

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

IN THE MATTER of the Resource Management Act 1991

AND

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

**STATEMENT OF EVIDENCE OF BEN GRANT DALTON FOR WAITANGI
LIMITED (SUBMITTER 503)**

**HEARING FOUR (NATURAL ENVIRONMENT VALUES & COASTAL
ENVIRONMENT)**

22 July 2024

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

Solicitors Acting: **Dave Randal / Libby Cowper**
Email: david.randal@buddlefindlay.com / libby.cowper@buddlefindlay.com
Tel 64 4 462 0450 / 64 4 462 0926
Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

1. INTRODUCTION

1.1 My name is Ben Grant Dalton. I am the Chief Executive of Waitangi Limited which is the operating company of the Waitangi National Trust Board (**Trust Board**). Waitangi Limited was established by the Trust Board in 2016 to manage the day-to-day operations of the Waitangi National Trust Estate (**Estate**) which contains the historic Waitangi Treaty Grounds / Te Pitowhenua (**Treaty Grounds**).

1.2 My evidence is given on behalf of Waitangi Limited (Submitter 503) in relation to the Proposed Far North District Plan (**Proposed Plan**).

2. EXPERIENCE

2.1 I am not giving independent expert evidence. To provide context for the Hearing Panel, my experience is as follows:

- (a) Chief Executive of Waitangi Limited (September 2023 to now);
- (b) Chair of Tupu Tonu, Ngāpuhi Investment Fund;
- (c) Deputy Chief Executive roles at the Ministry of Housing and Urban Development – Te Tūāpapa Kura Kāinga, the Ministry of Primary Industries, and the Ministry of Fisheries;
- (d) Chief Operating Officer of Kānoa – the Regional Economic Development and Investment Unit; and
- (e) Chief Executive of the Crown Forestry Rental Trust, and Te Rūnanga-Ā-Iwi-O-Ngāpuhi.

3. SCOPE OF EVIDENCE

3.1 The purpose of my evidence is to:

- (a) provide an overview of the history and national significance of the Treaty Grounds and the wider Estate;
- (b) describe the legislative and governance arrangements that apply to the Estate;
- (c) describe the range of activities Waitangi Limited undertakes at the Estate;

- (d) provide an overview of Waitangi Limited and the Trust Board's strategic planning for the Estate; and
- (e) describe why a proposed special purpose zone is required for the Estate.

4. EXECUTIVE SUMMARY

4.1 The Estate is a unique 506 hectare area of land at Waitangi. It includes the Treaty Grounds, which is New Zealand's pre-eminent heritage place and a key cultural, social, and tourist destination. It also includes a much wider area that hosts a varied range of land uses and activities.

4.2 Waitangi Limited manages the Estate on behalf of the Trust Board, in line with our governing legislation, the Waitangi National Trust Board Act 1932 (**Trust Board Act**). We are a significant local employer, carrying out a wide range of activities across the Estate to ensure it remains a place of national significance that all New Zealanders can be proud of.

4.3 We have worked with our expert consultant planner, Rochelle Jacobs, and with expert consultant landscape architect, Simon Cocker, to respond to the Proposed Plan. On the recommendation of Ms Jacobs, Waitangi Limited is seeking that the Hearing Panel provide a special purpose zoning for the Estate. That outcome would properly reflect the significance of the Estate, and the reality that the activities on the Estate are fundamentally different from those in a general rural area.

4.4 A specific zone is the best option for ensuring:

- (a) we can continue to carry out the work we need to do, including to plan for upcoming bicentenary events; and
- (b) the nationally significant values of the Treaty Grounds and Estate are appropriately safeguarded, but without needlessly stifling our work and the public use and enjoyment of the Estate.

5. THE WAITANGI TREATY GROUNDS AND THE NATIONAL TRUST ESTATE: A SITE OF NATIONAL SIGNIFICANCE

5.1 The Estate comprises 506 hectares, lying between the lower tidal reaches of the Waitangi River and the coastline running north to Wairoa Bay. The

Treaty Grounds form part of the Estate, occupying 4.8 hectares on the eastern end of the Estate.

- 5.2 **Appendix 1** to my evidence is an overview map of the Estate showing current land uses,¹ including highlighting the Treaty Grounds. **Appendix 2** is a stylised map of the Treaty Grounds that we provide to visitors.
- 5.3 The Treaty Grounds are of national significance and considered by many to be New Zealand's pre-eminent historic site. It was on the Treaty Grounds that Te Tiriti o Waitangi / the Treaty of Waitangi (**Te Tiriti**) was first signed between Māori and the British Crown on 6 February 1840.
- 5.4 The Treaty Grounds are also the location for the annual national commemorations of Waitangi Day and the signing of Te Tiriti o Waitangi. The week-long calendar of events held each February, culminating in Waitangi Day, represents the single largest and most significant gathering of national figures in New Zealand, including the Governor General, the Prime Minister, Ministers and Members of Parliament, the judiciary, business and community leaders, and tangata whenua, as well as the general public.
- 5.5 Attendance at Waitangi week events has been increasing each year since 2021, and last year we hosted 60,000 visitors at the Treaty Grounds on Waitangi Day.
- 5.6 The Treaty Grounds historic precinct was submitted for inclusion on the UNESCO World Heritage List by the government (the Department of Conservation) in 2007.² The Treaty Grounds include several key nationally significant heritage features. These include:³
- (a) **The Treaty House:** The original British residency (**Residency**) was erected in 1833-34 for Resident James Busby and his family. It was the scene of meetings to set up an independent Māori government, resulting in the signing of He Whakaputanga (a Declaration of Independence) in 1835. In 1840, the Residency was where Te Tiriti was drafted and the grounds in front of the house were the scene of discussions leading to the signing of Te Tiriti. Most of the Residency was pre-cut in Sydney of Australian hardwood and shipped to the Bay of Islands. It is New Zealand's earliest pre-cut

¹ As of 2021.

² Waitangi Treaty Grounds historic precinct - UNESCO World Heritage Centre.

³ The text here is taken in part from: [Waitangi Treaty Grounds historic precinct - UNESCO World Heritage Centre.](#)

building. The house underwent various additions and alterations over time, including a major restoration in 1933 and more recent conservation work in 1989-90.

- (b) **Te Whare Runanga:** The carved Whare Runanga was constructed under the direction of Sir Apirana Ngata for the centenary of the signing of Te Tiriti in 1940 by pre-eminent carvers of the time. It is regarded as among the most significant carved whare in the country and represents carvings from most tribal areas around Aotearoa, which is unique.
- (c) **Waitangi flagstaff:** The flagstaff is located on the site of the signing of He Whakaputanga in 1835 (the Declaration of Independence) and Te Tiriti in 1840. It was erected by the Royal New Zealand Navy for the visit of Queen Elizabeth in 1953.
- (d) **Ngātokimatawhaorua:** This is the largest carved waka in the world and was carved under the direction of Princess Te Puea for the 1940 centenary commemorations.
- (e) **John Scott Visitor Centre 1983:** The iconic visitor centre building was designed by prominent Māori architect John Scott and opened by the then Prince Charles and Princess Diana in 1983.

5.7 The Treaty Grounds and many of these central heritage features on the Estate are scheduled historic items in both the Operative Far North District Plan, the Proposed Plan, and the Heritage New Zealand Heritage List (Rārangi Kōrero).⁴

5.8 The lands comprising the Estate were purchased as a single farm block in 1932 and gifted to the people of New Zealand by the then Governor-General Lord Bledisloe and his wife, Lady Bledisloe as "*a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand*".⁵

5.9 Additional land adjoining the Estate was set aside by Lord and Lady Bledisloe around the same time to be used for forestry (and other activities) with a view to providing a financial endowment to the Trust Board for the

⁴ The Treaty House, flagstaff, Te Whare Runanga, and Hobson's memorial on the upper Treaty Grounds are scheduled items in the Operative Plan and Proposed Plan (site #100). The Treaty Grounds is a National Historical Landmark site, and Category 1 Historic Place listed under the Heritage New Zealand Pouhere Taonga Act 2014 and is referenced as a Site and Area of Significance to Māori in the Proposed Plan (MS09-49 'Te Pitowhenua').

⁵ Trust Board Act, preamble.

upkeep of the Estate (as well as to provide a 'scenic background' to it). The Waitangi Endowment Forest has been managed by the Department of Conservation since the 1980s, and for that reason, it is outside the scope of our submission.

- 5.10 The Treaty Grounds and surrounding Estate are administered by the Trust Board and Waitangi Limited as a taonga and a place of belonging, a Tūrangawaewae, for all New Zealanders.

6. THE WAITANGI NATIONAL TRUST BOARD AND ITS GOVERNING LEGISLATION

- 6.1 The unique significance of the Treaty Grounds and the Estate is reflected in its specific legislative and governance arrangements.

- 6.2 The Estate and Treaty Grounds are governed primarily by the Trust Board Act, which facilitated the vesting of the Estate and established the Trust Board to administer the Estate. The Trust Board Act also:

- (a) sets out specific offences in respect of the Estate (covering various potentially damaging activities that have not been authorised by the Trust Board); and
- (b) provides for the Trust Board to make bylaws in respect of the management of the Estate.

- 6.3 As prescribed in the Trust Board Act, the Trust Board is made up of descendants of key people involved with the signing of Te Tiriti at Waitangi in 1840, as well as representatives of the government and of all geographical regions of New Zealand. Trustees are appointed for an initial three-year term and can serve a maximum of three consecutive terms.

- 6.4 Her Excellency Dame Cindy Kiro is the patron of the Trust Board and the current trustees are:

- (a) Pita Tipene, a member of the family of Maihi Kawiti (Chair);
- (b) Tania Simpson, a member of the family of Pomare (Deputy Chair);
- (c) Wiremu Thompson, a representative of the Māori people living in the North Island south of the city of Auckland, and the Kīngitanga representative;
- (d) Dame Claudia Orange, a prominent statesperson in New Zealand;

- (e) Hon Peeni Henare, a representative of the Māori people living in the North Auckland Peninsula;
- (f) Grant McCallum, appointed by the Prime Minister of New Zealand to represent the government;
- (g) Hon Willow-Jean Prime, appointed by the Leader of the Opposition, following consultation with the leader of each party that is not in government, or in coalition with the government;
- (h) Belinda Ward, a representative of the Pākehā residents of the Bay of Islands district;
- (i) Lisa Tumahai, a representative of the people, Pākehā and Māori, living in the South Island;
- (j) Jane Fletcher, a member of the family of the late Archdeacon Henry Williams;
- (k) Mita Harris, a member of the family of Tamati Waka Nene;
- (l) David Rankin, a member of the family of Hone Heke;
- (m) Hugh Cotterill, a representative of the family of the late James Busby; and
- (n) David Dunsheath, a representative of the family of the late Edward Gibbon Wakefield.

7. WAITANGI LIMITED

- 7.1 As the range of activities on the Estate increased, in 2016, the Board established Waitangi Limited as a wholly owned subsidiary company with a board of directors to manage the day-to-day operations of the Treaty Grounds and the wider Estate on behalf of the Trust Board. Both the Trust Board and Waitangi Limited are registered charities.
- 7.2 Waitangi Limited oversees all business operations on the Estate and the Treaty Grounds, including employing the chief executive and staff. Waitangi Limited maintains and operates all activities on the Treaty Grounds and the Estate on behalf of the Trust Board. Waitangi Limited currently employs 82 Full Time Equivalent staff and this number increases in summer to approximately 120 staff, including contract staff. We are a major employer in the area and are focused on developing staff.

- 7.3 Waitangi Limited also has responsibility for maintaining key relationships with councils and mana whenua (noting that key representatives of mana whenua and northern iwi/hapū maintain representation on both Waitangi Limited and the Trust Board) and key tenants on the Estate. Waitangi Limited is the lead entity responding to the Proposed Plan in respect of the Estate.
- 7.4 The current directors on Waitangi Limited are: Eru Lyndon (Chair), Deryck Shaw, Heidi Mackey, Maxine Shortland and Craig Wells.

8. THE WAITANGI ESTATE TODAY

- 8.1 As can be seen by reference to the map in **Appendix 1**, today the Estate hosts a wide variety of activities.
- 8.2 Waitangi Limited undertakes a wide range of operations on the Treaty Grounds to maintain the quality of the Treaty Grounds and enhance visitor experience. The scale and breadth of its responsibilities are akin to operating a small council at times, particularly during summer and Waitangi week.
- 8.3 I want to highlight that the Treaty Grounds is the number one visitor attraction in Taitokerau, with approximately 100,000 domestic and international admissions in the past year. We act as the central hub for visitors to the Bay of Islands and wider Northland.
- 8.4 Our staff work to protect, maintain, and make accessible the nationally important heritage places and assets. Other areas of operational activity on the Treaty Grounds include opening and running two state-of-the-art museums: Te Kōngahu The Museum of Waitangi, and Te Rau Aroha: The Museum of the Price of Citizenship. Both museums have been constructed in the last 10 years and have won national awards.
- 8.5 We operate year-round education visits and cultural experiences for schools out of our education centre. More than 5000 school children have participated in our education visits over the past 12 months. We also operate significant hospitality, café, and conferencing facilities all year around, and hangi concert events in the summer.

- 8.6 Beyond the Treaty Grounds, the activities on the wider Estate include:
- (a) The Copthorne Hotel operates on the Estate and provides the largest hotel visitor accommodation and conference facilities in Northland.
 - (b) Since the 1950s, the Bay of Islands Golf Club has operated first a nine hole course and then later an 18-hole championship course. It has 200-300 permanent members and is played by many visiting players each year. It is one of the most picturesque courses in the country and is a drawcard to the Far North, alongside other key courses.
 - (c) The Bay of Islands Yacht Club operate a Club house, Slipway, Boat storage and other club facilities for the Estate for the benefit of the wider Bay of Islands community. This includes significant youth and school programmes teaching children to sail.
 - (d) Cruise ship and visitor wharf: Separate from the Yacht Club, the Estate houses one of the principal wharfs for the Bay of Islands and an entry point for all cruise ship visitors. Waitangi Limited maintains all of the roads, footpaths, and mowing for Cruise ship access, with support from Far North Holdings.
 - (e) Waitangi Boat ramp: The Board operates the single most popular boat ramp for recreational boating in the Bay of Islands. The land for the ramp is leased to Far North Holdings for \$1 per annum. All roading and car parking is provided and maintained by Waitangi Limited free of charge for users. Recently, the Far North District Council (**Council**) contributed to the installation of a new public toilet near the boat ramp located on Trust Land. The land is provided to the community for a rent of \$0.10 per annum. We also provide land for the local community waka ama club to operate from, and we provided the site for the long-distance waka ama nationals held in 2023, which again brought a significant number of visitors to the Bay of Islands.



- (f) Sports fields: There are two large areas that the Trust Board makes available for wider community use for sporting and other events. These are:
- (i) the Bledisloe Domain Sports fields: Bledisloe Domain is currently used as the base for the Paihia Football Club and the Paihia Rigby Club. These club grounds and club rooms are situated on the Estate near Haruru Falls. The Trust Board has leased these lands to the Council for sporting purposes for \$100 per annum per annum for the past 25 years. The lease is due to expire in 2026.
 - (ii) Sports and Event fields near the Treaty Grounds: The sports and event fields beside the Treaty Grounds are made available for a wide range of community purposes where the Paihia Domain is too small or unsuitable. We host significant regional events, which again bring large numbers of visitors to the area and region that might not otherwise come. This includes previous music concerts, sports events, iwi festivals, annual car rallies (Cruzin' the Bays) and of course, the Waitangi annual Stalls and Fair where between 100 and 150 stallholders present.
- (g) Pastoral farming: We maintain a set of pastoral farm leases with local farmers and lease land for the Bay of Islands Pony Club which operates classes for children and visitors.
- (h) Defined areas of the Estate have been planted in plantation pine forest since the 1960s. These are pre-1990 Forest under the New Zealand Emissions Trading Scheme and are actively managed by our Forest Managers, PF Olsen.

8.7 Waitangi Limited staff are involved in undertaking a wide variety of activities in relation to the wider Estate including:

- (a) Maintaining visitor tracks: We maintain upkeep and safety on the extensive track networks that cover the Estate. This includes the 9.6 kilometer public walking track between Waitangi and Haruru Falls, one of the most popular walking tracks in Northland, and a visitor attraction. We receive no government or Council funding to maintain this track and the associated visitor areas.



- (b) Environmental protection: We maintain active environmental protections on the Treaty Grounds and the Estate. We are often collecting and disposing of rubbish and refuse deposited on the Estate.
- (c) Predator control: We actively monitor and run predator control programmes across the Treaty Grounds and the Estate. We have bylaws protecting the environment and seek to always prevent dogs from entering the grounds.
- (d) Planting: We have a dedicated grounds team who are involved in planting and restoring wide areas of the Estate and the Treaty Grounds.
- (e) Residential and other buildings: We maintain a series of residential buildings and other built facilities, workshops, and archival storage facilities.
- (f) Mowing: Our grounds team mows and maintains all areas on the Estate, from the main bridge beside the Copthorne through to Haruru Falls.
- (g) Roading and carparking: The Trust Board owns all roads and carparks on the Estate, and we work to maintain all roads, carparks, and signage in association with support from the Council and the New Zealand Transport Agency.
- (h) Other utilities and core infrastructure: The Estate owns all land through which water, power, and internet travel to service not only the Estate, but properties beyond. We are currently working with mobile providers to locate a mobile tower on the Estate that would significantly improve mobile reception to the whole of Paihia and Waitangi communities.

- (i) Security: We maintain active security day and night over the Treaty Grounds and other areas of the Estate. This includes gates and fences, as well as cameras and an active security presence.
- (j) Signage: We prepare, install and maintain all public signage across the Estate.
- (k) Safe Public Access: We are required to maintain and ensure safe public access to large areas of Estate for 265 days of the year. To maintain such a wide range of activities at scale, we require flexibility and the ability to plan and undertake active operations and repairs at times at pace, as no two days at Waitangi are the same. We are very aware of our role as kaitiaki of this nationally significant place, and its natural heritage and taonga. It is required by the Trust Board Act, the Trust deed and our vision for the Estate.

9. FUTURE STRATEGIC PLANNING AND OUR NATION'S BICENTENARIES IN 2035 AND 2040

- 9.1 The Trust Board and Waitangi Limited share a current statement of strategic intent, which is to see Waitangi as **He Whenua Rangatira** and to **illustrate the ongoing promise of Waitangi** in all that we do.
- 9.2 These are the core pillars of our current five-year strategic plan. We are also undertaking Masterplanning work to build a clear long-term integrated planning blueprint for the Estate, with the Treaty Grounds at its centre. The first stage of this work has been completed, and we are now looking to engage with mana whenua and a wide range of stakeholders, including mana whenua, councils and communities, to incorporate their aspirations and contributions to this Masterplanning for the long-term future of the Estate.
- 9.3 Waitangi will host two of our nation's founding bicentenary events in the next 16 years. Firstly, in 2035 to commemorate the signing of He Whakaputanga, and in 2040, to commemorate the signing of Te Tiriti. As we saw in 1940 at the centenary of the signing of Te Tiriti, Waitangi was the focal point for national events, including the construction of new monuments and buildings that recognise our nationhood and the history of Te Tiriti. Planning for these bicentenary events has already commenced with Ministers and government agencies, and the level of planning, including for

capital works, will continue to gather momentum in the coming years to ensure that Waitangi will be ready to welcome visitors in 10 years' time.

- 9.4 Having the ability to support our Masterplanning with a set of carefully defined planning provisions via a special purpose zone will be key to the success of implementing our Masterplan and, critically, for the national-scale planning required for the nation's bicentenary events in 2035 and 2040 that will commence within the next 10 years.

10. A PROPOSED WAITANGI SPECIAL ZONE

- 10.1 As I have highlighted above and as further detailed in the evidence of Ms Jacobs and Mr Cocker, we seek your support to establish a special purpose zone over the Estate. This is our preferred approach given the nationally significant status and history of the Estate, as recognised in the Trust Board Act, as well as the types of natural and built land landscapes and the wide range of activities that take place on the Estate. I have explained above a range of the activities and land uses across the Estate, which shows that this is anything but a 'standard' rural area.
- 10.2 We consider that a special purpose zone, as foreshadowed in national planning instruments, will best enable us to protect this very special historical and cultural site of significance (for the whole nation and all New Zealanders), as well as the recreational and tourism values, productive uses, coastal, estuarine, and other natural values of the Estate within a regional level planning framework.
- 10.3 The risk is that if we have a fragmented planning approach, we will be limited in being able to maintain the breadth and depth of our operational activities and fulfil the intent of our legislation and the Trust Deed. Under the current proposed rules, we would require resource consent to dig a hole on the Estate,⁶ to repair existing footpaths, or undertake even basic repairs or maintenance tasks that we are required to do daily. Given our entirely self-funded model, the imposition of costly resource consent fees of between \$6000-10,000 per consent would impose significant constraints and impacts on the viability of the Treaty Grounds and the Estate.

⁶ As advised by our expert planning consultant Rochelle Jacobs: refer to [Rule SASM-R1].

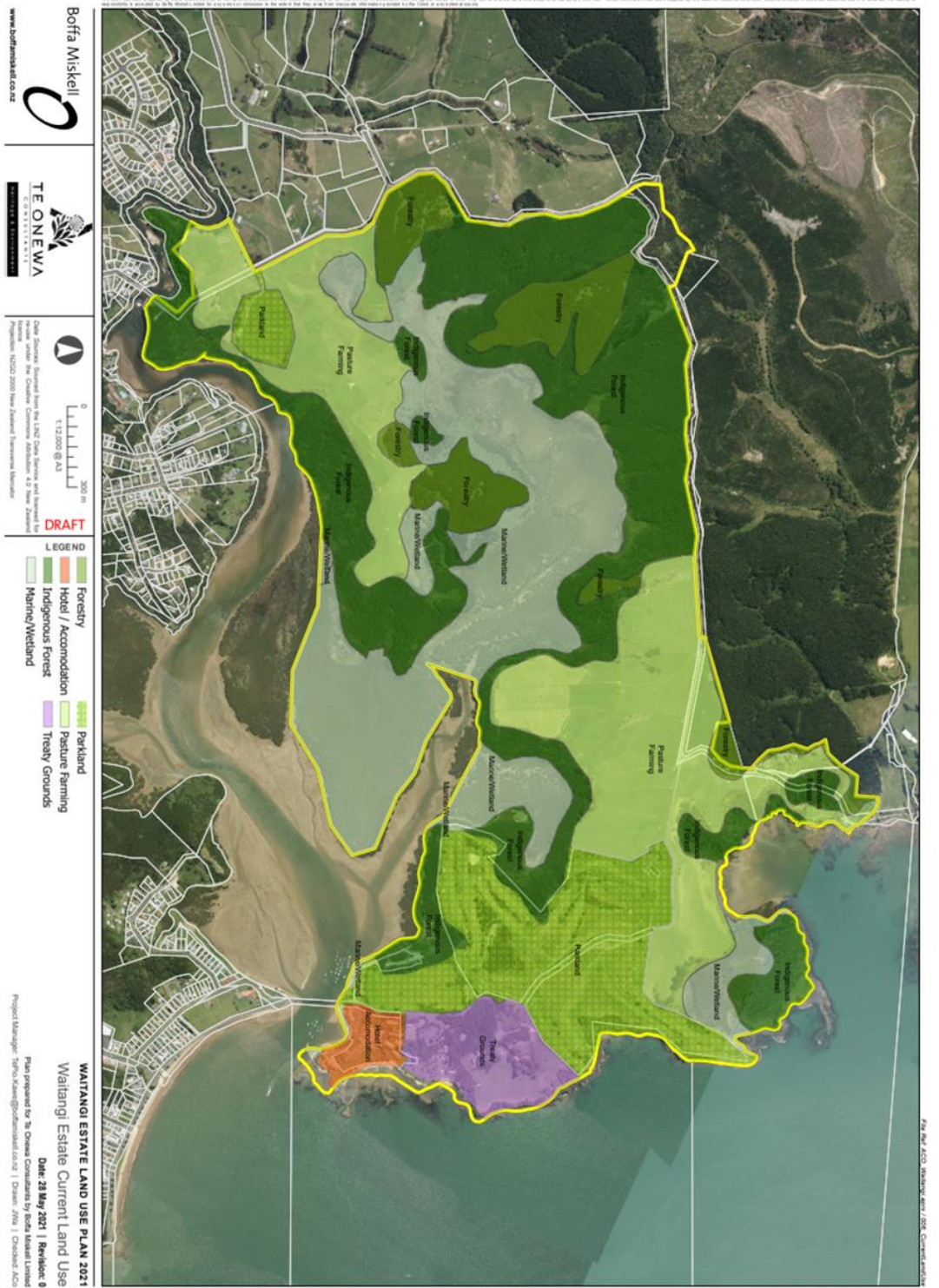
11. MOVING FORWARD

- 11.1 Through our governance arrangements and the existing range of activities being undertaken at the Estate, we are already engaging with mana whenua, the Council, leaseholders on the Estate, and communities on these issues. This will increase over the upcoming months and years through the establishment of a special purpose zone, future discussions about Masterplanning for Waitangi, and the bicentennial commemorations at Waitangi.
- 11.2 As we look forward to the future, with our Masterplanning work and the planning for developments and facilities required for the upcoming bicentenaries, it is critical that the planning framework applying to the Estate enables this kind of future integrated development and protection. Ms Jacobs explains that she has done a lot of initial planning work in support of a special purpose zone framework for the Estate. We now want to discuss that in detail with the Council, mana whenua, and stakeholders, and ask that the Panel empower that as part of this District Plan process.

Ben Dalton

22 July 2024

APPENDIX 1 – MAP OF THE ESTATE



APPENDIX 2: STYLISTED VISITORS MAP OF THE TREATY GROUNDS

