

# WAITANGI ESTATE SPECIAL PURPOSE ZONE

Submission on Proposed Far North District Plan

## Assessment of Landscape Effects

20 May 2025

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FINAL





## Document Quality Assurance

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# 1.0 EXECUTIVE SUMMARY

Simon Cocker Landscape Architecture has been engaged by Waitangi Ltd to undertake a landscape assessment in support of a submission to the Proposed Far North District Plan. The submission seeks to create a new special purpose zone (Waitangi Estate Special Purpose Zone - WEZ) which addresses the uniqueness associated with management of the Waitangi Estate. The location of and extent of the Estate is shown in [Figure 1](#) in [Appendix 1](#).

The property is currently situated within a number of zones. The inland portion being within the Rural Production Zone, and the majority of the balance being within the General Coastal zone. The golf course and the Bay of Islands Yacht Club is within the Recreational Activities zone, and the Treaty Grounds within the Conservation zone. The Copthorne Hotel site is in the Commercial Zone.

Under the proposed Plan, the majority of the property will be within the Rural Production Zone and subject to the coastal environment overlay. Natural Environment and Historic and Cultural Values overlays have also been applied to various parts of the site.

Under the WEZ, the proposed District-wide environment overlays and general provisions would continue to apply to the Waitangi Estate Special Purpose Zone. However, as detailed in the Section 32AA report on the WEZ, some of these standards would either need minor amendments or require consequential amendments to include a reference to the Waitangi Estate Special Purpose Zone. Those of relevance include natural character, natural features and landscapes, and coastal environment. The proposed management approach for the Waitangi Estate includes rules and standards that are specific to the Waitangi Estate. As with other special purpose zones, land use activities would also be subject to the applicable spatial overlay provisions including the coastal environment, natural features and landscapes and sites and areas of significance to Māori.

In terms of landscape, the sensitivity of different parts of the Estate vary. This is in part due to specific values associated with particular areas – be they cultural, ecological or visual – and in part due to the elevation and / or degree of exposure within the wider landscape. Whilst some parts of the Estate are display a high level of sensitivity to change, others are less sensitive. Eight character areas have been identified, and the sensitivities and values of the character areas are evaluated in this report. The provisions applied to each of the proposed sub-zones under the proposed Waitangi Estate Special Purpose Zone have been crafted to reflect the identified sensitivities and values.

The proposed WEZ has therefore, been designed to accommodate those variations in sensitivity rather than requiring the majority of the Estate to be subject to a uniform level of control; imposing a greater degree of ‘protection’ on the more sensitive areas, whilst a more permissive approach will be provided for the areas with a lower sensitivity.

In addition, this approach allows for consideration of adverse effects arising from activities within the wider Estate on the values of the Treaty Grounds (WEZ-O1, WEZ-O2, WEZ-P1 and WEZ-P2). Under this latter policy, All other land use activities are to remain subservient in terms of how they impact the values associated with this part of the Estate.

It is the opinion of the author that the Special Purpose zone is the most practical option as it offers a more tailored and targeted management of the Treaty Grounds and the Estate, such that the Estate can continue to meet the purpose of why it was established in the first instance. It will enable the utilisation of tailored rules, objectives, and policies which will ensure the Estate is managed with the mana and acknowledgement it deserves rather than through the lens of a production zone, or a general zoning which is – in the opinion of the author – impractical.



## 2.0 ASSESSMENT METHODOLOGY

The assessment has been prepared by a Registered Landscape Architect with reference to the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines. This report has been prepared in accordance with the NZILA (New Zealand Institute of Landscape Architects) Code of Conduct<sup>1</sup>. The assessment methodology is detailed in Appendix 2.

The assessment will determine the type and scale of activities that – from a landscape perspective - are appropriate to the zone, and how this might influence appropriate policies and rule thresholds for the various component parts of the Waitangi Estate Special Purpose Zone (WEZ).

In summary, the significance of effects identified in this assessment are based on a seven-point scale which includes very low; low; moderate-low; moderate, moderate to high, high and very high.

### Desktop study and site visit

Prior to conducting the assessment, a desktop study was completed which included a review of the relevant information relating to the landscape and visual aspects of the project. This information included:

- Planning report, prepared by Northland Planning, dated May 2025 (including Waitangi Estate Special Purpose Zone Draft Provisions (25 March 2025);
- 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.
- Conning, Linda. 1954- *Natural areas of Kerikeri Ecological District : Reconnaissance survey report for the Protected Natural Areas Programme* / Linda Conning and Nigel Miller. Whangarei {N.Z.} : Dept. of Conservation {Northland Conservancy}, 1999;
- LA4 Landscape Architects. *Far North Landscape Assessment*. 1995;
- Littoralis Landscape Architecture / Simon Cocker Landscape Architecture. *Northland Mapping Project*. February 2014. Northland Regional Council;
- GNS Science. Geology Web Map Client;
- Manaaki Whenua Land Atlas;
- Heritage New Zealand Pouhere Taonga website<sup>2</sup>;
- Martin McLean. Science And Research Internal Report No. 76 "The Garden Of New Zealand" A history of the Waitangi Treaty House and Grounds from pre-European times to the present. DoC. 1990
- Melean Absolum Ltd. *District Plan Review: Coastal Environment, Outstanding And High Natural Character Areas Outstanding Natural Landscapes*, March 2020, and;
- Aerial photography, Google Earth and Streetview;

The author is familiar with the property and has visited on numerous occasions in the last decade. Specific site visits for this project were undertaken on 12 March 2023, 21 March 2023, and 10 June 2023.

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<sup>1</sup> Contained in Appendix 1 of: [http://www.nzila.co.nz/media/50906/registered\\_membership\\_guide\\_final.pdf](http://www.nzila.co.nz/media/50906/registered_membership_guide_final.pdf)

<sup>2</sup> : <https://www.heritage.org.nz/list-details/6/Waitangi%20Treaty%20Grounds>

## 3.0 EXISTING ENVIRONMENT

### 3.1 Location of the site

The subject Site is situated on the north side of the Waitangi and encompasses the Waitangi Treaty Grounds. With an area of some 520 ha, the property is (approximately) bounded by Haruru Falls Road to the north and west, the Waitangi River to the south and the coastline of the inner Bay to the east (refer to [Figures 1 and 2](#)).

The Site is made up of a number of separate allotments, identified as follows:

- Lots 1 and 2 DP 152502 (42,940m<sup>2</sup>, 9,354m<sup>2</sup>);
- Lots 1, 2 and 3 DP 326610 (4,114,460m<sup>2</sup>, 324, 239m<sup>2</sup>, 173,204m<sup>2</sup>);
- Sec 5, 6, 7, 9, and 15 SO 338905 (11,981m<sup>2</sup>, 23,811m<sup>2</sup>, 25,074m<sup>2</sup>, 43,207m<sup>2</sup>, 30,095m<sup>2</sup>), and;
- Lot 3 DP 51155 (47,517m<sup>2</sup>).

The western half of the property occupies the entirety of the Hutia creek catchment, and the northern flank of the ridge that defines the mouth of the Waitangi River and displays a sheltered, spatially contained and somewhat serene character. The Waitangi River (including Hutia Creek and estuarine section of the Kaipatiki Stream) is identified in the Far North District Landscape Assessment<sup>3</sup> as being contained within the Waitangi River Inlet unit (Unit C7). The unit is grouped within the 'Estuarine Rivers and Inlets category, and the assessment described the category as being characterised by a sense of detachment from the open coastline. It notes that ubiquitous presence of the mangrove continues throughout all but the steepest sections or most exposed sections of these coasts, and states that:

*"....in the least developed portions of this coastal type, the mangroves are backed with salt marsh associations, containing subtly coloured rushes, mat forming plants, and divaricating shrubs.....The pohutukawa continues as the dominant tree fringe in units which meet steep coastal banks, frequently backed by manuka scrubland. Those that are found amongst flatter terrain are often without such explicit definition at their edge and therefore have a much more expansive character."*

As mentioned previously, within the southwest corner of the Estate, a ridge defines the mouth of the Waitangi River on its northern side, and separates this river from the Hutia Creek catchment. As is illustrated in [Plate 1](#) below, the underlying geology of this ridge is basaltic (Kerikeri Volcanic Group Late Miocene basalt of Kerikeri), which forms the eastern end of a finger of volcanic flow, emanating from Puketutu, some 5km to the west, and following the Waitangi River valley to the river mouth. This contrasts with the geology of the ridge occupied by Haruru Falls, which is underlain by Waipapa Group Sandstone and Siltstone (Waipapa Composite Terrane).

As is illustrated in [Figure 4](#), the lower flanks of the southern ridge are vegetated with native shrub land and forest on its southern and western sides and provide a transition between the land and estuarine environments. More extensive areas of native forest occur on the ridge slopes within the northwestern corner of the property, and on the southern and eastern flanks of the ridge to the south of the Hutia Creek.

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<sup>3</sup> LA4 Landscape Architects. *Far North District Landscape Assessment*. 1995.

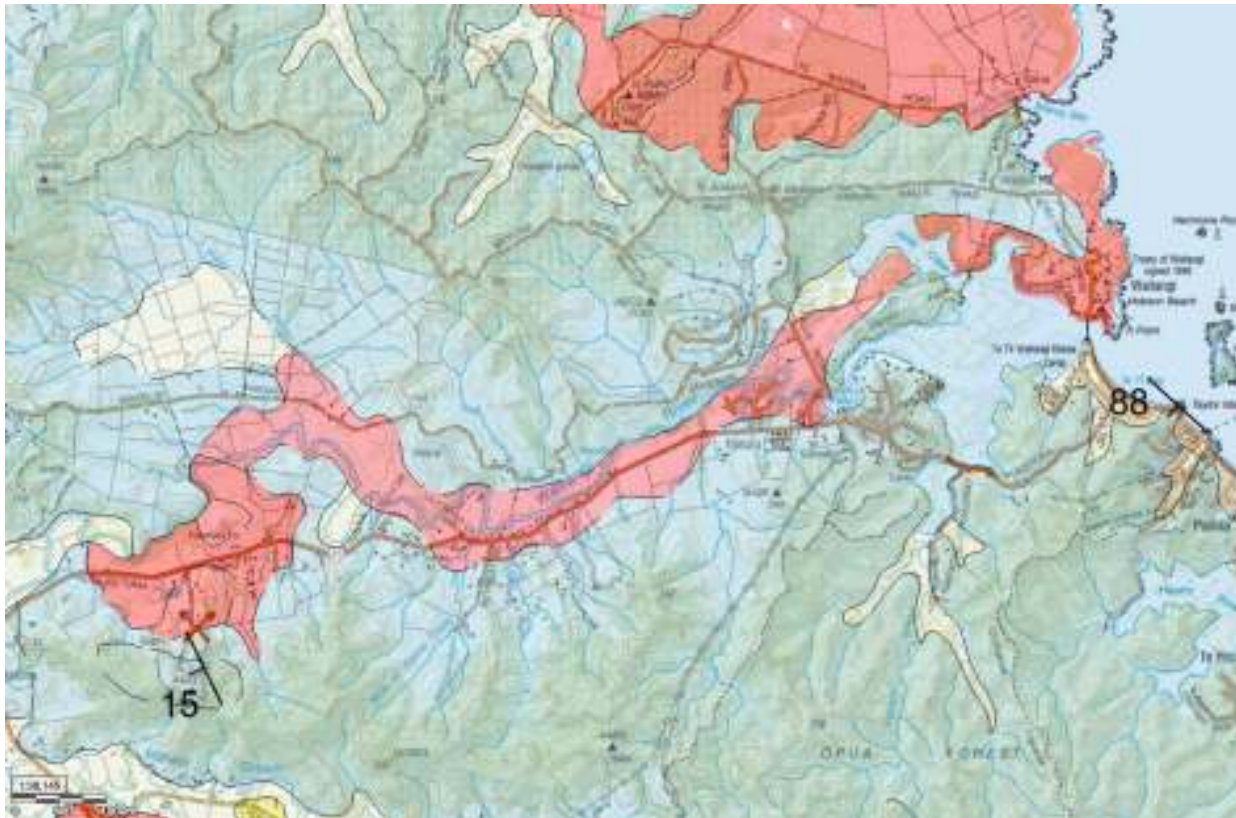


Plate 1 Geology



Plate 2 Wetlands as identified in the Wetlands of National Importance (WONI) project. Orange – gumland, Green – swamp.

The Kerikeri PNAP report identifies a number of vegetation types within the unit, these being:



- (a) Kanuka shrubland on coastal hillslope
- (b) Broadleaf forest in gully
- (c) Mangrove forest on estuary
- (d) Leptocarpus on estuary
- (e) Strand-shrubland association on foreshore
- (f) Salt meadow on estuary
- (g) Swamp shrubland
- (h) Raupo reedland in swamp

Pockets of exotic plantation forest have been established on several spurs within, or contiguous with the native forest in this northern and western part of the property (refer to [photo 2](#)). The vegetation (both native and exotic) forms a strong framework which lends structure to the landscape and creates a buffer – both visual and physical – between the marine and terrestrial landscapes.

[Plate 2](#) above, illustrates how the south facing ridge slope to the north of the Hutia Creek is identified as ‘Pre-human wetland: gumland’. The gully at the western end of the Hutia Creek, is identified as comprising ‘Pre-human wetland: Swamp (c)’ and ‘Pre-human wetland: Swamp (h)’, (– wetlands that are forested – often river or lake margins), and ‘Pre-human wetland: gumland (c) and gumland (h)’.

The ridges are under pasture and, experienced from the crests of these ridges, the observer experiences a sense of exposure, with panoramic views to the southwest, south, south east and east (refer to [photos 4, and 5](#), and [Figure 3](#)). This contrasts with the sense of enclosure experienced when traveling along Haruru Falls Road through the forested areas.

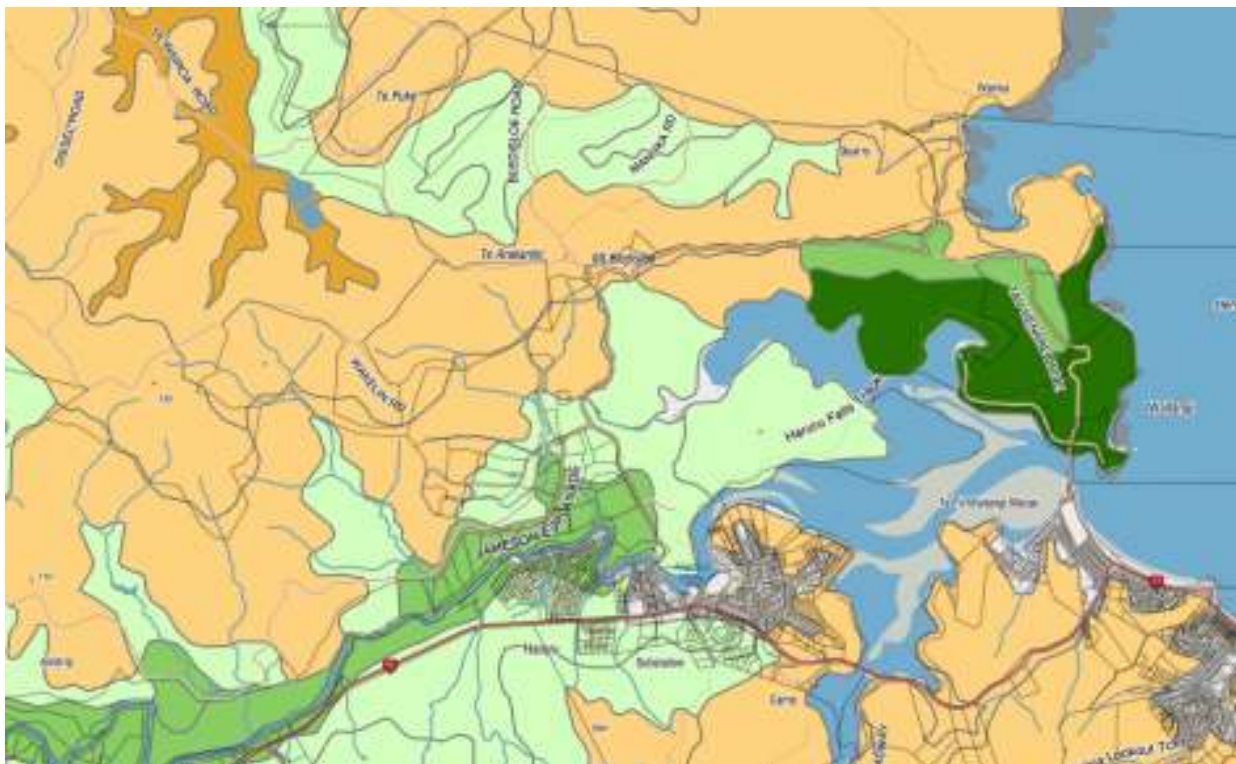


Plate 3: Land Use Capability

Conversely, the ridges form a backdrop for views from the Haruru settlement which occupies the slopes on the southern side of the river (refer to [photos 6, 7 and 8](#)), and from Puketona Road to the southwest and southeast (refer to [photo 9](#)).

Within the southwestern corner of the property, Haruru Falls Road descends to the Haruru Falls settlement. Here, the landscape to the east of the road displays a strongly pastoral character whilst the western side of the road – occupied by a number of rural residential properties - lends the road corridor a settled character.

The Bledisloe Domain is located on the lower southern ridge flank to the east of the road. The development comprises club rooms and a sports field, cut into the sloping landform, and is served by an area of car park (refer to [photo 10](#)).

Opposite the entrance to the Domain, a small ‘blister’ of land within the Estate encompasses an area of low-lying pasture to the west of Haruru Falls Road. This land is used by the Paihia Pony Club.

As is shown on [Plate 3](#), the western and mid elevated portions of the property are recorded in the Land Use Capability mapping as being Class 6 lands, described as *‘Strongly rolling to moderately steep slopes on deeply weathered greywacke up to 400m asl with strongly leached low to medium fertility Ultic, Brown and minor Granular (yellow-brown earth, and brown granular clay) soils in moderate to high (1200-2000mm) rainfall areas with a potential for moderate earth slip erosion, and slight gully and sheet erosion.’*

To the south is class 4 land which is described as *‘Gently rolling to strongly rolling greywacke slopes below 400 m asl with Brown (yellow-brown earth) soils in mild moderate (1200-1600 mm) rainfall areas and a potential for moderate to severe sheet, rill, wind and gully erosion when cultivated.’*

The eastern end of the property displays a marked difference in character to that displayed by the western and middle portions. With the Haruru Falls Road ridge ‘bookended’ by Hobson Hill (68m), the topography of the eastern end of the property rises to a maximum height of 40m in elevation, with a rolling topography. This easier contour reflects the underlying volcanic geology, although the northeastern ‘edges’ of the property slope steeply to the rocky coastline. This northeastern ‘edge’ retains a higher degree of naturalness with the ridge slope below (to the east of) Bayly Road retaining a cover of coastal forest. In addition, a low-lying headland, which forms the eastern edge of a small embayment is vegetated with mixed broadleaved shrubland & forest and also includes a brackish wetland with low mangroves & saltmarsh (refer to [photo 11](#)).

To the south, the landscape assumes a more manicured character with the broad, low southerly trending ridge occupied by the Waitangi Golf Course (refer to [photo 12](#)). The estuarine margins of the golf course, on the lower flank of the ridge, retain the ‘strip’ of coastal forest as described for the western end of the property. The vegetation associated with the balance of the golf course imparts a parkland character with panoramic views both to the west, southwest, and north east, east and south east. With the exception of the golf clubrooms, a number of golf-related maintenance buildings and a small cluster of dwellings close to the Haruru Falls Road / Baylys Road junction, there is a paucity of built form within this north eastern part of the property.

To the south of the golf course, the landscape retains its manicured and parkland character, but there is an increase in density of built form. Within the Waitangi Treaty Grounds, native forest remnants structure the landscape and generally relate well to the terrain (refer to [photo 13](#)). This vegetation enhances the landform patterns and creates separation between built form and the various ‘spaces’ within the Treaty Grounds.

The worksheet prepared for the Northland Mapping Project (which informed the identification of landscapes of value for the Regional Policy Statement) describes the Treaty Grounds as follows:

*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 an 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 flag pole 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.*

Although on an essential perceptual level, the cultural values of the landscape are confined to the Treaty Grounds, in actuality those values extend out into the wider Estate landscape. [Figure 5](#) provides an indication how the pre-European occupation and use of the land encompassed the adjoining coastal landscape. The Treaty Grounds and surrounding landscape are described as encompassing a landscape of great traditional importance and was a place of seasonal gathering for the Ngāpuhi hapū; Ngāti Rāhiri.

The golf course and open grassed spaces of a similar character adjoin the Treaty Grounds on the northern, northwestern and western sides. To the west, a spacious grassed area, surrounded by vegetation, slopes gradually down the river edge, and riverside car park and slipway. To the south of the Treaty Grounds, and occupying the south eastern corner of the property the landscape is dominated by built form, with a cluster of built form including the Copthorne Hotel and Resort Bay of Islands, the Waitangi Events Centre, the Bay of Islands Yacht Club and to the west on the river edge, the boat ramp and car parking. The river edge of this portion of the property has a busy and modified character that is influenced by the proximity of built form, and this 'busy' character extends into the river where numerous boats occupy swing moorings.

The eastern coastal edge of this cluster of built development retains a more natural appearance, but one that is manicured, with mown lawns and specimen trees.

[Plate 3](#) above illustrates how the steep northeastern coastal slopes are identified as being class 6 land:

*Flat to rolling slopes on relatively young basalt flows below 400m asl with numerous stones, gravels and boulders scattered over the land surface and throughout the shallow (<30cm) profile of mainly Oxidic (brown loams) soils in moderate (1200-1600mm) rainfall areas prone to droughts, with a potential for slight sheet and gully erosion*

The ridge top is classified as class 3 land and described as 'gently rolling to rolling slopes below 150 m asl developed on weathered sedimentary lithologies with Ultic and Brown (yellow-brown earth) soils in mild moderate (1200-1600 mm) rainfall areas a potential for slight to moderate sheet, rill and gully erosion when cultivated. The ridge slopes and flatter land associated with the Treaty Grounds are classified as class 2 land.



## 3.2 Landscape Character Areas

As an outcome of the above description, it has been possible to rationalise the landscape of the property into 8 landscape character areas, based on a commonality of topography, vegetation types and patterns and land use. The 8 character areas are *Bay Coastal*, *Treaty Grounds*, *Coastal Built*, *Ridge Recreation*, *Ridge Pastoral*, *Estuarine Coastal*, *Southern Pastoral Ridge* and *Haruru Falls rural residential* (refer to [Figure 6](#)). The individual characteristics of these areas are described below with reference to their visual catchment.

The landscape character of each of these character areas is described in section 3.3. The values of the character areas are evaluated in section 5.

## 3.3 Visual catchment

The property encompasses a large area with a mix of ridges, estuarine and coastal frontages. The visual catchment of the property is best described with reference to the 8 character areas.

### Bay coastal character area

Located within the northeast corner of the property, and both defined, and contained on its western, south western and southern sides by landform, the visual catchment of this character area encompasses the Bay to the north east, east and south east, and the low-lying and generally unpopulated rural landscape to the north. Tau Henare Drive traces a section of the western character area boundary ridge crest and – as is illustrated in [photo 11](#), allows spectacular views across the Bay to the north and east. Conversely, the steep ridge flanks and ridge crest form a sensitive backdrop to views from the water (refer to [photo 14](#)). Whilst the upper ridge flanks are under pasture, and the roofs of built development associated with the golf course are visible, peeking over the ridge, the vegetated lower slopes, and the bush-clad eastern slope of Hobson Hill lend the character area a natural appearance, uncluttered by built form.

Although the majority of the character area is afforded a high level of visibility, and sensitivity, a flat and low-lying grassed area<sup>4</sup>, accessed from Bayly Road and adjoining the foreshore in the western edge of the bay has a sheltered and enclosed character (refer to [photo 15](#)). A mountain bike track – the Wairoa Bay Track, which links Bayly Road and Tau Henare Drive – starts / terminates at the entrance to this grassed area.

Bayly Road bisects the western side of this character area and provides access to the Waitangi Mountain Bike Park.

The visual catchment of this character area comprises the Coastal Marine Area (CMA) within Wairoa Bay, and the wider inner Bay of Islands to the north, northeast and east. It also includes terrestrial locations to the north of Wairoa Bay, and views from Tau Henare Drive (and the adjoining golf course), and Bayly Road.

### Treaty Grounds character area

The character area occupies a broadly rounded headland with narrow coastal reefs that projects subtly from the northern mouth of the Waitangi River, and is topped by a very gently undulating crest that runs over to the mid reaches of the Waitangi River

This character area is generally visually contained within a robust structure of vegetation such that views from the west north and north west are restricted to the edges of the character area (refer to [photo 16](#)). Views into the Lower Treaty

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<sup>4</sup> Identified as Sec 9 SO 338905

Grounds are possible from the south (Coastal Built Character Area). The Character Area is visually exposed on its eastern (coastal) edge, with the catchment encompassing Russell, and Paihia, and the intervening seascape.

The vegetation comprises mature kanuka shrubland, with pockets of puriri, totara, taraire and kohekohe. Adjacent to PNAP sites of Waitangi River alluvial remnants and Waitangi wetlands.

The character area encompasses one of New Zealand's most important cultural landscapes. The character area is described – in the Northland Mapping project worksheet – as follows:

*“...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 an affinity for natural and wilderness areas.”*

The worksheet describes the coastline of the character area is diverse and predominantly natural in its character, featuring 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.

Due to the vegetated character of this character area, it is principally the terrestrial margins that are visible from the wider catchment. This catchment includes the CMA to the northeast as far as Tapeka Point, from the east and southeast (as far as Russell and Paihia).

Limited views into the character area are afforded from the golf course to the north and northwest, from Tau Henare Drive to the west, and from the Copthorne Hotel site to the south.

#### **Coastal built character area**

Adjoining the Treaty Grounds character area on its southern side but also extending upstream on the northern side of the Waitangi River mouth (to include the boat ramp and Copthorne accommodation buildings), the Coastal built character area occupies the same landform as described above, and shares a similar coastal character as its northerly neighbour. Small in area, the character area is confined to a narrow and low-lying peninsula which shelters the northern side of the Waitangi River mouth.

On its western edge, the character area adjoins Tau Henare Drive and its western half is dominated by buildings within, and car parks associated with the Copthorne Hotel and Resort Bay of Islands. On its eastern edge, the buildings are separated from the foreshore by a manicured lawn and a row of large phoenix palms (refer to [photo 17](#)). The contrast between the vegetated character of the Treaty Grounds – which imparts an indigenous character – and the eastern ‘face’ of the Coastal built character area which is relatively open and ‘exotic’ in its vegetative character, is marked. The southwestern edge of the character area, where it contains the northern entrance to the Waitangi River, is vegetated with scattered small specimen pohutukawa. These trees soften the appearance of the built form and areas of car parks on this river edge; visible both from the water, and from Te Karuwha Parade / the road bridge.

Located at the southern ‘tip’ of the peninsula are the club rooms, boat and car parks of the Bay of Islands Yacht Club.

The visual catchment associated with this character area is similar in extent to that described for the Treaty Grounds Character area, but also includes the Waitangi River, and road bridge to the south, and the northern part of Paihia (Te Ti Bay), to the southeast.

### **Ridge – Recreation character area**

This character area contains the Treaty Grounds character area on its northern and western sides and at its eastern end, straddles the ‘spine ridge’ that bisects the northern part of the subject Site (refer to [photos 4 and 12](#)). At its eastern end, the ridge crest is some 20 – 30m in height with moderately steep flanks which slope down to – to the west and south west – the Waitangi River, and to the east, the Bay. The topographical character of this character area is identical to the Ridge – Pastoral character area to the west but is differentiated from that character area by its recreation (golf course) land use, and consequent vegetative character. The character area displays a parkland character, with scattered specimen native trees, groups of native trees and some isolated forest remnants.

Built development within the character area is limited, with the golf course club rooms being the principal feature. These are located close to the ridge crest within the north western part of the character area.

Given the elevation, and relative openness of the majority of the character area, it tends to be visually exposed to the wider landscape. Some lower lying areas, particularly within the southwest and southeast (adjoining the Treaty Grounds and Coastal built character areas), are lower lying and offer more enclosure.

The majority of the character area is contained on its northern and northeastern edges by the Tau Henare Road ‘spine ridge’, and this portion of the Site is visible from an extensive southwestern, southern and southeastern visual catchment which includes Hutia Creek and the Waitangi River, the Haruru Falls settlement, and locations along Puketona Road. In addition, proximate views are afforded from Haruru Falls Road where its traces the northern and eastern edge of the character area.

A part of the character area in its southeastern corner occupies the eastern flank of the spine ridge, and this part of the Site is visible from the CMA to the north east as far as Tapeka Point, from the east and southeast (as far as Russell and Paihia).

### **Ridge – Pastoral character area**

Lying to the west of, and adjoining the Ridge – recreation character area, this character area shares a commonality with respect to its topographical character, and degree of visibility from the wider landscape. The character area is bisected by the spine ridge. The ridge is traced by Haruru Falls Road and rises to a height of some 70m at its high point (this being Hobson Hill, in the northeastern corner – refer to [photo 18](#)). The character area is almost exclusively under pasture, with a paucity of vegetation of any scale (refer to [photo 5](#)). As with the Ridge – recreation character area, lower lying portions of the character area (within the southern part) tend to be visually enclosed.

The visual catchment associated with this character area is similar to that described above for the Ridge – recreation character area. It is contained on its northern edge by the Tau Henare Road ‘spine ridge’, and is visible from an extensive southwestern, southern and southeastern visual catchment which includes Hutia Creek and the Waitangi River, the Haruru Falls settlement, and locations along Puketona Road. In addition, proximate views are afforded from Haruru Falls Road where its traces the northern and eastern edge of the character area.

### **Estuarine coastal character area**

This character area encompasses the estuarine coastal margins of the Site. This includes the Ridge – recreation and Ridge – pastoral and Southern pastoral ridge character areas, the edges of which slope steeply to the river and tend to be densely vegetated with native forest. It also includes the majority of the catchment of the Hutia Creek. This catchment is defined on its northern edge by the spine ridge which is traced by Haruru Falls Road and which rises to a height of some 110m. The character area is – with the exception of isolated pockets of exotic forestry – vegetated with native forest and displays high levels of naturalness.

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This character area is either low lying, or is contained by landform and as such, the visual catchment is confined of the Hutia Creek and Waitangi River where these estuarine waterbodies adjoin the character area, or from the River to the east at its mouth (refer to [photo 3](#)).

Views are also possible from the Haruru Falls settlement, where dwellings afford views to the river edges (refer to [photo 7](#)).

The Haruru Falls Track traces the northern edges of the Waitangi River from Waitangi to Haruru Falls, and this popular pedestrian linkage offers immediate views of the river and creek margins within the character area.

### **Southern pastoral ridge character area**

This character area displays a commonality of character with the Ridge – pastoral ridge character area. It comprises an undulating ridge crest, rising to a height of around 80m, with moderate to steep pastured flanks. The ridge forms a rural backdrop to views from the Haruru Falls settlement to the south and south west, and contains the catchment of the Hutia Creek.

The visual catchment associated with this character area is similar to that described above for the Ridge – pastoral character area and is visible from an extensive eastern, southeastern, southern and southwestern visual catchment which includes the Waitangi River, the Haruru Falls settlement, and locations along Puketona Road (refer to [photos 2, 7, 10 and 19](#)). In addition, proximate views are afforded from Haruru Falls Road where it traces the northern and western edge of the character area. A small portion of the Site is located on the western side of Haruru Falls Road in the south western corner of the Site. This area is visible both from the road, and from a number of nearby rural residential properties.

The northern and northeastern parts of the character area are visible from the Hutia Creek and Haruru Falls Track.

### **Haruru Falls Rural Residential character area**

In the south west corner of the Waitangi Estate, the Bledisloe Domain contains club rooms and a sports field, cut into the sloping landform, and is served by an area of car park (refer to [photo 10](#)). This low-lying and gently rolling landscape is spatially associated with rural residential settlement at the southern end of Haruru Falls Road, and the nearby rural residential development, and pony club facilities lend the area a more ‘inhabited’ character than the elevated and pastured ridge to the east. The visual catchment of the character area is confined principally to the road corridor and the landscape to the west of the road which is constrained by vegetation growing along the riparian margin of the Haruru River.

## **3.4 Statutory context**

### **3.4.1 The Resource Management Act (1991)**

Part 2 of the Resource Management Act 1991 (RMA) sets its purpose and principles. Part 2, Section 5 states that the purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 6 sets out the matters of importance that must be recognised and provided for in achieving the purpose of the RMA. Section 7 contains other matters that must be given particular regard to, and section 8 states that the principles of the Treaty of Waitangi must be taken into account in achieving the purpose of the RMA.

The protection of outstanding natural features (ONF) and landscapes (ONL) from inappropriate subdivision, use and development is identified as a matter of national importance in section 6(b).

Section 7 identifies a range of matters that shall be given particular regard to in achieving the purpose of the RMA. Of particular relevance to this assessment is section 7(c) the maintenance and enhancement of amenity values. This is considered in this report in relation to potential effects on landscape elements and character, and visual amenity.

### 3.4.2 The Northland Regional Policy Statement

The Northland Regional Policy Statement (NRPS) contains relevant objectives and policies in relation to the protection of natural features and landscapes. These have been translated into the Kaipara District Plan. The site does not however fall within the Outstanding Natural Landscape classification under the NRPS.

The above matters, together with the Regional Policy Statement (RPS, under the Northland Regional Council ('NRC')) and District Plan provide background to inform the assessment of landscape and visual effects.

### 3.4.3 Operative Far North District Council Plan

The Waitangi Estate is currently situated within a number of zones. The inland portion being within the Rural production zone, and the majority of the balance being within the General Coastal zone. The golf course and the Bay of Islands Yacht Club is within the Recreational Activities zone, and the Treaty Grounds within the Conservation zone. The Copthorne Hotel site is in the Commercial Zone (refer to [Plate 4](#) below).

The coastal margin of the golf course is overlain with an Outstanding Natural Landscape (Waitangi Treaty Ground) overlay, and rock features on the coastal edge are identified as an Outstanding Natural Feature (No. 89).

The worksheet, prepared to inform the Outstanding Natural Landscape areas for the Northland Regional Policy Statement<sup>5</sup> acknowledges the Treaty Grounds as being 'One of New Zealand's most important cultural landscapes...'. It notes the naturalness that imbues the coastal margin of the unit, and the native framework, but also describes how the landscape character of the unit as a whole displays a modified character; influenced by exotic vegetation, expansive lawn areas, and built form. The modification is reflected in the low 'rankings' afforded the unit for its 'Naturalness', 'Wildness' and 'Intactness'.

### 3.4.4 Proposed Far North District Council Plan

As can be seen in [Plate 5](#), under the Proposed Plan, the property will be zoned Rural Production with the exception of the golf course (zoned Open Space) and the Treaty grounds (zoned Mixed Use).

As is illustrated on [Plate 6](#) below, the coastal margins of the Site are overlain by a number of High Natural Character Areas, and the Treaty Grounds are overlain by an Outstanding Natural Landscape.

In addition, the Site will be entirely (with the exception of Lot 3 DP 51155 – on the western side of Haruru Falls Road) overlain by the Coastal environment. This overlay imposes additional controls of subdivision use and development.

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<sup>5</sup> <https://www.nrc.govt.nz/media/znmc0s1p/waitangitreatyground.pdf>



Plate 4. Excerpt from Operative Far North District Plan



Plate 5. Excerpt from Proposed Far North District Plan (zone maps)



Plate 6: Excerpt from Proposed Far North District Plan (Natural Environment Resources map)

The Melean Absolum Limited (MAL) report<sup>6</sup> provides a review of draft provisions proposed to be included in the Proposed District Plan (PDP). The document lists the following matters which were considered in the review, these being:

<sup>6</sup> Melean Absolum Ltd. *District Plan Review: Coastal Environment, Outstanding And High Natural Character Areas Outstanding Natural Landscapes*, March 2020



- Review and provide commentary on the draft provisions for Outstanding Natural Landscapes (ONLs), Outstanding Natural Character areas (ONCs) & High Natural Character areas (HNCs) and the Coastal Environment, as they currently stand (September 2019);
- Review and provide commentary on the draft s32 reports supporting the above draft provisions;
- Review and provide commentary on the amenity controls included in the provisions, and;
- With reference to other 2<sup>nd</sup> generation DPs, review and provide commentary on the thresholds / triggers for the assessment criteria proposed.

Of specific interest to this assessment are the proposed Coastal Environment provisions. Necessarily, the MAL review recommends a number of relatively blunt approaches to controlling subdivision, use and development in the Coastal Environment. The review notes the requirement for the Far North District Plan to 'give effect' to the RPS. The MAL review opines that:

*“there is a conflict between the need to protect and preserve the natural character of the coastal environment, while at the same time, providing for appropriate land use, subdivision and development. Pressure for residential development near the coast threatens coastal resources and amenity values and exacerbates risks to people and property as a result of natural hazards and climate change.”*

The review reports that the Proposed Plan sets a number of size thresholds for non-habitable buildings (outside outstanding natural character areas). These include a maximum area of 25m<sup>2</sup> and a limit on the height of 5m together with a maximum of 50m<sup>2</sup> indigenous vegetation removal or earthworks combined. It notes that the relationship of the height of any structure with the surrounding topography, the size of any extensions to any existing lawfully established buildings, and the external finish colour and reflectance are also controlled.

The MAL review supports these provisions, and provides the following rationale:

*“The 25m<sup>2</sup> built area and 5m height limit would allow a small scale building associated with the surrounding land use to be constructed within the non-urban parts of the coastal environment. The 50m<sup>2</sup> limit on indigenous vegetation removal and / or earthworks would enable some working space around such a building, were it required in an area of native vegetation. I support these limits as they appropriately allow small scale development of structures associated with the land use already established in the rural parts of the coastal environment.*

*Any developments beyond these relatively small scale ones enabled as permitted activities, require consent as either a discretionary or non-complying activity, except for new quarries or mines or landfills of any type, which are a prohibited activity in an outstanding natural character area. I support this approach as these controls appropriately enable careful consideration of developments anywhere within the coastal environment using the criteria listed in Policy 10.*

As noted above, the proposed provisions are necessarily ‘blunt’ given the diversity of character and sensitivities associated with the Coastal Environment of the District. In the opinion of the author, this assessment provides useful detail with regard to the character and sensitivities of the proposed Waitangi Estate Special Purpose Zone area, which will enable a more targeted suite of controls to be imposed. These sensitivities and controls are discussed in detail in subsequent sections.

## **Coastal Environment**

The Coastal Environment provisions of where they apply to the Waitangi Estate and the matters of relevance to this assessment as proposed are as follows:

*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:*

- a. preserves the characteristics and qualities of the natural character of the coastal environment;*
- b. is consistent with the surrounding land use;*
- c. does not result in urban sprawl occurring outside of urban zones;*
- d. promotes restoration and enhancement of the natural character of the coastal environment; and*
- e. recognises tangata whenua needs for ancestral use of whenua Māori*

*CE-O3 Land use and subdivision in the coastal environment within urban zones is of a scale that is consistent with existing built development.*

*CE-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:*

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

*CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:*

- a. outstanding natural character;*
- b. ONL;*
- c. ONF.*

*CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:*

- a. consolidating land use and subdivision around existing urban centres and rural settlements; and*
- b. avoiding sprawl or sporadic patterns of development.*

*CE-P5 Enable land use and subdivision in urban zones within the coastal environment where:*

- a. there is adequacy and capacity of available or programmed development infrastructure; and*
- b. the use is consistent with, and does not compromise the characteristics and qualities.*

*CE-P6 Enable farming activities within the coastal environment where:*

- a. the use forms part of the values that established natural character of the coastal environment; or*
- b. the use is consistent with, and does not compromise the characteristics and qualities.*

*CE-P6 Provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment*

- a. where the use is consistent with the ancestral use of that land; and*
- b. the use does not compromise any identified characteristics and qualities.*

*CE-P7 Encourage the restoration and enhancement of the natural character of the coastal environment.*

*CE-P8 Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.*

*CE-P9 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:*

- a. the presence or absence of buildings, structures or infrastructure;*

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- b. the temporary or permanent nature of any adverse effects;
- c. the location, scale and design of any proposed development;
- d. any means of integrating the building, structure or activity;
- e. the ability of the environment to absorb change;
- f. the need for and location of earthworks or vegetation clearance;
- g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;
- h. any viable alternative locations for the activity or development;
- i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;
- j. the likelihood of the activity exacerbating natural hazards;
- k. the opportunity to enhance public access and recreation;
- l. the ability to improve the overall quality of coastal waters; and
- m. any positive contribution the development has on the characteristics and qualities.

**Discussion:**

The objectives and policies – consistent with both the RPS and NZCPS – seek to consolidate development in the coastal environment to areas that are already urbanised (objectives 2 and 3, and policies 4 and 5).

Policies 2 and 3 reflect the overarching policies 13 and 15 of the New Zealand Coastal Policy Statement.

Policy 6 recognises that primary production land-uses that were in existence at the time the natural character of the coastal environment was assessed form part of that character. It enables such land-use to continue, except in areas of outstanding natural character. Again, in line with both the NZCPS (policies 2 and 14), policies 7 and 8 provide for the use of Māori Purpose zoned land, and encourage restoration and enhancement of the natural character of the coastal environment.

Policy 9 is a strongly worded provision dealing specifically with outstanding natural character areas. It prohibits land use and subdivision that would result in the loss of and/or destruction of any of the identified characteristics and qualities in these areas.

Policy 10 lists a series of matters to be taken into consideration when discretionary or non-complying activity consents are being considered. This list will function as a set of assessment criteria but will not limit consideration of other relevant matters in particular instances.

**CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures**

*PER-1 .....*

*PER-2 - If a new building or structure is not located within an urban zone it is:*

1. ancillary to farming activities (excluding a residential unit).
2. no greater than 25m<sup>2</sup>.
3. located outside outstanding natural character areas

*Activity status where compliance not achieved with PER-1:*

- Discretionary (inside a high natural character area)
- Non-complying (inside an outstanding natural character area)

*PER-3 - Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.*

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*PER-4 - The building or structure, or extension or addition to an existing building or structure, complies with standards:*

*Activity status where compliance not achieved with PER-3 or PER-4: Discretionary*

**CE-R2 - Repair or maintenance**

*Activity status: Permitted*

*Where:*

*PER-1*

*The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:*

1. roads.
2. fences.
3. network utilities.
4. driveways and access.
5. walking tracks.
6. cycling tracks.
7. farming tracks.

*Activity status where compliance not achieved with PER-1: Discretionary*

**CE-R3 Earthworks or indigenous vegetation clearance**

*Activity status: Permitted*

*Where:*

*PER-1*

*The earthworks or indigenous vegetation clearance is*

1. required for repair or maintenance permitted under CE-R2 Repair or Maintenance.
2. required to provide for safe and reasonable clearance for existing overhead power lines.
3. necessary to ensure the health and safety of the public.
4. for biosecurity reasons.
5. for the sustainable non-commercial harvest of plant material for rongoā

*PER-2*

*The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance.*

*Activity status where compliance not achieved with PER-1: Discretionary*

*Activity status where compliance not achieved with PER-2: Non-complying*

**CE-R4 – Farming**

.....

**CE-R5 - Demolition of buildings or structures**

.....

**CE-R6 - Plantation forestry and plantation forestry activity**

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.....

**CE-R7 - Extension to existing mineral extraction activity**

.....

**CE-R8 - New mineral extraction activity**

.....

**CE-R9 - Land fill, managed fill or clean fill**

.....

**Standards**

**CE-S1 Maximum height**

1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula.
2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.

**CE-S2 Colours and materials**

The exterior surfaces of buildings or structures shall:

1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.
2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.

**CE-S3 Earthworks or indigenous vegetation clearance**

Any earthworks or indigenous vegetation clearance must (where relevant):

1. not occur in outstanding natural character areas.
2. not exceed a total area of 50m<sup>2</sup> for 10 years from the notification of the District Plan in an area of high natural character.
3. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas.
4. not exceed a cut height or fill depth of 1m.
5. screen any exposed faces.

Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.

### 3.4.5 Post hearing 4 position on proposed Far North District Council Plan provisions

In her post hearing response<sup>7</sup> Melean Absolum commented on a number of matters of relevance. With reference to NFL-R1 CON-1 and CE-R1 CON-1, she has adapted her recommendation to include an additional matter for control which considers “...mitigation measures proposed appropriately manage potential adverse effects on the characteristics, qualities and values of the overlay.”

The s42 officer’s written right of reply<sup>8</sup> includes the following recommendations for changes to those recommendations contained in the s42 report:

An amendment has been recommended to Rule CE-R1 PER-2 for buildings to not “be used for a residential activity” rather than requiring buildings to be “ancillary to farming”. This change has been supported by WNT

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<sup>7</sup> Melean Absolum. HEARING 4 - NATURAL ENVIRONMENT VALUES & COASTAL ENVIRONMENT. 16 August 2024.

<sup>8</sup> Officer’s written right of reply Hearing 4 – Coastal Environment, Natural Features and Landscapes, Natural Character. 23 August 2024.

Further, in response to submissions, Rule CE-R1 PER-2 has been recommended to be changed such that the permitted standard provides for a building of no greater than 25m<sup>2</sup> within an outstanding natural character area, 50m<sup>2</sup> within a high natural character area; and 100m<sup>2</sup> in all other areas of the Coastal Environment. The status where the above is not achieved is recommended to be Discretionary (in a high natural character area); or non-complying (in an outstanding natural character area). These standards have been adopted in the WEZ.

With regard to submissions on additional earthworks and/or indigenous vegetation clearance activities to be permitted under rule CE-R3 and NFL-R3, the recommendation is now to provide for maintenance of domestic gardens, the formation of walking tracks (less than 1.2m wide) and the removal of regenerating manuka or kanuka for maintenance of pasture as a permitted activity.

With respect to NFL-R3 PER-1 and CE-R3 PER-1, the recommended wording is as follows:

*for maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height.*

The following amendments have been proposed for NFL-S2 and CE-S2 in recognition of a submission which stated that wording of the standard could be improved so that this does not imply all natural materials must achieve a certain reflectivity standard:

*The exterior surfaces of new buildings or structures shall:*

*i. be constructed of natural materials ; and/ or*

*ii. be finished to achieve a reflectance value no greater than 30% ; and*

*iii. if the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X or equivalent .*

With regard to CE-S4, an exemption is recommended for “fencing for the purposes of controlling pests and excluding stock ” and “structures associated with pest control ”.

Further, and also with regard to CE-S5, the Officer recommends that where fences are setback from MHWS on the edge of a property, the following exemption is provided for in CE-S4 but only when the fence is setback 20m from MHWS as this will maintain the standard esplanade reverse distance

In reviewing submission on NFL-S1 and S3 the Officer recommends that the standard read:

*The maximum height of any new building or structure above ground level is 5m, and or*

*Any extension to a building or structure must not exceed the height of the existing building above ground level*

Generally, it is the opinion of the author that the proposed WSZ provisions align with the Council’s revised provisions where these apply to my area of expertise.

## 4.0 IDENTIFIED LANDSCAPE VALUES

Landscape character is the distinct and recognisable pattern of elements that occur consistently in a particular landscape. It reflects particular combinations of geology, landform, soils, vegetation, land use and human settlement.

In order to understand the effects of the change anticipated by the proposal, it is necessary to consider the sensitivity of this landscape to change and how this relates to the wider landscape character.

### Natural character values

Under the proposed Plan (which mirrors the Regional Policy Statement), a number of High Natural Character Areas have been identified within, or close to the subject property. These are referenced as 383, 367, 378, 381, 389 and their location and extent is shown Plate 5 above. Their values are as follows:

Reference: 318 - Description: *Subtidal reefs, channels & flats and intertidal flats in the outer Bay of Islands. Good flushing by oceanic waters and winds. Some water quality impacts from catchment of Bay of Islands, but a relatively low level of deposition of sediment as most of this drops out in the more sheltered and deeper waters of the Rawhiti Basin (which is ranked as less than high, and defines the southern boundaries of this unit.)*

Reference: 361 - Description: *Headland with mixed broadleaved shrubland & forest. And brackish wetland with low mangroves & saltmarsh on basalt open coast. Small area introduced grasses, with lava shore.*

Reference: 367 - Description: *Riparian faces with kanuka-mixed broadleaved forest.*

Reference: 378 - Description: *Native forest in the Treaty Ground. Totara-mixed broadleaved forest. Has path & reasonably low weed levels.*

Reference: 381 - Description: *Upper Waitangi River extensive area of intact mangroves & saltmarsh. Mostly adjoins indigenous vegetation - riparian indigenous forest, freshwater wetland areas.*

Reference: 383 - Description: *Freshwater wetland flowing into saltmarsh & mangroves. In lower reaches it is cabbage tree-manuka treeland with raupo. In the main wetland there is raupo & manuka shrubland with flax & sedges and some oioi rushland. Gorse & woolly nightshade on southern margins. Other margins are mainly native forest & pine plantation.*

Reference: 389 - Description: *Coastal riparian faces with kanuka-mixed broadleaved forest and some kanuka dominant shrubland.*

### Biotic (ecological) values

Hutia Creek Coastal Shrublands (P05/082) are identified in the Kerikeri PNAP report<sup>9</sup> as a Level 1 ecological site.

The report lists the following vegetation types within the unit:

- (a) Kanuka shrubland on coastal hillslope

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<sup>9</sup> Conning, Linda. 1954- *Natural areas of Kerikeri Ecological District : Reconnaissance survey report for the Protected Natural Areas Programme* / Linda Conning and Nigel Miller. Whangarei {N.Z.} : Dept. of Conservation {Northland Conservancy}, 1999

- (b) Broadleaf forest in gully
- (c) Mangrove forest on estuary
- (d) Leptocarpus on estuary
- (e) Strand-shrubland association on foreshore
- (f) Salt meadow on estuary
- (g) Swamp shrubland
- (h) Raupo reedland in swamp

The significance of the unit is due to it representing ‘....a good example of estuarine ecological gradients from freshwater wetland through brackish marsh, saltmarsh, Selliera/glasswort saltmeadow into mangrove forest edged by coastal riparian shrubland, and is a representative site for all vegetation types. The coastal forest is the only example of its type in the Ecological District.

Two plant species uncommon in Northland are present, *Myrsine divaricata* and *Hebe diosmifolia*, and several threatened or regionally significant fauna species.’

The unit also hosts the NZ pigeon (Category B threatened species), NZ dotterel (Category B threatened species), variable oystercatcher (Category C threatened species), Caspian tern, Australasian bittern (both Category O threatened species), NI fernbird, spotless crane, and banded rail (all regionally significant species).

NI brown kiwi (Category A threatened species), Northland green gecko (Northland endemic) and copper skink are known from the shrublands.

## Geological values

The New Zealand Geopreservation Inventory<sup>10</sup> identifies a volcanically derived feature on the north eastern coastal edge of the property. This feature – ‘Waitangi flow gabbroic inclusions’ is described as follows:

*A columnar jointed basalt flow extends into the sea forming a 20 m by 50 m portion of the shore platform with 8 m outcrop on N end of boulder covered beach. Inclusions may be found in 2-3 m band near top of the outcrop, and in boulders on the shore platform. These rocks are often quite weathered as they occur in the upper tidal zone.’*

The significance of the feature is recorded as:

*Best locality for gabbroic inclusions of lava of Quaternary age in Northland.*

The feature is identified in the Proposed Far North District Plan as an Outstanding Natural Feature (Reference – 71)

## Experiential Values

To evaluate the values of the wider landscape, the site and its environs have been assessed against the attributes set out in Table 4 (Appendix 3). This assessment has determined that the landscape quality is between ‘Ordinary’ and ‘Poor’, on the basis that it displays a weak landscape structure, characteristic patterns of landform and land cover often masked by landuse, with mixed land use evident, some evidence of lack of management and intervention which has resulted in

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<sup>10</sup> <https://services.main.net.nz/geopreservation/>



examples of detracting features. It is noted however that this method of assessment however, does not allow for the consideration of the associative attributes of the landscape

### **Far North District Landscape Assessment**

The Far North District Landscape Assessment (FNDLA) identified the eastern (Bay coastal) portion of the Site as being a part of the C8 unit (Ti Point to Onewhero Point). It identified the following characteristics of the 'Rocky coast interspersed with beaches' category as contributing to the significance of the landscape:

- varied and interesting coastal alignment bringing a strong sense of mystery and anticipation
- strong vegetation patterns dominated by pohutukawa and frequently reinforced by coastal shrub land associations
- the variety provided by the combination of rocky coast and sandy bays which characterises the category
- the extreme sensitivity of most of the headlands, cliff lines and coastal ridges found in the units
- a largely successful integration of existing buildings in more modestly developed portions of the units

Whilst the above identified attributes are applicable to the wider category, they are less relevant to the coastal margin of the Treaty Grounds which is backdropped by a relatively manicured and park-like landscape which includes built form, and strong cultural associations.

Notwithstanding this, the FNDLA assessed the sensitivity of the C8 unit as 6 and therefore outstanding. The worksheet prepared for the unit listed the following elements as being critical to the landscape character and value:

- Indented rocky coastline.
- Belt of Pohutukawa around most of unit.
- Bay of Islands.
- Semi-exposed coast

The following elements were identified as being 'important':

- Reefs extending out from shore.
- Background of coastal shrubs.

The following elements were identified as 'contributing' to the landscape character and value:

- Rocky coastal bank.
- Hobson Beach in midst of rocky setting.
- amenity planting assoc. with Treaty house in adjacent unit
- Treaty house and flagpole in adjoining unit.

In addition, the assessment noted landscape patterns that were of importance with respect to landscape character, and listed 'the combination of rocky shore and coastal vegetation', and the sense of intimacy at the toe of coastal bank. Focus of views out across Wairoa Bay as being important, and the semi-distant enclosure by capes and islands. Contributing attributes include the fact that '...the majority of the unit, i.e. to north of Waitangi Hotel, is uninterrupted by built development.' It notes the 'dominating impact of Waitangi Hotel, particularly upon Hobson Beach' as being an element that detracts from the landscape character.

The southern (estuarine) portion of the property was identified as being a part of the C7 unit ('Waitangi River Inlet'). The is listed as contributing to the significance of the landscape:

- A degree of containment and individual identity conveyed by units
- the unifying fringe of mangrove found around the fringe of most of the units
- natural salt marsh associations that continue above the intertidal area
- vegetation found on the coastal banks particularly where this is largely comprised of indigenous coastal species
- the strong visual relationship between many marae and the coast
- cultural patterns between historic coastal settlements and the sea

The C7 unit is assigned an overall rating of 5 (significant). The worksheet prepared for the unit listed the following elements as being critical to the landscape character and value:

- Enclosing basin and river valleys.
- Extensive areas of mangrove.
- Coastal bank cover of pohutukawa and Manuka.
- Sheltered coast

The following element was identified as being 'important'

- Bush backdrop of adjacent unit.

The following elements were identified as 'contributing' to the landscape character and value

- Backdrop hills of adjacent unit.
- Amenity planting around Waitangi Golf Course.

In addition, the assessment noted landscape patterns that were of importance with respect to landscape character, and listed – the continuity of Mangrove fringe and the broad enclosure by head lands and points as being critical, the - Open bowl of inlet, the 'flowing relationship between pasture and vegetation' and the 'rather dominant and awe spring scale of rocky bluffs and banks', as being important. Contributing elements include 'existing development contained in one area of unit (around Haruru)'. Detracting elements include the division created by road bridges and intrusion of Haruru settlement, esp. Houses located on ridge and spurs, signage near Haruru and waterside development near Haruru.

The mid and western areas of the terrestrial parts of the property are identified as being within the T25 unit (Inland Kerikeri rolling farmland). The unit is within the Gently undulating pasture / scrub category.

The worksheet prepared for the unit listed the following element as being critical to the landscape character and value

- volcanic cones

The following element was identified as being 'important'

- rolling contour
- belts and pockets of manuka shrubland
- -clumps and specimens of native trees
- belts and clumps of pine and eucalyptus
- Pa sites

The following elements were identified as ‘contributing’ to the landscape character and value

- small valley systems
- localised knolls and pockets of more elevated topography
- amenity planting around homestead

In addition, the assessment noted landscape patterns that were of importance with respect to landscape character, and listed the presence of a reasonably strong framework of vegetation emphasising valleys and contour, the fact that buildings are predominantly well sited and screened by vegetation, and a landscape that is moderately open, without being expansive or inhuman in scale. The following were identified as contributing to landscape character, - farm forestry blocks well related to contour (generally), and a greater degree of enclosure in depressions or near blocks of vegetation.

It noted a number of elements that detract from the landscape character and value, these being the fragmentation of rural landscape by rural residential development, the presence of roadside signs, that portions of the unit are rather fragmented and in-cohesive and that some shelterbelts contradict the contour.

### **Regional Policy Statement Worksheet**

The RPS identifies the Treaty Grounds as an Outstanding natural Character Area. The worksheet which details the rationale for the ONL overlay is included as [Appendix 4](#) and evaluates the attributes of the unit and determines that in terms of its rarity, coherence, diversity and complexity, vividness, sensory qualities, shared and recognised values and spiritual, cultural and historical associations, the values of the unit are high.

### **Associative and social values**

As noted previously, The Treaty Grounds are 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 an affinity for natural and wilderness areas.

The Treaty Grounds cannot be viewed in isolation from their landscape and seascape context. Its relationship with the marine setting and landscape of the Bay is critical to the integrity of its cultural, historical and aesthetic values. Similarly, and importantly, the terrestrial, with its historical, cultural, archaeological and visual context also underpins the values of the Site.

The Waitangi Estate is also readily experienced by the community, with the popular footpath linkage along the Waitangi River to Haruru, the road connection to Haruru Falls along Haruru Falls Road (which also provides access to Waitangi Mountain Bike Park), and the Waitangi Golf Course all encouraging interaction with the landscape setting of the Treaty Grounds.

### **Archaeological and cultural values**

The proposed Waitangi Estate Special Purpose Zone encompasses the Treaty Grounds and a large area of the adjoining rural and coastal landscape. Whilst the Treaty Grounds are imbued with a particular significance – described below – a large number of archaeological sites have been identified within the wider Waitangi Estate. These are identified on Figure 3.

The Heritage New Zealand Pouhere Taonga website describes the Waitangi Treaty Grounds as representing the most symbolically important place in New Zealand. It states that the place is significant for its

*“...direct connections with nationally important constitutional events preceding the treaty, including residence of the first British government representative, James Busby (1833); adoption of New Zealand’s first national flag, Te Kara (1834); and the signing of He Whakaputanga o te Rangatiratanga o Nu Tirene / The Declaration of the Independence of New Zealand (1835). A place for national commemoration since the 1930s, Waitangi continues to be a pivotal place for engaging with ideas of nationhood and national identity; and remains a touchstone to many New Zealanders for its links with the aims and aspirations of the treaty.”<sup>11</sup>*

There is evidence of prehistoric Māori occupation in the Treaty House grounds as well as in the Waitangi National Reserve to the north. Included in these are a pa on the present golf course as well as many other sites of unknown age or association. The earliest reference to Waitangi is of Maikuku, daughter of Uenuka and Kareareki a Ngaitohuhu, who lived at Pourua pa

Because her tapu was so great, Maikuku was said to be confined in a cave at Waitangi called Rangirua. This cave was supposedly near the the present Te Korowai o Maikuku.

Thus, the treaty grounds and surrounding landscape are described as encompassing a landscape of great traditional importance and was a place of seasonal gathering for the Ngāpuhi hapū – Ngāti Rāhiri – who are direct descendants of Maikuku. Ngāti Rāhiri were in occupation during this period, and, in Marsden's visits 1815 -1819, the Ngāti Rāhiri occupied pa at Waitangi, Te Aute, Pakaraka and Pouerua.

Pēwhairangi / Bay of Islands and Waitangi were areas of prime importance to the pre-European contact northern Maori tribes. The area was also involved in virtually all the significant early European contacts with James Cook, Marion du Fresne, and Dumont all visiting. From the turn of the century the whaling industry expanded and was based at Kororareka. Isolated European settlement began about this time also. In 1815 the first Mission Station was set up at Rangihoua by Samuel Marsden.

In 1814, the Ngāti Rāhiri Rangatira, Waraki, permitted the early Church Missionary Society member – William Hall – to hold 50 acres on the site of the current Treaty Grounds.

In 1833 – 1834, James Busby erected New Zealand’s first government building on the site, having been appointed as a British Resident in Pēwhairangi / the Bay of Islands. As noted above, in 1835, a gathering of rangatira signed He Whakaputanga o te Rangatiratanga o Nu Tirene, which requested that the British monarch act as a matua against threats to their mana in return for their protection of British subjects.

In 1840, following a British decision to organise the integration of New Zealand as a colonial possession, a treaty between Māori and the Crown was drafted. On 29 January 1840 William arrived at Waitangi aboard HMS "Herald" to take up his duties as Lieutenant Governor. It was decided a formal assembly of rangatira would be held on 5 February at Busby’s home. The Treaty was then drafted, mainly by Busby and Henry Williams, and then Williams and his son translated it into Maori. A large marquee with a frame of ships' spars and a covering of ships' sails was put up on Busby's front lawn and on 6 February 1840, Te Tiriti o Waitangi / The Treaty of Waitangi was signed by a number of rangatira. In May 1840, the country’s first governor declared British sovereignty over New Zealand.

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<sup>11</sup> <https://www.heritage.org.nz/list-details/6/Waitangi%20Treaty%20Grounds>



The estate was gifted to the nation in 1932 by the Governor General and his wife, Lord Charles and Lady Elaine Bledisloe.

Heritage New Zealand Pouhere Taonga lists a number of elements of significance associated with the Treaty Grounds, these include the Treaty House, Flagstaff, Te Whare Rūnanga, Hobson Memorial, Whare Waka (Te Korowai o Maikuku) and the Waitangi Visitor Centre (Te Whare Manuhiri o Waitangi). Also included are Maikuku's seat and significant plantings including two rows of cabbage trees, tōtara, fig trees, a Norfolk Island pine, pohutukawa, a plane tree, an elm, an oak, a walnut, a camphor laurel, two camellia, a bamboo plant and a number of commemorative trees planted from 1932 onwards.

## 5.0 LANDSCAPE SENSITIVITY AND STATUTORY CONTROLS

Previous sections have described the character of the landscape, and identified values associated with the landscape. In this section, this information is distilled for each of the character areas, and recommendations are provided with regard to appropriate controls on use and development. The landscape sensitivity – based on their identified values and degree of modification – attributed to the character areas are illustrated on [Figure 7](#).<sup>12</sup>

### Ahuwhenua (General Activities) sub-zone

This proposed sub-zone encompasses the *Bay coastal character area*, the *Ridge – Pastoral character area*, the *Estuarine coastal character area*, the *Southern pastoral ridge character area*, and the *Haruru Falls rural residential character area*. As such, they include landscapes with varied sensitivity and values.

The values associated with these character areas are as follows:

#### *Bay coastal character area*

- High Natural Character Values (HNC 361);
- Geological values (ONF 557);
- Ecological / biotic values
- Experiential values. Visual sensitivity (steep and elevated landform with a high levels of naturalness and a high degree of exposure to the CMA);
- Archaeological and cultural values.

#### *Ridge – Pastoral character area*

- High Natural Character Values (HNC 367 and 383);
- Ecological / biotic values (P05/082)
- Experiential values. Visual sensitivity (steep and elevated landform with a high levels of naturalness and a high degree of exposure to the CMA and landscape to the south, south west and west). The character area also plays a role in providing a backdrop to views from the south, south east and south west and a function as a landscape context for the Treaty Grounds.
- Archaeological and cultural values.

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<sup>12</sup> The key sensitivity attributes of each of the identified character areas are summarised in [Table 5](#), [Appendix 5](#).

#### *Estuarine coastal character area*

- High natural character values (HNC 361, 367, 383, 381, 389)
- Visual sensitivity (when viewed from CMA and from riverside walkway).
- Archaeological and cultural values
- Ecological / biotic values (P05/082)

#### *Southern pastoral ridge character area*

- High Natural Character Values (HNC 381, 383 and 389);
- Ecological / biotic values (P05/082)
- Experiential values. Visual sensitivity (steep and elevated landform with a high levels of naturalness and a high degree of exposure to the CMA and landscape to the south, south west and west). The character area also plays a role in providing a backdrop to views from the south, south east and south west.
- Archaeological and cultural values.

#### *Haruru Falls rural residential character area*

- Archaeological and cultural values.

#### *Bay coastal character area*

With its steeply sloping and pastured upper ridge flanks, and exposure to the coastal marine area to the north, north east and east, the character area is imbued with a high level of visibility. Built form associated with the golf course can be glimpsed on the skyline, but set back from the ridge, this built form does not detract from the unbuilt naturalness of the character area.

Visually therefore, the character area therefore has a high sensitivity to change and this is reflected in its identification as being of high sensitivity in [Figure 7](#), although a small area of moderate sensitivity is situated on the western side of the bay where a modified, low-lying grassed area adjoins the coastal edge.

Given the steepness, and or native vegetation cover of much of the character area, it is also sensitive to changes in the biotic and abiotic (including earthworks and vegetation clearance) attributes of the landscape.

Conversely, there is the potential for ecological enhancement, including weed control, and the retirement and revegetation of the steeper slopes.

Opportunities existing to integrate sensitive development into the low-lying grassed area (within the northeastern corner of the character area), given the existing modification of this area, and its high degree of visual enclosure.

With the exception of the latter, low-lying grassed area within which possesses a lower level of sensitivity, the character area has a high degree of sensitivity to change.

#### *Ridge – Pastoral character area*

The character area has a simple and open pastured appearance with no areas of native vegetation of any scale. The subzone includes the ridge crest and is entirely within the Waitangi river catchment. Visual sensitivities are associated with

the ridge crest, and upper ridge flanks which are visible from the south. The simplicity of these upper and mid ridge flanks makes them sensitive to change. The lower ridge flanks are less visible and this is reflected in the low sensitivity attributed to the broad ridge crest within the southern part of the character area (refer to [Figure 7](#)). The character area excludes the steep vegetated lower ridge flanks / Waitangi river banks.

There is potential for enhancing the landscape structure of this character area by retiring and revegetating gullies/swales.

#### *Estuarine coastal character area*

This character area comprises entire catchment of the Hutia Creek the catchment of which is vegetated predominantly in native forest although with some pockets of exotic forest. Includes mangrove, freshwater wetland and transition through to terrestrial forest. Although visually contained and separated from wider views, the catchment is visible from the Haruru Falls track and displays a high level of naturalness.

The character area also includes the northern edge of the Waitangi River and the northern edge of the River at its mouth which share a commonality of steep banks, predominantly vegetated with indigenous vegetation and displaying high levels of naturalness. The majority of the character area is highly sensitive to change, although where it adjoins, or is close to the Coastal built character area, or where it is currently vegetated with plantation forestry, the sensitivities are lower.

#### *Southern pastoral ridge character area*

The character area shares a commonality with the Ridge – Pastoral character area and has a simple and open pastured appearance with limited areas of native vegetation of any scale, except on the ridge flanks where the character area adjoins the Estuarine Coastal character area. The subzone includes the ridge crest and visual sensitivities are associated with the ridge crest, and upper ridge flanks which are visible from the south. The simplicity of these upper and mid ridge flanks makes them sensitive to change.

There is potential for enhancing the landscape structure of this character area by retiring and revegetating gullies/swales.

#### *Haruru Falls rural residential character area*

Closely associated with the settled landscape on the northern and north western fringes of the Haruru Falls settlement, this character area displays a lower sensitivity. Its landscape character is influenced by the presence of built form within the rural residential properties, the pony club and within the Domain.

The character area has been identified as having a low landscape sensitivity and has the potential to accommodate additional sensitively designed and located built development.

The proposed provisions for the special zone where they apply to the Ahuwhenua sub-zone are set out in the Planning report. The rationale behind the proposed changes is to permit activities to be undertaken within the Estate and tailor the scale of those activities to the specific values and sensitivities of the landscape, based on the assessment and evaluation undertaken above. Thus, a tiered approach is proposed with a more restricted standard for areas identified to display a high or moderate landscape sensitivity, and a lower standard for those areas with a low sensitivity.

With the entirety of the sub-zone overlain by the Coastal Environment, and limited area overlain by the High Natural Character Area, the sub-zone will be subject to building area restriction thresholds as set out under CE-R1 PER-2.

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Proposed Waitangi Estate Special Purpose Zone  
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The following assessment criteria are recommended:

*Building siting, design, and external appearance:*

- *The extent to which the design and location of buildings, and associated works including landscape works and access works, avoids, remedies, or mitigates adverse effects, including cumulative effects, on the landscape, visual amenity, rural character values and the remote character of the coast. Including;*
  - i. building bulk*
  - ii. glare or reflections off the exterior cladding or windows;*
  - iii. (landform modification needed for specified building areas and access;*
  - iv. screening from neighbouring sites;*
  - v. views of the buildings from any public road or open space used for recreation, including the beach, coastal marine area, and coastline;*
  - vi. Exterior lighting, including any street lighting, should be provided in such a way as to not be prominent, particularly against a dark background, when viewed from any public place including the coast.*
- *Whether buildings are sited and designed so they do not visually intrude on any significant ridge line or skyline or adversely affect landscape values when viewed from any road or other public land including the coastal marine area, and coastline.*
- *The extent to which building finishes, including colours and materials, will be recessive and complement the rural and rural coastal character of the surrounding environment.*
- *The exterior finish of the building or structure.*

*Landscape and landform modification:*

- i. The extent to which the siting of buildings and accessory buildings avoids detracting from the rural and rural coastal character of the surrounding environment by responding sympathetically to natural landforms, landscape features, including where the proposal is within or adjacent to any ONL, and HNC area.*
- ii. Whether redevelopment does not require extensive landform modification.*

**Papa Rehia (Recreation) sub-zone**

This sub-zone encompasses the *Ridge – Recreation character area*. The values identified for this area are as follows:

- High Natural Character Values (HNC 367);
- Ecological / biotic values
- Experiential values. Visual sensitivity (steep and elevated landform with a high levels of naturalness and a high degree of exposure to the CMA and landscape to the south, south west and west. Also, the character area has a function as a landscape context for the Treaty Grounds);
- Archaeological and cultural values.

The *Ridge – Recreation character area* comprises a modified, parkland environment (golf course) with limited (but discrete) areas of native vegetation. Its landscape character is strongly influenced by the recreation (golf course) land use within lends the landscape a somewhat 'domestic' character within which occasional small buildings (subservient to the golf course environment) are an accepted feature .

The majority of the character area includes the ridge crest and Waitangi river flanks of the ridge. Visual sensitivities are associated with development on the ridge crest, but the ridge flanks are imbued with a lower sensitivity. The character area excludes steep vegetated lower ridge flanks / Waitangi river banks. With respect to the less sensitive Waitangi River ridge flanks, varying sensitivities can be assigned depending on elevation and terrain. Notably, the two southern



spurs (including the space to the west of the Treaty Grounds) have a low elevation, open and unvegetated character and limited visibility. As is evidenced by [Figure 7](#), these areas have a low landscape sensitivity.

This latter identified area is also influenced by its proximity to Tau Henare Drive, the Copthorne and the boat park / slipway, and activity associated with these areas. It is the opinion of the author that this largely enclosed area, influenced by proximate activity has the potential to function as an (occasional) 'event' space.

Conversely, the eastern portion of the sub-zone is within the Bay visual catchment and although low lying, is highly visible from the Bay. Inappropriate development in this area also has the potential to detract from the character of the Treaty Grounds.

At present, there is a sense of openness and spaciousness along the coastal margin of the Papa Rehia sub-zone, and it is considered that maintenance of this openness is important. It is recommended therefore that the distance standard of 30m from MHWS as promoted under the Proposed District Plan for the Rural Production -, apply to the sub-zone

The proposed provisions for the Waitangi Estate Special Purpose Zone, where they apply to the Papa Rehia sub-zone, are set out in the Planning report. The rationale behind the proposed changes is to permit activities to be undertaken within the Estate and tailor the scale of those activities to the specific values and sensitivities of the landscape, based on the assessment and evaluation undertaken above. Thus, a tiered approach is proposed with a more restricted standard for areas identified to display a high or moderate landscape sensitivity, and a lower standard for those areas with a low sensitivity.

Again, the entirety of the sub-zone overlain by the Coastal Environment, and limited area overlain by the High Natural Character Area, and as such the sub-zone will be subject to building area restriction thresholds as set out under CE-R1 PER-2. The assessment criteria for the Ahuwhenua sub-zone are recommended

#### **Te Pitowhenua (Treaty Ground) sub-zone**

- High natural character values (HNC 378);
- Significant archaeological and cultural values;
- Landscape values, including social and cultural associations;
- Geological values (ONF 557);
- High Natural Character Values (HNC 378).

#### *Discussion*

The Treaty ground character area corresponds generally to the proposed Te Pitowhenua sub-zone and is structured by a robust framework of vegetation. It is the interplay between the vegetation, open grassed spaces, integrated built form and seascape that is important to its character. Open to views from the waters of the Bay to the east, north east and south east, and subject to scrutiny from visitors to the Grounds, the character of the landscape is finely balanced and is to change. This is reflected in the high sensitivity rating depicted in [Figure 7](#).

As discussed previously, the worksheet for the ONL which encompasses the Treaty Grounds<sup>13</sup> acknowledges the Unit as being 'One of New Zealand's most important cultural landscapes...'. It describes the landscape character as being modified by exotic vegetation, expansive lawn areas, and built form. The modification is reflected in the low 'rankings'

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<sup>13</sup> *ibid.*

afforded the unit for its 'Naturalness', 'Wildness' and 'Intactness'. The values of the Te Pitowhenua sub-zone are therefore more an outcome of its cultural associations than its naturalness.

This is not to say that the existing landscape patterns; the rocky coastal edge, the structure of indigenous vegetation, and the balance between vegetation, grassed open space and built form is not important however, there is a balance that must be struck between the functioning of the Treaty Ground as a visitor attraction and the identified landscape sensitivity. As such, it is considered that minor changes resulting from limited vegetation clearance and earthworks are possible, with changes of greater magnitude controlled through a restricted discretionary framework. With respect to buildings and structures, a more restrictive threshold is proposed (30m<sup>2</sup>) than the 50m<sup>2</sup> ONL threshold, but it is proposed that where a proposal exceeds 30m<sup>2</sup>, in recognition of the differing values of the cultural landscape, the activity status should be discretionary rather than non-complying.

At present, there is a sense of openness along the coastal margin of the sub-zone, and it is considered that maintenance of this openness is important. It is recommended therefore that the distance standard of 30m as promoted under the Proposed District Plan for the Rural Production Zone, apply to the sub-zone.

Whilst there is a difference in 'focus' with regard to the values of the sub-zone, the recommended assessment criteria are slightly modified from those proposed above.

*Building siting, design, and external appearance:*

- *The extent to which the design and location of buildings, and associated works including landscape works and access works, avoids, remedies, or mitigates adverse effects, including cumulative effects, on the landscape, visual amenity, heritage and cultural character values. Including;*
  - i. *building bulk*
  - ii. *glare or reflections off the exterior cladding or windows;*
  - iii. *(landform modification needed for specified building areas and access;*
  - iv. *screening from neighbouring sites;*
  - v. *views of the buildings from any public road or open space used for recreation, including the beach, coastal marine area, and coastline;*
  - vi. *Exterior lighting, including any street lighting, should be provided in such a way as to not be prominent, particularly against a dark background, when viewed from any public place including the coast.*
- *Whether buildings are sited and designed so they do not visually intrude on any significant ridge line or skyline or adversely affect landscape values when viewed from any road or other public land including the coastal marine area, and coastline.*
- *The extent to which building finishes, including colours and materials, will be recessive and complement the rural and rural coastal character of the surrounding environment.*
- *The exterior finish of the building or structure.*

*Landscape and landform modification:*

- i. *The extent to which the siting of buildings and accessory buildings avoids detracting from the rural and rural coastal character of the surrounding environment by responding sympathetically to natural landforms, landscape features, including where the proposal is within or adjacent to any ONL, and HNC area.*
- ii. *Whether redevelopment does not require extensive landform modification.*

## Whakanga (Tourism) sub-zone

This sub-zone encompasses the *Coastal Built character area*. The values identified for this area are as follows:

- Archaeological and cultural values
- Experiential values. Visual sensitivity: a high degree of exposure to the CMA, and its function as a landscape context for the Treaty Grounds, Tau Henare Drive, and as a point of 'entry' to the Estate when crossing the River from the south, or entering the River from the wider Bay.

### Discussion

Whilst the coastal margins of this sub-zone have the potential to be highly visible from the river to the south and south west, and from the Bay to the south east, east and north east, it has been subject to significant modification and development. The Copthorne Hotel and the foreshore edges to the east and west of the bridge have a hard and urban character, although the scale of development is a maximum of two storeys in height and retains a sense of pleasant spaciousness with open grassed and planted areas separating built form.

The sub-zone forms the immediate context when arriving at the Estate from Paihia to the south and inappropriate, or visually dominant development has the potential to detract from the amenity of this 'gateway'. It is noted that the bridge, or the landward end of the bridge within the Estate has the potential to accommodate a sculptural or monumental feature with a view to marking, or celebrating this 'gateway' at some stage in the future.

Whilst acknowledging the potential for / providing for such a 'gateway' feature, it is considered that maintaining a generous set back of built form from the coastal edge is appropriate. In addition, it is important to ensure that built form does not intrude on the amenity and character of the Lower Treaty Grounds or on the amenity of the 'gateway' to the Estate. Setbacks and height controls with respect to these frontages are therefore important.

Whilst recognising that the sub-zone has an existing use and character, and this use and character has been established for a duration such that it is likely to be accepted by the Community, a significant increase in the built density, or height of development has the potential to detract from the coastal values of the adjoining Bay and river.

The proposed zone (Mixed Use) includes the following standards.

### **MUZ-S1 Maximum height.**

*The maximum height of a building or structure, or extension or alteration to an existing building or structure, is 12m above ground level, except:*

1. *the maximum height differs within the following areas that are mapped within Paihia:*

*Area A: 8.5m*

*Area B: 10m; and*

2. *that any fence or standalone wall along a side or rear boundary which adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation does not exceed 2m in height.*

*Where the standard is not met, matters of discretion are restricted to:*

1. *the character and amenity of the surrounding area;*
2. *dominance in relation to the road and adjoining sites;*
3. *loss of privacy to adjoining sites, including potential loss in relation to vacant sites;*
4. *shading and loss of access to sunlight to adjoining sites;*
5. *landscaping; and*
6. *natural hazard mitigation and site constraints*

**Comment.** I recommend that the MUZ-S1 Maximum height standard be accepted, but with the adoption of the Area B standard (10m). The 10m height limit is – in the opinion of the author – appropriate and will protect the values of the neighbouring Te Pitowhenua sub-zone, where it is applied in conjunction with the HIRB rule.

#### **MUZ-S2 Height in relation to boundary**

*Where the building or structure, or extension or alteration to an existing building or structure adjoins a site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation it must be contained within a building envelope defined by recession planes measured inwards from the respective boundary:*

1. *55 degrees at 2m above ground level at the northern boundary of the site.*
2. *45 degrees at 2m above ground level at the eastern and western boundaries of the site.*
3. *35 degrees at 2m above ground level at the southern boundary of the site.*

*Where the standard is not met, matters of discretion are restricted to:*

1. *loss of privacy to adjoining sites, including potential loss in relation to vacant sites;*
2. *shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and*
3. *natural hazard mitigation and site constraints.*

**Comment.** The northern boundary of the sub-zone adjoins the Te Pitowhenua sub-zone. I am of the opinion that the more restrictive standard should apply to this frontage and so recommend that following:

1. *35 degrees at 2m above ground level at the northern boundary of the site.*
2. *45 degrees at 2m above ground level at the eastern and western boundaries of the site.*
3. *35 degrees at 2m above ground level at the southern boundary of the site*

#### **MUZ-S3. Setback (excl. MHWS)**

*The building or structure, or extension or alteration to an existing building or structure must be setback at least 3m from the boundary of any site zoned General Residential, Rural Residential, Rural Lifestyle, Māori Purpose - Urban, Open Space, Natural Open Space, or Sport and Recreation.*

*This standard does not apply to:*

- i. *solar and water heating components not exceeding 0.5m in height above the building envelope on any elevation;*
- ii. *fences or walls no more than 2m in height above ground level; and*
- iii. *uncovered decks no more than 1m above ground level.*

*Where the standard is not met, matters of discretion are restricted to:*

- (a) the natural character of the coastal environment;*
- (b) screening, planting and landscaping on the site;*
- (c) the design and siting of the building or structure with respect to privacy and shading;*
- (d) natural hazard mitigation and site constraints;*
- (e) the effectiveness of the proposed method for controlling stormwater;*
- (f) the safety and efficiency of the current or future roading network; and*
- (g) the impacts on existing and planned public walkways.*

**Comment.** As identified above, the northern boundary of the sub-zone adjoins the Te Pitowhenua sub-zone. Existing buildings associated with the Copthorne Hotel currently straddle the proposed sub-zone boundary, but I am of the opinion that whilst the existing situation is appropriate, future buildings should be set back a minimum of 10m from this northern boundary.

The western Whakanga sub-zone boundary adjoins Te Karuwha Parade, and as the main approach to the Treaty Grounds, the maintenance of a high level of amenity and unbuilt spaciousness is considered important along this frontage. The setback of existing buildings from this road boundary is 12m, however, for consistency it is recommended that a setback of 10m along this boundary is also applied.

#### **MUZ-S4 Setback from MHWS**

*The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS*

**Comment.** This standard is considered appropriate. 26m is considered to be a reasonable set back from the coastal margin, where the construction of a building or structure close to the margin will have the potential to detract from the natural character and visual amenity of the CMA.

#### **MUZ-S8 Landscaping and screening on a road boundary**

1. *Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees.*
2. *The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years.*
3. *Where the standard is not met, matters of discretion are restricted to:*
  - (a) the character and amenity of the streetscape and surrounding area;*
  - (b) the character and significance of the road frontage appearance at the main road entrance to the Waitangi Estate;*
  - (c) topographical or other site constraints making compliance with this standard impractical; and*
  - (d) health and safety implications for pedestrians and the transport network*

**Comment.** As discussed above, the sub-zone fronts onto Te Kauwhata Road, and the main approach to the Treaty Grounds. The focus of the standard is to provide a vegetation buffer between the road and the sub-zone however, this is not the existing situation, where corridor has an open and sweeping character, with containment and scale provided by mature pohutukawa. A continuation of this existing landscape character is considered appropriate and as such, the following standard is recommended:



1. *Where a site adjoins a road boundary, at least 50% of that road boundary not occupied by buildings or driveways shall be landscaped with plants or trees, with the objective of replicating, and maintaining the existing treed character.*
2. *Where the standard is not met, matters of discretion are restricted to:*
  - (a) *the character and amenity of the streetscape and surrounding area;*
  - (b) *topographical or other site constraints making compliance with this standard impractical; and*
  - (c) *health and safety implications for pedestrians and the transport network*

**MUZ-S9 Landscaping for sites that adjoin any sites other than mixed use or industrial**

*Side boundaries that adjoin any zone other than Mixed Use, Light Industrial or Heavy Industrial must:*

1. *be fenced with a solid fence or wall with a minimum height of 1.8m; or*
2. *be landscaped with plants or trees with a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within five years; or*
3. *be screened with a combination of (1) and (2) above.*

*Where the standard is not met, matters of discretion are restricted*

1. *the outlook, character, and amenity of adjoining sites in a residential, rural, open space or Māori purpose zone;*
2. *the scale of the building and its distance from the boundary with residential, rural, open space or Māori purpose zones;*
3. *the ability to mitigate any adverse visual effects of reduced, alternative or no screening through the use of alternative methods; and*
4. *the design, layout and use of the site which may compensate for reduced, alternative or no screening.*
5. *The character and significance of the road frontage appearance at the main road entrance to the Waitangi Estate*

**Comment.** This standard is considered appropriate.

The permitted standard in the MUZ for building coverage is 400m<sup>2</sup>.

*PER-2 The building or structure, or extension or alteration to an existing building or structure on the site, excluding large format retail, does not exceed a GFA of 400m<sup>2</sup>.*

**Comment.** This standard is considered appropriate.

There is no control over the exterior surfaces of buildings within the MUZ however, the proximity of this sub-zone to the Te Pitowhenua sub-zone (which is overlain by an ONL and is therefore subject to colours and materials control under MFL-S2), imparts a greater level of sensitivity to the Whakanga sub-zone. It is recommended that a control be included for this sub-zone, as follows:

*The exterior surfaces of buildings and structures shall:*

1. *Be constructed of materials and / or finished to achieve a reflectance value no greater than 30%*
2. *Have an exterior finish within Groups A, B, or C as defined within the BS5252 standard colour palette.*

## 6.0 CONCLUSION

The submission seeks to create a new special zone (WEZ) which addresses the uniqueness associated with management of the Waitangi Estate.

In terms of landscape, the sensitivity of different parts of the Estate vary. This is in part due to specific values associated with particular areas – be they cultural, ecological or visual – and in part due to the elevation and / or degree of exposure within the wider landscape. Whilst some parts of the Estate are display a high level of sensitivity to change, others are less sensitive. Eight character areas have been identified, and the values of each of these character areas has been evaluated.

The sensitivities and values of the character areas has been applied to the proposed sub-zones under the proposed Waitangi Estate Special Purpose Zone, and the provisions applied to each of the proposed sub-zones have been crafted to reflect sensitivities and values.

The proposed WEZ has therefore, been designed to accommodate those variations in sensitivity rather than requiring the majority of the Estate to be subject to a uniform level of control; imposing a greater degree of ‘protection’ on the more sensitive areas, whilst a more permissive approach will be provided for the areas with a lower sensitivity.

In addition, this approach allows for consideration of adverse effects arising from activities within the wider Estate on the values of the Treaty Grounds (WEZ-O1, WEZ-O2, WEZ-P1 and WEZ-P2). Under this latter policy, All other land use activities are to remain subservient in terms of how they impact the values associated with this part of the Estate.

It is the opinion of the author that the Special Purpose zone is the most practical option as it offers a more tailored and targeted management of the Treaty Grounds and the Estate, such that the Estate can continue to meet the purpose of why it was established in the first instance. It will enable the utilisation of tailored rules, objectives, and policies which will ensure the Estate is managed with the mana and acknowledgement it deserves rather than through the lens of a production zone, or a general zoning which is – in the opinion of the author – impractical.

The coastal environment overlay applies to most of the Estate and Natural Environment and Historic and Cultural Values overlays have also been applied to various parts of the site. Under the WEZ, the proposed District-wide environment overlays and general provisions would continue to apply to the Waitangi Estate Special Purpose Zone. However, as detailed in the Section 32AA report on the WEZ, some of these standards would either need minor amendments or require consequential amendments to include a reference to the Waitangi Estate Special Purpose Zone. Those of relevance include natural character, natural features and landscapes, and coastal environment. The proposed management approach for the Waitangi Estate includes rules and standards that are specific to the Waitangi Estate. As with other special purpose zones, land use activities would also be subject to the applicable spatial overlay provisions including the coastal environment, natural features and landscapes and sites and areas of significance to Māori.

Simon Cocker

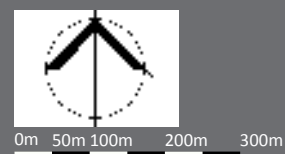
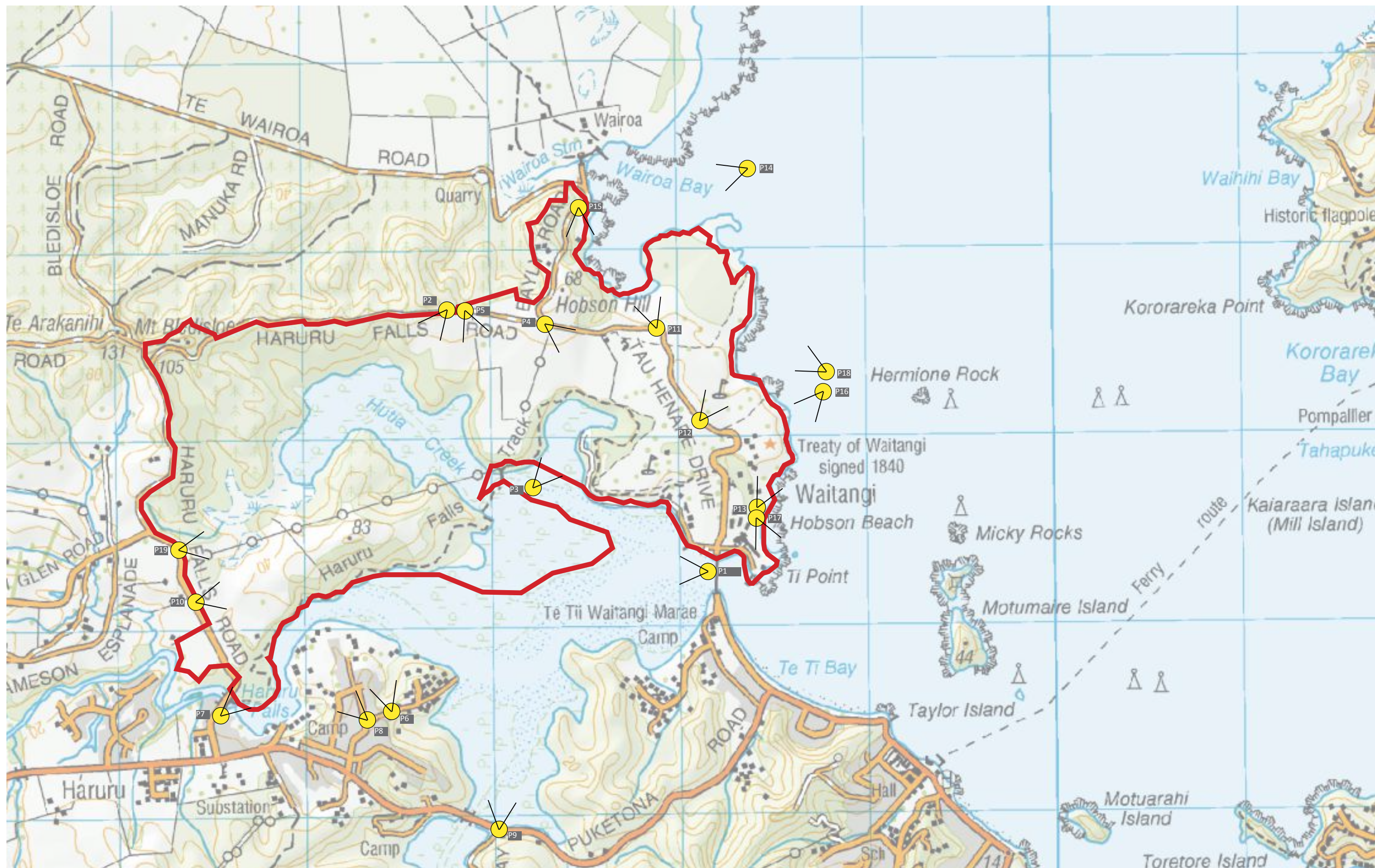


WAITANGI LTD.

Proposed Waitangi Estate Special Purpose Zone  
23011\_01 Rev 9. 20 May 2025

# Appendix 1: Figures





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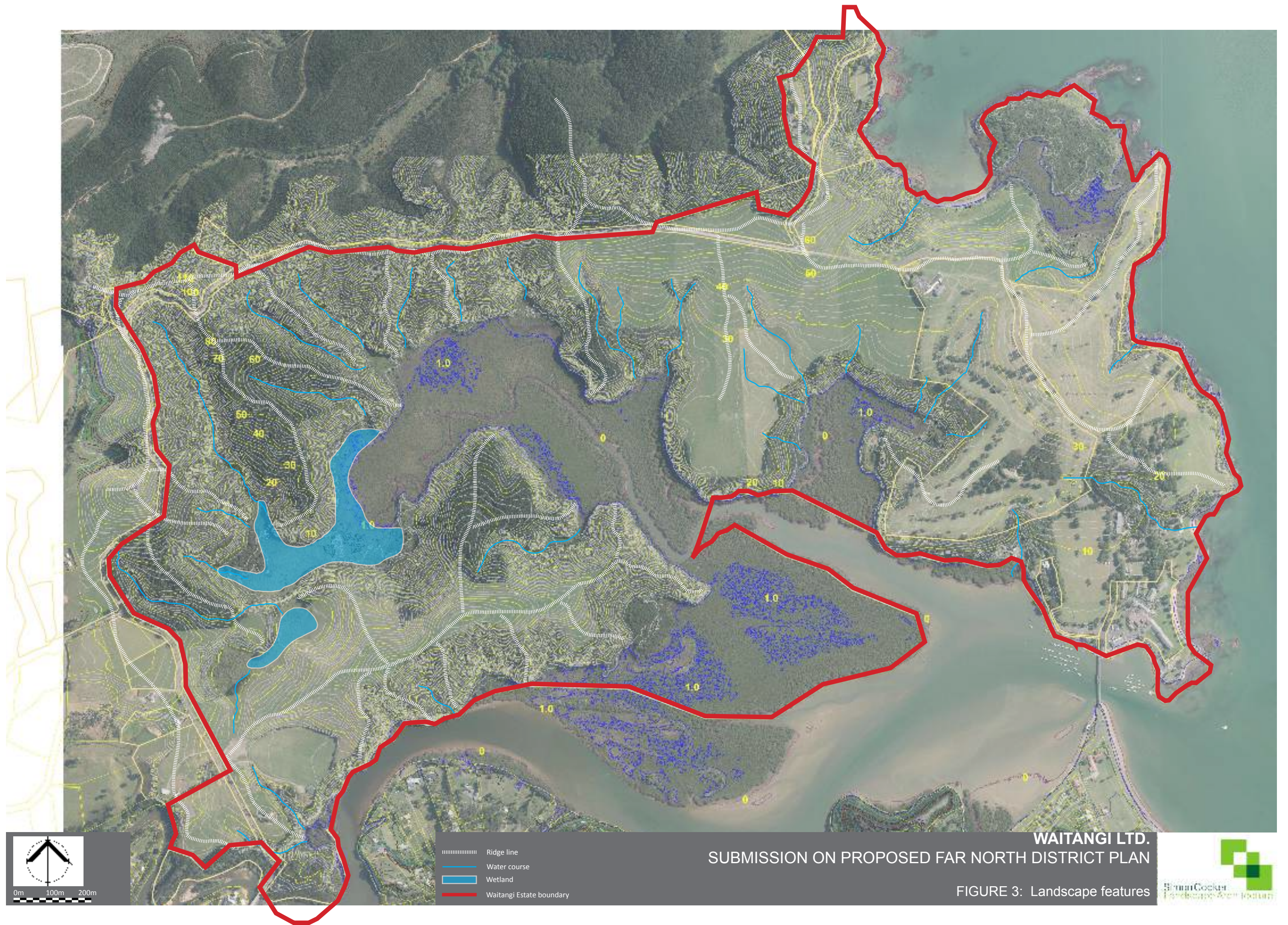
FIGURE 1: Site location and representative viewpoints









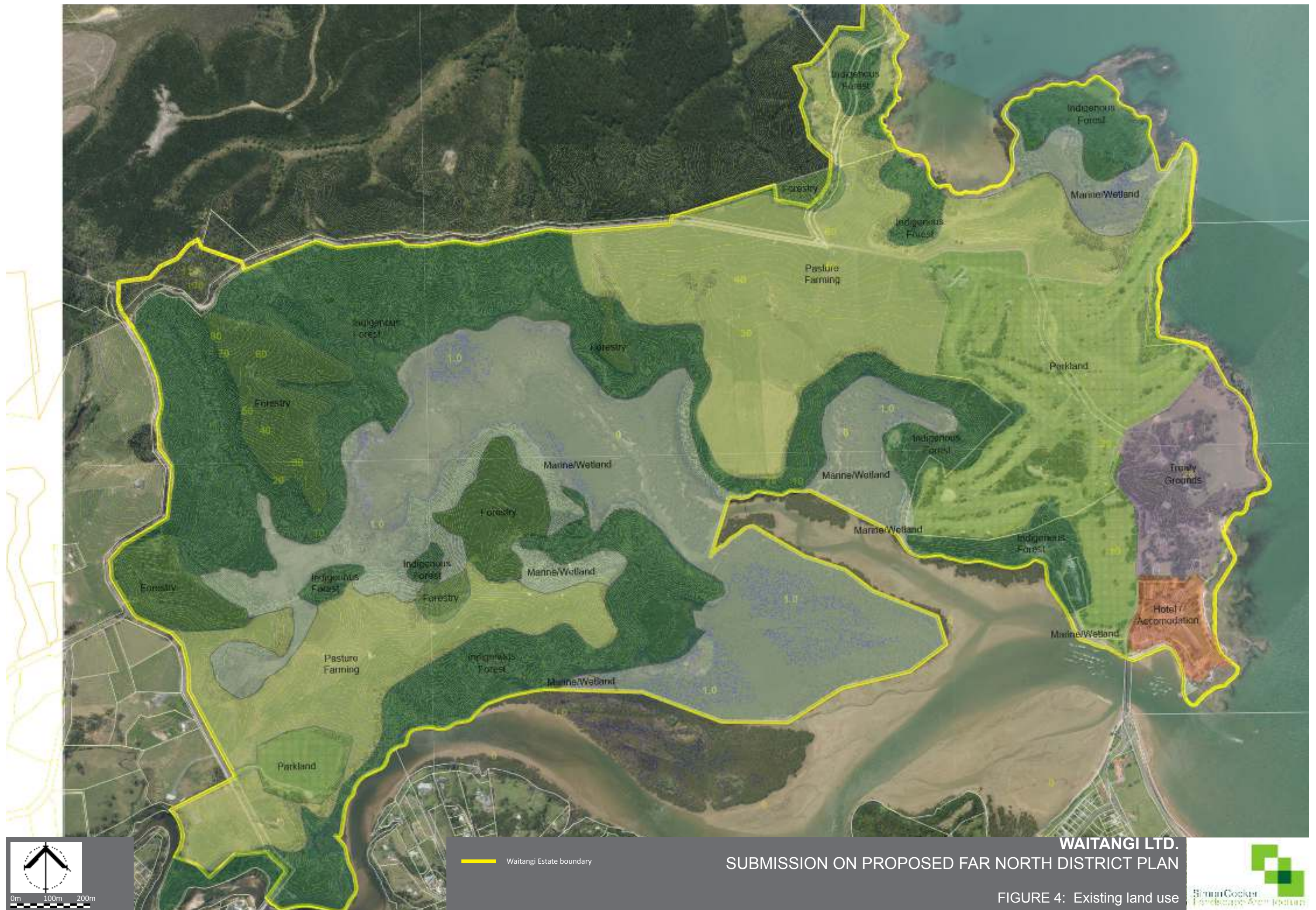


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FIGURE 3: Landscape features



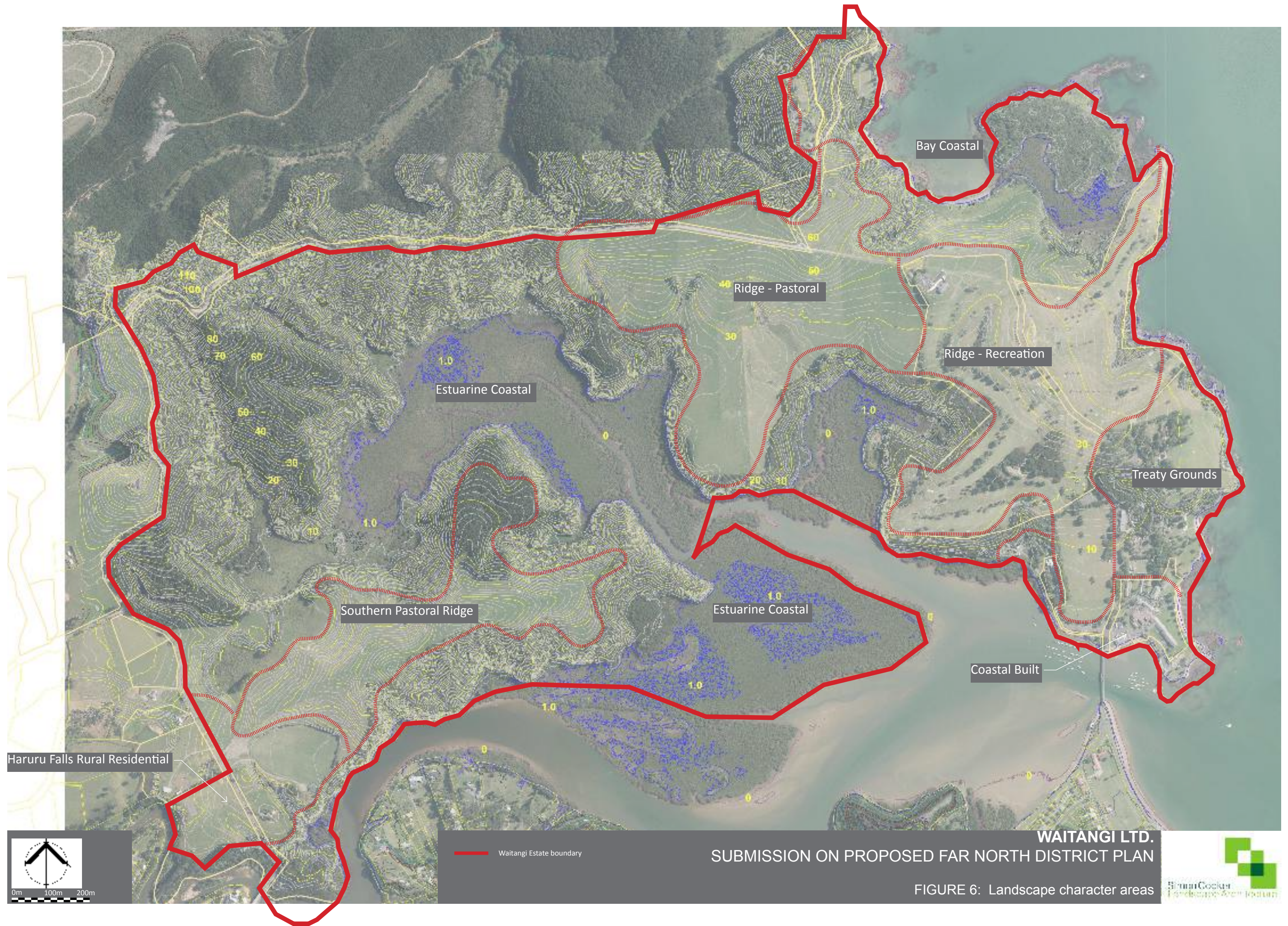










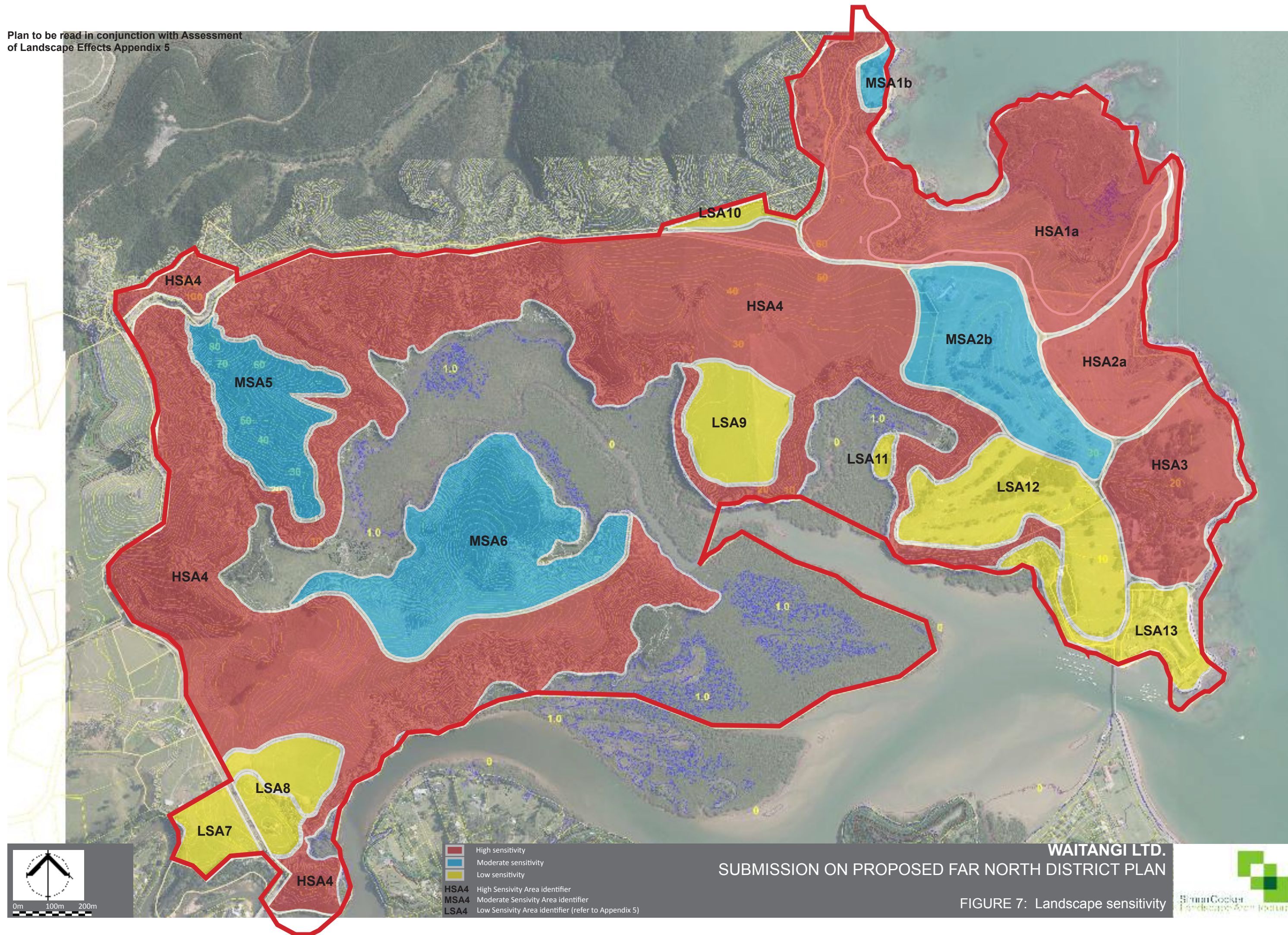


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FIGURE 6: Landscape character areas







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FIGURE 7: Landscape sensitivity



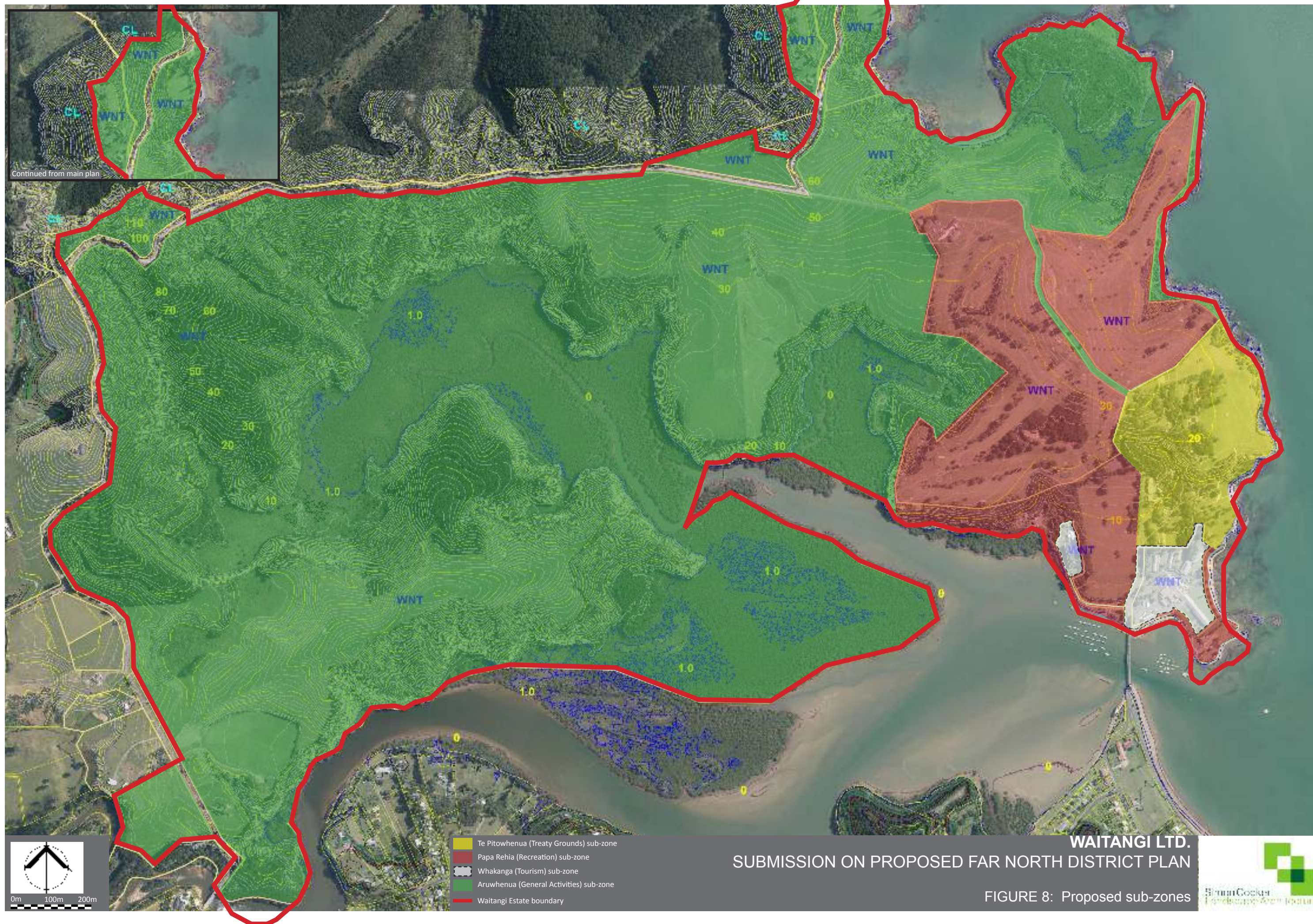






Photo 1: View to Hutia Creek from Waitangi River mouth

Photo date - 12 March 2023

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Photos  
(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 2: View to Hutia Creek from Haruru Falls Road

Photo date - 21 March 2023





Photo 3: View to west along Hutia Creek

Photo date - 12 March 2023

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Photos  
(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 4: View to south east across golf course

Photo date - 21 March 2023





Photo 5: View to south from Haruru Falls Road toward visually enclosed area within Ridge - Pastoral character area

Photo date - 21 March 2023

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Photos  
(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 6: View to Site from 2 Causeway Road

Photo date - 21 March 2023





Photo 7: View to Site from Old Wharf Road

Photo date - 21 March 2023

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Photos  
(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 8: View to Site from 2 Causeway Road

Photo date - 21 March 2023





Photo 9: View to Site from Puketona Road

Photo date - 21 March 2023







Photo 10: View to Bledisloe Domain from Haruru Falls Road

Photo date - 21 March 2023

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Photo 11: View north across Wairoa Bay from Tau Henare Drive

Photo date - 21 March 2023

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(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 12: View north east across golf course

Photo date - 21 March 2023





Photo 13: View north across lower Treaty Grounds

Photo date - 21 March 2023





Photo 14: View west into Wairoa Bay

Photo date - 12 March 2023

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Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 15: View from Bayly Road across Sec 9 SO338905.

Photo date - 21 March 2023

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Photos  
(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 16: View to upper Treaty Gorunds from water

Photo date - 12 March 2023

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Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 17: View south across Copthorne Hotel grounds

Photo date - 21 March 2023





Photo 18: View to Hobson Hill from water

Photo date - 12 March 2023

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Photos

(Photographs taken with digital equivalent of 50mm focal length unless otherwise specified)







Photo 19: View from Haruru Falls Road to Southern Pastoral ridge character area

Photo date - 21 March 2023



# Appendix 2: Assessment Methodology



# Landscape and Visual Effects Assessment Methodology

## Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, the existing character of the landscape and the experience of it. In addition, the landscape assessment method may include an iterative design development processes which includes stakeholder involvement. The outcome of any assessment approach should seek to avoid, remedy or mitigate adverse effects. A separate assessment is required to assess changes in natural character in coastal areas and other waterbodies.

When undertaking landscape and visual effects assessments, it is important that a structured and consistent approach is used to ensure that findings are clear and objective. Judgement should always be based on skills and experience, and be supported by explicit evidence and reasoned argument.

While landscape and visual effects assessments are closely related, they form separate procedures. The assessment of the potential effect on the landscape forms the first step in this process and is carried out as an effect on an environmental resource (i.e. landscape elements, features and character). The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

**Landscape effects:**

*Change in the physical landscape, which may change its characteristics or qualities.*

**Visual effects:**

*Change to views which may change the visual amenity experienced by people.*

The policy context, existing landscape resource and locations from which a development or change is visible all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the landscape must first be described, including an understanding of the key landscape characteristics and qualities. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described alongside a judgement made on the value or importance of the potentially affected landscape.

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the Quality Planning Landscape Guidance Note<sup>1</sup> and its signposts to examples of best practice which include the UK guidelines for landscape and visual impact assessment<sup>2</sup> and Te Tangi a te Manu<sup>3</sup>.

Assessing landscape effects requires an understanding of the nature of the landscape resource and the magnitude of change which results from a proposed development to determine the overall level of landscape effects.

## Nature of the landscape resource

Assessing the nature of the landscape resource considers both the susceptibility of an area of landscape to change and the value of the landscape. This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;

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<sup>1</sup> <http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape>

<sup>2</sup> Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3)

<sup>3</sup> Te Tangi a te Manu (Aotearoa New Zealand Landscape Guidelines), NZILA July 2022.



- The zoning of the land and its associated anticipated level of development;
- The value or importance placed on the landscape, particularly those confirmed in statutory documents; and
- The scope for mitigation, appropriate to the existing landscape.

The susceptibility to change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies.

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Landscape (RMA s.6(b)) based on important biophysical, sensory/ aesthetic and associative landscape attributes, which have potential to be affected by a proposed development.

### Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to existing areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

When assessing the level of landscape effects, it is important to be clear about what factors have been considered when making professional judgements. This can include consideration of any benefits which result from a proposed development. Table 1 below helps to explain this process. The tabulating of effects is only intended to inform overall judgements.

| Contributing factors         |                            | Higher  | Lower  |
|------------------------------|----------------------------|---|--|
| Nature of Landscape Resource | Susceptibility to change   | The landscape context has limited existing landscape detractors which make it highly vulnerable to the type of change which would result from the proposed development.   | The landscape context has many detractors and can easily accommodate the proposed development without undue consequences to landscape character.                   |
|                              | The value of the landscape | The landscape includes important biophysical, sensory and associative attributes. The landscape requires protection as a matter of national importance (ONF/L).           | The landscape lacks any important biophysical, sensory or associative attributes. The landscape is of low or local importance.                                     |
| Magnitude of Change          | Size or scale              | Total loss or addition of key features or elements.<br>Major changes in the key characteristics of the landscape, including significant aesthetic or perceptual elements. | The majority of key features or elements are retained.<br>Key characteristics of the landscape remain intact with limited aesthetic or perceptual change apparent. |
|                              | Geographical extent        | Wider landscape scale.  | Site scale, immediate setting.   |
|                              | Duration and reversibility | Permanent.<br>Long term (over 10 years).  | Reversible.<br>Short Term (0-5 years).   |

Table 1: Determining the level of landscape effects

### Visual Effects

To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of visual influence' of the site and proposal. Where



possible, computer modelling can assist to determine the theoretical extent of visibility together with field work undertaken to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

### Nature of the viewing audience

The nature of the viewing audience is assessed in terms of the susceptibility of the viewing audience to change and the value attached to views. The susceptibility of the viewing audience is determined by assessing the occupation or activity of people experiencing the view at particular locations and the extent to which their interest or activity may be focused on views of the surrounding landscape. This relies on a landscape architect's judgement in respect of visual amenity and reaction of people who may be affected by a proposal. This should also recognise that people more susceptible to change generally include: residents at home, people engaged in outdoor recreation whose attention or interest is likely to be focused on the landscape and on particular views; visitors to heritage assets or other important visitor attractions; and communities where views contribute to the landscape setting.

The value or importance attached to particular views may be determined with respect to its popularity or numbers of people affected or reference to planning instruments such as viewshafts or view corridors.

Important viewpoints are also likely to appear in guide books or tourist maps and may include facilities provided for its enjoyment. There may also be references to this in literature or art, which also acknowledge a level of recognition and importance.

### Magnitude of Visual Change

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA<sup>4</sup>.

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. Table 2 has been prepared to help guide this process:

| Contributing factors         |                            | Higher  | Lower   |
|------------------------------|----------------------------|---|---|
| Nature of Landscape Resource | Susceptibility to change   | Views from dwellings and recreation areas where attention is typically focussed on the landscape..  | Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.  |
|                              | The value of the landscape | Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature.<br>High visitor numbers.   | Viewpoint is not typically recognised or valued by the community.<br>Infrequent visitor numbers..   |
| Magnitude of Change          | Size or scale              | Loss or addition of key features in the view.<br>High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture).<br>Full view of the proposed development | Most key features of view retained.<br>Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture).<br>Glimpse / no view of the proposed development. |
|                              | Geographical extent        | Front on views.<br>Near distance views;<br>Change visible across a wide area.   | Oblique views.<br>Long distance views.<br>Small portion of change visible.  |
|                              | Duration and reversibility | Permanent.<br>Long term (over 15 years).  | Transient / temporary.<br>Short Term (0-5 years).   |

### Nature of Effects

<sup>4</sup> Best Practice Guide: Visual Simulations BPG 10.2, NZILA



In combination with assessing the level of effects, the landscape and visual effects assessment also considers the nature of effects in terms of whether this will be positive (beneficial) or negative (adverse) in the context within which it occurs. Neutral effects can also occur where landscape or visual change is benign.

It should also be noted that a change in a landscape does not, of itself, necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways, these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes.

This assessment of the nature effects can be further guided by Table 3 set out below:

| Nature of effect              | Use and definition  |
|-------------------------------|---|
| <b>Adverse (negative):</b>    | The proposed development would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values           |
| <b>Neutral (benign):</b>      | The proposed development would complement (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values                         |
| <b>Beneficial (positive):</b> | The proposed development would enhance the landscape and / or visual amenity through removal of restoration of existing degraded landscapes uses and / or addition of positive elements or features |

Table 3: Determining the Nature of Effects

## Cumulative Effects

During the scoping of an assessment, where appropriate, agreement should be reached with the relevant local authority as to the nature of cumulative effects to be assessed. This can include effects of the same type of development (e.g. wind farms) or the combined effect of all past, present and approved future development<sup>5</sup> of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

### Cumulative Landscape Effects

Cumulative landscape effects can include additional or combined changes in components of the landscape and changes in the overall landscape character. The extent within which cumulative landscape effects are assessed can cover the entire landscape character area within which the proposal is located, or alternatively, the zone of visual influence from which the proposal can be observed.

### Cumulative Visual Effects

Cumulative visual effects can occur in combination (seen together in the same view), in succession (where the observer needs to turn their head) or sequentially (with a time lapse between instances where proposals are visible when moving through a landscape). Further visualisations may be required to indicate the change in view compared with the appearance of the project on its own.

Determining the nature and level of cumulative landscape and visual effects should adopt the same approach as the project assessment in describing both the nature of the viewing audience and magnitude of change leading to a final judgement. Mitigation may require broader consideration which may extend beyond the geographical extent of the project being assessed.

## Determining the Overall Level of Effects

The landscape and visual effects assessment concludes with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation.

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<sup>5</sup> The life of the statutory planning document or unimplemented resource consents



This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in Table 4 below. This table which can be used to guide the level of landscape and visual effects uses an adapted seven-point scale derived from Te Tangi a te Manu (Aotearoa New Zealand Landscape Guidelines)

|  | Effect rating           | Use and definition  |
|--|-------------------------|---|
| <b>More than minor</b><br>.<br>.<br>.<br>. | <b>Very high</b>        | Total loss of key elements / features / characteristics, i.e. amounts to a complete change of landscape character   |
|  | <b>High</b>             | Major modification or loss of most key elements / features / characteristics, i.e. little of the pre-development landscape character remains. Concise Oxford English Dictionary Definition<br>High: adjective- Great in amount, value, size, or intensity   |
|  | <b>Moderate to high</b> | Modifications of several key elements / features / characteristics of the baseline, i.e. the pre-development landscape character remains evident but materially changed.  |
|  | <b>Moderate</b>         | Partial loss of or modification to key elements / features / characteristics of the baseline, i.e. new elements may be prominent but not necessarily uncharacteristic within the receiving landscape.<br>Concise Oxford English Dictionary Definition<br>Moderate: adjective- average in amount, intensity, quality or degree |
| <b>Minor</b><br>.<br>.<br>.<br>.           | <b>Moderate to low</b>  | Minor loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not prominent or uncharacteristic within the receiving landscape.   |
|  | <b>Low</b>              | No material loss of or modification to key elements / features / characteristics. i.e. modification or change is not uncharacteristic and absorbed within the receiving landscape.<br>Concise Oxford English Dictionary Definition<br>Low: adjective- 1. Below average in amount, extent, or intensity                        |
| <b>Less than minor</b>                     | <b>Very low</b>         | Little or no loss of or modification to key elements/ features/ characteristics of the baseline, i.e. approximating a 'no change' situation.  |

Table 4: Determining the overall level of landscape and visual effects

## Determination of “minor”

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor<sup>6</sup> or an adverse effect on the environment is no more than minor<sup>7</sup>. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D ‘gateway test’ is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be ‘minor’ or not be contrary to the objectives and policies of the relevant planning documents.

These assessments will generally involve a broader consideration of the effects of the activity, beyond the landscape and visual effects. Through this broader consideration, guidance may be sought on whether the likely effects on the landscape resource or effects on a person are considered in relation to ‘minor’. It must also be stressed that more than minor effects on individual elements or viewpoints does not necessarily equate to more than minor effects on the wider landscape resource. In relation to this assessment, moderate-low level effects would generally equate to ‘minor’.

<sup>6</sup> RMA, Section 95E

<sup>7</sup> RMA Section 95D



## APPENDIX 3: Determination of landscape quality

| Determination of landscape quality |  |  |
|------------------------------------|--|--|
| Category                           | Criteria   | Typical Example  |
| <b>High - Exceptional</b>          | Strong landscape structure, characteristics, patterns, balanced combination of landform and land cover                     | International or nationally recognised site – national park.                                       |
|                                    | Appropriate management for land use and land cover   |  |
|                                    | Distinct features worthy of conservation   |  |
|                                    | Sense of place   |  |
|                                    | No detracting features   |  |
| <b>High</b>                        | Strong landscape structure, characteristics, patterns, balanced combination of landform and land cover                     | Nationally or regionally recognised site – national park   |
|                                    | Appropriate management for land use and land cover but potential scope for improvement.                                    |  |
|                                    | Distinct features worthy of conservation   |  |
|                                    | Sense of place   |  |
|                                    | Occasional detracting features   |  |
| <b>Good</b>                        | Recognisable landscape structure, characteristics, patterns, balanced combination of landform and land cover still evident | Nationally, regionally recognised site all or great majority of area of local landscape importance |
|                                    | Scope to improve management for land use and land cover  |  |
|                                    | Some features worthy of conservation   |  |
|                                    | Sense of place   |  |
|                                    | Some detracting features   |  |
| <b>Ordinary</b>                    | Distinguishable landscape structure, characteristic patterns of landform and land cover often masked by landuse            |  |
|                                    | Some features worthy of conservation   |  |
|                                    | Some detracting features   |  |
| <b>Poor</b>                        | Weak landscape structure, characteristic patterns of landform and land cover often masked by landuse                       |  |
|                                    | Mixed land use evident   |  |
|                                    | Lack of management and intervention has resulted in degradation  |  |
|                                    | Frequent detracting features   |  |
| <b>Very poor</b>                   | Degraded landscape structure, characteristic patterns of landform and land cover are masked by landuse                     |  |
|                                    | Mixed land use dominates   |  |
|                                    | Lack of management and intervention has resulted in degradation  |  |
|                                    | Extensive detracting features  |  |
| <b>Damaged landscape</b>           | Damaged landscape structure  |  |
|                                    | Single land use  |  |
|                                    | Disturbed or derelict land requires treatment  |  |
|                                    | Detracting features dominate.  |  |

Table 4 has been adapted for NZ conditions from an example of threshold criteria used by practitioners in the United Kingdom. The original document was prepared by Jeff Stevenson Associates and published in Guidelines for Landscape and Visual Assessment ("GLVIA") 3<sup>rd</sup> Edition. Landscape Institute (UK) and IEMA 2013.



# APPENDIX 4: RPS Worksheet

# Northland Regional Landscape Assessment Worksheet

|   | Unit name – <b>WAITANGI TREATY GROUNDS</b>  |
|---|---|
| DESCRIPTION AND CHARACTERISATION  |   |
| Component   | Comment   |
| <b>Land Types</b><br><small>(refer to list overleaf)</small><br>Bays and headlands  | 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.  |
| <b>Geology</b><br><small>(including geopreservation sites)</small>  | Waipapa greywacke rolling terrain overlaying Kerikeri basaltic lava flows.<br>NZ Geopres. Inventory: Waitangi flow gabbroic inclusions – A 20 x 50m columnar jointed basalt flow as a shore platform. Best location for gabbroic inclusions of a Quaternary age in Northland. |
| <b>Soil Types</b>   | Waiotu friable clay.  |
| <b>Ecology</b><br><small>(including protected vegetation / features, PNAP Level 1 and 2 sites)</small>  | Mature kanuka shrubland, with pockets of puriri, totara, taraire and kohekohe. Adjacent to PNAP sites of Waitangi River alluvial remnants and Waitangi wetlands. North Island brown kiwi are found in the general locality on this northern side of the Waitangi River.       |
| <b>Archaeological sites</b>   | An intensity of recorded sites on the Treaty House grounds.   |
| <b>Heritage Landscapes</b>  | One of New Zealand's best known heritage areas, closely related early contact and trading, and to the Treaty of Waitangi.   |
| <b>Landscape characterisation</b><br><small>(including the identification of any specific characteristics)</small><br>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 an affinity for natural and wilderness areas.<br><br>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.<br><br>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 flag pole 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. |   |

## EVALUATION

| Criteria  | Rank     | Comment   |
|---|----------|---|
| Natural Science Factors   |          |   |
| <b>Representativeness</b><br><small>Natural landscapes are clearly characteristic of the area, district or region. The key components of the landscape will be present in a way that defines the character of the place and distills its character and essence. Endemic associations.</small> | <b>3</b> | Spatially and in terms of identity, this place is high representative of its locale, particularly in light of the uses and meanings that are associated. In terms of natural science factors however, the modified and managed status of the site results in those aspects being less elevated. |



|   |          |  |
|---|----------|--|
| <b>Rarity</b><br>Natural features are unique or rare in the region or nationally, and few comparable examples exist.  | <b>4</b> | Rarity arising from geological site on coastline and inter-relationship between those natural elements and systems that are present, and the cultural dimension of the site.   |
| <b>Aesthetic Values</b>   |          |  |
| <b>Coherence</b><br>The patterns of land cover and land use are largely in harmony with the underlying natural pattern of the landform of the area and there are no significant discordant elements of land cover or land use.  | <b>4</b> | Unified through a strong vegetative framework, the predominance of the coastal margin and the restrained development and management of the site in relationship with its Treaty role.  |
| <b>Diversity &amp; Complexity</b><br>The elements contributing to overall landscape character are diverse and complex (particularly in ecological terms) without creating disharmony.   | <b>4</b> | Despite being modified and heavily used, the Treaty House grounds maintain a strong component of natural elements through blocks of vegetation and the relatively intact state of the coast. Coastal formations, the diversity of the coast generally and the interface between cultural and natural dimensions of the site generally contribute to the diversity and complexity rating.                       |
| <b>Vividness</b><br>Natural features and landscape are widely recognized across the community and beyond the local area and remain clearly in the memory; striking landscapes are symbolic of an area due to their recognisable and memorable qualities.  | <b>5</b> | Very widely recognised and with a strong measure of vividness. Hosting the well publicised annual national celebration, and hosting large numbers in person, makes this a place that is widely known. Its position on the brink of the inner Bay of Islands and the Waitangi River add a powerful coastal dimension to its memorability, including the use of waka and naval vessels in ceremonial situations. |
| <b>Naturalness</b><br>How affected by human activity is the landscape?<br>Does human activity intrude on the landscape?<br>Eg. <ul style="list-style-type: none"> <li>• Presence of buildings and associated built development.</li> <li>• Presence of infrastructure services.</li> <li>• Extent of indigenous forest cover.</li> <li>• Homogeneity of exotic vegetation.</li> <li>• Presence / extent of modified agricultural land use.</li> <li>• Strength of natural processes / ecological patterns.</li> <li>• Unmodified and legible physical relief and landform.</li> <li>• Presence of water.</li> </ul> | <b>2</b> | Whilst containing a relatively high measure of indigenous and natural components, particularly along the coastal margin, the built development and manicured nature of the site's management sets this area apart from less developed areas on the coast.  |
| <b>Intactness</b><br>Natural systems are intact and aesthetically coherent and do not display significant visual signs of human modification, intervention or manipulation, visually intact and highly aesthetic natural landscapes.  | <b>2</b> | Widely modified and managed from a natural state. Due to the restraint of that historic development and current management, a measure of natural character and the related functioning of natural systems remains.   |
| <b>Experiential Values</b>  |          |  |
| <b>Expressiveness</b><br>The 'legibility' of the landscape. Natural features clearly demonstrate the natural processes that formed them.  | <b>3</b> | Highly expressive – in terms of context sitting on the edge of the bay and the built cues within the site – the flagpole, Treaty House, nearby whare and whare waka.   |
| <b>Sensory qualities</b><br>(These are landscape phenomena as directly perceived and experienced by humans, such as the   | <b>5</b> | A strong historical and spatial ambience arising from the historical development of the site and its locale.   |

|   |          |   |
|---|----------|---|
| view of a scenic landscape, or the distinctive smell and sound of the foreshore).   |          |   |
| <b>Transient Values</b><br>The consistent and repeated occurrence of transient features that contributes to the character, qualities and values of the landscape; landscapes are widely recognised for their transient features and the contribution that these make to the landscape.  | <b>3</b> | Whilst influenced most by light conditions, the use patterns of this very important cultural site, particularly around Waitangi Day, may be considered the most relevant transient value.   |
| <b>Remoteness / Wildness</b><br>Does the landscape display a wilderness character, remote from and untouched by human presence?<br>Eg. <ul style="list-style-type: none"> <li>• Sense of remoteness</li> <li>• Accessibility</li> <li>• Distance from built development</li> </ul>  | <b>1</b> | A heavily visited and used site that is highly accessible and in close proximity to a modest settlement. Also influenced by the proximity of the adjacent resort and business of the water body relative to Paihia and the Waitangi River.  |
| <b>Shared and recognised values</b><br>Natural features and landscape are widely known and valued by the immediate and wider community for their contribution to a sense of place leading to a strong community association with, or high public esteem for the place.  | <b>5</b> | Widely acknowledged and recognised as a place of great social and cultural importance. The natural dimension of the site is a key aspect of its recognised character.   |
| <b>Spiritual, cultural and historical associations</b><br>Natural features and landscapes can be clearly and widely known and influenced by their connection to the spiritual, cultural and historical valued in the place and includes associative meanings and associative activities valued by the community. Associative meanings are spiritual, cultural or social associations with particular landscape elements, features, or areas, whilst associative activities are patterns of social activity that occur in particular parts of a landscape, for example, popular walking routes or fishing spots. | <b>5</b> | On the very highest tier of cultural and historical association values in recognition of its place in the “birth of a nation”. Will have different meanings to different people and cultures, but one of New Zealand’s most prominent and well known cultural landscapes.<br><br>Consultation was initiated during the mapping process, but has not led to any feedback within the required period. |

Rank scale between 1 (low) and 5 (high)

| Land Types                           |
|--------------------------------------|
| Coastal cliffs / escarpment          |
| Low escarpment                       |
| Bays and headlands                   |
| Beach                                |
| Dune complex                         |
| Reefs and islands                    |
| Estuarine / inlet                    |
| Open harbour                         |
| Coastal plain                        |
| Rolling hills                        |
| Steep hills; moderate to high relief |
| Ranges; high relief                  |
| Strongly rolling land                |
| Low rolling land                     |
| Valley floors and flats              |
| Plains                               |
| Volcanic cones                       |
| River mouth                          |
| Wetland                              |
| Watercourses                         |
| Lakes and water bodies               |



Photographs of unit



