

## SUMMARY STATEMENT ON BEHALF OF WAITANGI LIMITED – HEARING 15B

- 1.1 My name is **Rochelle Ashley Jacobs**.
- 1.2 I have prepared primary and rebuttal evidence on behalf of **Waitangi Limited** in relation to its submission on the Proposed Far North District Plan (**Proposed Plan**) as it relates to this Hearing 15B. 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.
- 1.3 My primary evidence for this hearing 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**).
- 1.4 Today I will provide an overview of the Estate and the proposed WEZ via PowerPoint presentation. I will then address several unresolved technical matters relating to the WEZ provisions, as raised in the Council's s42A report for the WEZ. I will also briefly respond to matters raised by Dr Andrew Brown, the Council's consultant archaeologist, in his review of the WEZ proposal. Finally, I will discuss some minor amendments I have identified in my review of the Council's recommended version of the WEZ provisions which are appended to its section 42A report.

### Issue 1: Special Purpose Zone Tests under the National Planning Standards (NPS)

- 1.5 The National Planning Standards set out mandatory tests 8.3 (a) – (c). New special purpose zones can only be created when all criteria are met. The Council officers, in their section 42A report, accepted Waitangi Limited's analysis in respect of criteria (a) and (b), but considered that criteria (c) required further consideration of alternative options.
- 1.6 The Council officers provided additional analysis of alternative spatial layers in their report (development areas, specific control layers, designations and heritage orders). For the reasons provided, Waitangi Limited agrees that these additional spatial layers are impractical for the Estate.

- 1.7 Waitangi Limited and the Council officers agree that all criteria are met and that the WEZ is the most appropriate method for achieving effective planning outcomes for the Estate.

## **Issue 2: National Policy Statement for Highly Productive Land (NPS-HPL)**

- 1.8 My interpretation of the NPS-HPL in my s32AA and accompanying evidence was that its application to the Estate was not applicable as the special purpose zoning would not result in an 'urban rezoning' restricted by 3.6 of the NPS-HPL.
- 1.9 The Council officer's stance through the s42A report is that the NPS-HPL is applicable, but she agrees that the tests in 3.6(4) and (5) of the NPS-HPL are not designed for a situation like the Estate. In my view the definition of "urban" is not intended to capture special purpose zones that are non-urban in character, such as Waitangi. In any event the "development capacity" tests in clauses 3.6(4)(a) and (b), and (5) are not suitable for the Estate, although the remaining clause 3.6(4)(c) is applicable, and the environmental, social, cultural, and economic benefits of rezoning the Estate to WEZ clearly outweigh the environmental, social, cultural, and economic costs associated with the loss of highly productive land, when taking account both tangible and intangible values.
- 1.10 The Council officer has concluded that the rezoning of the Estate is not prevented by the NPS-HPL, and I agree.

## **Issue 3: Rule WEZ-R6 Impermeable Surfaces**

- 1.11 This issue only applies to the Wakanga (Tourism) sub-zone where the proposed standards were changing as a result of recommended amendments to the urban zone. Through consultation with Cognitum Corporation Limited, who own and operate Millennium and Copthorne Hotels New Zealand Limited (**MCK**), Waitangi Limited proposed a 70% site coverage standard to the Council's s42A report writer, that did not require engineering input.
- 1.12 In response, the Council officer offered two alternative options in the section 42A report:
- (a) Option 1 – Assume the new standard being applied to the Mixed Use Zone (MUZ); or
  - (b) Option 2 – allow a nominal increase of 5% to existing site coverage.

1.13 Following discussions, MCK have accepted Option 1.

**Issue 4: Rule NFL-R1 Activity Status**

- 1.14 Waitangi Limited has sought to reduce the permitted standard for buildings in the Te Pitowhenua (Treaty Grounds) sub-zone from 50m<sup>2</sup> down to 30m<sup>2</sup>. This reduction was intended to enforce a more restrictive standard for built development on the upper Treaty Grounds. However, this 30m<sup>2</sup> standard has been removed from the Council's recommended WEZ provisions included at Appendix 3 of the section 42A report. I have discussed this with Ms Lynette Morgan (the Council's reporting officer for the WEZ), and it appears that this deletion has come about due to a miscommunication and was subsequently missed by me when preparing my rebuttal evidence. Ms Morgan has clarified that Council's stance is that the 30m<sup>2</sup> standard should not apply. Waitangi Limited's stance is that this should remain as a permitted standard within WEZ-S4, so that the standard is located within the Special Purpose zone rules rather than in the general NFL-R1. In NFL-R1, Waitangi Limited seeks that the activity status for buildings and structure development on the Te Pitowhenua (Treaty Grounds) sub-zone change from non-complying to discretionary.
- 1.15 The main reasons for seeking the 30m<sup>2</sup> permitted standard is that the upper Treaty Grounds have high historical importance. This restriction provides additional protections, including requiring consideration of the WEZ objectives and policies which have been developed to protect historic heritage within the Te Pitowhenua (Treaty Grounds) sub-zone.
- 1.16 The proposed amendment to NFL-R1 activity status aligns with Quality Planning guidance. I note that the Te Pitowhenua (Treaty Grounds) sub-zone and the Outstanding Natural Landscape overlay generally cover the same geographical area, with the exception of the southern boundary.



**Figure 1 - Outstanding Natural Landscape shown in green**

- 1.17 Some areas of the Te Pitowhenua (Treaty Grounds) sub-zone have higher value than others, meaning that built development on the upper Treaty Grounds would be subject to different expectations compared to development occurring near the old bowling club, where there is very little public viewing and no view shafts to the historic buildings and objects. A discretionary activity status enables those areas with lesser value to be developed or upgraded without requiring the gateway tests to be satisfied under a non-complying activity status, while at the same time providing sufficient protection mechanisms to prevent incompatible development in areas of higher value.
- 1.18 The mapped area of Outstanding Natural Landscape as shown in Figure 1, and as detailed by Mr Cocker, holds its outstanding value due to those historic features and what they represent to the people of New Zealand, rather than because of its naturalness, which is generally the basis for all other mapped outstanding landscapes. The Special Purpose zone objectives and policies have been developed to protect and enhance this area, which is why it can be treated differently from the general district-wide rules. Those objectives and policies recognise the existing operations at the site and the need for appropriate built development and structures to support its operational requirements. Obtaining resource consent for an operational need should be

considered a routine aspect of site management, rather than an exceptional circumstance, as implied by a non-complying activity status.

#### **Issue 5: Standard CE-S4**

- 1.19 In consultation with the Yacht club, it was noted that small structures such as dinghy tie ups were occasionally required to be located within close proximity to the coast. The new CE-S4 rule would capture these activities and trigger the need for resource consent. Following the release of the section 42A report, I undertook further discussions with the Yacht Club, and it was agreed that changes to CE-S4 would not be pursued further.

#### **Issue 6: Rule Sign-R15 Signs in Waitangi Estate**

- 1.20 It has been recommended by Council officers in the s42A report that a new PER-1 be added to Sign-R15, which requires a sign to meet setback and sunlight zone standards, with the exception of road setback. However, as a sign already meets the definition of a structure under the Proposed Plan, compliance with these rules is already required.
- 1.21 To address this, exemptions to the relevant setback and sunlight standards (WEZ-S2 and WEZ-S3) have been included, so that only the sign rule applies and there is no conflict between rules regarding road boundary setback.

#### **Issue 7: Standard Sign-S3 Maximum Number of Signs**

- 1.22 Council officers and Waitangi Limited have agreed that sign limits for signs visible beyond the Estate be on a per activity basis, rather than imposing a standard total sign area restriction. However, the section 42A writers' stance is that one sign per activity is sufficient to avoid any visual amenity concerns. Waitangi Limited seeks that the permitted standard enable two signs per activity, as one directional sign and one sign announcing the activity are required.
- 1.23 It is both my opinion and the opinion of Mr Cocker, that the combination of Sign standards 1 – 5 and the ongoing management of the site by the Waitangi National Trust Board and Waitangi Limited in accordance with the WEZ provisions, will ensure that signs are well considered and do not result in any adverse visual effects (as is currently the case).

## **Issue 8: Rule TA-RX Temporary Activities**

- 1.24 Two issues have been identified with this rule by Waitangi Limited and the Council officers. Firstly PER-2 which governs hours of operation. The s42A report had recommended a 6:30am start time, however Waitangi Limited have requested a 5am start time to allow for dawn services. The definition of temporary events includes temporary carparking activities associated with an event, and as temporary carparking is located across all sub-zones, this exemption has been applied across the board.
- 1.25 A further amendment to the rule is sought for Waitangi Day celebrations, as temporary carparking starts at 3am given the number of people visiting the site.
- 1.26 The second issue is the number of temporary events being enabled as a permitted activity on Te Pitowhenua (Treaty Grounds). Given the definition of a temporary event, this captures a wide range of activities, from Waitangi Day celebrations through to corporate events, functions, art exhibitions, filming, hikoī and public gatherings, including visits from dignitaries. As the majority of events on the Treaty Grounds have already been consented through the development of event spaces within the museums and within the permanent marquee, there is concern that this rule will capture events such as hikoī or public gatherings which, due to population growth, may exceed any existing use rights. These types of activities are fundamental to the purpose and significance of this site. For this reason, events of this nature should not require resource consent. For this reason, Waitangi Limited seeks no restriction on the number of temporary events that can be held at the grounds.

## **Issue 9: Unrecorded Archaeology**

- 1.27 In his review included at Appendix 5 to the section 42A report, Mr Brown has suggested that an archaeological management plan for the Estate may be required to ensure that proper process is followed. His main concern is that the resource consent process currently appears to be the trigger for consultation with Heritage New Zealand Pouhere Taonga (HNZPT), rather than consultation occurring at an earlier stage.
- 1.28 This does not reflect my experience. Waitangi Limited and HNZPT have an established relationship, and all activities proposed on the site have been consulted on prior to my involvement. In some cases, consultation occurs even when resource consent is not required. A recent example is the removal and replacement of a hedge. As this is an established garden, the activity does not trigger resource consent for any soil

disturbance; however, consultation was undertaken due to its proximity to the Treaty House and the potential visual impact of its removal.

**Issue 10: Minor Amendment to WEZ-S2**

- 1.29 The Papa Rehia (Recreational) sub-zone has been referenced twice within this WEZ-S2, with different recession planes applying. The correct reference is item 2, which establishes a 55 degree recession plane.
- 1.30 The 35 degree recession plane applying to the Whakanga (Tourism) sub-zone should only apply where the site adjoins the Te Pitowhenua (Treaty Grounds) sub-zone. This has been clarified within the standard.

**Rochelle Jacobs**

29 August 2025