



SECTION 42A REPORT

Officer's Written Right of Reply - 31 October 2025

Hearing 15B – Special Purpose Zones - WEZ

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1 Introduction

1.1 Background

1. My full name is Lynette Morgan. I am the writer of the original Section 42A Report for Hearing 15B the Waitangi Special Purpose Zone chapter (WEZ).
2. In the interests of succinctness, I do not repeat the information contained in Section 3.2 of the Section 42A Report and request that the Hearings Panel ("the Panel") take this as read.
3. On 10 September 2025, the Hearings Panel directed Council officers, Waitangi Estate Limited and Heritage New Zealand Pouhere Taonga (HNZPT) to undertake expert conferencing between the planners to resolve the remaining issues namely the following provisions in the draft WEZ chapter and the Natural Features and Landscapes (NFL) chapter:
 - a) NFL-R1 (as it applies to the WEZ) and/or any necessary amendments to WEZ standards to address scale of buildings in the Te Pitowhenua sub-zone;
 - b) WEZ rule(s) for signs;
 - c) WEZ rule(s) for temporary activities; and
 - d) Definition of Waitangi commercial activities (in terms of how it might accommodate activities otherwise caught by the temporary activities rule).
4. At the conclusion of conferencing the parties were directed to prepare a joint witness statement setting out any agreed wording of the above listed provisions and the grounds on which that agreement was reached. If agreement between all planners was not able to be reached, the joint witness statement (JWS) was to record the specific provisions and reasons for disagreement.

2 Purpose of Report

5. This Right of Reply is based on the JWS as mentioned in four above.

3 Summary of Joint Witness Statement and Agreed Changes

3.1.1 NFL-R1

6. NFL-R1 is addressed in paragraphs 10- 26 of the JWS.
7. It was agreed to assist with developing a possible agreed position on NFL-R1 that identifying the WEZ area into two parts may be of assistance. The Landscape and Archaeologist experts identified areas in their expert opinions, the landscape experts identified 'highly sensitive' from a landscape perspective, and the heritage/archaeological experts advised several additional features and added further areas. The result was two areas as depicted in Appendix A - Waitangi Special Purpose. These areas have been recommended to be identified as ONL North and ONL South.

8. Using the areas as identified the Planners were able to agree on a new NFL-R1 for the WEZ.
9. The rationale and discussion for NFL-R1 is set out in paragraphs 10- 26 of the Joint witness statement

Recommendation

10. I recommend that:
 - a) The rule as set out in paragraph 26 of the JWS be accepted.

Section 32AA Evaluation

11. The evidential support for the change to the NFL-Rule is set out in JWS. The JWS explains the rationale of identifying the WEZ into two separate areas and how the hybrid model helps identify the potential adverse effects of building development areas on the landscape, heritage and cultural values of the WEZ.
12. Given the agree alignment of the landscape and the heritage/archaeological experts and Planners I consider that the amendment to NFL-R1 is an appropriate way of giving effect to the relevant Rule in terms of section 32AA of the RMA.

3.1.2 WEZ Rules for Signs

13. WEZ signs is addressed in paragraphs 27-31 of the JWS.
14. The planners used the ONL North and South map to assist in developing the agreed position on the WEZ sign rule.
15. The Planners were able to reach agreement in respect of the number of signs in respect of the ONL North and the entranceway to the WEZ as well as the size, namely 1m² for ONL north and 3m² for ONL south and that PPER-1 could be amended so the height in relation to boundary and setbacks standards do not need to apply to the internal cadastral boundaries running through the Estate and only needed to be applied at the boundaries of the WEZ, but that maximum height standards for signs should apply everywhere within the WEZ.
16. No agreement was reached on third party advertising signs, refer paragraph 41-43.

Recommendation

17. I recommend that:
 - a) Consolidation of a new SIGN RXX Rule for WEZ as set out in paragraph 26 of the JWS be accepted.
 - b) Amendments to SIGN S1 SIGN S2 and SIGN S3 be accepted.

- c) The third-party Sign Rule as currently draft in Sign R15XX remain.

Section 32AA Evaluation

18. The evidence for the change to the Sign Rule and Standards is set out in JWS.
19. The amendments which in respect to the rule and standards and in respect to activities occurring on the Waitangi Estate adds clarity for the plan user and differentiate between the more sensitive parts of the Estate and the functional parts.

3.1.3 Temporary Activities and Definition of Waitangi Commercial Activities

20. WEZ temporary activities are addressed in paragraphs 32-39 of the JWS.
21. All Planners agreed there should be a new Temporary Activities Rule TA-RX which recognises three triers of temporary activities be adopted. The three triers recognise the following: Waitangi, ANZAC Day and Matariki; temporary activities where there is a maximum of 500 people on the site (excluding staff); and all other temporary activities this included start and finish times and the number of temporary activities which may occur per calendar year namely 15 per calendar year.
22. When discussing the new Rule, the planners also discussed and determined if the definition of Waitangi Commercial Activities needed to be expanded. It was determined the definition should be expanded to include artisan workshops, exhibitions, functions, conferences and associated parking.

Recommendation

23. I recommend that:
 - a) Rule TA-RX be accepted.
 - b) A new PER-X be accepted which provides for Waitangi Week, ANZAC Day and Matariki Week as permitted activities.
 - c) A new PER-Y be accepted which provides for temporary activities, other than those listed in PER-X, that have a maximum of 500 persons on site excluding event staff.
 - d) Amended PER-1 so temporary activities not provided for by PER-X or PER-Y are limited to no more than 15 temporary activity events per calendar year and the duration does not exceed two consecutive days.
 - e) Amended PER-2 to set specific operation hours Temporary activities as follows: 3.00am and 11.00pm for Waitangi Week; 4.00am and 10.00pm for ANZAC Day and Matariki Week; and 6.30am and 10.00pm for all other temporary activities on each day.
 - f) Amended definition of Waitangi Commercial Activities be accepted.

Section 32AA Evaluation

24. Paragraph 32 of the JWS identifies the Waitangi Estate has purpose-built facilities capable of accommodating a temporary activity that, if held elsewhere, would likely generate off-site adverse effects such as noise, traffic congestion, and reduced access to public spaces. Accordingly, this allows a different approach to temporary activities to be developed to address and manage adverse effects.
25. Given adverse effects can be managed in a way that is of minimal impact I consider making these changes is an appropriate way of giving effect to the relevant objectives in terms of section 32AA of the RMA.