

**BEFORE HEARING COMMISSIONERS DELEGATED BY FAR NORTH  
DISTRICT COUNCIL / TE KAUNIHERA O TE TAI TOKERAU KI TE RAKI  
AT WAITANGI**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions on the Proposed Far North  
District Plan

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**MEMORANDUM OF COUNSEL FOR WAITANGI LIMITED (SUBMITTER 503)**

17 April 2025

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**BUDDLE FINDLAY**

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## MAY IT PLEASE THE HEARINGS PANEL:

1. For the reasons set out in this memorandum, Counsel respectfully requests that:
  - (a) parts of Waitangi Limited's secondary relief sought in respect of hearing 12 (historic and cultural values) be withdrawn (specifically S503: 26, 28 and 29);
  - (b) the Panel reallocate the remaining secondary relief in Waitangi Limited's submission, as detailed in the **appendix**, to hearing stream 15B (rezoning requests for new special purpose zones), rather than hearing 12; and
  - (c) accordingly, the Panel excuse Waitangi Limited from appearing at hearing 12.
2. In its notice for hearing 12 dated 14 April 2025, the Panel has invited Waitangi Limited, as a submitter on the Proposed Far North District Plan (**Proposed Plan**) that has sought relief on hearing 12 topics, to participate in the hearing scheduled for 26 to 29 May 2025 at Waitangi.
3. In its submission and previous evidence filed with the Panel,<sup>1</sup> Waitangi Limited explains that the primary relief sought is the application of special purpose zoning under the National Planning Standards<sup>2</sup> (or a precinct of similar effect) to the Waitangi National Trust Estate (**Estate**). The Estate is managed by Waitangi Limited on behalf of the Waitangi National Trust Board for the benefit of all New Zealanders.
4. The proposed special purpose zoning for the Estate is intended to comprehensively manage and protect the Estate, including the historic Waitangi Treaty Grounds / Te Pitowhenua and other nationally significant heritage at the Estate.
5. Nevertheless, in the event that the Panel is not minded to recommend special purpose zoning, the submission also describes secondary, 'fall-back' relief in respect of specific parts of the (notified) Proposed Plan. As provided above, Waitangi Limited seeks to withdraw parts of its secondary relief (specifically S503: 26, 28 and 29). Its remaining secondary relief,

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<sup>1</sup> Submission number 503 and evidence filed in respect of hearing four (natural environment values and coastal environment), hearing 6/7 (general district-wide matters and GMOs), and hearing 9 (rural horticulture and horticulture processing).

<sup>2</sup> As that term is defined in section 77F of the Resource Management Act 1991 (**RMA**).

summarised in the **appendix**, relates solely to the Estate and does not affect other parts of the Far North District.

6. As outlined in Final Minute 14, Waitangi Limited's primary relief will be considered at hearing 15B which is scheduled for 1 to 4 September 2025. In accordance with the "reverse timetable" process that it opted into on 4 February 2025, extensive evidence, including detailed provisions, accompanying further evaluation under section 32AA of the RMA, and supporting expert technical evidence, is due to be filed on Monday 12 May. This coincides with the filing deadline for hearing 12.
7. Currently, Waitangi Limited is working to finalise its special purpose zone proposal and is engaging in discussions with Council officers, tangata whenua, and stakeholders to this end. In particular, Waitangi Limited is working closely with Heritage New Zealand Pouhere Taonga (**HNZPT**), which expressed support for a special purpose zone in its further submission (FS51:12-34), and has continued its support through recent engagement, including at a meeting with Council officers on 27 March 2025.
8. Due to the overlapping filing dates, the relatively minor nature of its remaining "fall-back" relief in respect of hearing 12, and the significance of heritage matters to the special zone proposal as a whole, Waitangi Limited requests that considerations relating to hearing 12 be integrated into hearing stream 15B. This integration will facilitate a holistic evaluation of the special purpose zone proposal for the Estate.
9. This integration of hearing streams will not disadvantage other submitters, HNZPT and Top Energy, that addressed hearing 12 matters raised by Waitangi Limited in their further submissions (FS51 and FS369, respectfully). In particular, Waitangi Limited's decision to withdraw its submission regarding rule NT-R1 of the Proposed Plan, resolves any potential conflicts with Top Energy's submission (FS369: 356).
10. Counsel are grateful to the Panel for considering this request.

Date: 17 April 2025



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**D G Randal / L G Cowper**  
Counsel for Waitangi Limited

**Appendix –summary of secondary relief sought by Waitangi Limited in its submission in respect of hearing 12**

<b>Submission point</b>	<b>Hearing 12 topic</b>	<b>Proposed Plan rule</b>	<b>Requested relief (shown in bold and underlined)</b>
S503.027	Historic heritage	HH-R4	<p>Amend Rule HH-R4 as follows:</p> <p>Any new buildings or structures, additions or alterations are setback a minimum of 20m from a scheduled Heritage Resource <b><u>with the exception of the Waitangi Estate where written approval has been received by Heritage New Zealand Pouhere Taonga.</u></b></p>
S503.025	Sites and areas of significance to Māori	SASM-R1	<p>Amend PER-1 of Rule SASM-R1 as follows:</p> <p>The activity is undertaken by the requesting party listed in Schedule 3 <b><u>or by another party where written approval has been received from the requesting party for the works.*</u></b></p> <p><b><u>*In the event this relief is not accepted, given the wider implications of this change, we would also be satisfied in having this change apply to the Waitangi Estate specifically.</u></b></p>