

**From:** [Jan Ferguson](#)  
**To:** [Proposed District Plan](#)  
**Subject:** Re: Heritage Area Overlay Submission  
**Date:** Thursday, 3 November 2022 1:38:31 pm  
**Attachments:** [image001.png](#)

**CAUTION:** This email originated from outside Far North District Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Sarah

Re Butler Point Submission to add -

- We do wish to be heard in support of submission
- We oppose to the overlay to a large part of our property
- We could not gain an advantage in trade competition
- We would consider presenting a joint case with others making a similar submission
- Please refer to the contents of our submission emailed 21st October 2022

Kind regards

Jan Ferguson  
Butler Point Whaling Museum  
Hihi  
Mangonui 0494

0800 Museum



On 1/11/2022 11:52 am, Proposed District Plan wrote:

Thank you for your submission on the Proposed District Plan.

We received your submission (attached) 21<sup>st</sup> October prior to the closing date for submissions which was 5pm, 21 October 2022).

For Council to accept your submission for further evaluation, we need you to complete the **attached** submission form which includes the information you need to provide in order to meet the legal ([Form 5](#)) requirements of the Resource Management Act 1991 ([clause 6\(5\)](#)).

Can you please complete the attached submission form and return it to us by email (to [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)) at your earliest convenience. Please be sure to:

<!--[if !supportLists]-->• <!--[endif]--> **indicate whether you do / do not wish to be heard in support of your submission**

<!--[if !supportLists]-->• <!--[endif]--> simply refer to the contents of your **earlier email submission** by stating “**refer to email dated xxx**” in the following sections of the submission form:

<!--[if !supportLists]-->• <!--[endif]--> **“The specific provisions of the Plan that my submission relates to are”**

<!--[if !supportLists]-->• <!--[endif]--> **“Confirm your position”**

<!--[if !supportLists]-->• <!--[endif]--> **“My submission is”**

<!--[if !supportLists]-->• <!--[endif]--> **“I seek the following decision from the Council”**

(Note: you cannot add new submission points to the submission form beyond those that were already raised in your earlier submission, which was received by the closing date. If you wish to any raise new matters then you would need to make a separate, late submission).

If you require any further information, or need some help ensuring that you are filling out all the necessary requirements correctly, please feel free to contact the District Planning Team on email [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz) or 0800 920 029.

Once we have received the completed form, we will include it as part of your submission and retain a written record of this correspondence. We will send you an email acknowledging that your completed submission has been received, and outline the next steps. Kind Regards, District Planning Team Far North District Council



**Sarah Trinder**

**Policy Planner**

Strategic Planning & Policy, Far North District Council | **24-hour Contact Centre**  
0800 920 029

**DDI** +6494070405 | [Sarah.Trinder@fndc.govt.nz](mailto:Sarah.Trinder@fndc.govt.nz)

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Careers](#)

---

**From:** Jan Ferguson <[butler.point@xtra.co.nz](mailto:butler.point@xtra.co.nz)>

**Sent:** Friday, 21 October 2022 2:54 pm

**To:** Proposed District Plan <[pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)>

**Subject:** Heritage Area Overlay Submission

**CAUTION:** This email originated from outside Far North District Council.

Do not click links or open attachments unless you recognise the sender and know the content is safe.

## Submission attached

--

---

Get it done online at your convenience, visit our website - [www.fndc.govt.nz](http://www.fndc.govt.nz)

-----  
Attention: The information contained in this email (including any attachments) is intended solely for the addressee(s). It is confidential and may be legally privileged. If you have received this email in error you must not use, copy, disclose or distribute it or any information in it. Please simply notify the sender and delete or destroy all copies of the email immediately. Unless formally stated, this e-mail and any attachments do not necessarily reflect the views of the Far North District Council. The Far North District Council accepts no responsibility for any interception of, or changes to, our email after it leaves us. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipients computer system or network.

-----  
Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki  
Ph. 09 401 5200 | Fax. 09 401 2137 | Email. [ask.us@fndc.govt.nz](mailto:ask.us@fndc.govt.nz)  
Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Please consider the environment before printing this email.



Remember  
submissions  
close at 5pm,  
Friday 21  
October 2022

# Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

## 1. Submitter details:

Full Name:	RHL & LM Ferguson Family Trust		
Company / Organisation Name: (if applicable)			
Contact person (if different):	Jan Ferguson		
Full Postal Address:	PO Box 195, Mangonui 0442		
Phone contact:	Mobile: 0273214656	Home: 094060006	Work:
Email (please print):	Butler.point@xtra.co.nz		

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
- I **could** gain an advantage in trade competition through this submission

*If you could gain an advantage in trade competition through this submission, please complete point 3 below*

3.  I **am** directly affected by an effect of the subject matter of the submission that:  
(A) Adversely affects the environment; and  
(B) Does not relate to trade competition or the effect of trade competition
- I **am not** directly affected by an effect of the subject matter of the submission that:  
(A) Adversely affects the environment; and  
(B) Does not relate to trade competition or the effect of trade competition

*Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991*

**The specific provisions of the Plan that my submission relates to are:**  
*(please provide details including the reference number of the specific provision you are submitting on)*

**The Heritage Area Overlay Chapter; and in particular, the Mangōnuī and Rangitoto Peninsula Heritage Area – Part B Overlay insofar as it relates to the Rangitoto Peninsula.**



Confirm your position:  Support  Support In-part  Oppose  
(please tick relevant box)

**My submission is:**

*(Include details and reasons for your position)*

**We object to our Sites being subject to a Heritage Area overlay, for the reasons listed below**

**Context:**

All of the **Rangitoto Peninsula ('RP')** (i.e. land on the eastern side of the Mangōnui Harbour to the west of the Hihi urban area, and including Butler Point) is proposed to be subject to the **'Mangōnui and Rangitoto Peninsula Heritage Area ('MRPHA') – Part B Overlay'**. We consider it inappropriate and non-compliant with the RMA as well as contrary to the principles of fair and equitable regulatory practice to extend the RPHAB over the whole of the RP for the following reasons:

- 1. The rationale for, and the areal extent of, the RPHAB was based on inadequate and incomplete expert evidence and analysis. Please see the appended document that responds to a number of significant errors with regard to the history of this property in the report prepared by John and Adina Brown, Plan Heritage Ltd, who to our knowledge have never actually visited Butler Point.**
- 2. The boundaries for the RPHAB do not adhere to any self-consistent logic. The areas on our property that have historical significance have already been thoroughly researched. Refer 'The Butler House, 1847-1990' by Janice C. Mogford (privately published by Dr Lindo Ferguson 1992); Heritage New Zealand – Registered Category 1 site recorded as Butler House and Trading Station (Former); Archaeological Records from excavations undertaken by University of Auckland (T K McManus 2002) and Department of Conservation (J Maingay and Dr S Bulmer 1991).**
- 3. The Ferguson Family Trust, having restored and maintained Butler House for over 50 years, and opened it to the public, has already voluntarily entered a formal agreement with Heritage New Zealand Pouhere Taonga. This places strict caveats on all aspects of the maintenance and development of Allot 1 Sec 2 Village of Mangōnui on which the Butler House is sited, as well as Allot 4 Sec 2 Village of Mangōnui. Thus, a further Heritage Area overlay over these historical sites is actually unnecessary as the sites are already protected.**

**Although we do not see the point of a Heritage Area overlay complicating an already protected area, we are prepared to agree to this with respect to Lot 2,4,5,6,7,8 & 10 Section 2 Village of Mangōnui; Lot 1 Section 2 Village of Mangōnui; Lot 9 Section 2 Village of Mangōnui; All the land in Crown Grant 57H (H.1.37); Allotment 67 Parish of Mangōnui East ... as this is entirely consistent with the vision our family has had for conserving these sites ever since we acquired the property in 1970.**



4. We do object strenuously to an extension of the heritage area over all of the rest of our property, Part Allotment 2 Parish of Mangōnui East and Part Lot 1 Deposited Plan 48582 that have no historical significance with regard to colonial history, and have no documented Maori sites.

The Section 32 Heritage assessment did not evaluate, as it is required to do by the RMA, the impact of arbitrarily imposing Heritage Area overlays over large tracts of land with regard to the wider benefits and costs. This must include recognition of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions. Retaining the potential to develop areas of our property that have no heritage significance will be a necessary requirement to maintain the financial viability of our internationally significant tourist operation. Thus, a very real social, economic and cultural consequence of this draconian overreach by the Far North District Council would be closure of Butler Point to the General Public.

I seek the following decision from the Council:

*(Give precise details. If seeking amendments, how would you like to see the provision amended?)*

**Remove the HA overlay from the RP except for the land directly associated with and/or proximal to listed Heritage Resources. At this time the only listed Heritage Resource on the RP is 'Butler House' that is historically significant in large part due to the whaling ship provisioning enterprise that Captain William Butler conducted in the mid-19<sup>th</sup> Century. The land that this resource and that enterprise is on, or directly relates to, is Lots 1 & 2 of Section 2 Village of Mangōnui and no other parts of the RP.**

S513.001

- I wish to be heard in support of my submission  
 I do not wish to be heard in support of my submission

*(Please tick relevant box)*

If others make a similar submission, I will consider presenting a joint case with them at a hearing

- Yes  No

Do you wish to present your submission via Microsoft Teams?

- Yes  No

**Signature of submitter:**

*(or person authorised to sign on behalf of submitter)*

**Date: 21/10/2022**

*(A signature is not required if you are making your submission by electronic means)*

**Important information:**

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)



2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

#### Send your submission to:

**Post to:** Proposed District Plan  
Strategic Planning and Policy, Far North District Council  
Far North District Council,  
Private Bag 752  
KAIKOHE 0400

**Email to:** [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)

**Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.**

#### **Submissions close 5pm, 21 October 2022**

**Please refer to [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) for further information and updates.**

***Please note that original documents will not be returned. Please retain copies for your file.***

#### **Note to person making submission**

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

PO Box 273  
Mangonui 0442  
September 27<sup>th</sup>, 2021

John and Adina Brown,  
Plan Heritage Ltd

**Plan Heritage Ltd Reports prepared for the FNDC**

Dear John & Adina,

I'm writing to you on behalf of my neighbours, the Ferguson family of Butler Point (Jan who lives on the property and William who lives elsewhere) as well as my wife (Zeija Hu) and myself.

Collectively, we own about 100 acres of land on Butler Point/Rangitoto Peninsula. As you would appreciate this is a substantial portion of the land that the FNDC proposes to be subject to the 'Mangonui and Rangitoto Peninsula Historic Heritage Area' (MRPHA), being one of several Heritage Area (HA) overlays in their draft Proposed District Plan (PDP).

The FNDC has indicated that the MRPHA proposal, and particularly its proposed area, is as a direct result of recommendations in your (i.e. Plan Heritage Ltd) June 2020 finalised Stage 2 report which they have recently made public.

We consider ourselves principal 'affected parties' who should have been consulted on the content of your reports before they were made public or used by the FNDC to base its MRPHA proposal as published in a draft PDP.

We appreciate your report makes various recommendations and proposes additional professional work, however the FNDC have indicated their intent to Notify their PDP before the end of this year (at which point the relevant PDP rules become legally enforceable) and they have not indicated what if any of your recommendations and additional work will be undertaken before then, or at all. They have also thus far not proposed any changes to the Heritage Area (HA) policies and rules in the draft PDP, or to the proposed area of the MRPHA, despite receiving community feedback in May this year, urging changes and/or withdrawal of the MRPHA proposal. A new deadline of October 13<sup>th</sup> has been set for public submissions on the HA aspects of draft PDP and in order for our submissions to be properly informed we are seeking certain information from yourselves concerning your Stage 2 report. (We have also submitted Official Information requests to both HNZPT and the FNDC for information to inform our submissions).

Our concerns with the MRPHA proposal may well lead to formal submissions and objections after the PDP is Notified. If your report were to stand unamended and not superseded by a more in-depth report, then it's likely we would find ourselves publicly challenging some of the assertions in that report and pointing to what we see as deficiencies and inadequacies in the research work documented in it. This public forum



challenging seems particularly likely as the FNDC are now relying heavily on your report in publicly defending their HA proposals.

To avoid such public forum challenge and criticism, we'd like to give you the opportunity now to respond to our set of questions and issues as attached. If after considering our questions you were to agree that some or all of our concerns are valid and need to be resolved before the FNDC's PDP is Notified, we would be looking to you to advise both ourselves and the FNDC of your considered position on such matters.

We would also be happy to discuss our concerns with you if you thought that would be helpful and appropriate.

Ngā mihi,

A handwritten signature in black ink, appearing to read 'I. Palmer', written over a light blue horizontal line.

Ian Palmer

Cc Jan Ferguson

William Ferguson

Zejia Hu

## Plan Heritage Report Queries & Concerns

The Plan Heritage report titled: “Far North District Plan Review Historic Heritage Stage Two Rapid Assessment Reports” (PH S2) was made public by the FNDC in early September 2021. The list of queries and concerns below relates to that report’s proposal for a Mangonui and Rangitoto Peninsula Historic Heritage Area (MRPHA) and in particular to the proposal that the MRPHA extend over the entire Rangitoto Peninsula and Butler Point.

1. PH S2 report uses the term “Butler Point” as if it is part of a wider area referred to as “Rangitoto Peninsula”. It is questionable whether this is topographically correct. In any event, “Butler Point” is an area well known locally, and locals perceive it as an area distinct from such wider area which may or may not be correctly described as “Rangitoto Peninsula”. There is a consequential potential for confusion in the proposed naming of the MRPHA. Has LINZ been consulted as to whether this is the most appropriate descriptor of the areas proposed to be encompassed by the MRPHA?

Notwithstanding the above concern, for the sake of brevity the abbreviation “RP” is used below to refer to all of the land on the eastern side of the Mangonui Harbour that is proposed to be within the MRPHA including, unless stated otherwise, Butler Point.

2. PH S2 (p227) refers to:

*Cliff Pa (O04/17) located on Lot 1 DP91523*

- Heritage New Zealand Pouhere Taonga (HNZPT) have advised that this is the same site as described in O04/57. Both NZAA Site records suggest the most recent site inspection was in the 1960s and neither records accurately define the location, but presumably it corresponds to the spine of the ridge that runs NE-SW from the Hihi sub-division; i.e. approximately coincident with present day Peninsula Parade. Local residents see no evidence of this site and suggest its remnants were probably destroyed as a result of the Hihi subdivision and/or the creation of the Peninsula Parade public road in the 1970s. This contention is supported by the fact that the site is not mentioned in Joan Maingay’s “Mangonui Sites at Butler Point Mangonui” (DoC 1992) which she published following her extensive site surveys of the entire RP. In the NZ context, a Pa site is a very significant archaeological site, and to suggest one exists near the NE extremity of the proposed MRPHA area will be seen as a major justification for the MRPHA extending to that area, which is otherwise far away from any recognised Pa sites on the RP. Aren’t the uncertainties associated with this site and the lack of reliable commentary as to its present-day condition (if it still exists in any meaningful sense at all) a very weak

basis on which to propose a HA extending over a substantial area of private land be formalised as an overlay in a Notified PDP?

3. PH S2 (p226) states:

- *“Note that there are too many sites recorded on the Rangitoto Peninsula to record individually”*
- Why could all such sites not be listed in the report? As written, this statement implies a plethora of sites at an extraordinary density compared to surrounding areas and the Northland region in general. This premise appears to be a primary reason for proposing the whole RP (but not areas beyond) being included in the MRPHA. Joan Maingay (1992) did list and describe all sites recognisable on the RP based on her fieldwork between 1986 and 1992. Maingay’s list comprises two only Pa and 12 sites of lesser historic and archaeological significance (middens, pits, terraces, orchards etc). Robinson (2007 “An Archaeological Survey of Whakaangi, Doubtless Bay”) documented a similar number of archaeological sites on the RP while documenting an order or magnitude more than this number in the adjacent, and culturally related, Whakaangi area. In terms of regional context, it is noted that there are over 12,000 NZAA recorded sites in Northland.
- Would it not have been more transparent to include some of the above context and perhaps also the attached NZAA Site viewer image which illustrates that the density of recorded archaeological sites on the RP is not extraordinary in this region?
- Is it not correct that the density of such NZAA recorded sites is as much a function of how much archaeological examination has been focussed on a particular area, as it is on the density of remnants of pre-colonial period land occupation? Noting that in the case of the RP, it has been the subject of intensive archaeological examination instigated in large part by its residents, particularly the late Lindo and Laetitia Ferguson (who were presented with a conservation award by DoC in December 1993 for their efforts) and Jan Ferguson who is a qualified archaeologist.
- Don’t surrounding areas have a similar or greater density of NZAA recorded archaeological sites and more sites of significance to Māori, particularly re Whakaangi (as evidenced by Robinson 2007) and also Paewhenua Island?

4. PH S2 (p229) states:

*“Butlers House and Trading Station (Former) on the eastern side of the inner harbour contains a **range of** mid—late 19<sup>th</sup> century buildings and structures of national importance” [emphasis added]*

What is “a range of” referring to? Local understanding is that there is only one built historic Heritage Resource of national importance present on the RP and that is Butler House at Butler Point.

5. PH S2 (p230) states:

*“Rangikapiti Pa and Rangitoto Pas are well-preserved examples of pre-European Headland Pa sites”.*

- Doesn't this suggest both Pa are equally well preserved and are both in good condition and are well cared for? While Rangikapiti can fairly be regarded that way, (on account of a huge amount of volunteer work over several decades by the Friends of Rangikapiti group), the same cannot be said of Rangitoto, that has been entirely neglected by the party in whose custody it has been entrusted (i.e. the FNDC). The attached letter from NZHPT, which has been provided to the FNDC, attests to the issues that are compromising The Rangitoto Pa's integrity and preservation.
- Given that Rangitoto Pa would undoubtedly be the principal non-European historic Heritage Resource within the eastern portion of proposed MRPFA, shouldn't its relatively poor current condition and threats to its archaeological features be worthy of mention in the PH S2 report? Aren't HNZPT's recommendations, particularly wrt the urgent need for a Management Plan, relevant and noteworthy information, as is the fact that the site's administering body has ignored such advice and has for many years been in default of Section 41 of the Reserves Act 1977 for not having developed and then acted on such a MP?

6. PH S2 (p230) states:

*“On the Rangitoto (Waikeke) Peninsula there are remnants of the original Kauri forests which attracted European settlers to establish a saw mill at Mill Bay, the timber trade fuelling the development of Mangonui in the 1880s.”*

*and (p233):*

” ..... Rangitoto Peninsula and Butlers Point include areas of surviving and regenerating Kauri forest and bush, which provide strong natural character and context to the shoreline, substantially unchanged for the last 200 years.”

- What is the basis for implying the RP was known as “Waikeke”? It is acknowledged that some references (e.g. Maingay 1992 and Mogford “The Butler House, Mangonui 1847-1990”, 1992), do suggest this association), however more recent research evidences that “Waikiekie” (sometimes ‘Waikeke’ and other derivatives) was the original Māori name of the area now known as Mill Bay and the associated headland between that bay and the Mangonui township. For example, see the attached Waitangi Tribunal (WT) published sketch map of Mangonui town circa 1840 overlain by approximate location of relevant OLCs.<sup>1</sup> (The confusion arose as Captain William Butler was granted a 3-acre block of land (per Deed 57H H1.37) on Butler Point in 1859 in exchange for the surrender of his derivative claim to some or all of Thomas Ryan’s OLC 407 which was land Ryan had claimed on the town side of the Harbour i.e. at Waikiekie, now Mill Bay<sup>2</sup>).
- What evidence is there to assert that there are ‘remnants of the original Kauri forests’ on the RP? Local knowledge suggests there are none (but there are in the Whakaangi area on the other side of Hihi). The oldest known Kauri tree on RP is thought to be circa 60 yo (located on the Ferguson family’s Butler Point estate).
- The RP and adjoining Hihi, Waiaua Māori land and much of the maunga Whakaangi was ‘sold’<sup>3</sup> by certain Māori chiefs to European sawyers, including James Berghan and Thomas Ryan in the 1830s, largely to facilitate harvesting of Kauri timber. Isn’t it reasonable to assume the more accessible Kauri on this land, particularly the RP, would have been long gone when the mill at Mill Bay was constructed in 1880 (fully operational in 1901 and closed in 1915)? Shouldn’t the limitations in these heritage relationships have been more clearly represented in the PH S2 report?
- What evidence is there that the RP shoreline is substantially unchanged relative to pre-colonial times? Consistent with the previous point, John Kinder’s 1858 water colour painting of the RP (now in the Auckland City Art Gallery) shows a largely cleared landscape including the shoreline.

---

<sup>1</sup> Fig 29 from Professor Dame Evelyn Stokes (DNZM)’s 1997 Waitangi Tribunal published research report: “A Review of The Evidence In The Muriwhenua Lands Claims”, Wai 45 P002 Vol1 p359.

<sup>2</sup> Direction of the Court of Land Claims signed by Commissioner Francis Dillion Bell, September 26<sup>th</sup> 1859, p81 from the file: “Thomas Ryan Mangonui [ACFC 16153 OLC1/17 OLC 403-407] Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua”

<sup>3</sup> Waitangi Tribunal research papers suggest that the Māori ‘sellers’ didn’t see these transactions as sales in a conventional European sense, but rather licences to occupy the land and share in the exploitation of the land’s resources, which in the 1830s and 40s was principally timber.

- Most of the vegetation visible today on the RP is as a result of plantings by landowners since 1970 (when the Ferguson family acquired the Butler Point estate). These plantings, as well as the few pre-colonial aged specimens, will remain well protected by current planning laws/rules (and other proposed PDP rules), but more importantly by landowner veneration for such, with or without being subject to a HA overlay. Shouldn't the evidence of this long standing and ongoing manaaki whenua have been acknowledged in the report?

7. PH S2 (p232) states:

*“The maunga Whakaangi is acknowledged as a place of great cultural significance to Ngati Kahu, and is closely related both visually and contextually to the historic heritage area.”*

So why isn't the maunga Whakaangi and the three associated historically important Māori land areas of Waiaua, Taemaro and Waimahana proposed to be included in the MRPHA? (Noting that these three areas were established as 'Native Reserves' in association with the Crown's historically significant 1863 'Mangonui Purchase').

8. PH S2 (p233) states:

*“Mangonui and Rangitoto Peninsula historic heritage area is of high significance historically, at the regional and national level, as a place of Māori settlement for at least 500 years prior to the arrival of the first Europeans. **There are associations with early waka landings**, and the pa sites on either side of the harbour have a strong associations with the Māori Rangatira Moehuri and his wife Rangikapiti.”*

Which early waka landings is this a reference to and where are those landing places considered to be? Local understanding is that traditional Māori accounts of their early history place such waka landings at locations other than on the RP. The above quoted text is liable to be construed as suggesting such waka landings were on the RP, giving weight to the argument that the whole of the RP should be included in the HA.

9. PH S2 (p233) states:

*“... the American whaler Captain Butler”.*

Captain William Butler was born in Dorset England in 1814.

10. PH S2 (p238) states:

*“...Rangitoto Peninsular /Butlers Point Area: .... includes [sic] **several** pa sites ...”*  
[emphasis added]

Per Point 2 above, local knowledge only recognises two Pa on the RP: “Rangitoto” (O04/16 formerly N7/3) and the Pa on Butler Point (O04/56 formerly N7/70) of uncertain name (Robinson (2007) and Maingay (1992) suggest possibly “Moehuri” or “Hurimoe”).

11. PH S2 (p238) states:

*“Rangitoto Peninsular /Butlers Point Area: The proposed area covers largely [sic] undeveloped coastal and conservation land,..”.*

- What conservation land is this referring to? Local knowledge only identifies one piece of conservation land on the entire RP, that being the land that DoC grandiosely refer to as the “Oyster Point Conservation Area” (and locals refer to as the “DoC Strip”).
- There is a 13-acre FNDC administered recreation reserve (Rangitoto Recreation Reserve) and some ‘Paper’ Roads and small esplanade strips on the RP, but almost all of the privately owned land has riparian rights.
- If a reference is to be made to ‘conservation land’; i.e. to the DoC Strip (aka Oyster Point Conservation Area), shouldn’t it be pointed out that this is a tiny (0.14 hectare) piece of inaccessible land not actually located at or on Oyster Point that has long been entirely ignored by DoC and currently supports an abundance of invasive non indigenous weeds? (It might also be mentioned that it is subject of a RoFR offer to Ngati Kahu as part of a proposed Waitangi Treaty settlement, notwithstanding its diminutive size and lack of apparent significance.).
- The RP is comprised of circa 20 titles on which there are at least seven dwellings and numerous utility buildings and other ‘improvements’, so does ‘largely undeveloped’ fairly convey this present-day reality?

12. PH S2 (p245) states:

*“Deeds Plan C3 (North Auckland) (1840-1876) showing Butlers House and Trading Station, house and fields laid out”.*

- What is intended by the quoted date range and what reference is this based on?

- What evidence is there that Deeds Plan C3 shows either Butler House, the associated Trading Station or fields associated with Butler? (We see no such evidence from a close examination of a recently acquired high-resolution copy of Deeds Plan C3).
- Local knowledge of the cadastral history of this land indicates the Butler family never owned most of the land that is the subject of Deeds Plan C3, but rather that document is a set of sketches of the circa 1859-1863 subdivisions of land that the Crown sold to John Payne Lloyd in 1852 (see SO 1535B). These subdivisions and sales included 46 small sized 'town lots' (more clearly portrayed on SO 1535C1). These lots were never occupied as such and remained abandoned until claimed by a neighbouring landowner by adverse possession in the 1950s. Aren't the lineaments on Deeds Plan C3 purported to delineate Butler's fields etc, actually the cadastral boundaries of John Payne Lloyd's subdivided lots?
- Archival records including the attached survey plan<sup>4</sup> show that the Government denied Captain Butler's request in 1850 to purchase 50 or 100 acres of RP land and instead agreed to sell just 5 acres to him (prior to a public auction of adjacent land). This first sale by the Government of land on the eastern side of the Mangonui Harbour comprised a four-acre lot on which Butler's house and buildings were already located ('Lot 1 of Section 2 Village of Mangonui') and the one-acre lot at the point ('Lot 2 of Section 2 Village of Mangonui'). The latter block was granted on the basis that it was required for Butler's 'business purposes' and probably was the site of a bond store as gazetted in 1851. Isn't this 5 acres of land the most deserving on the RP of being included in a District Plan HA and the rest of the circa 130 acres of RP land commensurately less deserving (except possibly for the two Pa sites referred above)? (It is acknowledged that Butler subsequently acquired additional land via public auction and a series of private conveyances between 1852 and 1867, leading to the circa 52-acre estate now owned by the Ferguson family).

13. PH S2 (p246) states (in relation to a 1948 aerial photograph):

*"Butler's trading post **and the small bach to the north** are the only settlement visible on the Rangitoto Peninsula, despite some early subdivisions."* [emphasis added]

Where and what is the 'small batch'? Local knowledge is not familiar with any 19<sup>th</sup> C. built structure on the RP other than Butler House. An extant stone cottage was built by Clifford Collins Edmonds in Te Kau Bay (on present day Lot 1 DP50149)

---

<sup>4</sup> Thomas Ryan OLC file



which was occupied from 1951<sup>5</sup>, but nothing of that appears on any 1948 photograph.

14. PH S2 (p252) states:

*“Further work is required to define ‘sub-areas’.*

*This will include review of design guidance for those areas;*

*Historic Heritage Management Plans should be prepared which detail management responses and specific policies for heritage areas and sub areas; “*

- Can you please provide examples of ‘design guidance’ and ‘Historic Heritage Management Plans’ so that we have a better understanding of what you are proposing.
- Would it be inappropriate for the FNDC to Notify its PDP with the MRPHA as per its draft PDP without completing the above proposed work and without having produced such proposed Design Guidance and Historic Heritage Management Plan documents (and without consulting with affected landowners and other relevant stakeholders on the content of such)?

15. PH S2 (p248) states:

*“The evaluations in this report are based on high-level research and a single site visit, so further assessment is required. In particular, there has been no stakeholder engagement to date. The following are preliminary recommendations in terms of developing the methodology, fieldwork and stakeholder engagement to finalise the evaluations.”*

- Did the site visit on 19<sup>th</sup> Sept 2019 involve anyone visiting the RP?
- What engagement with and/or input from HNZPT helped informed what was written in the report?
- What additional work is required before the ‘preliminary recommendations’ for a MRPHA could be considered sufficiently robust and defensible to be included as a Heritage Area overlay in a Notified PDP?

---

<sup>5</sup> Affidavit by Clifford Collins Edmonds 19<sup>th</sup> December 1955, Application 8230 p62-64

16. PH S2 promotes the concept that the MRPHA should embrace both built colonial period European Heritage Resources and pre-colonial Māori Heritage Resources and 'tell' their respective stories. The FNDC's resulting proposed MRPHA has a single set of conflated policies and rules which don't differentiate between areas included for one heritage reason or the other. Is this not problematic given the lingering sensitivities and unresolved issues associated with the early colonial history of this area? Numerous publicly available WT reports document a substantial volume of well-founded historic claims, which in the case of Ngati Kahu (other than Ngati Kahu ki Whangaroa) are yet to be settled. Ngati Kahu leadership have documented their sense of grievance associated with these well-founded claims in more passionate terms<sup>6</sup>. This history is seen by at least some in this community in terms of the area's development and growth of prosperity enjoyed by European colonial period settlers being at the expense of its Māori inhabitants. Given that background, to define a HA with this combination of Heritage Resources may lead to perverse outcomes. For example, consent conditions for buildings on areas of the RP included due to their pre-colonial Māori heritage associations, may be required to adopt European colonial architectural styles; arguably an insult to local Māori not an honouring of their heritage.

17. Shouldn't PH S2 have taken account of inter Māori Iwi sensitivities associated with the history of the RP in the early 19<sup>th</sup> C.? WT documents<sup>7</sup> summarise primary source references that describe a decisive battle at the Rangitoto Pa in the early 19<sup>th</sup> C (possibly circa 1828). In this episode the Ngati Kahu occupiers are said to have suffered heavily at the hands of Ngapuhi attackers. It is assumed that this episode largely ended Māori occupation of Rangitoto Pa and its immediate surroundings and subsequently facilitated the 'sale' of this land by Ngapuhi chiefs to the European sawyers in the 1830s. The right to sell was highly contentious as between the leading Māori chiefs of the day representing opposing Iwi, which is an aspect that is still relevant in current proceedings in the WT<sup>8</sup>.

These are obviously sensitive matters that need to be carefully considered and addressed accordingly in consultation with relevant Māori representatives before finalising any MRPHA.

---

<sup>6</sup> Professor Margaret Mutu et al: "Ngāti Kahu: Portrait of a Sovereign Nation", 2018.

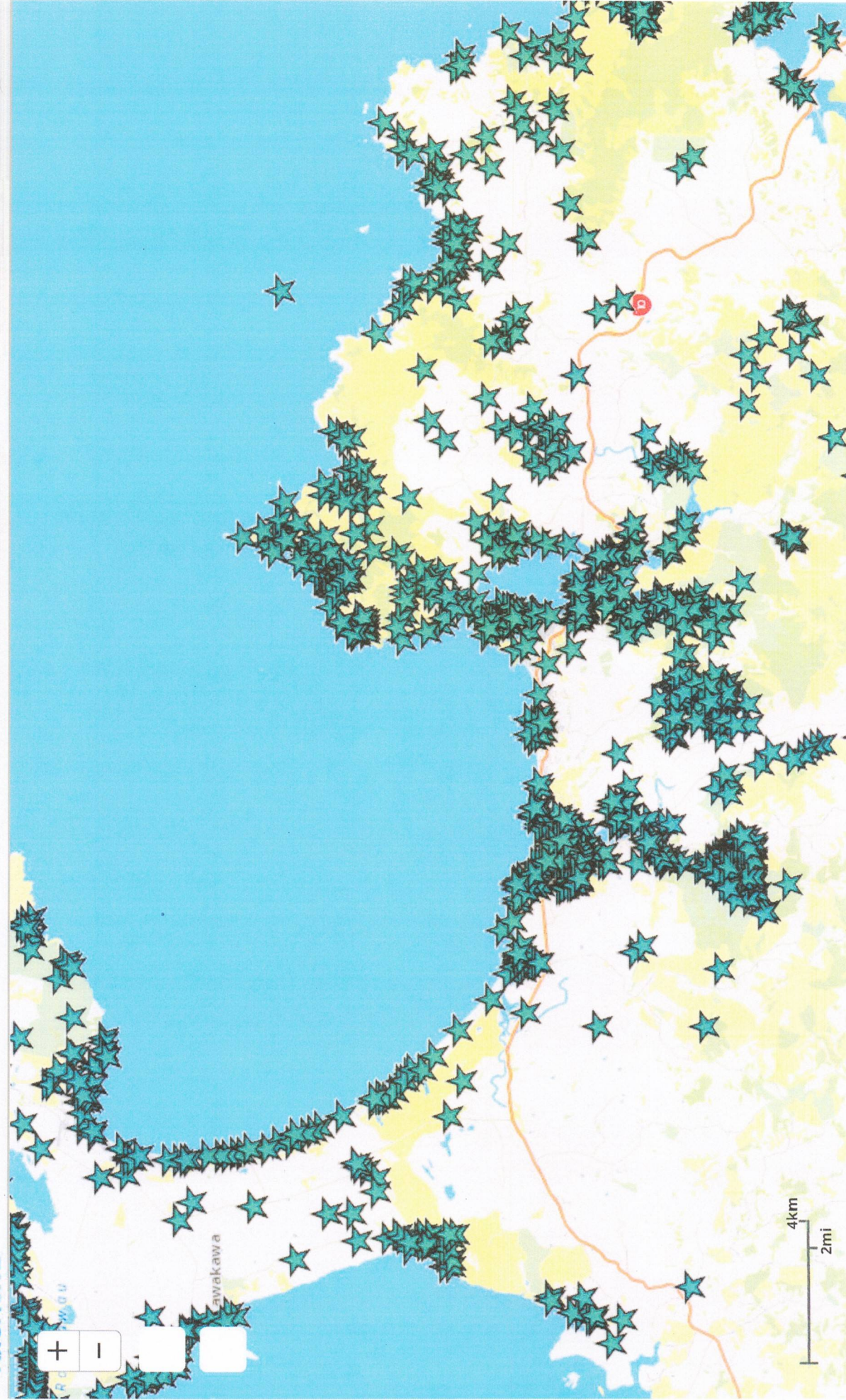
<sup>7</sup> Wai 45 reports: D005, P002, R001, T004 and others

<sup>8</sup> Applications to the Renewed Muriwhenua Land Tribunal for binding recommendations



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

# archaeological site recording scheme





3 November 2020

File ref:  
11013-014

To Whom It May Concern

## RANGITOTO RECREATION RESERVE: PROPOSED MANAGEMENT PLAN

Heritage New Zealand Pouhere Taonga is the statutory authority established under the *Heritage New Zealand Pouhere Taonga Act* (the Act) to promote the identification, protection, preservation, and conservation of New Zealand's historic and cultural heritage. Heritage New Zealand's powers extend to all land in New Zealand.

Rangitoto Recreation Reserve is managed by the Far north District Council. It covers 5.5ha and contains two archaeological sites; a midden (O04/973) and a prominent headland pa (O04/16). Rangitoto Pa along with Rangikapiti Pa located immediately opposite across the narrow harbour, effectively controlled access into Mangonui Harbour and the important horticultural resources of the Oruaiti River prior to European arrival in the area and the establishment of the Mangonui as a whaling fleet provisioning town. Today these two pa provide a special visual experience for tourists visiting the area.

At the request of the adjacent landowner I inspected the archaeological features of the pa in early 2020. The pa is one of the larger defensive pa sites in the area and covers much of the reserve with well-preserved terraces, a large 52 x 16m tahi platform and uses both steep natural slope and a deep ditch for defensive purposes (see Maingay plan Fig. 1 below). The site is traditionally significant to Ngati Kahu Ki Whaingaroa and is associated with a battle late in the prehistoric period.

In the last 30 years the grass cover on the headland has given way to weed shrubs and quick growing wattles that now obscure many of the pa features. These weed species will eventually cause significant damage to it through tree blow and root action. There is an urgent need to have a management plan to guide the removal of weed species, identify those areas that should be planted in native trees and set aside from planting the impressive earthworks of the pa that should be again covered in grass.

Heritage New Zealand has provided some initial advice to Mr Palmer as to how the archaeology of the pa could be enhanced through weed control and focused grass and native tree replanting (see suggestions in Figs 2-4 below). However a professionally produced vegetation management plan is required that can incorporate archaeological and other values to enhance visitor enjoyment values. Should the Far North District Council agree to fund such a plan Heritage New Zealand is happy to continue to support this project by providing archaeological advice and expertise as required.

Yours sincerely,

Dr James Robinson  
Archaeologist, Heritage New Zealand Pouhere Taonga

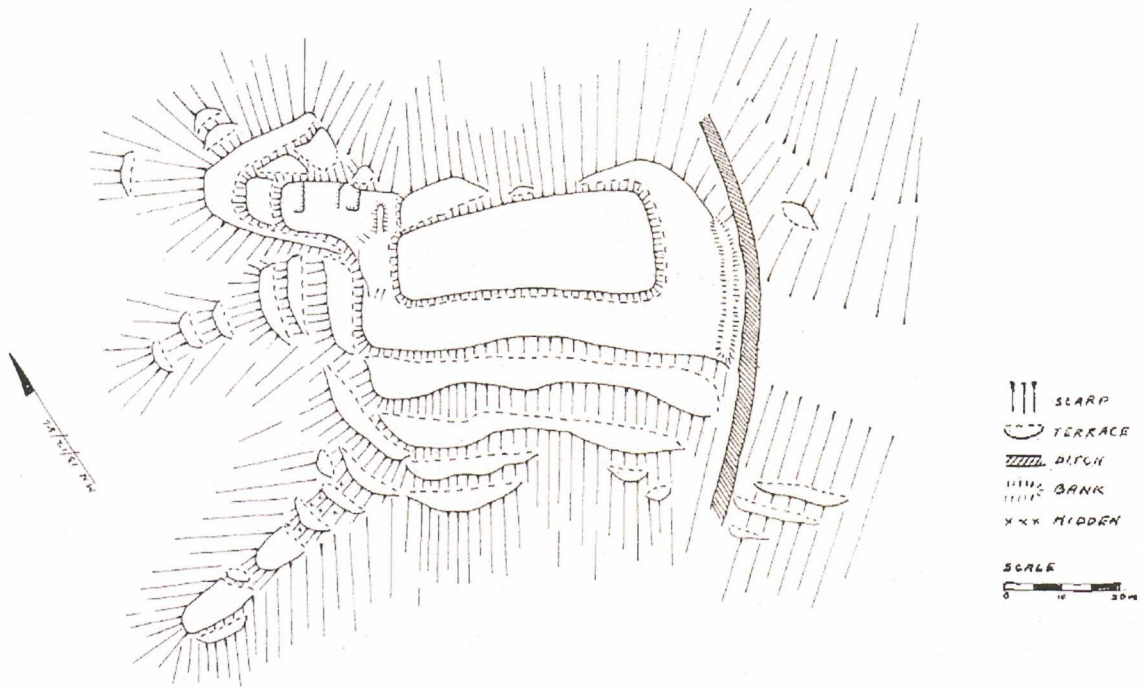


Fig. 1: Maingay 1986 sketch drawing of Rangitoto Pa (O04/16)

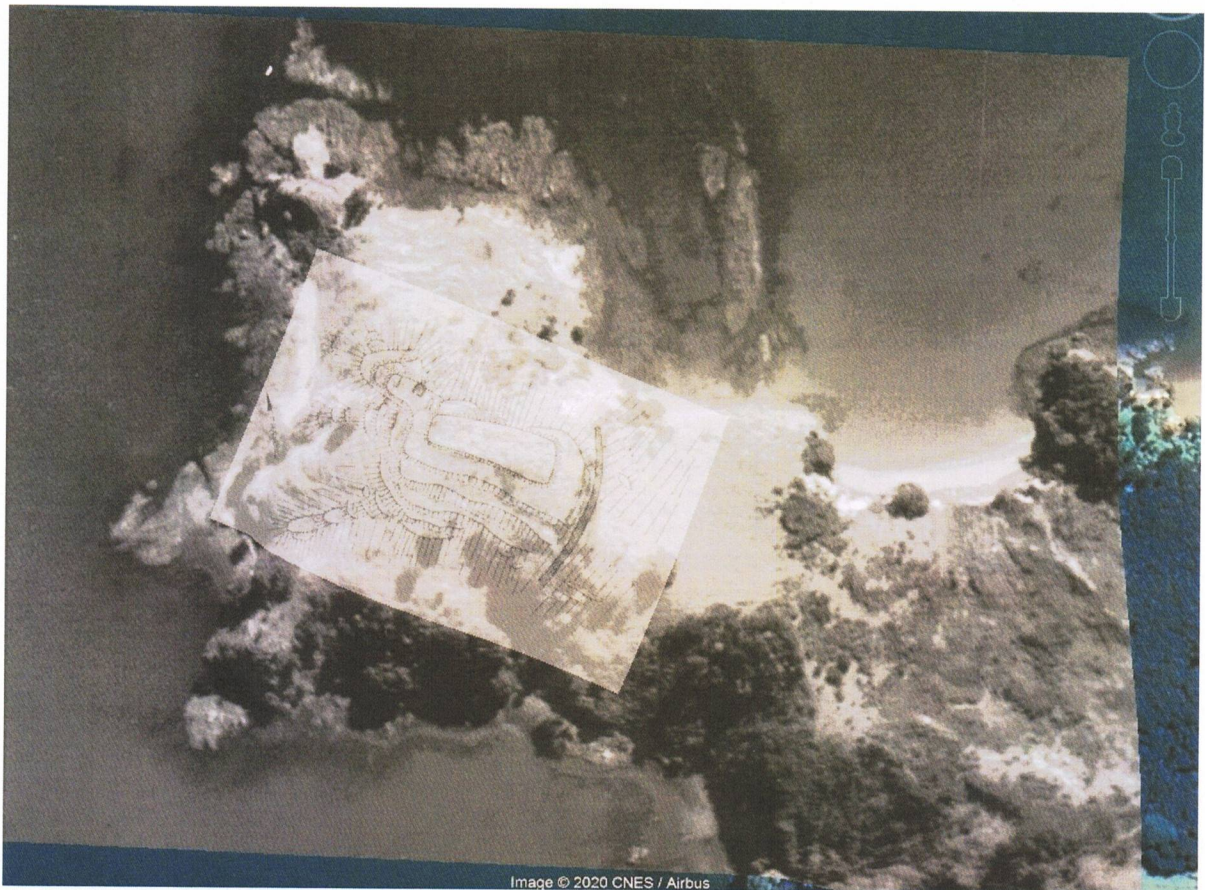


Fig. 2: Maingay sketch plan of Rangitoto Pa superimposed on google earth image. Note the sketch is not to scale and so the northern most terraces need adjusting to the north and east to fit the land.



Grass Fig. 3: possible vegetation boundary proposal over google earth 2020 image. This is a starting point for a proper vegetation management document.

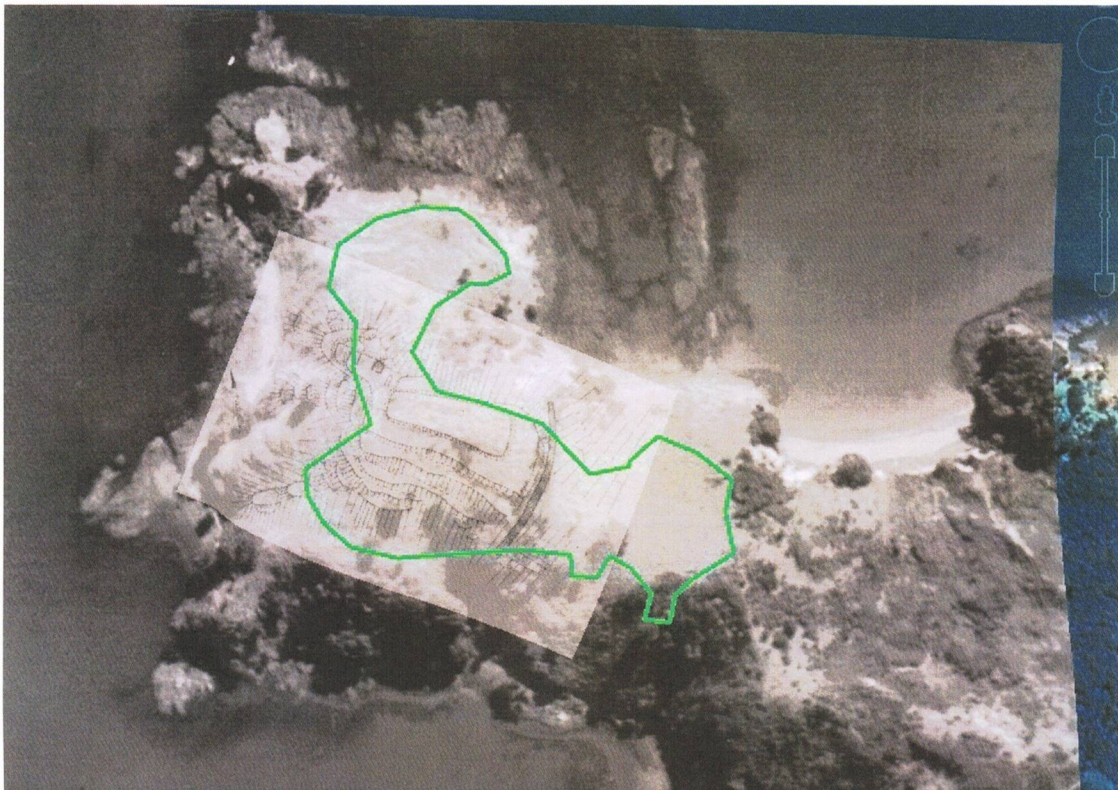


Fig. 4: Proposed boundary of the area to have weed species removed and re-grassed (inside the green polygon). The green polygon is overlaid over the 1986 Maingay archaeological plan and this in turn has been overlaid over the 1950 aerial photo that clearly shows archaeological features of the pa.

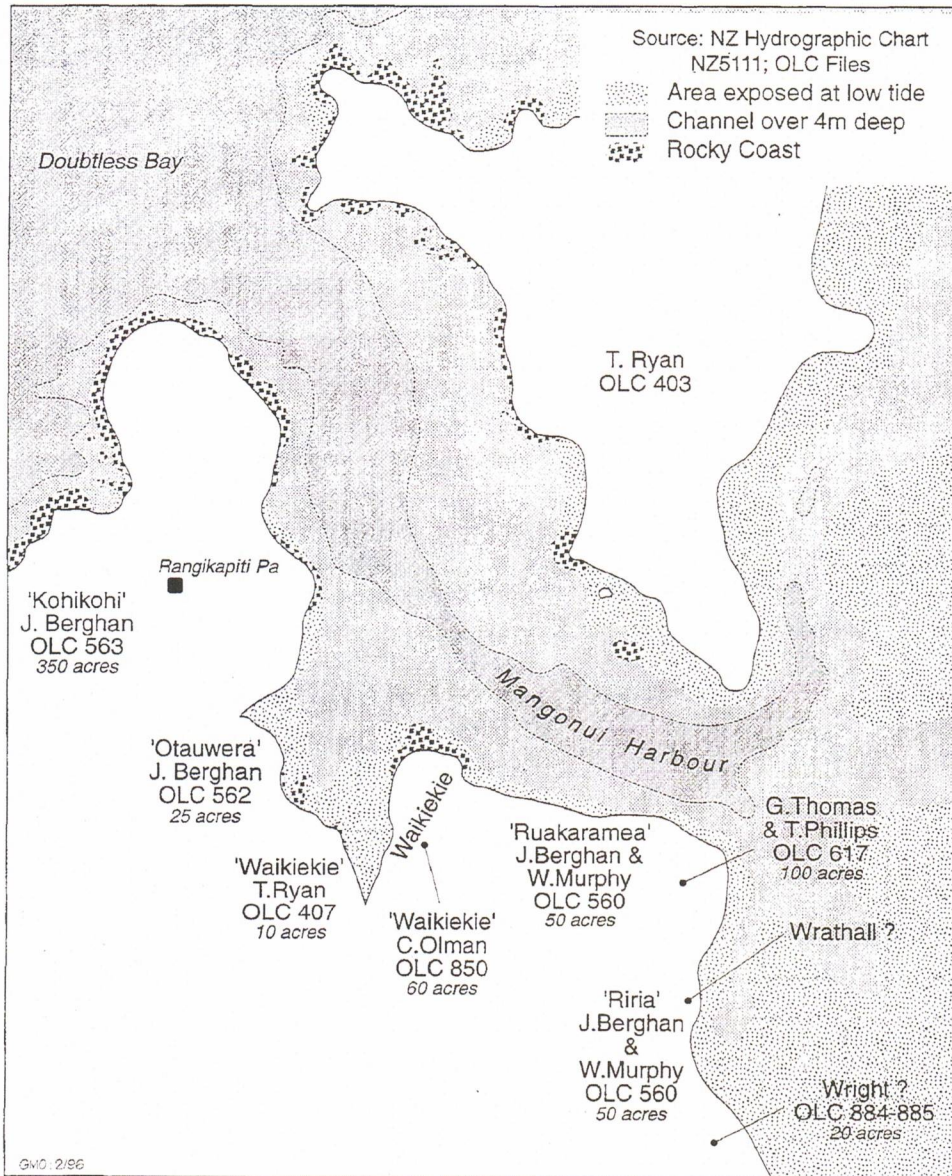


Figure 29: Mangonui, circa 1840

14.1.2 Thomas Ryan (OLC 403–407; Doc D5, p 1160)

Old land claim 407 'Wykeke' (Waikiekie) 21 June 1838 – 10 acres:

bounded on the north by a small Bay on the east by land belonging to Charles Holman [sic] and on the south and west by land belonging to James Berghan and Thomas Ryan.



*Plan of ... of ... at ...*  
*Surveyed by ...*  
*and ...*



NATIONAL ARCHIVES  
 Group 1165  
 Box 1165  
 Date 1850

*Handwritten notes and signatures in the top right corner, including 'B. 1' and 'W. H. ...'*

*Plan of ...*  
*of the land formerly claimed by*  
*Thomas Ryan, at ...*

*Scale of ...*

*Handwritten signatures and notes at the bottom right, including 'W. H. ...' and 'M. ...'*