lawn and the vista over the wider bay from Purerua to Tapeka Point, and round past Russell to Te Tii embayment closer by.”<sup>2</sup>*

- 8.70 The aesthetic and natural values of the identified Waitangi Outstanding Natural Landscape are closely linked to its historic significance as the location for the signing of the Treaty of Waitangi and the birthplace of the nation of New Zealand.

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<sup>2</sup> Northland Regional Landscape Assessment Worksheet – Waitangi Treaty Grounds

8.71 The identification and protection of the natural character values, including the coastal environment, are provided for in Objective 3.14, which is to:

*“Identify and protect from inappropriate subdivision, use and development;*

*a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*

*b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;*

*c) The integrity of historic heritage*

8.72 The objective seeks to identify and protect from inappropriate subdivision, use and development the qualities and characteristics of the coastal environment and identified natural landscapes and features. The objective reflects the RMA Part 2 directives of Section 6(a) and 6(b).

8.73 Policy 4.5.1 states that the areas identified in the RPS Maps will form Northland’s coastal environment including its high and outstanding natural character areas, and outstanding natural features and outstanding natural landscapes. The mapped location of the coastal environment boundary at Waitangi and areas that are outstanding natural landscapes and high natural character areas have been included in the PDP. These align with the mapped RPSN features.

8.74 Within the coastal environment, Policy 4.6.1 contains directive policy to avoid “adverse effects of subdivision, use and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.”

8.75 The majority of the Waitangi Estate is within the mapped coastal environment and is therefore subject to avoidance policy directives to avoid adverse effects on areas of identified outstanding natural character, features or landscapes. Within the Waitangi Estate, this applies to the Treaty Grounds, which is identified as an outstanding natural landscape.

8.76 Where identified features are not assessed to be outstanding, Policy 4.6.1(1)(b)(ii) directs that, in areas of high natural character, the clearance of indigenous vegetation and the modification (including earthworks / disturbance, structures, discharges and extraction of water) of natural wetlands, the beds of lakes and rivers, and the coastal marine area and



their margins is minimised. Furthermore, the location, intensity, scale and form of subdivision and built development must be appropriate having regard to natural elements, landforms and processes.

- 8.77 Policy 4.6.1(3) acknowledges that when considering whether there are adverse effects on the characteristics and qualities of natural character, natural features and landscape values, there should be some recognition given to any ongoing use and development that was present when the area was identified with those features or where they have been lawfully established. This is particularly relevant to the Waitangi Estate where dynamic activities aimed at protecting the historic features associated with the signing of the Treaty of Waitangi, and development activities that enhance the Waitangi Estate as a visitor destination and a place of recreational enjoyment for all New Zealanders, are undertaken. While seeking to protect valued features, appropriate district plan provisions should also reflect the operational needs of the site and the need to adapt and maintain site facilities as necessary.
- 8.78 Registered landscape architect, Mr Simon Cocker, has assessed the natural character and landscape values of the Estate, including those values associated with the coastal environment location. These are described in the landscape assessment that is attached at **Appendix C**. The Treaty Grounds are pre-eminent and comprise the central focus of any management priorities and protection measures. It is appropriate that the hierarchy of landscape and natural character protection that includes section 6(a) and 6(b) of the RMA, the NZCPS and the RPSN is reflected in the special zone provisions that would apply to the Waitangi Estate.

#### Historic Heritage

- 8.79 Regional direction for the protection of historic heritage is also set out in Objective 3.14 (see above). The objective gives effect to RMA s6(f) 'the protection of historic heritage from inappropriate subdivision, use, and development.' Policy 4.5.3 and 4.5.4 directs that district councils identify historic heritage resources in accordance with the specified criteria. Policy 4.6.2 requires that significant adverse effects on identified historic heritage resources are avoided by controlling the design and location of subdivision, use and development to retain historic buildings and other physical elements, enhancing public use and access, restricting demolition, relocation or inappropriate modifications, additions etc, recognising and protecting the context of a historic resource and the collective value of groups of historic

buildings / structures or places and restricting activities that compromise the important spiritual or cultural values of Māori.

- 8.80 The Waitangi Estate is a large property with national historic significance. The well-known and currently scheduled historic features are located within the Treaty Grounds, however there are other archaeological features scattered throughout the site. The protection of historic heritage within the site is a priority for Trust Board and other agencies and Iwi that have an interest in the site. The ODP includes scheduled historic features. The Council is proposing to transfer these to a schedule of historic sites, buildings and objects to be included in the PDP. With respect to historic heritage, it is appropriate that the PDP historic heritage chapter objectives, policies and rules apply to the Waitangi Estate to regulate activities that may have a direct impact on the scheduled items.

Tangata Whenua – participation in decision making

- 8.81 The RPSN gives formal recognition in policy for the role of tangata whenua in decisions made on statutory plans, resource consents and monitoring.

- 8.82 Objective 3.12 states:

*‘Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.’*

- 8.83 This is supported by policies that enable participation in plan making to achieve RMA Part 2 matters set out in sections 6(e), 7(a) and 8.

- 8.84 The way Tangata Whenua are engaged in District plan making is set out in the Council’s Section 32 Report ‘Tangata Whenua’. This includes reference to existing Iwi and Hapu Management Plans (set out in Sections 8.60 and 8.61 above). In keeping with this directive, Waitangi Limited has, through meetings and the commissioning of a Cultural Values Assessment, consulted local hapu members that affiliate to the Waitangi National marae and the adjacent marae at Te Tii. This detail is set out in the cultural values assessment attached at **Appendix E**.

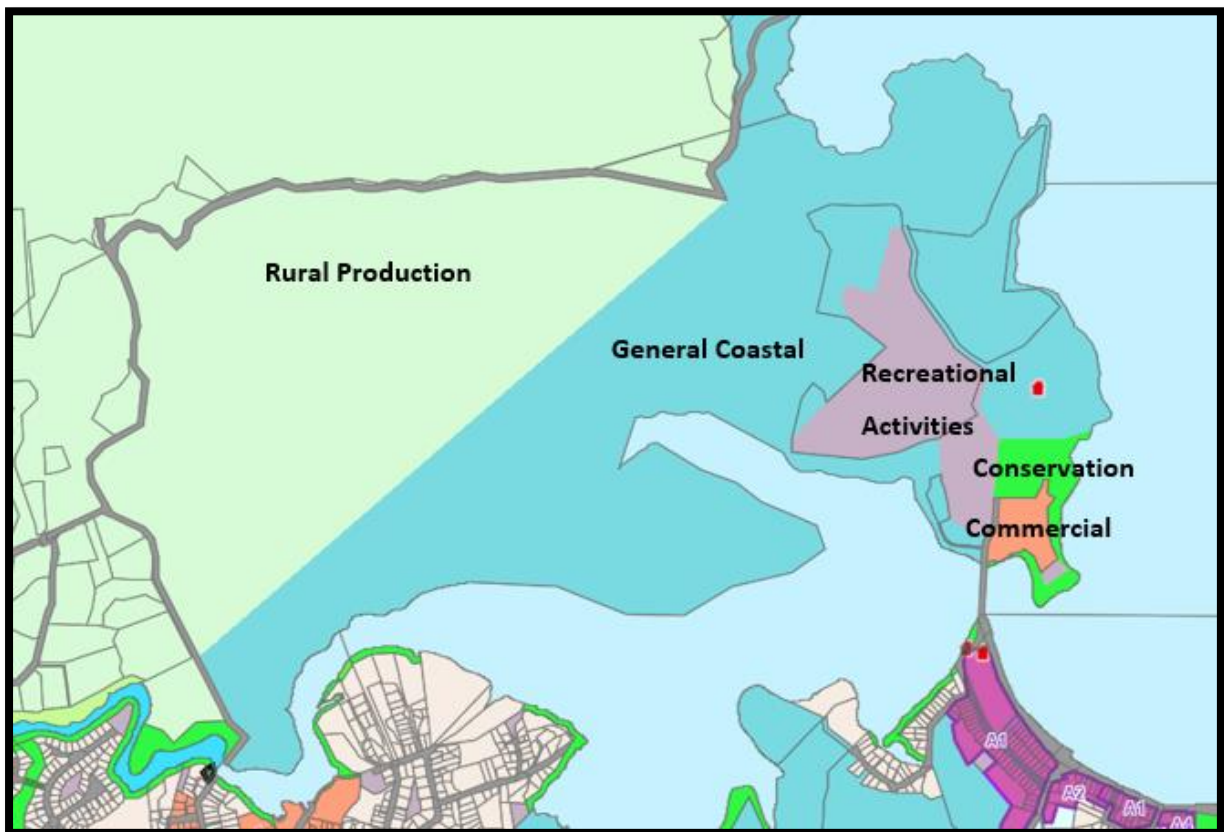
**Operative Far North District Plan 2009**

- 8.85 The Operative Far North District Plan (ODP) applies a variety of land use zone types to the Waitangi Estate. Historically the site has been managed via general zone controls with a variety of District-wide natural and physical resource provisions that include landscape and natural features, earthworks, historic heritage etc. The PDP would continue this approach

with the addition of overlay provisions to reflect natural environment and historic heritage values where they occur throughout the District.

8.86 The ODP zones that apply to the site include:

- (a) General Coastal (coastal Waitangi Estate and upper Treaty Grounds)
- (b) Rural Production (inland Waitangi Estate)
- (c) Conservation (lower Treaty Grounds)
- (d) Commercial (Copthorne Resort site)
- (e) Recreational Activities (Waitangi golf course in part and the Bay of Islands Yacht Club)



*Figure 31 – ODP Zones*

8.87 The ODP also applies environment ‘resource layers’ to the site that include outstanding landscape and outstanding natural features. The scheduled historic site (#100) that applies to the Waitangi Treaty Grounds includes the Treaty House, Te Whare Runanga, Hobson Memorial and the Flagpole.

8.88 The disparate nature of the land use zonings that apply to the Estate lands has resulted in a variety of unrelated objectives and policies, none of which combine to enable comprehensive management of the Estate, which is a site of national significance. District-wide heritage protection provisions are designed to enshrine historic features but do not recognise the dynamic nature of the site and the development and maintenance demands as a significant visitor destination and to be economically self-sustaining.



*Figure 32– ODP Resource Map*

### **Proposed Far North District Plan 2022**

8.89 The PDP was publicly notified on 27th July 2022 with hearings commencing in May 2024. Where hearings are complete, Council officers have provided rights of reply that are often accompanied by recommended changes to notified provisions. The notified PDP provisions are the basis for this report being commissioned.

#### ***PDP Structure***

8.90 Section 7.2 of the Council’s section 32 overview report describes the structure of the PDP and the intended approach to land use management. The applicable sections of the PDP are set out as follows. The proposed provisions are directed from the national planning standards and are in accordance with the required e-Plan structure and layout required for a district plan:

- (a) Strategic Direction

- (b) District-wide Matters
- (c) Area-wide Matters
- (d) Tangata Whenua
- (e) General Zoning and Overlays
- (f) Special Purpose Zones
- (g) Proposed Plan Maps
- (h) PDP – Application to the Waitangi Estate

### ***Identified Resource Management Issues***

- 8.91 The PDP identifies resource management issues that are relevant to the Waitangi Estate lands. These include:
- (a) Issue 7 – Heritage Management
  - (b) Issue 8 – Outstanding Landscapes and Features
  - (c) Issue 9 – Coastal Management
- 8.92 Issue 1 – Partnerships with tangata whenua and Issue 5 – Indigenous Biodiversity are relevant as the ongoing sustainable management of the Waitangi Estate relies on an established working relationship with local hapu. The Estate contains extensive areas of indigenous vegetation, particularly around the coastal estuarine areas, adjacent to the Treaty Grounds and within the Estate hinterlands.
- 8.93 The PDP recognises that the Far North has a rich history and that its history and associated physical artefacts should be protected to avoid potential loss or damage. In addition to its national heritage context, the Waitangi Estate has a coastal setting and parts that have been identified as outstanding landscapes and features. National directives embodied in section 6 of the RMA and the NZCPS require that the natural character of the coastal environment is protected from inappropriate subdivision, use and development.

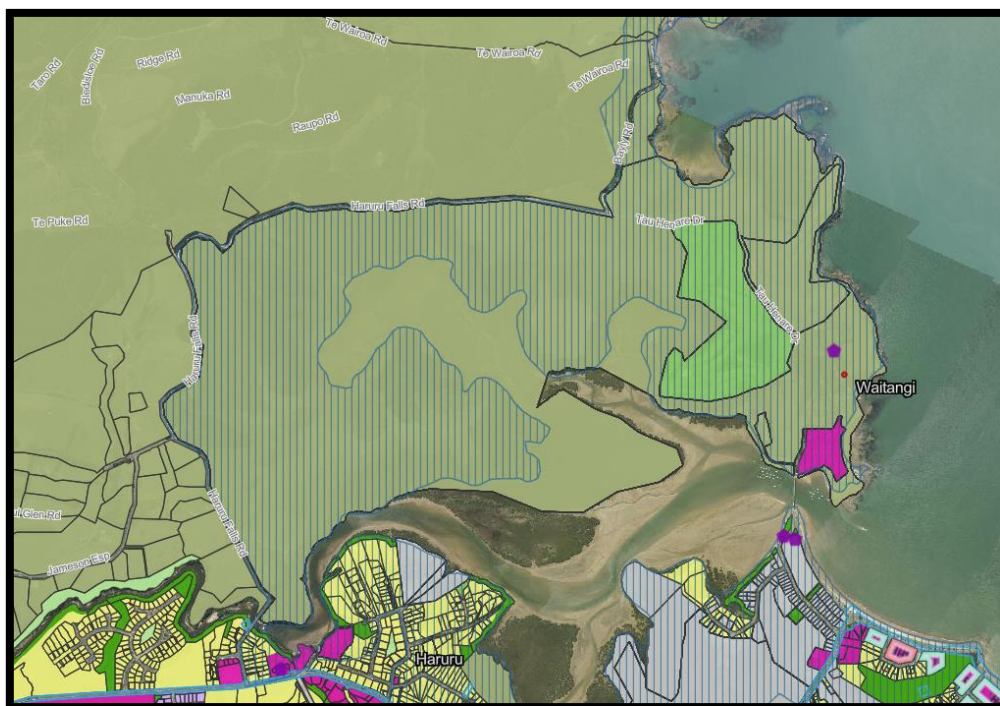
### ***Applied Zones & Overlay Provisions***

- 8.94 The PDP approach to the management of subdivision and land use activities on the Waitangi Estate is to apply a combination of general land use zones and area specific overlays that are derived from the National Planning Standards. As applied to a site or proposed activity, the most restrictive rule applies when determining activity status. While the PDP includes the

‘special purpose zone’ method that has been applied to other large existing activity site locations, this method has not been adopted for the Waitangi site.

8.95 The notified PDP zones the majority of the Waitangi Estate, including the Waitangi Treaty Grounds, ‘Rural Production’. The ‘Sport and Active Recreation’ zone would apply to the western part of the Waitangi golf course, with the eastern part being mapped as ‘Rural Production’. The ‘Mixed Use’ zone would apply to part of the Copthorne Resort site where the main buildings of the hotel are located.

8.96 The coastal environment overlay applies to most of the Estate, except for the Pahia Pony Club site (Lot 3 DP 51155), a small parcel of land to the north of Haruru Falls Road (Section 15 SO 338905) and part of the small site accessed off Bayly Road (Section 6 SO 338905). The extent of the coastal environment boundary at the site is consistent with the Regional Policy Statement for Northland.



**Figure 33 - PDP Zone & Coastal Environment Overlay Map**

8.97 Natural Environment and Historic and Cultural Values overlays have also been applied to various parts of the site including ‘Outstanding Natural Landscape’ (Waitangi Treaty Grounds), ‘Outstanding Natural Feature’ (rocky foreshore to the north of the Treaty Grounds and adjacent to Haruru Falls), ‘High Natural Character’ (applied to vegetated areas scattered throughout the site) and ‘Sites and Areas of Significance to Māori’ (MS09-49) (located on the Treaty Grounds). Scheduled Historic item (#100) includes the Treaty House, Hobson



### ***Objectives and Policies***

Rural Production Zone	
RPROZ-01	The Rural Production zone is managed to ensure its availability for <u>primary production</u> activities and its long-term protection for current and future generations.
RPROZ-02	The Rural Production zone is used for <u>primary production</u> activities, <u>ancillary activities</u> that support <u>primary production</u> and other compatible activities that have a <u>functional need</u> to be in a rural environment.
RPROZ-03	Land use and <u>subdivision</u> in the Rural Production zone: <ol style="list-style-type: none"> <li>protects <u>highly productive land</u> from <u>sterilisation</u> and enables it to be used for more productive forms of <u>primary production</u>;</li> <li>protects <u>primary production</u> activities from reverse sensitivity <u>effects</u> that may constrain their effective and efficient operation;</li> </ol>



	c. does not compromise the use of <u>land</u> for <u>farming</u> activities, particularly on <u>highly productive land</u> ; d. does not exacerbate any <u>natural hazards</u> ; and e. is able to be serviced by on-site <u>infrastructure</u> .
RPROZ-04	The rural character and amenity associated with a rural working <u>environment</u> is maintained.

8.99 The proposed land use purpose of the RPZ is to ensure its availability for primary production and associated ancillary activities. The RPZ policies seek to avoid land use that is incompatible with the purpose, character and amenity of the RPZ or which do not have a functional need to locate in the zone (RPROZ-P5). While rural pastoral grazing on a lease basis is an activity that is occurring on parts of the Waitangi Estate hinterland, it is not its primary purpose and has never been an intended land use activity on the Treaty Grounds or its immediate surrounds. The RPZ policy framework would not recognise or provide for the variety of legislated activities that are occurring on the Waitangi Estate. It is likely that larger scale visitor facilities and accommodation would need to be avoided.

<b>Sport &amp; Active Recreation Zone</b>	
SARZ-O1	The Sport and Active Recreation zone is predominantly used for recreation activity.
SARZ-O2	Buildings or structures in the Sport and Active Recreation zone complement and are consistent with the purpose of the zone and provide for social and cultural wellbeing.

8.100 The golf course activities occurring on the Waitangi Estate within Lots 2 and 3 DP 326610 align with the objectives for the SARZ, although this zoning applies to just the northern part of the golf course site. The Waitangi golf course has a long-term lease and is an established land use activity on the site. It is part of the recreational intention for the Estate.

<b>Mixed Use Zone</b>	
MUZ-01	The Mixed-Use zone is the focal point for the district's commercial, community and civic activities, and provides for residential development where it complements and is not incompatible with these activities.
MUZ-02	Development in the Mixed Use zone is of a form, scale and density and design quality that contributes positively to the vibrancy, safety and amenity of the zone.
MUZ-03	Enable land use and subdivision in the Light Industrial zone where there is adequacy and capacity of available or programmed development infrastructure to support it.

MUZ-O4	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.
MUZ-O5	Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is within the Open Space Zone.

- 8.101 The Mixed-Use zone has replaced the ODP commercial zone and has been applied to part of the Copthorne Resort leasehold title. The MUZ envisages a mix of commercial, civic and community activities, and also residential activities where these are located above commercial activities. Larger urban scale buildings and developed surface areas are envisaged and provided for.

<b>Coastal Environment – Part 2 – General District-Wide</b>	
CE-O1	The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.
CE-O2	Land use and subdivision in the coastal environment: <ul style="list-style-type: none"> <li>a. Preserves the characteristics and qualities of the natural character of the coastal environment;</li> <li>b. is consistent with the surrounding land use;</li> <li>c. does not result in urban sprawl occurring outside of urban zones;</li> <li>d. promotes restoration and enhancement of the natural character of the coastal environment; and</li> <li>e. recognises tangata whenua needs for ancestral use of whenua Māori.</li> </ul>
CE-O3	Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.

- 8.102 Most of the Waitangi Estate is within the coastal environment as mapped by the RPS for Northland and the PDP. For this reason, and based on the proposed structure of the PDP, the coastal environment overlay has been appropriately and consistently applied to the site. The coastal environment overlay contains policies that seek to avoid any adverse effects on areas identified as outstanding natural landscapes or outstanding natural features (CE-P2). This would apply to the Treaty Grounds where the ONL has been applied and the ONF on the foreshore area further to the north. Policy CE-P10 seeks to control the scale and extent of land use activities and their effects on coastal environment values, which is reflected in the overlay rules. Areas identified as having high natural character also require consideration and are subject to development rules.

<b>Natural features and landscapes – Part 2 Natural Environment Values</b>	
NFL-O1	ONL and ONF are identified and managed to ensure the long-term protection for current and future generations.
NFL-O2	Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.
NFL-O3	The ancestral relationships Tangata Whenua has with the land is recognised and provided for as a part of the characteristics and qualities of ONL and ONF.

- 8.103 The ONL and ONF that has been applied to the Treaty Grounds part of the Estate reflects the Regional Policy Statement mapping. ONL 47 appears in the PDP Schedule of Outstanding Natural Landscapes and is described as ‘Waitangi Treaty Grounds’ with a reference to the Northland Regional Landscape Assessment Worksheet.<sup>3</sup> The ONL is appropriately identified as the central heritage focus of the Waitangi Estate that includes the main grounds, the coastal landform, the surrounding vegetation, and the heritage features. The ONF is not a regionally mapped feature and has been transferred from the ODP to the PDP based on a review and recommendations from Bruce Hayward. As stated in the section 32 report, the objectives and policies make a distinction between features that are within or outside of the coastal environment. Within the coastal environment, there is a stronger policy directive to avoid adverse effects on the characteristics and qualities of the identified features (NFL-P2). This is consistent with the coastal environment objectives and policies that also refer to ONL and ONF.

<b>Sites and areas of significance to Māori</b>	
SASM-O1	Sites and areas of significance to Māori are identified, recognised and managed, to ensure their long-term protection for future generations.
SASM-O2	The relationship of tangata whenua with sites and areas of significance to Māori is recognised and provided for, to ensure its protection for future generations.
SASM-O3	Sites and areas of significance to Māori are protected from inappropriate subdivision, use and development.
SASM-O4	Sites and areas of significance to Māori are known to, appreciated by, and acknowledged as important to, the wider community.
SASM-O5	Te Oneroa-a-Tohe is recognised as a culturally significant landscape and protected from inappropriate use and development for present and future generations.

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<sup>3</sup> <https://www.nrc.govt.nz/media/znmc0s1p/waitangitreatyground.pdf>

- 8.104 The Waitangi Treaty Grounds / Te Pitowhenua (MS09-49) are identified in Schedule 3 as site of significance to Māori. The schedule provides a reference link to the Heritage New Zealand website which describes the national landmark site that is Te Pitowhenua / Birthplace of a Nation. Heritage NZ are listed in the schedule as the 'requesting party'. NZ Māori have an acknowledged relationship with the Waitangi Estate site as a place of engagement with the British Crown, the signing of the Declaration of Independence and the signing of the Treaty of Waitangi. The site is a place of ancestral importance to Nga Puhi Iwi and the affiliated Ngati Rahiri and Ngati Kawa hapu. The Estate is of national interest to all New Zealand Iwi.

***Applicable Rules***

- 8.105 The various zone and overlays contain rules that are intended to give effect to objectives and policies. When assessing the activity status of any proposal, the PDP rule preamble notes that that there may be multiple rules that apply. Where this occurs, the most restrictive activity status is the basis for an assessment. For the Waitangi Estate, **Table 1** below provides an indication of how a variety of activities that could occur on the Waitangi Estate would be assessed under the notified zone, district-wide and overlay rules. Post hearings officer recommendations, where adopted, may amend those notified provisions. The s42A recommendations and post hearings recommendations have also been included for completeness.

**Table 1 – Summary of PDP as Applied to the Waitangi Estate**

Activity Type	Zone or Overlay	Notified Rule	S42A recommendation	Right of Reply recommendation
New Buildings, extensions & alterations	Rural Production (RPZ)	<b>Restricted Discretionary</b> Where a standard is infringed. <b>RPROZ-R1</b>	<b>Restricted Discretionary</b> Where a standard is infringed. <b>RPROZ-R1</b>	<b>Restricted Discretionary</b> Where a standard is infringed. <b>RPROZ-R1</b>
		<b>Discretionary</b> Where the activity it accommodates is not permitted. <b>RPROZ-R1</b>	<b>Discretionary</b> Where the activity it accommodates is not permitted, <u>controlled or restricted discretionary</u> . <b>RPROZ-R1</b>	<b>Discretionary</b> Where the activity it accommodates is not permitted, <u>controlled or restricted discretionary</u> . <b>RPROZ-R1</b>
	Sport and Active Recreation (SARZ)	<b>Restricted Discretionary</b> Where a standard is infringed. <b>SARZ-R1</b>	<b>Restricted Discretionary</b> Where a standard is infringed. Excludes <u>Setback from MHWS and Park furniture</u> <b>SARZ-R1</b>	<b>Restricted Discretionary</b> Where a standard is infringed. Excludes <u>Setback from MHWS and Park furniture</u> <b>SARZ-R1</b>
		<b>Discretionary</b>	<b>Discretionary</b>	<b>Discretionary</b>

		Where the activity it accommodates is not permitted. <b>SARZ-R1</b>	Where the activity it accommodates is not permitted, <u>controlled or restricted discretionary</u> . <b>SARZ-R1</b>	Where the activity it accommodates is not permitted, <u>controlled or restricted discretionary</u> . <b>SARZ-R1</b>
	Mixed Use (MUZ)	<b>Restricted Discretionary</b> Where a standard is infringed. <b>MUZ-R1</b>	TBC	TBC
		<b>Discretionary</b> Where the activity it accommodates is not permitted. >400m <sup>2</sup> GFA <b>MUZ-R1</b>	TBC	TBC
	Coastal Environment	<b>Discretionary</b> Unless Ancillary to Farming or greater than 25m <sup>2</sup> <b>CE-R1</b>	<b>Controlled</b> Residential unit on a defined building platform. Confirmed by landscape assessment and approved by subdivision. <b>CE-R1</b>	<b>Controlled</b> Residential unit or a minor residential unit on a defined building platform. Confirmed by landscape assessment and approved by subdivision.

				<b>CE-R1</b>
			<b>Restricted Discretionary</b> Outside High Natural Character Area. <b>CE-R1</b>	<b>Restricted Discretionary</b> Outside High Natural Character Area. <b>CE-R1</b>
	Natural Features and Landscapes	<b>Non-Complying (Te Pitowhenua)</b> Unless Ancillary to Farming or greater than 25m2 <b>NFL-R1</b>	<b>Controlled</b> Residential Unit on defined building platform. Confirmed by landscape assessment and approved by subdivision. <b>NFL-R1</b>	<b>Controlled</b> Residential Unit or MRU on defined building platform outside of CE. Confirmed by landscape assessment and approved by subdivision. <b>NFL-R1</b>
			<b>Non-Complying</b> ONL or ONF within Coastal Environment greater than 50m2. <b>NFL-R1</b>	<b>Restricted Discretionary</b> Extension or Alteration in CE. <b>NFL-R1</b>
				<b>Non-Complying</b> ONL or ONF within Coastal Environment greater than 50m2.



				<b>NFL-R1</b>
	Sites and Areas of Significance to Māori	<b>Restricted Discretionary</b> Not undertaken by the requesting party. (HNZPT) <b>SASM-R1</b>	<b>Restricted Discretionary</b> Undertaken by the requesting party. <b>SASM-R1</b>	TBC
	Historic Heritage	<b>Permitted</b> Setback a minimum of 20m from a scheduled resource. <b>HH-R4</b>	<b>Discretionary</b> Located on a site with scheduled Historic Heritage. <b>HH-R4</b>	TBC
Earthworks Volume / Area	Rural Production	<b>Restricted Discretionary</b> Exceeds 5000m <sup>3</sup> / 2500m <sup>2</sup> per year Cut/fill – 1.5m <b>EW-R1</b>	<b>Restricted Discretionary</b> Exceeds 5000m <sup>3</sup> / 2500m <sup>2</sup> per year Cut/fill – 1.5m <b>EW-R1</b>	<b>Restricted Discretionary</b> Exceeds 5000m <sup>3</sup> / 2500m <sup>2</sup> per year Cut/fill – 1.5m <b>EW-R1</b>
	Sport and Active Recreation	<b>Restricted Discretionary</b> Exceeds 300m <sup>3</sup> / 2500m <sup>2</sup> per year Cut/fill – 1.5m <b>EW-R9</b>	<b>Restricted Discretionary</b> EW-R9 deleted but standards still the same. Refer back to <b>EW-R1</b>	<b>Restricted Discretionary</b> EW-R9 deleted but standards still the same. Refer back to <b>EW-R1</b>

	Mixed Use - Standards	<b>Restricted Discretionary</b> Exceeds 200m <sup>3</sup> / 2500m <sup>2</sup> per year Cut/fill – 1.5m	TBC	TBC
	Coastal Environment	<b>Non-complying</b> > 400m <sup>2</sup> for 10 years from the notification of the District Plan. > 1m cut/fill in an area outside high or outstanding natural character areas <b>CE R3</b>	<b>Restricted Discretionary</b> > 100m <sup>2</sup> in a calendar year. > 1m cut/fill in an area outside high or outstanding natural character areas <b>CE R3</b>	<b>Restricted Discretionary</b> > 100m <sup>2</sup> in a calendar year. > 1m cut/fill in an area outside high or outstanding natural character areas <b>CE R3</b>
	Natural Features and Landscapes	<b>Non-Complying</b> > 50m <sup>2</sup> over the life of the District Plan. > 1m cut/fill. Be for the purpose of a building platform. <b>NFL-R3</b>	<b>Non-Complying</b> > 50m <sup>2</sup> in CE in calendar year. > 1m cut/fill. <b>NFL-R3</b>	<b>Non-Complying</b> > 50m <sup>2</sup> in CE in calendar year. > 1m cut/fill. <b>NFL-R3</b>
	Sites and Areas of Significance to Māori	<b>Restricted Discretionary</b>	<b>Restricted Discretionary</b>	TBC

		Not undertaken by the requesting party. (HNZPT) <b>SASM-R1</b>	Not undertaken by the requesting party. (HNZPT) <b>SASM-R1</b>	
Indigenous Vegetation Clearance	Rural Production	<b>Discretionary Activity</b> Outside of SNA with report – >5000m <sup>2</sup> . Outside of SNA no report – >100m <sup>2</sup> <b>IB-R4</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>
	Sport and Active Recreation (All other Zones)	<b>Discretionary Activity</b> Outside of SNA with report – >5000m <sup>2</sup> . Outside of SNA no report – >100m <sup>2</sup> <b>IB-R4</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>
	Mixed Use (All other zones)	<b>Discretionary Activity</b> Outside of SNA with report – >5000m <sup>2</sup> . Outside of SNA no report – >100m <sup>2</sup> <b>IB-R4</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>	<b>Discretionary Activity</b> >500m <sup>2</sup> <b>IB-R3</b>
	Coastal Environment	<b>Non-complying</b>	<b>Restricted Discretionary</b>	<b>Restricted Discretionary</b>

		> 400m2 for 10 years from the notification of the District Plan. <b>CE R3</b>	> 400m2 in a calendar year outside high or outstanding natural character areas <b>CE R3</b>	> 400m2 in a calendar year outside high or outstanding natural character areas <b>CE R3</b>
	Natural Features and Landscapes	<b>Non-Complying</b> > 50m2 over the life of the District Plan. Be for the purpose of a building platform. <b>NFL-R3</b>	<b>Non-Complying</b> In CE and: >50m2 in ONL in a 10 year period. >100m2 in ONF within any calendar year. <b>NFL-R3</b>	<b>Non-Complying</b> > 50m2 in CE in calendar year. > 1m cut/fill. <b>NFL-R3</b>
	Sites and Areas of Significance to Māori	<b>Restricted Discretionary</b> Not undertaken by the requesting party. (HNZPT) <b>SASM-R1</b>	<b>Restricted Discretionary</b> Not undertaken by the requesting party. (HNZPT) <b>SASM-R1</b>	TBC
Residential Activity	Rural Production	<b>Non-Complying Activity</b> >6 dwellings. <b>RPROZ-R3</b>	<b>Non-Complying Activity</b> >6 dwellings. <b>RPROZ-R3</b>	<b>Non-Complying Activity</b> >6 dwellings. <b>RPROZ-R3</b>
	Sport and Active Recreation	<b>Non-Complying Activity</b> <b>SARZ-R16</b>	<b>Non-Complying Activity</b> <b>SARZ-R16</b>	<b>Non-Complying Activity</b> <b>SARZ-R16</b>

	Mixed Use	<b>Discretionary</b> If on ground level unless existed prior to notification. <b>MUZ-R4</b>	TBC	TBC
Visitor Accommodation	Rural Production	<b>Discretionary</b> Not within a RU, accessory building or MRU. > 10 guests per night. <b>RPROZ-R4</b>	<b>Discretionary</b> Not within a RU, accessory building or MRU. > 10 guests per night. <b>RPROZ-R4</b>	<b>Discretionary</b> Not within a RU, accessory building or MRU. > 10 guests per night. Setback > 20m from adjacent site. <b>RPROZ-R4</b>
	Sport and Active Recreation	<b>Discretionary</b> <b>SARZ-R12</b>	<b>Non-Complying Activity</b> If not primary or ancillary to purpose of the zone <b>SARZ-R12</b>	<b>Non-Complying Activity</b> If not primary or ancillary to purpose of the zone <b>SARZ-R12</b>
	Mixed Use	<b>Restricted Discretionary</b> Existing residential unit. Cannot comply with noise insulation. <b>MUZ-R3</b> <b>Discretionary</b>	TBC	TBC

		Not located on ground floor and not an existing residential unit. <b>MUZ-R3</b>		
Educational Facility	Rural Production	<b>Discretionary</b> Not within a RU, accessory building or MRU. > 4 students <b>RPROZ-R6</b>	<b>Restricted Discretionary</b> Not within a RU, accessory building or MRU. > 4 students <b>RPROZ-R6</b>	<b>Restricted Discretionary</b> Not within a RU, accessory building or MRU. > 4 students <b>RPROZ-R6</b>
	Sport and Active Recreation	<b>Discretionary</b> <b>SARZ-R14</b>	<b>Discretionary</b> If not ancillary to the sport & active recreation activity on site. <b>SARZ-R14</b>	<b>Discretionary</b> If not ancillary to the sport & active recreation activity on site. <b>SARZ-R14</b>
	Mixed Use	<b>Discretionary</b> <b>MUZ-R11</b>	TBC	TBC
Rural Tourism	Rural Production	<b>Restricted Discretionary</b> <b>RPROZ-R22</b>	<b>Discretionary</b> If on HPL. <b>RPROZ-R22</b>	<b>Discretionary</b> If on HPL. <b>RPROZ-R22</b>
Recreational Activity	Rural Production	<b>Discretionary</b> Activity is commercial	<b>Discretionary</b> Activity is commercial	<b>Discretionary</b> Activity is commercial

		Activity is for motor sport <b>RPROZ-R9</b>	Activity is for motor sport Activity is on HPL. <b>RPROZ-R9</b>	Activity is for motor sport Activity is on HPL. <b>RPROZ-R9</b>
	Sport and Active Recreation	<b>Permitted</b> <b>SARZ-R3</b>	<b>Permitted</b> <b>SARZ-R3</b>	<b>Permitted</b> <b>SARZ-R3</b>
	Mixed Use	<b>Discretionary</b> (All other activities not listed in this chapter) <b>MUZ-R16</b>	TBC	TBC
Farming	Rural Production	<b>Permitted</b> <b>RPROZ-R7</b>	<b>Permitted</b> <b>RPROZ-R7</b>	<b>Permitted</b> <b>RPROZ-R7</b>
Rural Produce Retail	Rural Production	<b>Discretionary</b> >100m2 GBA <30m setback from internal boundary. <b>RPROZ-R10</b>	<b>Discretionary</b> >100m2 GBA <30m setback from site boundary other than road. <b>RPROZ-R10</b>	<b>Discretionary</b> >100m2 GBA <30m setback from site boundary other than road. <b>RPROZ-R10</b>
Rural Produce Manufacturing	Rural Production	<b>Discretionary</b> >100m2 GBA <b>RPROZ-R11</b>	<b>Restricted Discretionary</b> >150m2 GBA <b>RPROZ-R11</b>	<b>Restricted Discretionary</b> >150m2 GBA <b>RPROZ-R11</b>
Farm Quarry	Rural Production	<b>Discretionary</b> <30m from boundary.	<b>Discretionary</b> <30m from boundary.	<b>Discretionary</b> <30m from boundary.

		>5000m <sup>3</sup> of material extracted. <b>RPROZ-R12</b>	>5000m <sup>3</sup> of material extracted. <b>RPROZ-R12</b>	>5000m <sup>3</sup> of material extracted. <b>RPROZ-R12</b>
Commercial Activity	Rural Production	<b>Non-Complying Activity</b> Not provided as P, RDA or Dis. <b>RPROZ-R33</b>	<b>Non-Complying Activity</b> Not provided as P, RDA or Dis. <b>RPROZ-R33</b>	<b>Non-Complying Activity</b> Not provided as P, RDA or Dis. <b>RPROZ-R33</b>
	Sport and Active Recreation	<b>Discretionary</b> >GFA over 40m <sup>2</sup> If not ancillary to recreation activity on site <b>SARZ-R11</b>	<b>Discretionary</b> >GFA over 40m <sup>2</sup> If not ancillary to the <u>sport</u> & recreation activity on site <b>SARZ-R11</b>	<b>Discretionary</b> >GFA over 40m <sup>2</sup> If not ancillary to the <u>sport</u> & recreation activity on site <b>SARZ-R11</b>
	Mixed Use	<b>Discretionary</b> Not a service station >GFA 200m <sup>2</sup> <b>MUZ-R2</b>	TBC	TBC
Seasonal worker accommodation	Rural Production	<b>N/A</b>	<b>Discretionary</b> No associated with farming or forestry. >10 workers. On HPL.	<b>Discretionary</b> No associated with farming or forestry. >10 workers. <b>RPROZ-RY</b>



			<b>RPROZ-RY</b>	
New Infrastructure	Historic Heritage	<b>Discretionary</b> Infrastructure on site with scheduled historic heritage. Excluding domestic small scale renewable electricity. <b>HH-R6</b>	<b>Discretionary</b> Infrastructure on site with scheduled historic heritage. Excluding above ground infrastructure and connections to buildings or structures for network utilities. <b>HH-R6</b>	TBC
Temporary Activities	Rural Production Sport & Active Recreation Mixed Use	<b>Discretionary</b> <1 >2 events per year >500 persons on site <b>TA-R1</b>	<b>Discretionary</b> >5 events per year (excluding Waitangi week) >500 persons on site (excluding event staff and Waitangi week) <b>TA-R1</b>	<b>Discretionary</b> >5 events per year (excluding Waitangi week) >500 persons on site (excluding event staff and Waitangi week) <b>TA-R1</b>
Signs	Rural Production	<b>Restricted Discretionary / Discretionary</b> > 1 community sign. <b>SIGN-R2</b>	<b>Restricted Discretionary / Discretionary</b> > 1 community sign.	<b>Restricted Discretionary / Discretionary</b> > 1 community sign.

		<p>Community signs in an overlay.</p> <p><b>SIGN-R8</b></p> <p>Signs on ONL, ONF, Heritage Areas and scheduled heritage resources &gt;0.5m2.</p> <p>Total sign area on site &gt;3m2.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs per site.</p> <p><b>SIGN-S3</b></p>	<p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Community signs in an overlay.</p> <p><b>SIGN-R8</b></p> <p>Signs on ONF, Heritage Areas and scheduled heritage resources &gt;0.5m2.</p> <p>Signs within ONL &gt;1m2.</p> <p>Total sign area on site &gt;3m2.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs per site.</p> <p><b>SIGN-S3</b></p>	<p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Signs on ONF, Heritage Areas and scheduled heritage resources &gt;0.5m2.</p> <p>Signs within ONL &gt;1m2.</p> <p>Total sign area on site &gt;3m2.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs per site.</p> <p><b>SIGN-S3</b></p>
	Sport & Active Recreation	<p><b>Restricted Discretionary/Discretionary</b></p> <p>&gt; 1 community sign.</p> <p><b>SIGN-R2</b></p>	<p><b>Restricted Discretionary / Discretionary</b></p> <p>&gt; 1 community sign.</p>	<p><b>Restricted Discretionary / Discretionary</b></p> <p>&gt; 1 community sign.</p>

		<p>Community signs in an overlay.</p> <p><b>SIGN-R8</b></p> <p>Total sign area on site &gt;3m<sup>2</sup>.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs visible beyond the site.</p> <p><b>SIGN-S3</b></p>	<p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Community signs in an overlay.</p> <p><b>SIGN-R8</b></p> <p>Total sign area on site &gt;3m<sup>2</sup>.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs visible beyond the site.</p> <p><b>SIGN-S3</b></p>	<p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Total sign area on site &gt;3m<sup>2</sup>.</p> <p><b>SIGN-S1</b></p> <p>&gt;4m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;2 signs visible beyond the site.</p> <p><b>SIGN-S3</b></p>
	Mixed Use	<p><b>Restricted Discretionary / Discretionary</b></p> <p>&gt; 1 community sign.</p> <p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Community signs in an overlay.</p>	<p><b>Restricted Discretionary / Discretionary</b></p> <p>&gt; 1 community sign.</p> <p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Community signs in an overlay.</p>	<p><b>Restricted Discretionary / Discretionary</b></p> <p>&gt; 1 community sign.</p> <p>(Temp signs excluded from Waitangi Estate)</p> <p><b>SIGN-R2</b></p> <p>Total sign area on site &gt;6m<sup>2</sup> + 0.25m<sup>2</sup> for every</p>

		<p><b>SIGN-R8</b></p> <p>Total sign area on site &gt;6m<sup>2</sup> + 0.25m<sup>2</sup> for every 1m of road frontage over 24m.</p> <p><b>SIGN-S1</b></p> <p>&lt;5 per site</p> <p><b>SIGN-S3</b></p>	<p><b>SIGN-R8</b></p> <p>Total sign area on site &gt;6m<sup>2</sup> + 0.25m<sup>2</sup> for every 1m of road frontage over 24m.</p> <p><b>SIGN-S1</b></p> <p>&gt;6m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;5 signs per site.</p> <p><b>SIGN-S3</b></p>	<p>1m of road frontage over 24m.</p> <p><b>SIGN-S1</b></p> <p>&gt;6m in height.</p> <p><b>SIGN-S2</b></p> <p>&gt;5 signs per site.</p> <p><b>SIGN-S3</b></p>
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- 8.106 Table 1 above highlights both zone and district-wide rules which, as notified, will result in resource consent requirements for the Estate.
- 8.107 The zone rules which are likely to trigger resource consent requirements include new buildings and structures, and extensions and alterations where the proposed activity in the building is not permitted. As detailed below, there are a number of activities which would automatically require resource consent to be obtained. The site provides for a number of hospitality and tourism jobs. In many cases, attracting staff to the area can be difficult due to the lack of affordable housing in the area. Both the Waitangi Treaty Grounds and the Copthorne provide staff housing at present. Any additional residential housing is likely to require resource consent. Education facilities are only permitted for a maximum of 4 students, or they will automatically require resource consent if outside of the RPZ. Any additional education spaces, including to host school groups, will automatically require resource consent. As notified, tourism activities is a restricted discretionary activity. Any recreational activity in the RPZ that includes a commercial element will also automatically require resource consent. Any other activity which is commercial in nature will automatically require resource consent.
- 8.108 District-wide and overlay rules which are likely to require resource consent include new buildings and structures (including alterations and extensions) in the Coastal Environment or on Natural Landscapes and features where the use is not ancillary to farming. In the case of the Waitangi Estate, the Treaty Grounds and Haruru Falls are areas for tourism, not farming, and this rule will therefore always be infringed. For sites of cultural significance to Māori, where the Trust Board is not the requesting party, any built development, vegetation clearance, or earthworks will require resource consent if located on the Treaty Grounds. This means minor activities which include extensions to non-heritage buildings, installing irrigation, improving or clearing out drains, storm maintenance (remedying slips, removing dangerous trees etc.) inspecting and maintaining infrastructure, upgrading CCTC cables as technology changes) installing temporary signage would all trigger resource consent. Earthworks in the Coastal environment (which covers the majority of the Estate) and in areas mapped as ONL or an ONF where the volume is restrictive over a 10 year period will require resource consent. Due to the scheduled heritage items on the Treaty Grounds, any new infrastructure on the remaining 400ha allotment will automatically require consent. Given the number of existing signs on site, the permitted total sign area is already well exceeded, and the number of community signs is already higher than the permitted standard. Any new sign will therefore automatically require resource consent. For temporary events, due to the

number of events and the number of attendees, resource consents will be required for existing activities, as well as any new activities.

8.109 As provided in Table 1, an activity that is unable to achieve the permitted standard would generally be assessed as a discretionary or non-complying activity. In many cases, multiple rules apply to an activity such that even when an infringement may only cascade to a restricted discretionary activity, the combination of infringement activity status types will result in the activity having a discretionary or non-complying activity status. The general nature of the zone controls, the natural environment overlay provisions, and general district-wide rules do not recognise or provide for activities that are unique to the Waitangi Estate. Even where those activities are enabled by the zone provisions, the overlay standards or district-wide rules result in resource consent requirements, which is problematic and does not align with the strategic direction of the underlying zone.

8.110 It is noted that, as hearings have progressed, in some situations the recommended changes by the reporting planners to the panel for those zone, district-wide and overlay rules that apply to the Waitangi Estate have somewhat remedied the issues described above, however in most instances infringements remain, or new infringements have been created. Examples of these are as follows:

*New buildings and structures, extensions and alterations*

8.111 In the RPZ and SARZ, there is a recommended change to the standard to refer to controlled and restricted discretionary activities such that if an activity meets those forementioned activity statuses the building rule is not infringed.

8.112 In the Coastal Environment, if a subdivision is approved with a building platform, the activity status for the built development changes to a controlled activity. While future subdivision activities are unlikely at the Waitangi Estate (with the exception of a future long term lease or a boundary adjustment given the Trust Board Act requirements), the overall activity status for buildings in the Coastal Environment, where a subdivision has not set aside a building envelope has also shifted from discretionary to restricted discretionary where it is outside a High Natural Character Area, which is area of bush on the Estate.

8.113 For overlays for Outstanding Landscape and Natural Features, including the Treaty Grounds, Haruru Falls, and the rocky outcrop, similar to the above, a controlled activity status has been added. While this is unlikely to apply to Waitangi as described above, extensions and

alterations now have a restricted discretionary activity status. All other developments remain as non-complying activities.

8.114 For Sites and Areas of Significance to Māori, which applies to the Treaty Grounds, new buildings and extensions remain a restricted discretionary activity. New activities have been added to the rule title which is less favourable to Waitangi Limited as the rule now includes relocated buildings and alterations. This now picks up internal changes to non-heritage structures and buildings and means that resource consent is likely to be required for additional minor activities such as extensions or alterations to a footpath, or minor changes to infrastructure.

8.115 Historic Heritage rules for buildings and structures have gone from only requiring resource consent if the works are within a 20m setback from a scheduled resource, to requiring resource consent if the structure is located on the same site. This rule as now drafted means any built development across the main 400+ha title will automatically require resource consent.

#### Residential intensity

8.116 The recommendation is that residential activity remain a non-complying activity if more than 6 houses on a site zoned rural production is established. In the case of the SARZ, residential development is a non-complying activity. The section 42A report is not yet available for the urban zone hearings.

#### Educational facilities

8.117 The recommended change to the activity status of the rule in the RPZ is from discretionary to restricted discretionary which is favourable for Waitangi Limited. However, resource consent is still required for this type of activity.

#### Recreational activities

8.118 The recommended rule provisions are now less favourable as, if the activity is located on mapped highly productive land, where it may have met permitted activity status before it is now discretionary. The existing situation has not changed in the event there is a commercial element to the activity.

#### Rural tourism

8.119 The recommended activity status for this rule is now less favourable (discretionary) if the activity is located on mapped Highly Productive Land. In many cases, the areas mapped as

being highly productive are the locations in and around the Historic Heritage where other related tourism activities may seek to establish.

#### Commercial activities

- 8.120 Commercial activities, where expanded, remain as a discretionary activity and, where newly established, remain as a non-complying activity in the RPZ and discretionary in the SARZ.

#### Sites of cultural significance to Māori

- 8.121 This rule is applicable to buildings, structures (extensions and alterations to those), earthworks and vegetation clearance. No matter the scale, any activity which involves those listed in the rule will require resource consent no matter its scale or significance.

#### Earthworks in the Coastal Environment Overlay, Outstanding Natural Landscape Overlay and Outstanding Natural Feature Overlay

- 8.122 The rule is now more favourable as the volume of earthworks is now assessed on an annual basis. While still restricted by the Landscape and Natural Feature overlays, the change is much improved.

#### Infrastructure

- 8.123 This situation remains unfavourable, as any below ground infrastructure development on the main allotment will require resource consent as a discretionary activity.

#### Signage

- 8.124 There have been some minor improvements to the signage rules, such as exemptions for temporary signs within the associated standard, however issues still remain as the Estate is already over the threshold number for community signs and the total sign area. If a temporary activity requires resource consent, the associated temporary signs will also require resource consent. Moreover, while signs on the Treaty Grounds (ONL) overlay have increased to 1m<sup>2</sup>, the other overlays, such as Sites of Cultural Significance to Māori and ONF, continue to set the standard at 0.5m<sup>2</sup> meaning that the 1m<sup>2</sup> exemption could never be utilized.

#### Temporary events

- 8.125 The situation is more favourable as Waitangi week celebrations have been excluded from the rule, and the limit of events on the Estate has increased from 2 to 5 per year. While this is the case, a stocktake of activities at the Estate which would be defined as 'temporary



events' has determined that this number already well exceeds 5 events per year. As such, anything additional will automatically require resource consent. Examples of 'temporary events' include concerts (resource consent has been granted to allow 6 per year), Waitangi Day week celebrations, Matariki celebrations, sporting events, ANZAC day celebrations, weddings, Mother's day fun run, cruising the bays car show, etc.

8.126 The number of people being accommodated at these events also remains an issue, as many of the temporary events listed above attract more than 500 people.

8.127 In summary, as per the assessment table above, an activity that cannot achieve the permitted standard would generally be assessed to be a discretionary or a non-complying activity, either due to the singular rule itself, or the combination of rules which would apply to any given activity. The general nature of the zone controls, district-wide standards and the natural environment overlay provisions do not recognise or provide for activities that are unique to the Waitangi Estate. Even where those activities are enabled by the zone provisions, the overlay standards or district-wide rules result in resource consent requirements, which is problematic when the activities are specific to the Waitangi Estate and do not align with the strategic direction of the underlying zone. As currently drafted, the Sport and Active Recreation Zone and the Mixed Use zone would continue to enable the existing golf course and Copthorne Resort hotel activities.

### ***Definitions***

8.128 The PDP has proposed to adopt the NPS standard definitions set out in the NPS and has included some proposed definitions to clarify rules, objectives and policies.

## 9 Evaluation of Options

- 9.1 As described in section 5 above, Waitangi Limited requested in its submission on the PDP that a 'special purpose zone' be created to apply to the Waitangi Estate. Since the submission was made, alternative options have been considered, and an assessment of those options has been included below. That evaluation of options has concluded that special purpose zoning is the most appropriate option in terms of section 32 of the RMA and for achieving the sustainable management purpose of the RMA.

### Option 1 – Do nothing – Proposed PDP zoning and provisions

- 9.2 The do-nothing option, which involves adopting the zoning and overlay provisions as notified, is not appropriate to achieve the purpose of the RMA. Specifically, the proposed zoning would not achieve the comprehensive management of nationally significant historic heritage at the Estate or enable necessary day-to-day operations and activities required to protect and manage the Treaty Grounds, associated nationally historic heritage resources, and the surrounding Estate.
- 9.3 The proposed rules as notified and amended require that almost all activities at the Estate – from minor works such as installing new infrastructure (a new pipe or cable), making minor alterations to non-heritage buildings or structures, undertaking minor earthworks to access pipes or clean out drains, adding new signage for existing activities, allowing for public hiko events at the Treaty Grounds, to expanding existing activities or developing larger tourism projects (such as a new or expanded museum) – will require resource consent. Obtaining resource consents is a costly and time intensive exercise. Further, there is no guarantee that resource consent will be granted.
- 9.4 The number of zones, overlays and rules in the PDP that apply to the Estate mean that, in most cases, an activity is likely to be discretionary or non-complying. As a result, an assessment of all applicable objectives and policies is required under the PDP. As activities on the Estate are generally bespoke and differ from a standard rural production type activity, they are unlikely to be consistent with the objectives and policies of the underlying zone. While we acknowledge that some changes have been suggested through the hearing process and officer recommendations to permit lawfully established activities, the approval of any expansion, or any new activity related to existing activities on site remains uncertain.
- 9.5 The notified PDP framework has the effect of preventing Waitangi Limited and the Trust Board from continuing necessary operations at the Estate. The cost of obtaining resource

consents can be prohibitive, and will prevent future activities at the Estate that are not for primary production. This is despite such activities meeting the purpose of the Trust Board Act which governs the management of the Estate. In turn, this reduces the ability for the Estate to generate revenue for the upkeep and maintenance of the Treaty Grounds and other nationally significant heritage at the Estate. The public risk being prevented from attending temporary events at the Estate and from accessing and enjoying a nationally significant site that was set aside in the Trust Board Act for the benefit of all New Zealanders.

- 9.6 This option therefore does not achieve good social, cultural, economic or environmental outcomes and will have negative impacts on not only the management of the Estate, but economic growth and employment.

**Option 2 – Apply a special purpose zone to the Treaty Grounds and retain RPZ, MU and SAR over the balance land**

- 9.7 As the Treaty Grounds is the core historical area, a special purpose zone was considered over just this part of the Estate. The underlying PDP zoning would apply to the balance of the Estate.
- 9.8 While this option would provide for the protection of historic heritage located on the Treaty Grounds, it would not include any protections to the immediate surroundings areas of the Estate which provide the wider historic land use and landscape context. It would also introduce a split zoning of a land parcel as the land area that encompasses the Treaty Grounds forms part of the larger site Lot 1 DP 326610.
- 9.9 This option would not enable the more efficient integrated management of the whole Estate where the priority is the highlighting and protecting historic heritage on the site and providing for its enjoyment. Instead, the majority of the Estate would remain as a general rural production zone, with rural production as the primary land use purpose. This would continue to frustrate necessary operations at the Estate, with non-rural activities including their associated structures, earthworks, replacement of infrastructure, and signage for existing commercial activities, or community infrastructure constantly requiring resource consent. While changes have been made to objectives and policies through hearing recommendations to recognise existing lawfully established activities, any expansion or priority of non-rural activities are generally not supported by the RPZ policy.
- 9.10 Significantly, this option would ring fence the Treaty Grounds from the rest of the surrounding lands and would not provide for the consideration of future activities or

development on the Estate beyond what the objectives for the notified zoning provide for. This option does not enable efficient management the Estate which operates as one large landholding. This will lead to rural production objectives prevailing over key objectives that are focused on protecting historic heritage and ensuring that the Estate remains accessible as a visitor attraction and recreation resource.

### **Option 3 – Apply a precinct with the notified zoning**

- 9.11 As alternative relief, Waitangi Limited sought the application of a precinct over the entire Estate in its submission. It was considered that this option could provide for the protection of the heritage resources on the Treaty Grounds and include enabling rules, objectives and policies in line with the Estate purpose.
- 9.12 While the heritage items could be protected, and some enabling rules could be established, the underlying general zoning objectives, policies and rules would still apply. The RPZ would continue to apply to the majority of the Estate, including the Treaty Grounds.
- 9.13 Similar to Option 2 above, there would again be uncertainty over operational, maintenance and future activities, given the underlying rural zoning which would remain relevant to the assessment of any future proposal. For example, proposals involving the development of recreation facilities, tourist accommodation and new visitor facilities associated with the Treaty Grounds would struggle to be established under a rural zoning with a focus on prioritising rural production. This option would limit the future development of the Estate, even if the activities align with its legislated purpose under the Trust Board Act. Adverse environmental effects (including on landscape and cultural values) are considered likely if the heritage resources and the wider Estate cannot be adequately protected, maintained or enhanced in the manner intended by the Trust Board Act. These matters are addressed in the landscape report at Appendix C and the CVA at Appendix E of this report.
- 9.14 Overall, a precinct is not considered to be appropriate where the underlying zoning has a different resource management outcome focus than the intended land use, particularly when that use is clearly provided for by the legislative regime that applies to that land. Instead, a precinct should be used where the primary purpose of the underlying zone is consistent. This is not the case here.

### **Option 4 – Special purpose zone over Estate except for long term leaseholds**

- 9.15 A fourth option that was considered was the establishment of a special purpose zone over the Treaty Grounds and the balance lands, excluding the Copthorne leasehold titles (which

is currently zoned MUZ) and the Golf Club leasehold titles. It is noted that under the PDP, only one golf club title is zoned Sports and Active Recreation, the other is RPZ. One limitation of this option is that excluding the golf club titles from the special purpose zone would not fix this error.

- 9.16 Despite this, this option could provide for the protection of heritage resources over the Treaty Grounds and address the Rural Production zoning over the balance of the Estate (except part of the golf course). As mentioned above, this RPZ zoning is problematic as its core focus does not align with the activities currently being undertaken and required to be undertaken at the Estate.
- 9.17 While this option has some merit, it was considered that managing the Estate in this way would result in a piecemeal approach to the management of the activities throughout different parts the Estate. Significantly, the Sport and Active Recreation zone and the Mixed-use zone only include one reference to historic heritage protection. This policy states that this matter should be 'considered' in decision making. This protection is not strong enough to adequately protect the nationally significant historic heritage at the Treaty Grounds in accordance with the Trust Board Act. As a result, conceivably inappropriate forms of development could occur either without the need for resource consent, or without the ability to consider historic heritage as a relevant issue. Having an overarching framework would ensure that activities at those sites remain subsidiary to the primary purpose of the Estate and that any future development proposals prioritise the protection of historic heritage on the Treaty Grounds and other adverse environment effects on the Estate.

#### **Option 5 – Application of a heritage overlay for the upper Treaty Grounds**

- 9.18 A heritage overlay over the upper Treaty Grounds was also considered as a potential method. Historic heritage areas are applied where there is a cluster of historic heritage. Examples of this are Kororareka / Russell and Paihia. In the case of the Estate, the upper Treaty Grounds is where all of the nationally significant historic heritage buildings and objects are located. The mapped extent of Te Pitowhenua by Heritage New Zealand, and the mapped extent of the Treaty Grounds by the Northland Regional Council and the cadastral boundaries of the Treaty Grounds on site all differ, but all encompass those heritage resources. The Treaty Grounds include some of the most significant historic heritage in New Zealand.

- 9.19 However, this option has significant limitations, as a historic heritage overlay only covers historic heritage protection, and does not include objectives, policies or rules which would enable activities such as recreation, enjoyment, or tourism at the Estate as mandated by the Trust Board Act. This is a key issue for the Estate.
- 9.20 Heritage overlay provisions also apply mainly to built structures and earthworks activities, not other operational and maintenance activities, or minor activities that may be required at the Estate.
- 9.21 This option is considered to have negative impacts on environmental and economic wellbeing as per the examples above. Social and cultural matters are considered to be provided for with the protection of historic heritage.
- 9.22 It was concluded that, on its own, this would not be the most suitable method to address the protection of historic heritage at the Estate, and would not address any of the other important planning issues pertaining to the Estate.

**Option 6 – Apply a special purpose zone over the entire Estate with appropriate changes to district-wide standards and overlays**

- 9.23 This option was requested in Waitangi Limited's submission as the primary outcome being sought through this process. When evaluated against the Minute 14 criteria and section 32AA requirements, this option was considered to enable the most comprehensive protection of historic heritage on the Estate by providing for the development of overarching bespoke objectives and policies that apply to the Estate as a whole. This option was also considered to enable the continued operation, maintenance and expansion of activities on the Estate in line with the Trust Board Act, including through the utilisation of sub-zones. The use of sub-zones can give consideration to the existing varying land uses throughout the Estate which have varying planning instruments applying to them and varying degrees of sensitivity.
- 9.24 A special purpose zone applied to the entire Estate is considered to provide for comprehensive management of the legislated land use and the protection of historic heritage. The site operates with the Treaty Grounds as its central focus. Lease hold sites and their respective activities are subsidiary to provide revenue that assists with the maintenance and upkeep of those heritage resources.
- 9.25 The purpose of the Estate is to provide for the recognition and protection of the heritage resources on the Treaty Grounds and, as provided in the Trust Board Act, the protection of

the Estate as "*a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand.*". A special purpose zone would provide for the primacy of historic heritage protection and complementary land use in district plan policy.

- 9.26 This special purpose zone option was considered as an appropriate method that, unlike other options, can provide for the protection of nationally significant heritage resources, enable necessary day-to-day activities to continue on the site, and also provide for future activities and development that aligns with the Trust Board Act. Environmental overlays would continue to apply to the Estate ensuring that those high-level environmental outcomes are still achieved. This option was therefore considered the most appropriate method to achieve Waitangi Limited's objectives, and manage any potential environmental, economic, social and cultural effects.
- 9.27 Providing for a special purpose zone with more enabling objectives and policies will provide for activities that are in keeping with the Estate purpose and, significant to the future viability of the Estate, will also provide positive financial outcomes. This is not only positive for the Estate, as it will ensure that the maintenance and upkeep of land, historic heritage items and infrastructure can be afforded, but also for the wider community where new jobs are created and job security is enhanced. Objectives and policies are intended to elevate the protection of historic heritage across the entire Estate, in comparison to the general zoning which requires a proposal to only 'consider' the impacts on these features.
- 9.28 This option also ensures that general maintenance of the site can be undertaken without the need for unnecessary and costly resource consents, which often cost upwards of \$5000 to prepare and process, as evidenced by recent proposals to upgrade footpaths and install telecommunication cables on the Treaty Grounds.
- 9.29 The Estate provides a space for societal and cultural issues to be discussed. It is a regular place where people gather. A special purpose zone will elevate the importance of the Estate land for contemporary debate through policy, and introduce more flexible provisions to accommodate these temporary event activities. Other than the more significant environmental effects associated with the national Waitangi week celebrations, the effects generated by smaller gatherings throughout the year can be managed within the Estate boundary with little to no adverse effect on the wider environment or adjacent residential settlements.

- 9.30 Overall, this option is considered to provide the best outcomes for managing the Estate, including in terms of the four wellbeing's listed in the RMA.

**Option 7 – Seek changes to the notified zoning and overlay provisions**

- 9.31 Amendments to some zone and district-wide rules and overlay provisions were sought by Waitangi Limited in its submission secondary relief in the event that a special purpose zone was not accepted. While changes to underlying zone provisions could be sought to ensure the protection of historic heritage and enable the continued operation, alteration and expansion of activities at the Estate, given the incompatibility of the underlying zoning with the Estate's intended land uses, retaining the notified PDP framework with minor amendments, would not achieve Waitangi Limited's objectives or the purpose of the RMA.
- 9.32 Further, any changes to the provisions could result in unintended adverse consequences throughout the district as they could be interpreted to apply to other sites subject to the same zone or overlay. The Waitangi Estate is a unique site. There is no other site within the district with similar characteristics or historic importance. Seeking piecemeal exclusions and other amendments to the PDP provisions is not a practicable option for achieving the objectives and would unnecessarily complicate the existing PDP structure and framework.

**Option 8 - Apply a special purpose zone over the entire Estate including relevant District Wide standards and overlay provisions within the special purpose zone chapter**

- 9.33 This option is very similar to Option 6, achieving comprehensive protection of historic heritage on the Estate and enabling continued operation, maintenance and expansion of activities in line with the Trust Board Act.
- 9.34 The main difference between this option and Option 6 is that all rules relating to the Waitangi Estate would be located within the special purpose zone chapter. This includes all overlays, and district wide standards of which there are many. While this would provide for ease of reference to Waitangi Limited as a 'one stop shop' for all planning related matters, this option would not be consistent with the National Planning Standards. As detailed in sections 9.14 – 9.23 of this report, while some district wide standards may be located within a special purpose zone chapter, others are mandated to be located within specific district-wide locations in a District Plan. This option would also be inconsistent with the structure of the plan and how it is designed to work as described in Part 1 of the PDP. As such this methodology would also be inconsistent with other special purpose zones already in the plan. Moreover, inserting additional district wide rules into the special purpose zoning may



result in a duplication of rules. This option may also require additional objectives and policies to be drafted to cover those specific topics, if there is no longer a requirement to assess the general chapter.

- 9.35 With this in mind, it was concluded that, this methodology for implementing a special purpose zone would not be the most suitable option.

### **Summary of benefits and costs to the four well-beings under the RMA**

#### ***Economic***

- 9.36 Both Option 6 and Option 8 could ensure that the operation of activities already being undertaken on the Estate could continue. Any expansion to existing activities, or new activities or development which aligns with the Trust Board Act are able to be undertaken, subject to the need to avoid adverse effects on historic heritage. This would provide economic benefits for the Estate as resource consents for minor activities involved in existing operational matters can be avoided. While Option 7 could provide relief for some district-wide provisions that apply to everyday activities at the Estate, this is limited by the underlying zoning. Other activities, including any future development or additions, would remain uncertain and costly to consent. The Estate makes a significant contribution to the economy of the district and northland as a whole, as a tourist attraction and national event venue. The Estate is a large employer to local people who work at the Treaty Grounds, Copthorne Hotel or other smaller activities on the Estate.
- 9.37 This is not the case with the other options where the restrictive consenting regime applying to existing activities would remain, resulting in resource consents being required for everyday operations. Options 1, 2, 3, 5 and 7 do not address the underlying zoning of the whole Estate, including the prevailing Rural Production zoning, which only provides for rural production type activities. This provides for uncertainty for any future development which does not align with this activity type which reduces economic prosperity and employment opportunities.

#### ***Environmental***

- 9.38 In all circumstances, the environmental overlays for Natural Character, Outstanding Landscape, Outstanding Natural Features and Coastal Environment would remain. While this is the case some minor amendments are proposed as part of Option 6, and with Option 8, there could be amendments to objectives and policy and rules standards specific to the Special Purpose zone given these standards would sit outside of the general chapters.

- 9.39 The planning framework ensures that the potential environmental effects of all existing and future activities will be assessed, and their values protected. Ultimately, the framework seeks to achieve environmental benefits. Revenue generated by activities at the Estate currently contributes to the enhancement of areas of high natural character, and pest and weed control. The administrative burden of having to obtain resource consents for day-to-day operations at the Estate under Option 1, in particular, means that less money would be available to support environmental programmes at the Estate. As such, there will be negative environmental impacts in the long term.

### ***Cultural***

- 9.40 This process and consideration of options moving forward has highlighted the need for Māori involvement in the decision-making process. It has resulted in works to better establish relationships and bring all parties together in any decision making which is immensely positive. The combination of the discussions to date, commissioning of the CVA, and the governance set up for the National Trust, ensures that Māori representation on future activities is provided for, which is overall positive. As detailed in the CVA, the Haukainga have sought criteria be added to the plan regarding applications for landuse and subdivision which may have adverse effects on the intrinsic relationship between tangata whenua and their ancestral lands, water, sites, wāhi tapu and other taonga. While options 2, 3, 4, 5, 6 and 8 could provide for this consideration through policy, the implementation of Options 6 or 8 will best achieve this by providing for superior protection in line with the sites significance, Estate wide. As noted above, Options 2, 3 and 5 only seek to provide for the protection of the historic heritage on the Treaty Grounds, and Option 4 would exclude the two long term leaseholds. Options 6 and 8 remain superior in this regard.
- 9.41 Options 2, 6, 7 and 8 provide for education activities and temporary events which enable the gathering of people to celebrate Waitangi day, and to discuss topical issues in terms of our bi-cultural nation as well as other events such as Matariki, Te Matatini and national school kapa haka events.
- 9.42 Options 1, 2, 3, 5 and 7 do not provide for existing and future use and development of the Estate that aligns with the Trust Board Act which, in turn, does not allow for the offsetting of costs to visitors for maintenance and upkeep of the site. Thus, making the site more expensive for New Zealanders to visit and experience their history.

## **Social**

- 9.43 The most important social element to this site is its ability for people to visit "*a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand.*" Options 1, 2, 3, 5 and 7 do not provide for existing and future use and development of the Estate that aligns with the Trust Board Act which, in turn, does not allow for the offsetting of costs to visitors for maintenance and upkeep of the site. Thus, making the site more expensive for New Zealanders to visit and experience their history.
- 9.44 Options 4, 6, 7 and 8 provide for additional staff housing, and continue to enable events and recreation opportunities for local people to attend.
- 9.45 Options 1, 2, 3, 5 and 7 seek to retain the notified zoning which does not expressly provide for additional staff housing or continue to enable recreation activities.

## **Sufficient information**

- 9.46 The risk of not acting is addressed in the assessment of Option 1 above. Sufficient information has been provided in order to make the above assessments under section 32 of the RMA.

## **Overall evaluation**

- 9.47 Overall, Option 6 is considered to be most appropriate option to achieve the objectives, the purpose of the RMA and to align with National Planning Standards. The option seeks to protect nationally significant historic heritage and unique nature and values of the Estate. Option 6 would enable the continued operation, maintenance and expansion of activities on the Estate in line with the Trust Board Act which seeks to "*preserve places of historical interest in the Dominion, and with a view to presenting and giving the said land as a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand*". The special purpose zone would replace the proposed general zoning, make amendments to general district-wide standards which directly impact the operation of the Estate, and continue to apply environmental overlays (Coastal Environment, Outstanding Natural Landscapes and Features, High Natural Character) where mapped by the PDP. This framework better reflects and gives effect to the purpose for which the Estate was established.
- 9.48 Option 6 also continues to align with the outcomes sought by the Haukainga, providing an enhanced relationship between local iwi and Waitangi and providing for policy that recognises the intrinsic relationship between tangata whenua and the Estate.

- 9.49 Option 6 would continue to provide for existing development and activities on the Estate, and also enable considered expansion or some additional development on the Estate in accordance with its legislation, in addition to providing for the maintenance and upkeep of the Treaty Grounds.
- 9.50 Given, that option 6 is concluded to be the best at achieving benefits in terms of the 4 well beings as detailed above, a clear set of objectives, policies and rules, separate from the general zoning, could be developed to reflect the sites importance and current and future uses.

## 10 Hearing Panel Minute 14

- 10.1 The Hearings Panel Minute 14 sets out the Hearing Panel's expectations relating to section 32AA evaluations for rezoning requests and requests for new special purpose zones. This evaluation is set out under the following headings.

### ***Reasons for the Request***

- 10.2 Waitangi Limited is seeking as its primary relief through its submission on the PDP, to rezone the Waitangi Estate as a new Special Purpose Zone (along with any related provisions that are required to give effect to the submitter's request across the whole of the PDP). The evaluation in section 10 above has identified the implementation of a Special Purpose zone as the most effective option to address the planning issues that apply to the Estate. An assessment of why the notified zoning is not appropriate for the subject land is set out in that section.

### ***Alignment with PDP strategic direction***

- 10.3 The PDP strategic direction is set out in Part 2 District-wide Matters. Submissions on this part of the PDP have been heard and responded to as part of Hearing 1 held in May 2025. The strategic direction sets out the overarching direction for the PDP. As stated in the Council officers' section 42A reply, the inclusion of a strategic direction chapter in the PDP is a discretionary matter under the NP-S. The Council has included it to assist with the integrated management of the district and in the context of its Far North 2100 strategic direction. The matters listed are not hierarchical, and may, in some circumstances default to other higher order policy documents referenced in the objectives and policies of other parts of the PDP. This clarification by the officer is particularly important for land zoned for a special purpose, where activities may appear to be incongruous with the surrounding environment, but which exists for a recognised beneficial purpose that may also be subject to other national legislation. The overall intent however, and as stated in the 'Directions Overview' is that:

*"For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions."*

- 10.4 The PDP contains strategic direction in relation to:
- (a) Historic and cultural wellbeing
  - (b) Economic and social wellbeing

- (c) Urban form and development
- (d) Infrastructure and electricity
- (e) Rural environment
- (f) Natural environment

10.5 As required by the Hearing Panel's Minute 14 for rezoning requests, this section 32AA evaluation includes an assessment of the request in terms of its consistency with the strategic direction, which is set out in the Table at **Appendix H** and below.

***Higher Order Direction***

10.6 These documents and their relevance to the management of the Waitangi Estate is set out in **Section 9** above. It is concluded that the proposed special purpose zone meets the criteria of the national planning standards as an alternative to general zones and gives effect to other national policy statements including the NZCPS, NPS-HPL, NPS-FM and the NPS-IB as required by s75(3) of the RMA. The special purpose zone would give effect to the above, as the overlays such as Coastal Environment, Outstanding Natural Landscapes, Outstanding Natural Features and High Natural Character will still apply. The SPZ does not seek to establish objectives, policies and rules which would detract from these overlays.

10.7 As described above, in my view, the provisions of the NPS-HPL do not apply to the special purpose zone proposal as the rezoning proposal is not for an urban zone or a rural lifestyle zone that would remove highly productive land from primary production. In addition, as a nationally significant site with historic significance as a s(6)(f) matter of national importance that is also subject to separate legislative purpose, the use and development of at least part of the Estate is likely exempt under clause 3.9(2)(c). Regarding the NPS-FM and the NPS-IB, the rules in the general district-wide chapters regarding vegetation clearance and protection, and setbacks from water bodies remain as proposed. The proposal also remains consistent with the Northland Regional Policy Statement by continuing to provide for protection of the Treaty Grounds, the coastal environment, indigenous biodiversity, avoiding natural hazards, providing for the role of tangata whenua, while at the same seeking to enable economic prospects and investment in our district.

## ***Assessment of site suitability and potential effects of re-zoning***

### ***Natural Hazard Risks***

- 10.8 Existing natural hazards within the Waitangi Estate lands relate primarily to the coastal environment location. Specifically, coastal flood hazard zones 1, 2 and 3 are mapped along the foreshore areas adjacent to the Copthorne Hotel site and within the tidal estuaries (refer **Figure 34** below). River flood areas are mapped within inland undeveloped forested areas in the western part of the Estate. This report does not include a detailed assessment of other natural hazards that may otherwise be considered at a resource consent stage, for example land instability or wildfire risk in proximity to vegetated areas.
- 10.9 Higher-risk built environment locations adjacent to the Copthorne Hotel site and the yacht club would be subject to PDP natural hazard overlay provisions to manage risk to vulnerable activities, which includes visitor accommodation. Consideration of climate change as a potential contributor to coastal flood risk is now a requirement of any stormwater engineering development assessment.



***Figure 35 – location of PDP mapped Natural Hazards and Risk Overlays***

- 10.10 The introduction of the Special Purpose zone and its associated provisions will not seek to intensify land use in a way that may increase natural hazard risk. Rather, the intensity of development within those natural hazard areas remains as per the status quo. As detailed,

the Whakanga (Tourism) sub zone adopts many of the provisions within the mixed use zone, with some exceptions regarding amenity in relation to the Treaty Grounds.

#### Natural Environment Values (terrestrial ecology)

- 10.11 Natural Environment features values on the Estate are discussed in Section 5 above. They include features and values associated with existing vegetation, associated ecology, biodiversity and freshwater environments. Mr Cocker has provided a more detailed description of natural character and ecological values found throughout the Estate. This includes indigenous vegetation and domestic and dignitary planted vegetation on the Treaty Grounds. The PDP mapped High Natural Character areas provide an indication of significance and the ecological connections that also provide fauna habitat values. The coastal estuarine and wetland environments are generally located within undeveloped parts of the Estate. The PDP natural character provisions would provide the opportunity to consider potential effects on natural environment values. The proposed Special Purpose zone is not seeking to modify any rule that would regulate development of high natural character areas or the margins of rivers, wetlands or lakes. Rather, these rules will remain unchanged, as per the notified plan. In practical terms, Waitangi Limited is unlikely to seek to develop in such areas given the larger land holding available, with the exception of maintaining or the creation of new walking tracks adjacent to the tidal estuary providing for recreation.

#### Coastal Environment Values

- 10.12 The coastal environment values of the Estate are described in Section 5 above. Similar to the points made in the sections above, the Coastal Environment Overlay will continue to apply to the site and the relevant provisions will continue to apply.

#### Historic Heritage

- 10.13 Nationally significant historic heritage on the site comprises scheduled items on the Treaty Grounds, along with known and unknown archaeological and cultural features scattered throughout the Estate. The wider Estate landscape and ecological features provide the context for the Treaty Grounds and are recognised as such in the RPSN. The proposed Special Purpose zone would prioritise the regulation of activities that have the potential to adversely affect historic heritage on the Estate beyond the ability of any other spatial layer method proposed in the notified plan through objectives and policies that apply to the whole Estate. This is a superior outcome in comparison to the notified version where there is little



to no ability to consider the impact a development on the wider Estate may have on those scheduled and non-scheduled features on the Treaty Grounds. Moreover, more restrictive standards are sought for built development on the Treaty Grounds.

- 10.14 Conversely, the protection of Historic Heritage also includes the ability of Waitangi Limited and the National Trust to educate and promote the site and heritage items. This is further enabled by the Special Purpose zoning which facilitates events such as Waitangi Day, ANZAC day (with the sites connection to the Māori Battalion and thus its representation through the Māori Battalion Museum), and Matariki. The Estate provides education and associated building and facilities which inform students about the sites significance in establishing New Zealand as a bicultural nation, and continues to provide for relevant discussions on the state of our nation. Special Purpose zone rules have been drafted and amendments to general rules sought accordingly.

#### Cultural (Māori Values)

- 10.15 As detailed throughout this report and in the CVA, the site holds high cultural value (pre treaty of Waitangi settlement, post treaty of Waitangi settlement and today) as a venue that celebrates our nation, and brings people together to discuss topical issues relating to Māoridom. The proposed Special purpose zone seeks to prioritise this relationship and provide for events and activities which supports this unique space. The avoidance of adverse effects on Māori cultural values is a priority at the site.

#### Production Capability (Soils)

- 10.16 The soils resources on the Estate are described in Section 5 above. The production capability of the site is limited due to the presence of existing activities and land holding arrangements including the Treaty Grounds tourism complex, and the long-term lease agreements with the Copthorne Hotel and the Waitangi golf course. The remaining parts of the wider Estate are a mix of pastoral grazing leases, forested areas and the Bledisloe Domain. The site is not a working farm and has not been intentionally farmed for over 150 years. The soils report prepared by Mr Cathcart suggests that production potential for the higher class 3s2 soils would be suitable for occasional fodder or arable crops, viticulture or growing fruit trees.

#### Effects on surrounding sites/ land use compatibility

- 10.17 The surrounding environment is a mix of forestry, pastoral farming, and residential settlement. The Estate is generally separated from neighbouring properties by the coast or road boundaries which provide a physical separation. Proposed rules provide for adequate

setback distances from boundaries and from commercial forestry operations consistent with the Rural Production zone. This ensures rural reverse sensitivity effects remain consistent with the status quo. Residential Intensity remains low density consistent with the rural production zone. While events and tourism activities are enabled, these are more concentrated around the Treaty Grounds where the topography is gentler. Standards remain for traffic, carparking, noise and lighting to ensure those off-site effects can be considered. Given the large land holding, and the rule framework being sought, the effects on surrounding sites as a result of the proposed new provisions is generally consistent with the notified plan and therefore considered acceptable.

### ***Infrastructure (three waters) servicing***

- 10.18 The Copthorne Hotel, the Treaty Grounds, community toilets at the boat ramp and at Haruru Falls and the Yacht club are serviced by reticulated water supply and wastewater. There are no other public reticulated services on the Estate. The Special Purpose zoning seeks to continue current operations on site and does not seek additional connections or capacity to be provided. While this is the case, the proposed provisions will provide the Estate with the ability to provide for additional tourism and non-rural development potential in the future. If future connections are not available, the site is of a size where onsite infrastructure could be accommodated.

### ***Transport Infrastructure***

- 10.19 A main road (Tau Henare Drive & Te Karuwha Parade) provides vehicle access through the Estate. As described in Section 5 above, the road is in part a Special Purpose Road maintained by NZTA Waka Kotahi and FNDC. It is anticipated that the current infrastructure will continue to provide for the activities on the Estate.

### ***Consultation on the WSZ proposal***

- 10.20 Waitangi have consulted with various stakeholders on the inclusion and development of the Special Purpose Zone. Additional consultation with local hapu has been undertaken as part of the Cultural Values Assessment report see **Appendix E** for this detail.

### ***Heritage New Zealand Pouhere Taonga***

- 10.21 Heritage New Zealand was the only further submitter to the request for Special Purpose zoning. As a result, a number of meetings were held with Heritage New Zealand's local office (Bill Edwards) and their planners Alice Morris and Stuart Bracey on the most practical option for protecting the heritage resources at Waitangi while at the same time enabling some

future development. Throughout discussions, Heritage New Zealand were in agreeance that a Special Purpose zoning would be the best planning outcome. Initial provisions were provided and feedback sought on rules, rule thresholds, objectives and policies. Throughout the process, Heritage New Zealand has provided feedback on the provisions including suggested wording for objectives and policies and input on rules and thresholds. It was determined early on through meetings that a memorandum of understanding (MOU) would be established between Waitangi, Heritage NZ and Iwi to form a working relationship and a consultation process for future activities and developments on the Estate moving forward. HNZPT and Waitangi Ltd have also come together to complete a full archaeological survey of the Waitangi Estate.

- 10.22 The most notable discussions on the WEZ provisions were in relation to a proposed rule for the Special Purpose zone regarding Dignitary trees, Sites of Cultural Significance to Māori general standard and Heritage rules.
- 10.23 On the Estate, there are a number of trees, shrubs and other vegetation, some native and some exotic which have been planted by various members of the Crown, past and current Governor-Generals and other relevant Lords and Ladies of their time. It was anticipated that these trees would fall into the category of being notable, however no submission was made on the PDP to include these. As such, a proposed rule was drafted which enabled these trees to be trimmed and maintained with HNZPT approval. However, after receiving feedback from Council via the s42A for Heritage on 3<sup>rd</sup> party approval in rules, it was determined that this process could sit outside of the District Plan through the MOU discussed above. HNZPT Planner Stuart Bracey agreed that this would be a suitable approach.
- 10.24 When the PDP was notified, the Treaty Grounds were included as a Site of Cultural Significance to Māori (SOCSM). Unlike other SOCSM where the requesting authority is typically the local hapu, HNZPT was listed as the requesting authority. As a result, any activity sought on the treaty grounds, if not in the name of HNZPT would automatically trigger the need to obtain resource consent. HNZPT appreciate the issues that this rule cause and have agreed that the Waitangi National Trust should be noted as a requesting authority. The Waitangi National Trust, as detailed above, consists of a number of representatives from local hapu, descendants of the original European families and the government. These representatives come together in any decision making presented to them on behalf of Waitangi Limited. Given the checks and balances put in place in terms of the corporate structure, HNZPT are satisfied that this is an acceptable outcome. Moreover, the

establishment of the MOU will ensure they are also included in decision-making on activities on the Treaty Grounds.

- 10.25 Recommended changes to HH-R4 from the Council and the continued application of HH-R6 as notified will result in all new buildings or structures, extensions and alterations to buildings, or structures or any underground infrastructure triggering the need to obtain resource consent across the main landholding at the Estate. HNZPT have agreed that they could support changes to these rules to reflect a 20m setback for the Estate.

Cognitum Corporation Limited (i.e. Copthorne)

- 10.26 An initial meeting was held with the Copthorne Manager, Todd Mears, Ralph Johnston from Waitangi Limited and Rochelle Jacobs from Northland Planning. A zoning map and provisions were shared and discussed. Following the meeting, Cognitum Corporation Limited engaged the services of Forme Planning Limited to provide feedback on the draft provisions. Some concerns were raised on some of the provisions as they applied to the Copthorne site, and amendments were made to better align some of those provisions with the mixed-use zone standards. Some additional discussions were had on the lease agreement between Waitangi and Cognitum Corporation and the process they follow in terms of consulting with WNT and objectives and policies. The main concern from Forme Planning was ensuring that there was an adequate consenting pathway for any future consents on the leasehold site given that the priority for the Special Purpose Zone is the site of national significance and this is what has been reflected in the objectives for the SPZ. A new objective was added and minor amendments made to some objectives and policies. The final provisions were provided back to Forme Planning and as a result they have verbally given formal support of the proposal. It is anticipated that written support will follow and this will be provided at a later date.

Waitangi Golf Course

- 10.27 A meeting was held with Merle Tipene (Secretary) and Dave Hellens (Club President) of the Waitangi Golf Club, Ralph Johnston from Waitangi Limited and Rochelle Jacobs from Northland Planning. A zoning map and provisions were shared and discussed. The meeting was overall positive.

Waitangi Yacht Club

- 10.28 A meeting was held between George Hourly (Commodore) of the Waitangi Yacht club and Ralph Johnston from Waitangi Ltd. A follow up meeting was held between George Hourly and Rochelle Jacobs to discuss the provisions as proposed and the changes sought by utilising

a SPZ. The Waitangi Yacht club have sought independent planning advice and as part of this requested some minor amendments to objective WEZ-O4, rule WEZ-R4 and rule CE-S4 which have been incorporated. George Hourly has provided verbal support of the proposal. It is anticipated that a formal letter of support will follow, and this will be provided at a later date.

#### Local hapu including Te Tii Marae

- 10.29 An initial meeting was held early in the process with various representatives of Te Tii Marae including Ngati Kawa Taituha and Hama Apiata to discuss the overall concept of the proposal. At that time, the provisions were in a very draft form with details about 'what to include, and how to include it' still in active discussion. However, a plan to utilise sub zones had been decided upon as an appropriate course of action and this was provided for discussion. The overall concept was positive and works continued. A further meeting was held at Waitangi with Ngati Kawa Taituha, Ralph Johnston and Rochelle Jacobs which included detailed provisions. The meeting was positive with Ngati Kawa signalling that if there were any issues he would come back with any feedback.
- 10.30 Following this meeting, two full day hui were held to assist with the writing of the Cultural Values report by Ngahuia Hariwera. The writing of the Cultural Values report included an Appendix referred to as Tikanga Whakahaere. This Appendix is the beginning of a more formalised process for active consultation with the local hapu, referred to as Haukainga within the CVA. It is intended that this will assist in forming the MOU between Waitangi, Iwi and HNZPT. As this is still in draft format, and will require deliberation between the three parties, it is intended that this process will sit outside of the PDP. Nonetheless, it provides crucial background detail on consultation efforts to date. Details on this are available within the CVA within **Appendix E**.

#### Waitangi Limited Board

- 10.31 A number of presentations have been made to the board, with their input included on the location of sub zones and detail of the provisions. The board have formally signed off on the proposal for the special purpose zoning including the accompanying provisions.

#### Trust Board

- 10.32 Similar to the Waitangi Limited board, a number of presentations have been made seeking input on all decisions made throughout this process. The board has formally signed off the proposed Special Purpose zoning.

### Department of Conservation

- 10.33 A number of attempts have been made to have a sit down meeting with the Department of Conservation in Kerikeri. Unfortunately, there have been a number of scheduling conflicts such that this meeting could not be progressed. Attempts will continue to be made seeking a sit down with Bronwyn Bauer-Hunt (Operations Manager Bay of Islands / Pewhairangi), Lara McDonald and Adrian Walker.

### Far North District Council

- 10.34 A number of informal phone conversations and emails have been had with the Councils s42A report writer on the Special Purpose zone, Lynette Murray. An informal meeting was held in Kerikeri with Rochelle Jacobs, Lynette Murray and James Whitham where the sub zone maps and provisions were shared and discussed. A further meeting was held in Kaikohe between FNDC staff Lynette Murray and James Whitham, Rochelle Jacobs, Ralph Johnston, and Heritage New Zealand Representatives Bill Edwards and Stuart Bracey. This meeting further discussed some provisions, however most emphasis was placed on meeting the Special Purpose zone criteria. As a result of this meeting, it was determined that a formal pre-hearing meeting would be beneficial. This has been scheduled to take place at the end of May after the Heritage chapter hearings have completed.

### ***Consistency with other chapters in the PDP***

- 10.35 The rules in the WEZ have been drafted and numbered in accordance with other proposed rules. While no decision has been made on the s42A and right of reply changes to provisions, these have generally been used where available as the baseline.

### ***National Planning Standards***

- 10.36 The alignment of District Plan provisions with the National Planning Standards is a requirement under section 58I of the RMA. The WEZ provisions have been drafted in accordance with these standards and changes to our draft provisions have been made to ensure that this is the case.
- 10.37 As previously stated, the inclusion of a new special purpose zone must meet the following criteria set out in Mandatory Direction 8.3 of the NPS as follows:

*a. are significant to the district, region or country;*

*b. are impractical to be managed through another zone;*

*c. are impractical to be managed through a combination of spatial layers*

- 10.38 Compared to any other alternative zone or precinct method, it is Waitangi Limited's view that a special purpose zone is the most appropriate method for achieving the purpose of the RMA for which the central focus is the management of nationally significant historic heritage and other associated tangata whenua, natural environment and coastal landscape values. The site is best managed comprehensively under a common set of objectives and policies that applies to the whole Estate, and which recognises its diversity in terms of the variety of activities that occur on the site and as mandated by the WNT. In respect of the NPS criteria and MfE guidance, it is considered that:

Are significant to the district, region or country

- *Are the activities within the zone significant because of their scale and expanse, or their social, economic, cultural or environmental benefits?*

- 10.39 The Waitangi Estate comprising the Waitangi Treaty Grounds and its surrounding lands is New Zealand's most important historic site and is referred to as the birthplace of the nation. The management of the Waitangi Estate lands is provided for under the Trust Board Act as a place of historic interest, recreation, enjoyment, and benefit in perpetuity that was gifted to all inhabitants of New Zealand. There is an established independent governance structure that manages Waitangi Estate, in conjunction with the interests of Heritage NZ to protect the national landmark site.
- 10.40 The land use activity that is the protection of, and management of public access to, historic heritage contained within the Waitangi Treaty Grounds (Te Pitowhenua) is significant to the district, region and the country. Such activities include daily visits from domestic visitors, international tourists, visiting school groups and other members of the public, hosting and managing national annual events associated with Waitangi Day celebrations and the development of the Estate for the recreational enjoyment of New Zealanders. The Trust Board (and its ancillary Waitangi Limited) manage the Estate on behalf of all New Zealanders as intended by the original donors of the land. This is a unique arrangement in the Far North where the RMA is just one part of the legislative regime that applies to the site. The Estate is largely self-funding and relies on revenue from paying tourists and lease arrangements to pay for Estate activities. A comprehensive land use planning approach to the management of the Estate lands will result in a superior environmental outcome with respect to sustainable management (including funding) and protection of nationally significant historic heritage as envisaged in Section 6(f) of the RMA.

- *Are the activities located in a specific area and not found elsewhere in the district?*

10.41 The Waitangi Estate is a specific land area that is governed by the Trust Board Act. It is not found elsewhere in the District, or anywhere else in the country.

*Are impractical to be managed through another zone*

10.42 The general application of the Rural Production Zone to the majority of the Estate and the associated spatial overlays under the notified PDP does not enable the efficient or appropriate management of the Waitangi Estate land, nor would it enable its mandated purpose which is historic heritage protection and enabling recreation enjoyment by the New Zealand public. There are no other proposed urban or non-urban zones that better reflect the type of Estate activities. As such the land use activities at Waitangi would remain at odds with the intent of the zones and RPZ objectives and policies that prioritise rural production.

10.43 The Waitangi Estate is a dynamic environment that has at its core focus the protection and management of historic heritage in way that enables the ongoing appreciation and enjoyment by domestic and international visitors. The rural production focus of the Rural Production Zone is not appropriate for the Waitangi Estate and has an entirely different land use focus.

10.44 The adoption of a special purpose zone for Waitangi would not be inconsistent with the application of such zones to other large properties that have a specific land use purpose. Examples include Kauri Cliffs, Carrington Estate and Ngawha Enterprise & Innovation Park. The Council has recognised the unique value of these sites to contribute to the economic and social values of the District and Northland region. Similarly, the Kororareka Russell Township special purpose zone recognises the historic heritage value of the town and the need for comprehensive management that does not rely on the more generic zone objectives, policies and zone standards in the General Residential Zone. The Waitangi Estate should be recognised accordingly.

*Are impractical to be managed through a combination of spatial layers*

10.45 The opportunity to better manage land use activities within the Waitangi Estate lands via district-wide spatial overlays is limited because of the nature of the underlying zone. Its' combination with the proposed overlays (as notified) further limits activity on the Estate. While the rationale for applying the coastal environment and natural character spatial layers is not questioned, there is currently no ability within the proposed policy framework to



assess the value of developing the Waitangi Estate for its intended purpose. If an activity is discretionary or non-complying, it must be assessed firstly against rural production objectives that seek to avoid activities that are incompatible with the rural production purpose, character and amenity of the Rural Production Zone. Land use rules reflect this policy by, for example requiring every building to accommodate a permitted land use, limiting commercial activities and larger scale visitor accommodation activities. The additional spatial layers further limit building size and scale, earthworks and vegetation clearance. The adoption of a special purpose zone would more appropriately identify the site for its intended purpose and prioritise the protection of historic heritage and land use activities involving the public visiting or staying at the site.

- 10.46 While the site contains nationally significant historic heritage, the application of a proposed historic heritage spatial overlay would not have the breadth of control required to enable the purpose of the Estate that is mandated under the Trust Board Act.
- 10.47 For the reasons stated above, it is considered that the NP-S criteria for the adoption of a special zone are met. The WSZ will enable the comprehensive management of the Waitangi Estate in accordance with its legislative purpose and the national and regional policy directives that are reflected in the PDP spatial overlays including the coastal environment, outstanding landscapes and features, historic heritage and sites and areas of significance to Māori. The proposed Rural Production zoning of the site is inappropriate and impractical for a site that does not have a rural production purpose.

#### ***Relationship with Part 2 – District-wide Matters***

- 10.48 The PDP Part 2 – District-wide matters include the strategic direction and objectives and provisions that manage of activities and associated development that may occur across the District, or identified spatially via Plan overlays.

#### ***Strategic Direction - Objectives***

- 10.49 Area-specific and district-wide objectives and provisions sit within a strategic direction framework that provides the overarching policy direction for the district. An assessment of the proposed WSZ objectives in terms of their alignment with the strategic direction is set out above and attached at **Appendix H**. The proposed objectives that are directed at the protection of historic heritage at Waitangi and enabling recreational (social) and cultural wellbeing (and as intended by the WNT Act) would achieve the applicable PDP strategic objectives including:

- (a) Cultural prosperity
- (b) Economic and social wellbeing
- (c) Social prosperity
- (d) Economic prosperity

Other district-wide matters

10.50 Other district-wide objectives, policies and provisions would apply to the site. Those relevant district-wide chapters are as follows:

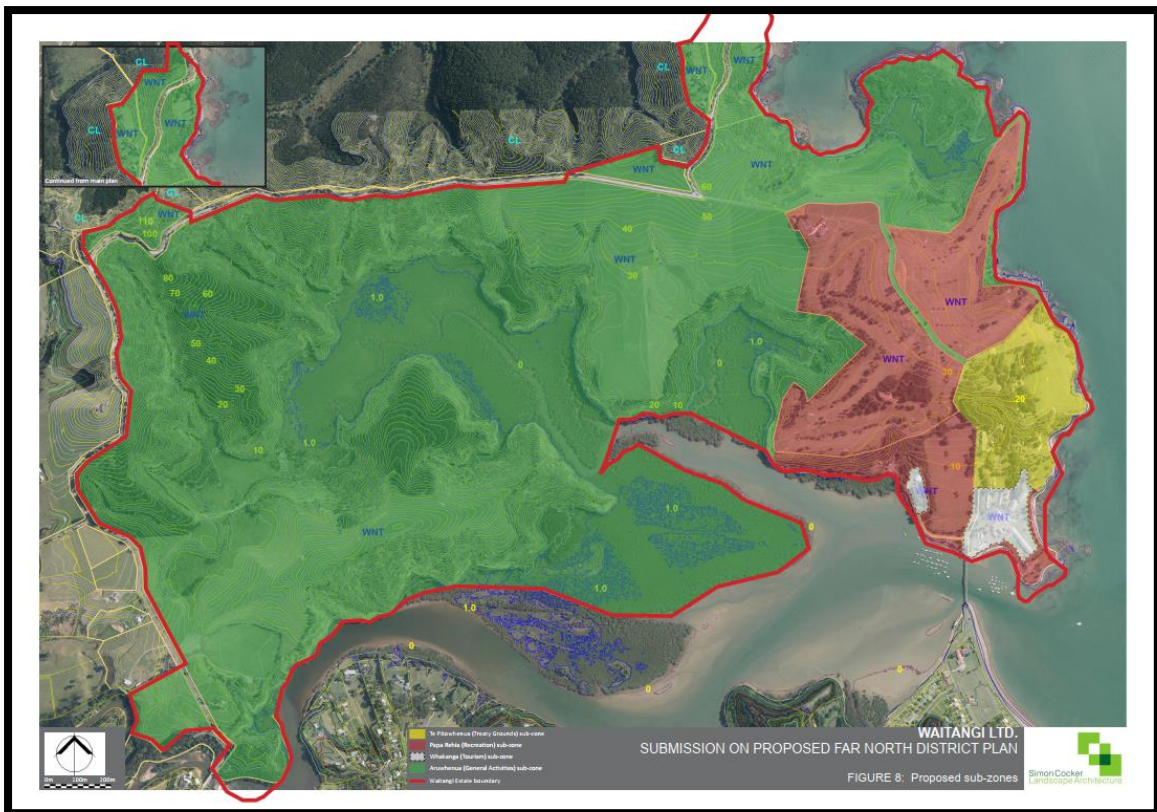
- (a) Infrastructure
- (b) Renewable electricity generation
- (c) Transport
- (d) Natural Hazards
- (e) Hazardous substances
- (f) Historic Heritage
- (g) Sites and areas of significance to Māori
- (h) Ecosystems and indigenous biodiversity
- (i) Natural character
- (j) Natural features and landscapes
- (k) Public Access
- (l) Subdivision
- (m) Coastal environment
- (n) Earthworks
- (o) Light
- (p) Noise
- (q) Signs
- (r) Genetically modified organisms, and

(s) Temporary Activities

- 10.51 General submission relief sought on these parts of the Plan have sought to modify where appropriate, provisions that would apply to the Waitangi Estate lands. Throughout the hearing process, the drafting of this report and associated provisions, additional changes to some of these general provisions have been sought including some new amendments which have been highlighted through thorough assessment.

## 11 Waitangi Estate Special Purpose Zone and Provisions

- 11.1 The proposed WEZ would comprise a comprehensive set of objectives, policies, and rules for the Waitangi Estate lands. A map showing the extent of the WSZ boundary is attached at **Appendix J**. This section outlines and explains the proposed provisions, while the assessment of these in respect of sections 32 and 32AA is set out in Section 13 below.
- 11.2 It is proposed that the WSZ be divided into four sub-zones:
- (a) Te Pitowhenua (Treaty Grounds) – Includes the fenced extent of the Treaty Grounds.
  - (b) Whakanga (Tourism) - Includes the Copthorne Resort site and associated staff housing included within their leasehold title.
  - (c) Papa Rehia (Recreation) – Includes the full extent of the Waitangi golf course, the Bay of Islands Yacht Club, the public boat ramp and toilet facilities, the Waitangi staff housing and the workshop.
  - (d) Ahuwhenua (General Activities) – Includes the balance Waitangi Estate lands.
- 11.3 A copy of the WSZ map and sub-zones is attached at **Appendix J** and in *Error! Reference source not found.* below:



**Figure 36 - Proposed Waitangi Estate Special Purpose zone map with sub zones**

- 11.4 The purpose of the sub-zones is to reflect and provide for existing activities within the Estate boundary and enable appropriate future activities within the sub-zone locations, and the wider Estate generally. This approach is similar to what the Council has proposed for the Kauri Cliffs special purpose zone, which is a large single land use holding comprising a resort and golf course tourism facility surrounded by coastal farmland.
- 11.5 Proposed District-wide environment overlays and general provisions would continue to apply to the Waitangi Estate Special Purpose zone. However, it is noted that some of these standards would either need minor amendments or require consequential amendments to include a reference to the Waitangi Estate Special Purpose zone. These include:
- (a) Infrastructure
  - (b) Renewable electricity generation
  - (c) Transport
  - (d) Natural Hazards
  - (e) Hazardous substances

- (f) Historic Heritage
- (g) Sites and areas of significance to Māori
- (h) Ecosystems and indigenous biodiversity
- (i) Natural character
- (j) Natural features and landscapes
- (k) Public Access
- (l) Subdivision
- (m) Coastal environment
- (n) Earthworks
- (o) Light
- (p) Noise
- (q) Signs
- (r) Genetically modified organisms, and
- (s) Temporary Activities

11.6 A copy of the proposed provisions is attached at **Appendix K** and summarised under the headings below.

***Proposed WSZ Estate overview***

11.7 The proposed Waitangi Estate overview explains the location and purpose of the Estate. The Estate is governed by a Trust Board established under the Trust Board Act. The Estate includes the nationally significant land and historic heritage features that comprise the Waitangi Treaty Grounds and surrounding lands gifted and acquired to be the Waitangi Estate. The Estate lands are within the RPS and PDP mapped coastal environment and subject to natural environment overlay provisions that apply in addition to the zone controls. Land use activities would be managed under four proposed sub-zones that reflect existing activities and which enable future activities, where appropriate.

***Proposed Objectives***

11.8 Proposed objectives would apply to the Waitangi Estate lands mapped as the Waitangi Estate Special Purpose zone. These are set out in the table below:

Objectives	
WEZ-O1	The importance of the Waitangi Estate as a nationally significant site, and the contribution it makes to the heritage, cultural, and social well-being of New Zealand, is recognised and provided for.
WEZ-O2	The unique characteristics and qualities that contribute to the cultural and environmental values in the Waitangi Estate are protected when undertaking land use and subdivision.
WEZ-O3	The relationship of Māori and their culture and traditions associated with the <u>Waitangi Estate</u> lands, adjacent coastal waters, sites, waahi tapu, and other taonga is recognised and provided for.
WEZ-O4	The Waitangi Estate lands are protected, managed and developed to provide for activities that are supportive of, or ancillary to the historic interest of the nationally significant site.

- 11.9 The proposed management approach for the Waitangi Estate includes objectives that:
- (a) Provide for the protection, management and development of the Estate lands for the historic interest, recreation, enjoyment and benefit of the people of New Zealand;
  - (b) Ensure that nationally significant historic heritage comprising New Zealand's only national landmark is protected from inappropriate subdivision, use and development;
  - (c) Māori cultural relationships within the site and its coastal surrounds are recognised and provided for;
  - (d) Natural characteristics and landscape features are protected from inappropriate land use and subdivision activities.
  - (e) Activities which are supporting the historic interest of the site are provided for.
- 11.10 These matters are directly linked to Section 6 of the RMA, which identifies the protection of historic heritage, the relationship of Māori to land and significant places and the protection of significant natural and coastal landscapes and features as a matter of national importance. Waitangi Estate is regarded as New Zealand's most important historic site. It is the birthplace of the nation and the place where tangata whenua and the Crown agreed how New Zealand would be governed. It is an annual meeting place for dignitaries from around the country and attracts thousands of visitors each year. The objectives seek as an outcome of the Estate the retention of its pre-eminent historical importance and recreational value and enabling

sustainable operational maintenance and development that will benefit many future generations of New Zealanders. The Estate is financially self-supporting, with little to no central government assistance. Management and maintenance of the Estate relies on funding generated by Estate activities.

### ***Proposed Policies***

- 11.11 Proposed policies would give effect to proposed objectives. Including outcome-based policies is the most practical option to achieve the outcomes detailed above. These policies are set out in the table below:

<b>Policies</b>	
WEZ-P1	Provide for land use and <u>subdivision</u> in the Waitangi Estate where it maintains or enhances the purpose of the zone as a site of historic national significance.
WEZ-P2	Recognise and protect Te Pitowhenua (the Waitangi Treaty Grounds) as the central historic and cultural focus of the <u>Waitangi Estate Special Purpose zone</u> .
WEZ-P3	Enable supporting activities within the Waitangi Estate to provide for its long-term viability while ensuring that any adverse <u>effects</u> of development are avoided, remedied or mitigated.
WEZ-P4	Recognise the importance of the Waitangi Estate Special Purpose zone as the national venue for commemorations associated with Waitangi Day and other significant cultural and heritage events held throughout the calendar year.
WEZ-P5	Enable <u>visitor accommodation</u> activities and associated infrastructure and the appropriate extension or enhancement of those activities where adverse effects can be avoided, remedied or mitigated.
WEZ-P6	Provide for recreation activities within the Waitangi Estate where significant adverse effects on historic heritage can be avoided.
WEZ-P7	Ensure that the siting of <u>buildings</u> and <u>structures</u> and associated infrastructure in the <u>Waitangi Estate Special Purpose zone</u> is undertaken in a way that minimises any adverse amenity or landscape effects on historic heritage. This includes consideration of activities and development, including the provision for adequate <u>infrastructure servicing</u> .

- 11.12 The proposed management approach for the WEZ includes policies that:



- (a) Policy WEZ-P1 - provides for the use and development of the Waitangi Estate lands where the use or development maintains or enhances the purpose of the zone as a site of historic significance. This is intended to not just refer to the Treaty Grounds but also its wider Estate land context, which has recreational value to the public of New Zealand and domestic and international visitors. The Estate is actively managed by an established Trust Board and the day-to-day management of Waitangi Limited. This policy gives effect to WEZ-O1 and WEZ-O4;
- (b) Policy WEZ-P2 - recognises and protects the Waitangi Treaty Grounds as the central historic and cultural focus of the Waitangi Estate. This policy recognises the Treaty Grounds as the pre-eminent historic heritage feature of the Estate and the importance of protecting this site. All other development activities are to remain subservient in terms of how they impact the values associated with this part of the Estate. This policy gives effect to WEZ-O1 and WEZ-O2;
- (c) Policy WEZ-P3 - enables a variety of supporting land use activities that sustain the Estate purpose and its operational needs. This policy is necessary to the extent that protection of the Estate is not just the preservation of historic heritage, but active management of buildings, landscaping and infrastructure. Complementary activities such as visitor accommodation, and recreational facilities enhance the visitor experience at Waitangi and provide valuable revenue to support annual maintenance and development costs. Estate management has practical requirements such as staff housing and sufficient carparking and safe walking facilities. This policy gives effect to WEZ-O4;
- (d) Policy WEZ-P4 - recognises the importance of the Waitangi Estate as the national venue for commemorations associated with Waitangi Day and other significant cultural events held throughout the year. The Waitangi National Trust hosts thousands of visitors to the Estate each year during Waitangi week. Other commemorative events including Anzac Day and Matariki are celebrated on the Estate. Waitangi Estate is a large venue site that can accommodate large numbers of people within meeting and ground spaces and also carparking. This policy gives effect to WEZ-O3 and WEZ-O4;
- (e) Policy WEZ-P5 – this policy recognises the value of visitor accommodation facilities on the Estate which includes the existing Copthorne Resort hotel site. As a significant visitor destination and venue host, the provision of accommodation facilities is in

regular demand. The location of facilities on the Estate provides convenient access and is complementary to its enjoyment as a place of recreation. This policy gives effect to WEZ-O4;

- (f) Policy WEZ-P6 - this policy recognises the recreational value of the Estate as intended by the WNT Act but that it remains secondary to the protection of historic heritage which is the main focus of the Estate. This policy gives effect to WEZ-O1, WEZ-O2, WEZ-O3 and WEZ-O4;
- (g) Policy WEZ-P7 – the siting of buildings, structures and infrastructure is subject to the extent to which they impact the landscape values of the Estate, in particular the Treaty Grounds. These values are described in the landscape assessment prepared by Mr Simon Cocker. This policy is particularly important for determining larger scale-built development proposals. This policy gives effect to WEZ-O1, WEZ-O2, WEZ-O3 and WEZ-O4;

#### ***WSZ Rules & Standards***

11.13 The proposed management approach for the Waitangi Estate includes rules and standards that are specific to the Waitangi Estate lands. As with other special purpose zones, land use activities would also be subject to other applicable spatial overlay provisions including the coastal environment, natural features and landscapes and sites and areas of significance to Māori. The inclusion of the below rules and their associated activity statuses was considered to be the most practical option for achieving the objectives listed above.

- (a) **New buildings and extensions to existing buildings** – is a permitted activity at thresholds specified for proposed sub-zone areas. This rule is a hybrid of new building land use rules that apply to new buildings in zones and in the coastal environment. The thresholds vary throughout and are based on landscape recommendations provided by Mr Simon Cocker. They are particularly restrictive (30m<sup>2</sup>) in the proposed Te Pitowhenua (Treaty Grounds) sub-zone where there is a careful managed built environment development regime, that includes close consultation with Heritage NZ and Iwi. Threshold standards relate to building gross floor area, building height, height in relation to boundary and exterior colours and materials. Building standard threshold exceedances would be Restricted Discretionary Activities and subject to the assessment criteria listed in WEZ-R1. This assessment criteria has been developed from the themes expressed in Mr Simon Cockers evidence and adapted to the templates used in the PDP to date. This rule gives effect to WEZ-O1, WEZ-O2, WEZ-

O4, WEZ-P1, WEZ-P2, WEZ-P3, WEZ-P5, and WEZ-P7 in recognising the importance of the heritage resources on the Estate and applying a rule which sets thresholds for development. In the case of WEZ-2, a more restrictive permitted standard specifically recognises Te Pitowhenua and the importance of considered development.

- (b) **Visitor Accommodation** – is a permitted activity in the Whakanga (Tourism) sub-zone and in other sub zones other than Te Pitowhenua small-scale accommodation activities (up to 10 guests per night) are also permitted. It is expected that any large-scale visitor accommodation development (such as another hotel complex) would be subject to a Discretionary Activity status with full discretion available to the Council to decide a consent application. However, the policy framework would be more aligned with the land use intent for the Estate providing greater potential for the development of a well-designed and located accommodation facility. This gives effect to WEZ-O4 and WEZ-P5 which are enabling of activities which provide value and support to the heritage resources on the site, while at the same time ensuring that effects of these proposals are well considered.
- (c) **Residential Activity** - Limited residential activities are provided for as a permitted activity generally in line with the rural production zone provisions. There would be a slight increase in the number of permitted units within a site from 6 to 10 to enable additional staff housing, particularly within the larger Lot 1 DP 326610 site. This gives effect to WEZ-O4, WEZ-P1 and WEZ-P3 which are enabling of activities which provide value and support to the heritage resources on the site, while at the same time ensuring that effects of these proposals are well considered.
- (d) **Commercial Activity** – Is a permitted activity limited to those that are associated with visitor amenities (such as cafes and restaurants), recreational activity that appropriately utilises the Estate lands (existing examples include the Paihia Horse Treks), and small-scale retail associated with historic heritage and cultural experiences. This gives effect to WEZ-O4 and WEZ-P3 which are enabling of activities which provide value and support to the heritage resources on the site, while at the same time ensuring that effects of these proposals are well considered.
- (e) **Education Facilities** – Permitted where education facilities where it is for the purpose of furthering knowledge and understanding of the Waitangi Estate, its natural environment or Māori cultural traditions and values. This gives effect to WEZ-O3 and

WEZ-P3 which assists in providing education around New Zealand history ensuring the sites long term viability.

- (f) **Impermeable Surfaces** – permitted up to 15% of any site for the Te Pitowhenua, Papa Rehia and Ahuwhenua sub-zone. This is consistent with the notified RPZ RPROZ-R2. For the Whakanga sub-zone, the Mixed Use zone impermeable surface rule has been adopted. This gives effect to WEZ-O4, WEZ-P3 and WEZ-P7 which ensures that effects associated with site coverage are avoided, remedied or mitigated.
- (g) **Recreation Activity** – permitted as defined by the PDP. Consistent with the RPZ RPROZ-R9 to the extent that the commercial nature of activities is small-scale and limited to those listed for the various sub-zones in WEZ-R4. Larger- scale commercial recreation activities involving built structures greater than 100m<sup>2</sup> GBA would be Discretionary. There would be no limitation on recreation activities that do not require buildings e.g. the existing horse trekking activity. This gives effect to WEZ-O1, WEZ-O4, WEZ-P3 and WEZ-P6 which provide for recreation where effects on heritage are avoided.
- (h) **Farming** – Is permitted in the Ahuwhenua (General Activities) sub-zone and Discretionary in all other parts of the Estate. This is generally consistent with RPROZ-R7. This gives effect to WEZ-O2, WEZ-O4, WEZ-P1, WEZ-P2 and WEZ-P3 which continue to enable farming, in the general subzone, outside of areas of heritage.
- (i) **Helicopter Landing Area** – Is permitted where NOISE-S4 Helicopter Landing Areas is complied with. This is consistent with the Kauri Cliffs Special Purpose Zone(s) Rule KCZ-R10. Helicopter landings on the Estate are not a regular occurrence and are largely associated with dignitaries visiting the site or for emergencies. This gives effect to WEZ-O2, WEZ-O4, WEZ-P3 and WEZ-P4 which enables helicopter landings for dignitaries and heads of state while ensuring the associated effects will be mitigated.
- (j) **Conservation Activity** – Is permitted and consistent with the RPROZ-R8. This gives effect to WEZ-O2, WEZ-O3 and WEZ-P7 which seeks to protect environmental values on the estate.
- (k) **Customary Activity** – Is permitted and consistent with the notified Sport and Active Recreation Zone Rule SARZ-R10. This gives effect to WEZ-O3 and WEZ-P1 which seeks to enable activities which contribute and provide for Māori and their culture.
- (l) **All other activities** – Discretionary.

## ***Definitions***

11.14 As a result of the special purpose zone and general rule amendments, an additional definition of the Waitangi Estate is required as well as an amendment to the definition of Wetland, Lake and River Margins.

- (a) **Waitangi Estate** – This has been referenced in the general rules for Signage and also within the Waitangi Estate Special Purpose zone chapter. Given its use in general rules, the inclusion of a definition is necessary.
- (b) **Wetland Lake and River Margins** – An amendment to this rule has been sought to include reference to the Whakanga (Tourism) sub zone in which a 26m setback applies opposed to a 30m setback. This change is in line with the Mixed Use zone.

## ***Consequential changes to district-wide rules***

11.15 A number of rules will require a reference to the Waitangi Estate Special Purpose zone. There are also a handful of rules where a further amendment specific to the Waitangi Estate zone is requested. It is noted that the references below include recommended changes via s42A reports and rights of reply from Council. These are as follows:

### **Renewable Electricity Generation**

- (a) **REG-R5 Free standing small scale renewable electricity generation activity (new and upgrading)** – A reference to the Ahuwhenua and the Whakanga sub zones are sought for inclusion in this rule. The Ahuwhenua sub zone is currently zoned Rural Production and Waitangi would like to enable some small-scale renewable energy proposals as a permitted activity. In consultation with the Copthorne they also expressed an interest in enabling renewable energy proposals on their leasehold title, so this has been included as well. While this activity does not sit within the Special Purpose zone, it is provided for within WEZ-O4, WEZ-P3 and WEZ-P7 which provides for development that supports the historic activities on the Estate.
- (b) **REG-R6 Solar energy large scale or community scale renewable electricity generation activity (new and upgrading)** - A reference to the Ahuwhenua sub zone is sought for inclusion in this rule. The Ahuwhenua sub zone is currently zoned Rural Production and Waitangi would like the ability to install some larger renewable energy proposals as a permitted activity. It is likely that if a smaller site on the estate is used that Waitangi will not meet the definition of small-scale renewable electricity generation as while the electricity will be generated on the estate it will be on a

different title to the Museums meaning that this is the likely rule to be used. Similar to the above, while this activity does not sit within the Special Purpose zone, it is provided for within WEZ-O4, WEZ-P3 and WEZ-P7 which provides for development that supports the historic activities on the Estate.

Historical and Cultural Values

- (c) **HH-R4 New buildings or structures, extensions or alterations to existing buildings or structures** – We seek that in the case of Waitangi that there be a different set of provisions in comparison to the general standards. As notified this rule had a 20m setback requirement. Through the Councils s42A recommendations it has been recommended that this be site wide meaning that any new building or structure no matter where on the 400ha title would trigger consent under this standard. HNZPT have agreed that a 20m setback provision is acceptable for the Estate. This amendment gives effect to WEZ-O4, WEZ-P3, and WEZ-P7 which provides for development that supports the historic activities on the Estate.
- (d) **HH-R6 Infrastructure within a site containing a scheduled Heritage Resource** – Similar to the above, we are seeking a separate standard for the Waitangi Estate which makes reference to the 20m setback, such that activities up to 3km away from scheduled Historic Heritage do not trigger the need for resource consent. Again, this has been discussed with HNZPT, and they have also agreed to this exception for the Estate. This amendment gives effect to WEZ-O4, WEZ-P3, and WEZ-P7 which provides for development that supports the historic activities on the Estate.

Sites of cultural significance to Māori

- (e) **SASM-R1 New buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures, earthworks or indigenous vegetation clearance** - As discussed in section 11.21 above, this rule has been particularly problematic in that all activities involving building, alterations, earthworks and indigenous vegetation clearance on the Treaty Grounds automatically trigger the need to obtain resource consent, as the works are not being undertaken by HNZPT. After much deliberation, HNZPT has agreed that a joint requesting party status is a reasonable outcome. The rule and the schedule have been updated to reflect this agreement. This gives effect to WEZ-O1, WEZ-O2, WEZ-O4, and WEZ-P2 by recognizing the Trust Board as the governing body for the site.

### Natural character

- (f) **NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures** – References to Te Pitowhenua and Papa Rehia sub zones have been included in the section for Park Management. This is due to the sub zones hosting activities akin to parks where park management activities may be necessary. This gives effect to WEZ-O1, WEZ-O2, and WEZ-P6 which provide for recreation.

### Natural Features and Landscapes

- (g) **NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures** – An additional permitted standard has been added for a minimum building size within the area of Outstanding Natural Landscape (ONL) within the Te Pitowhenua sub zone. This is sitting at 30m<sup>2</sup> which is an increase of 5m<sup>2</sup> from what was originally proposed but a decrease of 20m<sup>2</sup> from discussions within the associated s42A report and right of reply from Council. An activity status of Discretionary has been sought, rather than Non-Complying given the Treaty Grounds is an area where its Outstanding Natural Landscape Values differ from your standard Outstanding Natural Landscape in that the ONL is more of an outcome of its cultural associations than its naturalness. This has been discussed at length on pages 32-33 of the Landscape Report. It is noted that within this report, Simon Cocker has recommended some assessment criteria. Given the structure of the PDP no assessment criteria is used for a Discretionary Activity, it is the objectives and policies which are relied upon with any decision making. While this is the case, the themes of his assessment criteria have been used for the zone building standard where the building development is outside of Te Pitowhenua and hence assessed as a Restricted Discretionary activity where it does not meet the permitted threshold. This rule gives effect to WEZ-O1, WEZ-O2, WEZ-O4, WEZ-P1, WEZ-P2 which recognises the heritage items on the Estate, specifically within Te Pitowhenua as being of upmost importance when considering any built development, while at the same acknowledging that some development may be beneficial.

### Subdivision

- (h) **SUB-R1 Boundary Adjustments** – While no changes are sought to this rule it is acknowledged that in changing the zoning of the golf course from Open Space to WEZ that a boundary adjustment could be undertaken as a Controlled Activity as opposed

to a Non-Complying Activity. In most cases the reason for boundary adjustments within the Open space zone being Non-Complying is that they involve public land. As the land within the WEZ is private the Controlled Activity status is considered more appropriate. This gives effect to WEZ-O4, WEZ-P1, and WEZ-P3, where boundary adjustments may be required to long term leases from time to time to achieve a better outcome or to provide for the sites or activities long term viability.

- (i) **Sub-R3 Subdivision of land to create a new allotment** – The WEZ has been added to the list and it is suggested that any new sites created on the Estate default to a Discretionary activity status regardless of minimum allotment size. While subdivision is unlikely it has been included to enable future leases to accommodate larger activities. This gives effect to WEZ-O4, WEZ-P1, and WEZ-P3, where a subdivision may be required to create a future long term leases to provide for a supporting activities long term viability.

#### Coastal Environment

- (j) **CE-R1 New buildings or structures, and extensions or alterations to existing building or structures** – A reference to the Whakanga (Tourism) sub zone have been added as it was recommended via Hearing 4 that an exemption be included for the Mixed Use zone at Waitangi. This amendment is in accordance with this recommendation.
- (k) **CE-S1 Maximum Height** – Similar to the above, a reference to the Whakanga (Tourism) sub zone has been included in line with the recommendations from Hearing 4.
- (l) **CE-S4 Setbacks from MHWS** – References to the WEZ and the appropriate sub zones should be included for completeness. In consultation with the Waitangi Yacht club, they noted that during regattas they are required to establish temporary buildings such as race offices and buildings / structures to be used as lockers. Given what these buildings are used for and given that they are temporary any effect is considered less than minor. Moreover, the Yacht club also noted that at times they could have a minor structure or building required to be established such as a catch tank. At present one is situated just behind MHWS. It was noted that in the Operative Far North District Plan minor buildings and structures associated with utility service structures which do not exceed 2m in height or 5m<sup>2</sup> in area are exempt (Rule 12.7.6.1.1 Exemption (v)). A similar exemption has also been sought specifically for the Waitangi Estate.



- (m) These amended rules and standards give effect to WEZ-O4, WEZ-P1 and WEZ-P5 in that development of an area which maintains or enhances existing activities is provided for.

#### Earthworks

- (n) **EW-S1 Maximum earthworks thresholds** – References to the WEZ and the applicable subzones have been included in the standards where they best align with other similar general zoning. These reference updates are in line with WEZ-O4, WEZ-P3 and WEZ-P7 which ensure appropriate standards are in place for earthworks activities.

#### Light

- (o) **Light-S1 Maximum level of light spill** – References to the WEZ and the applicable subzones have been included in the standards where they best align with other similar general zoning. These reference updates are in line with WEZ-O4, WEZ-P3 and WEZ-P7 which ensure appropriate standards are in place for activities which produce light.

#### Noise

- (p) **Noise-S1 General noise rules applying to noise emitted from all zones and overlays (unless provided for by a specific standard elsewhere)** - References to the WEZ and the applicable subzones have been included in the standards where they best align with other similar general zoning. These reference updates are in line with WEZ-O4, WEZ-P3 and WEZ-P7 which ensure appropriate standards are in place for activities which emit noise.

#### Signs

- (q) **Sign-R2 Community Signs** - We seek that in the case of Waitangi that there be a different set of provisions in comparison to the general standards. This is given the size of the Estate and the number of community facilities present on site such as the Boat Ramp, Slipway, jetty and pontoon, public toilets x2, Bledisloe sports grounds, Haruru Falls walking track and lookout, and the Waitangi Sports fields. Limiting the number of community signs on site to 1 will be an automatic consent trigger. As there is no other site in the District, which is private and has a similar level of publicly available facilities an exemption is sought for the Estate, insofar as this rule relating to the total number of Community signs.

- (r) **Sign-R15 – Signs in Waitangi Estate Special Purpose zone** – This is a new rule which relates solely to Signs on the Estate. The approach taken is similar to other special purpose zones such as Orongo Bay, Carrington Estate and Quail Ridge.
- (s) **Sign-S1 Maximum area per sign** – Amendments are sought to the standard which captures ONF's, ONL's, Heritage Areas and Scheduled Heritage Resources. In the Councils Right of Reply for Hearing 6 & 7 an exception was added for the Waitangi Estate. This exception only included an exemption for the ONL and disregarded the ONF, SoCSM and other scheduled resources mapped on the site. The way in which this was worded meant that the exemption could not be utilised as the default would mean the 0.5m2 standard would still be applicable. A further amendment to this standard has been included specifically for the Special Purpose zone and includes maximum sign area for each sub zone. As there is already a high number of signs across the Estate with the various activities in place the standard has been worded to capture any new sign rather than undertake an assessment of total sign area as has been sought on other general sites. To ensure there will not be a proliferation of signs visible on site other standards have been included below. On the Copthorne site the Mixed Use zone currently allows for a 12m2 sign as a permitted activity. This has been reduced to 6m2 to be more sympathetic to the Treaty Grounds located immediately next door.
- (t) **Sign-S2 Maximum height of signage** – A section has been included for the WEZ and the associated subzones. A more restrictive standard has been included on Te Pitowhenua sub zone. The remaining subzones are aligned with similar zones.
- (u) **Sign-S3 Maximum number of signs** – A standard has been included which relates to the number of signs per activity visible beyond the Waitangi Estate. This ensures that there will not be a proliferation of signs on the Estate that are externally visible. It ensures that small directional signage and plaques branded with Waitangi rather than HNZPT are not included in the number of signs calculation. This wording is similar to the wording used by Council for the Open Space and Sport and Recreational zones of which the operation of Waitangi is similar.
- (v) **Sign-S5 Sign design and content** - No changes are sought to this rule. However, it is highlighted that there is an exemption for signage in the Mixed Use Zone to enable animated signs, reflective materials and flashing light sources. We do not seek that this exemption be applied to the Whakanga (Tourism) sub zone.

- (w) The sign rules and standards have been updated to give effect to WEZ-O1, WEZ-O2, WEZ-O3, WEZ-O4, WEZ-P1, WEZ-P2, WEZ-P3, WEZ-P4, WEZ-P5, WEZ-P6, and WEZ-7. Signage on the Estate is of high importance; it welcomes people onto the Estate and provides direction to the many activities and historic items. The changes assist in recognising the unique characteristics and qualities of the site, recognise Te Pitowhenua and the many events that take place.

Temporary Activities

- (x) **TA-R1 Temporary activity (excluding any activity listed in the rules below as permitted or restricted discretionary)** – It is proposed that this rule would not apply to temporary activities on the Waitangi Estate. Instead, a new bespoke rule would apply.
- (y) **TA-RX Temporary Activities on the Waitangi Estate** - This wording differs from what was sought at Hearing 6/7. The rule change sought that there was no limit placed on the number of temporary activities on the Estate. Rather limitations are in terms of people numbers, hours of operation and traffic management. The s42A report writer settled on enabling up to 5 events per title, where the event does not last for more than 2 days, hours of operation excluded Waitangi day events, and people numbers excluded Waitangi Day. Upon further review, this was deemed to not be workable for the Estate. A specific rule for the Waitangi Estate was therefore sought. This would ensure larger events such as Waitangi Day (and the week leading up to the national day), ANZAC and Matariki events do not trigger resource consent. Larger temporary events are generally held at the Treaty Grounds and this is an area where these types of events are expected. As such, it is sought that no limit of events is applied to this sub zone. Hours of operation were extended to 5am to enable dawn services to take place. PER -2 applies to all sub zones. This exemption will also cover gatherings at the marae at dawn for various reasons which could be captured under the definition of a Temporary activity. While gatherings at the marae could be considered under existing use rights, having the rule enable this is clearer for any future happenings on site. As indicated at the Temporary Activities hearing, there are a number of activities which occur on the site which would be captured by the definition. As the site contains a number of different activities from public amenities to recreation to heritage any restriction on numbers of events will be very quickly used up.

- (z) The amendment to the above standard and new rule give effect to WEZ-O1 and WEZ-P4 which provides for Waitangi as a national venue.

*Schedule 3 – Schedule of sites and areas of significance to Māori*

- (aa) The schedule has been updated to reflect the agreement with HNZPT to name the Waitangi National Trust as a requesting party to MS09-49. This gives effect to WEZ-O1, WEZ-O2, WEZ-O4, and WEZ-P2 by recognizing the Trust Board as the governing body for the site.

## 12 Section 32AA evaluation summary

- 12.1 This evaluation report is provided in accordance with section 32AA of the RMA and the Panel's Minute 14, which sets out criteria for an evaluation of requests for zoning changes and new special purpose zones. In addition to the Council's section 32 evaluation reports provided in respect of its notified PDP, section 32AA requires that a further evaluation report is provided to assess any proposed changes to that plan. That further evaluation must be undertaken in accordance with section 32(1)-(4). Section 32(3) applies to an amending proposal where changes are sought to district plans that are proposed or that already exist. For an amending proposal described in section 32(3), the evaluation applies to the provisions and objectives of the proposed changes (the amending proposal) and the relevant objectives and provisions of the notified plan.

### **Section 32(1)(a) – an evaluation of the extent to which the objectives of the amending proposal are the most appropriate way to achieve the purpose of the Act**

- 12.2 Section 32(1)(a) of the RMA requires that an evaluation report examine the extent to which the objectives of a proposal are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA is set out in section 9 above. The sustainable management purpose of the RMA is intended to enable people and communities to provide for their social, economic and cultural well-being and for their health and safety. Sustaining natural and physical resources to meet the needs of future generations, safeguarding critical life-supporting critical natural resources, and avoiding, remedying or mitigating any adverse effects of activities on the environment are also central to the purpose of the RMA.
- 12.3 The Estate's natural resources include its land (including particular landscapes and features), its coastal marine area, freshwater (and tidal) rivers, streams and inland wetlands, and areas of indigenous vegetation. Physical resources include historic heritage buildings and structures, scheduled and unscheduled archaeology, buildings associated with the Treaty Grounds and other activities within the Estate, and existing infrastructure including roads and reticulated services (water supply and sewerage). The values associated with the site are derived primarily from its historic association with the signing of the Treaty of Waitangi, its recreational value to New Zealanders as legislated for by the Trust Board Act, and its coastal environment location. Those values are of national importance and are a significant contributor to the social and cultural wellbeing of New Zealanders.

- 12.4 The Council's zoning decision for the Estate in the PDP places this important historic site within the general policy realm of district-wide rural productive objectives and what appears to be an Operative Plan equivalent recreational and commercial zoning that is to apply to the existing golf course and the Copthorne Hotel site. Apart from scheduled items, there is no specific reference in the PDP to the historic heritage on the Treaty Grounds, or recognition given to the wider Estate as a place of national historic significance. The PDP provides a misaligned district plan policy regime for the Estate that directs its activities to rural production. This is considered to be an entirely inappropriate planning response to such an important national resource and one which cannot appropriately achieve the cultural wellbeing purpose of the RMA.
- 12.5 As detailed in the sections above, the notified objectives that would apply to the Estate sit across the PDP in area-specific and district-wide chapters. The focus of this evaluation is on the zone objectives as it is accepted that the values managed by other applied overlays should remain, with some modifications sought, as detailed in **Section 12** above.

### **Rural Production Zone**

- 12.6 The RPZ objectives set out below would apply to the majority of the Estate:

<b>RPROZ-01</b>	The Rural Production zone is managed to ensure its availability for <u>primary production</u> activities and its long-term protection for current and future generations.
<b>RPROZ-02</b>	The Rural Production zone is used for <u>primary production</u> activities, <u>ancillary activities</u> that support <u>primary production</u> and other compatible activities that have a <u>functional need</u> to be in a rural environment.
<b>RPROZ-03</b>	Land use and <u>subdivision</u> in the Rural Production zone: <ol style="list-style-type: none"> <li>protects <u>highly productive land</u> from <u>sterilisation</u> and enables it to be used for more productive forms of <u>primary production</u>;</li> <li>protects <u>primary production</u> activities from reverse sensitivity <u>effects</u> that may constrain their effective and efficient operation;</li> <li>does not compromise the use of <u>land</u> for <u>farming</u> activities, particularly on <u>highly productive land</u>;</li> <li>does not exacerbate any <u>natural hazards</u>; and</li> <li>is able to be serviced by on-site <u>infrastructure</u>.</li> </ol>

<b>RPROZ-04</b>	The rural character and amenity associated with a rural working <u>environment</u> is maintained.

- 12.7 The proposed RPZ objectives give effect to the PDP strategic direction objectives for the Rural Environment:

***SD-RE-01 - Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.***

***SD-RE-02 – Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.***

- 12.8 The RPZ is the land use zone where large-scale primary production is prioritised. It is distinguished from the rural lifestyle and rural-residential zones where rural residential living is provided as a measure to avoid further fragmentation of productive land and reverse sensitivity effects. While it may be appropriate to prioritise rural production activity over large parts of the district, it should not always be used as the ‘default’ zone for undeveloped land that sits outside the urban area. In terms of what the various rural zone objectives are seeking, none appropriately apply to the Estate. In the RPZ, the notified objectives (and as to be amended by officer recommendations) actively seek to manage the zone for primary production activity and only allow ‘ancillary activities’ that support that activity and which display a rural type character and amenity values. This is further reinforced in policies and rules that actively seek to avoid land use activities that are incompatible with the purpose and character of the zone and which do not have a functional need to be there.

- 12.9 Despite encouraging words in the RPZ overview statement, there appears to be no provision in the accompanying policy or rules for the type of activities that exist, or are proposed to exist on the Estate. While parts of the Estate hinterland may have the appearance of a large-scale rural pastoral environment and be generally consistent with rural character and amenity, its primary purpose is not rural production. Retaining the RPZ over the majority of the Estate would restrict its ability to function as a unique land environment that has as its central focus the protection of nationally significant historic features, and that is also a major visitor attraction. The avoidance nature of the proposed RPZ policies as worded, particularly RPROZ-P4 and RPROZ-P5, would not be enabling of predominantly non-production type recreational or tourism activities throughout a large site, despite a suggestion otherwise in

the RPZ Overview statement. Environmental outcomes sought in the RPZ anticipate the predominance of low-density development with low site coverage of buildings and structures, effects associated with a rural environment. Activities that do not have a functional need to locate in the RPZ are to be avoided.

- 12.10 A new museum or a larger scale visitor accommodation facility for example, may struggle to obtain resource consent under this proposed framework, despite the fact that both of these types of activities currently exist on the Estate and align with the Trust Board Act purpose.

### ***Mixed Use Zone***

- 12.11 The Mixed Use zone has been applied to part of the Copthorne Hotel lease site. The notified Mixed Use zone objectives are as follows:

<b>Mixed Use Zone</b>	
MUZ-01	The Mixed-Use zone is the focal point for the district's commercial, community and civic activities, and provides for residential development where it complements and is not incompatible with these activities.
MUZ-02	Development in the Mixed Use zone is of a form, scale and density and design quality that contributes positively to the vibrancy, safety and amenity of the zone.
MUZ-03	Enable land use and subdivision in the Light Industrial zone where there is adequacy and capacity of available or programmed development infrastructure to support it.
MUZ-04	The adverse environmental effects generated by activities within the zone are managed, in particular at zone boundaries.
MUZ-05	Residential activity in the Mixed Use zone is located above commercial activities to ensure active street frontages, except where the interface is within the Open Space Zone.

- 12.12 The Mixed Use zone is not an inappropriate zoning for this part of the Estate insofar as it is a continuation of the ODP 'Commercial' zone with a greater variety of urban activities, including residential activity. The scale of visitor accommodation and building structures on the site has an urban commercial type character, which also relies on reticulated wastewater and water supply services. However, notwithstanding the characteristics of this part of the Estate, its location at the very edge of Paihia's residential area and adjacent to the Waitangi Treaty Grounds could not be described as giving effect to MUZ-01 which is to be the focal point for the district's commercial (town) community and civic activities. Such an objective elevates the commercial importance of this part of the Estate with no regard for potential



adverse effects on the immediately adjacent historic Treaty Grounds and the visitor amenity associated with that site.

- 12.13 It is the preference of Waitangi Limited that this part of the site is managed under the policy framework of a single special purpose zone that has as its core purpose the protection of nationally significant historic heritage associated with the signing of the Treaty of Waitangi. Supporting activities, including commercial visitor accommodation should remain subservient to that purpose. To accommodate existing activities such as the Copthorne, a sub-zone method is proposed to be managed under a set of policies that enable activities in keeping with the original Trust Deed and/or which support the future viability of the Estate. The proposed Whakanga 'Tourism' sub-zone that would apply to the Copthorne Hotel site would include rules that are similar to the Mixed Use zone. Where there are variances in activity status, for example building gross floor area exceedances being restricted discretionary rather than discretionary, this can be managed in the context of a known site that has limitations in terms of an existing leasehold arrangement. The application of the Coastal Environment and Natural Hazards overlay(s) would impose further limitations on site development.

### ***Sport & Active Recreation Zone***

- 12.14 The Sport and Active Recreation Zone (SARZ) has been applied to the western part of the Waitangi golf course site.

<b>Sport &amp; Active Recreation Zone</b>	
SARZ-O1	The Sport and Active Recreation zone is predominantly used for recreation activity.
SARZ-O2	Buildings or structures in the Sport and Active Recreation zone complement and are consistent with the purpose of the zone and provide for social and cultural wellbeing.

- 12.15 As with the Mixed Use zone, the SARZ zone has not been inappropriately applied to the site which is an existing golf course. However, it does not apply to all of the golf course. The eastern part of the golf course is zoned Rural Production. The golf course site (in part) would continue to be subject to objectives and policies seeking the outcomes of the SARZ zone, which has a recreation focus and a higher threshold for built development when compared to the Open Space Zone. It would appear that the proposed zoning of the golf course site is simply a 'carry over' from the ODP. Little thought has been given to the location of the

existing golf course activity or how it would benefit from the same zoning across the whole leasehold title.

- 12.16 The piecemeal approach to zoning of the Estate leaves its management with little support for its legislated mandate which is to act as guardians for the historic heritage at Waitangi and to facilitate access to the Estate for the enjoyment of all New Zealanders. Obtaining resource consents for simple maintenance activities will remain challenging, and with little to no consenting pathway for larger land use development.
- 12.17 It is concluded that the proposed objectives for the Estate lands are misaligned with the reality of the Estate purpose and will not achieve the purpose of the RMA with respect to the management of nationally significant historic heritage or enabling social and cultural wellbeing. For the reasons set out above, and earlier in the report, the amending proposal, being a special purpose zone over the Estate, is considered to be the most appropriate way to achieve the purposes of the RMA.

#### **Section 32(1)(b) - Evaluation of the Special Purpose zone objectives and provisions (WEZ)**

- 12.18 The proposed objectives, policies and rules of the WEZ are described in **Section 12** above. These are appropriate and necessary to enable superior planning outcomes for the Estate and to achieve the sustainable management purpose of the RMA. A comprehensive approach to land use zoning of the Estate is more efficient and more cost effective in that it can streamline the regulation of activities under a common purpose that appropriately prioritises the protection of historic heritage and access to the Estate for recreational enjoyment.
- 12.19 Assessments of 'amending' plan proposals must be re-assessed in accordance with section 32(3) of the RMA. This includes any alternative plan objectives and provisions (policies and rules). The 'amending proposal' for the purposes of the WEZ includes the proposed WEZ provisions and amendments to some overlay provisions, general standards and one schedule (**Appendix K**). The WEZ proposal is detailed at length in Section 12 above with detail provided on why each provision has been included and how each policy and rule gives effect to the proposed objectives of the Special Purpose zone. Each policy and rule in the WEZ proposal is considered to provide the most efficient and effective way of meeting the proposed objectives as they provide clear direction on the types of activities which are enabled on the Estate, where they may or may not be acceptable, and the thresholds for which input from

a specialist would be required. The provisions as sought are generally provided for and formatted in accordance with other zone chapters in the PDP.

12.20 Those proposed WEZ objectives are as follows:

- (a) WEZ-O1 - The importance of the Waitangi Estate as a nationally significant site, and the contribution it makes to the heritage, cultural, and social well-being of New Zealand, is recognised and provided for.
- (b) WEZ-O2 - The unique characteristics and qualities that contribute to the cultural and environmental values in the Waitangi Estate are protected when undertaking land use and subdivision.
- (c) WEZ-O3 - The relationship of Māori and their culture and traditions associated with the Waitangi Estate lands, adjacent coastal waters, sites, waahi tapu, and other taonga is recognised and provided for.
- (d) WEZ-O4 - The Waitangi Estate lands are protected, managed and developed to provide for activities that are supportive of, or ancillary to the historic interest of the nationally significant site.

12.21 The evaluation of options at section 10 confirmed that the creation of a special purpose zone for the Estate, as requested by Waitangi Limited in its submission on the PDP, is the most appropriate way to achieve the objectives of the proposal and the purpose of the RMA. In particular, it is the most appropriate option to achieve the protection of historic heritage on the Treaty Grounds and to enable the continued operation, maintenance and expansion of activities on the Estate in line with the Trust Board Act.

12.22 Eight reasonably practicable options were identified for achieving those objectives, and the efficiency and effectiveness of those methods were assessed. The reasons for deciding on the proposed WEZ options are set out in sections 10 and 12, including the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposed WEZ provisions.

12.23 Overall, the special purpose zone option which aligned with the National Planning standards was considered far superior to all other options given its heightened protection of historic heritage in line with the sites significance, not only within the Treaty Grounds but across the entire Estate, the ability of the Estate to continue everyday maintenance and upkeep which ensures the ongoing safe and effective operation of the Treaty Grounds for all New

Zealanders, heightened consideration and involvement of Haukainga through relationships and policy, and the ability for the Estate to expand existing activities or implement considered development such that there could be economic growth and associated employment opportunities. The special purpose zone option was assessed as having positive impacts on all 4 well-beings (social, cultural, economic and environmental).

#### **Section 32(1)(c) - Scale and Significance**

- 12.24 The level of detail provided above, corresponds to the scale and significance of the changes sought, to reflect the national significance of the Estate and need for an effective planning framework that protects historic heritage and the values of the Estate.

#### **Section 32(4) - National Environmental Standards**

- 12.25 The proposal does not seek to change the restrictions on an activity where a National Environmental Standard applies.

## 13 Conclusion

- 13.1 The introduction of a special purpose zone at the Waitangi Estate is considered to be the most appropriate planning outcome as evaluated under section 32 of the RMA. This special purpose zoning will ensure the continued protection, maintenance and enhancement of the Treaty Grounds at Waitangi which has significant national, regional and local significance.
- 13.2 A special purpose zone as sought, in conjunction with amendments to general standards, is able to achieve the necessary requirements as detailed in the National Planning Standards. The provisions sought and amendments to general standards, are also compatible with the National Planning Standards.
- 13.3 The proposal has adequately addressed Minute 14 as required by the PDP Hearing's Panel.