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

IN THE MATTER of the Resource Management Act 1991

AND

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

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

HEARING 15B (REZONING – NEW SPECIAL PURPOSE ZONES)

18 August 2025

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1. INTRODUCTION

1.1 My name is Rochelle Ashley Jacobs.

1.2 I have the qualifications and experience set out at paragraph 2.1 of my statement of primary evidence dated 30 May 2025.

1.3 My evidence is given on behalf of Waitangi Limited (Submitter 503) in relation to its submission on the Proposed Far North District Plan (**Proposed Plan**). Waitangi Limited's submission relates solely to the Waitangi National Trust Estate (**Estate**) which contains the historic Waitangi Treaty Grounds / Te Pitowhenua (**Treaty Grounds**). It is responsible for managing the day-to-day operations at the Estate.

1.4 My primary evidence sets out my involvement in advising Waitangi Limited on the Far North District Council's plan review, including my involvement in preparing the Waitangi Estate Special Purpose Zone (**WEZ**) provisions and the accompanying section 32AA report (**s32AA report**).

1.5 I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

2. EXECUTIVE SUMMARY

2.1 Waitangi Limited is seeking the application of a special purpose zoning to the Estate. Waitangi Limited has participated across a number of hearings throughout the plan review process, has opted into the reverse timetable process, and has provided a suite of special purpose and district wide provisions relating to the Estate (**WEZ provisions**). Since providing these provisions to the Council, Waitangi Limited and the Council have discussed them at length and have reached consensus on the majority of issues highlighted by the Council. A total of seven matters were not resolved and have been addressed in the Council s42A report for the WEZ (**s42A report**).

2.2 This rebuttal statement provides further commentary on these matters, which largely relate to district wide rules noted at paragraph 3.2(c) to (g) below, and sets out Waitangi Limited's position in respect of those matters.

2.3 In addition, I confirm my agreement with the Council's s42A report writer that the proposed WEZ meets the special purpose zone tests under the National

Planning Standards (November 2019 – Updated February 2022) (**National Planning Standards**), and that the rezoning of the Estate to the WEZ is not prevented by the National Policy Statement for Highly Productive Land (**NPS-HPL**), both for the reasons given in my primary statement and those set out by the Council in its s42A report.

2.4 It remains my view that the application of the WEZ provisions (as modified in accordance with the recommendations in this statement and the rebuttal statement of Mr Simon Cocker, Waitangi Limited's expert landscape architect) is the most appropriate method for achieving effective planning outcomes for the Estate and the purpose of the RMA.

3. SCOPE OF REBUTTAL EVIDENCE

3.1 In this statement, I respond to matters raised in the Council's s42A report. I also respond to submitters 185 Doug's Boat Yard Opua (**Doug's Boat Yard**), 409 Heritage New Zealand Pouhere Taonga (**HNZPT**) and 502 Northland Planning and Development 2020 Limited (**Northland Planning Limited**). In addition, I respond to matters raised by Dr Andrew Brown (as set out at Appendix 5 of the s42A report), and discuss a minor amendment to WEZ-S2 relating to the Papa Rehia (Recreational) and Whakanga (Tourism) sub-zones.

3.2 In particular, I respond to the following matters where the s42A report writer (and relevant experts) disagreed with Waitangi Limited's evidence:

(a) the consideration of the special purpose zone tests under the National Planning Standards;

(b) the consideration of the relevant tests under the NPS-HPL;

(c) application of the impermeable surface rule (WEZ-R6) to the Copthorne site;

(d) the activity status for non-compliance with NFL-R1;

(e) exemption for the WEZ under CE-S4;

(f) signs in the WEZ; and

(g) temporary activities.

3.3 I confirm that in preparing this statement, I have read in draft form the rebuttal evidence of Mr Ben Dalton, Chief Executive of Waitangi Limited, and Mr Cocker.

4. CONSIDERATION OF SPECIAL PURPOSE ZONE TESTS UNDER THE NATIONAL PLANNING STANDARDS

4.1 Both the Council's s42A report writer and I agree that none of the spatial layers available under the National Planning Standards are practical for the Estate and, therefore, the WEZ meets the tests for a special purpose zone under mandatory direction 8.3(a) to (c).

4.2 While my analysis under mandatory direction 8.3(a) and (b) was accepted by the report writer[1], it was suggested that my analysis under 8.3(c) ("*are impractical to be managed through a combination of spatial layers*") required further consideration of alternative options.[2] This was in addition to my assessment that neither further overlays nor a precinct were appropriate for the Estate.[3]

4.3 I have reviewed the s42A report writers' assessment of alternative options for the Estate, including development areas, specific control layers, designations and heritage orders.[4] For the reasons given in the s42A report, I agree that these options are also impractical for the Estate. It remains my view that a special purpose zone is the most appropriate method for achieving effective planning outcomes for the Estate and the purpose of the RMA, and that the WEZ meets the tests under mandatory direction 8.3(a) to (c).

5. CONSIDERATION OF RELEVANT TESTS UNDER THE NPS-HPL

5.1 In the s32AA report, my interpretation of the NPS-HPL and its application to the Estate was that the provisions were not applicable. This was based on my understanding that clause 3.6 applied to ‘urban’ rezoning (i.e. changing from a general rural or rural production zone to an urban zone). In the case of the Estate, it is not urban in character, and it continues to provide for farming activities within the Ahuwhenua (General Activities) sub-zone as a permitted activity. The remainder of the site and its use is more it is akin to a Māori Purpose zone. While I still agree with my original position, I also

[1] Paragraphs 10.4 to 10.10 of my primary evidence; Section 32AA report, paragraphs 10.37 to 10.44.
[2] Section 42A report, paragraph 83.
[3] Section 42A report, paragraphs 10.11 to 10.13 (overlays), and 9.11 to 9.14 (precincts).
[4] Section 42A report, paragraphs 87 to 90.

understand the position made by Council that the regulations have not anticipated a rural special purpose zone and that, as a result, the Estate is technically captured by the definition of 'urban'.

5.2 Overall, the s42A report writer and I agree that the NPS-HPL does not prevent the rezoning of the Estate from Rural Production to WEZ.[5] However, as mentioned, we differ in how we interpret and apply the NPS-HPL.

5.3 The s42A report writer, relying on Ms Melissa Pearson's assessment (s42A report writer for the Rural topics), has concluded that:

(a) the Estate falls within the definition of 'urban zone' under clause 1.3 of the NPS-HPL, as it is not Rural Production, General Rural, Rural Lifestyle or Māori Purpose (and there is no ability to consider "best fit" as at paragraph 8.41 of the s32AA report);

(b) the relevant tests for rezoning are set out in clause 3.6 (for an urban zone) or clause 3.7 (for a rural lifestyle zone). Clause 3.9 (protecting highly productive land from inappropriate use and development) does not apply to the Estate (this contrary to paragraph 8.42 of the s32AA report); and

(c) the appropriate tests to consider when evaluating the WEZ rezoning are those in clause 3.6(4) and (5) of the NPS-HPL, as they apply to Tier 3 councils.

5.4 Clauses 3.6(4) and (5) of the NPS-HPL provide that:

> (4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
>
> (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
>
> (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
>
> (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive

[5] Section 42A report, paragraph 104; Section 32AA report, paragraphs 10.7 and 8.32 to 8.44.

land for land-based primary production, taking into account both tangible and intangible values.

(5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.

5.5 In relation to clauses 3.6(4) and (5) of the NPS-HPL, I accept the report writer and Ms Pearson's assessment that:

(a) these tests were not designed for a situation like the Estate. The definition of "urban zone" does not contemplate special purpose zones such as Waitangi, and the "development capacity" tests in clauses 3.6(4)(a) and (b), and (5) are not suitable for the Estate;

(b) clause 3.6(4)(c) is therefore the most relevant to the rezoning of the Estate;

(c) under clause 3.6(4)(c), the environmental, social, cultural, and economic benefits of rezoning the Estate to WEZ outweigh the environmental, social, cultural, and economic costs associated with the loss of highly productive land, when taking account both tangible and intangible values; and

(d) therefore, the rezoning of the Estate to WEZ is not prevented under clause 3.6(4) and (5).

6. APPLICATION OF THE IMPERMEABLE SURFACE RULE (WEZ-R6) TO THE COPTHORNE SITE

6.1 Paragraphs 105 to 110 of the s42A report discuss the Council's position on the impermeable surface rule (WEZ-R6). The s42A report writer has offered two drafting suggestions for WEZ-R6 to apply to the Copthorne sites:

(a) Option 1: Assume the standard being applied to the urban zones, which includes a requirement to provide an engineering report as a permitted activity; or

(b) Option 2: Align the permitted standard with the existing development on the site (35%) and increase this by a nominal 5%.

6.2 The matter has been discussed with the Copthorne’s agent and agreement has been reached to proceed with Option 1. Please refer to the

correspondence with Millennium & Copthorne Hotels New Zealand Limited (**MCK**) attached as **Appendix 1** to this evidence.

7. THE ACTIVITY STATUS FOR NON-COMPLIANCE WITH NFL-R1

7.1 Paragraphs 111 to 112 of the s42A report highlight the Council's concerns regarding Waitangi Limited's request to change the activity status of rule NFL-R1 from non-complying to discretionary, stating that *"… given the sensitive nature of the coastal landscape, ecological evidence would need to be provided before such an exception should be considered. This has not been provided."*

7.2 Waitangi Limited have provided a full set of WEZ provisions which include modifications to general standards to align with proposed objectives, policies and rules that have been designed to govern future development on the Estate. As part of this package, the permitted standard for buildings and structures within the Te Pitowhenua sub-zone has been reduced from 50m^2 to 30m^2. This departure from the general standard captures smaller buildings and structures, ensuring that their placement is well considered in the context of the site and its historic buildings and objects.

7.3 In conjunction with this change, a variation to the activity status from non-complying to discretionary is sought for future development exceeding 30m^2 within the Te Pitowhenua (Treaty Grounds) sub-zone. This change is intended to enable well-positioned and considered development on the site, noting that the Te Pitowhenua (Treaty Grounds) sub-zone covers more than just the upper Treaty Grounds where the Treaty House, Whare, Flagstaff and Hobsons Memorial are located. It extends as far as the upper carpark to the north, the Waitangi Museum to the west, down to the old bowling club and green at its southern boundary, and to the coastal margins on its eastern boundary. It is anticipated that some built development may be required in the future to meet operational requirements and enhance the visitor experience. Examples include a monument, boardwalks or new footpaths, sheds housing gardening equipment, extensions to staff rooms, extensions or alterations to caretaker housing, upgrades to buildings including the café and bowling club, and marquees which, although temporary, may be in place for more than a month and therefore require resource consent. The requested amendments to the outstanding landscape provision in conjunction with the WEZ building rules and standards both protect and

enable considered development within the Te Pitowhenua (Treaty Grounds) sub-zone.

7.4 The Regional Policy Statement for Northland (**RPS**) includes policy 4.6.1. Managing effects on the characteristics and qualities natural character, natural features and landscapes. While this policy includes avoidance criteria, which have been incorporated in the PDP policies for the Outstanding Natural Landscape and Features chapter, policy 4.6.1 includes subpart (3), which requires users to '*recognise that some areas contain ongoing use and development that was present at the time the area was identified as outstanding'*. In the case of Waitangi, the Treaty Grounds were only included in the RPS as an Outstanding Landscape in 2016 and have yet to be included in the Operative Far North District Plan. The policy also includes '*or have subsequently been lawfully established*'. Again, in Waitangi's case, a number of buildings and structures have been established or altered within the area mapped as an Outstanding Natural Landscape (**ONL**) since 2016, all of which have been subject to resource consent. These include the Māori Battalion Museum and event space Te Rau Aroha (RC 2180651), upgrades to the Whare Waka Café (RC2240116), a permanent event marquee (RC2240177), new site-wide wifi and footpath (RC 2240062), and a newly formed carpark (RC 2250181).

7.5 As touched on above, the RPS is being given effect to through the proposed objectives and policies in the Natural Features and Landscapes chapter. This includes NFL-P4, which states: "*Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction".* The Treaty Grounds' operation is a lawfully established activity. From time to time, new buildings or structures may be required to meet operational needs or enhance the visitor experience; examples of these are noted above. Any new buildings or structures will need to meet the specific tests outlined in the WEZ objectives and policies, as well as the objectives and policies of the Outstanding Landscapes and Features chapter if they exceed 30m^2. The activity status is proposed to default to discretionary, which provides the Council with full discretion to consider the activity.

7.6 Quality Planning details the following reasons why a rule should be classed as a Discretionary Activity in a plan, these are as follows:

1. *where it is not suitable in all locations in a zone*

2. *where the effects of the activity are so variable that it is not possible to prescribe standards to control them in advance*
3. *where an activity defaults to discretionary because it cannot meet all the standards for a permitted activity*
4. *where activities are not suitable in most locations in a zone or part of a zone but may be suitable in a few locations.*[6]

7.7 In the case of the Treaty Grounds, it is a functional, developed site with operational requirements that may require temporary or permanent buildings or structures to be erected. Not all locations within the site will be suitable for all types of buildings and structures. For example, the upper Treaty Grounds may not be a preferred location for new buildings exceeding 30m^2, but smaller-scale structures such as footpaths and boardwalks may be appropriate in certain areas. Areas near the bowling club, or around the administration building may be appropriate for future buildings exceeding 30m^2, as these locations have minimum visibility of the historic buildings and objects on the site.

7.8 The effects of a future building can vary widely depending on its size, design, location and functional need. While prescribed standards could be provided for in line with a restricted discretionary activity, we consider that it would be more appropriate for full discretion to be applied.

7.9 It is considered that the activity should default to discretionary if the permitted standards cannot be met.

7.10 Conversely, Quality Planning describes the non-complying activity status as being appropriate in situations where it is intended that resource consents will only be granted in exceptional circumstances. Given that the Treaty Grounds is a working site with existing built development, a building or structure required for operational needs, health and safety, improved functionality, or to enhance historic heritage, should not be considered an exceptional circumstance. As such, it is my opinion that imposing a non-complying activity status for the Te Pitowhenua sub-zone would be an undue restriction.

7.11 The Councils main reason for seeking to retain the non-complying activity status is the sensitive nature of the coastal landscape and the absence of an ecological report. However, as discussed in the rebuttal evidence of Mr Cocker, the site is considered outstanding not because of its sensitive coastal landscape, but due to its social and cultural importance, historical

[6] https://www.qualityplanning.org.nz/node/611

development, and wide recognition. These factors, highlighted in the landscape assessment for the RPS, are given effect through the WEZ objectives and policies which provide bespoke consideration for this landscape.

7.12 In conclusion, the change in activity status – while departing from the general activity status across the remainder of the plan – is warranted. This is because the site will operate under bespoke WEZ objectives and policies, which provide specific consideration of the heritage matters which underpin its classification as an Outstanding Landscape.

8. EXEMPTION FOR THE WEZ UNDER CE-S4

8.1 Paragraphs 113 to 114 of the s42A report discuss Council's stance on the exemption under CE-S4 in favour of the Bay of Islands Yacht club (**Yacht Club**). The Yacht Club have confirmed that they are no longer seeking a further exemption to this standard. Refer to **Appendix 2** to my evidence. No further changes are therefore sought on this matter.

9. SIGNS IN THE WEZ

9.1 Paragraphs 115 to 125 of the s42A report discuss the Council's stance on signage at the Estate. There are a number of different aspects to this topic which are discussed under the following headings below.

SIGN-R2 Community Signs

9.2 The s42A report writer has suggested that the amendments to Sign-R2 to expressly exclude the Estate are not necessary, as this can be managed via rule Sign-R15. I agree that all signage on the Estate can be better managed through Sign-R15, but that the amendment shown below in red should remain to provide clear direction to plan users that this rule does not apply to community signs on the Estate.

SIGN-R2	Community Signs	
All zones – except for the Waitangi Estate Special Purpose Zone	**Activity status: Permitted** **Where:** **PER-1** The sign must comply with the height, height in relation to boundary, and setback standards for the zone, except for the road boundary setback. **PER-2** The sign complies with standards: SIGN-S1 Maximum area; SIGN-S2 Maximum height; SIGN-S4 Traffic safety; and SIGN-S5 Sign design and content. **PER-3** Community signs are limited to one per site.	**Activity status where compliance not achieved with PER-1 & PER-4: Restricted Discretionary** *Matters of discretion are restricted to:* a. the matters of discretion for the zone standard. *Activity status where compliance not achieved with PER-2 & PER 5: Restricted Discretionary* *Matters of discretion are restricted to:* a. the matters of discretion of any infringed standard. *Activity status where compliance not achieved with PER-3: Discretionary*

Rule Sign-R15

9.3 New rule Sign-R15 has been proposed as part of the suite of changes proposed to the district wide standards. The s42A report writer agrees with the intent of the rule, and has recommended that all signs (including community signs) be managed under this one rule. She has suggested that a new PER-1 be included that introduces standards relating to height, height in relation to boundary, and setbacks to boundaries, with an exception for the road boundary setback.

9.4 While I generally support this addition, I note that, in most cases, a sign will also meet the definition of a structure in the Proposed Plan:

> *"means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft."*

Therefore, the building and structure rule would also apply and require compliance with the zone's height, setback, and height in relation to boundary matters. As a result, there may be a conflict with the rules relating to setback from a road boundary and height in relation to a road boundary, for both the

Estate and generally. I therefore recommend that an additional exemption be added to proposed standards WEZ-S2 and WEZ-S3 as follows:

This standard does not apply to:

i. pou, pou haki and carvings provided that they do not exceed the height limit by more than 1m;
ii. solar and water heating components provided these do not exceed the building height by more than 0.5m on any elevation;
iii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation;
iv. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; ~~and~~
v. architectural features (e.g.koruru, finials, spires) that do not exceed 1m in height on any elevation, or
vi. signs in relation to a road boundary.

This standard does not apply to:

vii. fences or walls no more than 2m in height above ground level;
viii. uncovered decks less than 1m in height above ground level; or
ix. underground wastewater infrastructure; ~~or~~
x. water tanks less than 2.7m in height above ground level. or
xi. signs in relation to a road boundary.

Sign-S3 Maximum Number of Signs

9.5 The s42A report writer has generally accepted the approach to managing signs on the Estate proposed by Waitangi Limited, acknowledging the suite of issues raised by Waitangi Limited throughout this process. While she considers that allowing a permitted number of signs per activity is sensible given the way the site operates, she has raised concerns about the maximum number of signs being sought, which is requested at two per activity.

9.6 The issue is twofold. Firstly, as currently drafted, the standard would only apply to signage visible from public areas outside the Estate. While the s42A report writer agrees that this approach is generally appropriate on the Estate, she has raised a concern that it could allow signs to be erected within the Estate without restriction, which could be visually obstructive or cause harmful effects on the amenity of the Estate.

9.7 While this concern is noted, this approach reflects the current situation in the Operative Far North District Plan, which has been in place since 2000. To date, this has not resulted in any adverse effects at the Estate.

9.8 Signs are defined as follows in the Operative Far North District Plan:

> *"Includes every advertising and informative device of whatever nature, whether painted, electronically displayed, written, printed, carved, inscribed, endorsed, illuminated, projected onto or*

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

9.9 Signage at the Estate is managed by the Waitangi National Trust and Waitangi Limited, who oversee development and daily operations. As managers of the site, these parties have a vested interest in ensuring that adverse visual effects do not occur. The majority of signs on the Estate at present are not visible from public places. Most signage is directional, for information purposes, or health and safety related, and is required for operational purposes. As described in the rebuttal statement of Mr Dalton, Waitangi Limited are currently undertaking work to develop a comprehensive strategy for wayfinding and interpretative signage at the Estate which will be guided by the relevant WEZ provisions.

9.10 The second matter raised by the s42A report writer is the potential adverse visual effects created by allowing two signs per activity that are visible beyond the Estate. She recommends limiting this to one sign per activity as a permitted standard.

9.11 For the majority of activities on the Estate, at least two signs are required. The first is to announce the activity's location. Some of these signs are visible from public places, but where this occurs, they are generally at such a distance that the signage is small in the context of the site, and the detail is not readable.

9.12 The second sign needed for an activity is directional, due to the size of the site and the multiple activities and attractions present. These directional signs will not meet the definition of an 'official sign' in the Proposed Plan and will therefore be subject to the sign standards.

9.13 The s42A report writer's main concern is visual amenity, and she has requested more nuanced signage provisions to address potential amenity effects. As discussed above and as detailed in the evidence of Mr Cocker, the majority of signs visible from a public place will be restricted in terms of size, with larger signs enabled in areas with lower visual amenity, and smaller signs enabled in areas with higher amenity value. Smaller signs located in areas of higher amenity are likely be viewed from such a distance that any impact on visual amenity will be minimal. Both Mr Cocker and I are of the opinion that, for the reasons explained, any visual effects relating to the enablement of two signs per activity are anticipated and acceptable.

10. TEMPORARY ACTIVITIES

10.1 Paragraphs 126 to 140 of the s42A report discuss Council's stance on temporary activities at the Estate. While the majority of the relevant WEZ provisions have been accepted by Council's s42A report writer, there are two matters which require further discussion.

Event start time

10.2 PER-2 of the new temporary activities rule TA-RX sought by Waitangi Limited proposes changing the temporary event commencement time from 6:30am to 5am. The s42A report writer has noted that no specific evidence was provided in the s32AA report in respect of this proposal; however, she is open to reconsidering her position should further evidence be provided.

10.3 Section 11.15(y) on page 142 of the s32AA report notes that the 5am start time has been requested to enable dawn services to continue at the Estate. Dawn services are held for Waitangi Day, have previously been held for ANZAC day, and are also held for various ceremonies or celebrations at the Estate. The s32AA report also explains that this will also cover gatherings at the marae. While gatherings at the site could, in most cases, be held in accordance with existing use rights, having the rule enable this earlier start time provides greater clarity for any future events at the Estate.

10.4 It was proposed that the 5am start time apply to all sub-zones. This is because dawn ceremonies often involve associated activities, such as

temporary carparking, which occur across the Estate. These ancillary activities are included within the definition of 'temporary events', so the earlier start time would apply. The size of the gathering will determine which sub-zones are used for parking.

10.5 For Waitangi Day 2025, associated activities such as setup, carparking, and bus pick-up and drop-off began at 3am, with the dawn ceremony commencing at 5am. This earlier start was in response to traffic management concerns raised the previous year. Given that carparking and setup are included in the definition of temporary events, the proposed 5am start time may still be problematic, especially for Waitangi Day celebrations. Upon further reflection, I therefore propose an additional amendment to PER-2:

> **PER-2**
> The activity occurs between 5am and 10.00pm on each day. Except for Waitangi Day celebrations where there is no restriction.

10.6 Waitangi Day celebrations are a well-known public event, and any associated effects are generally accepted by the community. For any other activity, the 5am start time is considered acceptable, as the event involves smaller numbers of people and any potential effects can be more easily contained within the Estate.

10.7 It is noted that for Waitangi Day 2025, an additional carparking area outside of the Estate at Haruru Falls was used. If carparking areas such as this are utilised, resource consents will likely be required.

Number of temporary events

10.8 The s42A report writer has accepted the limit restrictions to the number of temporary events imposed on the Whakanga (Tourism), Papa Rehia (Recreational) and Ahuwhenua (General Activities) sub-zones. However, I note that there is a discrepancy between paragraphs 127 and 132 regarding the number of temporary activity events permitted in the Ahuwhenua (General activities) sub-zone. Clarification is sought that this has been accepted at five per calendar year, as originally proposed.

10.9 The s42A report writer has not accepted the proposal that no limit be imposed on the number of temporary events that can be held in the Te Pitowhenua (Treaty Grounds) sub-zone. Her reasoning is that without a limit, the activity is no longer temporary in nature. I do not agree with this, as each individual event undertaken in the sub-zone comprises a temporary event. Allowing for many temporary events does not result in the activity occurring in an

unlimited way. The reason for seeking no limit is due to the number of events and activities which are undertaken in this sub-zone due to its public purpose established under the Waitangi National Trust Board Act 1932. Such activities would be captured by the definition of temporary activities. These range from larger public events such as Waitangi Day, ANZAC day, and Matariki, to corporate events (generally held within event spaces in the Te Kongahu museum, Te Rau Aroha event space at the rear of the Māori Battalion museum or within temporary or permanent marquees), as well as functions such as weddings or gatherings including the Iwi chairs forum, art exhibitions, hikoi, or public gatherings.

10.10 On the Treaty Grounds, these events generally operate under existing use rights, or, for more recent event spaces (Te Kongahu museum, Te Rau Aroha and the permanent marquee), have been consented under the scale of activities and traffic intensity rules in the Operative Far North District Plan. For each of these resource consents, no restriction on hours of operation or frequency of use have been imposed as conditions of consent, highlighting that the use of the Treaty Grounds as an event venue without a restriction on event numbers is acceptable. Given the number of consented activities already approved on the Treaty Grounds, resource consent would only be required for an event which exceeds its existing use right or for a new event being established. This could include a hikoi or a cultural gathering which exceeds any existing use right, a filming activity, or emergency response training. Activities of this nature should not trigger the need for resource consent on the Estate, as Waitangi has traditionally provided for gatherings of this nature, and there is a public expectation that these types of activities will occur.

10.11 As detailed in section 5.6 of the s32AA report, the site was used by Sir Apiranga Ngata to discuss the price of citizenship and set the scene for discussing bi-cultural matters with the government. This established the site as a place for such discussions to take place, and it continues to host public gatherings and hikoi to discuss topical issues today.

10.12 The s42A report writer has also contacted other councils and confirmed that events such as ASB Polyfest and Te Matatini require resource consent, essentially asking why Waitangi should be treated differently.

10.13 As detailed above and throughout the s32AA report, the Estate is different from any other standard venue. The Estate was gifted to the inhabitants of New Zealand as a place of historic interest, recreation, enjoyment and

benefit. It is a place like no other in the country that enables public meetings, cultural gatherings and events to take place. For events of this nature, there is no admission fee charged, and as such, there is little ability for Waitangi Limited or the Waitangi National Trust to recoup costs which could go towards consenting. The site is provided as a gathering place for the people of New Zealand as a matter of public good. This is in contrast to the events noted by the s42A report writer, which charge admission fees. For other events, the site is a well-established events venue, with dedicated spaces to provide for gatherings. With the exception of the Māori Battalion Museum, all previous resource consents have proceeded as non-notified. The Māori Battalion Museum was limited notified to Te Tii Marae and HNZPT who both gave approval for the project.

11. OTHER SUBMITTERS

11.1 On the topic of rezoning to a special purpose zone there were three other submitters. S409 Heritage New Zealand Pouhere Taonga, S502 Northland Planning and Development 2020 Limited and S185 Doug's Boat Yard Opua.

HNZPT

11.2 HNZPT originally sought a Heritage Precinct over the Treaty Grounds. A number of meetings have been held throughout the plan review process, and HNZPT has now formally amended its position to support the creation of the special purpose zoning for the Estate.

Northland Planning Limited

11.3 Northland Planning Limited made a submission seeking a special purpose zone across the Estate. Northland Planning Limited has since confirmed that it supports the WEZ proposal in its entirety.

Doug's Boat Yard

11.4 Doug's Boat Yard made a submission opposing any change to the Estate from its primary purpose of providing public access to and along the coastal marine area, in conjunction with its historical purpose. It requested that the land designated as conservation be maintained or reinstated as Natural Open Space, and that this area be extended.

11.5 The proposed WEZ goes beyond this request placing emphasis on the historic importance of the site through objectives, policies and rules to ensure the Estate continues to operate in accordance with its founding legislation.

12. ARCHAEOLOGY

12.1 In the Technical Memo attached as Appendix 5 of the s42A report, the Council's archaeological expert, Dr Andrew Brown, acknowledges that, while the HNZPT process is clear, if the trigger for engaging with HNZPT is the need for a resource consent, this may result in fewer archaeological assessments being carried out. He suggests that an archaeological management plan for the Estate may be appropriate, which identifies areas of high and low risk based on available information and reporting.

12.2 This is acknowledged and was highlighted early on through meetings held as part of the special purpose zone process. Through the work that has been undertaken, it has been agreed that a memorandum of understanding (**MOU**) will be established between Waitangi Limited, Iwi and HNZPT to form a working relationship and consultation process for future activities and development on the Estate moving forward.

12.3 It is also evident through past archaeological assessments completed by Donald Prince, and reviewed by Mr Brown, that not all activities covered by these reports have triggered the need for resource consent. For example, in the 2023 project list, the upgrade and installation of drinking fountains were included within the management plan report but did not require resource consent. This illustrates that the current approach to archaeological management is not solely tied to the resource consent process.

12.4 Furthermore, from a planning perspective, proposed rule EW-R12 Earthworks and the discovery of suspected sensitive material, along with the associated standard EW-S3 Accidental discovery protocol, both of which have legal effect, set a district-wide process for managing the discovery of suspected sensitive material.

12.5 Overall, the checks that will be put in place through the MOU and the existing rules proposed in the plan will ensure that archaeology on the Estate is well managed. The rebuttal statement of Mr Dalton provides an update on archaeological matters relevant to the Estate.

13. MINOR AMENDMENT PROPOSED TO WEZ-S2

13.1 It is noted that with the changes to WEZ-S1 and the incorporation of new WEZ-S2, the Papa Rehia (Recreation) sub-zone has been referenced twice in the standard. The correct reference should include the 55 degree standard

at the northern boundary, with the 35 degree standard only applicable to the Whakanga (Tourism) sub-zone where it adjoins the Te Pitowhenua (Treaty Grounds) sub-zone. Proposed amended wording has been included below. In the letter appended at **Appendix 1**, MCK have highlighted that it does not agree with Waitangi Limited's landscape assessment on this matter, and that it would prefer that the 55 degree angle apply to this boundary. The reasoning for this amendment is detailed in the original landscape assessment prepared by Mr Cocker, with additional detail provided in his rebuttal statement.

WEZ-S2	**Height in relation to boundary**	
Waitangi Estate Special Purpose zone	The building or structure, relocated building or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary: 1. Te Pitowhenua (Treaty Grounds) and Ahuwhenua (General Activities) sub-zones - Any external Estate boundary: a. 55 degrees at 2m above ground level at the northern boundary of the site; and b. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and c. 35 degrees at 2m above ground level at the southern boundary of the site. 2. Papa Rehia (Recreation) sub-zone Any boundary: a. 55 degrees at 2m above ground level at the northern boundary of the site; and b. 45 degrees at 2m above ground level at the eastern and western boundaries of the site; and c. 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:** i. loss of privacy to adjoining sites, including potential loss in relation to vacant sites; ii. shading and loss of access to sunlight on adjoining sites, including buildings and outdoor areas; iii. natural hazard mitigation and site constraints; and iv. measures to mitigate the effects of a development on Te Pitowhenua (Treaty Grounds) sub-zone or adjacent Outstanding Natural Landscape.

	3. Whakanga (Tourism) ~~and Papa Rehia (Recreation)~~ sub-zones – Any boundary: a. 5~~3~~5 degrees at 2m above ground level at the northern boundary of the site except where the site adjoins the Te Pitowhenua (Treaty Grounds) sub zone where the standard is 35 degrees at 2m above ground level. b. 45 degrees at 2m above ground level at the eastern and western boundaries of the site. c. 35 degrees at 2m above ground level at the southern boundary of the site. **This standard does not apply to:** 1. pou, pou haki and carvings provided that they do not exceed the height limit by more than 1m; 2. solar and water heating components provided these do not exceed the building height by more than 0.5m on any elevation; 3. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; 4. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; and 5. architectural features (e.g.koruru, finials, spires) that do not exceed 1m in height on any elevation.	

14. CONCLUSION

14.1 In light of my primary evidence, the s32AA report and this rebuttal statement, I confirm that the WEZ meets the relevant statutory tests to be accepted as a special purpose zone. The proposed WEZ and amendments to district-wide rules achieve an appropriate balance between safeguarding the heritage, cultural, and landscape values of the Estate while, ensuring its ongoing viability as a living, functional, and nationally significant place.

14.2 The additional amendments, clarifications and justifications included as part of this statement, including in relation to ONLs, signage and temporary activities, form part of an overall package of bespoke provisions that both protect the Estate's historic heritage and enable it to continue to fulfil its founding purpose as a place of historic interest, public benefit, and cultural identity for all of Aotearoa New Zealand.

Rochelle Jacobs

18 August 2025

APPENDIX 1 – COPTHORNE HOTEL CORRESPONDENCE IN RESPECT OF WEZ-R2

APPENDIX 2 – YACHT CLUB CORRESPONDENCE IN RESPECT OF CE-S4