

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? Yes No

2. Type of Consent being applied for

(more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____
- Discharge
- Change of Consent Notice (s.221(3))
- Extension of time (s.125)

* *The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the Fast Track Process?

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Waitangi Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

6. Address for Correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Northland Planning & Development (2022) Limited

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

** All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Waitangi Limited

**Property Address/
Location:**

Waitangi Treaty Grounds, Tau Henare Drive, Paihia

Postcode

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

Yes No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- Building Consent
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) Yes No Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. Yes No Don't know

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application Yes

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? Yes No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? Yes No

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full) Waitangi Limited (c/- Lara Thorne)

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)

Nicole Wihongi, Head of Infrastructure - Waitangi Treaty Grounds

Signature:

(signature of bill payer)

Date 16-Oct-2024

MANDATORY

15. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

15. Important information continued...

Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name: (please write in full)

Rochelle Jacobs

Signature:

[Redacted Signature]

Date 19-Oct-2024

A signature is not required if the application is made by electronic means

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Land Use Resource Consent Proposal

Waitangi Limited

Lot 1 DP 326610

23 October 2024

Attention: Nick Williamson and Brain Haung

Please find attached:

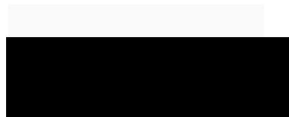
- A completed application form for a land use resource consent to construct a new carpark within the upper Treaty Grounds on the Waitangi Estate; and
- An Assessment of Environmental Effects.

Waitangi Limited are seeking a resource consent to construct a new carpark on the upper northern side of the Treaty Grounds, adjacent to the Waitangi golf course site. Restricted Discretionary resource consent under the Operative District Plan is required for excavation works that exceed the permitted standard in the General Coastal zone. The proposed activity is Permitted under the Proposed District Plan.

The carpark is needed for the 2025 Waitangi Day celebrations, as such any expedience on processing the resource consent will be much appreciated.

If you require further information, please do not hesitate to contact me.

Regards,



Deanne Rogers
Consultant Planner
NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

Reviewed by:



Rochelle Jacobs
Director/Senior Planner
NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED

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- 1. Far North District Council Application Form**
- 2. Certificate of Title – Lot 1 DP 36610**
- 3. Waitangi Upper Treaty Grounds Carpark Plan – HB Architecture**
- 4. Archaeological Management Plan – Time Depth Enterprises**
- 5. Archaeological Report - Time Depth Enterprises**
- 6. Archaeological Authority – Heritage New Zealand Pouhere Taonga**
- 7. Correspondence - Heritage New Zealand Pouhere Taonga**
- 8. Correspondence – Te Tii Marae**

Assessment of Environment Effects Report

1. Description of the Proposed Activity

- 1.1. Waitangi Limited seeks a resource consent to construct a new carpark on the upper Treaty Grounds as illustrated on the application plan prepared by HB Architecture titled 'Area 4 – Upper Carpark RC_11.01 dated 20/09/24 (refer Figure 1 below).

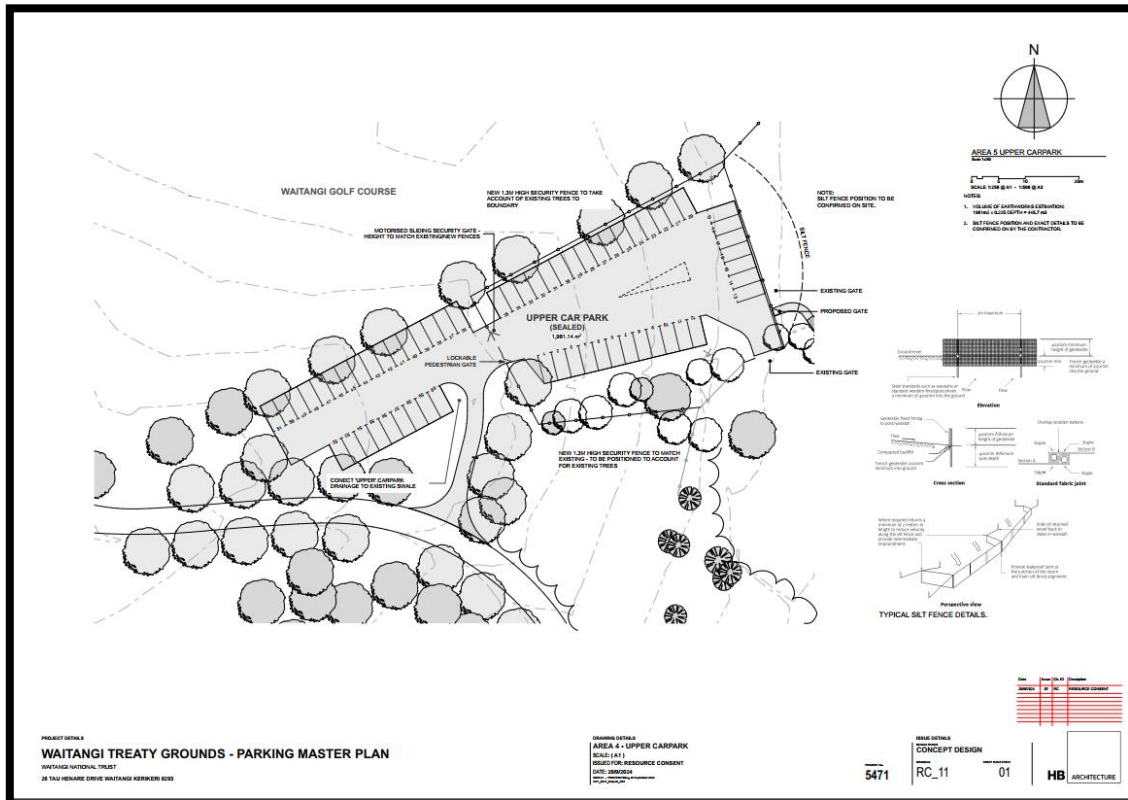


Figure 1 – Proposed carpark layout

- 1.2. The carpark would be located behind the main grounds and Whare Runanga where there is an existing smaller gravel carpark that is adjacent to the Waitangi golf course site. In addition to the existing 24 carparks, 36 new carparks will be provided in this location, contributing to the overall parking supply on the Waitangi Estate. The notable importance of this carpark is its proximity to the main Treaty Grounds that will enable visitors, kaumatua and other dignitaries to park vehicles and walk a short distance to the gathering areas for Waitangi Day celebrations and other festivities at the Whare Runanga.

- 1.3. The proposed carpark is a 1,981.14m² sealed area. Construction excavation earthworks will comprise 445.7m³ of excavated topsoil that will be removed off the Waitangi Estate site to an approved facility. No vegetation removal is required. The carpark would be floodlit at night with security cameras installed.
- 1.4. Construction earthworks will be undertaken in accordance with the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (2016/005) as required by the Proposed Far North District Plan earthworks rules that have immediate legal effect. Sediment and erosion control will include silt fences positioned on the lower side of the earthworks site as indicated on the site plan RC_11.
- 1.5. The proposed carpark has an archaeological authority from Heritage NZ to proceed in accordance with the conditions set out in the approved management plan. Copies of the authority and management plan are attached at **Appendix 4** and **6**. The proposed works are to be supervised by Mr Don Prince who is the Section 45 approved archaeologist. Written approval for the proposed activity has been obtained from Ngati Kawa on behalf of Te Tii marae hapu. (Refer **Appendix 8**).

2. Description of the Site and Surrounding Environment

- 2.1. As illustrated in Figure 2 below, the proposed carpark would be located at the northern periphery of the upper Waitangi Treaty Grounds behind an existing bush area that screens the northern perimeter of the Lot 1 DP 322610 site. This part of the site is adjacent to the Waitangi golf course located on Lot 3 DP 326610 and has elevated views of the Bay area between Waitangi and Tapeka Point. There is an existing gravel carpark that would be expanded east and west, parallel to the golf course site boundary (refer Figure 3 & 4).

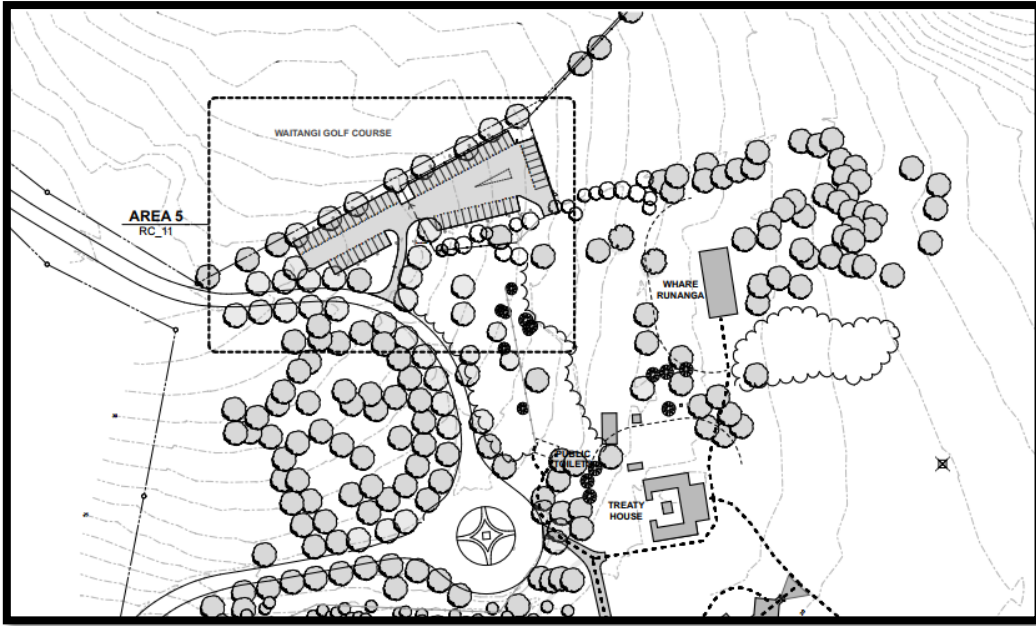


Figure 2: Treaty Grounds carpark location



Figure3: view looking west of carpark site to be located on the upper side of the existing fence.



Figure 4: view of existing gravel carpark (approximately 24 unmarked carparks)



Figure 5: view of extended carpark area looking east

- 2.2. The Waitangi Treaty Grounds site is part of a larger 411-hectare property that extends from the mouth of the Waitangi River to north of the Waitangi golf course and west to Haruru Falls Road. This part of the Estate is accessed from Tau Henare Drive, on the northern side of the Waitangi one-way bridge. The Waitangi Estate site (within which the proposed carpark is located), is legally described as Lot 1 DP 326610.
- 2.3. The historic Treaty Grounds has been established in a ‘park-like’ environment that preserves the open space and built environment associated with the signing of the Treaty of Waitangi. The site is owned by the Waitangi National Trust Board and managed by Waitangi Limited. All of the existing activities within the site are mandated under the Waitangi National Trust Board Act 1932. As intended by Lord and Lady Bledisloe who gifted the land to all New Zealanders, it is:
- “a place of historic interest, recreation, enjoyment and benefit in perpetuity to the inhabitants of New Zealand.”*
- 2.4. The ‘upper Treaty Grounds’ contain the historic Treaty House, Te Whare Runanga, the Hobson Memorial and Flagpole. These are Heritage NZ and Far North District Council scheduled historic heritage buildings and structures. The Waitangi Treaty Grounds, also known as Te Pitowhenua is New Zealand’s only national heritage landmark (refer Figure 6 below). The carpark site is within this boundary.



Figure 6: Extent of HNZ National Landmark Te Pitowhenua / Waitangi Treaty Grounds

- 2.5. The visitor entrance building is located adjacent to the main visitor carpark. This building includes a retail shop and the 'Museum of Waitangi'. It is connected to the upper Treaty Grounds via a network of elevated boardwalks constructed through native bush areas and sealed and metal pathways. Central to this part of the site is the Waitangi Limited administration building, which accommodates management and administration staff. A short-paved access lane provides vehicle access to the rear side of the Copthorne Resort Hotel.

- 2.6. To the north of the administration building, is the recently constructed Maori Battalion Museum ('Te Rau Aroha' Museum) and function rooms. There is a caretaker residential cottage located just south of the Maori Battalion Museum. The eastern part of the upper Treaty Grounds site is open lawn area with coastal vegetation that frames the foreshore edge of the site.

- 2.7. Carparking areas are located around the perimeter of the Treaty Grounds. The main visitor carpark is in the lower grounds adjacent to the Treaty Grounds entrance. Other carparks

include those in the road adjacent to Hobson Memorial, staff carparking at the rear of the Waitangi Museum, the carpark at the eastern end of the Haruru Falls track and overflow carparking opposite the main lower carpark. The upper carpark location would provide additional carparking close to the upper Treaty Ground ceremonial gathering areas.

3. Reasons for Consent

- 3.1. There are two relevant District Plans to consider at this time. The Operative District Plan and the Proposed District Plan.
- 3.2. The carpark site is zoned 'General Coastal' under the Operative Far North District Plan (ODP) and there are no overlays.



Figure 7 -Operative District Plan Zone(s)

- 3.3. Under the Proposed Far North District Plan (PDP), the carpark site is proposed to be zoned 'Rural Production'. A proposed 'Coastal Environment' overlay would also apply to the activity site(s). Proposed High Natural Character and Outstanding Natural Landscape overlays apply to land to the upper Treaty Grounds land (refer Figure 8 below) to the activity site(s). The mapped area of High Natural Character does not extend to the carpark site.



Figure 8 – Proposed District Plan zones and overlays

Operative District Plan Rule Assessment

3.4. Under the ODP, the site is assessed against the following General Coastal zone rules set out in Table 1 below and the district-wide rules in Table 2.

TABLE 1 - ASSESSMENT AGAINST THE APPLICABLE ODP ZONE RULES:		
PERFORMANCE STANDARDS – GENERAL COASTAL ZONE		
10.6.5.1.1	Visual Amenity	Permitted The proposed activity does not include any new buildings.
10.6.5.1.2	Residential Intensity	Permitted The proposed activity does not include any residential activity.
10.6.5.1.3	Scale of Activities	Permitted The proposed activity is for a carpark that is not associated with any new activity.

10.6.5.1.4	Building Height	Permitted The proposed activity does not include any building
10.6.5.1.5	Sunlight	Permitted The proposed activity does not include any building.
10.6.5.1.6	Stormwater Management	Permitted The permitted threshold for impermeable surfaces on a site is 10% of the gross site area. The application site is 411 hectares. The addition of a 1,981.14m ² sealed carpark would not increase the total area of impermeable surface on the site above the permitted standard.
10.6.5.1.7	Setback from boundaries	Permitted The proposed activity does not include any buildings.
10.6.5.1.9	Keeping of Animals	Not applicable
10.6.5.10	Noise	Permitted The carparking activity is subject to the permitted noise standards.
10.6.5.1.11	Helicopter Landing Area	Permitted The proposed activity does not include any.

TABLE 2 - ASSESSMENT AGAINST THE APPLICABLE OPERATIVE PLAN DISTRICT-WIDE RULES:

Plan Reference	Rule	Performance of Proposal
12.1	LANDSCAPE AND NATURAL FEATURES	Permitted The application site is not within any identified outstanding natural or landscape feature.
12.2	INDIGENOUS FLORA AND FAUNA	Permitted No vegetation will be removed from the application site.

<p>12.3.6.1.2</p>	<p>EXCAVATION AND/OR FILLING IN THE GENERAL COASTAL ZONE</p>	<p>Restricted Discretionary</p> <p>445.7m³ of excavation earthworks are required to construct the carpark. These works will exceed the per annum 300m³ volume limit for the General Coastal zone.</p> <p>The excavated soil material will be removed off-site to an approved facility.</p>
<p>12.4</p>	<p>NATURAL HAZARDS</p>	<p>Permitted Activity</p> <p>Not applicable</p>
<p>12.5.6.1</p>	<p>HERITAGE</p>	<p>Permitted</p> <p>There are no scheduled (Appendix 1D) notable trees that will be affected by the proposal.</p> <p>The Appendix 1E #100 listed heritage items including the Treaty House, Hobson Memorial, Te Whare Runanga and the Flagpole, which are located more than 300 metres from the activity(s) site will not be affected.</p> <p>The proposed activities will not affect any scheduled (Appendix 1F) Site of Cultural Significance to Maori. Written approval from Ngati Kawa for the proposed carpark and associated works is attached at Appendix 8.</p> <p>The proposed activity does not affect a registered (Appendix 1G) archaeological site.</p> <p>An archaeological authority for the proposed works has been approved as 2024/155. (refer Appendix 6).</p> <p>Correspondence from Heritage NZ for this proposed activity resource consent is attached at Appendix 7.</p>
<p>12.5A.6.2.3</p>	<p>HERITAGE PRECINCTS -</p>	<p>Not applicable.</p> <p>The site is not within an identified heritage precinct.</p>

	NEW BUILDINGS WHICH ARE NOT VISIBLE TO THE PUBLIC	
15.1.6	TRANSPORTATION (TRAFFIC, ACCESS AND PARKING)	Not applicable
16.6	SIGNS AND LIGHTING	Permitted Flood lighting of the carpark is proposed.

Operative District Plan Activity Status

3.5. The carpark and associated construction works are a **‘Restricted Discretionary’** activity under the ODP. This relates to the volume of proposed earthworks.

Proposed District Plan

- 3.6. The carpark site is within the proposed ‘Rural Production’ zone. ‘Coastal Environment’, ‘Outstanding Natural Landscape’ and ‘Sites and Areas of Significance to Maori’ overlays apply to the carpark site.
- 3.7. The Council notified its’ PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable Rural Production zone and the coastal environment overlay that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions. This includes the fact that a submission from Waitangi Limited (S503) is seeking an alternative special zone for the Waitangi Estate site.
- 3.8. District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.
- 3.9. When the PDP was notified, some rules had immediate legal effect. An assessment against these rules is set out in **Table 3** below.

TABLE 3 - ASSESSMENT AGAINST THE PDP RULES THAT HAVE IMMEDIATE LEGAL EFFECT¹

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource Rules HS-R5, HS-R6, HS-R9	Not applicable.
Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable The application site is not within a proposed Heritage Area.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Permitted The application site includes a proposed Schedule 2 Historic Heritage item (#100), which includes 'Treaty House', 'Hobson Memorial', 'Whare Runanga' and the 'Flagpole'. The proposed activities are located more than 100 metres from these scheduled features and would have no adverse effect. The proposed carpark development has an archaeological authority to proceed under the conditions of the approved management plan (refer Appendix 4).

¹ As updated by PDP Plan Variation 1 dated 14 October 2024

		Heritage NZ is supportive of the carpark proposal and has provided correspondence in this regard. (Refer Appendix 7)
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any scheduled notable trees.
Sites and Areas of Significance to Maori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Permitted The application site that is legally described as Lot 1 DP 326610 contains a site of cultural significance to Maori (MS09-49) notated as a red circle on the PDP maps. The proposed activities are not within the notated area, which is located within the lower part of the upper Treaty grounds area. Notwithstanding the above, Waitangi Limited has obtained the written approval of Te Tii Marae for the proposed carpark activity. A copy of the signed plans is attached as Appendix 8 .
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable There are no areas of SNA that would be affected by the proposed carpark activity.

Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	The proposal does not include a subdivision. Not applicable.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	The proposal does not involve activities on the surface of water. Not applicable.
Earthworks	The following rules have immediate legal effect: EW-R12, EW-R13 The following standards have immediate legal effect: EW-S3, EW-S5	Permitted Earthworks are required to construct the carparking and the coastal footpath extension. These works fall within the PDP definition of earthworks. The proposed earthworks will adhere to the accidental discovery protocol (EW-12) and erosion and sediment control (EW-13) rule standards that have immediate legal effect.
Signs	The following rules have immediate legal effect: SIGN-R9, SIGN-R10 All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area	No signs are proposed. Not applicable.
Orongo Bay Zone	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	The site is not located in the Orongo Bay Zone. Not applicable.

Proposed District Plan Activity Status

- 3.10. The proposed carpark is a **Permitted** activity under the PDP. There are no additional rules introduced via the PDP Variation 1 that would apply to the proposed activity.

Overall Activity Status

- 3.11. The proposed carpark is a **Restricted Discretionary** activity overall.

National Environmental Standards

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

- 3.12. The application site is not a HAIL site. The NESCS does not apply to the proposal.

National Environmental Standards for Freshwater Management 2020

- 3.13. There are no identified wetlands or freshwater resources that would be affected by the proposal. THE NES-FM does not apply.

4. Statutory Assessment

Section 104C of the Resource Management Act 1991 (RMA)

- 4.1. Section 104C governs the determination of applications for **Restricted Discretionary Activities**.

A consent authority must consider only those matters over which-

- (a) A discretion is restricted in national environmental standards or other regulations:
- (b) It has restricted the exercise of its discretion in its plan or proposed plan

The consent authority may grant or refuse the application, and it may impose conditions under section 108 of the RMA.

- 4.2. In respect of excavation earthworks activities in the General Coastal zone, the Council has limited its discretion to the matters specified in the relevant rule. These matters include both the volume of earthworks within any 12-month period, and the height of any cut / fill faces. Rule 12.3.6.2 states that Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in Section 12.3.7, which is the assessment criteria for Discretionary Activities. There are no other relevant zone assessment criteria that apply to this proposal.
- 4.3. An assessment against the Rule 12.3.7 criteria is set out in the paragraphs below.

Section 104(1) of the RMA

4.4. Section 104(1) of the RMA states that when considering an application for resource consent –
“the consent authority must, subject to Part II, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national environmental standard:*
 - ii. other regulations:*
 - iii. a national policy statement:*
 - iv. a New Zealand Coastal Policy Statement:*
 - v. a regional policy statement or proposed regional policy statement:*
 - vi. a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

4.5. While the application proposal remains generally subject to the matters for consideration listed in Section 104 above, these are limited by the directives set out in Section 104C. A broader assessment of adverse environmental effects beyond those arising from the excavation activities is not required. The proposed activities are permitted under the PDP rules that have immediate legal effect.

Environmental Effects – Earthworks Activities

4.6. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of the RMA). Effects also include temporary effects. Positive effects arising from this proposal is the provision of additional on-site carparking in a more convenient location for older and less able-bodied visitors and dignitaries attending ceremonies and functions within the upper Treaty Grounds at Waitangi. The assessment of adverse effects is limited to the matters over which the Council has reserved its discretion as set out in paragraph 4.2 above. The relevant Rule 12.3.7 assessment criteria are commented on as follows:

(a) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline;

- 4.6.1. The proposed works will be managed in accordance with the Auckland Region GD-05 erosion and sediment control guidelines. The proposed works would not exacerbate erosion or any other natural hazards on the site, or in the vicinity of the site. The carpark site is not close to any lakes, rivers, wetlands and is more than 200m from the coastal foreshore.

(b) any effects on the life supporting capacity of the soil;

- 4.6.2. There would be no adverse effect on the life-supporting capacity of the soil. The site is not a productive site.

(c) any adverse effects on stormwater flow within the site, and stormwater flow to or from other properties in the vicinity of the site including public roads;

- 4.6.3. The carpark location is within the larger Waitangi Estate site. There are no nearby 'at risk' properties or public roads. Stormwater will be directed to existing swale drains around the perimeter of the carpark.

(d) any reduction in water quality;

- 4.6.4. There would be no reduction in water quality. The carpark site is not close to any existing waterways or the coastal marine area foreshore.

(e) any loss of visual amenity or loss of natural character of the coastal environment;

- 4.6.5. The construction earthworks works are temporary are likely to be completed within a one-month period. Distant views from the coastal marine area are possible but at this scale would have a negligible visual impact.

(f) effects on Outstanding Landscape Features and Outstanding Natural Features (refer to Appendices 1A and 1B in Part 4, and Resource Maps);

- 4.6.6. The proposed carpark site is not within a mapped Outstanding Landscape Feature or Outstanding Natural Feature.

(g) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna;

4.6.7. The proposal will not affect any area of significant vegetation or fauna habitat.

(h) the extent to which the activity may adversely affect heritage resources, especially archaeological sites;

4.6.8. The carpark site is at the periphery of the upper Treaty Grounds. Waitangi Estate is a well-known heritage site with potential for archaeological discovery throughout the property. An archaeological authority has been approved for the proposed carpark works. Earthworks will be undertaken with the supervision of an HNZ approved archaeologist and in accordance with the approved management plan (refer **Appendix 4** and **6**).

(i) the extent to which the activity may adversely affect the cultural and spiritual values of Maori, especially Sites of Cultural Significance to Maori and waahi tapu (as listed in Appendix 1F in Part 4, and shown on the Resource Maps);

4.6.9. Waitangi Estate contains significant Maori cultural and spiritual value. Waitangi Limited has consulted the Te Tii marae and obtained written approval for the proposed works. The carpark proposal is supported by the marae as it will improve accessibility to the main Treaty grounds during Waitangi Day celebrations and other gatherings.

(j) any cumulative adverse effects on the environment arising from the activity;

4.6.10. The proposed activity will not generate any adverse cumulative effects.

(k) the effectiveness of any proposals to avoid, remedy or mitigate any adverse effects arising from the activity;

4.6.11. The proposal is for a carpark that requires excavation works to establish a suitable base contour that would be sealed. Potential for erosion and sediment runoff will be managed in accordance with the Auckland Guidelines GD-05. Potential adverse runoff effects will be appropriately managed within the site boundary.

(l) the ability to monitor the activity and to take remedial action if necessary;

4.6.12. Construction works will be undertaken by a suitably experienced contractor and supervised by Mr Don Prince an HNZ approved archaeologist. Accidental discovery protocol would apply.

(m) the criteria in Section 11.20 Development Plans in Part 2.

4.6.13. Not applicable

(n) the criteria (p) in Section 17.2.7 National Grid Yard.

4.6.14. Not applicable.

Section 104(1)(b) – offset of adverse environmental effects

4.7. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

Section 104(1)(b) – relevant statutory provisions

4.8. Section 104(1)(b) requires the consent authority to consider the relevant provisions of any national environmental standards, regulations, national policy statements, regional policy statements or plans, including proposed plans. There are no national standards, regulations or national policy statements that are directly relevant to the proposed activities and / or that are not adequately managed within the framework hierarchy of the ODP.

4.9. The application site is within the ODP General Coastal zone. The General Coastal zone covers the largest land area in the coastal environment. It is generally rural with a coastal focus and a predominant natural character. Zone and natural environment District-wide controls are aimed at preserving natural character and the restoration of compromised areas.

4.10. Objectives 10.6.3.1 and 10.6.3.2 positively enable the appropriate use and development of the zone land consistent with the need to preserve natural character. Objective 10.6.3.3 seeks to manage the use of natural and physical resources in the general coastal area to meet the reasonably foreseeable needs of future generations. The Waitangi Estate is a nationally significant site that is the location of the signing of the Treaty of Waitangi in 1840. The Waitangi National Trust Board and its administrative arm Waitangi Limited are tasked with managing the Estate for the benefit of all New Zealanders and the many international visitors

that visit each year. The proposed carpark is appropriately located adjacent to the upper Treaty Grounds and at the site of an existing carpark and access lane.

- 4.11. The Chapter 12 District-wide natural and physical resources matter regulate earthworks activities in zones. The Section 3 objectives and policies relating to soils and minerals are relevant insofar as they seek to maintain the life-supporting capacity of soils (Objective 12.3.3.2), and avoid, remedy or mitigate adverse effects associated with soil excavation or filling (Objective 12.3.3.3). The proposed volume of earthworks is at a restricted discretionary activity scale therefore this assessment is limited to the matters set out in Section 12.3.7 as set out in the paragraph 4.6 above. It is considered that all of the relevant assessment criteria are met and that any potential adverse effects can be avoided or appropriately mitigated.
- 4.12. The proposed works would not be contrary to any ODP objective or policy.
- 4.13. The carpark site is within the proposed Rural Production zone and various natural environment and cultural overlays that would apply to the site. Despite its rural zoning, this part of the Waitangi Estate is not in production. Rather, it is a national heritage site that accommodates thousands of visitors every year, and a significant venue for annual Waitangi Day celebrations. The outstanding landscape value of the site is derived from its coastal location and its historic association with the signing of the Treaty of Waitangi. The provision of additional carparking close to the upper Treaty Grounds is consistent with improving the visitor experience at the site, particularly during Waitangi week when older visitors and dignitaries need to walk from their cars to the grounds. The visual impact of the carpark would be low.
- 4.14. While there is little weight that can be given to any proposed objectives and policies (particularly where there are no associated rules that have legal effect), the proposed carpark would not be considered contrary to these provisions. For example, the proposed earthworks volumes and impermeable surface percentages are well below the proposed permitted Rural Production Zone standards. There are no RPZ activity standards that would apply. With respect to proposed overlays, the carpark site is within the coastal environment and an area of outstanding natural landscape. Within an ONL that is also within the coastal environment, the PDP would severely limit the surface area of earthworks that can be undertaken in any calendar year. However, it would appear that where any proposed works would not adversely affect the characteristics and qualities of these locations, that a consenting pathway is available (refer NFL-P2). Furthermore, the ability to consider the circumstances, scale and

context of a proposed activity is set out in NFL-P8. All these provisions are subject to submissions that have not yet been decided.

5. Notification Assessment – Sections 95A to 95G of the Act

Public Notification Assessment

- 5.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps. Waitangi Limited is not requesting that this application be publicly notified. The proposed activity would not give rise any adverse effects on the environment that are more than minor, or involve special circumstances that would warrant public notification of this application.

Limited Notification Assessment

- 5.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application. There are no protected customary rights groups that are affected by the proposed land use activity. Heritage NZ and local hapu are potentially affected parties that have an interest in the Waitangi Estate. These parties have been consulted and their written approval obtained.
- 5.3. On the basis that potential adverse effects are no more than minor at the restricted discretionary activity scale and that written approval has been obtained from potentially affected parties, Waitangi Limited request that the application be processed on a non-notified basis.

6. Conclusion

- 6.1. Waitangi Limited seek a resource consent for a new sealed carpark in the upper Treaty Grounds adjacent to the golf course site. The proposal would extend the existing gravel carpark and increase the carparking capacity from 24 carparks to 60. This development would improve accessibility to the upper Treaty Grounds hui gathering areas.
- 6.2. The proposal requires a restricted discretionary resource consent for excavation earthworks that are necessary for the construction of the carpark. There is an existing archaeological approval for the proposed carpark works. Written approval from Heritage NZ and Iwi has been obtained and is attached to this application.

- 6.3. The proposed earthworks would have temporary effects that can be appropriately managed in terms of any potential erosion or sediment runoff, and effects on any undiscovered archaeology. The proposed activity would not be contrary to any of the relevant objectives and policies of the ODP, and where applicable, the PDP.
- 6.4. The applicant requests that resource consent for this proposal be approved on a non-notified basis.

7. LIMITATIONS

- 7.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 7.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 7.3. Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 7.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **108096**
Land Registration District **North Auckland**
Date Issued 30 November 2007

Prior References
NA26B/893 NA26B/894 NA88C/748

Estate Fee Simple
Area 411.4460 hectares more or less
Legal Description Lot 1 Deposited Plan 326610

Registered Owners
Waitangi National Trust Board

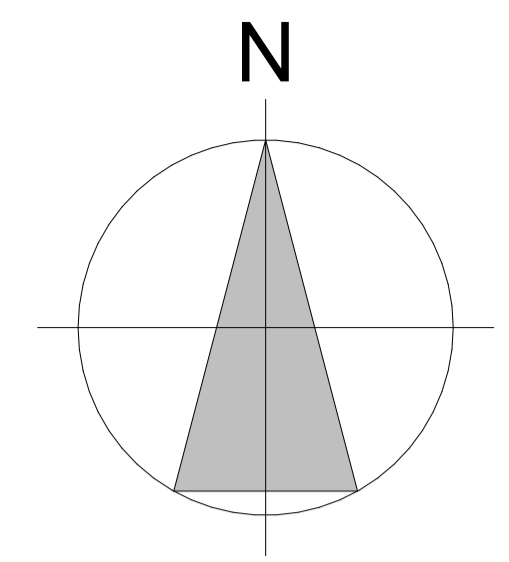
Interests

Subject to the provisions of the Waitangi National Trust Board Act 1932

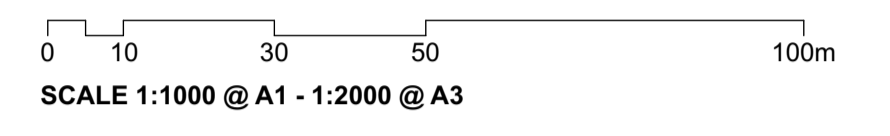
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Subject to a right of way over part marked A DP 326610 created by Easement Instrument 7637990.2 - 30.11.2007 at 9:00 am

The easements created by Easement Instrument 7637990.2 are subject to Section 243 (a) Resource Management Act 1991



SITE PARKING MASTER PLAN
1:1000



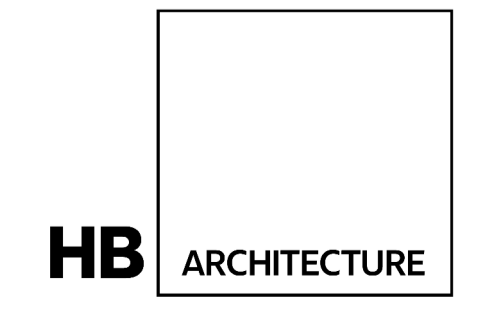
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 WAITANGI NATIONAL TRUST
 26 TAU HENARE DRIVE WAITANGI KERIKERI 0293

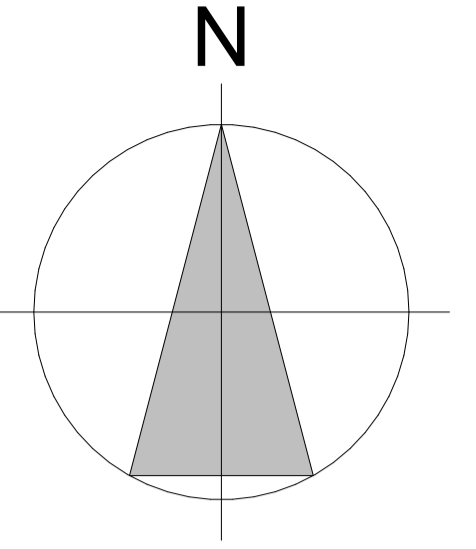
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 ISSUED FOR: RESOURCE CONSENT
 DATE: 20/9/2024
SIZE: A1 - PRINTED: Friday, 20 September 2024
 5471_WNT_Carpark_RC1

PROJECT NO.
5471

ISSUE DETAILS
DESIGN PHASE
CONCEPT DESIGN
DRAWING
RC_10
SHEET ISSUE / REV.
01

Date	Issue	Ch. ID	Description
20/9/2024	01	RC	RESOURCE CONSENT





AREA 5 UPPER CARPARK

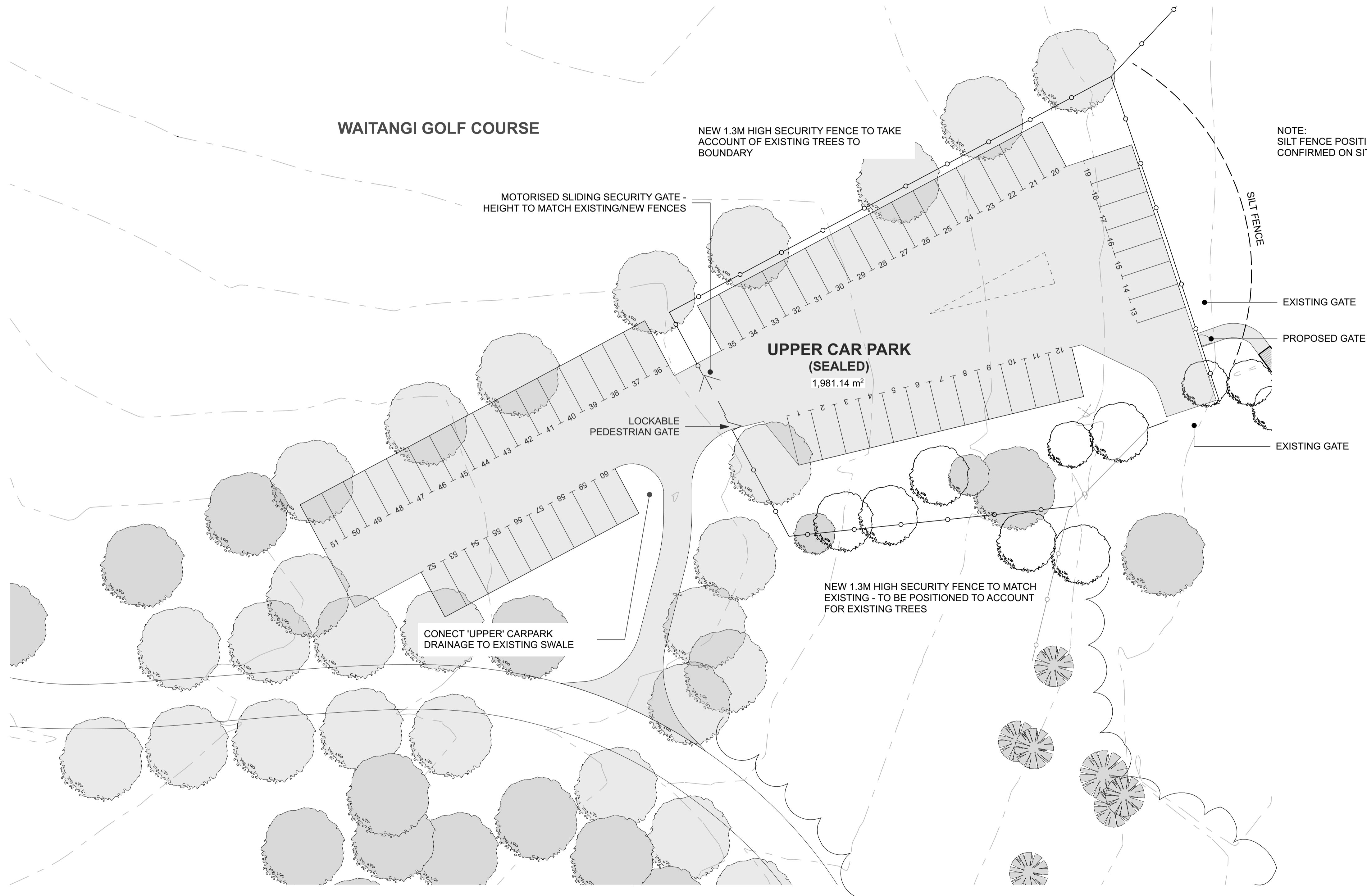
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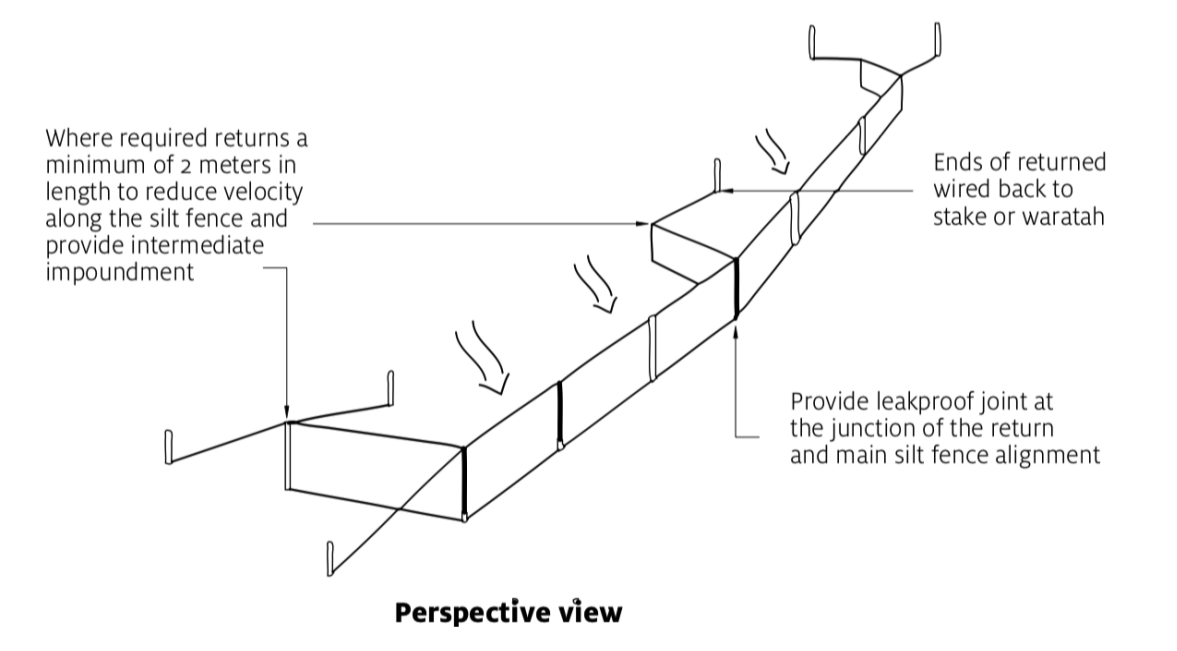
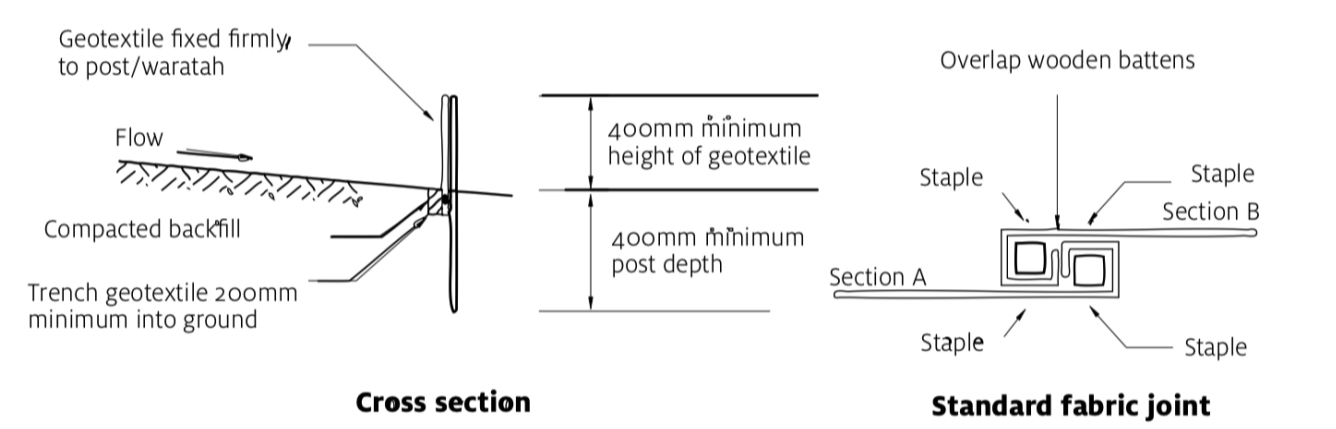
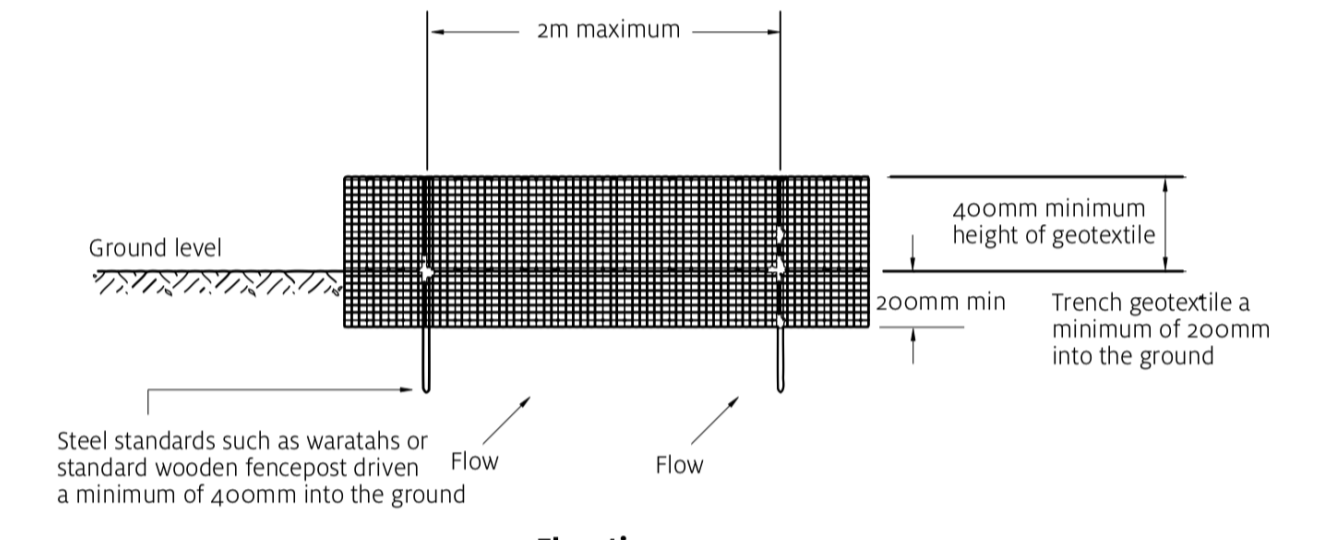
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NOTES:

- VOLUME OF EARTHWORKS ESTIMATION:
1981m² x 0.225 DEPTH = 445.7 m³
- SILT FENCE POSITION AND EXACT DETAILS TO BE CONFIRMED ON BY THE CONTRACTOR.



NOTE:
SILT FENCE POSITION TO BE CONFIRMED ON SITE.



TYPICAL SILT FENCE DETAILS.

PROJECT DETAILS

WAITANGI TREATY GROUNDS - PARKING MASTER PLAN

WAITANGI NATIONAL TRUST
26 TAU HENARE DRIVE WAITANGI KERIKERI 0293

DRAWING DETAILS

AREA 4 - UPPER CARPARK

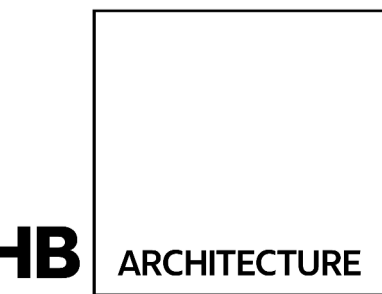
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DATE: **20/9/2024**
SIZE: A1 - PRINTED: Friday, 20 September 2024
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ISSUE DETAILS

CONCEPT DESIGN

DRAWING: **RC_11**
SHEET ISSUE / REV: **01**

PROJECT NO. **5471**



Date	Issue	Ch. ID	Description
20/9/2024	01	RC	RESOURCE CONSENT

-
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TIME DEPTH ENTERPRISES

Heritage Consultants

June 2023

WAITANGI TREATY GROUNDS, 2023 PROJECTS: ARCHAEOLOGICAL MANAGEMENT PLAN

BACKGROUND

This management plan relates to the archaeologist's role in the works program associated with the projects currently proposed within the Waitangi Treaty Grounds, Bay of Islands. The projects currently proposed include upgrading of the Ground's wi-fi network, walkway from the wharf to the Copethorne Hotel's Event Centre carpark, upgrade and installation of drinking fountains, installation of an event marquee and construction of a 63-berth carpark in the upper rounds (Figure 1-5). Fourteen archaeological sites have been identified within the property with one – shell midden P05/2025 – located within or in the immediate vicinity of the new lower grounds drinking fountain as currently proposed.

As currently planned the only direct impact on known archaeology is at the location of the new drinking fountain proposed for the lower grounds where evidence of part shell midden P05/1025 has been identified (Figure 4). While the majority of the earthworks associated with the current proposals have no direct impact the potential remains for the accidental discovery of undetected archaeological or cultural heritage sites by ground disturbance associated with the projects.

A General Authority is being sought from Heritage NZ Pouhere Taonga (HNZPT) in order to carry out earthworks associated with the currently proposed projects.

This site management relates to the archaeologist's role related to the works and outlines the procedures to be followed during archaeological investigation, analysis, recording, monitoring of earthworks and the discovery of archaeological evidence including koiwi tangata (human remains) or taonga (artefacts of Maori origin).

The instructions also provide operational guidelines and procedures for day-to-day activities that may affect archaeology during earthworks associated with the project.

Management Procedures

Pre-Works Phase

1. Prior to the commencement of works, the project archaeologist will meet representatives of the affected iwi, contractors and/or project manager on site to brief them on archaeological requirements and establish through discussion a workable process for the project.
2. Archaeological site P05/1025 to be clearly define and taped off with a suitable buffer as defined by the project archaeologist.
3. If it is not possible to find an alternative location to avoid impact on part P05/1025 by the lower grounds drinking fountain, then required the area of ground disturbance to be formally investigated by way of the investigation techniques listed below.
4. Contractors must give 7 days notice of the commencement of works

Works Phase

5. All initial earthworks associated with the five projects to be monitored by a suitably qualified archaeologist in order to determine whether unidentified subsurface archaeology exists.
6. The following archaeological investigation techniques to be employed in advent of accidental discovery of archaeology:
 - If currently undetected archaeology is encountered alternative locations should be investigated to avoid damage.
 - If it is not possible avoid then all archaeological features encountered to be investigated including hand excavation of part or all of any revealed subsurface features, sampling for off-site analysis and recording of the remains (scale plan mapping, section drawings and photographs).
 - All excavated artefacts will be mapped, catalogued and analysed by an appropriate expert.
 - When archaeological features are revealed by earthworks all work in the vicinity must cease until the approved archaeologist has declared the site clear.
7. The strategy will take account of the conditions contained in the HNZPT authority these relate to standard archaeological investigation practices and should provide information regarding
 - a. the environmental context of the site
 - b. economic and other activities carried out by the site's inhabitants

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- c. the nature of site occupation (e.g. short term, seasonal, permanent)
- d. age of the site
- e. internal layout of the site including the activities in differing areas of the site
- f. relationships with other sites in the wider area

HNZPT would require a detailed final report within 12 months of the investigation.



Figure 1: Upper Grounds with cable route (white) and approximate locations of jacking pits - white squares (Prince 2023 fibre route from Northcom plan).

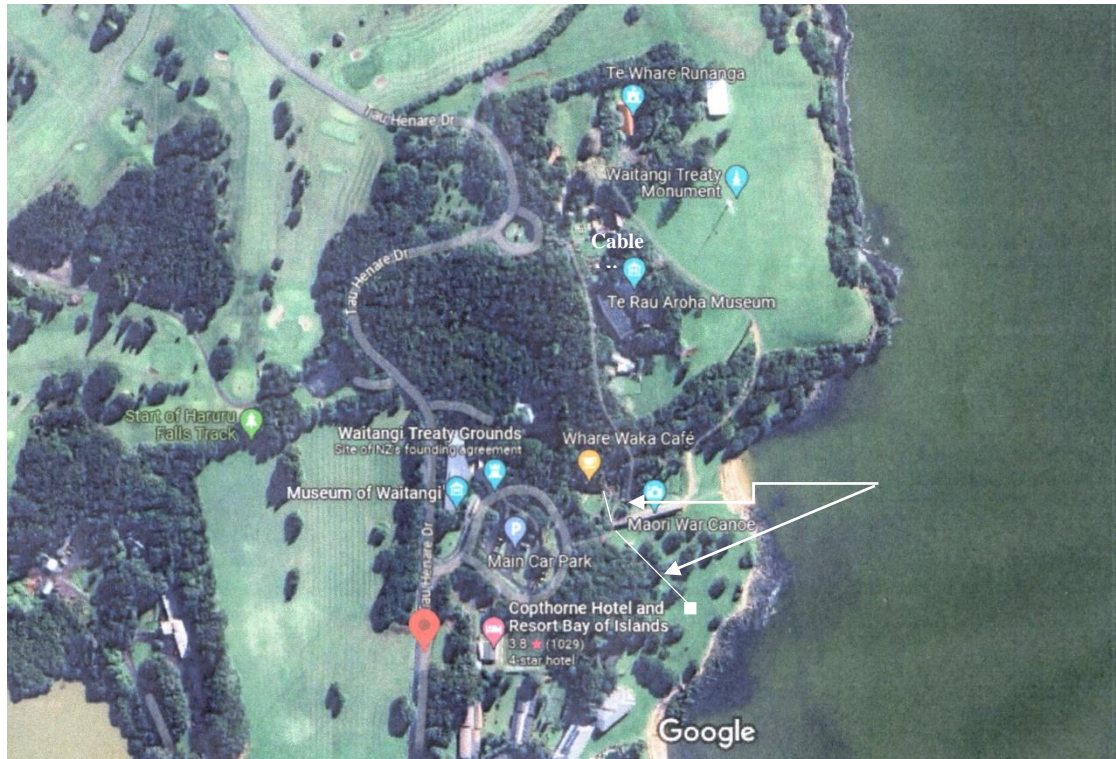


Figure 5: Lower Grounds with possible marquee cable route (white) and jacking pit sites – white square (Prince 2023 from Northcom plan).

Figure 2: Lower Grounds with cable route (white) and jacking pit site – white square (Prince 2023 from Northcom plan).



Figure 3: Proposed drinking fountains upgrade showing approximate extent of site P05/1025 (Total Plumbing & Gas May 2023).

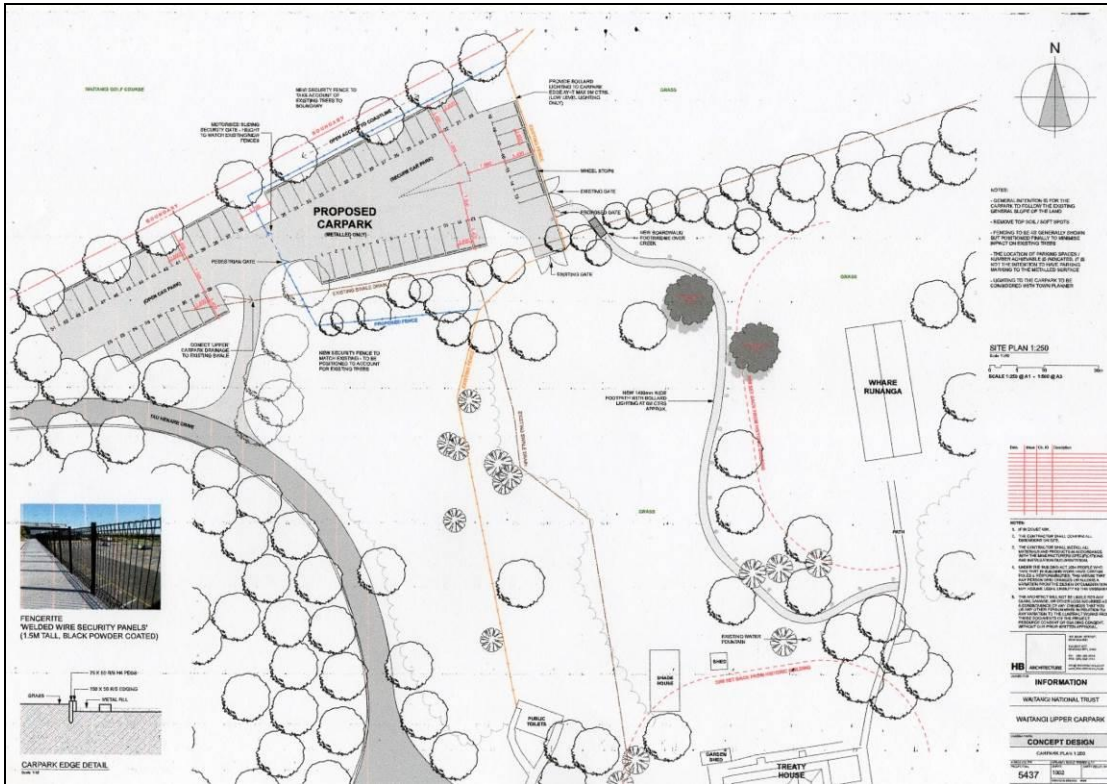


Figure 4: Upper carpark plan (HB Architecture June 2022).



Figure 5: Marquee location arrowed in white.

Monitoring
Protocols

- All ground disturbance related to the residential development not previously carried out to be monitored by the project archaeologist.
 - The following protocols will be adhered to during the works program:
 - If significant in situ archaeological features or deposits are identified, the archaeologist will stop earthworks in their immediate vicinity and define the extent of the archaeological deposit by probing or subsurface testing.
 - Earthworks may continue in other parts of the development site provided there is an archaeologist available to monitor them.
 - If the newly discovered archaeological site can be avoided, it should be temporarily fenced off to avoid further machine damage. If avoidance is not practical, then the HNZPT and iwi representatives should be notified.
 - If unavoidable, then iwi representative(s) to be present during excavation.
 - Additional archaeologists would be brought on site as required to assist in recording and to monitor earthworks being carried out concurrently.
 - The archaeologist(s) will excavate and record the archaeological feature(s) or deposit(s) as quickly as possible so that earthworks may resume without undue delay and will not exceed the specified stand down period (see below, E), unless permission is given by the site foreman to extend the time allowed.
 - If human bone is unearthed the protocol set out below (C) will be followed.
 - If taonga or archaeological deposits or features of Maori origin are unearthed the protocol set out below (D) will be followed.
-

**Protocols to be
Followed in the
Event that
Human Bone
(Koiwi) is
Exposed**

- If bone material is identified on the excavation site that could be human, the following protocol will be adopted:
 - Earthworks/investigation should cease in the immediate vicinity while an archaeologist establishes whether the bone is human.
 - If it is not clear whether the bone is human, work shall cease in the immediate vicinity until the University's reference collection and/or a specialist can be consulted, and a definite identification made.
 - If bone is confirmed as human (koiwi tangata), the archaeologist will immediately contact iwi representatives, Heritage NZ and NZ Police.
 - The site will be secured in a way that protects the koiwi as far as possible from further damage.
 - Consultation will be undertaken with all iwi representatives as outlined in the authority, the Heritage NZ Regional Archaeologist and the authority holder to determine and advise the appropriate course of action. No further action will be taken until responses have been received from all parties, and the koiwi will not be removed until advised by Heritage NZ.
 - The iwi representatives will advise on appropriate tikanga and be given the opportunity to conduct any cultural ceremonies that are appropriate.
 - If the iwi representatives are in agreement and so request, the bones may be further analysed by a skilled bio-anthropological specialist prior to reburial, in line with the *Heritage NZ Guidelines Koiwi Tangata Human Remains* (2010).
 - Activity on site can recommence as soon the bones have been reinterred or removed and authorisation has been obtained from Heritage NZ.
-

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*D. Protocols
relating to
taonga*

There is a potential for archaeological remains of Maori origin to be exposed during earthworks such as carvings, stone adzes and greenstone objects, these are considered to be taonga. These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts but are generally found within archaeological sites. If taonga are discovered on site, the following protocols will be adopted if encountered during works not covered by the HNZPT Authority:

- The area containing the taonga will be secured in a way that protects the taonga as far as possible from further damage, consistent with conditions of the Authority.
- The archaeologist will then inform the HNZPT and the nominated tangata whenua representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
- These actions will be carried out within the stand down period specified below, and work may resume at the end of this period or when advised by the Heritage NZ or archaeologist.
- The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.
- The Ministry for Culture and Heritage, in consultation with the tangata whenua, will decide on custodianship of the artefact. If the artefact requires conservation treatment (stabilisation), this can be carried out by the Department of Anthropology, University of Auckland (09-373-7999) and would be paid for by the Ministry. It would then be returned to the custodian or museum.

**Stand Down
Protocols**

Depending on what is revealed by the earthworks, stand down periods may be required at various stages to allow for excavation and recording of archaeological features, or dealing with human bone (koiwi) or artefacts and archaeological remains of Maori cultural heritage significance.

Stand down will require earthworks to cease only in the immediate vicinity of the feature or find, and work may proceed in other areas of the development site. The following maximum stand down periods will apply, but earthworks may be resumed earlier if the required work has been completed.

Trigger	Stand Down Period	Requirements	Release
Archaeological feature, deposit or artefacts	Up to 2 days but work may continue in areas where no remains are identified	Sufficient time must be allowed for the archaeologist to investigate and record the remains	Work resumes when the archaeologist advises the site foreman that work is completed
Significant archaeological feature, deposit or artefacts	Up to 3 days for a response from Heritage NZ, and up to 3 days for any detailed investigation required	The likely requirement is a mitigation investigation and/or recording by standard archaeological techniques, but this will be advised by Heritage NZ	Work resumes when the archaeologist advises the site foreman that work is completed
Human bone found	As agreed between the project manager, Heritage NZ and iwi	HNZPT and NZ Police to be satisfied that koiwi identification is correct. Iwi representative(s) to organise reinterment or removal of bones from site and appropriate cultural ceremonies	Work resumes following reinterment or removal of bones from site and when authorisation from Heritage NZ has been received
Taonga or archaeological remains of Maori origin found	Up to 3 working days	Heritage NZ and iwi representative(s) to be consulted on appropriate action. Archaeological recording as required	Work resumes when the archaeologist or Heritage NZ advises the site foreman that work is completed

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Authority
Holder's
Responsibilities

The owners or their designated representative has the following responsibilities:

1. To advise the HNZPT of the start and finish dates of any required archaeological work (usually a requirement of the Authority).
2. To ensure that the archaeological investigations required under the HNZPT Authority are carried out and logistic support such as an excavator to assist the investigation
3. To ensure that an archaeologist monitors the preliminary earthworks, by giving 72 hours notice of these activities to the project archaeologists.
4. To provide sufficient site security to ensure that archaeological material on site is protected from unlawful excavation or removal
5. To ensure that a copy of the archaeological authority is kept on site and its contents are made known to all contractors and subcontractors.
6. To ensure that the conditions, protocols and stand down periods outlined in the authority and the strategy document are observed by contractors and subcontractors.
7. To provide a safe environment for the archaeologists to carry out their work.

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***PROJECTS PROPOSED FOR THE WAITANGI
TREATY GROUNDS, WAITANGI:***

***ARCHAEOLOGICAL SURVEY & ASSESSMENT OF
EFFECTS***

Prepared for
Waitangi Limited

by
Don Prince

August 2023

PROJECTS PROPOSED FOR THE WAITANGI TREATY GROUNDS, WAITANGI: ARCHAEOLOGICAL SURVEY & ASSESSMENT OF EFFECTS

Introduction

This archaeological survey and assessment of effects was carried out at the request of Nicole Wihongi of the Waitangi National Trust, in order to determine if archaeological features will be affected by the various projects currently proposed for within the Waitangi Treaty Grounds, Waitangi (Figure 1). The works are proposed by the Waitangi National Trust through its operations company Waitangi Ltd. The 411.4460-hectare Waitangi Treaty Grounds are legally described as Lot 1 DP 326610 and generally referred to as “The Treaty Grounds” within this report. The Treaty Grounds are located to the north of the Waitangi River bounded by the Waitangi Golf Club to the north and west, the Bay of Islands coast to the east and Waitangi River to the south. This survey is part of the required assessment of effects in support of a resource consent application for the projects that include upgrading the wi-fi network and drinking fountains, new upper and lower grounds carparks, upper grounds walkway upgrade and a café upgrade.

Iwi consultation is being carried out separate to this report.

Statutory Requirements

The statutory requirements relating to the archaeological and other heritage values of the harvest area are outlined below.

Two major Acts govern the management of heritage sites in NZ:

- The Resource Management Act 1991 (RMA)
- The Heritage NZ Pouhere Taonga Act 2014 (HNZPTA)

Under the RMA archaeological and other historic heritage sites are resources that should be sustainably managed by “avoiding, remedying or mitigating any adverse effects of activities on the environment” (Section 5 (2) (c)).

Under Section 6 of the RMA 1991 it is recognised as a matter of national importance that “all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: (e) relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga [and] (f) the protection of historic heritage from inappropriate subdivision, use and development”.

The RMA defines historic heritage as “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological” (RMA Section S2).

Historic heritage includes: (i) historic sites, structures, places and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources”.

The archaeological remains within the study area constitute historic heritage as defined under the RMA, and their protection should be recognised and provided for when managing the proposed harvest project.

In addition to the requirements of the RMA (1991), the Heritage NZ Pouhere Taonga Act 2014 (HNZPTA) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by the Heritage NZ Pouhere Taonga (HNZPT).

An archaeological site, as defined by the HNZPTA (2014) is, a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. A place associated with post-1900 human activity may be declared by gazettal as an archaeological site under the Act. Archaeological sites may not be destroyed damaged or modified except pursuant to an authority granted under the HNZPTA (2014).

Authorities to modify archaeological sites can be applied for under a general authority, in respect to a particular site or sites, or for all sites that may be present within a specific

area. Applications made under a general authority may require approval by the Maori Heritage Council of the HNZPT. The tangata whenua should be consulted regarding applications to modify or destroy archaeological sites which have Maori cultural associations.

Note that 20 or 40 working days should be allowed for the processing of authorities, which include a statutory stand down period of 15 working days before an authority may be exercised.

All archaeological remains and historic places within the project area are protected under the provisions of the HNZPTA and may not be damaged, modified or destroyed without an Authority from HNZPT.

There are no registered wahi tapu within the project area.

Implementation of the RMA in relation to Waitangi is undertaken by the Far North District Council.

Other Legislation:

- Coroners Act 2006, requires that “a person who finds a body in NZ must report that finding to a member of the police as soon as practicable”.
- Burial and Cremation Act 1964, controls the burial, cremation, and exhumation of bodies as well as the management of burial grounds and cemeteries. Conditions of the Act make it an offence to “remove any body or the remains of any body buried in a cemetery, Maori burial ground or other burial ground or place of burial without licence under the hand of the Minister [Health]”.
- The Protected Objects Act 1975 is administered by the Ministry for Culture and Heritage and regulates:
 1. Export of protected NZ objects
 2. Illegal export and import of protected NZ and Foreign objects
 3. Sale, trade and ownership of taonga tuturu.

Any taonga tuturu (Maori artefacts) discovered must be notified to the Ministry which will determine their custody in consultation with tangata whenua. The Act also covers goods or samples associated with burials.

Summary

The Waitangi National Trust is proposing to upgrade the current wi-fi network and drinking fountains, construct a wharf walkway, event marquee, new upper carpark with footpath, replacement walkway south from Treaty House to Nias path, café upgrades within existing footprint and additional café carparking. The proposals require varying amounts of ground disturbance.

- Wi-fi upgrade – subsurface directional drilling requiring 4 small jacking pits and probable ‘pot holing’ (locations not currently identified) to identify and avoid existing underground services
- Drinking fountains – some trenching and foundation footings
- Event marquee – no ground disturbance required
- Upper carpark – extensive earthworks required to a maximum depth of 300mm
- Upper grounds walkway upgrade – minor earthworks to remove existing gobi/concrete blocks and replace with combination of pavers and concrete
- Café upgrades - postholes only
- Additional lower grounds carparks - require significant earthworks

A search of the NZ Archaeological Association’s digital database (ArchSite) identified that ground disturbance associated with the drinking fountain upgrade and replacement Treaty House to Nias Track are proposed in the immediate vicinity of known archaeological sites. In addition, it is not possible to give an absolute assurance that earthworks associated with the remaining projects will not encounter undetected subsurface archaeological features.

Therefore, it is recommended that a General Authority is sought and obtained from NZHPT under conditions contained within the HNZPT Act (2014) in order to put in place a process of mitigation should impact of identified archaeology be unavoidable and if undetected archaeology is encountered during earthworks associated with the projects.

It should be noted that archaeological survey techniques cannot provide evidence for the absence of archaeological features or deposits. In particular, subsurface archaeological features that can only be identified through extensive topsoil removal.

Constraints and Limitations

This assessment is based on the results of limited research and a visual inspection with minor subsurface testing of the landscape associated with the projects currently proposed.

At the time of inspection visibility was adequate for archaeological assessment. However, it is not possible to give an absolute assurance that ground disturbance associated with the projects will not encounter unidentified subsurface archaeological features.

Background research was restricted to the NZAA's online database (ArchSite) and the available literature.

It is not the role of an archaeologist to assess Maori cultural values, this can only be the responsibility of the appropriate iwi.

Methodology

The New Zealand Archaeological Association's Computer Index (ArchSite) was searched for archaeological sites recorded on or in the vicinity of the proposed work. Nicole Wihongi provided information detailing the projects' location and extent. Literature relevant to the area was examined for archaeological and/or historical information. A visual inspection was conducted of the areas proposed for development with limited subsurface testing. Soil profiles were examined for evidence of earlier modification such as modified soils, pits or the presence of shell midden and hangi. It should be recognised that archaeological survey techniques cannot provide evidence for the absence of archaeological features or deposits. The locations of all archaeological sites identified were recorded using GPS technology (Garmin 62s). At the time of the field inspection ground surface visibility was adequate for archaeological assessment although ground surface in places were obscured by vegetation.

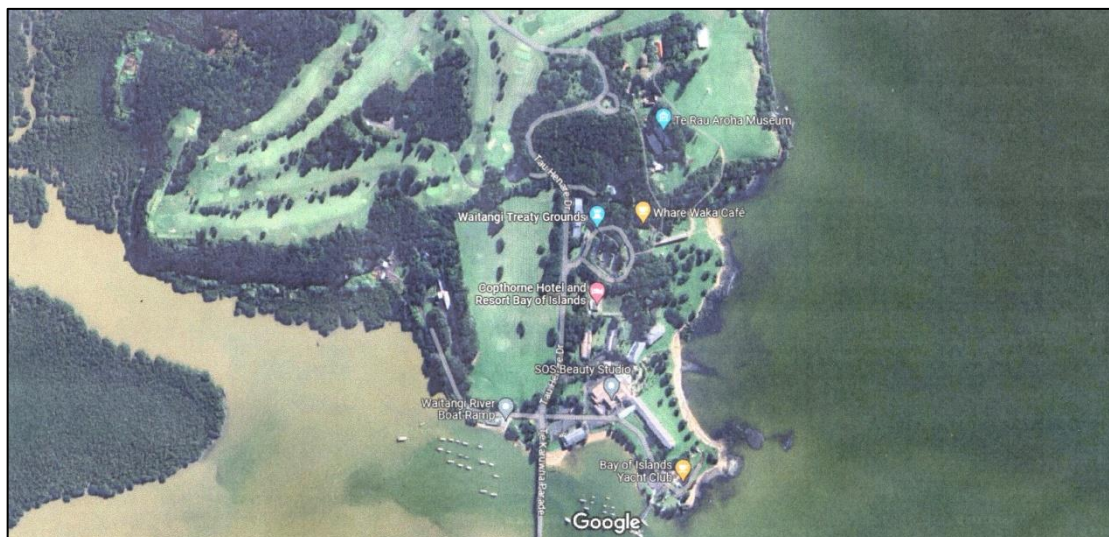


Figure 1: Aerial of the Treaty Grounds (Google Maps 2023).

Results

Cultural Setting

An assessment of the cultural significance can only competently be made by the effected tangata whenua. Since archaeological survey cannot necessarily detect sites of traditional significance to Maori, or wahi tapu, the effected tangata whenua should be consulted regarding the possible existence of such sites. It should be noted that an assessment of cultural significance might not necessarily correspond with an assessment of archaeological significance.

Physical Setting

The Waitangi National Trust property (also known as the Waitangi National Reserve, Waitangi Treaty Grounds, Waitangi Heritage Precinct and Waitangi National Estate) is spread over the northern headland at the entrance to the Waitangi River with ready access to the Bay of Islands.

The soils of the general area are derived from the Kerikeri Volcanic Group, the dominantly basaltic volcanic fields of Northland and Auckland (Ferrar 1928 and Edbrooke 2001:40). These fields contain numerous, small volume volcanoes comprised of lava flows, scoria cones and maars (Edbrooke 2001:40). A band of

Horeke basalts not derived from volcanic scoria cones is located along the Waitangi River and coastal areas of the Trust property (Kear and Hay 1961).

Post 1900 modification to the Treaty Ground’s landscape appears significant but much of the original pre-1900 contour of the area remaining largely intact.

Background

Previous Archaeological Research

A number of archaeologists have carried out work within the Waitangi National Reserve (Best 2004, Brassey 1987, Coster 2002/03, Fiske 2003, Fredericksen 1988, Maingay 1992/93, Nevin 1984, Robinson 1990/98 and Slocombe 1998) including Fredericksen’s 1988 archaeological survey of the property for the Waitangi National Trust. While most resulted in site recording only, Best (2004) and Fredericksen (1988) completed comprehensive reports on their work. In addition, over the past 16 years the author has completed a number of projects for the Waitangi National Trust including formal excavation and monitoring of earthworks. The combined effort of these archaeologists has resulted in numerous archaeological and/or historic sites recorded within or in the vicinity of the survey area. As the grid co-ordinates of sites recorded prior to the use of GPS technology have frequently been found to be inaccurate the exact location of sites can be difficult to assess.

An examination of the Treaty Grounds archaeological inventory identified sites within or in the vicinity of the landscape effected by the current proposals (Table 1).

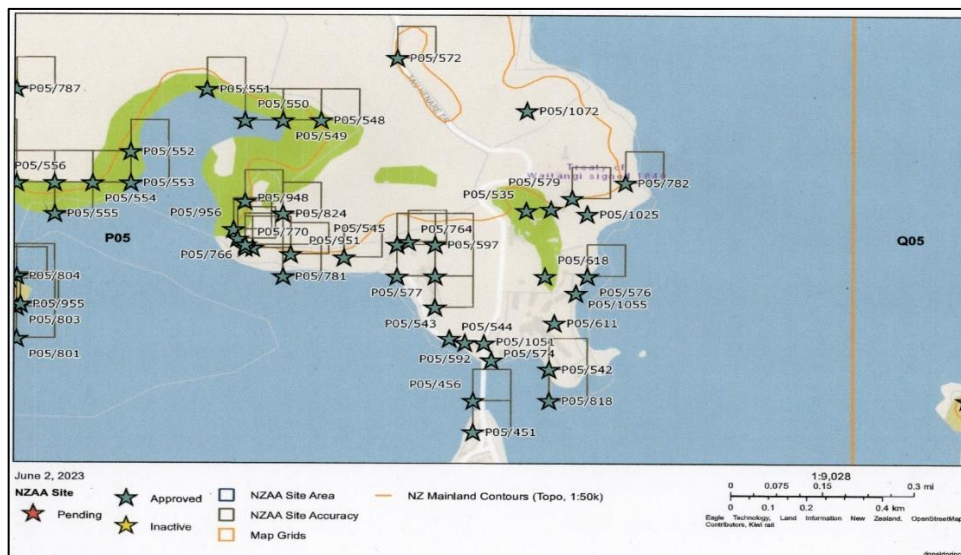


Figure 2: Spatial representation of the current site inventory within and surrounding the Treaty Grounds (ArchSite June 2023).

Site No.	Site Type	NZTM Co-ordinates	Comments
P05/535	Shell midden	E1698305/N6096825	Adjacent to service road at rear of Visitors Centre
P05/542	Shel midden	E1698365/N6096315	Foreshore in front of Event Centre & hotel
P05/574	Wahi tapu	E1698215/N6096345	Between Events Centre & Tau Henare Drive
P05/575	Traditional site	E1698465/N6096615	Maikuku's cave – Hobson Bay exact location not available
P05/576	Historic pier	E1698465/N6096615	Shoreline east of the Treaty House
P05/579	Modified soil/findspot	E1698425/N6096865	Path leading southeast from Treaty House
P05/611	Shell midden	E1698380/N6096465	Between hotel pool & foreshore
P05/618	Shell midden	E1698355/N6096615	Destroyed by tennis court construction
P05/782	Shell midden	E1698565/N6096915	Cliff base east of Treaty House
P05/818	Wahi tapu	E1698365/N6096215	1833 placement of Tohitapu's body on foreshore east of Waitangi Bridge
P05/1025	Shell midden/terraces	E1698465/N6096815	Extensive site spread over slopes at the north end of Hobson Bay
P05/1051	Shell midden	E1698195/N6096400	West embankment of Waitangi Bridge
P05/1055	Shell midden	E1698435/N6096560	Eastern foreshore @ boundary of WNT & Hotel
P05/1078	Shell midden	E1698370/N6096830	On east edge of bush at rear of Visitors Centre

Table 1: Archaeological Sites Recorded within or the immediate vicinity of projects' area.

History

Both the traditional and European history of the site has been covered in detail by Jack Lee (1983), Clayton Fredericksen (1988) and Simon Best (2004) and will only be dealt with briefly here. This brief review of the historic research carried out by various researchers is built on the premise that they have collectively accessed all the available sources, retrieved the available relevant information and that even exhaustive further research would only have a small chance of retrieving more (Best 2008).

In 1815 Hall and Kendall purchased 50 acres at Waitangi from Waraki, a Ngati Pou chief, and constructed houses on the land later that year. Following an attack by a Maori raiding party in January 1816 the houses were dismantled, and the materials used by Hall to re-build at Ranghoua. The Waitangi land, however, was maintained as gardens and for farming. Although the exact location of the houses has not been established, Hall's journals record them as being near the river, presumed to be in a small gully adjacent to the Golf Course. Known today as Hall's Gully the gully is recorded as archaeological site P05/577 located to the southwest of the developments (Fredericksen 1988:11-12). Best (2004:5) notes 2 other Europeans, Robert Campbell and Dr James

Ross, lived on or in the vicinity of Hall’s 50 acres. Campbell, a worker of Hall’s, constructed a house in 1815 but was gone by 1833, while Ross lived there in his own house for a short time in 1833 (Best 2004:5). Although unconfirmed, Ross’s house of may have been located in the vicinity of the gully (Best 2004: 5 & 11).

In 1834 James Busby purchased the first of his Waitangi Blocks, 270 acres that included Hall’s 50 acres, and that same year constructed his house that is today’s Treaty House (Best 2004:5).

During the 1816 – 1840s era Maori occupation of the property continued with numerous references to permanent dwellings and fishing huts (Fredericksen 1988:16 & Williams and DÚrville in Best 2004:6). Best also quotes information from 1889-93 Native Land Court records of the general area being used by Ngati Rahiri for seasonal occupation focused on fishing and shellfish gathering (Von Sturmer in Best 2004:6).

In 1932 the Waitangi National Reserve was gifted to the people of NZ by Lord and Lady Bledisloe and today is recognised as the country’s most important historic landscape.

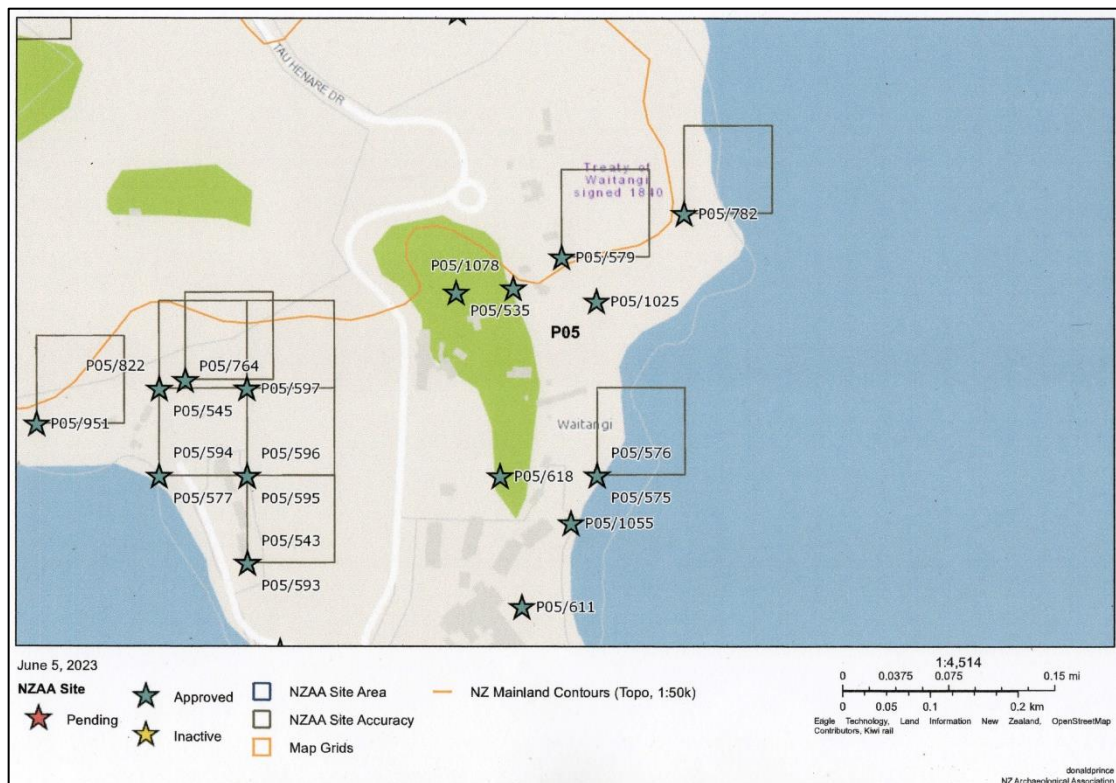


Figure 3: Spatial representation of identified archaeological sites in the projects vicinity (ArchSite June 2023).

Field inspection

Don Prince carried out an archaeological field inspection of the landscape effected by the current wi-fi installation and wharf walkway on May 18, 2023. The survey involved pedestrian transects over the areas specific to the current proposals while a series of spade test pits were opened along the wharf pathway designation. Surface visibility was adequate for archaeological surface. It should be noted that at the time of inspection the general locations for the wi-fi installation jacking pits were identified with the exact locations yet to be defined.

During the course of the current inspection no previously unrecorded sites were identified.

It should be noted that a visual inspection cannot provide evidence for the absence of subsurface archaeological features or deposits.

Projects

Wi-Fi Cable Installation

It is proposed to upgrade the existing data network in order to connect all areas of business along with improving visitor engagement through a public access wi-fi network throughout the Treaty Grounds. The services will require new underground links installed using directional drilling which will result in ground disturbance being limited to small jacking pits at the end of each drilling section and possible exploratory “pot holing” along the drill routes to determine where power cables exist (Northcom 2023). The work includes upgrades to the five existing fibre links to buildings and new links in the upper grounds (Figure 4) and to the event marquee site (Figure 5). It is also being considered to provide two “break out spaces” near the Treaty House. Where thrust ducting exists such as between the Visitors Centre and 28th Maori Battalion Museum, it will be utilised.

It appears that no known archaeological sites will be directly affected by the current proposal. However, the southern terminus of the new link in the upper grounds is in the immediate vicinity of shell midden (P05/1025) that can be seen eroding along the bushed slope by c.100m x 40m along and down the slope between the Treaty House lawn and Hobson Bay (Figure 3). It is also noted that an extensive shell midden recorded as P05/1055 was detected during fence construction a short distance to the south of the proposed marquee site which may require wi-fi connection. In addition, it

is not possible to give an absolute assurance that ground disturbance associated with the overall project will not encounter unidentified subsurface archaeological features.



Figure 4: Upper Grounds with cable route (white) and approximate locations of jacking pits - white squares (Prince 2023 fibre route from Northcom plan).



Figure 5: Lower Grounds with possible marquee cable route (white) and jacking pit sites – white square (Prince 2023 from Northcom plan).

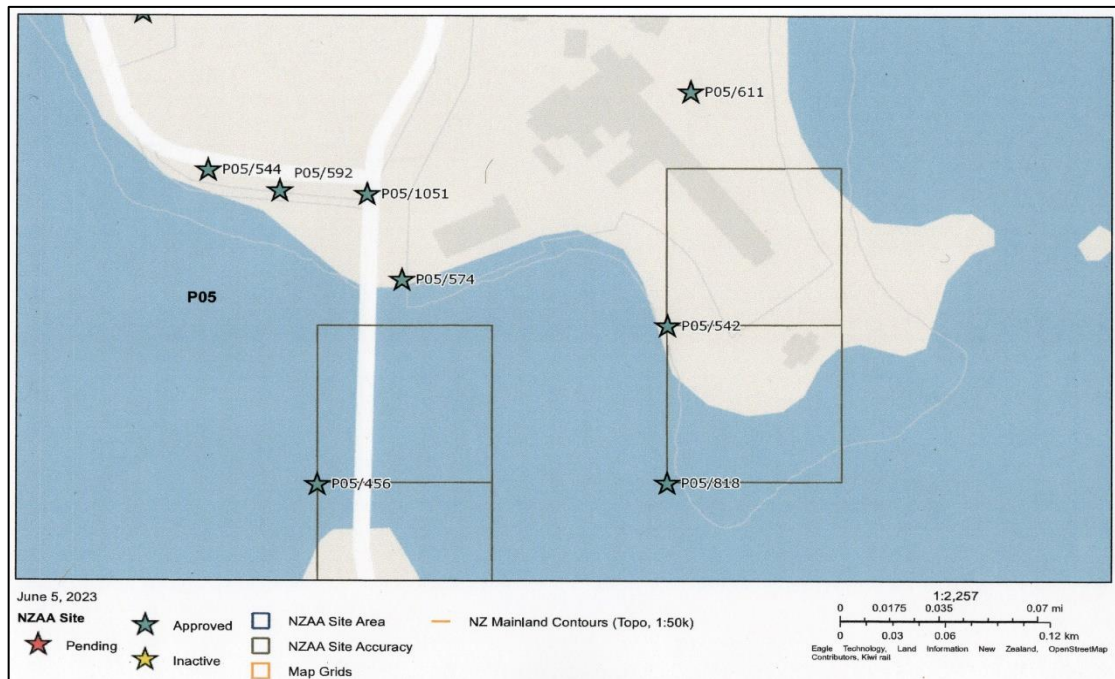


Figure 6: Spatial representation of archaeological sites identified on north shore at entrance to Waitangi River (ArchSite June 2023).

Drinking Fountains Upgrade

This project proposes to upgrade the existing drinking fountains (if desired) and install two new fountains within the Treaty Grounds (Figure 7). If the existing fountain is to be upgraded that would require demolition of the existing and connection to the existing plumbing with minor earthworks (Total Plumbing & Gas May 2023).

The installation of the two new fountains will require 200mm deep trenches for pipe connections (Figure 7). Both proposed sites are in the immediate vicinity of known archaeological sites. A findspot of historic artefacts found during construction of walkway south from Treaty House (Coster 2002 SRF P05/579) is a short distance to the north of the upper grounds fountain. There is a potential that earthworks may encounter similar artefacts and evidence of pre-1900 activity.

Where the fountain proposed to the north of the Waka Whare is located will have a direct impact on part of archaeological site P05/1025 a shell midden spread over the northern area of Hobson Bay including visible in the drain cutting on the inland side of the walkway.

It is recommended that an alternative location is sought for the new lower fountain and that earthworks are archaeologically monitored.



Figure 7: Proposed drinking fountains upgrade showing approximate extent of P05/1025 (Total Plumbing & Gas May 2023).

Event Marquee

It is currently proposed to construct a 15m x 35m marquee in the lower grounds a short distance to the south of the whare waka (Figure 8). The marquee is designed to be supported by poles on 12 x 360mm x 360mm base plates pinned to the ground therefore, no digging required apart from the possible wi-fi connection noted above.



Figure 8: Marquee location arrowed in white.

New Upper Grounds Carpark

In order to satisfy the demand for parking in the upper grounds it is proposed to formalise the small informal parking area between the grounds and golf course to accommodate up to 63 cars (Figure 9). The carpark will be accessed off Tau Henare Drive by way of the existing access and earthworks will be limited to a 300mm depth over the c.70m x 18m (1260m²) parking area over which a compacted base course with topcoat will be applied (pers comm. Nicole Wihongi June 14, 2023). In addition, a formal 1.4m wide footpath with bollared lighting will be constructed south from the carpark's southeast corner to the Treaty House (Figure 10).

No known archaeological sites will be directly affected but, it is not possible to give an absolute assurance that unidentified subsurface evidence will not be encountered during earthworks. Therefore, all earthworks should be archaeologically monitored.

Upper Grounds Walkway Upgrade

It is currently proposed to remove the existing Gobi block pathway running south from the Treaty House to the Nias Track (Figure 11) and replace with a combination of concrete pavers and concrete. This will require minor widening of the existing footprint and excavation to 300mm. The existing block path runs southeast from the Treaty House for a short distance then as an unformed track across lawn to the Nias Track. During the laying of the existing block path Trust staff recovered a small collection of fragmented ceramics, glass and copper sheeting c. 6m from the Treaty House (SRF P05/579). The artefacts were analysed by archaeologist John Coster as part of a damage report for the then Historic Places Trust in 2002 (SRF P05/579). Coster concluded that the sheeting was most likely an off-cut from Treaty House and that the ceramics and glass “may date to the 19th century” (Coster 2002 SRF P05/579).

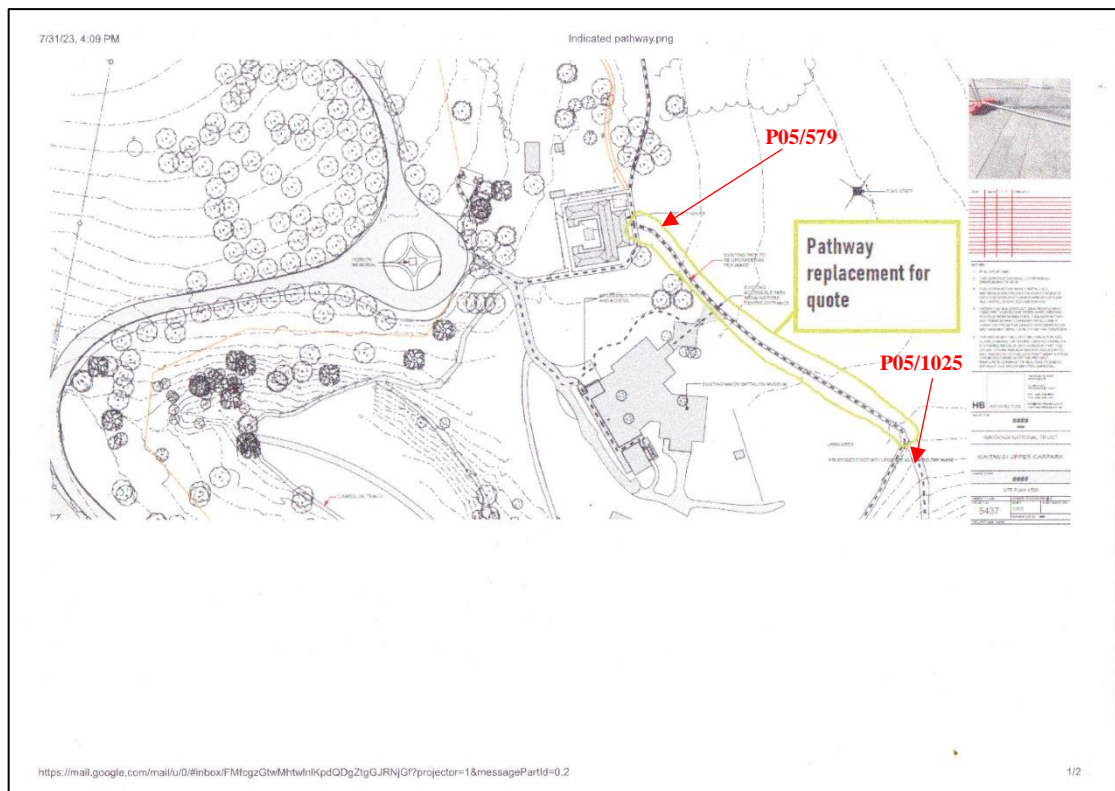


Figure 11: Treaty House to Nias Track pathway replacement and extension location plan (HB Architecture July 2023).

Apart from further ground disturbance where artefacts were recovered in 2002 (SRF P05/579) the current path proposal will not directly impact on known archaeological sites. However, the southern terminus of the path is located a short distance from visible

evidence (shell midden) recorded as site P05/1025. Therefore, all earthworks should be monitored by a suitably qualified archaeologist under a HNZPT authority.

Café Refit and Re-roofing

Confined to the existing café footprint the associated ground disturbance is limited to a small number of postholes (6 @ 600mm diameter x 900mm deep) in order to house the existing chiller attached to the west wall (Figure 12). The refit includes upgrading the kitchen, extending the café structure over the existing decks, re-roofing in long run colour steel and the chiller room. The existing ground surface will not require modification.

Unlikely to encounter undetected archaeological evidence but, contractors briefed on possibility and process to follow if evidence suspected.

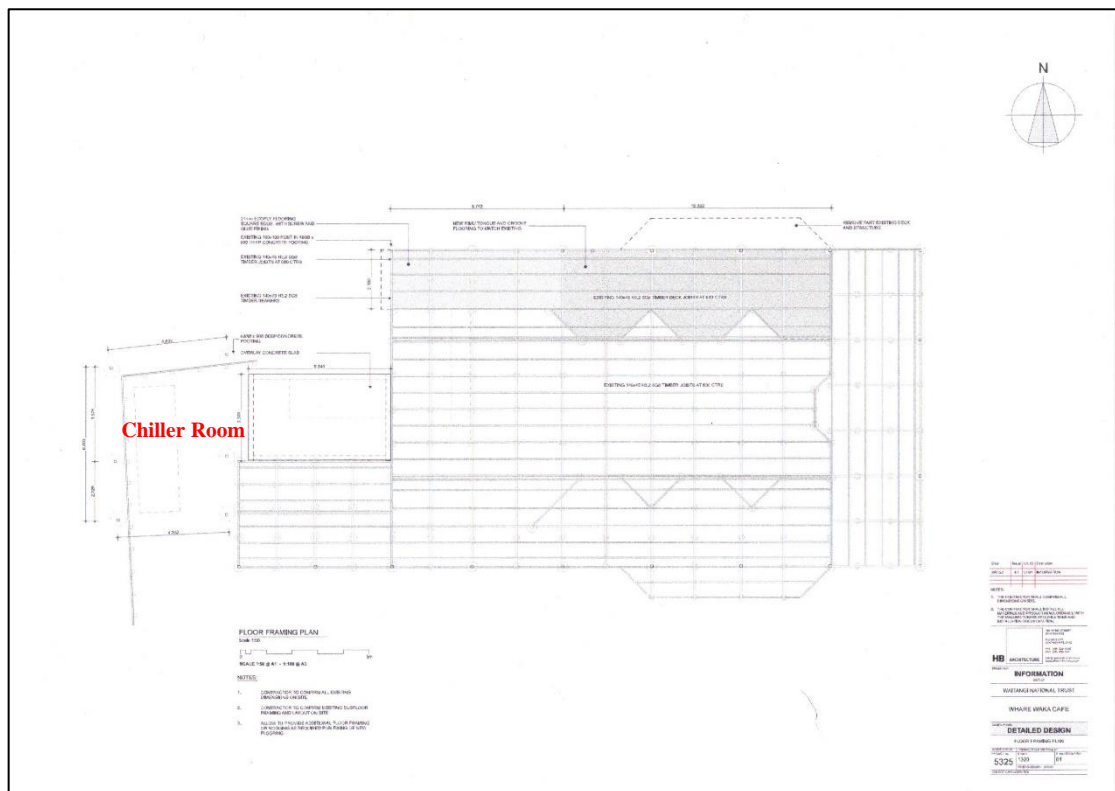


Figure 12: Whare Waka Café layout plan (HB Architecture July 2023).

Additional Lower Grounds Car Parking

Due demand an additional 36 car parks are proposed in four areas (including 3 handicap parks adjacent to the Whare Waka Café) surrounding the existing Visitors Centre carpark in the lower grounds (Figure 13). Construction of the parks will require varying

amounts of excavation depending on topography to an expected maximum depth of c.500mm.

The proposal will have no direct affect to known archaeological sites. However, as it is not possible to give an absolute assurance that undetected subsurface cultural features will not be encountered during earthworks associated with the carpark constructions the works should be carried out under conditions contained in an HNZPT general authority.

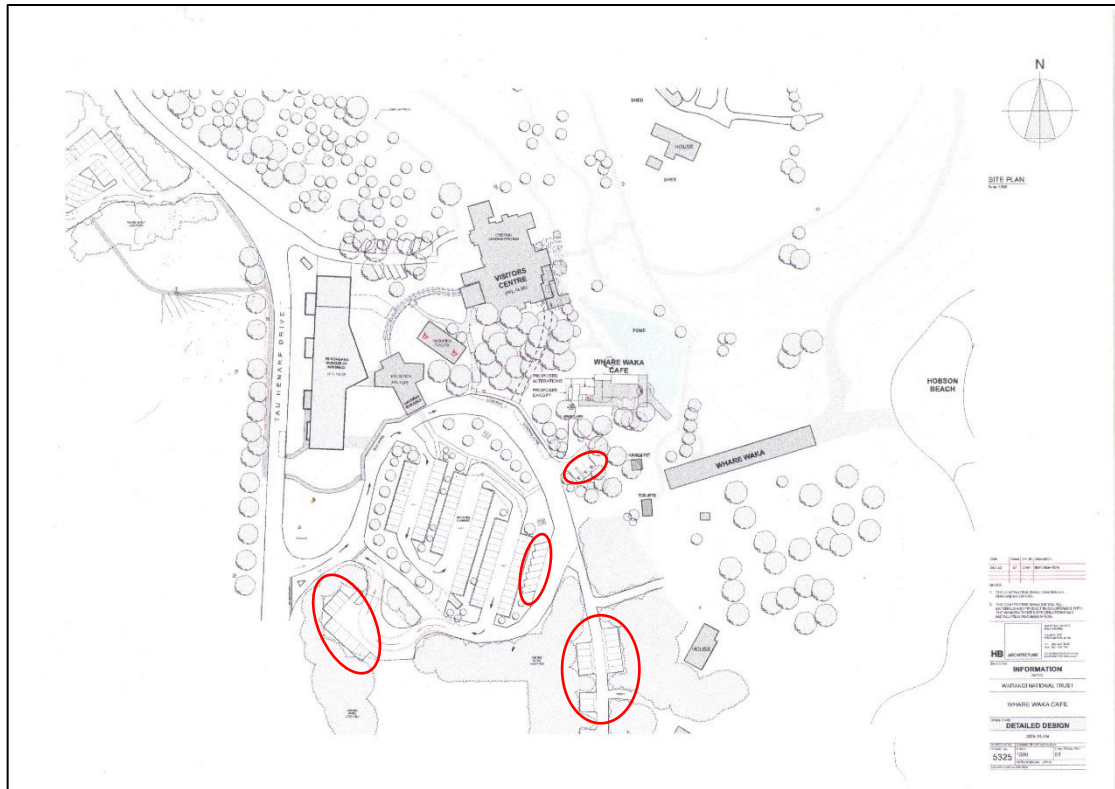


Figure 13: Additional lower grounds car parks highlighted in red (HB Architects July 2023).

Identified Archaeological Sites

P05/535 Shell midden

First recorded in 1987 by Rob Brassey and largely destroyed following investigation by John Coster in 2006 during construction of additions to the Visitors Centre (SRF P05/535). During the current inspection an intact midden can be seen lensing out for 2.5m along the up-slope track cutting while immediately below on the service track is a surface scatter of whole and fragmented shell (predominantly cockle with some pipi) spread for 8m. The intact lens extends west under bush from the track for an undetermined distance as noted by Coster in 2006. Coster also noted that “some 40m² of midden... remain intact to east of the building [Visitors Centre], under geotextile

material separating it from ... excavated midden” (Coster 2006 SRF P05/535). Inspection of the slope east of the building failed to detect any evidence of the site.

Any ground disturbance in the vicinity has the potential to encounter subsurface archaeological evidence.

P05/579 Modified soil & findspot

In 2002 Coster recovered a small range of ceramic, glass and metal fragments while monitoring an excavation associated with the laying of a pathway across the lawn in front of the Treaty House (Figure 11). Coster concluded that some of the items may relate to the 19th century. Currently it is proposed to replace the 2002 concrete block walkway meaning there is a potential that its associated earthworks may encounter pre-19th century material.

P05/1025 Shell midden

Features of this site have been identified spread over a large area of the northern headland and foreshore bench of Hobson Bay (Figure 1). Shell midden can be seen eroding out of the pathway cutting up the headland from the Bay to the Treaty House lawn, down the slope below the path, in section in the open drain to the north of the Whare Waka and over the foreshore bench while a number of terraces that on the evidence currently available may or may not be archaeological.

Of the current projects a new drinking fountain is proposed within the immediate vicinity of the southwest extent of the site and may well encounter features of the site.

P05/1055 Shell midden

A shell midden consisting of whole and fragmented shell (pipi and cockle with some limpet, cats-eye and whelk), charcoal and fire cracked rock tightly packed in a black shell/soil matrix up to 600mm thick was identified 30mm below the surface. The midden was picked up in post holes extending inland for approximately 20m inland. No attempt was made to carry out sub-surface testing to establish the extent of the site and although some distance south of the proposed marquee and ground disturbance required for possible wi-fi connection it does indicate the potential that archaeological features may exist.

Identification and Assessment of Effects

There are four archaeological sites recorded within or in the vicinity of the current projects proposed for within the Waitangi National Reserve. In addition, the potential exists that unidentified subsurface archaeological features that cannot be identified by visual survey methods are present within the area.

Therefore, it is recommended that a General Authority is sought and obtained prior to the commencement of earthworks from HNZPT under conditions contained within the HNZPT Act (2014).

Sites within the property have the potential to provide information relating to the antiquity and extent of pre-1900 Maori and European activity within the Waitangi Treaty Grounds.

It should be noted that archaeological survey techniques (visual inspection) cannot always detect all sub-surface features or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical evidence. The tangata whenua should therefore be consulted regarding the possible existence of such sites.

It should also be noted that the Heritage NZ Pouhere Taonga Act (2014) provides initial protection for all archaeological sites whether recorded or not, and they cannot be damaged, modified or destroyed unless an Authority has been issued by the New Zealand Historic Places Trust.

Recommendations

The following recommendations for avoidance or mitigation are provided as points of discussion between the applicant, statutory agencies and tangata whenua.

- That avoidance of the identified archaeological resources of the property be principal in the planning of all development.
- That prior to the commencement of earthworks a General Authority is sought and obtained from HNZPT under conditions contained within the HNZPT Act (2014).
- That locations of ground disturbance associated with the projects as determined by the project archaeologist are monitored by a suitably qualified archaeologist in order to determine whether archaeological features exist.
- That all contractors working on the project are briefed on site regarding the possibility of encountering unidentified archaeological evidence.
- That if archaeological sites are encountered during ground disturbance associated with construction all work should cease in the vicinity and the project archaeologist, affected iwi and Heritage NZ Pouhere Taonga be immediately contacted in order to establish the process under which the development may continue.
- That if koiwi (human remains) should be exposed during development, work should cease in the immediate vicinity and the project archaeologist, tangata whenua and HNZPT should be contacted so that appropriate arrangements can be made.
- That since archaeological survey cannot always detect wahi tapu and sites of traditional significance to Maori, the tangata whenua should be consulted regarding the Maori values of this area and the recommendations in this report.

References

- Best, S. 2004. The Waitangi National Trust Building Project Visitor Centre Construction and Alteration, Initial Archaeological Assessment. Prepared for Waitangi National Trust.
- Best, S. 2008. The Waitangi National Trust Visitors Centre Site: Additional Research.
- Coster, J. 2006. Interim report to NZ Historic Places Trust and Waitangi National Trust on Investigation of Archaeological Site P05/535, Waitangi National Trust Visitors Centre, NZHPT Authorities 2006/34, 2006/199.
- Edbrooke, S.W. 2001. Geology of the Auckland Area. Institute of Geological and Nuclear Sciences Ltd, Lower Hutt.
- Ferrar, H.T. 1928. Geological Map of the Kawakawa Survey District. Department of Scientific and Industrial Research.
- Fredericksen, C. 1988. A Preliminary Historical and Archaeological Survey of the Waitangi National Reserve. Regional Archaeological Unit, Auckland for Science and Research Directorate, Department of Conservation, Wellington.
- Johnson, L. 2007. Archaeological Monitoring of the earthworks associated with the construction of a gateway (NZHPT Authority 2007/244) Copethorne Hotel, Waitangi, Bay of Islands. Unpublished report prepared for the Copethorne Hotel.
- Kear, D. & R. F. Hay. 1961. Sheet 1 North Cape (1st Edition) Geological Map of New Zealand 1:250000. Department of Scientific and Industrial Research, Wellington.
- McLean, M. 1990. The Garden of New Zealand. A History of the Waitangi Treaty House and Grounds from pre-European times to the present. Science and Research Report No. 76. ISBN 0-478-10201-2. Department of Conservation, Wellington.
- Prince, D. 2009. The Waitangi National Trust Proposed Building Project (Stage 2A), Tau Henare Drive, Waitangi: Preliminary Archaeological Survey and Assessment of Effects. Unpublished report prepared for the Waitangi National Trust.
- Prince D. 2010 (February). Report of Archaeological Monitoring of Earthworks Related to the Installation of the Whare Runanga Forecourt Lights, Waitangi National Reserve, Tau Henare Drive, Waitangi: Archaeological Monitoring Under NZHPT Authority 2010/233. Unpublished report prepared for the Waitangi National Trust.
- Prince, D. 2010 (March). Report on the Monitoring of the Earthworks Related to Additions and Alterations (Stage 2A), Waitangi National Reserve, Tau Henare Drive, Waitangi: Archaeological Monitoring Under NZHPT Authority 2009/284. Unpublished report prepared for the Waitangi National Trust.
- Prince, D. 2012. Proposed Water Supply, Paihia to Waitangi National Reserve, Waitangi Preliminary Archaeological Survey and Assessment of Effects. Unpublished report prepared for the Waitangi National Trust and Far North District Council.
- Prince, D. 2013 (February). Proposed Security Fence, Waitangi National Reserve, Waitangi Preliminary Archaeological Survey and Assessment of Effects. Unpublished report prepared for the Waitangi National Trust.
- Prince, D. 2013 (August). Report on Archaeological Monitoring of Earthworks Related to the Perimeter Security Fence Construction at the Treaty Grounds, Waitangi: Archaeological Monitoring Under NZHPT Authority 2013/596. Unpublished report prepared for the Waitangi National Trust.

- Prince, D. 2013 (August). Report of Archaeological Monitoring of Earthworks Related to the Paihia-Waitangi Replacement Water Main, Waitangi: Archaeological Monitoring Under NZHPT Authority 2013/185. Unpublished report prepared for the Waitangi National Trust and Far North District Council.
- Prince, D. 2014 (April). Report on Archaeological Monitoring of Earthworks Related to the Installation of Water Tanks (Part of the Paihia-Waitangi Replacement Waterline) at the Treaty House: Archaeological Monitoring under HNZPT Authority 2013/185. Unpublished report prepared for the Waitangi National Trust.
- Prince, D. 2014 (July). Proposed Upgrades to Paths and Forecourt of the Whare Runanga, Waitangi National Trust, Waitangi. Unpublished report prepared for the Waitangi National Trust.



30 October 2023

File ref: 2024/155
11013-014

Tēnā koe Nicole Wihongi

**APPLICATION FOR ARCHAEOLOGICAL AUTHORITY UNDER HERITAGE NEW ZEALAND
POUHERE TAONGA ACT 2014: Authority no. 2024/155: NZAA site numbers P04/542,
P04/579, P04/1025 and P04/1055, at Waitangi National Trust Estate, Tau Henare Drive,
Waitangi, Bay of Islands.**

Thank you for your application for an archaeological authority which has been granted and is attached.

In considering this application, Heritage New Zealand Pouhere Taonga notes that Waitangi Limited wishes to undertake earthworks to improve visitor access and services at Waitangi National Trust Estate, Tau Henare Drive, Waitangi. Waitangi has long been an important place for Māori prior to European arrival and for both Māori and Pakeha during the early historic period that culminated in the signing of the Treaty of Waitangi. Several places within the Waitangi Estate are included on the New Zealand Heritage List / Rārangī Kōrero; the Treaty Grounds and House (List No 6), Ruarangi Wahi Tapu (List No 7692) and the Wahi Tupuna Waitangi (List No 9777). The heritage significance of Te Pitowhenua / Waitangi Treaty Grounds is reflected in it being established as New Zealand's first National Historic Landmark (List No 10001).

The proposed works involve installing wi-fi via underground conduits, upgrading the walkway between the Treaty House and the Nias Track, constructing a new walkway along the Waitangi inlet between the Waitangi Wharf and the southern carpark of the Copthorne Hotel, upgrading and installing new drinking fountains, constructing a deck extension for the Whare Waka Café, erecting an event marquee, constructing 36 new carparks and extending four existing carparks. This activity will affect the recorded archaeological midden sites P05/542, P05/1025, and P05/1055, and the modified soil and artefact findspot site P05/579. Although some of the sites have been damaged in the past, they all still possess archaeological values. Together the sites reflect Māori coastal settlement in the pre-contact period and on into the early contact period of Aotearoa New Zealand's history.

The area is of significance to Waitangi Marae, and we appreciate the consultation you have undertaken.

Please inform tangata whenua, the s45 approved person and Heritage New Zealand Pouhere Taonga of start and finish dates for the work.

In accordance with section 51 of the Heritage New Zealand Pouhere Taonga Act, we have notified relevant parties of this decision. An appeal period from receipt of decision by all parties applies. Therefore, this authority may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

If you have any queries, please direct your response in the first instance to:

Dr James Robinson
Senior Archaeologist
Heritage New Zealand Pouhere Taonga, Kerikeri Office
PO Box 836, Kerikeri 0245

Phone (09) 407 0473 Email ArchaeologistNA@heritage.org.nz

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'V. Tanner', written on a light blue grid background.

Vanessa Tanner
Manager Archaeology, Heritage New Zealand Pouhere Taonga



HERITAGE NEW ZEALAND
POUHERE TAONGA

AUTHORITY

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2024/155

FILE REF: 11013-014

DETERMINATION DATE: 30 October 2023

EXPIRY DATE: 30 October 2028

AUTHORITY HOLDER: Waitangi Ltd

ARCHAEOLOGICAL SITES: P05/542, P05/579, P05/1025, P05/1055, and possible subsurface sites, to be determined

LOCATION: Waitangi National Trust Estate, Tau Henare Drive, Waitangi, Bay of Islands

SECTION 45 APPROVED PERSON: Don Prince

LANDOWNER CONSENT: Landowner is applicant

This authority may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

This decision does not ascribe mana whenua status.

DETERMINATION

Heritage New Zealand Pouhere Taonga grants an authority pursuant to section 48 of the Heritage New Zealand Pouhere Taonga Act 2014 in respect of the archaeological sites described above, within the area specified as Lot 1 DP 326610 to Waitangi Limited for earthworks for the proposal to install wi-fi via underground conduits, upgrade the walkway between the Treaty House and the Nias Track, construct a new walkway along the Waitangi Inlet between the Waitangi Wharf and the southern carpark of the Copthorne Hotel, upgrade and install new drinking fountains, construct a deck extension for the Whare Waka Café, erect an event marquee, construct 36 new carparks and extend four existing carparks at Waitangi National Trust Estate, Tau Henare Drive, Waitangi, Bay of Islands, subject to the following conditions:

CONDITIONS OF AUTHORITY

1. The authority holder must ensure that all contractors working on the project are briefed on site by the s45 approved person, who may appoint a person to carry out the briefing on their behalf, prior to any works commencing on the possibility of encountering archaeological evidence, how to identify possible archaeological sites during works, the

archaeological work required by the conditions of this authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with.

2. Prior to the start of any on-site archaeological work, the authority holder must ensure that Heritage New Zealand Pouhere Taonga is advised of the date when work will begin. This advice must be provided at least 2 working days before work starts. The authority holder must also ensure that Heritage New Zealand Pouhere Taonga is advised of the completion of the on-site archaeological work, within 5 working days of completion.
3. The authority must be exercised in accordance with the management plan *Prince, August 2023: Waitangi Treaty Grounds, 2023 Projects: Archaeological Management Plan* attached to the authority application. Any changes to the plan require the prior written agreement of Heritage New Zealand Pouhere Taonga.
4. All earthworks that may affect any archaeological sites must be monitored by the s45 approved person who may appoint a person to carry out the monitoring on their behalf.
5. Any archaeological evidence encountered during the exercise of this authority must be investigated, recorded and analysed in accordance with current archaeological practice.
6. In addition to any tikanga that may have been agreed to between the authority holder and Waitangi Marae, the following shall apply:
 - a) Access for Waitangi Marae shall be enabled in order to undertake tikanga consistent with any requirements of site safety.
 - b) Waitangi Marae shall be informed 48 hours before the start and finish of the archaeological work.
 - c) If any kōiwi (human remains) are encountered, all work should cease within 5 metres of the discovery. The Heritage New Zealand Pouhere Taonga Senior Archaeologist, New Zealand Police and Waitangi Marae must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains ([AGS8 2010](#)) and no further work in the area may take place until future actions have been agreed by all parties.
 - d) Waitangi Marae shall be informed if any possible taonga or Māori artefacts are identified to enable appropriate tikanga to be undertaken, so long as all statutory requirements under the Heritage New Zealand Pouhere Taonga Act 2014 and the Protected Objects Act 1975 are met.
 - e) Waitangi Marae shall be provided with a copy of any reports completed as a result of the archaeological work associated with this authority and be given an opportunity to discuss it with the s45 approved person if required.
7. That within 20 working days of the completion of the on-site archaeological work associated with this authority, the authority holder shall ensure that site record forms are updated or submitted to the NZAA Site Recording Scheme.
8. That within 6 months of the completion of the on-site archaeological work, the authority holder shall ensure that a final report, completed following the Archaeological Report Guideline ([AGS12 2023](#)), is submitted to the Heritage New Zealand Pouhere Taonga Senior Archaeologist for inclusion in the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library.

- a) One hard copy and one digital copy of the final report are to be sent to the Heritage New Zealand Pouhere Taonga Senior Archaeologist.
- b) Digital copies of the final report must also be sent to: the NZAA Central Filekeeper, Russell Museum Whare Taonga o Kororāreka, and Waitangi Marae.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,



**Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140**

Date: 30 October 2023

ADVICE NOTES

Contact details for Heritage New Zealand Pouhere Taonga Senior Archaeologist

Dr James Robinson
Archaeologist
Heritage New Zealand Pouhere Taonga, Kerikeri Office
PO Box 836, Kerikeri 0245

Phone (09) 407 0473 Email ArchaeologistNA@heritage.org.nz

Current Archaeological Practice

Current archaeological practice may include, but is not limited to, the production of maps/ plans/ measured drawings of site location and extent; excavation, section and artefact drawings; sampling, identification and analysis of faunal and floral remains and modified soils; radiocarbon dating of samples; the management of taonga tūturu and archaeological material; the completion of a final report and the updating of existing (or creation of new) site record forms to submit to the NZAA Site Recording Scheme.

Reporting Conditions

Reports required by authority conditions are to be prepared following the Archaeological Report Guideline (reference [AGS12 2023](#)).

Heritage New Zealand Pouhere Taonga supports transparent reporting processes. It therefore is expected that all relevant directly affected parties have reviewed the report in question, are happy with its contents, and understand that it will be made publicly available via the Heritage New Zealand Pouhere Taonga Archaeological Reports Digital Library.

Heritage New Zealand Pouhere Taonga has the right to make available any report produced under an authority where the distribution of the report is for the purpose of providing archaeological information about the place in question for research or educational purposes.

Rights of Appeal

An appeal to the Environment Court may be made by any directly affected person against any decision or condition. The notice of appeal should state the reasons for the appeal and the relief sought and any matters referred to in section 58 of the Heritage New Zealand Pouhere Taonga Act 2014. The notice of appeal must be lodged with the Environment Court and served on Heritage New Zealand Pouhere Taonga within 15 working days of receiving the determination and served on the applicant or owner within five working days of lodging the appeal.

Review of Conditions

The holder of an authority may apply to Heritage New Zealand Pouhere Taonga for the change or cancellation of any condition of the authority. Heritage New Zealand Pouhere Taonga may also initiate a review of all or any conditions of an authority.

Non-compliance with conditions

Note that failure to comply with any of the conditions of this authority is a criminal offence and is liable to a penalty of up to \$120,000 (Heritage New Zealand Pouhere Taonga Act 2014, section 88).

Costs

The authority holder shall meet all costs incurred during the exercise of this authority. This includes all on-site work, post fieldwork analysis, radiocarbon dates, specialist analysis and preparation of interim and final reports.

Guideline Series

Guidelines referred to in this document are available on the Heritage New Zealand Pouhere Taonga website: archaeology.nz

The Protected Objects Act 1975

The Ministry for Culture and Heritage (“the Ministry”) administers the Protected Objects Act 1975 which regulates the sale, trade and ownership of taonga tūturu.

If a taonga tūturu is found during the course of an archaeological authority, the Ministry or the nearest public museum must be notified of the find within 28 days of the completion of the field work.

Breaches of this requirement are an offence and may result in a fine of up to \$10,000 for each taonga tūturu for an individual, and of up to \$20,000 for a body corporate.

For further information please visit the Ministry’s website at <http://www.mch.govt.nz/nz-identity-heritage/protected-objects>.

Landowner Requirements

If you are the owner of the land to which this authority relates, you are required to advise any successor in title that this authority applies in relation to the land. This will ensure that any new owner is made aware of their responsibility in regard to the Heritage New Zealand Pouhere Taonga Act 2014.



HERITAGE NEW ZEALAND
POUHERE TAONGA

SECTION 45 APPROVED PERSON

Heritage New Zealand Pouhere Taonga Act 2014

AUTHORITY NO: 2024/155

FILE REF: 11013-014

APPROVAL DATE: 30 October 2023

This approval may not be exercised during the appeal period of 15 working days, or until any appeal that has been lodged is resolved.

APPROVAL

Pursuant to section 45 of the Act, **Don Prince**, is approved by Heritage New Zealand Pouhere Taonga to carry out any archaeological work required as a condition of authority 2024/155, and to compile and submit a report on the work done. Don Prince will hold responsibility for the current archaeological practice in respect of the archaeological authority for which this approval is given.

Signed for and on behalf of Heritage New Zealand Pouhere Taonga,

A handwritten signature in blue ink, appearing to read 'Claire Craig'.

Claire Craig
Deputy Chief Executive Policy, Strategy and Corporate Services
Heritage New Zealand Pouhere Taonga
PO Box 2629
WELLINGTON 6140

Date: 30 October 2023

Rochelle

From: Bill Edwards <BEdwards@heritage.org.nz>
Sent: Thursday, 17 October 2024 10:47 am
To: Rochelle
Cc: James Robinson; Mike Butler
Subject: RE: Waitangi Limited - proposed carpark - archaeological authority

Kia ora Rochelle,

Thank you for information, yes, the works are covered by the authority, and the works have been archaeologically assessed. I also note the visual effects of the proposed carpark have been alleviated by plantings and the use of established trees, this is important as we do not want the view from the Whare Runanga to be of a RAV 4. We wish you luck with the proposed project subject to the conditions of the archaeological authority.

Nga mihi

Bill

Bill Edwards Area Manager, Northland | Heritage New Zealand Pouhere Taonga | Northland Area Office, 21 Hobson Ave, PO Box 836 Kerikeri 0245, New Zealand | Ph: (64 09) 407 0470 | DDI: (64 09) 407 0471 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

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From: Rochelle <rochelle@northplanner.co.nz>
Sent: Wednesday, 16 October 2024 9:44 am
To: Bill Edwards <BEdwards@heritage.org.nz>
Subject: Waitangi Limited - proposed carpark - archaeological authority

Good Morning Bill,

Nicole has forwarded me your email correspondence about the proposed upper Treaty Grounds carpark. These works appear to be covered under the 2024 Archaeological Authority 2024/155 and as confirmed to us by Don Prince.

I have attached a copy of the authority, management plan and his report that was included with the Authority application.

For the purposes of submitting and obtaining resource consent for the project, are you able to confirm that this is the case, and confirm that Heritage NZ are also supportive of the project.

Kind regards,



Rochelle Jacobs

Director / Senior Planner

Offices in Kaitaia & Kerikeri

☎ 09 408 1866 | 📠 027 449 8813

Northland Planning & Development 2020 Limited