

**BEFORE THE HEARINGS COMMITTEE**

**IN THE MATTER** of hearings on submissions  
concerning the Proposed One Plan  
notified by the Manawatu-  
Wanganui Regional Council

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**Supplementary Report  
of Fiona Gordon  
for the Historic Heritage hearing**

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## INTRODUCTION

1. The main purpose of this report is to assist the Hearing Panel in its decision making process by identifying the issues raised in the Submitter's Expert Evidence in response to the Historic Heritage: Planning Evidence and Recommendations Report that remain unresolved and those issues where an agreed outcome has been achieved through the pre-hearing process. I consider it appropriate to note here that all issues raised in the Submitter's Expert Evidence have been successfully resolved via the agreed outcomes<sup>1</sup> achieved through the pre-hearing meeting process.
2. This report intends to provide this assistance by (a) identifying Submitter's Expert Evidence comments in support and comments not in support; (b) providing detail of any agreed outcomes achieved through pre-hearing meetings; and (c) by presenting any supplementary recommendations that I wish the Hearing Panel to consider, in light of those agreed outcomes.
3. This report also acknowledges the evidence from submitters that have already presented all or part of their submission in relation to the Historic Heritage provisions of the Proposed One Plan (POP), and provides corrections to the original Historic Heritage: Planning Evidence and Recommendations Report.
4. In addition, this report provides a revised track changes version ("pink version") of Chapter 7 Historic Heritage provisions, to indicate the changes that would occur to these provisions should the supplementary recommendations I present in this report be accepted by the Hearing Panel.
5. This Supplementary Report presents the above information in three parts, as follows:
  - Part 1: Submitter's Expert Evidence, Pre-Hearing Meeting Agreed Outcomes and Supplementary recommendations.
  - Part 2: Evidence from submitters who have already presented all or part of their submission.
  - Part 3: Corrections to the original Historic Heritage: Planning Evidence and Recommendations Report.

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<sup>1</sup> New Zealand Historic Places Trust requested at the conclusion of the pre-hearing meeting that they reserve their position on all of the agreed outcomes

## **PART 1: SUBMITTER'S EXPERT EVIDENCE, PRE-HEARING MEETING AGREED OUTCOMES AND SUPPLEMENTARY RECOMMENDATIONS**

6. Submitter's Expert Evidence, in response to the Historic Heritage: Planning Evidence and Recommendations Report, was received from Rakesh Mistry, Te Kenehi Teira and Robert McClean on behalf of the New Zealand Historic Places Trust (NZHPT); David Murphy on behalf of the Palmerston North City Council (PNCC); and Richard Zane Peterson on behalf of Mighty River Power (MRP).
7. The Submitter's Expert evidence has been pre-circulated to the Hearing Panel and made available to submitters via the Horizons Regional Council website.
8. The following provides a summary of the comments of support or otherwise made in the Submitter's Expert Evidence, in response to the Historic Heritage: Planning Evidence and Recommendations Report.
9. Richard Peterson (MRP) supports the recommended changes to Policy 7-10<sup>2</sup>, agreed with Policy 7-10 and the addition of Policy 7-11<sup>3</sup> as recommended in the Historic Heritage: Planning Evidence and Recommendations Report. David Murphy (PNCC) supports Issue 7-3, Objective 7-3, Policy 7-10<sup>4</sup> and noted (without comment of support or otherwise) the addition of Policy 7-11<sup>5</sup> as recommended in the Historic Heritage: Planning Evidence and Recommendations Report.
10. Rakesh Mistry (NZHPT) supports the addition of policy 7-11 with regard to both the inclusion of criteria for the identification of historic heritage resources and the addition of a new method for the coastal chapter for the identification of historic heritage in the Coastal Marine Area (CMA)<sup>6</sup> as recommended in the Historic Heritage: Planning Evidence and Recommendations Report. He also supports the evidence of Elizabeth Pishief and acknowledges the recommended changes as a result of her Section 42a report<sup>7</sup>. He also supports the addition of the definition of "archaeological site" and the acknowledgement of the role of NZHPT with regard to these sites<sup>8</sup> as recommended in the Historic Heritage: Planning Evidence and Recommendations Report. He does not support Policy 7-10 and considers that it should be in the Plan Part of the POP and should be amended to apply to both the Regional Council and Territorial Authorities (TAs)<sup>9</sup>. He considers that a number of Schedule F and Schedule D items, and additional areas, should be recognised as regionally important heritage resources<sup>10</sup>. He also considers that the historic heritage assessment framework via the resource consent process should be improved<sup>11</sup>.
11. Te Kenehi Teira (NZHPT) supports the addition of a new method for the coastal chapter for the identification of historic heritage in the Coastal Marine Area (CMA)<sup>12</sup> as recommended in the Historic Heritage: Planning Evidence and Recommendations Report. He considers that Schedule F should be subject to a substantial review to

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<sup>2</sup> See paragraph 3-13 Statement of Evidence of Richard Zane Peterson

<sup>3</sup> See paragraph 15-4 Statement of Evidence of Richard Zane Peterson

<sup>4</sup> See paragraph 107 Statement of Evidence of David Murphy

<sup>5</sup> See paragraph 109 Statement of Evidence of David Murphy

<sup>6</sup> See paragraph 22 and 38 Statement of Evidence of Rakesh Mistry

<sup>7</sup> See paragraph 39 Statement of Evidence of Rakesh Mistry.

<sup>8</sup> See paragraph 29 Statement of Evidence of Rakesh Mistry

<sup>9</sup> See paragraph 23 Statement of Evidence of Rakesh Mistry

<sup>10</sup> See Paragraph 24 Statement of Evidence of Rakesh Mistry

<sup>11</sup> See Paragraph 30 Statement of Evidence of Rakesh Mistry.

<sup>12</sup> See Paragraph 22 Statement of Evidence of Te Kenehi Teira

include Maori heritage values<sup>13</sup>. He also considers that the POP should address the identification and protection of sites of significance to Maori<sup>14</sup>.

12. Robert McClean (NZHPT) supports<sup>15</sup> the addition of Policy 7-11 with regard to the inclusion of criteria for the identification of historic heritage resources, the addition of a new method for the coastal chapter for the identification of historic heritage in the CMA and the requirement to schedule historic heritage sites; the consistent use of the term “historic heritage”; the acknowledgement of the role of NZHPT, addition of information to the background section and changes to the Anticipated Environmental Results (AER), as recommended in the Historic Heritage: Planning Evidence and Recommendations Report. He considers<sup>16</sup> that there is a need to further consider the addition of a brief discussion of the historic heritage issue, and the addition of a number of new polices, as follows: to direct TAs and the Regional Council to include provisions for the protection of historic heritage, to protect nationally important heritage resources, for the proactive management of unidentified historic heritage resources, to assist decision makers in determining what may be “appropriate” subdivision, use and development.

### **SUBMITTER’S EXPERT EVIDENCE - COMMENTS IN SUPPORT**

13. As indicated above, the Submitter’s Expert Evidence provides a significant number of comments in support of specific recommendations made in the Historic Heritage: Planning Evidence and Recommendations Report. I have summarised these comments of support in Table 1.

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<sup>13</sup> See Paragraph 15 Statement of Evidence of Te Kenehi Teira

<sup>14</sup> See paragraph 19 Statement of Evidence of Te Kenehi Teira

<sup>15</sup> See paragraph 51 Statement of Evidence of Robert McClean

<sup>16</sup> See Paragraph 52, 56 and 57 Statement of Evidence of Robert McClean

**Table 1: Submitter’s Expert Evidence comments of support**

**RM** – Rakesh Mistry (NZHPT); **TKT** – Te Kenehi Teira (NZHPT); **RMc** - Robert McClean (NZHPT); **RP** – Richard Peterson (MRP); **DM** – David Murphy (PNCC)

<b>Matter raised</b>	<b>Submitter’s Expert</b>	<b>Plan heading</b>	<b>Planning Evidence and Recommendations Report</b>
Supports acknowledgement of the role of NZHPT	<b>RMc</b>	Paragraph 7.1.4	HH 3
Supports	<b>DM</b>	Issue 7-3	HH 4
Supports	<b>DM</b>	Objective 7-3	HH 5
Supports	<b>DM</b> <b>RP</b>	Policy 7-10	HH 6
Supports recommended new Policy 7-11	<b>RM</b> <b>RMc</b> <b>TKT</b> <b>RP</b>	Policy 7-10	HH 6 Recommended change to provision (b) new Policy 7-11
Supports recommended new method for identification of heritage resources in the CMA	<b>RM</b> <b>RMc</b> <b>TKT</b>	Policy 7-10	HH 6 Recommended change to provision (c) new method in Coast Chapter 9
Support	<b>RMc</b>	Anticipated Environmental Result Section 7.6	HH 1 Recommended Changes to provision (d)
Supports the recommended definition for archaeological site	<b>RM</b>	Glossary	HH 9 Recommended Changes to provision (a)
Supports the consistent use of the term “historic Heritage”	<b>RMc</b>	Various provisions	Consistent use of the term “Historic Heritage” discussed in HH 1

## **SUBMITTER'S EXPERT EVIDENCE - UNRESOLVED ISSUES**

14. Also, as indicated above, the Submitter's Expert Evidence provides a significant number of comments that are either (a) not in support of recommendations made in the Historic Heritage: Planning Evidence and Recommendations Report or (b) seek further changes to the Historic Heritage provisions of the POP. These unresolved issues can be broadly summarised as follows:
  - Clarification and discussion of the historic heritage issue in the Region
  - Identification and protection of sites of significance to Maori
  - Proactive management of unidentified heritage resources
  - Review of Schedule F to recognise regionally important heritage resources
  - Identification and recognition of nationally important heritage resources
  - Policy to assist in determining what may be "inappropriate" subdivision, use and development
  - Improvements to the consent assessment process with regard to historic heritage resources
15. Horizons Regional Council took the opportunity to invite all parties that submitted Submitter's Expert Evidence on Historic Heritage to attend a pre-hearing meeting to discuss the unresolved issues. A pre-hearing meeting was held on Thursday 30<sup>th</sup> October 2008 and was attended by Rakesh Mistry, Te Kenehi Teira, Anne Neil and Robert McClean of NZHPT, David Murphy and Mathew McKay of PNCC, Fiona Gordon (Senior Policy Analyst, Horizons Regional Council), Elizabeth Pishief (Heritage Consultant for Horizons Regional Council), Clare Barton (Consents Planner, Horizons Regional Council) and Richard Thompson (facilitator). Mighty River Power declined the invitation to attend, expressing that their comments were in support only.
16. The pre-hearing meeting focused on discussing the unresolved issues raised in the Submitter's Expert Evidence and achieving caucusing or agreed outcomes on these issues where possible. I consider that the meeting was very valuable in clarifying the unresolved issues and discussing how these issues are currently addressed or could be addressed through the Historic Heritage provisions of the POP.
17. The following table, Table 2, presents the unresolved issues discussed at the pre-hearing meeting and the level of agreement reached on these matters at the pre-hearing meeting. All issues raised in the Submitter's Expert Evidence have been successfully resolved via the agreed outcomes achieved through the pre-hearing meeting process. As a result of the agreed outcomes I make a number of supplementary recommendations for the Hearing Panel's consideration. It should be noted that NZHPT requested at the conclusion of the pre-hearing meeting that they reserve their position on all of the agreed outcomes.

**Table 2: Unresolved Issues Discussed at the Pre-Hearing Meeting, Level of Agreement Reached and Supplementary Recommendations**

**RM** – Rakesh Mistry (NZHPT); **TKT** – Te Kenehi Teira (NZHPT); **RMc** - Robert McClean (NZHPT)

<b>Unresolved Issue</b>	<b>Submitter's Expert</b>	<b>Officer's Comment</b>	<b>Level of Agreement Reached at Pre-Hearing Meeting</b>	<b>Relevant Plan Heading</b>	<b>Planning Evidence and Recommendations Report</b>	<b>Supplementary Recommendation</b>
(1) Clarification and discussion of the historic heritage issue in the Region	<b>RMc</b>	Agreed that the Overview Section 7.1.4 should (at a broad level) present identification of historic heritage resources and the risks to historic heritage resources as two key issues, and examples should be provided.	Agree	Paragraph 7.1.4	HH 3	S HH 3a
(2) Policy to assist in determining what may be "inappropriate" subdivision, use and development.  Improvements to the consent assessment process with regard to historic heritage resources	<b>RM</b> <b>RMc</b>	Agreed that a guidance note referencing the NZHPT Regional Plan Guide No 1 (but not limited to this) should be included somewhere in the POP to assist decision makers.	Agree	Paragraph 7.1.4	HH 3	S HH 3b
(3) Identification and protection of sites of significance to Maori	<b>RM</b> <b>RMc</b> <b>TKT</b>	Discussed how Chapter 4 provides a number of methods that are intended to assist in the identification and protection of sites of significance to Maori. Agreed that new Policy 7-11 should, in some way, reference the relevant methods in Chapter 4 (Section 4.5).	Agree	Policy 7-10	HH 6 Recommended change to provision (b) new Policy 7-11	S HH 6
(4) Proactive management of unidentified heritage resources	<b>RM</b> <b>RMc</b>	Agreed that there is a gap in terms of the proactive management of historic heritage resources, in particular the identification of currently 'unknown' sites. Possible solutions were discussed.	Agree	Method Section 7.5	HH 7	S HH 7
(5) Review of Schedule F to recognise	<b>RMc</b> <b>TKT</b>	Agreed that criteria for landscape assessment criteria should	Agree	Schedule F	Not Applicable	See discussion below



regionally and nationally significant heritage resources.  Identification and recognition of nationally important heritage resources	<b>RM</b>	adequately provide for cultural and historic heritage values.				
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## **SUPPLEMENTARY RECOMMENDATIONS**

18. The following presents the Supplementary Recommendations, based on the agreed outcomes from the pre-hearing meeting, for the Hearing Panel's consideration. I also provide a brief discussion on unresolved issue (5).

### **SUPPLEMENTARY RECOMMENDATION S HH 3a**

19. As per the agreed outcomes, I recommend that the Hearing Panel consider that the Overview Section 7.1.4 should (at a broad level) present the identification of historic heritage resources and the risks to historic heritage resources as two key issues, and examples should be provided.
20. Recommended changes to provision:

Should the hearing panel accept my recommendation, I suggest an amendment to Section 7.1.4 to include the following after the first paragraph:

"The Manawatu-Wanganui Region has a long and recognised history and culture and contains special places such as the Tongariro National Park, Whanganui River, Lake Papaitonga, the wreck of the Hyderabad, historic towns such as Marton, Taihape, Bulls and Raetihi, and many important archaeological sites such as Willis Redoubt, Waiu Pa and Te Aputa Pa. The accurate identification of historic heritage sites, including the identification of currently "unknown" or "undiscovered" sites, is an issue in our Region, as is their protection from potential threats including demolition, "demolition by neglect", fire and flood and earthworks."

21. See track changes in the 'pink version' track changes document for Chapter 7, Recommendation S HH 3a.

### **SUPPLEMENTARY RECOMMENDATION S HH 3b**

22. As per the agreed outcome, I recommend that the Hearing Panel consider the addition of a guidance note referencing the NZHPT Regional Plan Guide No 1 (but not limited to this) in the POP to assist decision makers. I have contemplated where this guidance note would be most useful and appropriate, taking into account that there are no similar references to other guidance notes currently noted in Part 1 of the POP. While I consider that it may be most suitable to the submitter to attach the guidance note to the recommended new policy 7-11 (HH 6, Recommended change to provision (b)), as generally discussed at the pre-hearing meeting, I am conscious that, by default, the guidance note may become "binding", and this is not the agreed intention of the guidance note. Therefore, I recommend that the most appropriate solution is that the guidance note be attached to the final paragraph in Section 7.1.4. However, I also consider that other options, to give similar effect, could be explored further by the Hearing Panel through the hearing process with submitters.
23. Recommended changes to provision:  
Should the Hearing Panel accept my recommendation, I suggest that a footnote is attached to the final paragraph in Section 7.1.4 to read as follows:

"Guidance Note: In determining whether an activity is "appropriate" decision makers may refer to the document New Zealand Historic Places Trust (3 August 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Policy Statements

(p 12 – 13) which provides a best practice example of the matters to be considered by local authorities. These matters include – respect values, diversity and community resources, sustainability, Maori heritage, research and documentation, respect for physical material, understanding significance, respect for contents, curtilage and setting.”

24. See track changes in the ‘pink version’ track changes document for Chapter 7, Recommendation S HH 3b.

#### **SUPPLEMENTARY RECOMMENDATION S HH 6**

25. As per the agreed outcomes, I recommend that new Policy 7-11 (as Recommended in Recommendation HH 6, Recommended changes to provisions (b)) should include reference to the relevant methods in Chapter 4 (Section 4.5).
26. Recommended changes to provision:  
Should the hearing Panel accept my recommendation, I suggest an amendment to new policy 7-11 (as Recommended in Recommendation HH 6, Recommended changes to provisions (b)), bullet point three to read as follows:

“Cultural Values – identity, public esteem, commemorative, education, ~~tangata whenua~~, statutory recognition, tangata whenua (including sites of significance to Maori as identified in accordance with the relevant methods in Chapter 4, namely ‘Memoranda of Partnership’, ‘Code of Practice for Waahi Tapu Protection and Discovery’, ‘Regional Iwi Environmental Projects’, and ‘Iwi Management Plans’)”

27. See track changes in the ‘pink version’ track changes document for Chapter 7, Recommendation SS H 6.

#### **SUPPLEMENTARY RECOMMENDATION S HH 7**

28. I consider that the acknowledged gap in terms of the proactive management of historic heritage resources, in particular the identification of currently ‘unknown’ sites should be addressed and that direction on this matter is not currently clearly addressed in the POP. I also consider that, as there are a vast number of ways to address this issue, that attempting to address it at a pre-hearing meeting between representatives of Horizons Regional Council, NZHPT and the PNCC only would not be appropriate. However, I do consider that some certainty around addressing this matter into the future would be desirable. I recommend that the Hearing Panel consider the addition of a new method to Chapter 7 Section 7.5 to provide for future discussions between relevant parties (for example, NZHPT, TAs, Regional Council, New Zealand Archaeological Association) with the intent of determining the best approach to the identification and proactive management of historic heritage resources in the Region.
29. Recommended changes to provision:  
Should the hearing Panel accept my recommendation, I suggest an amendment to Section 7.5 to include the following method:

Project Name	Proactive Identification of Historic Heritage
Project Description	The aim of this project is to determine an approach(s) to provide for the proactive identification of historic heritage resources within the Manawatu-Wanganui Region. The approach(s) may range from, for example, the development of a Region-wide database or list of areas with a high potential for containing unidentified historic heritage

Project Name	Proactive Identification of Historic Heritage
	sites, to the development of policy amendments or variations to existing Regional or Territorial Authority Plans, or agreed partnerships for funding and carrying out surveys.
Who	Regional Council, Territorial Authorities, New Zealand Historic Places Trust, New Zealand Archaeological Association,
Links to Policy	This project links to Policy 7-10 and 7-11.
Targets	An approach(s) is agreed upon within two years of this Plan becoming operative.

30. See track changes in the 'pink version' track changes document for Chapter 7, Recommendation SS HH 7.

### **UNRESOLVED ISSUE 5**

31. As a means to address the submitters concerns regarding the need for improved acknowledgement of the items (natural features and landscapes) listed in Schedule F of the POP two options were discussed. The first option was the addition of wording to the proposed 'characteristics/values' of each relevant item to reflect the historic heritage values associated with that item. The second option was that, over time through landscapes assessments involving a public process the 'characteristics/values' could be amended to include historic heritage values. Currently there is no landscape assessment process in the POP, however, this has been discussed at pre-hearing meetings regarding the landscape provisions. While the agreed outcome was that the second option was the preferable approach, on reflection since the pre-hearing meeting, I am unable to find a specific submission point regarding Schedule F items in the submitter's original submission lodged against the historic heritage provisions. I am also unable to find a specific submission point from the submitter lodged against any landscape provisions, to be dealt with through the Landscape Hearing. Hence, I now believe this matter to be outside the scope of the submitter's original submission. Unless the submitter can provide evidence to the contrary, which they are welcome to do so, I recommend that the Hearing Panel consider that this matter is best dealt with if it is raised through submissions from other submitters through the Landscape Hearing process.
32. Recommended changes to provision:  
Should the Hearing Panel accept my recommendation there would be no change to the proposed historic heritage provisions.

### **PART 2: EVIDENCE FROM SUBMITTERS WHO HAVE ALREADY PRESENTED ALL OR PART OF THEIR SUBMISSION**

33. On Tuesday 8 July 2008 a number of submitters presented all or part of their submissions and will not be attending the individual topic hearings. To my knowledge, none of these submitters raised issues in relation to the POP provisions on Historic Heritage.

### **PART 3: CORRECTIONS TO THE ORIGINAL HISTORIC HERITAGE: PLANNING EVIDENCE AND RECOMMENDATIONS REPORT**

34. Unfortunately several errors were made in Recommendation HH1, Recommended changes to provision (Section 4.1.15, page 32 - 35) in the Historic Heritage: Planning

Evidence and Recommendations Report. The following identifies and addresses those errors.

35. An error was made in Recommendation HH 1, Recommended changes to provisions (g) (page 33). It was not intended that the Regional Council should notify the NZHPT in the event of the discovery of an archaeological site, waahi tapu or koiwi remains. It was intended that the consent holder notify both the Regional Council and the NZHPT. Therefore, Recommendation HH 1, Recommended changes to provisions (g) should be corrected to read as follows:

“(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 and the New Zealand Historic Places Trust 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.”

36. An error was made in Recommendation HH 1, Recommended changes to provisions (j) (page 34). It was not intended that clause 17-30 (f) be included in the list of specific clauses to be amended. Therefore clause 17-30 (f) should be deleted from Recommendation HH 1, Recommended changes to provisions (j) such that it should read as follows:

“(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)”

37. In addition, the correct recommendation for clause 17-30(f) should be added to Recommendation HH 1, Recommended change to provisions, and should read as follows:

“(ka) Reword the following clause in Chapter 17 Coast, Rule 17-30(f) 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 or Regional Council historic heritage database, in the New Zealand Archaeological Association Site Recording Scheme, or by the New Zealand Historic Places Trust except where New Zealand Historic Places Trust approval has been obtained.”

Fiona Gordon  
3 November 2008