

**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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**SECTION 42A REPORT OF ELIZABETH PISHIEF  
ON BEHALF OF HORIZONS REGIONAL COUNCIL  
CONCERNING HISTORIC HERITAGE**

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## 1. INTRODUCTION

### My qualifications/experience

**Full name:** Elizabeth Dale Pishief  
**Present position:** Historic Heritage Consultant  
**Present employer:** Opus International Consultants Limited  
**Present work address:** PO Box 12003, Wellington

### Academic qualifications:

BA English/English, Victoria University, 1972  
Dip. Soc. Sci. (History), Massey University, 1988  
Dip. Museum Studies, Massey University, 1992  
MA Museum Studies, Massey University, 1998

**Years as a practising historic heritage consultant:** 18 years

### Track Record

1. I have eighteen years experience in the field of Historic Heritage Resource Management including running my own consultancy, five years working for the Department of Conservation as Technical Officer: Historic; approximately eight months for the New Zealand Historic Places Trust as relieving Regional Archaeologist and nearly five years working for Opus International Consultants as a Heritage Consultant. I have undertaken many archaeological and heritage assessments of archaeological sites, landscapes, buildings and places. I have extensive experience in undertaking historic research and report writing and I have prepared over seventy five heritage management documents. A few of the historic heritage projects I have undertaken are listed below:

- **Heritage Protection: Cultural Indicator Report (2007), Ministry for Culture and Heritage**

Project Manager managed a team who compiled a list of the entire protected built heritage and produced a statistical indicator to show the proportion of heritage that has been lost or whose values have been severely compromised.

- **Pipitea Pa Archaeological and Heritage Assessment, (2006) Wellington Tenth Trust**

Heritage Consultant involved in the assessment of the archaeological and heritage significance of this block of land - part of the Resource Consent application.

- **Washbourne House Conservation Plan, (2007) Ferrymead Heritage Park**  
I researched the history and prepared a conservation plan for this important building in association with Ian Bowman conservation architect according to ICOMOS NZ Charter.
- **Iwi Consultation Maungawhau Mt Eden Conservation Plan, (2006) Auckland City Council**  
Heritage Consultant - consulting with iwi regarding preparation of Conservation Plan and cultural assessment of this significant archaeological site, as well as technical support and advice to Auckland City Council.
- **Water Bodies of National Cultural Significance (2005), Ministry for Culture and Heritage**  
Heritage Consultant, this project was undertaken on behalf of the Ministry for the Ministry of the Environment as part of the Government's Sustainable Water Programme of Action.
- **Identifying and Preventing Fire Risks to Heritage Buildings and Collections (2004), New Zealand Fire Service Commission**  
Heritage Consultant involved in this research project undertaken with Roger Feasey, Opus Fire Engineer. A technical report and a set of guidelines for owners and managers of heritage buildings and collections (including museums and marae) were produced.
- **Archaeological Survey of Land Proposed for Re-Zoning: The Western Havelock North Hills; Seafield/Avery Road Area; Maraekakaho, (2003); Te Awanga/Parkhill and Waimarama Hawke's Bay (2004). Hastings District Council**  
Project Manager involved in archaeological surveys of these large land areas for planning purposes.
- **History of the Environmental Use and Changes in the Ngaruroro Catchment, (2003), Hawke's Bay Regional Council**  
In the role of Historian, this project involved a history of the use by Maori and European of the Ngaruroro River; the modifications to the environment; and changes the alterations in the river since the beginning of human settlement as background to understanding the physical changes in the Ngaruroro River and its catchment as part of a report on the state of the environment.

- **Otatara Pa Historic Reserve: Assessment of Significance, (1997), Department of Conservation, Hawke's Bay**

Technical Officer: Historic.

**Honours/distinctions/membership of societies, institutions, committees:**

New Zealand Historic Places Trust (Hawke's Bay Branch Committee 1990-2003)

PHANZA (Professional Historians Association)

NZHA (New Zealand History Association)

NZAA (New Zealand Archaeological Association) (past Council member) (Filekeeper - Hawke's Bay 1990-2003)

ICOMOS New Zealand (Council member)

Museums Aotearoa

**Professional positions held:**

2003 to present Opus International Consultants

2001; 2002 New Zealand Historic Places Trust, (Acting Regional Archaeologist)

1990-95, 2000-2003 Heritage Consultant

1995-2000 Department of Conservation: Hawke's Bay; East Coast/Hawke's Bay; Wanganui Conservancies.

**Expert Witnesses – Code of Conduct**

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

**My role in One Plan**

3. I have not been directly involved in the development of the One Plan, however I have provided heritage advice to Horizons Regional Council and I have attended a pre-hearing meeting with key stakeholders, which has helped inform the One Plan.

**Scope of evidence**

4. I have prepared this evidence using information from two publications by the New Zealand Historic Places Trust/Pouhere Taonga:
  - *Heritage Management Guidelines for Resource Management Practitioners*, 2004.
  - *Sustainable Management of Historic Heritage Guidelines: Guides 1-3*, 2007.

My evidence will provide:

- A legislative overview of historic heritage and identify what the RC and TAs are required to do via RMA.
- An overview of the responsibilities of key historic heritage agencies, in particular NZHPT and NZAA. This overview includes an explanation of NZHPT's statutory role in regard to archaeological sites.
- A general overview of submitters concerns and my key recommendations.

## 2. EXECUTIVE SUMMARY OF EVIDENCE

5. The key points of my evidence are:

- (a) There are two pieces of legislation which are of particular relevance to the protection of land-based historic heritage in New Zealand: the Resource Management Act (RMA) 1991 and the Historic Places Act (HPA) 1993 and both are relevant to the Proposed One Plan (POP).
- (b) Historic heritage is a natural and physical resource and a "matter of national importance" to be protected from inappropriate subdivision, use and development (s. 6(f)). In 2003 amendments to the RMA added a definition of "historic heritage", which is:
  - (i) 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; and
  - (ii) 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.
- (c) This definition indicates that historic heritage is identified in the RMA as being more than just archaeological sites, wahi tapu and koiwi, therefore I consider it essential that when historic heritage is mentioned in the POP that the words "historic heritage" are also included to ensure people are aware of the wider definition.
- (d) An archaeological site is defined in the HPA as:
 

Any place in New Zealand that:

  - (a) either –
    - (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 of may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

- (e) I consider it important that there is an advice note in the POP to the effect that modification of sites with archaeological values is controlled by the New Zealand Historic Places Trust under the Historic Places Act 1993 and any person wanting to undertake any activity on such a site that may damage, destroy or modify it must apply for an authority to do so.
- (f) There is also a need to clarify the role of the NZHPT (the lead agency for land-based historic heritage) particularly in regard to its statutory role in the management of archaeological sites and also in regard to its Register of historic places, areas, wahi tapu sites and areas.
- (g) Although the NZHPT has statutory responsibility for archaeological sites it is the New Zealand Archaeological Association (NZAA) a voluntary society (NGO) who owns and manages the national database of archaeological records: the Site Recording Scheme with administrative support from the Department of Conservation and NZHPT - the "Tripartite Agreement".
- (h) I consider that the POP needs to be amended to strengthen the objectives, policies and methods regarding historic heritage, so as to achieve the sustainable management and integration of historic heritage and to protect it from adverse effects of land-use and development activities.
- (i) I know that if historic heritage is to be managed in a sustainable manner and protected from adverse effects it must be identified and recognised. There is the opportunity for the Regional Council to provide to the Territorial Local Authorities (TLAs) direction and guidance about the preparation and maintenance of schedules of historic heritage through the provision of policies and methods in the Regional Policy Statement.
- (j) The Regional Council has particular responsibilities for the Coastal Marine Area (CMA) and should develop and maintain a schedule of historic heritage in the CMA.
- (k) I do not think the Regional Council should have a schedule of all the historic heritage in the Region, because this would be a duplication. Instead I suggest the Regional Council provide electronic links to the TLAs' schedules.
- (l) I consider that common criteria for the identification of historic heritage and the assessment of adverse effects on the historic heritage values should be used throughout the region. These criteria are: physical values; historic values and cultural values. By using these criteria promoted by the NZHPT in Guide 1 of their publication *Sustainable Management of Historic Heritage*, the Regional Council will be assisting integrated management of historic heritage across the region and assisting with the development of common standards throughout New Zealand.

- (m) I consider that the list of registered places from the NZHPT Register and the list of recorded archaeological sites NZAA Site Recording Scheme is the minimum core information for every district plan.
- (n) I think cross-references should be made between Chapter 7, Chapter 4 and in the rules to assist with the integration of the various resource management issues.

### **3. EVIDENCE**

#### **Legislative Overview**

- 6. There are two pieces of legislation which are of particular relevance to the protection of land-based historic heritage in New Zealand: the Resource Management Act (RMA) 1991 and the Historic Places Act (HPA) 1993.

#### **Resource Management Act 1991**

- 7. 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.
- 8. 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.
- 9. 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).
- 10. 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).

11. 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).
12. 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 an adverse effect on historic heritage.
13. 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.
14. 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).
15. 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).
16. 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.
17. 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).
18. Identification of resource management issues of significance to iwi authorities are a significant issue in the Region. Regional councils are 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).



19. 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).

### **Historic Places Act 1993**

20. The primary purpose of the Historic Places Act 1993 is to promote the identification, protection, preservation and conservation of the historical and cultural history of New Zealand (s. 4(1) HPA).

### **Heritage Agencies**

21. There are a number of organisations with various responsibilities associated with the recognition and management of historic heritage. These include:

#### Governmental organisations:

- Government Departments - Ministry for the Environment; Ministry for Culture and Heritage; Department of Conservation; Te Puni Kokiri, Ministry for Maori Development
- Statutory Agencies –
  - Parliamentary Commissioner for the Environment - regional councils and Territorial Authorities;
  - New Zealand Historic Places Trust – NZHPT Board, Maori Heritage Council, Museum of New Zealand, National Library, Archives New Zealand;
  - New Zealand Conservation Authority – Conservation Boards;
  - Iwi Authorities/Maori Authorities – Runanga and Trust Boards, Maori Incorporations, Management Committees, Maori Trusts and Reserve Boards, Marae Committees, NZ Maori Council, Maori District Councils.

#### Non-Governmental Organisations (NGOs)

- Tangata whenua
- Heritage NGOs and advocates eg. New Zealand Archaeological Association(NZAA), Professional Historians Association (PHANZA), ICOMOS New Zealand, Lottery Grants Board, Museums Aotearoa, Rail Heritage Trust, NZHPT Branches.

#### Private Sector

- Specialists
- Businesses
- National Interest groups
- The Public

### **The New Zealand Historic Places Trust**

22. The New Zealand Historic Places Trust (NZHPT or “the Trust”) is a bicultural organisation, governed by its Board of Trustees and the Maori Heritage Council.
23. NZHPT’s responsibilities relate to historic buildings, historic places, areas, archaeological sites and Maori heritage including wahi tapu and wahi tapu areas.
24. The functions of the Maori Heritage Council include the development of the bicultural dimension of the NZHPT, the empowerment of Maori to manage their heritage and raising public awareness of Maori heritage.
25. NZHPT is the lead agency for land-based historic heritage in New Zealand and has two main functions: to establish and maintain a Register of historic places, historic areas, wahi tapu and wahi tapu areas; (s. 22(1)) and the statutory responsibility for managing the modification of archaeological sites (ss. 10-20 HPA).

### **The Register**

26. The purpose of the Register is to:
- Inform members of the public about historic places, historic areas, wahi tapu and wahi tapu areas.
  - Notify owners of historic places, historic areas, wahi tapu and wahi tapu areas where necessary for purposes of the HPA.
  - Assist historic places, historic areas, wahi tapu and wahi tapu areas to be protected under the RMA (s. 22(2) HPA).

### **Archaeological Sites**

27. An archaeological site is defined in the HPA as:

Any place in New Zealand that:

- (a) either –
- (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 of may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

28. Any person wishing to undertake work that may damage, destroy or modify an archaeological site, or to investigate a site by excavation, must first obtain an authority from NZHPT for that work (ss. 10-20 HPA).
29. This process applies to all archaeological sites whether they have been recorded in the New Zealand Archaeological Association Site Recording Scheme, registered by the NZHPT, or only become known through development activities, and even if the activity is permitted under a district or regional plan or a resource or building consent has been granted (ss. 10-20 HPA). It also applies to sites on lands of all tenure.
30. The HPA contains penalties for unauthorized site damage or destruction.

#### **New Zealand Archaeological Association**

31. The New Zealand Archaeological Association (NZAA) is a voluntary association that has developed an archaeological site recording scheme that contains records of over 60,000 archaeological sites.
32. The Department of Conservation (DoC), NZAA and NZHPT have a tripartite agreement over the administration of the NZAA Site Recording Scheme, which was described by the Parliamentary Commissioner for the Environment as a Database of National Importance. DoC administers the Central File and developed the Central Index of New Zealand Archaeological Sites (CINZAS).
33. This tripartite agreement, and the policy that is encapsulated in the agreement, enables the NZAA Site Recording Scheme to be recognised and promoted by the statutory authority, the NZHPT, as an important national resource.
34. The Site Recording Scheme was established by members of NZAA in the mid 1950s as a way of recording sites for research purposes and for protection. By the mid 1990s NZAA was aware that the Site record File was being used for planning purposes and that the information in the File was of variable quality.
35. A Site Upgrade Project was started with financial support from regional councils, territorial authorities and the Ministry for Culture and Heritage. This project, which is still ongoing has reevaluated many of the recorded sites in New Zealand. Recently NZAA has

obtained funding from the Department of Internal Affairs for the digitisation of the Site Record File over the next three years.

### **General overview of submitters concerns and my key recommendations**

36. The submissions make a number of general assertions regarding the historic heritage section of the One Plan. These include: the need to revise and strengthen the objectives, policies, methods and rules; directions to TAs for the identification of historic heritage sites and assessment of effects; New Zealand Historic Places Trust (NZHPT) approval regarding archaeological sites; the need for an overview of Historic Heritage Agencies; matters concerning the structure of the POP and integrated management; cross-referencing with Iwi chapter; consultation with iwi; the title of Chapter 7: Living Heritage; and additions to the Glossary, which I discuss later in the Glossary section.

### **Revision and strengthening of the provisions (issues, objectives, policies, methods)**

37. NZHPT 353/2 and NZHPT 353/8 seek substantial revision to ensure historic heritage is recognised and provided for as a matter of national importance under s. 6 (f) of the RMA. The NZHPT suggests using their documents *Sustainable Management of Historic Heritage Guides 1 & 2* as guidance to assist with adding issues, objectives, policies, methods, principal reasons, and key definitions relating to historic heritage.
38. Wellington Conservation Board 375/14 asks that Council 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.
39. I agree that revision of the historic heritage section of Chapter 7 is necessary to strengthen the provisions for historic heritage to ensure that historic heritage is identified and protected and historic heritage is recognised and provided for as a matter of national importance and suggest that the Council could incorporate some of the issues, objectives, policies and methods contained in *Guide No. 2* (pages 7 to 8) into its Regional Plan.

### **Directions to TLAs**

40. NZHPT (353/11) considers that Objective 7-3 and Policy 7-10 are too vague to demonstrate any commitment to the protection of historic heritage from inappropriate subdivision use and development and to give direction to Regional or District Plans. Such direction is required in terms of how to identify areas of historic heritage significance and the type of objectives, policies, methods and rules. This submitter asks that the One Plan includes objectives and policies that will achieve the sustainable management of historic

heritage under the RMA and encourages Council to refer to pages 9 to 15 of the above *Guide 1* to rectify this deficiency. NZHPT 353/28 requests that Council better provides for the identification and protection of historic heritage in the proposed Regional Plan and advises 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).

41. Several submitters (Wellington Conservation Board 375/17, NZAA 226/6 Te Iwi o Ngati Tukurehe Trust 481) request methods/projects to develop, maintain and update inventories of historic heritage.
42. I consider that it is mandatory for TLAs to develop, maintain and update inventories of historic heritage in their districts. This is because they have a statutory responsibility to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development in the context of sustainable management. Responsibilities for managing adverse effects on heritage arise as part of policy and plan preparation and the resource consent processes. It is not possible to protect historic heritage without knowing where and what it is and the most effective method of collating this information is by developing, maintaining and updating inventories of historic heritage.
43. Local authorities have a duty to gather information and monitor the state of the environment in the region or district. Historic heritage is a natural and physical resource that needs to be monitored and addressed in the state of the environment report.
44. I consider it would be helpful if issues, objectives, policies, and methods are added to Chapter 7 in order to strengthen the Regional Policy Statement and provide guidance to Territorial Local Authorities for the identification of areas of historic heritage significance and the type of objectives, policies, rules that will assist with the protection of historic heritage. I further consider that the historic heritage resources should be identified using common criteria for identifying historic heritage and assessment of effects on historic heritage. There is guidance available on page 8 of *Guide No. 1* in addition to the sources suggested by 375/17. This will also contribute to assisting with the integrated management of historic heritage throughout the region.
45. I consider the Regional Council has a statutory responsibility to develop and maintain an inventory of historic heritage in the Coastal Marine Area, where it has exclusive responsibility. This would provide effective leadership to the TLAs.

### **Overview of Heritage Agencies**

46. NZHPT 353/9 and 353/10 ask that the One Plan, preferably Section 7, include an overview of heritage agencies and responsibilities, in particular NZHPT's statutory responsibilities with regard to archaeological sites, to ensure integrated management of the region's natural and physical resources; and that Chapter 7 include a discussion of significant heritage issues for the region including any relevant entry in the Historic Places Register that has bearing on resource management issues of the region. (s. 66(2)(11a) RMA).
47. I think that a general overview of heritage agencies is not necessary as the One Plan is designed to provide efficient, essential information to enable the sustainable management of the natural and physical resources of the region and there are other documents that provide this background information.
48. However I do recommend that the One Plan clarify the role of the NZHPT as the lead heritage agency for land-based historic heritage and its statutory role with regard to the Register and archaeological sites.
49. I also consider that the One Plan consider clarifying the role of NZAA – an NGO that has developed and maintained, with the assistance of the Department of Conservation, the only national record of archaeological sites, which is a national resource promoted by the NZHPT. NZHPT considers that all local authorities should have the sites in the NZAA Site Recording Scheme and the places and areas registered on the NZHPT's Register as the minimum core information in their Historic Heritage Inventories.

### **Integrated management**

50. NZAA 226/1 considers the 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 and that 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.
51. NZAA 226/6 requests objectives and policies that provide for the integrated management and protection of historic heritage and Wellington Conservation Board 375/14 seeks strengthening of One Plan with additional policies, methods, rules and appendices to protect the region's historic and cultural heritage. NZAA 226/6 submits that the objectives and policies within Chapter 7 need to support the integrated management of historic heritage within the region and its protection from inappropriate subdivision, use and development.

52. I recommend that the Regional Policy Statement is amended to contain an overview of the NZHPT's roles and responsibilities, including the statutory responsibilities of the NZHPT in regard to archaeological sites; and that it clarifies the role of NZAA; and a statement of the significant historic heritage issues for the region – e.g. the actual or potential effects of the use, development or protection of land; and objectives and policies for the management of effects that may impact on historic heritage. I consider the guidance provided in pages 9 to 15 of *Sustainable Management of Historic Heritage Guides 1* provides useful best practice examples regarding the management and protection of historic heritage.

### **Regional Plan**

53. NZHPT 353/14 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 prefer a comprehensive Regional Plan, which covers air, land and water, but consider that there should 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 in NZHPT's opinion could form the basis of the separate Regional Plan document.

54. I do not support the NZHPT's submission in regards to the preparation of separate Regional Plans because it is contrary to the philosophy and purpose of the One Plan.

### **Consultation with Iwi**

55. Nga Pae o Rangitikei 427/78 and Environmental Working party 386/78 ask that Council work closely with them in regards to Council's responsibilities regarding their historic (and cultural) heritage.

56. Chapter 4 identifies the resource management issues of significance to Maori including historic (and cultural) heritage where the Council's responsibilities towards Maori are provided for.

57. I recommend that a link is made between Chapter 7 and Chapter 4 to assist with close relationships between Maori and Council that the proposed policy suggested by Environmental Working Party and Nga Pae o Rangitikei is considered via Chapter 4.

### **NZHPT Approval**

58. NZAA 226/9 says that it is important for the blanket protection that the Historic Places Act 1993 provides to pre-1900 archaeological sites is acknowledged somewhere in the plan and that it is important to have a note that an archaeological authority from the New Zealand Historic Places Trust may be required before work can recommence if an archaeological site is discovered during work.
59. I consider that it is essential that the statutory responsibilities of the NZHPT in regard to archaeological sites and the protection afforded to them are included somewhere in the One Plan.

### **Title of Chapter 7**

60. NZHPT 353/6 requests the title changed from “Living Heritage” to “Living and Historic Heritage”, although NZHPT 353/7 would prefer the section separated into two, titled Natural Heritage and Historic Heritage respectively. Dr M J Shepherd196/1 asks that the chapter title “Living Heritage” is replaced with “Landscape and Living Heritage”.
61. The reasons provided for retaining the title as Living Heritage are that the focus of the Chapter is “Biodiversity”, which is one of the “Big Four” environmental management issues facing the region, and the “living” part of heritage. This Chapter encompasses - landscapes, historic heritage, public access and natural character; all of which cannot be included in the title. Submission 196/1, which is referring 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. I understand that as the emphasis of the One Plan is on biodiversity it may be appropriate to retain the title “Living Heritage”.

### **Cross-reference**

62. Environmental Working Party 386/79 and Nga Pae o Rangitikei 427/79 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. 386/79 and 427/79 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.
63. The suggestion received for an additional policy to cross reference Chapters 4 and 7 is:
- (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.

64. I consider that 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. Integration of both 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. It will also achieve the objectives sought by the statement ((62(1)(c).RMA). It is not considered appropriate to include all the clauses in the new policy or objective as sought by the submitters in Chapter 7, but to consider them as part of Chapter 4.

**65. Recommendations - HH 1**

- That the Regional Policy Statement be amended to contain an overview of the NZHPT's roles and responsibilities, including the statutory responsibilities of the NZHPT in regard to archaeological sites; and clarify the role of NZAA; and a statement of the significant historic heritage issues for the region – e.g. the actual or potential effects of the use, development or protection of land; and objectives and policies for the management of effects that may impact on historic heritage.
- That the Regional Council formulate a new policy that incorporates common criteria based on the examples on pages 9 to 15 of the NZHPT's *Sustainable Management of Historic Heritage Guide No. 1: Regional Policy Statements* to strengthen the identification and protection of historic heritage in the region.
- That the Council incorporate relevant best practice issues, objectives, policies and methods on pages 7 to 8 of *Sustainable Management of Historic Heritage: Guide No 2: Regional Plans* in its Regional Plan.
- That Chapter 7 is amended to include a new policy or objective that links it with Chapter 4.

- That the definition of an archaeological site is included in the Glossary as “archaeological site” is not defined in the RMA. The definition included should be the same definition contained within the Historic Places Act 1993.

#### **Chapter 7 Paragraph 7.1.1 Scope**

66. 180/43 seeks to change clause 7.1.1(3) from “Historic heritage - The protection of historic places and archaeological sites” to read (3) “Historic heritage - The protection (or enhancement) of historic (heritage resources and values)” and Meridian Energy Limited 363/103 seeks the amendment of 7.1.1 (3) to include “the protection of historic places and archaeological sites from inappropriate subdivision, use and development”.

67. I consider 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 those heritage qualities that are expressed in the RMA definition. The RMA definition encompasses the proposed addition “heritage resources and values”.

68. I do not consider it necessary to repeat the text “the protection of historic places and archaeological sites from inappropriate subdivision, use and development” because that is contained in the RMA.

#### **69. Recommendation HH2**

- That the definition of historic heritage used by the RMA is given in clause (3): Historic heritage – 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; and includes: historic sites, structures, places, and areas; and archaeological sites; and sites of significance to Maori, including wahi tapu; and the surroundings associated with the natural and physical resources.

#### **Chapter 7 Paragraph 7.1.4 Historic Heritage**

70. Progress Castlecliff Inc. 332/9 seek that historic features of Castlecliff be 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.

71. The historic features of Castlecliff are a matter for the Territorial Authority, but the Regional Council does have the opportunity to ensure that the territorial authorities give due recognition to historic heritage in their districts through the provision of objectives and policies. I suggest the Regional Policy Statement include a policy that directs regional

and district plans to include relevant objectives, policies and rules relating to historic heritage, including historic heritage schedules based on a common conceptual framework for historic heritage places that promotes the use of common criteria for identifying historic heritage and assessing the effects of historic heritage, because this approach has valuable benefits for a region in terms of promoting a consistent and integrated approach to historic heritage.

72. Visit Ruapehu 152/9 request that the Regional Council control activities that can have an adverse impact on a particular site in order to minimise adverse effects.
73. Subdivision and land development are functions of Territorial Authorities, however the One Plan can provide policies to ensure that TLAs control activities that have an adverse impact on sites.
74. Ngati Kahungunu Iwi Incorporated 180/44 ask that the word “water” is added to the third sentence in the first paragraph, for example 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”.
75. Manawatu Branch of Green Party 433/43 seeks that paragraph 2 of 7.1.4 includes 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”.
76. I consider it preferable to use the definition in clause 7.1.1(3) because the definition of historic heritage may be interpreted as including these values.

**77. Recommendation HH 3**

- That the POP direct Territorial Authorities to include in their district plans relevant objectives, policies and rules in their Plans that relate to historic heritage, including historic heritage schedules that are based on a common conceptual framework for historic heritage places similar to the model in pages 7 to 8 of *Guide No. 1* and contain as a minimum for each district the sites recorded by NZAA and the places and areas registered by the NZHPT.
- That the One Plan provide common criteria for the identification of historic heritage and the assessment of effects of subdivision, use and development on historic heritage: this may be based on guidance provided in section 3.1 of *Guide No. 1*.

- That the POP directs Territorial Authorities to control activities that have actual or potential adverse effects on historic heritage and refers to the statutory role of NZHPT with regard to archaeological sites.
- That the text “or water” be included in sentence 3 in s. 7.1.4 as requested.
- That 433/43 is accepted in part in so far that the text reads “which are rich in historic heritage, including wahi tapu and archaeological sites”.

### **Chapter 7 Issue 7-3 Historic Heritage**

78. Both 180/45 and 375/15 seek additional text “ and water” and “and development” to the issue so that it reads: “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”.

79. I consider that these amendments are appropriate and clarify the risks to historic heritage.

80. 363/109 oppose Issue 7-3 and request that the following amendment or similar be made. Historic heritage can be affected by from the effects of land-use activities, etc.

### **81. Recommendation HH 4**

- That the text “and water” and “and development“ be added to the Issue

### **Chapter 7 Objective 7-3 Historic Heritage**

82. The submissions seek variously to strengthen or generalise this Objective.

- 180/48 seeks the removal of the text “significantly” from the Objective so that it reads "Historic heritage is protected from activities that would reduce heritage values."
- 182/22 seeks the amendment of Objective 7-3 to read: 'Historic heritage is protected from activities that would have a significant adverse effect on its heritage values.'
- 363/115 oppose Objective 7-3 and request 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 deleted.
- 440/47 seeks that Objective 7-3 be re-phrased in order to better safeguard heritage within its context. For example change "...that would significantly reduce heritage values..." to "...that would compromise heritage values..."
- Palmerston North City Council 241/83 is in support of Issue 7-3, Objective 7-3 and Policy 7-10 relating to historic heritage. 426/99 is in support of Objective 7-3.

**83. Recommendation HH 5**

- I consider the Objective should be amended to “Historic heritage is protected from adverse effects of land-use and development activities” to be consistent with the best practice example in *Guide No. 1*.

**Chapter 7 Policy 7-10 Historic Heritage**

84. 363/122 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”, or deleted.

85. 440/60 seeks the following term in Policy 7-10 “heritage values” [instead of archaeological values].

86. I recommend that an amendment to Policy 7-10 includes the text “historic heritage” because in my opinion Policy 7-10 should reflect all the values of historic heritage in the RMA definition, not only those values that are archaeological or historic.

87. Wellington Conservation Board 375/16 seeks the addition of the following new policies (7.11 and 7.12).

1. Regional and district plans shall include schedules identifying important historic heritage sites and areas for protection
2. 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:
  - (i) Historic values relating to the history of a place and how the historic heritage resource demonstrates important historical events, processes, themes or people
  - (ii) Maori values
  - (iii) Physical values including archaeological, architectural and technological
  - (iv) Social values of places including places highly valued for their contribution to local identity and local landmarks
  - (v) Rarity and integrity.

88. The addition of a new policy regarding the inclusion of schedules in regional and district plans identifying important areas and sites for protection is supported. (s.61 RMA) The Regional Council has the opportunity in development of 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, but I do not suggest that the Regional Council develop and maintain a Schedule of their own as this duplicates the work undertaken by the Territorial Authorities. Instead I 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.

89. However I do consider it important that the Regional Council develops a schedule of historic heritage in the Coastal Marine Area for several reasons: they have a statutory responsibility for protection in this area and as part of their leadership role and promotion of best-practice sustainable management.

90. I consider it 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 consistency of approach to historic heritage is maintained throughout the region. These criteria should be consistent with the criteria suggested in Policy 1 – Identification of historic heritage on pages 11 to 12 of *Guide No. 1*. In addition I recommend using the NZHPT's criteria because this will contribute to the development of consistency in the management of historic heritage throughout New Zealand.

**91. Recommendation HH 6**

- That Policy 7-10 remain, but that it is amended to read: “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 effects, on historic heritage”.
- That a policy is added to Chapter 7 regarding the identification of historic heritage in schedules in regional or district plan and the use of common criteria for the identification of historic heritage and assessment of effects.

**Chapter 7 Method General**

92. NZHPT 353/12 request that the One Plan includes both regulatory and non-regulatory methods for the plan to be purposeful in the identification, protection and conservation of historic heritage and recommends pages 14-15 of *Sustainable Management of Historic Heritage: Guide No 1 Regional Policy Statements* for good examples.

93. There is a range of methods available to TLAs to enable them to identify and protect historic heritage including non-regulatory and regulatory methods. I think the new policy

that directs TLAs to develop and maintain a schedule of historic heritage in their districts is sufficient direction to ensure that historic heritage is protected in the region.

### **Chapter 12-1 Land-use Activities and Land Base Policy**

94. Wellington Conservation Board 375/18 recommend policies and rules in the Regional Plan so that effects on historic heritage are taken into account when making decisions on resource consent applications and setting conditions and that the plan is amended with the insertion of the text “historic heritage” in (i) 12.1 .

95. I consider that policies and rules in the Regional Plan are needed that give effect to Policy 7-10, that is, that all resource consent use activities controlled by the Regional Council shall be managed in a manner that protects historic heritage.

96. I also consider that effects on historic heritage need to be taken into account when making decisions on resource consents and setting applications and that provision should be made for this in policies and rules.

97. “Historic heritage” should be inserted into Chapter 12.1 section (i) after natural character because this is part of Chapter 7 and a matter of national importance.

#### **98. Recommendation HH 8**

- That policies and rules in Chapter 12.1 give effect to Policy 7-10 to ensure that the effects on historic heritage are taken into account when making decisions on resource consent applications and setting conditions.
- That 12.1 (i). be amended to include the text “historic heritage”

### **Glossary**

99. NZHPT 353/13 request that the Glossary of the One Plan includes definitions of “archaeological site” and “historic heritage” that are consistent with Part 2 of the RMA.

100. Eight additional submitters recommend the addition of the RMA definition to the Glossary.

101. NZAA 226/8 seeks that the Council include 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”.

102. I do not think it is necessary to repeat RMA definitions of glossary terms in the POP because a clear statement is provided at the beginning of the Glossary that explains that

words and terms used and defined by the RMA have the same meaning as in that Act and are therefore not repeated in the POP glossary. This is considered the best approach because it ensures that the POP remains up to date with amendments to the RMA and does not require amendment simply because the RMA has been amended. I consider 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.

103. However, I do consider the definition of an “archaeological site” defined in the Historic Places Act 1993, which is the legal definition of an archaeological site, because archaeological sites are not defined within the RMA.

**104. Recommendation HH 9**

- That the definition of historic heritage is not added to the glossary.
- That the following definition is added to the Glossary.
  - “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.”