



New Zealand Historic Places Trust Pouhere Taonga

NZHPT Submission on Publicly Notified Proposed Plan

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West Coast Regional Council
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Submission of New Zealand Historic Places Trust Pouhere Taonga to Proposed Regional Land and Water Plan for the West Coast

This is a submission on the proposed regional land and water plan for the West Coast (the proposed plan). The proposed plan results from a merging of three existing regional plans – the proposed land and riverbed management plan, the proposed water management plan and the regional plan for discharges to land.

The specific provisions of the proposal that the NZHPT's submission relates to are the heritage-related aspects of the proposed plan.

The NZHPT supports the proposed plan and requests amendments to specific provisions as outlined in this submission.

Historic heritage as a matter of national importance

The NZHPT submits that the proposed plan does not fully provide for the protection of historic heritage as a matter of national importance under section 6 of the RMA

Explanation

The proposed plan results from a merging of three existing regional plans – the proposed land and riverbed management plan, the proposed water management plan and the regional plan for discharges to land. Generally, this has meant a direct transfer of the objectives, policies and rules with existing wording mostly unchanged with the exception of provisions relating to Poutini Ngāi Tahu area, the permitted stormwater and on-site sewage disposal rules.

While the NZHPT is supportive of improved provisions to recognise Poutini Ngāi Tahu, the entire plan does require a review and updating to ensure that historic heritage is

recognised and provided for as a matter of national importance under section 6(f) of the RMA. A review of this nature would ensure each section of the plan provides appropriate provisions to provide for historic heritage and to ensure adverse effects on heritage are avoided, remedied and mitigated to achieve the sustainable management of natural and physical resources.

In particular, the review would identify any heritage places, such as historic dams or bridges that are regulated by rules in the proposed plan and which should be listed in the appendix of the plan for protection.

This review can be informed from the NZHPT's *Sustainable Management of Historic Heritage Guidance Series* and the current rolling review of this guidance series.¹ This guidance series includes guidance for regional plans and historic heritage.

The NZHPT seeks the following decision from the local authority:

That Council considers undertaking a review of the regional land and water plan to provide for the protection of historic heritage as a matter of national importance.

Chapter 2. Poutini Ngāi Tahu/Ngāi Tahu Perspective

The NZHPT supports the proposed new provisions as outlined in Chapter 2. Poutini Ngai Tahu/Ngāi Tahu

Explanation

Chapter 2 contains a range of new provisions for Poutini Ngai Tahu/Ngāi Tahu. The NZHPT supports these new provisions and considers that they better recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga under section 6(e) and take into account the Treaty of Waitangi (Te Tiriti o Waitangi). The provisions also better recognises the statutory acknowledgements, pounamu and other matters provided for under the Ngāi Tahu Claims Settlement Act 1998.

The NZHPT notes that within section 2.10 Wahi Tapu, there is a paragraph containing a brief reference to the Historic Places Act 1993. We note that the title of this Act in the section is incorrect (referring to the New Zealand Historic Places Act 1993) and the reference lacks clarity with regards to the archaeological authority provisions of the Historic Places Act 1993 and the implications of historic heritage, as a matter of national importance under the RMA.

¹ <http://www.historic.org.nz/Publications/SustainMgtSeries.aspx>

Historic heritage should be provided for as a separate section in the proposed plan in order to recognise and provide for historic heritage as a matter of national importance. However, in the absence of this section, the NZHPT recommends that the paragraph referring to the Historic Places Act 1993 is improved.

The NZHPT seeks the following decision from the local authority:

That the following paragraph is deleted:

There are requirements under the RMA and the New Zealand Historic Places Act 1993 relating to the protection of archaeological sites and historic heritage. Sites do not have to be registered or listed to warrant this protection. Usually if there is one site there is a high probability of others in the vicinity.

That the following paragraph is inserted:

Tikanga Maori provides the framework to ensure appropriate respect for, and treatment of wāhi tapu.

Under the RMA, the protection of historic heritage (as defined in section 2 of the RMA) from inappropriate subdivision, use and development is a matter of national importance. As a consequence, activities regulated by this plan, such as earthworks, land use and discharges should be designed to avoid, remedy or mitigate effects on historic heritage. Further, consents may also be required from territorial authorities to alter or damage heritage items listed in district plans.

In addition to the provisions of this plan and any relevant district plan, any activity which may modify, damage or destroy any archaeological sites is subject to the archaeological authority process under the Historic Places Act 1993. An archaeological authority is required from the NZHPT to modify, damage or destroy any archaeological site, whether recorded or

not.

An archaeological site is defined in the Historic Places Act 1993 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 or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Archaeological sites may include places of significance to Māori, such as urupā and pa, but also places associated with early European settlement and activities such as early gold mining and timber milling. There often can be unrecorded subsurface archaeological sites in the vicinity of recorded archaeological sites.

Chapter 3. Land Management

The NZHPT submits that provisions relating to land management are improved to better recognise and provide for historic heritage

Explanation

Chapter 3 outlines objective and policies for land management which aims to avoid or reduce adverse effects from land disturbance. In addition to matters such as water and soil resources, it is important that land disturbance is managed to avoid effects on historic heritage. An aspect of this matter is recognised in Policy 3.3.1 with respect to cultural and recreational values. This policy, however, and other associated policies should contain explicit provision to avoid, remedy or mitigate any effects on historic heritage.

The NZHPT seeks the following decision from the local authority:

That the following matter is inserted into the following policies – Policy 3.3.1, Policy 3.3.3, Policy 3.3.5:

Historic heritage is protected from inappropriate use and development

Chapter 18. Rules

The NZHPT submits that rules relating to earthworks, land disturbance, discharges and structures should contain provisions to avoid effects on historic heritage and make reference for the need to obtain an archaeological authority under the Historic Places Act 1993.

Explanation

The proposed plan regulates a range of land disturbance activities such as humping, v-blading, earthworks in riparian margins, earthworks in erosion prone areas, vegetation disturbance, gravel extraction, discharges, planting of exotic trees and activities such as the alteration and demolition of structures in river beds and lakes. It should be a standard condition for these rules that the activity does not result in the damage to any identified historic heritage. Further, the rules should make reference to the possible need for consents from the relevant territorial authority if the activity involves a heritage item listed in a district plan and the need for an archaeological authority from the NZHPT for activities that may modify, damage or destroy archaeological sites.

The NZHPT seeks the following decision from the local authority:

That the following matter is inserted into all permitted activity terms and conditions relating to land disturbance, earthworks, discharges and modification or demolition of structures, in particular, Rules 1-8, Rule 21, Rule 22, Rules 27-30, Rule 71 and Rule 77:

The activity does not cause adverse effects on any historic heritage, including any Māori heritage place, historic place, historic area or archaeological site.

That the following matter is inserted into all restricted discretionary rule matters relating to planting of exotic trees and gravel extraction, Rule 13 and Rule 34:

Potential damage to any historic heritage, including any Māori heritage place, historic place, historic area or archaeological site.

That the following advice is inserted into notes associated with the above rules relating to land disturbance, earthworks, discharges, gravel extraction, planting of exotic trees and modification or demolition of structures:

Additional statutory provisions apply to activities involving archaeological site under the Historic Places Act 1993. An archaeological authority is required from the NZHPT to modify,

damage or destroy any archaeological site, whether recorded or not. This may include earthworks, discharges, planting of trees, land disturbance or the removal of historic structures from rivers and lakes. Contact the NZHPT for further information

Chapter 19. Information Requirements

The NZHPT submits that Chapter 19 contains improved information requirements for historic heritage

Explanation

Chapter 19 contains information requirements for consent applications. There are some specific requirements in relation to the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. There are also requirements for the assessment of effects of the activity on heritage values in relation to the damming or diversion of water, discharge of contaminants discharges to land. The NZHPT seeks improved provisions and consistency in the proposed plan about historic heritage-related consent information requirements

The NZHPT seeks the following decision from the local authority:

That the following matter is included in 19.2 General Information Required:

Any adverse effects on....historic heritage values

19.3 Specific information requirements.

To insert into sections 19.3.1-19.3.4 and to replace the existing heritage-related information requirement in sections 19.3.5, 19.3.6 and 19.3.8 with the following:

An assessment of the effects of the activity on heritage values, including any historic place registered under the Historic Places Act 1993, any place subject to a heritage order under the RMA, any heritage item listed in any district plan, any place of significance to Poutini Ngāi Tahu (including any relevant statutory acknowledgements) and any archaeological site

The NZHPT wishes to be heard in support of our submission



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