

Planning Evidence and Recommendations Report

***Horizons Regional Council's Planners Report on
Submissions to the Proposed One Plan –
Historic Heritage***



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INTRODUCTION

CHAPTER 7: LIVING HERITAGE – HISTORIC HERITAGE

*This report contains the recommendations from Horizons Regional Council's Planners on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007, late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from Individuals (314), Organisations/Companies (149), Iwi (18), Territorial Authorities (15), Interest Groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Planners to the Hearings Panel having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Planners having regard to:

- The One Plan Philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case Law

Horizons Regional Council Staff met with some submitters to clarify points raised or negotiate potential outcomes and sought advice from technical advisors as appropriate. As noted in the readers guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to (a) consider the merits of the Proposed One Plan in light of submissions received and to (b) assist submitters by setting out responses to the points raised.

Part Four presents the evaluation of submissions along with the technical and planning evidence considered by the Horizons Regional Council Planner in making recommendations to the Hearing Panel. Tables are presented showing whether a submission point has been accepted, accepted in part or rejected as a consequence of these recommendations. Accept in part means that only part of the decision requested in that submission has been accepted. Unless detailed otherwise where the primary submission has been accepted it follows that the further submissions supporting the primary submission have been accepted, and that the further submissions opposing the primary submitter have been rejected.

PART ONE: READERS GUIDE

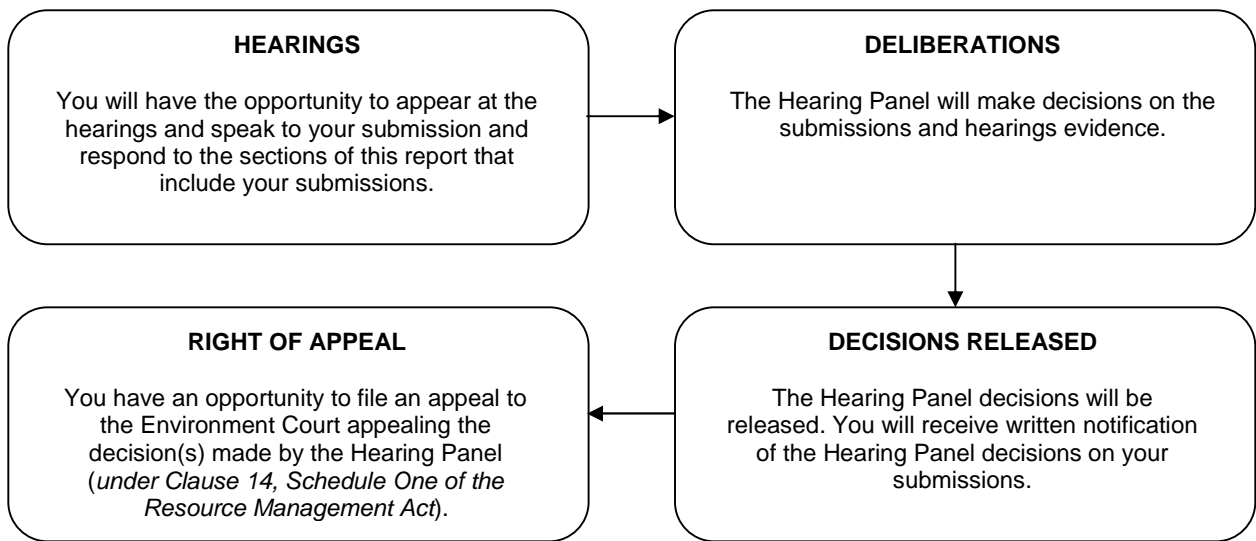
1. Structure of Report

The Planning Evidence and Recommendations Report on submissions relating to Chapter 7: Living Heritage – Historic Heritage s:

- Part 1 Reader's guide
- Part 2 Statement of Qualifications and Experience
- Part 3 Summary of key themes
 - Provides a summary of the key submission themes and recommendations relating to Chapter 7: Living Heritage - Historic Heritage.
- Part 4 Recommendations on submissions on Chapter 7: Living Heritage - Historic Heritage of the Proposed One Plan; includes tables indicating whether a submission point has been accepted, accepted in part or rejected as a consequence of the Horizons Regional Council's Planner's recommendation. The technical and planning assessment is presented along with the Planners evaluation, recommendation and wording changes to implement that recommendation:
 - 1 Chapter 7: General
 - 2 Chapter 7: Paragraph 7.1.1 Scope
 - 3 Chapter 7: Paragraph 7.1.4 Living Heritage
 - 4 Chapter 7: Issue 7-3 Living Heritage
 - 5 Chapter 7: Objective 7-3 Living Heritage
 - 6 Chapter 7: Policy 7-10 Living Heritage
 - 7 Chapter 7: Method General
 - 8 Chapter 12: Decision Making Policy 12-1
 - 9 Glossary

1.1 Process from Here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision making process. The process for the decision making is set out below for your information:



PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE

My full name is Fiona Jayne Taylor Gordon. I have a Bachelor of Arts with a major in Physical Geography, a Science Certificate in Environmental Science and Analytical Chemistry, from Massey University, Palmerston North. I have completed three papers towards a Professional Masters at Lincoln University. These papers are Resource Management Law, Assessment of Environmental Effects and Environmental Management Systems. I am employed as a Senior Policy Analyst with Horizons Regional Council and have a total of eight years experience with the Horizons Regional Council, in the field of Compliance and Policy. I have worked in the Policy Department for four years and have been involved in the One Plan from its inception. I was heavily involved in the review of the current Regional Policy Statement and Plans, the development of new policy for many of the One Plan chapters and carried out the role of One Plan Project Manager between 2005-2006. As a Senior Policy Analyst I have also been involved in the implementation of the National Environmental Standards for Air Quality at the Regional level, and coordinated the Councils submission on the Resource Management and Electricity Amendment Bill 2004. I am an Associate Member of the New Zealand Planning Institute (since 2005).

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and agree to comply with it.

I have had technical support from Opus Heritage Consultant, Elizabeth Pishief and Environmental Lawyer, John Maassen.

I make reference to the following documents in my report: New Zealand Historic Places Trust (3 Aug 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Policy Statements, and New Zealand Historic Places Trust (3 August 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Plans.

PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS

The purpose of this summary is to provide an overview of the submissions received to Chapter 7: Living Heritage – Historic Heritage of the Proposed One Plan (POP) and the recommendations to the Hearing Panel. Due to the significant number of submissions received and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document and submitters may wish to have a short summary of the issues raised and the direction the Horizons Regional Council's Planner has recommended in response to each issue. The following summary attempts to provide such an overview.

The submissions on Chapter 7 cover a wide range of issues regarding the historic heritage provisions in the POP. These include: the revision and strengthening of the objectives, policies, methods and rules; improvements regarding directions to Territorial Authorities and the Regional Council for the identification of historic heritage sites and assessment of effects; increased recognition of the role of the New Zealand Historic Places Trust (NZHPT) for approval regarding modification of archaeological sites; inclusion of an overview of historic heritage agencies and their respective roles, changes to the structure of the Proposed One Plan and improved integrated management of adverse effects on historic heritage; inclusion of cross-referencing between the historic heritage provisions in Chapter 7 and Chapter 4 – Te Ao Maori; changes to the title of Chapter 7: Living Heritage; and additions to the Glossary.

Having considered the submissions and the technical evidence from Elizabeth Pishief, Heritage Consultant, and John Maassen, Environmental Lawyer, the recommendations I make in this Report to the Hearing Panel include:

- (a) The consistent use of the term 'historic heritage' as per the Resource Management Act 1991 (RMA) definition throughout Part I of the POP.
- (b) Addition of a new Policy 7-11 to include criteria for the identification and assessment of historic heritage and the scheduling of sites by the Territorial Authorities and the Regional Council.
- (c) Addition of a new Method in Chapter 9 – Coast for the Regional Council to develop a Schedule of historic heritage in the Coastal Marine Area (CMA).
- (d) Amendment of various rules and decision making policies in Part II of the Proposed One Plan to include (a) recognition of the NZHPT's role regarding archaeological sites and (b) the consideration of the effects on "historic heritage".
- (e) Addition of Anticipated Environmental Results (AER) and principal reasons for historic heritage provisions in Part I POP.
- (f) Addition of a cross reference between Chapter 7 and Chapter 4 – Te Ao Maori.
- (g) Addition of succinct background information regarding the roles of historic heritage agencies.
- (h) Addition of the term "archaeological site" to the Glossary of the POP, as per the definition in the Historic Places Act 1993.

PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

4.1 Chapter 7 General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION INC	226	1	No specific decision requested but NZAA submits that effects on historic heritage need to be considered within each chapter of the One Plan because many of the described activities can have adverse effects on historic heritage and archaeological sites. This issue needs to be identified in the Objectives and Policies to ensure that the region's important historic heritage is protected from inappropriate subdivision, use and development.	Accept in part
	X 490	6	TARANAKI / WHANGANUI CONSERVATION BOARD - Support	Accept in part
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION INC	226	9	No specific decision requested but NZAA also believes that it is important for the blanket protection that the Historic Places Act 1993 provides to pre-1900 archaeological sites to be acknowledged somewhere in the plan. NZAA note that within the proposed rules section (for example, 16.2 condition (m)) that in the event of discovery of an archaeological site that work shall not be recommenced without the approval of the Regional Council. It is important to have a note that an archaeological authority from the New Zealand Historic Places Trust may also be required before work can recommence.	Accept
	X 518	31	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support in Part	Accept in part
	X 533	2	FEDERATED FARMERS OF NEW ZEALAND INC - Oppose	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	14	The NZHPT considers that Horizons Regional Council needs to prepare a separate Regional Plan for Manawatu/Wanganui, rather than including it as a component part of the Proposed One Plan. The NZHPT would be comfortable with one inclusive Regional Plan, covering air, land and water. There should, however, be a separate Regional Coastal Plan. The NZHPT acknowledges that the present Regional Plan part of the Proposed One Plan does include some useful material, which can form the basis of the separate Regional Plan document.	Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	2	The NZHPT seeks substantial revision to ensure historic heritage is recognised and provided for as a matter of national importance.	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	28	The NZHPT requests that Council better provides for the identification and protection of historic heritage in the proposed Regional Plan. This should include incorporating the best practice issues, objectives, policies and methods on pages 7 to 8 of the document Sustainable Management of Historic Heritage: Guide No 2 Regional Plans (3 August 2007). [Enclosed in the submission]	Accept in part
MICHAEL JOHN SHEPHERD	196	1	Replace the chapter title 'Living Heritage' with 'Landscape and Living Heritage'.	Reject
	X 527	102	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION INC	226	6	<p>No specific decision requested but NZAA notes that natural values are given considerable more emphasis in this chapter than historic heritage, for example there are no methods and anticipated environmental outcomes for historic heritage. This is in contrast to the number of detailed biodiversity and natural landscape objectives, policies and methods.</p> <p>Objectives and policies within this chapter need to support the integrated management of historic heritage within the region and its protection from inappropriate subdivision, use-and development.</p> <p>One method to assist in the protection of historic heritage could be for the regional council to support the identification of all historic heritage within the district and listing in district plans where appropriate.</p>	Accept in part
	X 518	7	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	10	Section 7 of the Proposed One Plan, include a discussion of significant heritage issues for the region.	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	11	One Plan includes objectives and policies that will achieve the sustainable management of historic heritage under the RMA. Council is encouraged to refer to pages 9 to 15 of the above Guide 1 to rectify this deficiency.	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	13	The glossary of the One Plan includes a definition of an archaeological site and historic heritage that is consistent with section 2 of the RMA. These definitions should also be expanded somewhat in the Regional Policy Statement to offer an insight to what is of regional significance.	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	6	The title should be reworded to the following effect - Living and Historic Heritage.	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	7	Preferably, the Section should be separated into two, titled Natural Heritage and Historic Heritage respectively.	Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	8	Council undertakes a substantial revision of Chapter 7 of the Proposed One Plan in consultation with the aforementioned guidelines attached to this submission to ensure historic heritage is recognised and provided as a matter of national importance. This will involve the addition of issues, objectives, policies, methods, principal reasons, and key definitions relating to historic heritage.	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	9	The One Plan, preferably Section 7 include an overview of heritage agencies and responsibilities.	Accept
QUEEN ELIZABETH II NATIONAL TRUST	365	3	QE II National Trust supports the remainder of Chapter 7 Living Heritage.	Accept
JILL STRUGNELL	366	7	The remedy is that the plan recognise the TAs established role and there is an agreement to consult on perceived omissions in any District Plan. Also that it becomes policy to not require property owners to observe rules and conditions from both their TA and the Regional Council on matters of heritage or native flora and fauna.	Accept in part
WELLINGTON CONSERVATION BOARD	375	14	Strengthen the One Plan with additional policies, methods, rules and appendices designed to increase awareness of, and protect the region's historic and cultural heritage.	Accept in part
	X 518	8	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
	X 527	181	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in part
WELLINGTON CONSERVATION BOARD	375	17	<p>Project description: Develop, maintain and update an inventory of nationally and regionally important historic heritage sites and areas in the region.</p> <p>Who: Historic Places Trust, DoC, Councils, iwi, NZ Archaeological Association, owners of heritage properties, and other heritage</p>	Accept in part

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			<p>stakeholders.</p> <p>Links to policy: Links to 7-10, 7.11 and 7.12.</p> <p>Targets: The region has an accurate record of its significant historic heritage and a basis for planning for its future management and conservation.</p>	
	X 518	9	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
ENVIRONMENTAL WORKING PARTY	386	78	We ask that Council work closely with us in regards to your responsibilities regarding our historic (and cultural) heritage	Accept
ENVIRONMENTAL WORKING PARTY	386	79	We ask that Council insert a new policy and/or objective within Chapter 7 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.	Accept in part
	X 518	10	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
	X 527	192	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in part
NGA PAE O RANGITIKEI	427	78	We ask that Council work closely with us in regards to your responsibilities regarding our historic (and cultural) heritage	Accept
NGA PAE O RANGITIKEI	427	79	We ask that Council insert a new policy and/or objective within Chapter 7 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.	Accept in part

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
	X 518	11	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
	X 527	412	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in part
TE IWI O NGATI TUKOREHE TRUST	461	7	Despite destruction of many land based cultural indicators by historical Ohau River system diversion schemes and stop banking projects, the Trust supports the practice of whi tapu and cultural sites protection as outlined in Chapter 7	Accept
ENVIRONMENTAL WORKING PARTY	386	80	7.4.4Other activities Policy 7-11 (a)All activities affecting Living Heritage shall take into account Chapter 4 (-) Remedial (b)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations (c)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that: i) are appropriate to the adverse environmental effects ii) account for the remedial process, and iii) will act as a deterrent for those intending not to comply. (d)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori (e) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.	Accept in part

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(f) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.	
	X 525	16	GENESIS POWER LTD - Oppose	Accept in part
NGA PAE O RANGITIKEI	427	80	7.4.4Other activities	Accept in part
			Policy 7-11	
			(a)All activities affecting Living Heritage shall take into account Chapter 4	
			(-) Remedial	
			(b)Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations	
			(c)The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:	
			i) are appropriate to the adverse environmental effects	
			ii) account for the remedial process, and	
			iii) will act as a deterrent for those intending not to comply.	
			(d)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori	
			(e) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.	
			(f) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will	

be undertaken to the satisfaction of Horizons Regional Council.

4.1.1 Submission Summary

The general submissions received on the Historic Heritage provisions of the Proposed One Plan (POP) relate to eight themes, namely:

- Revision and strengthening of historic heritage provisions (issues, objectives, policies, methods)
- Direction to Territorial Authorities (TAs) and the Regional Council for the identification of historic heritage sites and assessment of effects
- New Zealand Historic Places Trust (NZHPT) approval
- Overview of historic heritage agencies
- Structure of the Proposed One Plan and integrated management
- Title change
- Glossary

4.1.2 Revision and strengthening of historic heritage provisions (issues, objectives, policies, methods)

Several submissions request that the Council undertakes a substantial revision of Chapter 7 of the Proposed One Plan. NZHPT assert that this revision should be carried out in line with two of the New Zealand Historic Places Trust's documents, namely; New Zealand Historic Places Trust (3 Aug 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Policy Statements and New Zealand Historic Places Trust (3 August 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Plans (Referred to hereafter as NZHPT Guide 1 and NZHPT Guide 2 or collectively as NZHPT Guides). The submissions state that the purpose of this review would be to ensure historic heritage is recognised and provided for as a matter of national importance, with the expectation being the addition of issues, objectives, policies, methods, principal reasons, and key definitions relating to historic heritage to the Proposed One Plan (see submission points 353/2 and 353/8) . The New Zealand Archaeological Association (NZAA) comment that there is a lack of any methods and anticipated environmental outcomes for historic heritage (see submission 226/6). In a similar vein, the Wellington Conservation Board seeks the strengthening of the Proposed One Plan through additional policies, methods, rules and appendices (see submission point 375/14). The NZHPT further assert that the Regional Policy Statement lacks any strategy for the coordinated management of historic heritage (353/10).

4.1.3 Direction to Territorial Authorities and the Regional Council for the identification of historic heritage sites and assessment of effects

A number of submissions request that more direction is given in the Proposed One Plan regarding the identification of historic heritage. For example, NZHPT assert that Objective 7-3 and Policy 7-10 are inadequate demonstrating any commitment to the protection of historic heritage from inappropriate subdivision use and development and that the Regional Policy Statement should give direction to regional councils and city/district councils in terms of how to identify areas of historic heritage significance and the type of objectives, policies, rules that should be contained in their respective plans (see submission point 353/11 and 353/28). In a similar vein, the Wellington Conservation Board suggests that a project be added to the Proposed One Plan to develop an inventory of historic heritage sites (see submission point 375/17). The NZAA suggests the inclusion of a method to support the identification of all historic heritage within the district and listing in district plans (see submission 226/6) while Te Iwi o Ngati Tukurehe Trust suggests the improvement of historic heritage protection by the development of a silent file or mapping project to record the cultural landscape (see submission point 461/7).

One of the submissions requests that the Proposed One Plan recognizes the established role of Territorial Authorities with regard to historic heritage and that resource users are not required to meet conditions of both the Proposed One Plan and District Plans (see submission point 366/7).

4.1.4 New Zealand Historic Places Trust approval

NZAA requests the protection of pre-1900 archaeological sites be acknowledged. They also note that within the proposed rules section (for example, 16.2 condition (m)) that in the event of discovery of an archaeological site that work shall not be recommenced without the approval of the Regional Council and that the Proposed One Plan should state that an archaeological authority from the New Zealand Historic Places Trust may also be required before work can recommence (see submission point 226/9).

4.1.5 Overview of historic heritage agencies

NZHPT request the inclusion of an overview of the agencies involved in historic heritage protection and a discussion of the significant historic heritage issues in the Region (see submission points 353/9 and 353/10).

4.1.6 Structure of the Proposed One Plan and Integrated Management

Several submissions request changes to the structure of the POP, for example, the NZHPT asserts that the Council should create a separate regional plan to deal with historic heritage (submission point 353/14), while the NZAA requests that the issue of effects on

historic heritage be considered within each chapter of the Proposed One Plan (see submission point 226/1), and the Environmental Working Party and Nga Pae o Rangitikei request that Council provide a policy to cross reference from Chapter 7 back to Chapter 4 (see submission points 386/79, 386/80, 427/79 and 427/80).

4.1.7 Title of Chapter 7

Several submissions ask for changes to the title of Chapter 7 “Living Heritage”. The NZHPT requests the title be either reworded to “Living and Historic Heritage” or separated into two chapters namely, “Natural Heritage” and “Historic Heritage” (see submission points 353/6 and 353/7). In contrast, Dr Michael John Shepherd asserts that the chapter title should place more emphasis on the landscapes component of Chapter 7 and requests that the chapter title is replaced by “Landscape and Living Heritage” (see submission 196/1).

4.1.8 Glossary

NZHPT asserts that the glossary of the Proposed One Plan should include definitions for “archaeological site” and “historic heritage” that is consistent with section 2 of the RMA and that these definitions should also be expanded somewhat in the Regional Policy Statement to offer an insight to what is of regional significance (see submission point 353/13).

1. Legislative Overview

John Maassen, Resource management lawyer, and Elizabeth Pishief, Heritage Consultant, have provided separate commentaries (attached to this report) of the provisions of the RMA that apply to historic heritage.

However, I think it is useful to begin by outlining what the requirements are under the Resource Management Act 1991 (RMA), as stated in Elizabeth Pishief’s report, here.

In 2003 the RMA was amended and historic heritage was elevated to ‘a matter of national importance’ (s. 6(f)); and a definition of historic heritage was added. The definition of historic heritage is:

- (a) 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: archaeological, architectural, cultural, historic, scientific, technological;
- (b) and includes - historic sites, structures, places, and areas; and archaeological sites; and sites of significance to Maori, including waahi tapu; and surroundings associated with the natural and physical resources.

Historic heritage is an important natural and physical resource - a “matter of national importance” to be protected from inappropriate subdivision, use and development (s. 6(f)) - “archaeological remains” are considered to be natural and physical resources

(Environment Court Decision A55/97, p. 15, 1991). Another matter of national importance is ‘the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development’. The courts have used this as a mechanism to consider cultural landscapes of historical importance. (NZ Marine Hatcheries v. Marlborough District Council).

Regional Councils have particular responsibilities for historic heritage located in the Coastal Marine Area along with some actively managed park lands and reserves, (s. 64, RMA). S. 12 RMA restricts certain activities in the coastal marine area unless specifically permitted by a rule in the coastal plan. The Amendment in 2003 added the following to the list:

- (g) Destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have a adverse effect on historic heritage.

Regional Councils have functions to establish, implement and review objectives, policies and methods in order to achieve integrated management of the natural and physical resources, which include historic heritage of the region, s. 30(1)(a) RMA. Regional Councils have functions relating to the preparation of objectives and policies relating to any actual or potential effects of the use, development and protection of land which is of regional significance, (s. 30(1)(b) RMA).

Regional Policy Statements provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources within the region, (s. 59 RMA). These significant resource management issues can include, but are not limited to, any actual and potential effects of the use, development or protection of land, (s. 30(1)(b)RMA). Regional Councils should have regard to matters outlined in section 61 of the RMA including relevant entry in the Historic Places Register to the extent that it has a bearing on resource management issues of the region.

Identification of resource management issues of significance to iwi authorities are a significant issue in the Region. The Regional Council is required to state these issues and the objectives, policies and methods to achieve them in the Regional Policy Statement (s. 62(1)(b, c, d, e) RMA).

Local authorities are required to take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has bearing on resource management issues of the region when preparing or changing a regional policy statement or regional plan or district plan (ss. 66(2A) and 74(2A) of RMA).

2. Evaluation

The revision and strengthening of historic heritage provisions (issues, objectives, policies, methods)

With regard to the submissions on the revision and strengthening of the Proposed One Plan historic heritage provisions (issues, objectives, policies and methods) Elizabeth Pishief recommends that revision of the historic heritage section of Chapter 7 is necessary to ensure that (a) historic heritage is identified and protected, (b) historic heritage is recognised and provided for as a matter of national importance and that (c) issues, objectives, policies, and methods be added to Chapter 7 to strengthen the Regional Policy Statement (RPS) and provide guidance to Territorial Authorities (TA). She asserts that guidance to TAs should include how to identify areas of historic heritage significance and the type of objectives, policies, rules that will assist with the protection of historic heritage.

I have read the NZHPT Guides and have assessed the Proposed One Plan provisions in light of these documents and the recommendations of Elizabeth Pishief. I consider that the Proposed One Plan provides a framework for the protection of historic heritage from inappropriate subdivision use and development through Part I via the Issue 7-3, Objective 7-3 and Policy 7-10 and through Part II via various decision making policies and rules in Chapters 12, 13, 15,16, 17 (see discussion below regarding Structure of the Proposed One Plan and Integrated Management and for an evaluation of Part II provisions). However, I do agree with submitters and Elizabeth Pishief that the historic heritage provisions could be strengthened particularly with regard to the provision of guidance to TAs and the Regional Council in terms of the identification and assessment of areas of historic heritage significance. I also consider that the term “historic heritage” should be used more consistently across the Proposed One Plan to reflect the wider definition the RMA gives for “historic heritage”.

It is appropriate to note here that the NZHPT and Te Iwi o Ngati Tukorehe Trust attended a pre-hearing meeting at which the NZHPT submission was discussed in detail with relevant Horizons Regional Council Staff. The meeting was facilitated by an independent facilitator, Richard Thompson. The issues discussed at the pre-hearing meeting included (a) identification of heritage especially in the coastal marine area and water bodies, and (b) the management of coastal marine area, particularly with regard to policies. The options that were agreed upon at the pre-hearing meeting included (a) that the Regional Council will consider developing a new policy to address a need for the identification and assessment of cultural and historic heritage, and that would include the role of the Regional Council and a level of direction to the Territorial Authorities, and (b) “the NZHPT will provide guidance about good practice management of the CMA”.

In his Report, John Maassen states that most historic heritage is on land, as defined in s9 RMA, and the control of land is primarily a TA function. He also states that the Regional Council does not have the power to control land use to manage effects on historic heritage unless it is in the Coastal Marine Area.

In light of the submissions, pre-hearing meeting and the issues and options described above, and John Maassen's comments I consider that the Regional Council should lead by example with the identification of historic heritage, and that this would be particularly beneficial in the Coastal Marine Area where Territorial Authorities have no responsibilities under the RMA. I consider that direction to this effect should be stated in policy and implemented via a method in Chapter 9 Coast.

I do not agree with submitters that a number of additional policies or methods are required to better address the historic heritage issue, instead I consider that several key changes should be made to the Proposed One Plan as follows: Firstly, amend Policy 7-10 to delete the word "archaeological" and replace it with "historic". Secondly, add one new policy (Policy 7-11) that includes specific criteria to be used for the identification and assessment of historic heritage. I recommend that the direction in new Policy 7-11 to the Regional Council should be to identify historic heritage in the coastal marine area, as this is an area that is within their jurisdiction only. A method to support this new Policy 7-11 should be included in Chapter 9 Coast. I consider that these changes will strengthen the Proposed One Plan historic heritage provisions and provide an improved framework for the management of historic heritage, as sought by submitters. In addition, this approach is in keeping with the vision and philosophy of the One Plan regarding "keeping it simple" and removing excessive wording (see Hearing Report on Overall Plan Section 4.1). The NZHPT Guides are a useful reference to "best practice" examples of issues, objectives and policies, however, in my opinion they are of "old style" in comparison to the Proposed One Plan and that using any of these examples directly would impinge on the vision of the Proposed One Plan philosophy and the document as a whole.

I do not agree with submitters that there is a need for further elaboration of the issue or objective, as I believe that these have been clearly and concisely stated in the issue statement and objective statement of the POP. The submitters have not supplied specific information that they wish to include in the Proposed One Plan issue statement. Submissions that provide more specific requests relating to the content of the issue and objective are dealt with in Recommendation 4 and Recommendation 5. Submissions containing similar requests regarding the Scope and Background information for historic heritage are dealt with in Recommendation 2 and Recommendation 3.

The NZAA are correct in their submission that there is no anticipated environmental result (AER) for historic heritage. NZHPT request that principal reasons be added to the historic heritage provisions. Their inclusion will enable the monitoring of the effectiveness of the historic heritage policies and methods. I agree that there should be both an AER and principal reasons included in the Proposed One Plan provisions for historic heritage.

With regard to the general assertion in submissions that rules for the protection of historic heritage should be added to the POP, an evaluation of the Proposed One Plan structure, including the integrated management of historic heritage through the use of regional rules, is given below (see discussion on Structure of Proposed One Plan and Integrated Management).

4.1.9 Direction to Territorial Authorities and the Regional Council and identification of historic heritage sites and assessment of effects

Several submitters assert that methods in the Proposed One Plan are required to ensure that historic heritage in the region are identified and that schedules of these sites should be maintained and updated. Elizabeth Pishief considers it mandatory for TAs to develop, maintain and update inventories of significant historic heritage in their districts and considers that a policy in the RPS of the Proposed One Plan to this effect should be included. Furthermore, Elizabeth Pishief considers that historic heritage resources should be identified using common criteria and that common criteria should be used when assessing the effects of activities on historic heritage. Furthermore, Elizabeth Pishief also considers that there is appropriate guidance for the identification of historic heritage and assessment criteria for decision making on page 8 of NZHPT Guide No 1.

I have considered the submissions and the recommendations of Elizabeth Pishief and I have read the NZHPT Guide No 1 and have assessed the Proposed One Plan provisions in light of this document. As stated previously (see discussion above regarding strengthening the historic heritage provisions), I agree that improvements can and should be made to the provisions in the POP, in particular by adding a new Policy 7-11 that stipulates criteria to be used for the identification and assessment of historic heritage, as per the NZHPT Guide No 1. In addition I consider that the new Policy 7-11 should include a requirement for TAs and the Regional Council to include an historic heritage schedule of known sites in their District Plans and/or through a database. This would lead to a consistent approach to the identification of historic heritage across the region.

I do not agree with submitters however that the RPS needs to specify the objectives, policies or rules that TAs should include in their District Plans, or specify further how TAs should make decisions when determining the effects of activities on historic heritage. John Maassen provides comment in his Report on the extent to which direction should be given in an RPS to TAs, in relation to their functions as it affects historic heritage. He considers that the level of direction should take into account (a) the significance of the issue of inappropriate use of historic heritage in the region, (b) deficiencies in the level of protection afforded to historic heritage, and (c) the degree of specific direction that can be given that is materially helpful beyond the requirements of the RMA. He further states that TAs must prepare and change their plans to achieve the purpose of the RMA which includes the protection of historic heritage from inappropriate use and development, and that this is a sufficiently particular direction and that there is no utility in repeating it in the RPS in a different form. He also notes that a RPS should not attempt to resolve land use conflicts in the absence of detailed information of the resources and the social, economic and cultural aspirations of the community in relation to those resources. He states that, applying the principal of subsidiarity, these matters are best left to the TA.

Having considered the submissions and John Maassen's comments above, I consider that section 6 RMA applies to both the TAs and Regional Council and that the provisions in the District Plan should be determined by the TAs, and decisions should be made by the TA's in a manner that they see appropriate under the RMA while giving effect to the objectives and policies in the RPS. I further consider that the combination of recommended changes to Policy 7-10, addition of Policy 7-11 and addition of a requirement

for historic heritage schedules or databases, historic heritage provisions of the Proposed One Plan will be considerably clearer and strengthened.

It is important to note that in practice, unknown historic heritage sites may generally be identified via two very different approaches – (a) proactively - a survey may be conducted to search for currently unknown sites which would then be assessed for historic heritage values and considered for addition to a District Plan Schedule or database, NZAA list or NZHPT list, or (b) reactively - through the course of a land-use activity or resource use activity a site may be unexpectedly “uncovered” or identified which would then be assessed for historic heritage values and considered for addition to a District Plan Schedule or database, NZAA list or NZHPT list. I consider that it would be inappropriate for the Regional Council to specify the approach the Territorial Authorities should take (proactive or reactive) as this is a matter to be considered within the review and development of their respective District Plan and Long Term Council Community Plan (LTCCP) processes.

With regard to the submission that requests that (a) the Proposed One Plan recognizes the established role of Territorial Authorities with regard to historic heritage and that (b) resource users are not required to meet conditions of both the Proposed One Plan and District Plans, I consider that the changes recommended above will address the submitters first point adequately. With regard to the submitters second point, the resource use activities that the Regional Council controls via the Proposed One Plan rules, and the landuse activities that the TAs control via their District Plans are quite different, so depending on the nature of a particular activity both the District Plan and Proposed One Plan conditions may apply. Therefore, I reject the second point the submitter makes.

Te Iwi o Ngati Tukurehe Trust suggests a silent file or mapping project to visually record the sacred in the cultural landscape, so that the understandings of cultural landscape can be safeguarded in both digital and visual data for future generations. I agree that the identification of sites of significance to iwi, in particular waahi tapu (sacred sites) is important and appropriate and this is inherent in the RMA definition of Historic Heritage. I consider that this matter is already dealt with under the Chapter 4 Te Ao Maori Chapter as it directly relates to the Proposed One Plan Policy- 4-2(b) (ii) which specifies that the Regional Council is to facilitate the compilation of a database with hapu and iwi to map the locations of waahi tapu and other historic sites of special significance. The two Methods (or Projects) within Chapter 4 that stem directly from Policy 4-2(b)(ii) are firstly “Memoranda of Partnership” involving hapu and iwi having direct input into protocols with the Regional Council to protect waahi tapu and other sites of significance without the need to disclose the location to the general public, and secondly “Regional Iwi Environmental Projects” involving waahi tapu GIS mapping. I consider that the submitters concerns are dealt with within chapter 4 and therefore should be considered in the Hearing Report and Hearing for Chapter 4 - Te Ao Maori.

4.1.10 New Zealand Historic Places Trust Approval

The NZAA request that the Proposed One Plan should state that approval from an archaeological authority from the NZHPT may be required before any work can recommence in the event of the discovery of an archaeological site. I agree with submitters that

words to this effect should be inserted into the POP. Currently the Proposed One Plan states (for example in Table 16.1 Standard conditions for permitted activities involving the beds of rivers and lakes - condition m) that “in the event of an archaeological site, waahi tapu site or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council”. I note that Condition (l) in Table 16.2 states that “the activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the NZAA Site Recording Scheme, or by the NZHPT except where the approval of the NZHPT has been obtained”.

A significant number of rules in Part II of the Proposed One Plan include the above clauses, for example rules in the Chapter 12 (Landuse activities and land based biodiversity), Chapter 13 (Discharges to Land and Water), Chapter 16 (structures and activities involving the beds of rivers and lakes and artificial water courses and damming), Chapter 17 (activities in the coastal marine area). The intention is that in the event of the discovery or disturbance of an archaeological site, waahi tapu site or koiwi remains that the work should cease, the Regional Council would be notified, and that the Regional Council would contact NZHPT for approval to recommence the activity. This intent is not made clear, hence, to give certainty to this process I consider that wording be inserted into Table 16.2 condition (m) and to all other places this clause is used throughout the POP, that clearly states that the approval of NZHPT would be required before an activity could recommence. These changes should be considered in the Hearing Reports and Hearings for the Land, Water Quality, Beds of Rivers and Lakes and Coast.

I wish to make the observation that other authorisations may also be required from iwi or hapu, depending on the outcomes of the development of a procedure with iwi and hapu regarding this issue proposed in Policy 44-2(b) (iii) and Project/Method “Code of Practice for Waahi Tapu Protection and Discovery”. I consider that inserting a reference to the relevant Maori, iwi or hapu is not appropriate until such time as a procedure has been formalised.

4.1.11 Overview of historic heritage agencies

With regard to the submissions relating to the inclusion of an overview of the agencies involved in the protection of historic heritage, Elizabeth Pishief considers that the RPS does not need to contain an overview of the heritage agency roles and responsibilities, but that the statutory responsibilities of the NZHPT and NZAA with regard to archaeological sites should be included in the POP.

The Proposed One Plan philosophy and vision included that the document be a “working” document, and as such would need to be as small as possible and include succinct and clear information that would be relevant to the reader more than once (ie. referred to often). One of the POPs principals is that the One Plan will be “clear and concise (ie the plan itself will be pared right back through the use of supporting documents)” (see Hearing Report on Overall Plan, section 4.1). It was deemed essential that the Proposed One Plan did not include volumes of introductory text that would essentially be read once and then never referred to again, as has unfortunately been the case with the Regional Council’s previous suite of plans. Each chapter in the Proposed One Plan is

therefore structured to include a brief scope (ie. a brief reference point for the reader regarding what is contained within that particular chapter), followed by a succinct introduction to the issue and the key direction the Council intends to take on that issue. Hence, this introductory information has been kept to a minimum across the POP, to not do this would risk the document becoming unweildly and would defeat the purpose of the Proposed One Plan as a working document. By way of example, one of the “Big Four” issues for the Region is Indigenous Biological Diversity, hence, considerable emphasis has been placed on the introduction to this topic in Chapter 7, however, it does not include reference to biodiversity agencies (of which there are several) and their respective roles. Having said this, I consider that there is not the supporting documentation for historic heritage that other chapters in the Proposed One Plan benefit from (eg. Background reports for biodiversity, water) and therefore, the inclusion of a succinct overview of various agency roles and responsibilities would be consistent with the Proposed One Plan principal mentioned above and would be in keeping with the Proposed One Plan philosophy and vision. I consider that this overview would be most appropriate situated in Section 7.1.4 Historic Heritage. See Recommendation HH 3.

4.1.12 Structure of Proposed One Plan and Integrated Management

With regard to the submissions requesting a separate plan for historic heritage Elizabeth Pishief does not support the NZHPT’s submission regarding the preparation of separate Plans and states that this is contrary to the philosophy and purpose of the One Plan. I agree with Elizabeth Pishief and will briefly explain that the Proposed One Plan is an integrated resource management plan that combines the Regional Policy Statement and Regional plans and Coastal Plan. However, the Proposed One Plan is not just about joining the existing plans together, the Proposed One Plan has a vision and philosophy much wider that that throughout its development. The principles for the One Plan included that the Proposed One Plan would be - a “one-stop-shop” for people in the business of resource management. (Note: Further evidence has been provided on the appropriateness and structure of the integrated management regime of the Proposed One Plan by Andrea Bell in her s42A Report attached to the Overall Plan Hearing Report.) I agree with Elizabeth that a separate plan for historic heritage would not be in keeping with the Proposed One Plan philosophy. Furthermore, I consider that a separate plan would defeat the purpose of having an integrated planning document such as the POP.

NZAA requests that the issue of effects on historic heritage be considered within each chapter of the POP. I consider that the Proposed One Plan achieves this to a certain degree. Part I of the Proposed One Plan is intended to clearly state the resource management issues, objectives and policies for the region in a clear and concise way. To attempt to integrate every resource management issue across the plan at the RPS level would be cumbersome and would not add any value. As an integrated planning document the consideration of historic heritage issues, and indeed any other resource issue within each chapter of the One Plan, should be most evident in Part II (Regional Plan). I consider that this is the case with the Proposed One Plan and discuss Part II further below.

I have reviewed Part II of the Proposed One Plan to assess the level of integrated management of historic heritage through decision making policies and activity rules (See Appendix One for a summary table of historic heritage protection provisions within Part II of the POP). I consider that the Proposed One Plan employs a number of tools in Part II to ensure that “archaeological sites, waahi tapu and koiwi remains as listed in any district plan, in the NZAA Site Recording Scheme or NZHPT” are managed through a significant number of resource use activities.

These tools include:

- (a) consent decision making policies in Part II that require consideration of relevant Part I (RPS) policies in chapter 7 when determining consent applications (eg. Policy 13-1 Consent Decision Making for discharges to water).
- (b) activity standards requiring that an activity “shall not disturb any archaeological sites, waahi tapu and koiwi remains as listed in any district plan, in the NZAA Site Recording Scheme or NZHPT” (eg. Table 16.1 condition (l)).
- (c) activity standards requiring separation distances from “any archaeological sites, waahi tapu and koiwi remains as listed in any district plan, in the NZAA Site Recording Scheme or NZHPT” (eg. Rule 12-3 Land disturbance condition (c)).
- (d) activity standards including procedures that must be followed in the event of an archaeological sites, waahi tapu and koiwi remains as listed in any district plan, in the NZAA Site Recording Scheme or NZHPT” being disturbed (eg. Rule 12-2 production Forestry condition (d)).
- (e) Matters for control or discretion include “procedures in the event of discovering or disturbing an archaeological site, waahi tapu or koiwi remains.” (eg. Rule 12-3 - Land disturbance (j)).
- (f) Financial contributions (Chapter 18 Policy 18-1 (e)) – General Environmental Compensation where the adverse effect of an activity cannot be adequately avoided, remedied or mitigated.

These tools are applied to a variety of activities in the following Chapters – Chapter 12 Land based activities and land based biodiversity, Chapter 13 Discharges to land and water Chapter, Chapter 15 Takes Uses and Diversions of Water and Bores Chapter 16 Structures and Activities involving the Beds of Rivers and Lakes and Artificial Water Courses and Damming, Chapter 17 Coast, and Chapter 18 Financial Contributions.

I consider that, as Appendix One details, the Proposed One Plan provides for historic heritage protection in an integrated manner across resource use activities for which the Regional Council has jurisdiction (as required by Objective 7-3 and Policy 7-10). However, this protection generally only extends to archaeological sites, waahi tapu and koiwi remains as these are the terms used in Part II. Hence, the provisions in Part II do not encompass the broader RMA definition of historic heritage. I consider that the term “historic heritage” should be added to clauses (b) and (c) above so that the integrated management of historic heritage, in the broader RMA definition, is achieved. These changes should be considered through the relevant Hearing Reports and Hearings for Land, Coast, Water Quality, and Beds of Rivers and Lakes. I wish to note that that decision making policy 12-1 (i) does not include reference to “historic heritage”, however, it does refer to other matters in Chapter 7. This matter has been identified in submissions and is considered further in Recommendation HH 8.

Nga Pae o Rangitikei and Environmental Working Party ask that Council work closely with them in regards to Council's responsibilities regarding their historic (and cultural) heritage (see submission points 427/78 and 386/78). They also ask that Council insert a new policy and/or objective within Chapter 7 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. They encourage this approach so that iwi and hapu issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the POP. The submitters suggest the following policy 7-11 (see submission point 386/80 and 427/80):

- “(a) All activities affecting Living Heritage shall take into account Chapter 4
- (-) Remedial
- (b) Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations
- (c) The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:
 - i) are appropriate to the adverse environmental effects
 - ii) account for the remedial process, and
 - iii) will act as a deterrent for those intending not to comply.
- (d) The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori
- (e) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.
- (f) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.”

Elizabeth Pishief considers the addition of a policy or objective that links Chapters 4 and 7 is appropriate as historic heritage is of particular significance to iwi and hapu. She considers that the integration of the two chapters through a linking policy will not only benefit the sustainable management of historic heritage in the region but assist with addressing issues of significance to hapu and iwi. She states that it will also achieve the objectives sought by the statement ((62(1)(c).RMA). However Elizabeth Pishief states that she does not think that there is a requirement to include all the clauses in the policy or objective as sought by the submitters because they are contained within the policies in Chapter 4 in particular Policies 4-1, 4-2, 4-3 and 4-4 and Table 4-1.

Firstly, I agree that it is appropriate that the Council works closely with Nga Pae o Rangitikei and Environmental Working party with regard to protecting sites of significance to iwi. I note that Chapter 4 - Te Ao Maori is different in structure to other chapters of the Proposed One Plan in that it presents the concerns of the region's iwi and hapu and then either (a) addressed that concern directly or (b) directs the reader to the relevant part of the Proposed One Plan that address that particular concern. Table 4.1 directs the reader to chapters 5, 6 and 7 and related rules. Table 4.1 is the key point of difference between Chapter 4 and other chapters in the POP. Table 4.1 integrates iwi and hapu concerns into the appropriate parts of the Proposed One Plan and, in particular, into

relevant activity rules. Therefore, I consider that the policy proposed as part of the submission, should be considered in the Chapter 4 Te Ao Maori Hearing Report and Hearing as it directly relates to Method/Project in Chapter 4, namely “Code of Practice for Waahi Tapu Protection and Discovery” and an assessment of how activity rules meet the concerns of iwi and hapu .

In terms of the need for a linkage between chapter 4 and the historic heritage provisions, there is currently a direct and specified linkage from chapter 4 Table 4.1 to Objective 7-3 and Policy 7-10. This link is appropriate, adequate and useful because it clearly indicates where the issues of iwi and hapu are addressed within the POP. However, I agree with submitters and Elizabeth Pishief’s recommendations and consider that a clear reference from chapter 7 to chapter 4 will add value to the Proposed One Plan by highlighting the link between sites of significance to Maori, including waahi tapu, and historic heritage. I consider that this linkage would be most appropriately made within Section 7.1.1 Scope, as has been done with other chapters where there are cross linkages (for example Coast Chapter 9 Section 9.1.1 Scope, Land Chapter 5 Section 5.1.1 Chapter Content, Water Chapter 6 Section 6.1.1 Scope).

4.1.13 Title of Chapter 7

NZHPT considers the title should be reworded to Living and Historic Heritage, although NZHPT would prefer the section separated into two, titled Natural Heritage and Historic Heritage respectively. In contrast Dr M J Shepherd asks that the chapter title 'Living Heritage' is replaced with 'Landscape and Living Heritage'.

Elizabeth Pishief discusses in her report that the focus of Chapter 7 is Biodiversity, which is one of the “Big Four” environmental management issues facing the region, and the “living” part of heritage, and as well the Chapter encompasses - landscapes, historic heritage, public access and natural character; all of which cannot be included in the title. She states that Dr MJ Shepherd’s submission refers to the “landscape” section of the One Plan rather than “historic heritage,” (although the two may be linked as “cultural landscapes,”) is an indication of the difficulties of accommodating all interests. As the emphasis in the One Plan is on biodiversity it seems appropriate to retain this title.

With regard to the submissions requesting that Chapter 7 title be changed, I think that it is useful to provide the background to the chapter 7 title, so that the submitters concerns can be considered within the context of the Proposed One Plan philosophy and vision. A key point to make with regards to the “Living Heritage” title is that it is intended to be something of a "catch phrase", rather than being strictly correct in terms of specific terminology across different disciplines. It was intended to recognise that the landscapes, natural character and biodiversity we look after/manage today, will become the “historic heritage” of future generations. Biodiversity is the “living” portion that will contribute to what will become the “heritage” of future generations. The next key point is that Chapter 7 covers indigenous biological diversity, historic heritage, landscapes, public access and natural character resource management issues, however, the focus (and bulk) of chapter 7 is on indigenous biological diversity. This focus is intentional

because, as stated within the One Plan principals “the One Plan will focus on the “Big Four” (See Overall Plan Hearing Report section 4.1) - one of which is indeed indigenous biological diversity.

I consider that separating Chapter 7 into two chapters is unnecessary and would add no value to the Proposed One Plan as it is currently proposed.

I believe that the real issue raised by submitters here is their desire to have their particular area of expertise (eg. historic heritage or landscapes) highlighted more within the POP. I consider that the prominence of the historic heritage issue within the Proposed One Plan must be in line with the Proposed One Plan philosophy and vision, which is to focus on the “Big Four”.

I consider that the title “Living Heritage” is appropriate in terms of the Proposed One Plan philosophy and focus and should remain unchanged.

4.1.14 Glossary

NZHPT asks that the glossary of the One Plan includes the definitions “archaeological site” and “historic heritage” that is consistent with section 2 of the RMA and that these definitions should also be expanded somewhat in the RPS to offer an insight to what is of regional significance.

The Glossary in the Proposed One Plan clearly states that “a term or expression that is defined in the Resource Management Act 1991 (RMA) and used in this Plan, but which is not included in this glossary, has the same meaning as in the Act. Definitions provided in the RMA are not repeated in this glossary.” I consider that it is not necessary for all of the RMA terms to be repeated in the POP, if a term is already defined by the RMA, or by case law then that definition stands and all that is required is a reference to s2 RMA. To do otherwise would risk the Proposed One Plan becoming inconsistent with the RMA. In addition, it is sensible and in keeping with the philosophy of the Proposed One Plan to refer to external documents when necessary to avoid excessive material and repetition in the POP.

I recommend that the term “archaeological“ be removed form the Proposed One Plan Historic Heritage provisions in chapter 7 and reference to Historic Heritage only is used in Chapter 7 as this will then leave no room for misinterpretation or the accidental exclusion of any aspects of historic heritage (see Recommendation HH 2, Recommendation 4 and Recommendation 5 and Recommendation HH 6). For the reasons stated above, I consider that historic heritage definition is not required in the POP.

Rules in the Proposed One Plan refer to archaeological sites, which is not defined in the RMA. Therefore, I consider that the Historic Places Act 1993 definition of archaeological sites is the most appropriate definition, and which is the legal definition, should be

added to the glossary. See Recommendation HH 9 for further submissions relating to glossary terms, and recommended changes to provisions.

4.1.15 Recommendation HH 1

- (a) Accept in part submissions requesting the review of historic heritage provisions (issues, objectives, policies, methods, principal reasons, anticipated environmental results).
- (b) Accept in part submissions requesting the inclusion of direction to Territorial Authorities and the Regional Council for the identification and assessment of historic heritage sites.
- (c) That submission 431/7 from Te Iwi o Ngati Tukurehe Trust for the improvement of historic heritage protection by the development of a silent file or mapping project to record the cultural landscape be dealt with through the Chapter 4 -Te Ao Maori Hearing Report and Hearing.
- (d) Accept submissions requesting that the Proposed One Plan should state that approval from an archaeological authority from the NZHPT may be required before any work can recommence in the event of the discovery of an archaeological site and that these changes should be made to the relevant clauses through the Hearing Reports and Hearings for the Land, Water Quality, Water Quantity, Beds of Rivers and Lakes, and Coast.
- (e) Accept submissions that request the inclusion of an overview of the agencies involved in the protection of historic heritage.
- (f) Reject submissions that request a separate plan for historic heritage.
- (g) Accept submissions requesting that effects on historic heritage be considered within each chapter of the Proposed One Plan by amending relevant clauses in Part II of the Proposed One Plan and that these changes should be made through the Hearings and Hearing Reports for Land, Water Quality, Beds of Rivers and Lakes, and Coast.
- (h) That submission 427/80 and 386/80 from Nga Pae o Rangitikei and Environmental Working party regarding a proposed policy is dealt with through the Chapter 4 - Te Ao Maori Hearing Report and Hearing.
- (i) Accept in part submissions requesting a new policy and/or objective within Chapter 7 to provide a cross reference to Chapter 4 (Te Ao Maori).
- (j) Reject submissions requesting the separation or the re-naming of Chapter 7.
- (k) Accept submissions requesting the addition of a definition for “archaeological site” in the glossary and that definition should be that given in the Historic Places Act 1993.
- (l) Reject submissions requesting the addition of a definition for “historic heritage” in the glossary.

4.1.15.1 Recommended changes to provision

- (a) Reword Policy 7-10 - See Recommendation HH 6, Recommended Changes to provisions (a).
- (b) Add a new Policy 7-11 to Chapter 7 – See Recommendation HH 6, Recommended changed to provisions (b).

(c) Add a method to Chapter 9 Coast to implement Policy 7-11 in terms of Horizons Regional Council developing a database of historic heritage sites in the CMA. This should be considered through the Hearing Report and Hearing for Chapter 9 Coast.

(d) Add an Anticipated Environmental Result to Table in Section 7.6 as follows:

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
By 2017 the Regions known historic heritage will be recorded in District Plan Schedules or databases	7-10 and 7-11	Territorial Authorities have Schedules of known historic heritage sites in their District Plans, or databases HRC has a schedule or database of historic heritage in the coastal marine area	District Plans HRC database

(e) Add a principal reason and explanation to Section 7.7 after paragraph 5 as follows:

“Historic Heritage

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. It is considered important that this document provide a regional framework for the protection of historic heritage by (a) requiring Territorial Authorities and the Regional Council to identify historic heritage sites and to list them in the form of a Schedule or database, and (b) requiring the Regional Council to manage the effects on historic heritage for those resource use activities for which they have jurisdiction. The Objective 7-3 and Policies 7-10 and 7-11 adopted here provide the regional framework, guidance and direction required to manage historic heritage values.”

(f) Amend paragraph 7.1.4 (background information), see Recommendation HH 3, Recommended changes to provision (b).

(g) Reword the following clause used throughout Part II of the One Plan as follows “In the event of the discovery of an archaeological site, waahi tapu site or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The Regional Council shall notify the New Zealand Historic Places Trust as soon as practicable. The activity shall not be recommenced without the approval of both an archaeological authority from the New Zealand Historic Places Trust and the Regional Council.”;

Specific clauses to amend:
12-1 (c)

12-2 (d)

13-11 (k)

13-12 (f)

Table 16.1 Standard conditions for permitted activities involving the beds of rivers and lakes, condition (m)

Table 17-1 Standard conditions for permitted and controlled activities in CMA, condition (j)

- (h) Reword the following clause used in Part II of the One Plan, except Chapter 17 (Coast), as follows “the activity shall not disturb any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan schedule or district council historic heritage database, in the NZAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained.”;

Specific clauses to amend:

12-1 (b)

12-2 (c)

12-3 (c)

Table 16-1 Standard Conditions for permitted activities involving the beds of rivers and lakes, condition (l)

- (i) Reword the following clause used, throughout Part II of the One Plan, except for Chapter 17 (Coast) that currently require separation distances as follows “50 m from any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan, or district council historic heritage database, in the NZAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained.”;

Specific clauses to amend:

13-3 (c) (iii)

13-4 (d) (v)

13-5 (e) (vi)

13-6 (c) (v)

13-13 (d) (iv)

13-19 (c) (iii)

13-20 (b) (iv)

13-25 (c) (iv)

13-26 (b)

- (j) Reword the following clause used, or referenced, in rules in Part II of the One Plan, except Chapter 17 (Coast), as follows “the activity shall not be to any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan schedule or district council historic heritage database, in the NZAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained.”;

Specific clauses to amend:

- 13-11 (j)
- 13-12 (e)
- 13-15 (b)
- 15-10 (j)
- 17-30 (f)

- (k) Reword the following clause in Chapter 17 Coast, Standard Conditions for permitted and controlled activities in the CMA Table 17-1(i) as follows “the activity shall not disturb any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan schedule, or district council or Regional Council historic heritage database, in the NZAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained”.
- (l) Add a cross reference to paragraph 7.1.1 (scope) to link Chapter 4 Te Ao Maori, See Recommendation HH 2, Recommended changes to provisions (b).
- (m) Add a definition for “archaeological site” to the glossary, See Recommendation HH 9, Recommended changes to provisions (a).

4.2 Chapter 7 Paragraph 7.1.1 Scope

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	43	Change clause 3 to: (3) Historic heritage - The protection [or enhancement] of historic [heritage resources and values]	Accept in part
MERIDIAN ENERGY LIMITED	363	103	Meridian requests Section 7.1.1 (3) is amended as follows or similar: (3) Historic Heritage - The protection of historic places and archaeological sites from inappropriate subdivision, use and development. Any consequential amendments necessary to give effect to this submission	Reject
	X 527	75	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Oppose	Accept

4.2.1 Summary of submissions

Ngati Kahungunu Iwi Incorporated request that Section 7.1.1 (3) includes the statement that historic heritage resources and values are protected and enhanced, while Meridian Energy Limited request that it includes the statement that heritage places and archaeological sites are protected from inappropriate subdivision, use and development (see submission points 180/43 and 363/103). In addition, Meridian Energy Limited request that any consequential amendments necessary to give effect to their submission are also made.

4.2.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief's evidence and John Maassen's evidence, which are attached to this report. Elizabeth Pishief's evidence is outlined in Legislative Overview Section 4.1 of this report.

4.2.3 Evaluation

With regard to the changes requested in submission on Section 7.1.1 (3) Elizabeth Pishief considers that the clause should be changed to reflect the definition of historic heritage that is given in the RMA because limiting the definition to historic places and archaeological sites does not include all the heritage qualities that are expressed in the RMA definition, but the RMA definition does encompass the proposed addition “heritage resources and values”.

The submissions are in direct reference to section 7.1.1 Scope. The scope is intended to be a brief, succinct statement of simply what is included in the chapter and has a particular and consistent structure across the POP. The purpose of the Scope is to elude the reader to the topics dealt with in the chapter and, when required, direct the reader to other related Proposed One Plan chapters. It is not intended that the wording used in the scope should strictly reflect the RMA provisions. The submissions should be considered with the Proposed One Plan philosophy in mind - to keep it simple, clear, concise and succinct – and the purpose of the scope.

I do not agree that the additional wording of “inappropriate subdivision, use and development” is necessary or appropriate for the reasons stated above, however, I wish to note that this wording is used in the proposed paragraph 7.1.4. These terms have not been used in the scopes for other topics, for example Scope 7.1.1 (2) landscapes and natural character. I consider that the word “enhance” would also not be appropriate and, in fact, would be misleading regarding the content of the chapter objectives, policies and methods.

The addition of “historic heritage resources and values” requested in submissions signals the need to reflect the wider definition of historic heritage under the RMA. I consider that the terminology used in the historic heritage sections of Part I of the Proposed One Plan should be consistent and reflect the wider definition of historic heritage (as discussed previously in Recommendation HH 1) and therefore the term “heritage” should replace “places and archaeological sites” in the Scope.

As discussed previously, submitters requested a linkage between chapter 4 and the historic heritage provisions (see Recommendation HH 1). I consider that this linkage would be most appropriately made within Section 7.1.1 Scope, as has been done with other chapters where there are cross linkages, for example Coast Chapter 9 Section 9.1.1 Scope, Land Chapter 5 Section 5.1.1 Chapter Content, Water Chapter 6 Section 6.1.1 Scope

4.2.4 Recommendation HH 2

(a) Accept in part submissions requesting changes to the scope statement.

4.2.4.1 Recommended change to provisions

(a) Add the term “heritage” to Section 7.1.1 (3) as follows:

“Historic heritage – The protection of historic places and archaeological sites heritage.”

(b) Add a cross reference to section 7.1.1 Scope after clause (3) as follows:

“Chapter 4 - The Te Ao Maori – also contributes to the management of historic heritage, in particular sites of significance to Maori, including waahi tapu.”

4.3 Chapter 7 Paragraph 7.1.4 Historic Heritage

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
VISIT RUAPEHU	152	9	Suggested Plan Amendment Include: The region owns historic heritage that is significant to New Zealand’s history and desired by residents and visitors. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Some activities that are controlled by the Regional Council can have an adverse impact on historic heritage or tourism values. For example, earthworks can modify or destroy archaeological sites, and the discharge of sewage to land could have an adverse impact on the values of a particular site. The Regional Council can control these activities to ensure that adverse impacts are minimised.	Reject
	X 518	12	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject

NGATI KAHUNGUNU IWI INCORPORATED	180	44	Add to the third sentence in the first paragraph. "For example, earthworks can modify or destroy archaeological sites, and the discharge of sewage to land [or water] could have an adverse impact on the values of a particular site.	Accept
	X 518	15	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept
PROGRESS CASTLECLIFF INC	332	9	Historic features of Castlecliff should be given due recognition, preserved and signposted to attract visitors and inform residents of our rich background and traditions.	Reject
	X 518	13	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
MANAWATU BRANCH OF N Z GREEN PARTY	433	43	In paragraph 2 of 7.1.4 after tapu and archaeological sites add the words: sites, and the unspoiled landscape and coastline which are also part of our historical heritage and include current areas for the gathering of Kai Moana.	Accept in part
	X 518	14	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part

4.3.1 Summary of submissions

The submissions on paragraph 7.1.1.4 of the Scope and Background range from requests for the recognition of specific places and tourism values, elaboration of the background information provided, to the addition of specific wording.

4.3.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief's evidence and John Maassen's evidence, which are attached to this report. Elizabeth Pishief's evidence is outlined in Legislative Overview Section 4.1 of this report.

4.3.3 Evaluation

Progress Castlecliff Incorporated request that the historic features of Castlecliff are given due recognition and that they be preserved and signposted in order to attract visitors and inform residents on the rich background and traditions of the area (see submission point 332/9). Visit Ruapehu requests the addition of extra background and explanatory information and the inclusion of tourism as an issue into paragraph 7.1.1.4 (see submission point 152/9). I consider that tourism is a matter for the consideration of the relevant TA and that the Proposed One Plan is not required to include any reference to tourism issues under the RMA. However, I consider that, in order to clarify the dual roles of the Regional Council and TAs with regard to historic heritage, that the paragraph should more clearly state that Territorial Authorities can control activities through land use.

Ngati Kahungunu Iwi Incorporated requests the addition of the word “water” to the third sentence in the first paragraph, so that it reads “earthworks can modify or destroy archaeological sites, and the discharge of sewage to land [or water] could have an adverse impact on the values of a particular site” (see submission 180/44). I consider that this is an appropriate addition to the paragraph as it clearly indicates that discharges to water can also have adverse effects on historic heritage.

Manawatu Branch of Green Party requests the inclusion of the words “sites, and the unspoiled landscape and coastline, which are also part of our historical heritage and include current areas for the gathering of Kai Moana”, after “tapu and archaeological sites” (see submission point 433/43). I consider that the elaboration of what may constitute historic heritage in this paragraph is appropriate as it would add clarity. However, I consider that the most appropriate way to add this clarity is through the use of the terminology that is consistent with the RMA definition for historic heritage. This will avoid the accidental exclusion of other sites, places or areas that may be considered to have historic heritage value.

As discussed previously, submitters requested the inclusion of an overview of historic heritage agencies be included in the Proposed One Plan (See Recommendation HH 1). I consider the inclusion of a succinct overview of various agency roles and responsibilities would be in keeping with the Proposed One Plan philosophy and vision. I consider that this overview would be most appropriate situated in Section 7.1.4 Historic Heritage.

4.3.4 Recommendation HH 3

- (a) Reject submissions regarding the recognition of tourism values.
- (b) Accept in part the submission requesting additional wording.

4.3.4.1 Recommended changes to provision

- (a) Amend paragraph 7.1.4 Historic Heritage to read as follows:

“The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Historic heritage includes those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, including historic sites, structures, places and areas, and archaeological sites*, and sites of significance to Maori, including waahi tapu. Some activities that are controlled by the Regional Council can have an adverse impact on historic heritage values. For example, earthworks can modify or destroy archaeological sites, and the discharge of sewage to land or water could have an adverse impact on the values of a particular site. The Regional Council can control these activities to ensure that adverse impacts are minimised.

Subdivision and land use can also have a negative effect on historic heritage values. This is particularly an issue in coastal areas which are rich in historic heritage. Territorial Authorities can control ~~Subdivision and land development is controlled by Territorial Authorities to ensure that adverse impacts are minimised.~~”

(b) Add the following overview of historic heritage agencies to Section 7.1.4 after the second paragraph,

“Along with the Regional Council and Territorial Authorities, a number of other agencies have responsibilities towards the identification and/or management of historic heritage. These agencies include the New Zealand Historic Places Trust (NZHPT), the New Zealand Archaeological Association (NZAA) and the Department of Conservation. In particular, the modification of archaeological sites is controlled by the NZHPT, and a person carrying out any activities that may damage, destroy or modify these sites must have authority from the NZHPT to do so. The NZAA owns and manages the national database of archaeological records, the Site Recording Scheme. ”

4.4 Chapter 7 Issue 7-3 Historic Heritage

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	45	Add, "and water" to the following provision: "Historic heritage is at risk from the effects of land-use activities, particularly land disturbance*, activities in the beds of rivers and lakes, and discharges to land [and water]"	Accept
PALMERSTON NORTH CITY COUNCIL	241	82	PNCC supports Issue 7-3, Objective 7-3 and Policy 7-10 relating to historic heritage.	Accept
	X 500	137	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	137	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	137	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	267	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	137	WANGANUI DISTRICT COUNCIL - Support	Accept
MERIDIAN ENERGY LIMITED	363	109	Meridian opposes Issue 7-3 and requests the following amendment or similar: Historic heritage can be affected by from the effects of land-use activities, etc. Any consequential amendments necessary to give effect to this submission	Reject
WELLINGTON CONSERVATION BOARD	375	15	Insert "and development" between land-use" and activities"	Accept

4.4.1 Summary of submissions

The submissions on Issue 7-3 include the addition of wording to recognise particular activities that can affect historic heritage values, specifically discharges to water, and land development. In addition, a submission requests the replacement of the word “at risk” with “can” and any consequential amendments.

4.4.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief’s evidence and John Maassen’s evidence, which are attached to this report. Elizabeth Pishief’s evidence is outlined in Legislative Overview Section 4.1 of this report.

4.4.3 Evaluation

Ngati Kahungunu Iwi Incorporated requests the addition of the words “and water” to issue7-3 (see submission point 180/45) so that it reads “Historic heritage is at risk from the effects of land-use activities, particularly land disturbance*, activities in the beds of rivers and lakes, and discharges to land and water”. Wellington Conservation Board requests the addition of the words “and development” to issue 7-3 (see submission point 375/15) so that it reads “Historic heritage is at risk from the effects of land-use, and development and activities, particularly land disturbance*, activities in the beds of rivers and lakes, and discharges to land”. I consider that the addition of “and water” and “development” to the issue statement ,as requested by the submitters, is appropriate and would more accurately reflect the range of activities that can have adverse effects on historic heritage values.

With regard to the submission from Meridian Energy Limited that requests the following amendment or similar be made “Historic heritage can be affected by from the effects of land-use activities....” (see submission point 363/107 and 363/108). The submitter asserts that “at risk” implies only a future cost. I disagree with the submitters request as I consider that term “at risk” (which is also used in other resource management issue statements in the POP, for example, Issue 7-2 Landscapes and Natural Character, and Issue 6-2 water quantity and allocation) is most appropriate as it implies a level of vulnerability. The term “can” implies a possibility, opportunity or likelihood. I consider that the lack of information available, or readily available, on the location of historic heritage within the region makes historic heritage vulnerable to the effects of landuse and other resource use activities. Therefore I consider that the term “at risk” should remain in the issue statement to reflect the vulnerability of historic heritage and to be consistent with terminology used in issue statements across the Proposed One Plan to the same effect.

The Palmerston North City Council submission and five further submissions (from Territorial Authorities) supports Issue 7-3, Objective 7-3 and Policy 7-10 as proposed. I consider that the changes I recommend to Issue 7-3 will not significantly change the intent of the issue statement, but indeed will add clarity.

4.4.4 Recommendation HH 4

- (a) Accept the submissions requesting the addition of the words “and water” and “and development”.
- (b) Reject the submission to remove the words “at risk” and replace with “can”.
- (c) Accept the submissions supporting Issue 7-3.

4.4.4.1 Recommended changes to provision

- (a) Amend issue 7-3 Historic Heritage to read as follows:

“Historic heritage is at risk from the effects of land-use and development activities, particularly land disturbance*, activities in the beds of rivers and lakes, and discharges to land and water.”

4.5 Chapter 7 Objective 7-3 Historic Heritage

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	48	Remove the word "significantly" from the objective, thus: - "Historic heritage is protected from activities that would reduce heritage values."	Accept in part
	X 522	233	MERIDIAN ENERGY LIMITED - Oppose	Accept in part
	X 527	99	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in part
HORIZONS REGIONAL COUNCIL	182	22	Amend Objective 7-3 to read: 'Historic heritage is protected form activities that would have a significant adverse effect on its heritage values.'	Reject
	X 518	16	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Oppose	Accept
	X 522	232	MERIDIAN ENERGY LIMITED - Oppose	Accept

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
PALMERSTON NORTH CITY COUNCIL	241	83	PNCC supports Issue 7-3, Objective 7-3 and Policy 7-10 relating to historic heritage.	Accept in part
	X 500	138	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 506	14	MANAWATU BRANCH OF N Z GREEN PARTY - Support	Accept in part
	X 507	138	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	138	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	268	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	138	WANGANUI DISTRICT COUNCIL - Support	Accept in part
MERIDIAN ENERGY LIMITED	363	115	Meridian opposes Objective 7-3 and requests it is amended as follows or similar: Historic Heritage is protected from inappropriate subdivision, use and development, where activities would significantly reduce heritage values; Or; Delete Objective 7-3. Any consequential amendments necessary to give effect to this submission	Reject
	X 518	17	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Oppose in Part	Accept in part
	X 519	23	MIGHTY RIVER POWER - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	99	Retain 7-3 as read	Accept in part
	X 522	234	MERIDIAN ENERGY LIMITED - Oppose in Part	Accept in part
LANDLINK LTD	440	47	change "...that would significantly reduce heritage values ..." to "...that would compromise heritage values ..."	Accept in part

4.5.1 Summary of submissions

Submissions on Objective 7-3 seek to either strengthen or generalize its content. Several submissions on Objective 7-10 request the replacement of the words “significantly” and “reduce” and another requests the addition of “inappropriate subdivision, use and development”, while several submissions and six further submissions support the objective as proposed. Another submission requests that “inappropriate subdivision and development” be added to the objective.

4.5.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief’s evidence and John Maassen’s evidence, which are attached to this report. Elizabeth Pishief’s evidence is outlined in Legislative Overview Section 4.1 of this report.

4.5.3 Evaluation

Ngati Kahungunu Iwi Incorporated (see submission point 180/48) requests the removal of the word “significantly” from the objective so that it reads "Historic heritage is protected from activities that would reduce heritage values." In a similar vein, Landlink Ltd (see submission point 440/47) seeks the improved safeguarding of historic heritage by replacing the word “significantly” with “compromise”. In contrast, Horizons Regional Council requests the wording “significant adverse effects” (see submission point 182/22) be added so that it reads “Historic heritage is protected from activities that would have a significant adverse effect on its heritage values”.

Palmerston North City Council (see submission point 241/83), six further submissions (from Territorial Authorities) and Federated Farmers (see submission 426/99) support Issue 7-3.

I consider that the submissions requiring amendments indicate that there is a general agreement that the objective should include the level of negative effects on historic heritage values that will be acceptable through the management of resource use and land-use activities across the region (or conversely, the level of protection to be afforded). I further consider that the area of contention is more about what this level should be and how it should be expressed in the objective.

I consider that the level of protection afforded any historic heritage will be dependant on a case-by case analysis. I consider this for several reasons as follows. Firstly, the information on historic heritage and associated values within the region is presently not identified or documented consistently, as identified as issues by submitters and discussed in Recommendation HH1. For this reason, I consider that the level of adverse effects that will be deemed acceptable with regard to historic heritage in any particular case should not be pre-determined by an objective. Secondly, the purpose of an objective is to state what will be achieved through

the resolution of an issue, clearly stating an aim, as opposed to the purpose of a policy, which should state the course of action to meet that objective and address the issue. For this reason I consider that if the level of acceptable adverse effects (or conversely, the level of protection) is to be stated, it should be stated in policy. Therefore, I consider that the objective should be reworded to not state any specific level of adverse effect and that this issue should be addressed in Policy 7-10 (see Recommendation HH 6).

Meridian Energy requests that objective 7-3 is amended to read as follows or similar “Historic Heritage is protected from inappropriate subdivision, use and development, where activities would significantly reduce heritage values” (see submission point 363/115). Elizabeth Pishief considers that the Objective should reflect the purpose of s. 6(f) of the RMA and that the objective should be to protect historic heritage from inappropriate subdivision, use and development. She states that the Proposed One Plan should assist the Territorial Authorities to determine what is inappropriate by providing common criteria for the identification of historic heritage and the assessment of effects of subdivision, use and development on historic heritage.

I consider that adding the words “inappropriate subdivision, use and development” simply repeats the RMA and adds no particular value to the POP, as a tool to translate the RMA into the regional context. What is more helpful, and in keeping with the POPs philosophy, is to provide objectives and policies that will aid decision makers in determining what is “inappropriate”. I agree with Elizabeth Pishief that the provision of criteria for the identification of historic heritage and assessment of effects of subdivision, use and development (see discussion in Recommendation HH 1) is the most appropriate, and the most effective way, to enable a consistent approach to determining what is inappropriate. Therefore, I do not recommend the addition of the words “inappropriate subdivision, use and development” in Objective 7-3.

4.5.4 Recommendation HH 5

- (a) Accept submissions requesting the removal of the word “significantly”.
- (b) Accept submissions in support of the objective.
- (c) Reject the submission to add the words “inappropriate subdivision, use and development”.
- (d) Reject submissions seeking other amendments.

4.5.4.1 Recommended changes to provision

- (a) Amend Objective 7-3 Historic Heritage to read as follows:

“Historic Heritage is protected from activities that would ~~significantly reduce~~ have an adverse effect on historic heritage values.”

4.6 Chapter 7 Policy 7-10 Historic Heritage

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	50	Retain Policy 7-10 in its entirety.	Accept in part
	X 522	268	MERIDIAN ENERGY LIMITED - Oppose	Accept in part
	X 527	101	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in part
PALMERSTON NORTH CITY COUNCIL	241	84	PNCC supports Issue 7-3, Objective 7-3 and Policy 7-10 relating to historic heritage.	Accept in part
	X 500	139	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	139	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	139	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	269	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	139	WANGANUI DISTRICT COUNCIL - Support	Accept in part
MIGHTY RIVER POWER	359	86	Retain the policy as proposed.	Accept in part
	X 522	269	MERIDIAN ENERGY LIMITED - Oppose	Accept in part
MERIDIAN ENERGY LIMITED	363	122	Meridian opposes Policy 7-10 and requests the following amendments or similar:	Accept in part
			The protection of historic heritage from inappropriate subdivision, use, and development. All resource use activities controlled by the regional council shall be managed in a manner which avoids, remedies, or mitigates as far as reasonable any adverse effects.	
			Or; Delete Policy 7-10 in its entirety.	
			Any consequential amendments necessary to give effect to this	

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			submission	
	X 518	19	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Oppose in Part	Accept in part
WELLINGTON CONSERVATION BOARD	375	16	<p>Add the following new policies: (7.11 and 7.12)</p> <p>i. Regional and district plans shall include schedules identifying important historic heritage sites and areas for protection</p> <p>ii. The following criteria will be taken into account by regional and district councils in identifying historic heritage to be listed in regional and district plans:</p> <p>Historic values relating to the historic of a place and how the historic heritage resource demonstrates important historical events, processes, themes or people</p> <p>Maori values Physical values including archaeological, architectural and technological</p> <p>Social values of places including places highly valued for their contribution to local identity and local landmarks</p> <p>Rarity and integrity.</p>	Accept in part
	X 518	18	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Accept in part
LANDLINK LTD	440	60	We prefer the following term in Policy 7-10 "heritage values" [instead of archaeological values]	Accept

4.6.1 Summary of submissions

Meridian Energy Limited oppose Policy 7-10 and request it is amended to reflect the intent of the RMA, that is to protect historic heritage from “inappropriate subdivision and development”. In addition they request that the clause requiring that adverse effects on historic heritage are avoided, remedied or mitigated should be qualified by adding “as far as reasonable”. They also request any consequential amendments necessary to give effect to the submission (see submission point 363/122).

Landlink Ltd requests that the policy is amended to refer to “historic heritage values” rather than “archaeological values” as it is currently proposed (see submission point 440/60).

Ngati Kahungunu Iwi Incorporation, Palmerston North City Council, and Mighty River Power support Policy 7-10 as currently proposed (see submission points 180/50, 241/84, 359/86).

Wellington Conservation Board seeks the addition of two new policies to direct the Regional Council and Territorial Authorities to identify historic heritage and to use specific criteria for this identification process (see submission point 375/16).

Three submissions and six further submissions (from Territorial Authorities) are in support of Policy 7-10 (see submission points 180/50, 241/84, and 359/86).

4.6.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief’s evidence and John Maassen’s evidence, which are attached to this report. Elizabeth Pishief’s evidence is outlined in Legislative Overview Section 4.1 of this report.

4.6.3 Evaluation

With regard to the submission requesting that Policy 7-10 is amended to refer to “historic heritage values” rather than “archaeological values”, Elizabeth Pishief considers that Policy 7-10 should reflect the definition of historic heritage in the RMA and that it should be amended to reflect all historic heritage values, not only archaeological or historic. I agree with the submitter and Elizabeth Pishief and consider that the requested wording is the most appropriate as it would better reflect the intent of the RMA definition for historic heritage. As discussed previously, I consider that the term “archaeological site” be replaced with the term “historic heritage” in Part I of the Proposed One Plan (See Recommendation HH 1).

Wellington Conservation Board seeks the addition of two new policies for the identification of historic heritage and the use of common criteria for historic heritage assessment, as follows:

- i. Regional and district plans shall include schedules identifying important historic heritage sites and areas for protection
- ii. The following criteria will be taken into account by regional and district councils in identifying historic heritage to be listed in regional and district plans:
 - Historic values relating to the history of a place and how the historic heritage resource demonstrates important historical events, processes, themes or people
 - Maori values
 - Physical values including archaeological, architectural and technological
 - Social values of places including places highly valued for their contribution to local identity and local landmarks
 - Rarity and integrity.

Elizabeth Pishief states that she supports the addition of a new policy regarding the inclusion of schedules in regional and district plans identifying important areas and sites for protection. She states that the Regional Council has the opportunity in the RPS section of the One Plan to promote the identification of historic heritage and the development and maintenance and regular updating of schedules by Territorial Authorities. She does not suggest that the Regional Council develop and maintain a Schedule of their own because this would be duplicating the work of the Territorial Authorities; instead she recommend that the Regional Council provides electronic links to the Historic Heritage Schedules of the Territorial Authorities so that people are able to access the most up-to-date information about historic heritage in the region.

I agree with the submitter and Elizabeth Pishief that the addition into policy at the RPS level directing the Regional Council and Territorial Authorities to identify sites and to use common criteria for identification of historic heritage is an appropriate way to better meet the purpose of the RMA. As discussed previously, I recommend the addition of a new Policy 7-11 to address this issue (See Recommendation HH 1).

Meridian Energy Limited opposes Policy 7-10 and requests it is amended as follows or similar: “The protection of historic heritage from inappropriate subdivision, use, and development. All resource use activities controlled by the regional council shall be managed in a manner which avoids, remedies, or mitigates as far as reasonable any adverse effects”.

As stated previously I consider that the level of adverse effects on historic heritage to be deemed acceptable should be determined on a case-by-case-basis (see Recommendation HH 5). As proposed, Policy 7-10 provides a wide scope for determining the level of adverse effects on historic heritage that may be deemed appropriate (or conversely the level of protection that should be afforded) on a case-by-case basis. I also consider that it is appropriate to consider what is “reasonable” in terms of avoiding, remedying, or mitigating effects on a case by case basis, however, the term “reasonable” is not well defined and would not add any clarity to the Policy. There are a range of options within “avoid, remedy or mitigate”, which of the options within that spectrum that should be

chosen will be determined on a case-by-case basis, taking into account factors such as the importance of the historic heritage and the extent to which the values can be preserved by mitigation, as opposed to avoidance. Practicability connotes a realistic assessment where preservation at all costs is unnecessary in respect of all historic heritage, but only in respect of heritage that warrants this level of protection. I consider that the term “practicable”, which has been defined in case law, would serve a similar function and would add value to Policy 7-10 for decision making purposes.

Elizabeth Pishief states that the Proposed One Plan should give assistance to TAs to determine what is inappropriate by providing common criteria for the identification of historic heritage and the assessment of effects of subdivision, use and development on historic heritage. She also states that it is important that common criteria are used throughout the region for identifying historic heritage and for assessing the effects on historic heritage as this will ensure a consistent approach to historic heritage is maintained throughout the region. She considers that the criteria should be consistent with the criteria suggested by the NZHPT Guide No 1 (Identification of historic heritage) and that following the NZHPT’s criteria will also contribute to the development of consistency in the management of historic heritage in New Zealand.

I agree with Elizabeth Pishief’s recommendations and I consider that the Proposed One Plan should reflect the intent of the RMA with regard to the protection of historic heritage from inappropriate subdivision and development. However, I disagree with the submitter, for reasons discussed in Recommendation HH5 regarding the Objective 7-3, that adding the wording “inappropriate subdivision, use and development” into the policy adds any value to the Proposed One Plan in terms of translating the RMA into the regional context. I consider that it is much more effective and useful to provide policy that enables decision makers to evaluate what is inappropriate by providing a specific set of criteria to consider and which can be applied consistently across the region and on a case-by-case-basis. It is my opinion that the addition of new Policy 7-11 for the identification and assessment of historic heritage (See Recommendation HH 1) will enable decision makers to determine what is inappropriate, as is the purpose of s. 6(f) of the RMA.

4.6.4 Recommendation HH 6

- (a) Accept the submission requesting that the term “archaeological values” is replaced with the term “historic heritage values”.
- (b) Accept in part the submission requesting new policies directing the Regional Council and Territorial Authorities to identify historic heritage and to specify the criteria that should be used in the identification and assessment process.
- (c) Accept in part the submission requesting the addition of the words “as far as is reasonable”.
- (d) Accept in part submissions in support of Policy 7-10.

4.6.4.1 Recommended changes to provision

- (a) Reword Policy 7-10 to read as follows:

“Historic heritage is recognized as a matter of national importance and all resource-use activities controlled by the Regional Council shall be managed in a manner which protects historic and archaeological heritage values and avoids, remedies or mitigates any adverse effects, including cumulative adverse effects, on historic heritage, as far as practicable.

(b) Add a new Policy 7-11 to chapter 7 as follows:

“Policy 7-11 Historic Heritage Identification.

Territorial Authorities shall develop and maintain a schedule or database of known historic heritage for their district. The Regional Council shall develop and maintain a schedule or database of known historic heritage for the coastal marine area. Places and areas for inclusion in the Historic Heritage schedules or databases shall be identified using the following criteria:

- Physical Values – archaeological, architectural, technological, scientific, rarity, representativeness, integrity, vulnerability, context or group.
- Historic Values – People, events, patterns.
- Cultural Values – identity, public esteem, commemorative, education, tangata whenua, statutory recognition.

4.7 Chapter 7 Method General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	12	NZHPT submissions the One Plan needs to includes a range of methods to effectively implement objectives and policies that relate to historic heritage. Good examples are provided on pages 14-15 of the above-mentioned Guide 1. (Sustainable Management of Historic Heritage: Guide No 1 Regional Policy Statements)	Accept in part

4.7.1 Summary of submissions

NZHPT request that the POP includes both regulatory and non-regulatory methods such that the Proposed One Plan is purposeful in the identification, protection and conservation of historic heritage. NZHPT reference the NZHPT Guide No 1 for examples of good practice (see submission point 353/12)

4.7.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief's evidence and John Maassen's evidence, which are attached to this report. Elizabeth Pishief's evidence is outlined in Legislative Overview Section 4.1 of this report.

4.7.3 Evaluation

NZHPT asserts that the Proposed One Plan should include a range of methods to effectively implement objectives and policies that relate to historic heritage. NZHPT state in their submission that examples of good practice are provided in the NZHPT Guide No 1.

Under s62 RMA a Regional Policy Statement is required to include methods (excluding rules), while under section 67 RMA a Regional plan must state rules (if any) and may state the methods (other than rules). As discussed previously, I consider that there are a significant number of regulatory methods (for example, rules and decision making policies) that deal with effects on "archaeological sites, wahi tapu and koiwi remains" through various resource use activities in Part II POP, however, I recommend that Part II provisions should extend to the wider RMA definition of historic heritage in these clauses (See Recommendation HH 1, Recommended changes to provisions (g) (h) (i) (j) (k) and Recommendation HH 8, Recommended Changes to provisions (a)). Also, as discussed previously, I consider that there is a need for the identification of historic heritage, by both the Territorial Authorities and Regional Council, and the assessment of that historic heritage using a specific set of criteria, and I recommend that a new Policy 7-11 be added to the Proposed One Plan to such effect (Recommendation HH 6, Recommended changes to provisions (b)). I also recommend the addition of a new method to Chapter 9 Coast to implement the new Policy 7-11 with regards to the Regional Council providing a schedule or database of historic heritage in the CMA (See Recommendation HH 1, Recommended changes to provisions (c)).

In terms of any need for a method to direct TAs, I consider that the way in which (ie. the "method") that a TA gives effect to the Regional Policy Statement (ie. Part I of the POP) is up to their discretion and is a matter for the TA to determine through their review and development of their District Plan and LTCCP process. Therefore it is not appropriate or helpful for the Proposed One Plan to further stipulate how (non-regulatory or regulatory) Territorial Authorities should give effect to the Regional Policy Statement. The structure of the Proposed One Plan has recognized this by only including non-regulatory methods that the Regional Council will lead, in terms of implementation, and therefore has direct control over and direct responsibility for. The non-regulatory methods in

the Proposed One Plan have been developed in line with the Horizons LTCCP outcomes and are reliant on budgets approved through the LTCCP process.

I consider that the inclusion of a new non-regulatory method in Chapter 9 Coast and the recommended changes to Part II provisions is adequate and appropriate and that the Proposed One Plan should not include any non-regulatory methods with regards to the role of Territorial Authorities for historic heritage. (See Recommendation HH 1, Recommended changes to provisions (g) (h) (i) (j) (k)), Recommendation HH6, Recommended changes to provisions (b), and Recommendation HH8, Recommended changes to provisions (a)).

4.7.4 Recommendation HH 7

(a) Accept in part the submission that the POP includes a range of both regulatory and non-regulatory methods.

4.7.4.1 Recommended changes to provision

None.

4.8 Chapter 12-1 Land-use Activities and Land Base Policy

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
WELLINGTON CONSERVATION BOARD	375	18	In section (i) insert and historic heritage between natural character, and Chapter 10)	Accept

4.8.1 Summary of submission points

Wellington Conservation Board discusses in their submission that, to give effect to Policy 7-10, the effects on historic heritage need to be taken into account when making decision on resource consents. As an example, the Wellington Conservation Board requests the insertion of “historic heritage” into Chapter 12, Policy 12-1(i) (See submission point 375/18).

4.8.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief's evidence and John Maassen's evidence, which are attached to this report. Elizabeth Pishief's evidence is outlined in Legislative Overview Section 4.1 of this report.

4.8.3 Evaluation

The Wellington Conservation Board requests that, to give effect to Policy 7-10, the effects on historic heritage need to be taken into account for all resource use activities and when making decisions resource consents. As discussed previously (see Recommendation HH 1). I have assessed Part II of the Proposed One Plan and consider that there is an adequate and effective level of integrated management of "archaeological sites, waahi tapu and koiwi" aspects of historic heritage through the rules and decision making policies (also see Appendix One), however, I recommend that the term "historic heritage" is added to specific clauses to reflect the broader definition of historic heritage given in the RMA. The consideration of effects on historic heritage, as per the broader RMA definition, will then occur through a significant number of resource use activities.

With regard to the submitters comments in their submission that effects on historic heritage should be taken into account for *all* resource use activities, I consider this is such a general statement and suggest that the submitter should provide more specific information, for example, a list of the particular activities where effects on historic heritage should be considered but are currently not in the POP. This would be a more effective approach to this issue through the Proposed One Plan Hearing process.

With regard to the request that "historic heritage" should be inserted into Chapter 12, Policy 12-1(i) as discussed previously (see Recommendation HH 1), various consent decision making policies in Part II require consideration of relevant Part I (RPS) policies in chapter 7 when determining consent applications (see Appendix One). I noted that Decision Making Policy 12-1 (i) refers to other matters covered in Chapter 7 (ie. biodiversity, natural character, landscapes) but not to historic heritage. I consider that it should be amended to include reference to "historic heritage". Therefore, I agree with the submitter that "historic heritage" should be added to Chapter 12, Policy 12-1(i) as requested.

4.8.4 Recommendation HH 8

(a) Accept the submission requesting that "historic heritage" be added to Policy 12-1(i).

4.8.4.1 Recommended changes to provisions

(a) Add the words "historic heritage" to Consent Decision Making Policy 12-1 (i) as follows:

“the objectives and policies of Chapter 2 regarding codes of practice and other good practice initiatives, Chapter 3 regarding infrastructure and energy, Chapter 7 regarding indigenous biological diversity, landscapes and natural character and historic heritage, and Chapter 10 regarding natural hazards to the extent that they are relevant to the activity.”

4.9 Glossary

Table of Submitters, Submission Points and Recommendations

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION INC	226	7	NZAA recommends that the council includes the definition of historic heritage from the RMA	Reject
NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION INC	226	8	NZAA recommends that the council includes the following definition for archaeological site: Any place in New Zealand associated with human activity that is or may be able through archaeological methods to provide information about the history of New Zealand.	Accept in part
GRANT JOHN STEPHENS	369	44	Add the following RMA definition to the glossary: Historic heritage (b)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	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(iv)historic	
			(v)scientific	
			(vi)technological, and;	
			(c)includes -	
			(i)historic sites, structures, places, and areas, and;	
			(ii)archaeological sites, and;	
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	24	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 522	393	MERIDIAN ENERGY LIMITED - Oppose	Accept
MASON STEWART	394	44	Add the following RMA definition to the glossary:	Reject
			Historic heritage	
			(b)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	

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(iv)historic	
			(v)scientific	
			(vi)technological, and;	
			(c)includes -	
			(i)historic sites, structures, places, and areas, and;	
			(ii)archaeological sites, and;	
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	25	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 527	236	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	44	Add the following RMA definition to the glossary: Historic heritage (b)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	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(v)scientific (vi)technological, and; (c)includes - (i)historic sites, structures, places, and areas, and; (ii)archaeological sites, and; (iii)sites of significance to Maori, including wahi tapu, and; (iv)surroundings associated with the natural and physical resources	
	X 518	26	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
SUE STEWART	396	44	Add the following RMA definition to the glossary: Historic heritage (b)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	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(vi)technological, and; (c)includes - (i)historic sites, structures, places, and areas, and; (ii)archaeological sites, and; (iii)sites of significance to Maori, including wahi tapu, and; (iv)surroundings associated with the natural and physical resources	
	X 527	295	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
ALISON MARGARET MILDON	401	44	Add the following RMA definition to the glossary: Historic heritage (b)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, and; (c)includes -	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(i)historic sites, structures, places, and areas, and;	
			(ii)archaeological sites, and;	
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	27	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 527	361	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
ROBERT LEENDERT SCHRADERS	442	44	Add the following RMA definition to the glossary: Historic heritage (b)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, and; (c)includes - (i)historic sites, structures, places, and areas, and;	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(ii)archaeological sites, and;	
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	28	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 527	468	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
PAUL & MONICA STICHBURY	452	44	Add the following RMA definition to the glossary: Historic heritage (b)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, and; (c)includes - (i)historic sites, structures, places, and areas, and;	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(ii)archaeological sites, and;	
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	29	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 527	528	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
SHONA PAEWAI	467	44	Add the following RMA definition to the glossary: Historic heritage (b)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, and; (c)includes - (i)historic sites, structures, places, and areas, and; (ii)archaeological sites, and;	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(iii)sites of significance to Maori, including wahi tapu, and;	
			(iv)surroundings associated with the natural and physical resources	
	X 518	30	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION - Support	Reject
	X 525	204	GENESIS POWER LTD - Oppose	Support
	X 527	591	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
TONY PAEWAI	468	49	Add the following RMA definition to the glossary: Historic heritage (b)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, and; (c)includes - (i)historic sites, structures, places, and areas, and; (ii)archaeological sites, and;	Reject

Submitter	Number	SubNumber	Remedy-Support	Accept-Reject
			(iii)sites of significance to Maori, including wahi tapu, and; (iv)surroundings associated with the natural and physical resources	
	X 527	654	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	13	The glossary of the One Plan includes a definition of an archaeological site and historic heritage that is consistent with section 2 of the RMA. These definitions should also be expanded somewhat in the Regional Policy Statement to offer an insight to what is of regional significance.	Accept in part

4.9.1 Summary of submission points

The submissions on the glossary request the addition of a definition for “archaeological site” and the addition of a definition for “historic heritage. The NZAA propose a definition for “archaeological site” to be included in the Proposed One Plan (see submission point 226/8).

4.9.2 Legislative Assessment

The legislative requirements of the RMA are outlined and discussed in Elizabeth Pishief’s evidence and John Maassen’s evidence, which are attached to this report. Elizabeth Pishief’s evidence is outlined in Legislative Overview Section 4.1 of this report.

The definition of an archaeological site is given in the Historic Places Act 1993 as follows:

“Archaeological site – any place in New Zealand that either –

- (a) (i) Was associated with human activity that occurred before 1900; or
- (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”

4.9.3 Evaluation

The NZHPT and the NZAA recommends that a definition for “archaeological site” be added to the Proposed One Plan Glossary. The NZAA requests that this definition be as follows “ Any place in New Zealand associated with human activity that is or may be able through archaeological methods to provide information about the history of New Zealand (see submission points 353/13 and 226/8).

Eight submissions request the addition of the RMA definition to the Proposed One Plan glossary as follows:

Historic heritage -

- (a) 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; and

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

As discussed previously (see Recommendation HH 1) the Glossary in the Proposed One Plan clearly states that “a term or expression that is defined in the Resource Management Act 1991 (RMA) and used in this Plan, but which is not included in this glossary, has the same meaning as in the Act. Definitions provided in the RMA are not repeated in this glossary.” I consider that it is not necessary for all of the RMA terms to be repeated in the POP, if a term is already defined by the RMA, or by case law then that definition stands and all that is required is a reference to s2 RMA. To do otherwise would risk the Proposed One Plan becoming inconsistent with the RMA. In addition, it is sensible and in keeping with the philosophy of the One Plan to refer to external documents when necessary to avoid excessive material and repetition in the POP.

Also discussed previously (see Recommendation HH 1) rules in the POP, refer to archaeological sites, which is not defined in the RMA. Therefore, I consider that the Historic Places Act 1993 definition of archaeological sites is the most appropriate definition, and which is the legal definition of an archaeological site, and should be added to the glossary.

4.9.4 Recommendation HH 9

- (a) Reject submissions requesting the addition of the RMA definition of 'historic heritage' to the glossary.
- (b) Accept in part submissions requesting the addition of the definition of an 'archaeological site' to the glossary.

4.9.4.1 Recommended changes to provision

- (a) Add the definition for “archaeological site” from the Historic Places Act 1993 to the Proposed One Plan glossary as follows:

“Archaeological site – Any place in New Zealand that either –

- (a) (i) Was associated with human activity that occurred before 1900; or
- (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”

APPENDIX 1

Table 1 Summary of historic heritage provisions within Part II of Proposed One Plan.

Decision Making Policy	Rule	Activity	Standard/condition/term	Standard/condition/term	Standard/condition/term	Standard/condition/term	Control/Discretion/Non-Notification	Hearing
CHAPTER 12								
Policy 12-1 (i): Consent decision making for vegetation clearance and land disturbance								
Policy 12-5: Consent decision-making regarding rare and threatened habitats, and at-risk habitats.								
	12-1 Permitted	Vegetation Clearance and land disturbance not covered by other rules		(b)	(c)			Land
	12-2 Controlled	Production forestry		(c)	(d)		(j)	Land
	12-3 Controlled	Land disturbance		(c)			(j)	Land
CHAPTER 13								
Policy 13-1 (d): consent decision making for discharges to water								Water quality
Policy 13-2 (f): Consent decision making for discharges to land								Water quality
	13-3 Permitted	Stock Feed including feed pads	(c)(iii)					Water quality

	13-4 Permitted	Biosolids and Soil conditioners	(d)(v)					Water quality
	13-5 Permitted	Offal holes and farm dumps	(e)(vi)					Water quality
	13-6 Controlled	Farm animal effluent including dairy sheds, Poultry farms and existing piggeries	(c)(v)					Water quality
	13-11 Permitted	New and upgraded discharges of domestic wastewater			(k)	(j)		Water quality
	13-12 Restricted Discretionary	Discharges of domestic wastewater not comply with rules 13-10 and 13-11			(f)	(e)		Water quality
	13-13 Permitted	Human effluent storage and treatment facilities	(d)(iv)					Water quality
	13-15 Permitted	Discharge of storm water to surface water and land				(b)		Water quality
	13-19 Permitted	Discharge of cleanfill	(c)(iii)					Water quality
	13-20 Permitted	Composting operations	(b)(iv)					Water quality
	13-25 Permitted	Discharge of contaminants to land that will not enter water	(c)(iv)					Water quality
	13-26 Permitted	Discharge of contaminants to land that may enter water	(b)					Water quality
CHAPTER 15								
	Policy 15-1 (c): consent decision making for takes and uses of surface and groundwater							Water Quantity
	15-10 Permitted	New Drainage				(j)		BRL??
CHAPTER 16								
	16-6 Permitted	Maintenance and repair of structures and associated removal of bed material and plants		(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL

	16-7 Permitted	Removal and demolition of structures		(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-8 Permitted	New and existing small dams		(g) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(g) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-10 Permitted	Lines, cables, pipelines and ropeways		(c) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(c) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-11 Permitted	Culverts		(j) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(j) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-12 Permitted	Other structures including bridges, fords and other access structures		(e) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(e) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-15 Permitted	Small-scale gravel extraction and plants		(e) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(e) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-16 Permitted	Other minor bed disturbances		(b) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(b) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-17 Permitted	Plants		(d) refers to Standard conditions for permitted activities involving the Beds of	(d) refers to Standard conditions for permitted activities involving the Beds of			BRL

				Rivers and Lakes Table 16-1 (l)	Rivers and Lakes Table 16-1 (m)			
	16-18 Permitted	Minor activities involving the beds of artificial watercourses		(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
	16-19 Permitted	Bed disturbances		(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (l)	(a) refers to Standard conditions for permitted activities involving the Beds of Rivers and Lakes Table 16-1 (m)			BRL
CHAPTER 17								
Policy 17-4 (e): consent decision making for new structures								
Policy 17-6 (g): consent decision for reclamation and drainage								
Policy 17-7 (f): consent decision making for activities involving disturbance, removal or deposition								
	17-6 Permitted	Maintenance and repair of structures		(b) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(b) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-7 Permitted	Removal or demolition of structures		(a) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(a) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-8 Permitted	Navigation aids, lines, cables, pipelines and ropeways, whitebait stands and maimai		(d) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(d) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-9 Permitted	Structures in the port zone		(c) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(c) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-10 Permitted	Structures for public access		(b) Refers to Table 17-1 (i) Standard	(b) Refers to Table 17-1 (j) Standard			Coast

				conditions for permitted activities in the CMA	conditions for permitted activities in the CMA			
	17-11 Permitted	Aquaculture structures		(b) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(b) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-20 Permitted	Removal of minor quantities of material		(d) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(d) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-21 Permitted	Minor disturbances, removals and deposition		(c) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(c) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-22 Controlled	Beach nourishment		(c) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(c) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-27 Permitted	Takes and uses of water		(a) Refers to Table 17-1 (i) Standard conditions for permitted activities in the CMA	(a) Refers to Table 17-1 (j) Standard conditions for permitted activities in the CMA			Coast
	17-30 Permitted	Discharges of storm water				(f)		Coast
CHAPTER 18								
18-1 (e) Purposes of financial contribution								Financial contributions