

**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

**STATEMENT OF REBUTTAL EVIDENCE OF SIMON JOHN COCKER
(LANDSCAPE EFFECTS) 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 Simon John Cocker.
- 1.2 I have the qualifications and experience set out at paragraph 2.1 of my statement of primary evidence dated 20 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 assessment of landscape effects for the Waitangi Estate Special Purpose Zone¹ (**WEZ**), and assisting Ms Rochelle Jacobs, Waitangi Limited's consultant planner, in preparing the draft WEZ provisions².
- 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 My evidence addresses four matters. The first of these concerns Waitangi Limited's request to change the activity status of rule NFL-R1 from non-complying to discretionary. In this regard, my evidence focuses on the values and sensitivities of the Outstanding Natural Landscape (**ONL**), concluding that the primary values underpinning the ONL are cultural and historical.
- 2.2 Secondly, I discuss the concern expressed by Council regarding the '*potential adverse visual effects on the site's visual amenity*' created by allowing two signs per activity where it is visible beyond the Estate. I am of the view that allowing two signs per activity is appropriate.

¹ Simon Cocker Landscape Architecture Limited. 2025. *WAITANGI ESTATE SPECIAL PURPOSE ZONE. Assessment of landscape effects Rev 9*.

² WEZ provisions at Appendix L of the section 32AA report prepared by Ms Jacobs.

- 2.3 I address a recommendation made by Ms Absolum (Council's landscape architectural consultant) regarding WEZ-R1.
- 2.4 She suggests that this criterion should be included in the WEZ-R1 criteria. I agree that this criterion should be included in WEZ-R1.
- 2.5 Finally, I address a letter provided on behalf of Millennium & Copthorne Hotels New Zealand Limited (**MCK**) which is appended to the rebuttal statement of Ms Jacobs which seeks a change to Rule WEZ-S2 relating to the Whakanga (Tourism) sub-zone.
- 2.6 In my view, an additional level of control to ensure the maintenance of the sensitive landscape character associated with the southern part of the Te Pitowhenua (Treaty Grounds) sub-zone is warranted.

3. SCOPE OF REBUTTAL EVIDENCE

- 3.1 In this statement, I respond to matters raised in the Council's section 42A report for the Waitangi Estate Special Purpose Zone (**s42A report**) that are relevant to my expertise.
- 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 activity status for non-compliance with NFL-R1;
 - (b) signs in the WEZ; and
 - (c) assessment criteria linked to WEZ-R1.
- 3.3 I also address a comment by MKZ in respect of WEZ-S2, where this applies to the Whakanga (Tourism) sub-zone.
- 3.4 I confirm that in preparing this statement, I have read in draft form the rebuttal statements of Ms Jacobs and Mr Ben Dalton, Chief Executive Officer at Waitangi Limited.

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

- 4.1 Paragraphs 111 to 112 of the s42A report address Council's concerns regarding Waitangi Limited's request to change the activity status of rule NFL-R1 from non-complying to discretionary.

- 4.2 The s42A report states 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.”*
- 4.3 In her rebuttal statement, Ms Jacobs has detailed that Waitangi Limited have provided a full set of WEZ provisions, including modifications to general standards to align with the proposed objectives, policies and rules that have been designed to govern future development on the Estate. Ms Jacobs provides a full planning assessment of Waitangi Limited's NFL-R1 proposal and concludes that the proposed change in activity status is warranted. This is because the Treaty Grounds will operate under the WEZ objectives and policies, which provide bespoke consideration of this landscape and the heritage matters that underpin its classification as an ONL.
- 4.4 In my evidence, however, I will confine my focus to the values and sensitivities of the ONL.
- 4.5 As noted above, the Council's rationale for seeking to retain the non-complying activity status is the sensitive nature of the coastal landscape and the absence of an ecological report.
- 4.6 I was a part of the team that undertook the Northland Mapping Project in 2014, which informed the delineation of ONLs, the extent of the Coastal Environment and identified areas of Outstanding and High Natural Character throughout the Northland region.
- 4.7 Whilst I was not specifically involved in undertaking the Far North part of this study (I focused on Kaipara and Whangarei Districts), I am familiar with the approach and methodology employed.
- 4.8 My review of the Regional Policy Statement worksheet for the Treaty Grounds as an ONL confirms my opinion that the site was identified as an ONL due to its cultural and historic values
- 4.9 In characterising the landscape, the worksheet states that Waitangi is:
- “....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.”*

4.10 The coastal location is noted as being of significance, and a key attribute of the landscape. However, in evaluating the values of the landscape, the worksheet notes its modified character: “...*In terms of natural science factors however, the modified and managed status of the site results in those aspects being less elevated.*”

4.11 Under ‘Representativeness’, the worksheet states:

“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.”

4.12 In addition, under ‘Naturalness’:

“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.”

4.13 In my view, if the Waitangi landscape – as overlain by the ONL overlay – were to be similarly developed, but devoid of its historic and cultural associations, it would not be identified as an ONL.

4.14 Further, in my view, the coast associated with the Treaty Grounds displays little difference in its sensitivity to those sections of coast immediately to the north within the Estate (including the area bounding the golf course) that area not overlain by an ONL.

4.15 I concur with Ms Jacobs’ view that the matters key to the values of the Waitangi ONL are given effect to through the WEZ objectives and policies, which specifically relate to the ONL.

5. SIGNS IN THE WEZ

5.1 Paragraphs 115 to 125 of the s42A report discuss the Council’s stance on signage on the Estate. There are a number of different aspects to this topic, which are discussed below.

5.2 In her rebuttal statement, Ms Jacobs notes that in the s42A report, Council expresses concern (at paragraph 120) regarding the ‘*potential adverse visual effects on the site’s visual amenity*’ created by allowing two signs per

activity where they are visible beyond the Estate. The report recommends limiting this to one sign per activity as a permitted standard.

- 5.3 I am of the view that allowing two signs per activity is appropriate.
- 5.4 I am advised that, for the majority of activities on the Estate, at least two signs are required. As a tourist venue with a variety of elements (built, natural and cultural/spiritual), signage is needed to address both directional and interpretive themes. However, these signs will, by their very nature, be predominantly internal to the site.
- 5.5 I agree with Ms Jacobs' statement that the current regulatory situation in the Operative Far North District Plan has existed since 2000 and has not resulted in the creation of adverse effects from signage. Notwithstanding this, I make the following observations with respect to signage and visual amenity.
- 5.6 When considering the landscape character of Te Pitowhenua (Treaty Grounds) sub-zone, views from external public locations are very limited due to the vegetative structure within the sub-zone, which restricts land-based public views into the body of this area.
- 5.7 This includes vegetation around the margins of the sub-zone, and internal vegetation which fragments the sub-zone into visually separate 'spaces'.
- 5.8 Potentially, views may be afforded from the water, but such views will be spatially separated from those locations where signs are required. As a result, any potential adverse effects on visual amenity will be minimal.
- 5.9 The Papa Rehia (Recreational) sub-zone is visible from Tau Henare Drive and also from the water. Signage within this sub-zone is likely to be associated with the golf course activity, and such signage is perceptually accepted as an established feature of the activity.
- 5.10 Similarly, signage within the Whakanga (Tourism) sub-zone will also be perceptually 'read' in the context of the commercial / built landscape character of this sub-zone. This landscape therefore has a lower sensitivity to the presence of signage.

6. WEZ-R1 ASSESSMENT CRITERIA

- 6.1 In her memo dated 17 June 2025 regarding the Waitangi Limited submission (503), Ms Absolum comments on the assessment criteria and

identifies a difference between the proposed assessment criteria in WEZ-R1, and the assessment criteria detailed in my landscape assessment; specifically, the consideration of whether buildings are sited and designed so that they do not visually intrude on any significant ridgeline or skyline.

- 6.2 She suggests that this criterion should be included in the WEZ-R1 criteria. I agree that this criterion should be included in WEZ-R1.

7. WEZ-S2 – WHAKANGA (TOURISM) SUB-ZONE

- 7.1 In their letter, MCK identified what it assumed was a potential typographical error in Rule WEZ-S2 relating to the Whakanga (Tourism) sub-zone, noting that MCK considered bullet (a) should read *55 degrees at 2m above ground level at the northern boundary*, as opposed to 33 degrees as currently stated (which is usually prescribed for southern orientation boundaries).

- 7.2 The more stringent standard of 33 degrees is as intended, although the wording of this standard is now recommended to be changed as follows:

1. Whakanga (Tourism) sub-zones – Any boundary:

- a. 55 degrees at 2m above ground level except where the site adjoins the Te Pitowhenua (Treaty Grounds) sub zone where the standard is 35 degrees at 2m above ground level at the northern boundary of the site.*
- 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*

- 7.3 MCK has correctly interpreted this to be a deliberate departure from the standard 2m plus 55 degree recession plane for northern boundaries.
- 7.4 The basis for this departure is the sensitivity of the adjacent Te Pitowhenua (Treaty Grounds) sub-zone and the potential for visual intrusion and dominance generated by built form within the Whakanga (Tourism) sub-zone.



Excerpt from Figure 8 of my Landscape Assessment showing interface between the Whakanga (Tourism) and Te Pitowhenua (Treaty Grounds) sub-zones.

- 7.5 The character of the grassed spaces associated with this southern part of Te Pitowhenua (Treaty Grounds) sub-zone – visible (overlain with a yellow wash) in the image above – is reliant on the interplay between the lawn areas and framing vegetation, with minimum intrusion from built form.
- 7.6 In my view, an additional level of control to ensure the maintenance of this character is warranted.

8. CONCLUSION

- 8.1 In commenting on NFL-R1, I concur with Ms Jacobs' view that the matters that are key to the values of the Waitangi ONL are given effect to through the WEZ objectives and policies, which specifically relate to the ONL.
- 8.2 I have described the values and sensitivities of the ONL, concluding that the primary values underpinning the ONL are cultural and historical.
- 8.3 With regard to SIGN-R2, I am of the view that allowing two signs per activity is appropriate where they are visible outside the Estate.
- 8.4 I have accepted the recommendation made by Ms Absolum (Council's landscape architectural consultant) regarding WEZ-R1.
- 8.5 Finally, I remain of the opinion that Rule WEZ-S2 relating to the Whakanga (Tourism) sub-zone should be included as drafted above in my statement, and in the statement of Ms Jacobs.

Simon Cocker

18 August 2025