

# FNDC Proposed District Plan

Hearing 12: Historic and Cultural Values  
May 27<sup>th</sup>, 2025

Lay-Evidence Re Submission S-249  
Ian Palmer & Zejia Hu

Our Submission and Evidence Concerns: The extent of  
‘Mangonui & Rangitoto Peninsula Heritage Area – Part B’ overlay  
*(only as it relates to the Rangitoto Peninsula – including Butler Point)*

# Our Objection and Proposed Relief

- We Contend: that what is proposed in the Notified FNDC PDP (FNPDP) concerning the aerial extent of the ‘Mangonui and Rangitoto Peninsula Heritage Area Part-B’ overlay in respect of the Rangitoto Peninsula (RPHAB), and the associated Objectives, Policies and Rules, is ill-conceived, unjustified and is contra vires.
- The Relief we seek: That the areal extent of the RPHAB be reduced to land proximal to and directly related to FNPDP listed Heritage Items on the Rangitoto Peninsula (ie currently only the Category 1 ‘Butler House and Trading Station (Former)’ as listed in the New Zealand Heritage List/Rārangi Kōrero) as well as any other regionally important Heritage Resources and Sites of Significance to Maori that FNDP can reasonably justify scheduling. In particular we suggest the two harbour-side Māori Pā Sites (Rangitoto and Moehuri) are deserving of scheduling as ‘Sites of Significance to Māori’ in the FNPDP.

## Evidence Submitted to this Hearing Panel:

A) Original arguments in our submission supporting our objection & proposal (not addressed in S-42A Report)

B) Rebuttle of what is in the S-42A Report that further justifies our objection & proposal:

Reason 1): Misrepresentation of our Proposal

Reason 2): No Community Support

Reason 3): Reliance on Defective Technical Expert Evidence

Reason 4): Technical Expert Key Recommendations Ignored

Reason 5): Problematic Tangata Whenua Consultation Provisions

Reason 6): Inadequate S.32 Analysis

Reason 7): Contra Vires Double-Counting

Reason 8): Stringency of Rules

Intention today: 'take it as read'

Respond to Hearing Panel's comments or questions

The following slides are for general orientation and prompts for discussion

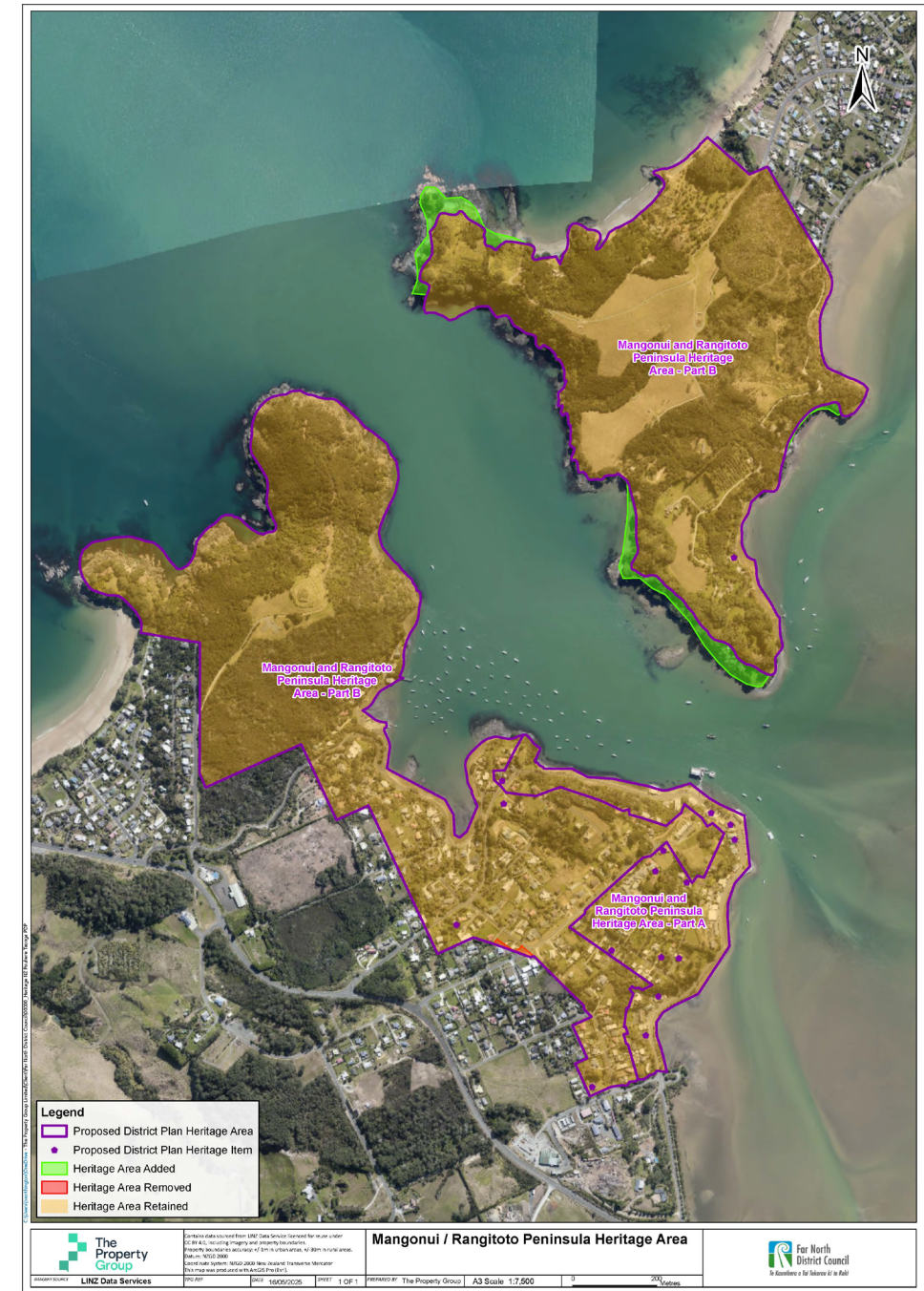
- ❖ May 4<sup>th</sup>, 2021: 200 angry locals at the Mangonui Hall
- ❖ Now: 'Last Man Standing'?
- ❖ Are others now happy?
- ❖ How many know the matter is still alive and being progressed per this hearing?
- ❖ We have the support of the Fergusons of Butler Point and the Te Hiku Community Board who represent the Mangonui community and made submissions consistent with ours – refer back-up slide1



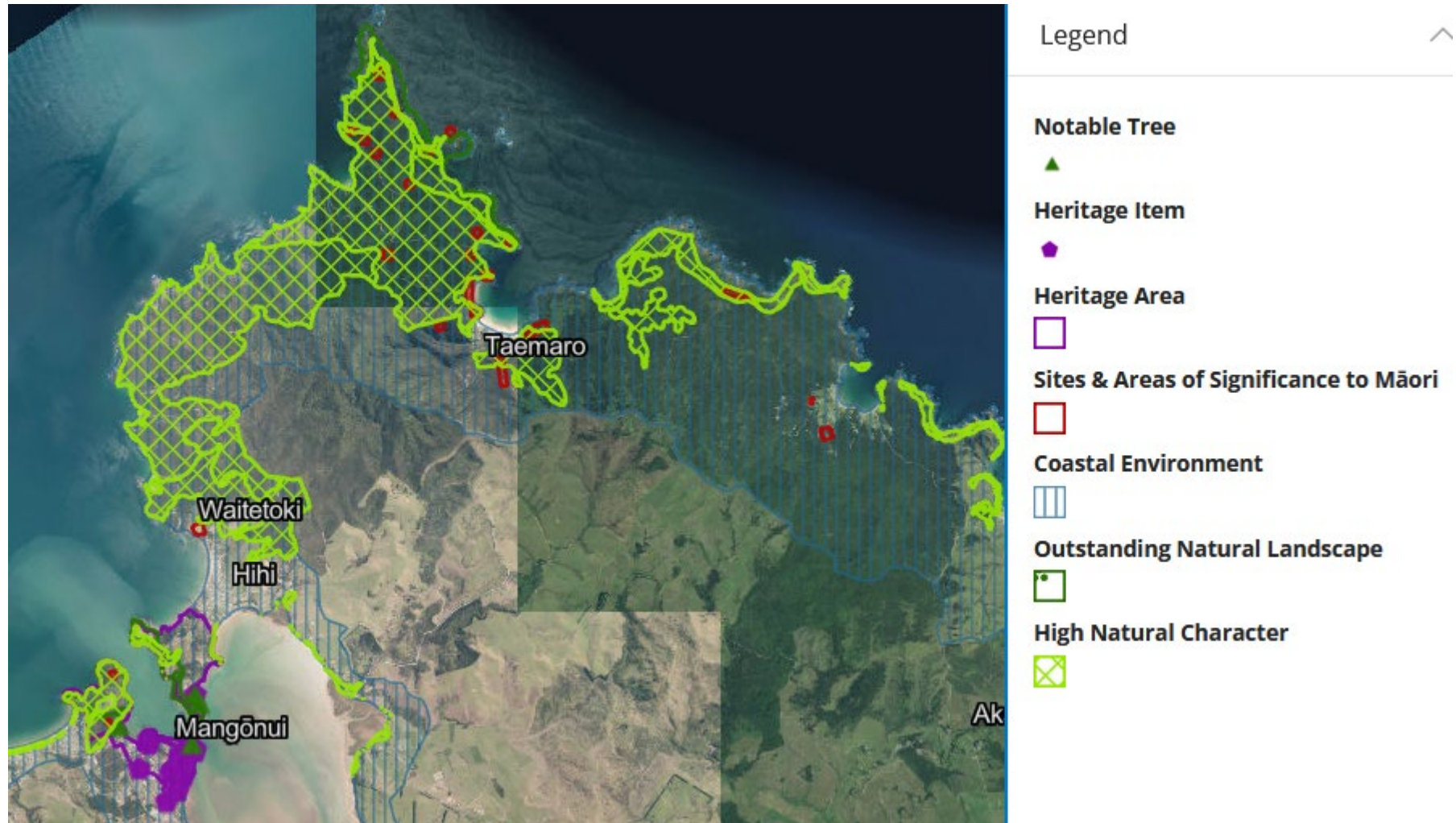


# Mangonui and Rangitoto Peninsula Heritage Area

## – Post FNDC's S-42A report and minor adjustments



# Notified PDP Heritage Area and other Relevant Overlays







Legend

Notable Tree



Heritage Item



Heritage Area



Sites & Areas of Significance to Māori



Coastal Environment



Outstanding Natural Landscape

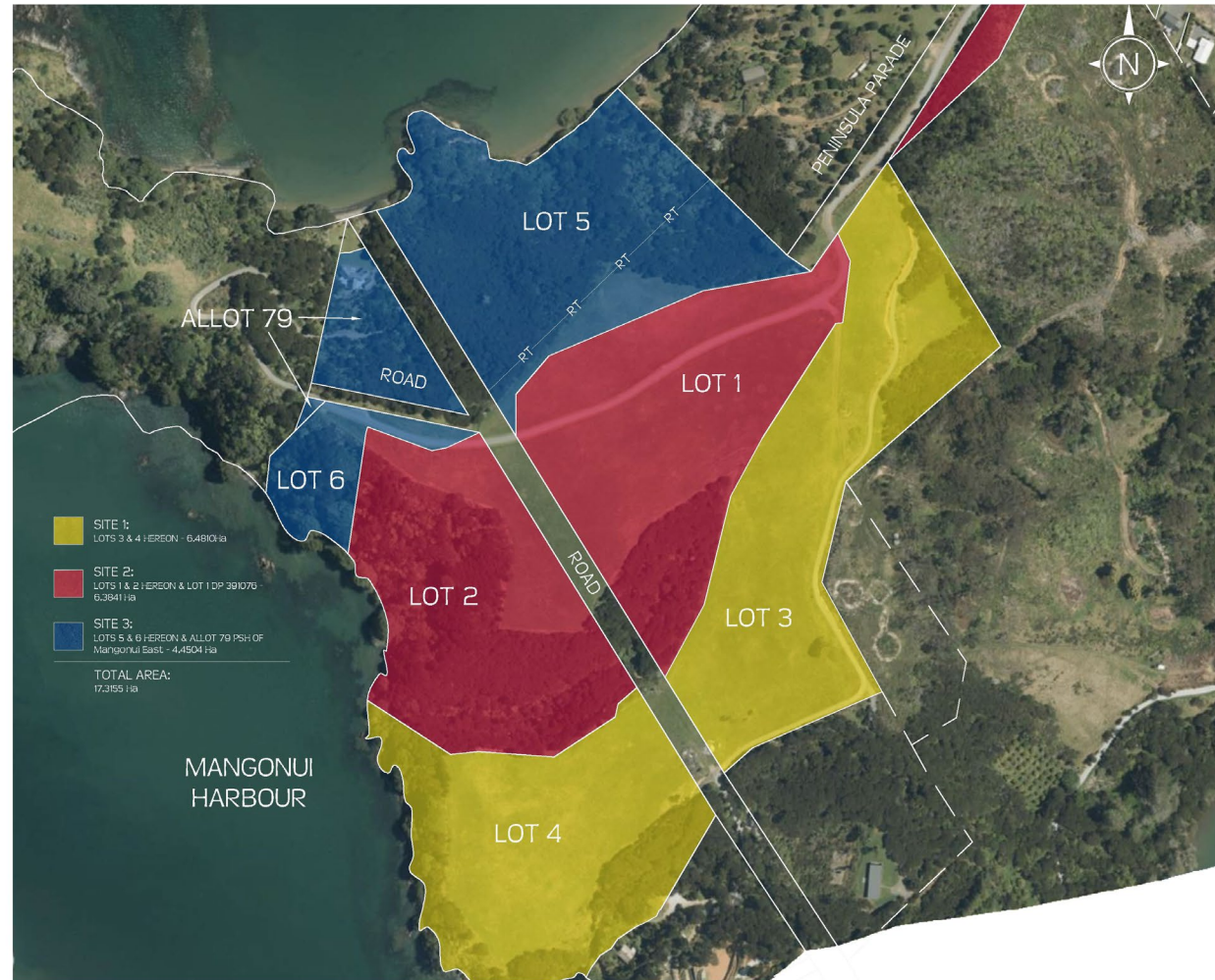


High Natural Character





# Palmer & Hu's Property: Three Sites





# Conservation Covenanted Land



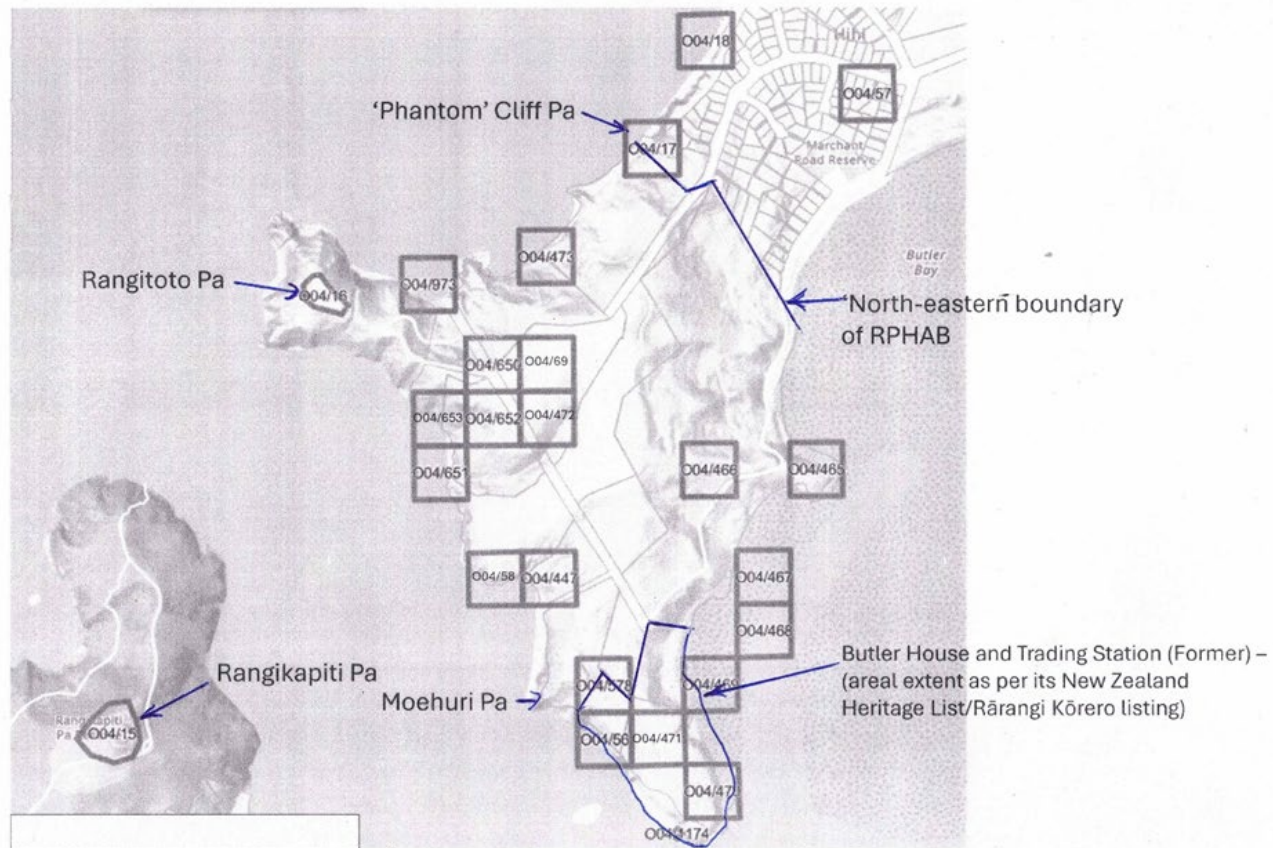






Consultant says: There are three pre-European archaeological **Key Sites** on the peninsula, plus one colonial European heritage resource.

## Historic Heritage Resources and NZAA ArchSite Listings in and around RPHAB



- But one corner point “Key Site” doesn’t exist
- S.32 Report stated:  
*“Significant number of archaeological and heritage sites have been recorded within the Mangonui Overlay following the ODP, the spatial extent of the Plan.Hertiage mapped area includes all relevant sites.”*
- ❖ but look next slide .....>



More Key sites in the Mangonui area exist outside rather than inside the HA

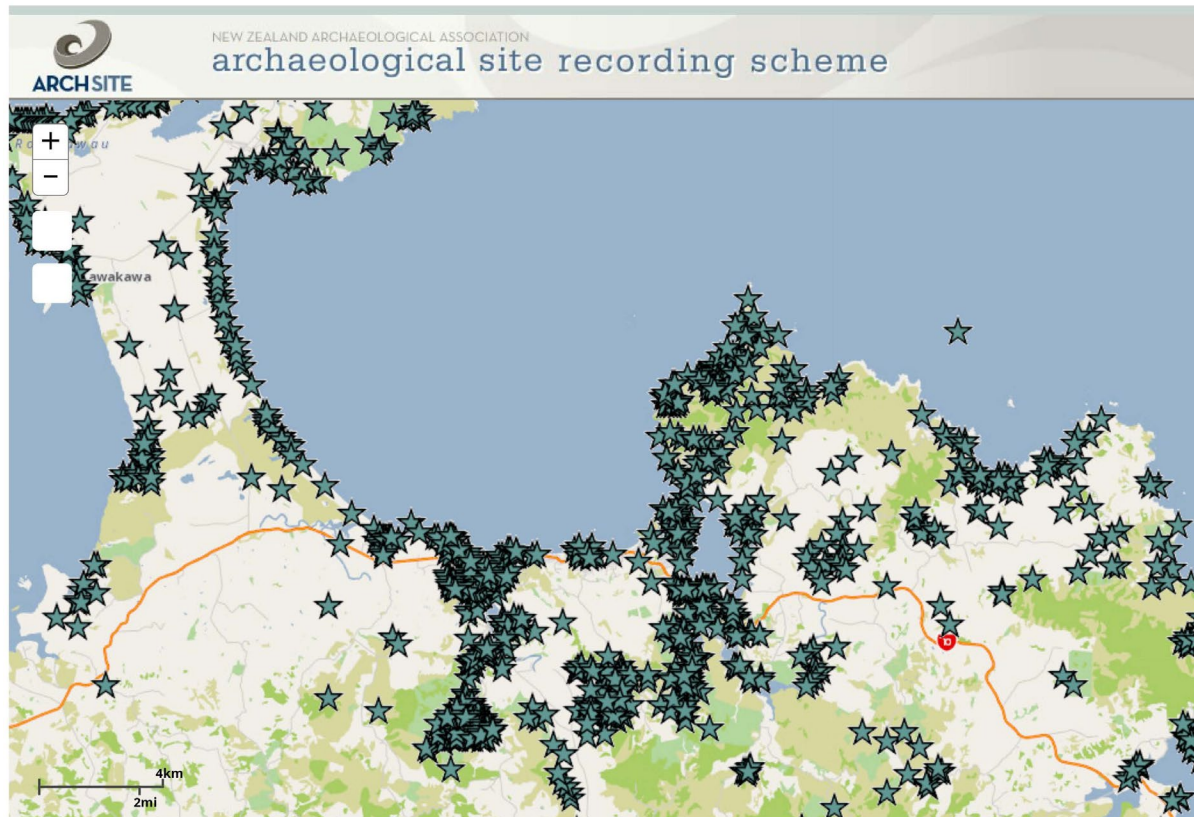


Figure 8: Shows the location of all recorded or updated archaeological sites from the Whakaangi survey (in the blue bounded area). Previously recorded sites outside the survey area are also shown because they still fall within the larger rohe of Ngati Kahu ki Taumaro.



# PDP's description of the peninsula's historic heritage per consultant's 'research':

- *“The Rangitoto peninsula is known for its archaeological values through heavy involvement in the timber trade, its flax industry, and whalers and sealers in the late seventeenth century, visible today in Butler House and the Whaling Museum on Butler Point.”* *A gross distortion of the peninsula's historic heritage and an exaggeration of what area was involved in colonial period enterprises*
- Butler's Trading Station was established on a small section of the peninsula ('Butler Point') in mid 19<sup>th</sup> C. but ...
  - ❑ The Rangitoto Peninsula never had a heavy involvement in:
    - the timber trade, or
    - the flax trade or
    - with sealing, and
    - was not involved in the whaling industry in the late seventeenth century,
  - ❑ the material on public display at the Whaling Museum adjacent to Butler House do not suggest otherwise
  - ❑ The peninsula's archaeological sites aren't primarily related to colonial European enterprises

# Deeds Plan C3

Consultant's Caption: *"Deeds Plan C3 (North Auckland) (1840-1876) showing Butlers House and Trading Station, house and fields laid out (Quickmaps)"*

(Its actually the ~1854 subdivision plan of Butler's neighbour, John Payne Lloyd – see back-up slides cadastral plans)

# But to be fair to the consultants (Mr & Mrs Brown) they did caveat their work:

- *“The evaluations in this report are based on high-level research and a single site visit, so further assessment is required. In particular, there has been no stakeholder engagement to date. The following are preliminary recommendations in terms of developing the methodology, fieldwork and stakeholder engagement to finalise the evaluations.”*
- “The following key recommendations are made, .....
- Further work is required to define ‘sub-areas’
- This will include review of design guidance for those areas;
- Historic Heritage Management Plans should be prepared which detail management responses and specific policies for heritage areas and sub areas”
- “The identified Heritage Values, Statement of Significance and Assessment Criteria will be key as most activities will probably be RD [Restricted Discretionary]”
- **FNDC Refused to undertake the further work, and rejected the key recommendations of the consultant that it now relies on to defend all aspects of the HAs in the FNPDP**

# FNDC's Justification for Rangitoto Peninsula in the HA is Contra Vires

- S.42A report states in relation to why Rangitoto Peninsula has been included in a HA:  
*“ ... preserving a heritage landscape (that includes a mix of built features but also open pastoral landscapes) is the key objective”*
- But NZ High Court dicta: *“ ... ensure that the consideration of outstanding natural features and landscapes is quarantined from the considerations and assessment of historic heritage and its protection. “*



# Te Hiku Community Board (THCB) Submission

Mangonui's elected rep on the THCB (Sheryl Bainbridge) member's report May 10<sup>th</sup> 2022 extract ----→

**Draft District Plan Heritage Areas:** Despite widespread community concern about, and strong objections to the imposition of blanket heritage areas on already compromised property including the wider Mangonui area, the public has not been kept up to date with what is happening. Council totally dropped the ball in terms of its extremely poor consultation and failure to listen to communities.

Extract from THCB's submission (S-257) re the Notified PDP ----→

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I seek the following decision from the Council:

Delete Rangitoto Peninsula Heritage Area Part B from the Planning Maps.

Delete from the Overview the text relating to Mangonui and Rangitoto Peninsula Heritage Area Part B

Delete policy HA-P9, relating to Mangonui and Rangitoto Peninsula Heritage Area Part B

Amend rule HA-R2 by deleting reference to Mangonui and Rangitoto Peninsula Heritage Area Part B

Amend rule HA-R4 by deleting reference to Mangonui and Rangitoto Peninsula Heritage Area Part B

Amend rule HA-R5 by deleting reference to Mangonui and Rangitoto Peninsula Heritage Area Part B

Amend rule HA-R6 by deleting reference to Mangonui and Rangitoto Peninsula Heritage Area Part B

THCB's formal approval of its submission (S-257) re the Notified PDP November 18<sup>th</sup> 2022 ----→  
(Councillor Hilda Halkyard-Harawira was in attendance at that meeting)

## 8.5 TE HIKU COMMUNITY BOARD PROPOSED DISTRICT PLAN SUBMISSION

Agenda item 7.6 document number A3948550, pages 64 - 65 refers

### RESOLUTION 2022/6

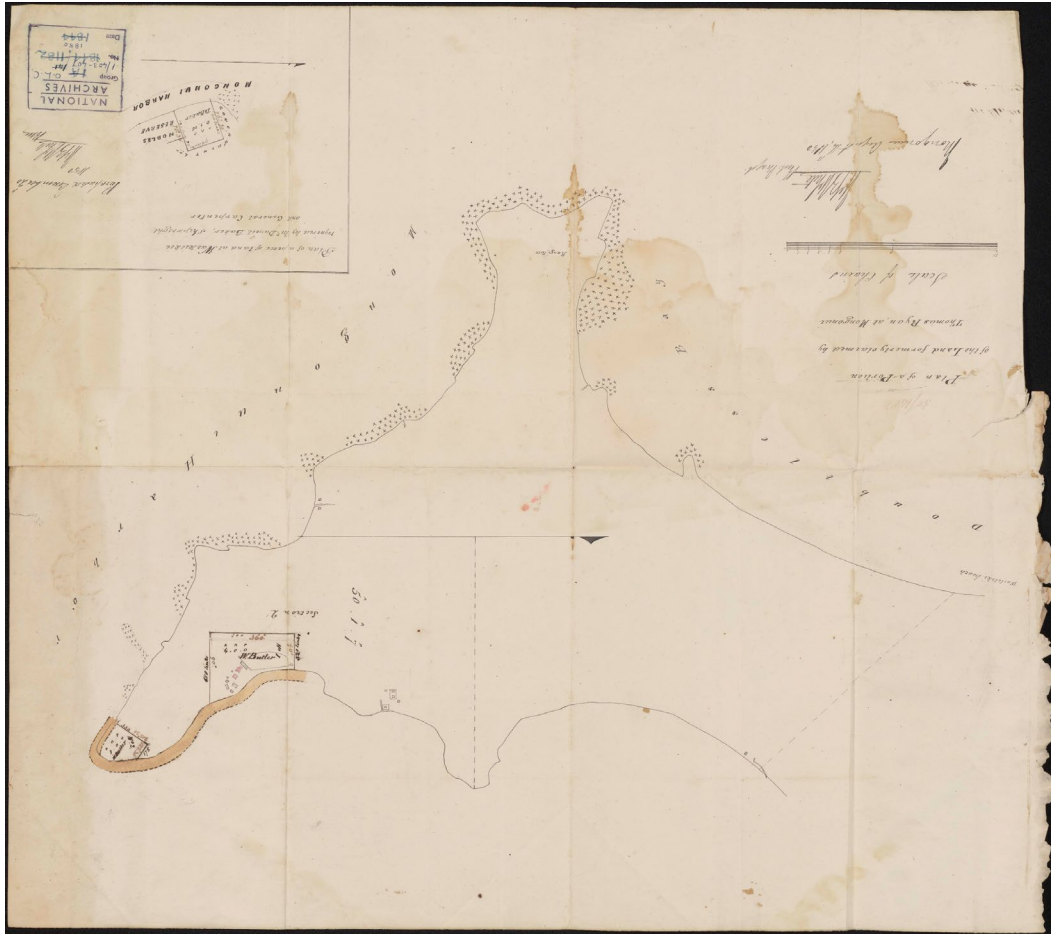
Moved: Member William (Bill) Subritzky

Seconded: Member Darren Axe

**That Te Hiku Community Board formally confirm the proposed District Plan submission.**

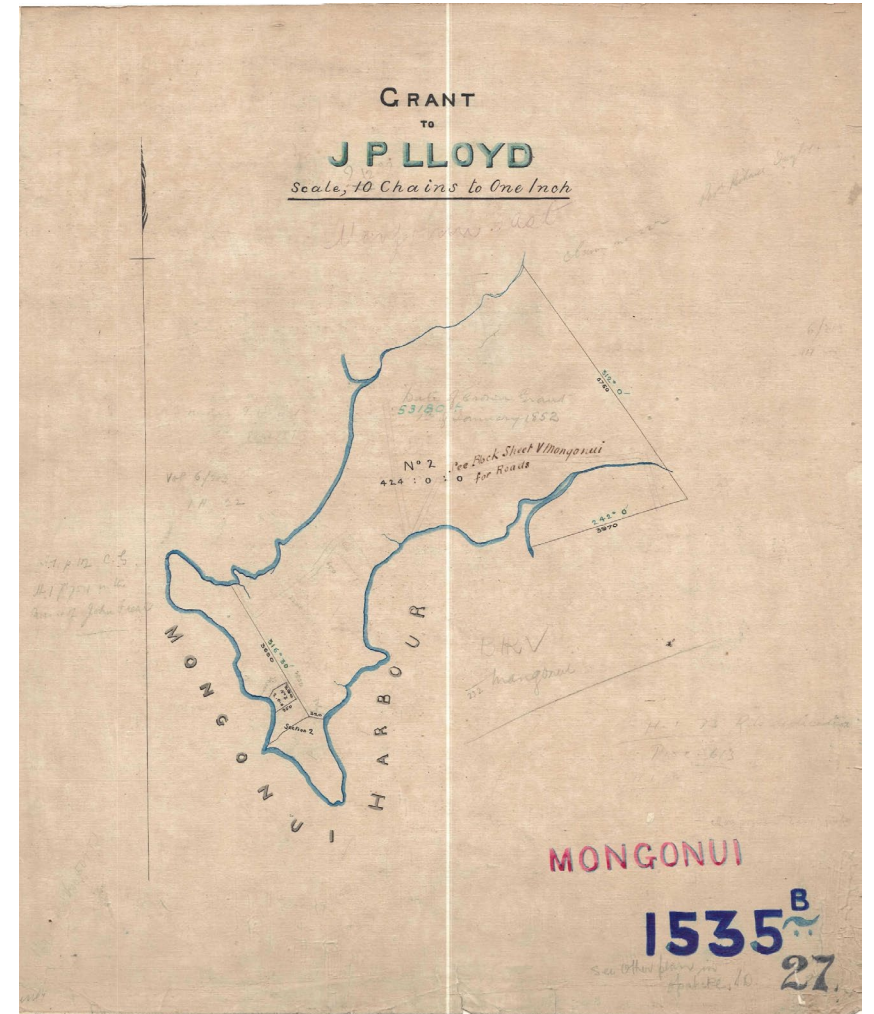
**CARRIED**

# Butler and Lloyd's Original Land Grants (~1851)



← Butler 4-acre  
& 1-acre lots

Lloyd 424-acre  
and 2-acre  
lots- -----  
----->





# Butler and Lloyd Land Holdings on Rangitoto Peninsula circa 1853

