

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

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

**STATEMENT OF EVIDENCE OF ROCHELLE ASHLEY JACOBS (PLANNING)
FOR WAITANGI LIMITED (SUBMITTER 503)**

**HEARING SIX / SEVEN (GENERAL DISTRICT-WIDE MATTERS AND
GENETICALLY MODIFIED ORGANISMS)**

7 October 2024

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1. INTRODUCTION

- 1.1 My name is Rochelle Ashley Jacobs. I am a Director and Senior Planner at Northland Planning & Development 2020 Limited.
- 1.2 My evidence is given on behalf of Waitangi Limited (Submitter 503) in relation to the Proposed Far North District Plan (**Proposed Plan**).
- 1.3 Waitangi Limited's submission relates solely to the Waitangi National Trust Estate (**Estate**) that is subject to 3 different zones in the Proposed Plan (Rural Production, Mixed Use and Sport and Active Recreation). The Estate contains the historic Waitangi Treaty Grounds / Te Pitowhenua (**Treaty Grounds**) mapped as both a site of cultural significance to Māori (**SoCSM**) and an area of Outstanding Landscape (**ONL**), two areas of Outstanding Natural Features (**ONFs**, namely a rocky outcrop to the North of the Treaty Grounds and Haruru Falls), and Historic Buildings and Objects (Hobsons Memorial, the Whare, the flagpole and the Treaty house). Waitangi Limited is responsible for managing the day-to-day operations at the Estate.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 I have the following qualifications and experience relevant to the evidence I shall give:
- (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 compiled 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.

- (f) As I have been working with Waitangi Limited for a number of years, I am also well aware of the range of activities, including everyday operations and maintenance activities, that occur on the Estate.

3. CODE OF CONDUCT

- 3.1 While this hearing 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 statement of evidence 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.

4. BACKGROUND AND ROLE

- 4.1 I am the consultant planner for Waitangi Limited. I work closely with and advise Waitangi's Chief Transformation Officer (Ralph Johnson) and Head of Operations and Infrastructure Officer (Nicole Wihongi) on planning related matters, including proposed changes to the Operative Far North District Plan (**Operative Plan**) and how these proposals are likely to impact the Estate. I have been advising Waitangi Limited on the Far North District Council's (**Council**) plan review since 2022.

- 4.2 In particular, I have:

- (a) advised Waitangi Limited of the changes proposed by the Council through its review of its Operative Plan;
- (b) prepared a submission on behalf of Waitangi Limited on the Proposed Plan (as notified);
- (c) prepared analysis and carried out initial work drafting provisions for a special purpose zone (within the meaning of the National Planning Standards (November 2019)) for the Estate; and
- (d) liaising with other consultants in respect of this work.

- 4.3 More recently I have continued work on the preparation of a section 32 analysis to support the special purpose zoning (primary) relief sought by Waitangi Limited, which is to be the subject of Waitangi Limited's participation in Hearing 15B. I have continued to liaise with Waitangi Limited staff on additional reports required to accompany the section 32 analysis and continued discussions with Heritage New Zealand Pouhere Taonga (**Heritage NZ**).
- 4.4 After Hearing 4 I was contacted by the section 42A report writers for the Signs Chapter and also the Temporary Events Chapter. I understand that the report writer for the Temporary Events chapter will also be the lead for the Special Purpose Zone request made by Waitangi Limited. Two pre-hearing meetings were held to provide the section 42A report writers additional context on the reasons for Waitangi Limited's submission. The pre-hearing meetings were well received and we hope to be considered for future meetings of this nature.

5. SCOPE OF EVIDENCE

- 5.1 As the Panel is aware, Waitangi Limited is seeking, as its primary relief, the application of special purpose zoning to the Estate. This is sought as an alternative to the general land use zones and spatial overlays in the (notified) Proposed Plan. The circumstances of the Estate strongly support special purpose zoning in line with guidance provided in the National Planning Standards and for the reasons explained in my Hearing 4 evidence.
- 5.2 While special purpose zoning remains Waitangi Limited's primary objective, Waitangi Limited has also asked for secondary relief as a fall-back if a special purpose zoning is not accepted by the Hearings Panel. The matter of special purpose zoning has been set down to be heard by the Hearings Panel at Hearing 15B between 1 to 4 September 2025.
- 5.3 My evidence responds to matters relating to Waitangi Limited's secondary 'fall-back' relief as it relates to this hearing. There are 3 attachments to this evidence. **Attachment 1** provides amended wording to the proposed rule provisions and applicable definitions. **Attachment 2** provides a map of the Waitangi Estate. **Attachment 3** is a copy the evidence I provided for Hearing Four.
- 5.4 The evidence I provided for Hearing Four is relevant to this evidence, particularly the 'Overview of the Estate', 'The Effect of the Proposed Plan and

Need for a Special Purpose Zone', and 'Proposed Waitangi Special Zone' sections.

6. MATTERS SPECIFIC TO HEARINGS SIX AND SEVEN

6.1 In this section, I respond to matters relating to Waitangi Limited's secondary 'fall-back' relief as it relates to this hearing, including responding to Council reports prepared under section 42A of the RMA. I also provide some commentary as to how these matters could be addressed through a special purpose zone for the Estate.

6.2 In total 40 secondary relief submission points were made by Waitangi Limited on proposed rules in the notified Proposed Plan, with an additional seven secondary relief points sought in regard to definitions. Waitangi Limited's submission points applicable to Hearings 6 & 7 are discussed by topic as follows:

Earthworks

6.3 Amend EW-S1 to include certain common activities which do not give rise to any adverse effect on the environment (S503.051). The specific exclusions sought are:

'any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.'

(a) The Council officer has accepted in part some of the exclusions sought. Paragraph 177 of the section 42A report contains a table which discusses each exemption. The main reasoning for not excluding the majority of the exemptions sought is that they will be minor in nature such that they in themselves are unlikely to result in a non-compliance with the proposed standard that sets an annual earthworks volumetric/area limits. While this is the case, on sites where multiple activities are occurring, or on a larger farm where throughout the year various earth disturbance activities are required, the earthworks standard may be 'used up' for the 12-month period, meaning that anything additional, would then trigger resource consent no matter how minor the activity is. I acknowledge that, within EW-S2 and EW-S6, land disturbance (which will cover a number of the

exemptions sought) has been exempted. However, the total volume calculation within EW-S1 remains applicable.

- (b) For the Waitangi Estate, the largest allotment is zoned as Rural Production which has a permitted threshold of 5000m³ over an area of 2,500m² for earthworks. This site is subject to a number of overlays, each with different permitted standards for earthworks. To simplify future assessments for compliance with the District Plan Waitangi Limited is seeking a special purpose zone which will have all the earthworks standards applicable to the Estate in one place. The draft Special Purpose zone rules that I am preparing will seek to use formatting and exemptions that are as close as possible to the standardised rules applying more generally in the Proposed Plan. I also anticipate that similar exemptions will apply to the earthworks rules within the different overlay chapters for consistency.
- (c) In areas where earthworks standards will be much more restrictive, such as the Treaty Grounds due to the ONL, ONF and SoCSM overlays, not having those particular exemptions in place may result in resource consents being triggered for minor works. I have provided further discussion below.
- (d) Fence lines and posts – it was considered by the Council's reporting planner that these activities are already excluded from the notified Proposed Plan definition of earthworks. However, the definition of 'earthworks' excludes "*gardening, cultivation, and disturbance of land for the installation of fence posts.*" The definition is unfortunate in that it is quite specific that the only 'posts' that are exempt are ones which are associated with fences. There are other activities that also involve installation of posts where fencing is not occurring. These works would have similar minor effects and include items such as installing pou, mailboxes, or boardwalks. Given the effects are minor and similar to the exempted activity, Waitangi Limited seeks that these be included.
- (e) Piles, Service Connections, trenching of drains or cables, excavations for building foundations – as per my discussion above, these activities in themselves are not likely to require resource consent under the notified Proposed Plan. But if these are coupled with other works, resource consent may be required. I.e. if a main dwelling was

consented, and as part of those works, the activity used up all of the permitted earthworks rights, then, during the same 12 month period the owners wanted to undertake some minor landscaping (such as the installation of a retaining wall, or digging trenches for some external garden lighting) which triggered works defined as 'earthworks', resource consent would be required. An example on the Waitangi Estate is that the Waitangi National Trust Board (**Trust Board**) is looking to create a new formed carpark. If this was to go ahead, the earthworks volumes would likely be between 400m³ – 500m³. As the area in which the works are proposed is located within an overlay, the permitted earthworks volumes are more restrictive. As a result, any additional works within that 12 month period, no matter how minor, would trigger the need for resource consent. Again, this is assuming that there will be consistency given across the Proposed Plan for works which are exempt within the overlay rules relating to earthworks. Given the nature and scale of those minor works an exemption would remove the need for minor unnecessary consents to be sought.

- (f) Normal rural practices, such as maintenance of farm drains – an exemption has been added to EW-S1, which I support.
- (g) Septic tanks and associated drainage – I support the recommended changes.

6.4 So, while I am generally supportive of the changes made to date, I consider that some further consideration is required in this regard.

Signs

Submission 503.046 (Temporary Signs Exemptions)

6.5 This submission seeks exemptions for 'Temporary Signs' at the Waitangi Estate to comply with the permitted size requirements. The main reason for this is that the Trust Board and its commercial arm Waitangi Limited host a number of 'Temporary Events' across the Estate every year. Some of these events, such as the Waitangi Day celebrations, are public events attracting more than 60,000 people. Larger signs, namely traffic management signs, are required to direct traffic within the Estate.

6.6 On 22 August 2024, I had a video conference pre-hearing meeting discussion with the Council's reporting planner to discuss the submission matters,

including directional health and safety signage, temporary signs, and signs not visible from a public place. The meeting provided the Council planners with more context and understanding of how the Waitangi Estate operates, and the issues Waitangi Limited faces in terms of accommodating large public events. Discussions were had specifically on the larger roadside signage (which is normally located within the legal road reserve, but is utilised across the Estate and within Waitangi Limited's internal private roadways during events) and location and directional signage used at events. The Council planner then sought additional information in the form of photos of existing signs at the Estate, which were provided. The Council's reporting planner has agreed that, given the reasons discussed in the pre-hearing meeting regarding the need for the exemption for temporary signs (referred to above), Waitangi Limited's request is considered practical. I support this recommendation.

- 6.7 While this exemption has been included within Sign-S1 category 1, it is noted that larger temporary signs may be located within the mapped ONL (Waitangi Treaty Grounds). When this occurs, it is not clear to me, when reading Sign-S1, which standards are applicable. When originally making submissions on the notified Proposed Plan, Waitangi Limited sought a blanket exemption to Sign-R3 PER-2 to avoid this issue. The changes recommended by the Council's reporting planner are that an exemption only be made to Sign-S1, rather than Sign-R3. As noted above, it is not clear from the layout of Sign-S1 if, where an overlay applies, one must comply with both standards to be a permitted activity (where there are more restrictive standards), or just the overall standard applying to all zones. The first part of Sign-S1 specifically refers to a 'temporary sign', leading me to understand that for temporary signs this is the only standard that should apply.
- 6.8 To clarify this issue, I suggest that a separate new temporary sign standard be included. This standard for temporary signs would also include the applicable standards within Sign-S3 to again avoid a similar issue. This will not only ensure that all temporary signs for events across the district are clear as to which standard applies, but it also generally follows the recommendations made by the Council's processing planner and achieves the exemptions that Waitangi Limited is seeking. Refer to **Attachment 1** for details of these proposed amendments.

'Community Sign' Definition

- 6.9 It was noted within the section 42A report that a new definition of 'Community sign' is being introduced. Originally no submissions had been made by Waitangi Limited to the rules relating to community signs as it was assumed that community signs would not cover signage on the Estate. However, with the new definition recommended to be introduced as part of the section 42A report it has highlighted that there will be an impact on the Waitangi Estate and as such some comments have been included:

'Community Sign - means a sign displaying information relating to the location of public facilities, place-names, destinations of historical, cultural, spiritual, sporting, or scenic significance. The advertising of public, sporting, recreation, community, social or cultural events.'

- 6.10 While I support the inclusion of a definition, the last sentence appears to capture temporary signs associated with temporary events. This is a potential duplication of the rule standards and could lead to confusion about which rule is applicable. It is likely that there will be permanent community signage advertising the location of a space or particular location. Standards (Sign-S1) applying to community signage seems to relate more to temporary signage rather than permanent signs and is more restrictive especially within Open Space and Sport and Recreational Zones. If an event is sought, it is also likely that there will be additional signage required on a subject site. The way in which the rule is currently drafted means that any additional signage that meets the definition of a 'community sign' will trigger the need for resource consent (as there is an allowance for one per site Sign-R2 PER-3), even when an event could be undertaken as a permitted activity. This could be solved by deleting the last sentence of the definition such that temporary signs associated with temporary events are not captured by the definition of 'Community Sign'. Refer to **Attachment 1** for this detail.
- 6.11 On the Waitangi Estate, regardless of the above changes to the definition, there are already a large number of signs that will meet the definition of 'community sign'. These signs relate to the location of infrastructure such as public toilets, the boat ramp, jetty, location signs which relate to Bledisloe Sports Grounds, the Waitangi Mountain Bike Park, and Waitangi Treaty Grounds. The associated rule (Sign-R2) as drafted becomes problematic for Waitangi Limited, specifically PER-3 where community signs are limited to one per site. It is likely that any new signage will automatically trigger the

requirement for resource consent. Given the number of 'Community Signs' associated with the Waitangi Estate (estimates put this at around 30+), Waitangi Limited requests that there be an exemption for the Waitangi Estate built into this rule (see **Attachment 1**). I note that the Waitangi Estate may not be the only site impacted by this change, and that consideration should be made of Council-owned and operated facilities that may be in a similar position.

- 6.12 As a result of the changes sought, I recommend that the standards associated with real estate signs follow a similar pathway again, to avoid any confusion.
- 6.13 Submission point 503.047 was made as the Waitangi Estate currently accommodates a number of different activities, most of which require some signage. The current Operative Plan defines 'signage' as:

'Includes every advertising and informative device of whatever nature, whether painted, electronically displayed, written, printed, carved, inscribed, endorsed, illuminated, projected onto or otherwise fixed to or upon any building, wall, pole, structure or erection of any kind whatsoever, or onto any rock, stone, tree or other object, if such device is visible from any public place. For the purposes of this Plan "sign" shall include any hoarding and any tethered inflatable sign. A sign does not include material placed within a window, provided it is non-flashing and does not contain a moving message. However, permanently engraved advertisements on windows are considered a sign. A sign does not include 'official signs'. The area of the sign shall be calculated by measuring the rectangular area which encloses all symbols or letters which make up the sign surface and which are differentiated from its background if affixed to a wall. Where a sign is an uneven shape, the area shall be calculated by measuring a rectangle around all symbols or letters which make up the sign surface to enclose the uneven shape. Support structures or the façade on which the sign is attached/affixed is not included in such calculations.'

- 6.14 Notably, the signage rules in the Operative Plan only apply if '*such device is visible from any public place*'. As a result, larger landholdings such as the Waitangi Estate are able to erect internal signs that are not visible from a public place without the need to obtain a resource consent.
- 6.15 The Proposed Plan approach no longer includes an exemption for signage that is not visible from a public place. As Waitangi already has a large number

of signs across the Estate, and Sign S1 calculates '*the maximum total sign area within a feature or across a site*', this means that any new sign on the Estate, no matter the size or location, will trigger the need for resource consent. Examples include directional signs around the Estate, internal museum signage, signage identifying trees, signs detailing café menus, etc.

6.16 At paragraph 161, the Council's reporting planner lists a number of permitted standards stating that '*as an example, under the current PDP framework, The Waitangi Treaty Grounds can establish the following signs as a Permitted activity*'. However, as explained above, I consider that none of these options is currently available without the need to obtain resource consent.

6.17 I would like to acknowledge the recommended increase of signage area within the mapped ONL 'Treaty Grounds' from 0.5m² to 1m². This is positive. However, the Estate also contains two ONFs and, in addition to the ONL, the Treaty Grounds has been identified by Heritage NZ as New Zealand's only National Landmark 'Te Pitowhenua'. 'Te Pitowhenua' has a different mapped extent to the area of Outstanding Landscape. 'Te Pitowhenua' has been added to the notified Proposed Plan schedule as a SoCSM. I expect that because of the SoCSM overlay that it would be captured as a 'Heritage Area' or a 'Scheduled Heritage Resource'. These terms however are not defined in the notified Proposed Plan. For clarity, I recommend that definitions be included for both categories so it is clear when the standard is applicable. If the Treaty Grounds are defined as a scheduled Heritage Resource (in accordance with the SoCSM) as opposed to just the scheduled historic buildings and objects (PDP Schedule 2 Item #100), Waitangi Limited would also seek that the 1m² signage area apply to item 2 also. To avoid the need to obtain unnecessary resource consents across the Estate, and to factor in any ONF and SoCSM overlays, Waitangi Limited seeks the following changes, refer to **Attachment 1** for detail.

- (a) Sign R8 amended to include reference to a community sign.
- (b) Sign S1 within ONL, ONF, Heritage Areas and Scheduled Heritage Resource table to clarify that the 1m² exemption to the Waitangi Estate applies to all features and applies to new signs rather than the total sign area.
- (c) Sign S1 & S3, exemption added for the Mixed use zone to apply to signs that are not visible from a public place on the Waitangi Estate.

- (d) Sign S1, exemption added for the Rural Production and Sport and Active Recreation Zones to apply to signs that are not visible from a public place on the Waitangi Estate.
- (e) Sign S3, exemption added for the Rural Production Zone where the standard does not apply to the Waitangi Estate.
- (f) Sign S3, exemption added for the Sport and Active Recreation Zone where the standard does not apply to the Waitangi Estate.

6.18 Council may want to consider how the change in Sign definition (excluding signs not visible from a public place) will have unintended consequences on other sites in the district that will not be aware of this change.

6.19 S503.048 & S503.049 relating to changes to Sign-S3 and Sign-S1 regarding directional and health and safety are no longer being pursued.

6.20 Signs section 42A report, Appendix 3:

- (a) A map has been provided within Appendix 3 of the Signs section 42A report titled 'Waitangi Estate Planning Maps'. It is intended that this map depicts the location and extent of the Waitangi Estate. Waitangi Limited requests that it be noted that the extent shown is not the full extent of the Waitangi Estate and requests that this be corrected in Council's Right of Reply to show all allotments which form part of the Estate, and as such, all allotments to which the exemptions would apply. A map of the entire estate has been provided within **Attachment 2** to this evidence. To reiterate, there are 7 titles which are comprised of 14 allotments that form the Waitangi Estate as detailed in Waitangi Limited's original submission and within my Hearing 4 evidence, these are:

- Lot 1 DP 326610;
- Lot 2 DP 326610;
- Lot 3 DP 326610;
- Lots 1 DP 152502;
- Lot 2 DP 152502;
- Lot 3 DP 51155;

- Sec 6 SO 338905;
- Sec 7 SO 338905;
- Sec 8 SO 338905;
- Sec 9 SO 338905;
- Sec 10 SO 338905;
- Sec 11 SO 338905;
- Sec 15 SO 338905; and
- Sec 16 SO 338905.

Temporary Activities

- 6.21 Waitangi Limited Submission 503.050 sought that proposed Rule TA-R1 include an exemption for a larger number of temporary activities held on the Waitangi Treaty Grounds per calendar year, and an exemption from activity hours for the weeks either side of Waitangi Day and the number of persons allowed on the site each day.
- 6.22 On 15 August 2024 I had a pre-hearing telephone discussion with the Council planner to discuss Waitangi Day celebrations and their duration. I explained that while Waitangi Day is the main day in which visitors flock to the Estate, the lead-up to Waitangi Day is also very important with many powhiri and meetings occurring. I summarised the key representatives who are present in the lead-up as follows:
- (a) representatives of all major political parties including the Prime Minister;
 - (b) the Governor General, accompanied by representatives of the Royal New Zealand Navy;
 - (c) representatives from the Ministry of foreign Affairs and Trade, ambassadors, and persons of the Diplomatic Corps;
 - (d) New Zealand Supreme Court Judges and Judiciary heads of benches;
 - (e) Iwi Chairs;

- (f) the leader of the Kīngitanga, their entourage, and a large contingent from Waikato-Tainui;
- (g) Local Government members;
- (h) Interdenominational Bishops, Ministers and Priests;
- (i) Local and national media; and
- (j) Representative of the Police, Dignitary Protection Service, Māori Wardens, Fire and Emergency, Security, Far North District Council, Marae, Hapū, Iwi, Waka.

6.23 In 2024, on the two days prior to Waitangi Day approximately 10,000 people per day attended events on the Estate. In the coming years the demand and expectations on Waitangi Limited and the Trust Board to deliver more and more events across the week / two weeks are expected to increase as we draw closer to Waitangi 2040. The chief executive of Waitangi Limited, Mr Ben Dalton, spoke at Hearing 4 about the burden placed on the Estate to host the events every year and how often the funding allocated to host such events is insufficient. Adding consenting costs would only reduce the already stretched funding and resources Waitangi Limited has available to it.

6.24 Mr Dalton also spoke about hours of operation, noting that some events such as the dawn ceremony for Waitangi Day can be as early as 5am. I note that this is an event which would sit outside of the Temporary Event rule performance criteria.

6.25 This discussion was then followed up with email correspondence on how Waitangi Day is a particularly noteworthy annual occasion for Aotearoa / New Zealand.

6.26 The Proposed Plan (as notified) defines 'temporary activities' as:

'means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; temporary military training activities; temporary motorsport activities; and emergency response training by ambulance, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, Land Search and Rescue, or Surf Life Saving New Zealand. It also includes buildings or structures accessory to temporary activities, temporary

carparking areas, and the ancillary activities associated with the temporary activities.'

The Section 42A report does not propose a change to the definition of temporary activities. Types of temporary activities that regularly occur on the Waitangi Estate include:

- (a) Waitangi Day celebrations which commence approximately a week before Waitangi Day;
- (b) Anzac Day and Matariki;
- (c) He Whakaputanga signing celebration (Declaration of Independence);
- (d) Te Matatini (Māori Performing Arts Festival);
- (e) Concerts and festivals (some of which are separately consented);
- (f) Large pōwhiri (e.g. Ngā Puhī Pōwhiri); and
- (g) Weetbix Tryathlon / Cruizin' in the Bay / Mothers Day Races.

6.27 The annual events held on the Waitangi Estate attract varying numbers of people and are held over different durations. The longest and largest event is the Waitangi celebrations held on, and a week prior to, 6 of February each year. Last year this event attracted more than 60,000 people in total. The Treaty Grounds is a national gathering site for the remembrance of significant historical events and important cultural celebrations. The wider Waitangi Estate is popular for its large indoor and outdoor venue spaces that are suitable for a variety of community events.

6.28 The basis of the Waitangi Limited's submission on Rule TA-R1 is to better reflect the frequency and nature of temporary activities currently held at the Estate. For the majority of events, the location is the Waitangi Treaty grounds and its immediate surrounds, including the sportsgrounds immediately opposite. However, events can and do occur on the wider Estate, such as the Bledisloe sportsground on Haruru Falls Road, the Yacht club and the Golf Club. As referred to above, Waitangi Limited is seeking, as primary relief, a special purpose zone for the Estate to properly reflect its function under the Waitangi National Trust Board Act 1932 as a place of historic interest, recreation, enjoyment and benefit that has been gifted to all New Zealanders.

6.29 The notified Proposed Plan Temporary Activities chapter overview states that:

“Temporary activities have the potential to generate adverse effects, in terms of noise and traffic, and they may restrict public access to public places. However, any inconvenience or nuisance that may arise from these temporary activities tends to be accepted by the community and adjoining neighbours because the activities and their effects are short-term in nature and in many instances benefit the wider community.”

This is true of the Waitangi week event and other temporary activities and events hosted on the Waitangi Estate. It would be difficult to name another single event in the Far North District that is larger, or more nationally significant, than the Waitangi Day celebrations.

6.30 The objectives and policies for temporary activities under the notified Proposed Plan enable activities that contribute to a vibrant district, and which enhance the social, economic, and cultural wellbeing of communities. On and off-site effects that may adversely affect the purpose, character and amenity values of the zone and the safety and efficiency of the transport network are to be managed.

6.31 As proposed, the TA-R1 permitted standards that give effect to the objectives and policies would limit the duration of an activity to a maximum of two events per calendar year that do not exceed two consecutive days. Activity hours, people attendance numbers, and site pack down periods are also limited. Road controlling authority approval is required. The annual events held throughout the district vary widely. Other than the Rural Production Zone, temporary events are currently controlled via exemptions in the scale of activities rule for ancillary activities that apply to the urban Residential zone, the Coastal Environment zones and the Recreational Activities and Conservation zones. Traffic Intensity and carparking standards also apply.

6.32 As stated in paragraph 72 of the Temporary Activities section 42A report, the Council's reporting planner accepts that an increased number of annual events on the Waitangi Treaty grounds is reasonable, given its importance to the nation and the submitter's experience with managing larger events. Regarding the two consecutive days, the planner has sought clarification about its application to the Waitangi Day event.

- 6.33 To clarify, it is Waitangi Limited's view that this restriction should not apply to the Waitangi Day celebrations as it involves more than two days. Waitangi week is the largest of the events held on the Estate both in terms of numbers and duration, so it is appropriate that an exception is made for this event. The submission re-wording of rule TA-R1 sought an exemption for events held on the Waitangi Treaty Grounds and this has been adopted in the Council reporting planners' recommendation, along with a request that the maximum number of events be increased to five.
- 6.34 Waitangi Limited supports this recommendation, however it is now seeking a further amendment based on its broader submission rationale for a special purpose zone (as detailed in my evidence for Hearing 4 dated 22 July 2024). That is that the notified Proposed Plan does not appropriately reflect the national significance and special nature of the Estate as a whole and would significantly constrain the ability of Waitangi Limited and the Trust Board to manage the Waitangi Treaty Grounds and wider estate in accordance with Waitangi National Trust Board Act 1932 and the vision of the Trust Board.
- 6.35 In particular, Waitangi Limited considers that the planning framework needs to support Waitangi's readiness and ability to host a range of temporary activities (some of which are identified above), including the national commemorations for the upcoming bicentenaries in 2035 and 2040.
- 6.36 Because of the nature of the site and its important role in facilitating events, Waitangi Limited consider that there should be no limit on the number of events on Lot 1 DP 326610, which is the largest of the sites that comprise the Waitangi Estate (refer to **Figure 1** below). This part of the Estate includes the Treaty Grounds and is 411 hectares bounded by Haruru Falls Road in the west and north and Tau Henare Drive in the east. Such a large site has the advantage of size and separation from other sensitive land use activities so that adverse effects generated by events are generally contained within its boundaries. These matters will be addressed at Hearing 15B.
- 6.37 In the meantime, proposed amended wording of Rule TA-R1 is set out at **Attachment 1**. Essentially PER-1 would be split into two parts. PER-1(.1) would contain the limitation on the number of events with an exclusion for the Lot 1 DP 326610 Waitangi Estate property. PER-1(.2) would contain the restriction to two consecutive days that would apply to all events.
- 6.38 For all events other than Waitangi Day, Waitangi Limited supports these being subject to the two consecutive day restriction, the maximum 500

persons on the site, the requirement to remove accessory buildings and structures and for Road Controlling Authority Approval (TA-R1 PER-2-PER-5). District-wide zone rule noise standards would apply. Waitangi Limited understands that the nature of these controls is to limit events to be small-scale and limited in duration such that they provide maximum community benefit and minimal nuisance. In my view, enabling Waitangi Limited to host unlimited, small-scale events on the Lot 1 DP 326610 site is low risk and simply reflects what the Far North communities understand to be a gathering place for domestic and international visitors and a venue for a variety of events.

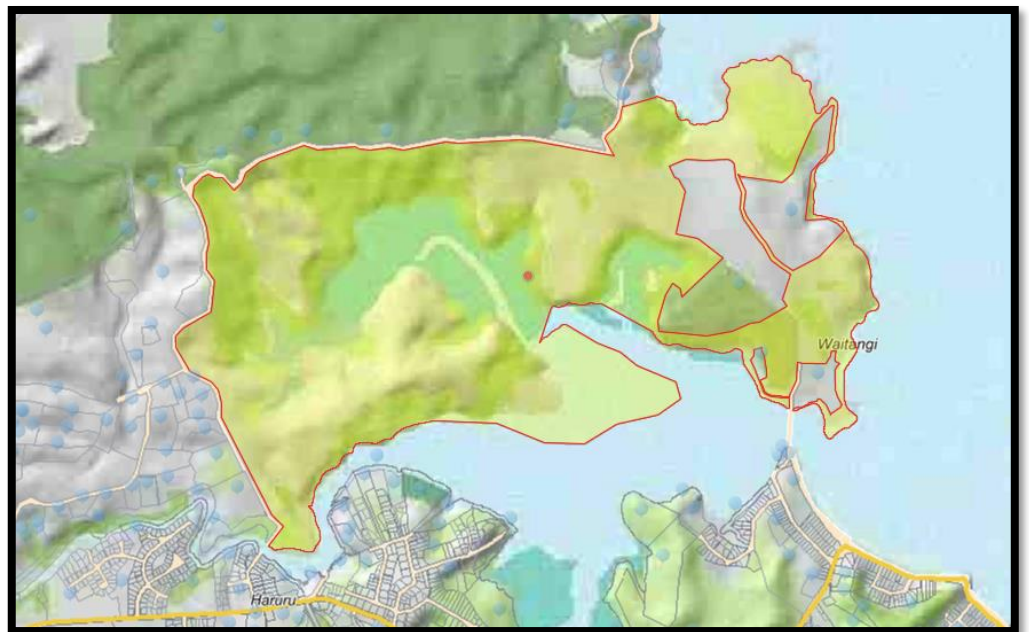


Figure 1: Lot 1 DP 326610 part of the Waitangi Estate

- 6.39 With respect to the Waitangi Day celebrations and to address any potential confusion when implementing the rule as proposed to be amended at Appendix 1 to the Section 42A report, I would suggest that instead of exclusion wording in each part of the sub-rule, that it be subject to a separate rule that specifically provides for the Waitangi week temporary activity as set out in **Attachment 1**. As stated above, Rule TA-R1 would remain applicable to all other temporary activity events on the Waitangi Estate, except for a limit on the number of events.
- 6.40 As currently worded, the TA-R1 rule heading is 'Temporary activity (excluding any activity listed in the rules below as permitted or restricted discretionary)'. The wording of this rule heading allows for the discrete application of each rule where it is specific to a location or type of temporary activity. For example, Rule TA-R2 applies to 'Temporary military training activity and

emergency services training activity'. There appears to be no reason why a similar type of rule cannot apply to temporary activities on the Waitangi Estate associated with Waitangi Day week.

- 6.41 As set out in **Attachment 1**, the suggested amendment to rule standard PER-1 would specify that it applies to events related to the Waitangi Day national celebration held on or within a week of 6 February in any calendar year. As agreed with the Council's reporting planner, there would be no standard applying to activity hours or the number of persons on the site. It is well known that Waitangi Day celebrations begin with a dawn service and that well over 500 people attend this event. The rule standard would however include a requirement to remove any accessory buildings or structures and to obtain Road Controlling Authority approval. This is especially critical for this large event that attracts people from all around New Zealand and the world.
- 6.42 While it remains the view of Waitangi Limited that a special purpose zone is the best method for enabling reasonable use of the Waitangi Estate in accordance with its statutory mandate, the requested change to the proposed temporary activity rule set out in **Attachment 1** would at least enable temporary activities to continue at the Estate.
- 6.43 As I have described in previous evidence related to Hearing 4, the broader issue for the Trust Board and Waitangi Limited is the ability to manage the Estate lands in accordance with its legislative functions. Hosting large scale events that celebrate significant national events is central to the purpose of the Waitangi Estate, as is ensuring that it remains available for the recreational enjoyment of all New Zealanders. This issue will be further elaborated on in evidence provided for Hearing 15B. In this regard, it is appropriate that a suite of Waitangi Estate specific objectives, policies and rules are included in the Proposed Plan to enable the comprehensive management of this site.

Rochelle Jacobs

7 October 2024

**ATTACHMENT 1: PROPOSED AMENDMENTS TO PROVISIONS OF THE
NOTIFIED PROPOSED FAR NORTH DISTRICT PLAN**

[to be provided separately]

ATTACHMENT 2: MAP OF THE WAITANGI ESTATE

[to be provided separately]

ATTACHMENT 3: COPY OF EVIDENCE PROVIDED FOR HEARING 4

[to be provided separately]