

PART 3 – AREA-SPECIFIC MATTERS / SPECIAL PURPOSE ZONES / Waitangi Estate zone

Waitangi Estate zone

Overview

The Waitangi Estate zone is a Special Purpose zone. The Waitangi Estate zone is located at Waitangi, near Paihia. The zone contains the nationally significant historic Waitangi Treaty Grounds / Te Pitowhenua and surrounding land that together comprise the Waitangi Estate. The Waitangi Estate land is administered by the Waitangi National Trust Board established under the Waitangi National Trust Board Act 1932. Known in pre-treaty times as a place where rangatira (chiefs) gathered to discuss matters of common interest, the Waitangi Treaty Grounds / Te Pitowhenua is where Te Tiriti o Waitangi was first signed in 1840 and is fundamental to New Zealand’s cultural identity and origin as a modern bicultural nation. The grounds contain the following scheduled historic buildings and structures (Treaty House (Busby’s House), the Flagstaff, Te Whare Runanga, and Hobson’s Memorial). The site also contains and the Whare Waka – Te Korowai o Maikuku which houses Ngatokimatawharua, He Turu o Maikuku / Maikuku’s seat, and significant plantings and trees. Together with the land these features comprise Te Pitowhenua, which is a national landmark established under the Heritage New Zealand Pouhere Taonga Act 2014.

The surrounding land within the Waitangi Estate zone contains a mix of recreational and visitor accommodation activities, reserve land, coastal estuarine walkways, the Waitangi golf club, as well as open pastoral and bush-clad land. In recognition of its significance, the purpose of the WEZ is to preserve and further enable the lands within the Waitangi Estate to be utilised as a national place of historic interest, recreation, enjoyment, and benefit for all New Zealanders. The majority of the Waitangi Estate is located within the mapped coastal environment and some areas are mapped as containing Outstanding Natural Landscapes, Outstanding Natural Features, areas of High Natural Character, Sites and Areas of Significance to Māori or scheduled Heritage Resources. The rules and standards associated with these overlays also apply in the WEZ to ensure that the natural features and landscape values, historic heritage and cultural values of the Waitangi Estate are protected.

Development in the Waitangi Estate zone is managed through rules and standards applying to four sub-zones. These sub-zones are mapped on the planning maps as follows:

- Te Pitowhenua (Treaty Grounds) sub-zone
- Papa Rehia (Recreation) sub-zone
- Whakanqa (Tourism) sub-zone
- Ahuwhenua (General Activities) sub-zone

The purpose of the sub-zones is to enable a range of existing and future activities but direct them to appropriate locations within the Waitangi Estate zone depending on where they will be compatible with the natural features and landscape values, historic heritage and cultural values of the Waitangi Estate.

Objectives	
<u>WEZ-O1</u>	The importance of the Waitangi Estate as a nationally significant historic site, and the contribution it makes to the cultural and social well-being of New Zealand, is recognised and provided for.
<u>WEZ-O2</u>	The unique characteristics and qualities that contribute to the historic, natural and cultural values of the Waitangi Estate are protected when undertaking land use activities and subdivision.
<u>WEZ-O3</u>	The relationship of Māori and their culture and traditions associated with the Waitangi Estate lands, adjacent coastal waters, sites, waahi tapu, and other taonga is recognised and provided for.
<u>WEZ-O4</u>	The Waitangi Estate lands are managed and developed to provide for recreation, tourism or other associated activities where these are supportive of, or compatible with, the historic, natural and cultural values of this nationally significant site.

Policies	
<u>WEZ-P1</u>	Provide for land use activities and subdivision at the Waitangi Estate where it maintains or enhances the historic, natural and cultural values of the Estate as a nationally significant historic site.
<u>WEZ-P2</u>	Enable commercial activities within the Waitangi Estate that are compatible with its historic, natural, and cultural values to support its management as a nationally significant historic site, while ensuring that any adverse effects of such activities are avoided, remedied or mitigated.

<u>WEZ-P3</u>	<u>Enable the use of the Waitangi Estate as the national venue for commemorations associated with Waitangi Day and other significant cultural and heritage events held throughout the calendar year.</u>
<u>WEZ-P4</u>	<u>Recognise and protect Te Pitowhenua (the Waitangi Treaty Grounds) as the central historic and cultural focus of the Waitangi Estate Special Purpose zone.</u>
<u>WEZ-P5</u>	<u>Within the Whakanga (Tourism) sub-zone, enable the ongoing use and appropriate expansion, or redevelopment of established visitor accommodation and associated staff housing activities.</u>
<u>WEZ-P6</u>	<u>Within the Papa Rehia (Recreation) sub-zone, provide for recreation as the predominant activity, including open space associated with the established Waitangi Golf course, the Waitangi sportsgrounds, public boat ramp facilities, pedestrian walking tracks and the Bay of Islands Yacht Club.</u>
<u>WEZ-P7</u>	<u>Within the Ahuwhenua (General Activities) sub-zone, enable recreation and tourism activities that allow people to enjoy the Estate where:</u> <ol style="list-style-type: none"> <u>The scale, character and design avoids significant adverse effects on the historic and cultural values of Te Pitowhenua;</u> <u>Historic heritage resources are protected;</u> <u>The values of the coastal environment, High Natural Character and Outstanding Natural Landscapes and Features are recognised and protected; and</u> <u>There is appropriate infrastructure to support development.</u>
<u>WEZ-P8</u>	<u>Ensure that the siting of buildings and structures and associated infrastructure in the Waitangi Estate Special Purpose zone minimises any adverse effects on historic, natural and cultural values. This includes the provision for adequate infrastructure servicing.</u>

Rules

Notes:

- There may be other rules in Part 2 – District-wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.**
- This zone chapter does not contain rules relating to setback to waterbodies and MHWS for building and structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.**
- None of the rules in the table below apply to activities that are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.**

<u>WEZ-R1</u>	<u>New buildings or structures and relocated buildings and or extensions or alterations to existing buildings or structures</u>	
<u>Waitangi Estate Special Purpose zone</u>	<u>Activity Status: Permitted</u>	<u>Activity status where compliance not achieved with PER-2: Restricted Discretionary</u>
	<u>Where:</u>	<u>Matters of discretion are restricted to:</u>
	<u>PER 1:</u> <u>The new building or structure and relocated building or extension or alteration to an existing building or structure, will accommodate a permitted, controlled or restricted discretionary activity.</u>	<ol style="list-style-type: none"> <u>The matters of discretion of any infringed standard.</u>

	<p>PER 2: Any new building or structure and relocated building or extension, alteration to an existing building or structure complies with standards: WEZ-S1- Maximum height; WEZ-S2 – Height in relation to boundary; WEZ-S3 – Setback (excluding from MHWS or wetland, lake and river margins); WEZ-S4 – Building or Structure coverage WEZ-S5 - Landscaping</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>
WEZ-R2	Visitor Accommodation	
<p>Waitangi Estate Special Purpose zone:</p> <p>Whakanga (Tourism) sub-zone</p>	<p>Activity status: Permitted</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>
<p>Waitangi Estate Special Purpose zone:</p> <p>Papa Rehia (Recreation) sub-zone</p> <p>Ahuwhenua (General) Activities sub-zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The occupancy does not exceed 10 guests per night.</p>	
WEZ-R3	Residential Activity	
<p>Waitangi Estate Special Purpose zone:</p> <p>Ahuwhenua (General Activities) sub-zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The site area per residential unit is at least 40 hectares.</p> <p>PER-2</p> <p>The number of residential units on a site does not exceed ten.</p> <p>PER-1 does not apply to: a single residential unit located on a site less than 40ha.</p>	<p>Activity status where compliance not achieved with PER-1, and PER-2: Discretionary</p>
WEZ-R4	Waitangi Commercial Activities	
<p>Waitangi Estate Special Purpose zone:</p> <p>Te Pitowhenua (Treaty Grounds) sub-zone</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1: The activity is either:</p> <ol style="list-style-type: none"> 1. <u>Restaurants/cafes; or</u> 2. <u>Ancillary retail or tourism activities associated with the historic Waitangi Treaty Grounds;</u> 3. <u>Artisan galleries, artisan workshops, exhibitions and ancillary retail;</u> 	<p>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</p>

	<p>4. <u>Gift / souvenir shops; and</u> 5. <u>Functions and conferences.</u></p>	
<p><u>Whakanga (Tourism) sub-zone</u></p> <p><u>Papa Rehia (Recreation) sub-zone</u></p> <p><u>Ahuwhenua (General Activities) sub-zone</u></p>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-2</u> The GBA associated with an activity:</p> <ol style="list-style-type: none"> 1. <u>does not exceed 100m², and</u> 2. <u>is set back a minimum of 30m from any external Estate site boundary, excluding MHWS.</u> 	
<u>WEZ-R5</u>	<u>Educational facility</u>	
<p><u>Waitangi Estate Special Purpose zone</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The educational facility is for the purpose of <u>furthering knowledge and understanding of the history of the Waitangi Estate, its natural environment and the Māori cultural values associated with the Estate.</u></p>	<p><u>Activity status where compliance is not achieved with PER-1: Discretionary</u></p>
<u>WEZ-R6</u>	<u>Impermeable Surfaces</u>	
<p><u>Waitangi Estate Special Purpose zone:</u></p> <p><u>Te Pitowhenua (Treaty Grounds) sub-zone</u></p> <p><u>Papa Rehia (Recreation) sub-zone</u></p> <p><u>Ahuwhenua (General Activities) sub-zone</u></p>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER 1</u> The impermeable surface coverage of any site is no more than 15%.</p>	<p><u>Activity status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are limited to:</u></p> <ol style="list-style-type: none"> a. <u>the extent to which landscaping or vegetation may reduce adverse effects of run-off.</u> b. <u>the effectiveness of the proposed method for controlling stormwater on site;</u> c. <u>the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites or downstream sites ;</u> d. <u>whether water sensitive design low impact design methods methods and use of green spaces can be used;</u> e. <u>any cumulative effects on total catchment impermeability; and</u> f. <u>natural hazard mitigation and site constraints.</u> g. <u>extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies; and</u> h. <u>The location and design of associated vehicle access.</u>

		<p><u>manoeuvring and parking area;</u></p> <p>i. <u>The degree to which the landscape will retain its open character and visual value;</u></p> <p>j. <u>The matters of discretion of any infringed standard.</u></p>
<u>Whakanga (Tourism) sub-zone</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-2</u></p> <ol style="list-style-type: none"> <u>At least 10% of the site must be planted in grass, vegetation or be landscaped with permeable material.</u> <u>Where a connection to Council's reticulated stormwater system is not available the stormwater must be disposed of within the site</u> <p><u>An engineering / site suitability report is required to determine compliance with these standards</u></p>	<u>Activity status where compliance not achieved with PER-2: Discretionary</u>
<u>WEZ-R7</u>	<u>Recreation activity</u>	
<u>Waitangi Estate Special Purpose zone:</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The recreation activity does not involve a motorsport activity.</u></p>	<u>Activity status where compliance not achieved with PER-1: Discretionary</u>
<u>WEZ-R8</u>	<u>Farming</u>	
<u>Waitangi Estate Special Purpose zone:</u>	<u>Activity Status: Permitted</u>	<u>Activity status where compliance not achieved: Not applicable.</u>
<u>Ahuwhenua (General Activities) sub-zone</u>		
<u>WS-R9</u>	<u>Helicopter landing area</u>	
<u>Waitangi Estate Special Purpose zone</u>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>Noise generated from the operation of helicopters using the helicopter landing area complies with standard NOISE-S4 Helicopter landing areas.</u></p>	<u>Activity status where compliance not achieved with PER-1: Discretionary</u>
<u>WEZ-R10</u>	<u>Conservation Activity</u>	
<u>Waitangi Estate Special Purpose zone</u>	<u>Activity Status: Permitted</u>	<u>Activity status where compliance not achieved: Not applicable</u>
<u>WEZ-R11</u>	<u>Customary Activity</u>	
<u>Waitangi Estate Special Purpose zone</u>	<u>Activity status: Permitted</u>	<u>Activity status where compliance not achieved: Not applicable</u>

WEZ-R12	Activities not otherwise listed in this chapter	
Waitangi Estate Special Purpose zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
WEZ-R13	Industrial activity	
Waitangi Estate zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
WEZ-R14	Community corrections activity	
Waitangi Estate zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
WEZ-R15	Offensive Trade	
Waitangi Estate zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
WEZ-R16	Landfill, including managed fill	
Waitangi Estate zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Standards		
WEZ-S1	Maximum Height	
Waitangi Estate Special Purpose zone:	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure is:</p> <ol style="list-style-type: none"> Te Pitowhenua (Treaty Grounds), Papa Rehia (Recreation) and Ahuwhenua (General Activities) sub-zones – 5m above ground level. Whakanga (Tourism) sub-zone – 10m above ground level. <p><u>This standard does not apply to:</u></p> <ol style="list-style-type: none"> pou, pou haki and carvings, provided that they do not exceed the height limit by more than 1m; solar and water heating components provided these do not exceed the building height by more than 0.5m on any elevation; chimney structures not exceeding 1.2m in width and 1m in height on any elevation; satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; and architectural features (e.g. koruru, finials, spires) that do not exceed 1m in height on any elevation. 	<p><u>Where the standard is not met, matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> the extent to which the height of the proposed building is compatible with the historic, natural and cultural values of the Waitangi Estate; measures to mitigate effects on the characteristics, qualities and values of the coastal environment, and the landscape setting of Te Pitowhenua (Treaty Grounds) sub-zone; dominance in relation to the road and adjoining sites; loss of privacy to adjoining sites; shading and loss of access to sunlight on adjoining sites; natural hazard mitigation and site constraints; and where the building or structure is located within the coastal environment, the relevant matters outlined in CE-P10.
WEZ-S2	Height in relation to boundary	
Waitangi Estate Special Purpose zone	<p>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:</p> <ol style="list-style-type: none"> Te Pitowhenua (Treaty Grounds) and Ahuwhenua (General Activities) sub-zones - Any external Estate boundary: <ol style="list-style-type: none"> 55 degrees at 2m above ground level at the northern boundary of the site; and 	<p><u>Where the standard is not met, matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> loss of privacy to adjoining sites, including potential loss in relation to vacant sites; shading and loss of access to sunlight on adjoining sites, including buildings and outdoor areas; natural hazard mitigation and site constraints; and measures to mitigate the effects of a development on Te

	<p>b. <u>45 degrees at 2m above ground level at the eastern and western boundaries of the site; and</u></p> <p>c. <u>35 degrees at 2m above ground level at the southern boundary of the site.</u></p> <p>2. <u>Papa Rehia (Recreation) sub-zone</u></p> <p><u>Any boundary:</u></p> <p>a. <u>55 degrees at 2m above ground level at the northern boundary of the site; and</u></p> <p>b. <u>45 degrees at 2m above ground level at the eastern and western boundaries of the site; and</u></p> <p>c. <u>35 degrees at 2m above ground level at the southern boundary of the site.</u></p> <p>1. <u>Whakanga (Tourism) and Papa Rehia (Recreation) sub-zones – Any boundary:</u></p> <p>a. <u>35 degrees at 2m above ground level at the northern boundary of the site</u></p> <p>b. <u>45 degrees at 2m above ground level at the eastern and western boundaries of the site.</u></p> <p>c. <u>35 degrees at 2m above ground level at the southern boundary of the site.</u></p> <p><u>This standard does not apply to:</u></p> <p>i. <u>pou, pou haki and carvings provided that they do not exceed the height limit by more than 1m;</u></p> <p>ii. <u>solar and water heating components provided these do not exceed the building height by more than 0.5m on any elevation;</u></p> <p>iii. <u>chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</u></p> <p>iv. <u>satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; and</u></p> <p>v. <u>architectural features (e.g.koruru, finials, spires) that do not exceed 1m in height on any elevation.</u></p>	<p><u>Pitowhenua (Treaty Grounds) sub-zone or adjacent Outstanding Natural Landscape.</u></p>
<p><u>WEZ-S3</u></p>	<p><u>Setback (excluding from MHWS or wetland, lake and river margin)</u></p>	
<p><u>Te Pitowhenua (Treaty Grounds) sub-zone</u></p> <p><u>Papa Rehia (Recreation) sub-zone</u></p> <p><u>Ahuwhenua (General Activities) sub-zone</u></p>	<p>1. <u>The new building or structure and relocated building or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except:</u></p> <p>a. <u>On sites less than 5,000m² accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road; or</u></p> <p>b. <u>Habitable buildings must be setback at least 20m from the boundary of an unsealed road; and</u></p>	<p><u>Where the standard is not met, matters of discretion are restricted to:</u></p> <p>a. <u>the character and amenity of the surrounding area;</u></p> <p>b. <u>screening, planting and landscaping on the site;</u></p> <p>c. <u>the design and siting of the building or structure with respect to privacy and shading;</u></p>

	<p>c. <u>Habitable buildings must be set back 30m from the boundary of a site containing a commercial forest</u></p> <p>This standard does not apply to:</p> <p>i. <u>fences or walls no more than 2m in height above ground level;</u></p> <p>ii. <u>uncovered decks less than 1m in height above ground level; or</u></p> <p>iii. <u>underground wastewater infrastructure; or</u></p> <p>iv. <u>water tanks less than 2.7m in height above ground level.</u></p>	<p>d. <u>natural hazard mitigation and site constraints;</u></p> <p>e. <u>the effectiveness of the proposed method for controlling stormwater;</u></p> <p>f. <u>the safety and efficiency of the current or future access, egress on site and the roading network;</u></p> <p>g. <u>the impacts on existing and planned public walkways, reserves and esplanades;</u></p> <p>h. <u>the health and amenity impacts of dust from unsealed roads on habitable buildings;</u></p> <p>i. <u>the potential for adverse effects on areas containing historic heritage and sites of significance to Māori.</u></p>
Whakanga (Tourism) sub-zone	<p>2. <u>The new building or structure and relocated buildings or extension or alteration to an existing building or structure must be setback at least 3m from all site boundaries.</u></p> <p>This standard does not apply to:</p> <p>i. <u>fences or walls no more than 2m in height above ground level;</u></p> <p>ii. <u>uncovered decks less than 1m in height above ground level; or</u></p> <p>iii. <u>underground wastewater infrastructure; or</u></p> <p>iv. <u>water tanks less than 2.7m in height above ground level.</u></p>	
WEZ-S4	Building or Structure coverage	
<p>Te Pitowhenua (Treaty Grounds) sub-zone</p> <p>Papa Rehia (Recreation) sub-zone</p> <p>Ahuwhenua (General Activities) sub-zone</p>	<p>The building or structure coverage of any site is no more than 15%.</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>a. <u>the character and amenity values of the surrounding area;</u></p> <p>b. <u>any landscaping, planting or screening to mitigate any adverse effects;</u></p> <p>c. <u>the extent to which the siting, setback and design mitigate visual dominance on adjacent sites, Te Pitowhenua (Treaty Grounds) sub-zone and the surrounding environment; and</u></p> <p>d. <u>natural hazard mitigation and site constraints.</u></p>
WEZ-S5	Landscaping	
Whakanga (Tourism) sub-zone	<p>1. <u>Where the site adjoins Te Karuwaha Parade, at least 50% of the Eastern Road frontage of Te Karuwaha Parade shall be landscaped with plants or trees; and</u></p> <p>2. <u>The landscaping shall be a minimum height of 1m at installation and shall achieve a continuous screen of 1.8m in height and 1.5m in width within 5 years.</u></p>	<p>Where the standard is not met, matters of discretion are restricted to:</p> <p>a. <u>the character and amenity of the streetscape and surrounding area;</u></p> <p>b. <u>the character and significance of the road frontage appearance at the main road entrance to the Waitangi Estate;</u></p> <p>c. <u>topographical or other site constraints making compliance with this standard impractical; and</u></p> <p>d. <u>health and safety implications for pedestrians and the transport network.</u></p>

Figure WEZ-1 Waitangi Estate Special Purpose zone

