

New Zealand Historic Places Trust  
Pouhere Taonga



*Patron:*  
*His Excellency The Hon*  
*Anand Satyanand, PCNZM*  
*Governor General of New Zealand*

HP 33002-012

4 December 2008

Horizons Regional Council  
Private Bag 11 025  
Manawatu Mail Centre  
Palmerston North 4442

Attn: Robyn Harrison

Dear Robyn

At the Biodiversity and Heritage hearing the Hearings Committee asked that the New Zealand Historic Places Trust (NZHPT) to review specific amendments to the Land Chapter of the proposed One Plan.

In response to this situation our Heritage Planning Advisor has assessed the changes and provided a formal response, as attached. Could this response please be circulated to the committee and also made available to submitters at the reconvened Land hearing.

If the committee has any concerns or questions in relations to the matters raised in the response by the NZHPT, please contact either myself or the Central Region Heritage Planning Advisor – Rakesh Mistry on 04 802 0001 or [rmistry@historic.org.nz](mailto:rmistry@historic.org.nz)

Yours faithfully

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**The New Zealand Historic Places Trust response to the supplementary  
planning statement of Philip Percy for the Land Hearing of the proposed  
Horizons One Plan.**

1. At the Bio-diversity and Heritage hearing the New Zealand Historic Places Trust (NZHPT) attention was drawn to amendments to the Land Chapter of the proposed One Plan (OP). The changes have been recommended by Council Planner Mr Philip Percy who has produced a supplementary planning statement for the Land Chapter hearing. The NZHPT is of the understanding that these changes are in response to the matters raised in the Chairpersons Minute #3. The particular matter that is of interest to the NZHPT is the response by Mr Percy on legal and technical advice in relation to conditions/standards/terms for rules in Chapter 12 of the proposed OP that refer to the archaeological authority process under the Historic Places Act 1993.
2. The amendments relate to matters raised in the submission by the NZHPT. The NZHPT submission overall sought substantial review of the proposed OP to ensure historic heritage is provided for as a matter of national importance (page 11, NZHPT submission) and in particular improvements to the proposed OP to protect historic heritage from the adverse effects of activities regulated by the Regional Council (page 18 NZHPT submission).
3. The Council Planner's supplementary evidence recommends that the revised rules for vegetation clearance, land disturbance (Rules 12-1, 12-3, & 12-5) and Production forestry (Rules 12-2 & 12-4), remove the following standard:

**The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.**

4. The NZHPT does not agree with the removal of the above standard from the revised Rules 12-1, 12-2, 12-3 and 12-4 & 12-5 for the following reasons:
  - a. The revised rules fail to give effect to the following historic heritage objectives and policies of the proposed OP:

***Objective 7-3: Historic Heritage***

Historic heritage is protected from activities that would have an adverse effect on heritage values.

***Policy 7-10: Historic heritage***

Historic heritage is recognised 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 heritage values and avoids, remedies or mitigates any adverse effects, including cumulative adverse effects, on historic heritage.

- b. In exercising their control on the use of land, the Regional Council is still required to act in accordance with section 5 of the RMA which extends to all local authorities in exercising their specified functions and powers. This includes recognising and providing for matters of national importance which includes the protection of historic heritage from inappropriate subdivision, use and development (section 6(f) RMA).
- c. A significant amount of the region's historic heritage remains unidentified, in particular, places and areas of significance to Maori. These are at risk from activities such as earthworks, clearance of vegetation, silviculture, in particular land related activities in the Coastal foredune area. It is important to note that places and areas of significance to Maori may not be of archaeological value, however still possess spiritual and cultural values, which require protection from land based activities regulated by the Regional Council. This has also been identified as an environmental issue of concern to Hapu and Iwi in the Te Aro Maori chapter of the proposed OP.
- d. Rules in relation to managing the effects of land activities regulated by the Regional Council on historic heritage act as a flagging measure to both applicants and decision makers of any actual/potential effects of land activities on historic heritage resources, in meeting the purpose of the RMA. In situations where the activity would affect a historic heritage resource this should result in the activity being elevated beyond a permitted or controlled status to enable an informed assessment of environmental effects process to take place, in consultation with the NZHPT and/or Iwi.

- e. From the NZHPT experience the need to obtain an authority often arises when a site has been modified, damaged or destroyed inadvertently by an activity. In terms of following a precautionary approach to the sustainable management of historic heritage resources (which is a finite resource), the RMA provides greater opportunity to plan to avoid sites, places and areas of historic heritage value through a resource consent process.
5. The NZHPT recommends that this matter can be resolved by:
- a. The proposed OP taking a similar approach recommended in the *New Zealand Historic Places Sustainable Management of Historic Heritage - Guide No 2. Regional Plans*, which requires rules in a regional plan to regulate the effects of land based activities on historic heritage resources and also include an advice note informing users and the public of the archaeological authority provisions of the Historic Places Act 1993.<sup>1</sup> The Auckland Regional Plan and the Environmental Bay of Plenty proposed Water and Land Plan are good examples of Regional Plans where this approach has been adopted.
  - b. Policy 12-2 could include consideration of any actual and potential effects on historic heritage resources. The policy could also refer users to the Te Aro Maori Chapter Policy 4-2, which provides guidance on protecting unidentified sites of significance to Maori from potential damage and disturbance.
  - c. Rules 12-1, 12-2 and 12-4 could separate out any vegetation clearance and production forestry activities that would affect a historic heritage resource. This could be achieved by reinstating the standard referring to the disturbance of an archaeological site, waahi tapu or koiwi (as referred to in paragraph 3 above).
  - d. An advisory note as part of section 12.1.3 or the rules table in Chapter 12 informing users of the archaeological authority provisions of the Historic

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<sup>1</sup> New Zealand Historic Places Sustainable Management of Historic Heritage - Guide No 2. Regional Plans is available online at: [http://www.historic.org.nz/publications/SustMgt\\_guidance\\_series.html](http://www.historic.org.nz/publications/SustMgt_guidance_series.html)

Places Act 1993. The following is an example of an advisory note used in the Environmental Bay of Plenty proposed Water and Land Plan:

**The rules in this regional plan do not authorise the modification or disturbance of any archaeological or registered waahi tapu sites within the area of activity. Written authority from the New Zealand Historic Places Trust is required prior to any destruction, damage or modification of an archaeological or registered waahi tapu site or an area where there is reasonable cause to suspect there is an archaeological site. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by the activity, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.**

Dated this 4<sup>th</sup> day of December 2008

Rakesh Mistry  
Heritage Advisor Planning  
New Zealand Historic Places Trust/Pouhere Taonga  
Central Region Office