

# Te Tai o Poutini Plan – Section 32 Evaluation

## Report Four– Historical and Cultural Values -

Ngā Uara ā-Ahurea, ā-Hītori Hoki

Historic Heritage - Ngā Tuku Ihotanga

Notable Trees -Ngā Rākau Whakamaumahara

Sites and Areas of Significance to Māori - Ngā

Wāhi Tāpua ki te Māori



**Te Tai o Poutini**  
PLAN

*A combined district plan for the West Coast*

## Table of Contents

<b>Executive Summary .....</b>	<b>5</b>
<i>Historic Heritage.....</i>	<i>5</i>
<i>Notable Trees .....</i>	<i>5</i>
<i>Sites and Areas of Significance to Māori .....</i>	<i>6</i>
<b>Part One: Historic Heritage .....</b>	<b>7</b>
<b>1.0 Overview and Purpose.....</b>	<b>7</b>
1.1 <i>Introduction to the Resource Management Issue.....</i>	<i>7</i>
1.2 <i>Regulatory and Policy Direction.....</i>	<i>7</i>
1.2.1 <i>Part 2 of the RMA .....</i>	<i>7</i>
1.2.3 <i>National Instruments.....</i>	<i>8</i>
1.2.4 <i>National Planning Standards and/or Guidance Documents .....</i>	<i>8</i>
1.2.5 <i>Regional Policy and Plans .....</i>	<i>9</i>
1.2.6 <i>Poutini Ngāi Tahu Iwi Management Plans.....</i>	<i>9</i>
1.2.7 <i>Other Relevant Regulation .....</i>	<i>9</i>
<b>2.0 Resource Management Issue and Analysis.....</b>	<b>12</b>
2.1 <i>Background.....</i>	<i>12</i>
2.2 <i>Evidence Base - Research, Consultation, Information and Analysis undertaken .....</i>	<i>12</i>
2.2.1 <i>Research .....</i>	<i>12</i>
2.2.2 <i>Consultation and Engagement.....</i>	<i>14</i>
2.2.3 <i>Poutini Ngāi Tahu Advice .....</i>	<i>14</i>
2.3 <i>Operative District Plan Provisions.....</i>	<i>14</i>
2.3.1 <i>Buller District Plan .....</i>	<i>14</i>
2.3.2 <i>Grey District Plan .....</i>	<i>17</i>
2.3.3 <i>Westland District Plan .....</i>	<i>19</i>
2.3.4 <i>Common Aspects across the three Operative District Plans .....</i>	<i>19</i>
2.4 <i>Analysis of Best Practice – How Other Councils are Addressing the Same Issue .....</i>	<i>20</i>
2.5 <i>Summary of Issues Analysis .....</i>	<i>20</i>
<b>3.0 Scale and Significance Evaluation.....</b>	<b>22</b>
3.1 <i>Explanation Summary.....</i>	<i>22</i>
<b>4.0 Evaluation .....</b>	<b>24</b>
4.1 <i>Evaluation of Objectives .....</i>	<i>24</i>
4.2 <i>Evaluation of Approach to Identification of Heritage Items and Areas .....</i>	<i>26</i>
4.2.1 <i>Description of the Proposed Heritage Items and Areas Schedule and Overlay.....</i>	<i>26</i>
4.2.2 <i>Evaluation of Options around Identification of Historic Heritage Overlay .....</i>	<i>28</i>
4.3 <i>Evaluation of Policies and Rules in Relation to Managing Historic Heritage.....</i>	<i>31</i>
4.3.1 <i>Description of Policies and Rules Proposed in Relation to Historic Heritage .....</i>	<i>31</i>
4.3.2 <i>Evaluation of Options in relation to Policies and Rules for Historic Heritage.....</i>	<i>32</i>
5.0 <i>Summary.....</i>	<i>36</i>

<b>Part Two: Notable Trees .....</b>	<b>37</b>
<b>6.0 Overview and Purpose.....</b>	<b>37</b>
6.1 <i>Introduction to the Resource Management Issue.....</i>	37
6.2 <i>Regulatory and Policy Direction.....</i>	37
6.2.1 Part 2 of the RMA .....	37
6.2.4 National Planning Standards .....	37
6.2.5 West Coast Regional Policy Statement.....	38
6.2.6 Poutini Ngāi Tahu Iwi Management Plans .....	38
<b>7.0 Resource Management Issues and Analysis .....</b>	<b>39</b>
7.1 <i>Background.....</i>	39
7.2 <i>Evidence Base - Research, Consultation, Information and Analysis undertaken .....</i>	39
7.2.1 Research .....	39
7.2.2 Consultation and Engagement.....	40
7.2.3 Poutini Ngāi Tahu Advice .....	41
7.3 <i>Operative District Plan Provisions.....</i>	41
7.3.1 Buller District Plan .....	41
7.3.2 Grey District Plan .....	41
7.3.3 Westland District Plan .....	42
7.4 <i>Analysis of Best Practice – How Other Councils are Addressing the Same Issue .....</i>	42
7.6 <i>Summary of Issues Analysis .....</i>	44
<b>8.0 Scale and Significance Evaluation.....</b>	<b>46</b>
8.1 <i>Explanation Summary.....</i>	46
<b>9.0 Evaluation .....</b>	<b>47</b>
9.1 <i>Evaluation of Objectives .....</i>	47
9.2 <i>Evaluation of Options to Achieve the Objectives .....</i>	48
9.2.1 Description of the Proposed Notable Trees Schedule and Overlay .....	48
9.2.2 Evaluation of Provisions relating to Notable Trees.....	49
<b>Part Three: Sites and Areas of Significance to Māori .....</b>	<b>53</b>
<b>11.0 Overview and Purpose.....</b>	<b>53</b>
11.1 <i>Introduction to the Resource Management Issue.....</i>	53
11.2 <i>Regulatory and Policy Direction.....</i>	53
11.2.1 Part 2 of the RMA .....	53
11.2.3 National Instruments.....	54
11.2.4 National Planning Standards and/or Guidance Documents .....	55
11.2.5 Regional Policy and Plans .....	55
11.2.6 Poutini Ngāi Tahu Iwi Management Plans .....	56
11.2.7 Mana Whakahono a Rohe Agreement .....	57
<b>12. Resource Management Issue and Analysis.....</b>	<b>57</b>
12.1 <i>Background.....</i>	57
12.1.1 Poutini Ngāi Tahu Strategic Objectives and Policies.....	57
12.2 <i>Evidence Base - Research, Consultation, Information and Analysis undertaken .....</i>	58
12.2.1 Research .....	58
12.2.2 Consultation and Engagement.....	60

12.2.3 Poutini Ngāi Tahu Advice .....	60
12.3 <i>Operative District Plan Provisions</i> .....	60
12.3.1 Buller District Plan .....	60
12.3.2 Grey District Plan .....	61
12.3.3 Westland District Plan .....	62
12.4 <i>Analysis of Best Practice – How Other Councils are Addressing the Same Issue</i> .....	62
12.6 <i>Summary of Issues Analysis</i> .....	63
<b>13. Scale and Significance Evaluation</b> .....	<b>63</b>
13.1 <i>Explanation Summary</i> .....	64
<b>14.0 Evaluation of Objectives</b> .....	<b>65</b>
14.2 <i>Evaluation of Approach to Identification of Sites and Areas of Significance to Māori</i> .....	66
14.2.1 Description of the Schedule and Overlay .....	66
14.2.2 Pounamu Management Area and Aotea Management Area Overlays .....	67
14.2.3 Evaluation of Options for Overlays .....	68
14.3 <i>Evaluation of Policies and Rules for Sites and Areas of Significance to Māori</i> .....	71
14.3.1 Descriptions of Policies and Rules Proposed for Sites and Areas of Significance to Māori .....	71
14.3.2 Evaluation of Options in relation to Policies and Rules .....	72
5.0 <i>Summary</i> .....	76
<b>Appendix One – Bibliography of Information in Relation to Historic Heritage Items and Areas</b> .....	<b>77</b>

## Executive Summary

This section 32 evaluation report relates to the Historic and Cultural Values Section. This is made up of three parts – Historic Heritage, Notable Trees and Sites and Areas of Significance to Māori.

### Historic Heritage

This chapter identifies buildings, structures and items of particular historic heritage value to the district. It seeks to protect these for the benefit of current and future generations and in recognition that the Resource Management Act (RMA) identifies historic heritage as a matter of national importance. The definition of Historic Heritage within the RMA includes sites of significance to Māori, including wāhi tapu, wāhi taonga, mahinga kai and other sites of significance, and the traditional and contemporary landscapes within which they occur.

The 2019 National Planning Standards require management of historic sites into: Sites and Areas of Significance to Māori as a standalone chapter, and Archaeological Sites as a section under the Historic Heritage chapter.

For the purposes of TTPP and this s32 analysis therefore the aspects which relate to Sites and Areas of Significance to Māori are addressed separately. Whilst it is acknowledged that there is a strong relationship between cultural sites and areas of significance to Māori and historic heritage sites and areas with a non-Māori focus, for the purpose of the development of TTPP these elements have been separated.

The key resource management issues related to Historic Heritage are:

- Historic heritage helps communities identify with their surroundings and provides tourism and development opportunities. However, the cost of repairing and maintaining these features means they are falling into disrepair
- Adaptive reuse can encourage buildings to be maintained but can dilute their value.
- Historic heritage value can occur at different scales, something might be of value locally but not nationally.

The Historic Heritage Chapter will assist the Councils to fulfil their statutory functions and responsibilities as required by the RMA through the following proposed objectives, policies and rules:

- Two Objectives to recognise and protect heritage items.
- Nine Policies that address the identification and scheduling of heritage items, together with providing a basis for management of activities that could impact on the values of these items.
- Rules that identify activities that could impact on the heritage items and put in place a consent regime to consider the appropriateness of activities.
- Exemptions for small scale, low risk or necessary activities e.g. earthquake strengthening.
- Definitions for key activities relevant to heritage rules e.g. additions and alterations, relocation, repositioning.
- Notations on Planning Maps that identify heritage items.

The key changes in approach from the operative District Plan provisions, are:

- Applying a consistent approach to the identification and scheduling of historic heritage items;
- Applying a consistent level of protection to heritage items across the three districts;
- Providing for a level of adaptive reuse and key maintenance and repair aspects of historic heritage through the Permitted Activity standards and consent hierarchy;
- Clarifying where the internal fabric of a heritage item is also protected
- Better identifying the function of Heritage Areas and protection of these.

### Notable Trees

Trees play an important ecological, environmental, historical and cultural role on the West Coast. Notable trees are those that have been identified as prominent landmarks, that add character and identity to different parts of the West Coast, are rare species or spectacular specimens and/or have special historical or cultural values. Trees are important contributors to amenity, particularly in our urban environments. There are approximately 56 notable tree locations listed in the three Operative District Plans, containing over 60 notable trees. Approximately 80% of notable tree locations are on

public land (such as the road reserve or within parks), with the remainder being located on private property.

The outcomes experienced for notable trees under the Operative Plans are variable. Factors such as the lack of a standalone chapter and specific objectives, and poor information on the location and reasons for scheduling some of the trees have caused implementation issues.

The resource management issue relating to notable trees is the potential for loss or degradation of notable trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment.

The key changes introduced for Notable Trees are:

- A standalone chapter and specific objective and policies for notable trees to align with the National Planning Standards.
- Simplified rules that provide consistent rule triggers for notable trees, irrespective of their category.
- The addition of a number of notable trees identified by the community as having important amenity, historic or cultural values.
- Proposed rules that ensure protection but provide flexibility for tree management such as trimming and maintenance and minor activities in the root protection area.
- Stronger controls on tree removal where a tree is not unsafe or unsound.
- Notations on Planning Maps that identify listed notable trees.

The Proposed Plan and updated Notable Tree Schedule will provide better outcomes, providing for arboriculture contractor input for key activities that represent risk to notable trees.

### Sites and Areas of Significance to Māori

Sites and areas of significance to Māori are part of the West Coast/Tai o Poutini's unique cultural and historic heritage as well as being taonga to Poutini Ngāi Tahu. It is important to protect them from damage or loss resulting from inappropriate land use, subdivision and development.

Traditionally, sites and areas of significance to Māori and archaeological sites have been grouped together in the Operative District Plans and in the Schedules to the Plan. National Planning Standards require these topics to be dealt with separately and provisions have been separated.

However, given the extensive overlap between the sites and areas of significance to Māori and archaeological sites, the Schedule still contains both types of sites. While there is some discussion of archaeological sites in this report, archaeological sites are covered in a separate section of the s32 report for Historic Heritage.

Generally the provisions in the Operative District Plans around sites and areas of significance to Māori are regarded as inadequate and not meeting either the requirements of the RMA or the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. A major exercise to identify and map sites and areas of significance to Māori has been undertaken by Poutini Ngāi Tahu and 215 sites and areas have been included within Te Tai o Poutini Plan.

Alongside this detailed Objectives, Policies and Rules focussed on protecting these sites and areas and enabling tino rangatiratanga by Poutini Ngāi Tahu for their managed have been developed. The sites values are outlined in a schedule and they have been accurately mapped on the planning maps.

The Proposed Plan and Sites and Areas of Significance to Māori Schedule will provide better outcomes for the management of these important areas.

# Part One: Historic Heritage

## 1.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that TTPP Committee has undertaken to date through the development of TTPP, including consultation and engagement.

### 1.1 Introduction to the Resource Management Issue

Heritage buildings and items and archaeological sites are important to the West Coast as they provide us with a sense of time, of where we have been and where we are now, and give us the opportunity to shape our future. It is important to protect them from damage or loss resulting from inappropriate land use, subdivision and development. This report sets out the statutory and policy context for historic heritage, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions.

The report also includes a review of existing plan provisions and an evaluation of alternative methods to achieve the purpose of the RMA in relation to the historic heritage topic. This s32 report addresses Historic Heritage which covers heritage buildings and items, heritage character areas and archaeological sites. Given sites and areas of significance to Māori and archaeological sites have traditionally been grouped together in the Operative District Plans there is some discussion in Part One of this document regarding sites and areas of significance to Māori. However, Part Three of this s32 report provides the substantive information on this topic.

### 1.2 Regulatory and Policy Direction

#### 1.2.1 Part 2 of the RMA

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the District. "Natural and physical resources" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The s6 matters of national importance relevant to the proposed historic heritage provisions are:

- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

Historic heritage is defined in the RMA as:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- i)* archaeological;
- ii)* architectural;
- iii)* cultural;
- iv)* historic;
- v)* scientific;
- vi)* technological; and
- vii)* includes
- viii)* historic sites, structures, places, and areas; and
- ix)* archaeological sites; and
- x)* sites of significance to Māori, including wahi tapu; and
- xi)* surrounding associated with the natural and physical resources.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (c) the maintenance and enhancement of amenity values.

- (f) maintenance and enhancement of the quality of the environment.

(g) any finite characteristics of natural and physical resources.

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are Treaty of Waitangi matters identified in s8 that are relevant to the proposed Historic Heritage provisions. Tangata whenua, through Poutini Ngāi Tahu rūnanga, have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted. All of the above matters are relevant for the protection of historic heritage from inappropriate subdivision, use and development.

### 1.2.3 National Instruments

#### *New Zealand Coastal Policy Statement 2010*

The New Zealand Coastal Policy Statement came into effect in 2010. Its policies aim to achieve the purpose of the RMA in relation to the coastal environment. Policy 17 is relevant to the protection of Historic Heritage:

#### **Policy 17:** Historic Heritage Identification and Protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use and development by:

- Identification, assessment and recording of historic heritage, including archaeological sites.
- Providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki.
- Initiating assessment and management of historic heritage in the context of historic landscapes.
- Recognising that heritage to be protected may need conservation.
- Facilitating and integrating management of historic heritage that spans the line of mean high water springs.
- Including policies, rules and other methods relating to the above in regional policy statements, and plans.
- Imposing or reviewing conditions on resource consents and designations, including for the continuation of activities.
- Requiring, where practicable, conservation conditions.
- Considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

### 1.2.4 National Planning Standards and/or Guidance Documents

#### *National Planning Standards 2019*

Gazetted in April 2019, the purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content. The standards were introduced as part of the 2107 amendments to the RMA. Their development is enabled by sections 58B-58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

The standards outline the spatial layers that can be used in a district plan, including zones, overlays, precincts, special controls, development areas and designations. Heritage buildings and items, heritage character areas and archaeological sites are all overlays, a mechanism that spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

Heritage buildings and items, heritage character areas and archaeological sites fall under the Historic Heritage topic. Historic Heritage in turn falls under the prescribed heading of Historic and Cultural Values.

One set of rules has applied to wāhi taonga/sites of significance to Māori and archaeological sites in all three of the West Coast Operative District Plans. The standards require that these provisions be split into two separate chapters.

The standards also state that any schedules of items must be located within the relevant chapter or there may be a cross reference to an appendix.



### 1.2.5 Regional Policy and Plans

The West Coast Regional Policy Statement (WCRPS) become operative in July 2020 and includes Chapter 4 Resilient and Sustainable Communities. Historic heritage is considered within this chapter of the Plan. TTPP must **give effect** to the WCRPS.

The WCRPS recognises that the high quality living environment on the West Coast is made up of many things that the communities value. The long proud history of the West Coast remains visible in the numerous historic buildings, places, monuments and landscapes, including our rivers, lakes and coastal environments. It is from these resources that a sense of place and identity are derived. To ensure our communities prosper, the significant values of these resources must be protected as far as practicably possible whilst encouraging opportunities for growth and development that do not undermine those values.

Objective 4.4 of the WCRPS reflects this and states:

The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast.

Policy 4.5 addresses this objective as follows:

Promote the sustainable management of historic heritage, through:

- a) Identification of significant values associated with historic heritage;
- b) Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and
- c) Encouraging the adaptive reuse of historic heritage where appropriate and practicable

This policy promotes sustainable management of heritage resources by requiring regional and district plans to include schedules of significant historic heritage; and that the effects of any subdivision, use and development on those identified values are appropriately recognised and managed. This approach also encourages consideration to be given to the economic viability of proposals involving historic heritage.

Method 3 outlines the way in which historic heritage will be identified.

3. Assess and identify in regional and district plans significant historic heritage according to criteria based on the following matters: (a) Historic (b) Cultural (c) Architectural (d) Archaeological (e) Technological (f) Scientific (g) Social (h) Spiritual (i) Traditional (j) Contextual (k) Aesthetic

### 1.2.6 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are two iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan and the Ngāti Waewae Pounamu Management Plan. While these documents focus on the management of pounamu they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

Generally matters in relation to Poutini Ngāi Tahu cultural resources are dealt with in a comprehensive way in the Sites and Areas of Significance to Māori chapter, and discussed further in that evaluation report.

### 1.2.7 Other Relevant Regulation

#### *Heritage New Zealand Pouhere Taonga Act 2014*

The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. All decision-makers must recognise the following principles:

- Historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society.

- The identification, protection, preservation, and conservation of New Zealand’s historical and cultural heritage should:
  - o Take account of all relevant cultural values, knowledge, and disciplines. - Take account of material of cultural heritage value and involve the least possible alteration or loss of it.
  - o Safeguard the options of present and future generations.
  - o Be fully researched, documented, and recorded, where culturally appropriate.
  - o There is value in central government agencies, local authorities, corporations, societies, tangata whenua, and individuals working collaboratively in respect of New Zealand's historical and cultural heritage.
  - o The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.<sup>1</sup> Heritage New Zealand has various functions under the HNZPTA, including:
    - Identifying, listing and protecting historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas on the New Zealand Heritage List.
    - Issuing archaeological authorities in accordance with the HNZPTA.
    - Managing historic places, buildings, and other property owned by Heritage New Zealand.
    - Providing advice on heritage matters in the event of a national or local emergency.
    - Maintaining a list of places of outstanding national heritage value called the National Historic Landmarks.
    - Acting as a heritage protection authority under the RMA.

On the Heritage New Zealand List there are 113 historic places on the West Coast (33 are Category 1 and 71 are Category 2), 7 historic areas, 1 wāhi tūpuna and 2 wāhi tapu areas. This list is an information and advocacy tool only. Heritage New Zealand Pouhere Taonga (HNZPT) generally lobbies councils to have buildings and items on the HNZPT List listed in district plans because once listed they are generally subject to resource consent.

The HNZPT Act makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An authority (permission) must be obtained from Heritage New Zealand before any work that may affect an archaeological site is begun. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under a District or Regional Plan or a resource or building consent has been granted. The HNZPTA provides for substantial penalties for unauthorised destruction or modification.

#### *Conservation Act 1987*

The Conservation Act 1987 provides for the protection of historic resources. This includes historic resources within public conservation land. The management is guided by general policy, conservation management strategies and conservation plans.

#### *Building Act 2004*

The Building Act 2004 requires local authorities to ensure that buildings are safe, promote physical independence and wellbeing, have adequate fire escape and seismic provisions, and are designed, constructed and able to be used in ways that promote sustainable development. Local authorities are also required to take into account Section 4(2) which includes the need to facilitate the preservation of buildings of significant cultural, historical or heritage value. In applying the purpose of this Act the relevant heritage principles are:

d) the importance of recognising any special traditional and cultural aspects of the intended use of the building.

l) the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.

Important changes to this Act relating to the management of earthquake prone buildings (EQPB) came into effect on 1 July 2017. In summary:

- The Councils should be using the identification and remediation methodology and processes for Earthquake Prone Buildings (EQPB) set out in the Act.

- EQPBs must adhere to new timeframes:
  - Priority buildings - 5 years to identify, 12.5 years to strengthen.
  - Other EQPB - 10 years to identify, 25 years to strengthen.
  - Identification timeframes begin from the date of changes to the Act, strengthening timeframes begin from date on the EQPB notice.

## 2.0 Resource Management Issue and Analysis

### 2.1 Background

The development of TTPP has provided the Councils the opportunity to review the approach to historic heritage. Through an analysis of the current provisions, discussions with staff and a comparison to best practice, it has been determined that there are a number of issues with the operative historic heritage provisions.

During the lifetime of the existing district plans many items have fallen into disrepair or have been demolished. This suggests the provisions are not fit for purpose.

The existing district plans require a discretionary resource consent for many activities relating to historic heritage items. In many cases this is unnecessarily restrictive such as for small scale alteration, and in some cases too enabling, such as demolition of nationally significant items.

The existing district plans do not support ongoing use of items.

It is unclear when the internal fabric of a building is included within the listing of an item.

The existing district plan schedules are out of date. Items which are no longer there are listed and some are missing. There are inconsistencies with the historic heritage area listing. This has meant that when demolition consents have been sought, if an historic heritage area listing is not in place, nothing can be done to ensure future development is sensitive to the historic heritage area. This has led to erosion of the historic heritage area, to the level where it can no longer be considered a heritage area.

The extents and precise locations of items is unclear.

Building Act requirements have changed since the current plans were drafted. Some activities, such as earthquake strengthening, are required to be structurally sound and can be extremely expensive. There is currently no consent pathway for works that must be undertaken to fulfil other legal requirements.

### 2.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

#### 2.2.1 Research

The current District Plans, including schedules have been reviewed. A stocktake of all the currently scheduled historic heritage items has been undertaken, as well as those listed by HNZPT but not currently included in the district plan schedules. A detailed bibliography of reports and studies in relation to specific heritage items and areas is included in Appendix One.

External experts have provided guidance, along with internal workshops and community feedback and workshops to assist with setting the plan framework.

This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update – Historic Heritage. Report to Te Tai o Poutini Plan Committee June 2020</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This report provides a summary of the planning context relating to historic heritage values and the process being undertaken to develop provisions for TTPP including a review of the heritage schedules.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/06/TTPP-Agenda-June-2020.pdf">https://tppp.nz/wp-content/uploads/2020/06/TTPP-Agenda-June-2020.pdf</a>

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update – Historic Heritage. Report to Te Tai o Poutini Plan Committee October 2020</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This proposes approaches to manage issues and draft Objectives and Policies for the topic. It also seeks direction from the committee for rules in relation to Historic Heritage.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/10/TTPPC-Meeting-Agenda-October-2020.pdf">https://tppp.nz/wp-content/uploads/2020/10/TTPPC-Meeting-Agenda-October-2020.pdf</a>

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update – Historic Heritage. Report to Te Tai o Poutini Plan Committee December 2020</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This report outlines the state of development of the Historic Heritage Schedule, provides amended draft Objectives and Policies and outlines further potential options for rules for Historic Heritage.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/12/TTPP-Agenda-14-December-2020-1.pdf">https://tppp.nz/wp-content/uploads/2020/12/TTPP-Agenda-14-December-2020-1.pdf</a>

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update – Historic Heritage. Report to Te Tai o Poutini Plan Committee May 2021</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This report outlines the state of development of the Historic Heritage Schedule and proposes rules for Historic Heritage.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2021/05/Agenda-Te-Tai-o-Poutini-Plan-Committee-Meeting-5-May-2021.pdf">https://tppp.nz/wp-content/uploads/2021/05/Agenda-Te-Tai-o-Poutini-Plan-Committee-Meeting-5-May-2021.pdf</a>

Subsequent to this report the draft chapter created for the plan was presented to TTPP Committee on 29 October 2021. That draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

The draft Plan was released in January 2022 for community feedback and provisions were amended following this feedback at a meeting of TTPP Committee on 29<sup>th</sup> March. The final provisions were approved by TTPP Committee at the 21 June 2022 meeting.

The issue of historic heritage values is much wider than just the TTPP, and the Committee has noted:

1. The significant role that HNZPT plays in terms of the identification, protection and management of historic heritage sites;
2. The large number of historic heritage sites, particularly archaeological sites, managed by the Department of Conservation across the West Coast;
3. The range of non-statutory approaches that are being undertaken through collaborative Council-community processes including:
  - a. Co-ordination and liaison with other agencies/parties regarding protection of historic heritage;
  - b. Management of land and assets of the West Coast councils which include important historic heritage buildings and sites;
  - c. Local historical and heritage groups and projects
4. TTPP Committee also acknowledges the role of many other groups, organisations and individuals in the maintenance and protection of historic heritage values generally across the West Coast.

## 2.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the historic heritage provisions have been the subject of targeted consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of active historic heritage stakeholders on the West Coast – local history and historic heritage groups and individuals as well as the key agency stakeholders of HNZPT and the Department of Conservation (DOC).

Numerous one on one meetings were held with individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held.

Specific meetings and workshops held were:

### Plan Development Phase

- February 2020, 14 May 2021, 22 June 2021 – HNZPT staff
- 23 August 2020, 28 August 2020 – West Coast Local Heritage Stakeholders
- 15 February 2021 - HNZPT and DOC Staff
- 18 February 2022 – West Coast Conservation Board
- 24 February 2022 – HNZPT and DOC Staff and West Coast Local Heritage Stakeholders
- 24 February 2022 – multi-stakeholder developer and professional services interests

As well as individual stakeholder and interest group meetings and workshops, a questionnaire was available on the TTPP website with feedback provided by community members to inform the plan development phase.

An issue raised throughout consultation was that locally significant items are poorly represented in the existing schedules. Nominations were sought from the community and promoted through the network of community groups. Several nominations were received, many of the items nominated were already included in the draft TTPP schedule, however, three new items were put forward into the draft plan.

## 2.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki ki Makaawhio are the two papatipu rūnanga on the West Coast. They are collectively known as Poutini Ngāi Tahu. They have provided advice to the TTPP Committee that they expect all sites of significance to Poutini Ngāi Tahu (including where these are pre-European archaeological sites) should be identified and scheduled through the Sites and Areas of Significance to Māori chapter.

## 2.3 Operative District Plan Provisions

### 2.3.1 Buller District Plan

The Operative Buller District Plan contains one objective and six policies around historic heritage and cultural values, including in relation to sites of significance to Māori. These two aspects are intertwined within the Buller Plan.

Objective 4.6.7.1. To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.

#### Policies

4.6.8.1. A close and on-going relationship with tangata whenua and the Council shall be maintained, including the maintenance of confidential records in ways which accord with the tikanga of tangata whenua of known waahi tapu.

4.6.8.2. Evaluate and protect heritage resources by identifying those resources of historic, cultural or architectural value or of special significance to the District.

4.6.8.3. As and when cultural and/or historical sites of importance to tangata whenua are identified by respective Kaitiaki in Buller District, the Council shall facilitate the recording of such sites in ways which accord with the tikanga of local iwi.

4.6.8.4. Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value.

4.6.8.5. Continued access to sites of special cultural significance to tangata whenua shall be supported.

4.6.8.6. Upon accidental discovery of urupa or skeletal remains, consultation with the tangata whenua shall be required.

These objectives and policies collectively support the inclusion in the Operative Buller District Plan of 250 historic places (mainly archaeological sites of both European and Māori heritage), 60 historic items (mainly buildings but also statues, plaques and other structures) and nine "other" locations (mainly urupā) listed within schedules to the plan.

Section 7.9.7 contains the rules for these scheduled historic items as follow:

*Rule 7.9.7.1 Permitted Activities*

*No changes of use or subdivision of any historic/cultural item(s) listed in Part 14, which would adversely affect the heritage resource or detract from the values the item(s) are listed for will be allowed*

*Rule 7.9.7.2 Discretionary Activities*

*No destruction of any historic/cultural item listed in Part 14.*

Where a historic or cultural item is destroyed, this would be a non-complying activity under the General Rule 5.1.5.2 of the Buller District Plan.

As can be seen from the wording above, these rules are exceedingly vague and do not meet good drafting practice standards for rules in RMA plans. They are therefore largely reliant on surrounding discussion in the Plan (i.e. the preceding issues discussion, strategy, and associated explanations and reasons) to understand the context in which they apply. However, the surrounding discussion has no statutory weight and is of limited value when considering a resource consent application.

It was recognised that if the approach to TTPP is to remove this type of material from the plan, the wording of the objectives, policies and rules will need to be reviewed to ensure that objectives, policies and rules remain clear as to meaning and therefore effective at achieving protection of heritage values.

It is considered appropriate to have some limited activities permitted to enable ongoing management (repair and maintenance) of heritage items without undue interference, with significant clarification and specificity compared to the current vague wording.

The current approach of discretionary activity status for most activities (other than demolition) is considered to be overly restrictive for some types of activities – and in particular makes it difficult to undertake adaptive reuse of heritage buildings. Consequently "demolition by neglect" is a significant concern on the West Coast – where the compliance cost and effort of undertaking some maintenance and restoration activities is so significant, that they do not occur. Some plans around the country seek to encourage sensitive reuse through specific provisions that make reuse and redevelopment more feasible.

To incentivise reuse and retention the rules could be more enabling of such activities where historic heritage protection is secured or related benefits are achieved e.g. earthquake strengthening. Alternatively, the rules could incorporate a reduced activity status for any breach of rules where specified adaptive reuse of the listed heritage item is achieved.

The operative Buller District Plan does not explicitly state whether interiors are protected or not, but neither do the rules specifically exclude them. It is understood from Council staff that current practice is to assume that the interior fabric is part of the heritage item, and to consult with HNZPT to

determine if the items heritage value would be degraded from the proposed works. If so, consent is triggered, and HNZPT become an affected party.

With regard to the Schedules, there are also significant issues with the three schedules contained in the current Buller District Plan – which are a mix of archaeological sites, Māori cultural heritage sites, historic heritage buildings and items and some replica items. For example a large number of plaques are included in the historic items schedule. The appendix includes archaeological sites from the New Zealand Archaeological Association site recording scheme. However, the appendix for heritage items does not clearly identify what, if any, items on the list are archaeological sites. It is assumed that at least some (and probably most) of the items in the lists of historic places and other historic/cultural sites are archaeological sites but this is not specified. The rules also do not reference HNZPT in relation to archaeological sites – although they have a significant role with regard to their regulation.

#### *Buller Plan Change 135*

The Buller District Council released Plan Change 135 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and six policies with one Objective and four policies as follow:

**Objective:** To identify examples of buildings, sites and structures that reflect the districts heritage and cultural values, and to provide for the management of those resources in a way that sustains the social, cultural and economic well-being of communities

**Policy 1:** To identify and record buildings, sites and structures of significant heritage value, according to the following criteria:

- i. **Historical and Social Significance:** The heritage item has historical significance or values associated with a notable person, event, time period or activity. The building, site or structure represents an important reflection of the social patterns of its time.
- ii. **Cultural and Spiritual Significance:** The heritage item contributes to the distinguishing characteristics of a way of life, religion, philosophy, custom, practice or other belief.
- iii. **Architectural Significance:** The heritage building, site or structure is a significant example of a particular style or time period.
- iv. **Group or setting Significance:** The heritage building, site or structure has a degree of unity in relationships to its environment or surrounding buildings in terms of scale, space, structure, form, materials, texture and / or colour.
- v. **Landmark Significance:** The heritage building, site or structure provides, or has the potential to reveal, important archaeological information and physical evidence of pre-1900 human activities.
- vi. **Archaeological Significance:** The heritage building, site or structure provides, or has the potential to reveal, important archaeological information and physical evidence of pre-1900 human activities.
- vii. **Technological and Scientific Significance :** The heritage building, site or structure has important technological and scientific interest through its rarity and educational value and has the potential to provide further information through research.

**Policy 2:** To identify and record, in consultation with tangata whenua, sites of significant to Maori in a manner which will ensure that they are respected and protected.

**Policy 3:** To evaluate, in any application for the resource consent in relation to a building, site or structure recorded in this Plan, the values of the item(s) are listed for, and the extent to which the proposed activities provide for the economic, social and cultural well-being of the affected community.

**Policy 4:** To provide for the ongoing, viable use, including adaptive reuse and economic viability, of heritage items.



### 2.3.2 Grey District Plan

The Operative Grey District Plan contains one objective and four policies around historic heritage and cultural values, including in relation to sites of significance to Māori. These two aspects are intertwined within the Grey District Plan.

*Objective: The recognition and protection of buildings, sites, places and objects which contribute to people's appreciation and understanding of the District's heritage*

*Policy 1. To identify heritage buildings, places and sites, waahi tapu, archaeological sites and historic trees, through consultation with the New Zealand Historic Places Trust, Tangata Whenua, the Department of Conservation and the local community.*

*Policy 2. To promote public awareness of the importance of heritage resources, through the provision of information and consultation of interested parties and owners of such resources.*

*Policy 3. To encourage the use of protected buildings, sites and features in the District, while ensuring that their valued heritage features are not altered or destroyed.*

*Policy 4. Demolition, alteration, disturbance of identified items should not be allowed unless it can be demonstrated that:*

*a) the item is in a state of disrepair and the costs to repair are significantly greater than other development alternatives on site.*

*b) any alteration will not detract from its heritage value.*

*c) relocation of the item is able to be accommodated without having a significant adverse effect.*

*d) practical utilisation of the item is not possible.*

*e) regard has been had to cultural and spiritual significance of Tangata Whenua.*

*f) circumstances exist where the heritage item and land it is sited on is in different ownership and following investigation into practical options for the retention of the heritage item, it is unreasonable for the building to remain.*

These objectives and policies collectively support the inclusion in the Operative Grey District Plan of 28 heritage items and four historic areas currently listed within schedules to the plan, and a number of associated rules.

The schedules are based on those items, sites and areas that were scheduled at the time by the then Historic Places Trust.

Like the Buller District Plan, the objectives and policies rely on surrounding discussion in the Plan (i.e. the preceding issues discussion, strategy, and associated explanations and reasons) to understand the context in which they apply.

Appendix 6 of the Grey District Plan includes the rules for historic heritage and the heritage schedule.

The rules are as follows:

*Permitted activities*

*(i) The alteration to a listed heritage item or item in a historic area listed in Schedule 1 and shown on the planning maps is permitted if:*

*(a) the work is for the purpose of maintenance, repair or restoration and the types of materials are the same or similar as that originally used and the works retain the original design.*

*(b) the work is internal that does not result in changes to the exterior design or form of the building, or*

*(ii) The erection, alteration or removal of accessory buildings where the works do not affect any part of a structure listed as requiring protection in the schedule.*

*Controlled activities*

*(iii)*

*(a) The alteration of a Category II item in Schedule 1 that contravenes a permitted condition or the addition to a Category II item is a controlled activity with Council's control limited to the location, external design and appearance of the building.*

*(b) Historic Areas:*

*The erection of any new building within a historic area or the addition or alteration (other than in 26.1(i)) to a non-scheduled item in a historic area is a controlled activity with Council's control limited to the location, external design and appearance of the building, including building material.*

*NB: In terms of (iii)(a) and (b) above, Council will only require the written approval of the NZ Historic Places Trust.*

*Discretionary Activities*

*(iv) The alteration of a Category I item in Schedule 1 that contravenes a permitted condition and the addition to a Category I item is a discretionary activity, and*

*(v) The demolition or removal of a listed heritage item or item in a historic area in Schedule 1 is a discretionary activity.*

During the lifetime of the operative Grey District Plan many heritage items, particularly buildings, have fallen into disrepair. There have been some demolitions, notably, Remingtons Hotel and Waitaki House. The identification of items as either category 1 or category 2 does not seem to have resulted in any notable difference in outcome.

The operative Grey District Plan makes it clear that interiors of buildings are not protected. In some instances this may not be appropriate and heritage values may be being lost. HNZPT lists the interior of several buildings as having heritage value, for example St Patricks Presbytery in Greymouth has fixtures and fittings listed.

It is worth noting that the Schedule in the Grey District Plan does not include the Greymouth Town Centre Heritage Area – which is listed by HNZPT. The once historic town centre has lost many of its historic buildings during the life of the Grey District Plan. Land tenure and the poor state of earthquake strengthening has been a major contributor to this outcome, and it is recognised that the heritage values of the Greymouth Heritage Area have been degraded to such an extent that a listing with HNZPT is no longer appropriate. Accordingly an HNZPT review and removal of the Greymouth Heritage Area has been sought, resulting in the removal of the heritage area from HNZPT listings.

There are no rules in the Grey District Plan with regard to archaeological sites. A schedule of listed archaeological sites is available in Section 26.3 - Schedule 3 to inform the public of the approximate location of known sites and to alert them to the requirements of the Historic Places Act 1993 (HPA). This reference is now out of date as the HPA has been replaced by the Heritage New Zealand Pouhere Taonga Act 2014.

### 2.3.3 Westland District Plan

The Westland District Plan contains no Objectives for Historic Heritage but has three policies that apply as well as one policy on sites of significance to Māori. Like the Buller and Grey District Plans it combines Historic Heritage, Archaeological Sites and Sites of Significance to Māori together in one set of provisions and appendix. The policies are as follow:

*Policy A. Buildings, places and items of significant historic, cultural or scientific interest and their relationship with places in Westland District should be preserved and maintained.*

*Policy B. The re-use of historic buildings and incorporation of heritage buildings features and/or sites into future developments which are planned on the same site or location shall be encouraged.*

*Policy C. Activities within historic buildings should generally be in accordance with the zoning requirements, but in recognition of the building's value, where a different activity will help preserve the building, special consideration should be given. Such applications are likely to be more favourably considered than would otherwise be the case.*

*Policy D. The protection of waahi tapu, taonga and urupa within Westland District shall be encouraged.*

These policies collectively support the inclusion in the Operative Westland District Plan of 31 heritage items currently listed within schedules to the plan and the rules. Like the Buller and Grey District Plans, these rely on surrounding discussion in the Plan (i.e. the preceding issues discussion, strategy, and associated explanations and reasons) to understand the context in which they apply.

The rules are as follows:

#### *Permitted Activity*

*No modification to Appendix A items/sites*

#### *Discretionary Activity*

*Modification to Appendix A items/sites*

As can be seen from the wording above, these rules are similar to those of the Buller District Plan. Similar issues arise as outlined in the commentary on the Buller District Plan

The operative Westland District Plan does not explicitly state whether interiors are protected or not, but neither do the rules specifically exclude them. It is understood from Council staff that current practice is to seek input on a case-by-case basis from HNZPT with regard to whether interior fabric is protected as part of a heritage item.

The rules also do not reference HNZPT in relation to archaeological sites – although they have a significant role with regard to their regulation.

With regard to the Schedule there are some archaeological sites included in the schedule. However, the appendix for heritage items does not clearly identify what items on the list are archaeological sites. They may be included but not specifically identified as such.

### 2.3.4 Common Aspects across the three Operative District Plans

The Buller and Westland District Plans have many aspects of similarity – with unclear rules and no definitions which support them. They generally do not align with statutory direction by being clear on the extent of an activity i.e. what is meant by 'modification', or whether interiors of the building are included. While the rules in the Grey District Plan are clearer, these are not supported by definitions – so it is not clear what is meant by "alteration".

The definitions will also need to align this with any outputs of the National Planning Standards being produced by the Ministry for the Environment insofar as they may be applicable.

The District Plans do not address heritage settings. It is considered unusual and unlikely that a particular heritage item would derive its significance entirely exclusive of its physical context. Accordingly, settings are expected to be a relevant consideration in the assessment of the associated heritage values. It is now considered best practice to clearly identify the extent of the scheduled item

and the setting that contributes to the heritage values, in order to provide clarity of identification, certainty for the owner, to assist in circumstances where a name, address and legal description may all identify a slightly different physical resource, and to better facilitate protection of the heritage item itself.

HNZPT recommends that district plans include 'explicit subdivision rules that are specific to scheduled heritage items and regulate this activity as a discretionary or non-complying activity', because of the close and often inherent relationship between subdivision and the use of land. All three operative District Plans include consideration of heritage values where land to be subdivided contains a heritage item. This matter would form part of the consideration of effects when assessing a restricted discretionary subdivision consent. This approach is appropriate, and TTPP should continue to include consideration of heritage values in respect of any subdivision consents involving land that contains a heritage item or heritage area.

## 2.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- New Plymouth District Plan (second generation, proposed)
- Porirua District Plan (second generation, proposed)
- Auckland Unitary Plan (second generation, operative)
- Kapiti District Plan (second generation, operative)
- Whakatane District Plan (first generation, operative)
- Napier City District Plan (second generation, operative)
- Far North District Plan (first generation, operative)
- Queenstown Lakes District Plan (second generation, part operative)
- Central Otago District Plan (first generation, operative)

These plans were chosen because they deal with similar issues in similar communities or are very recent.

In summary, the findings of the review are:

- The objectives and policies within all of the plans reviewed above have a high level of similarity and alignment with the requirements of the RMA and their respective RPS.
- All of the plans provide for a low level of change (and associated impact on heritage values) as a permitted activity. This is generally restricted to repairs and maintenance with the extent of change limited by definition or through specific standards. Some of the plans provide for works as a controlled activity, but this is only in very limited situations (particularly relating to earthquake strengthening and the like).
- Most of the plans place the majority of activities as restricted discretionary and discretionary activities. This enables assessment of impacts on values (assuming the matters of discretion are appropriately worded) and the ability to decline an application where the appropriate protection of heritage values would not be achieved. This generally applies to alterations and additions, partial demolition, subdivision, and activities within settings.
- In all cases, the most stringent activity status is applied to demolition of heritage items and in some cases, this also is applied to relocation. Generally, this is a non-complying activity status (with the prohibited activity status applied in the Queenstown Lakes District and for some items in the Auckland Unitary Plan being the most restrictive approach).
- Some of the plans reviewed are very complex and this makes interpretation and application more difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout. The more simplistic plan approaches are considered more readable and easy to interpret and apply.

## 2.5 Summary of Issues Analysis

All three operative district plans were prepared before the protection of historic heritage from inappropriate subdivision, use and development was made a Matter of National Importance in 2003. They were also drafted prior to the introduction of the NZHPT Act in 2014. The provisions are dated,

and not reflective of current good practice. There is considerable looseness in the drafting of the rules in particular which make them difficult to interpret, particularly in the Buller and Westland District Plans. The operative district plans do not recognise the implications of earthquake strengthening requirements on historic items which have come into law since the Christchurch earthquakes. The operative district plans also do not provide for adaptive re-use of heritage buildings. This is evidenced by the "demolition by neglect" which has been seen on the West Coast, particularly in Greymouth. In the case of Greymouth, component parts of the significant heritage values of the town centre have been lost, and it no longer warrants a heritage area status.

There is no consistent approach to the scheduling of historic heritage items across the three operative district plans, and archaeological sites in particular are treated differently in all three plans. While the Buller District Plan could be said to have a comprehensive (for the time) list of sites, the information on these is poor – and the locations are often incorrectly identified.

### 3.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment of provisions regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans			X	
Effects on matters of national importance (s6 RMA)				X
Scale of effects – geographically (local, district wide, regional, national)		X		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)		X		
Scale of effects on those with particular interests, e.g. Tangata Whenua		X		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/ commonly accepted best practice?	X			
Likelihood of increased costs or restrictions on individuals, businesses or communities			X	

#### 3.1 Explanation Summary

In summary:

The level of detail of analysis in this report is moderate.

Historic Heritage is of national significance and TTPP Committee has a requirement to protect historic heritage in accordance with s6(f) of the RMA. Historic heritage also contributes to the West Coast’s character and amenity and is often highly valued by the community. The removal, relocation and re-use of, and changes to, historic heritage items can often be of significant interest to the local community and their loss can adversely affect the character of an area and the community’s connection to it. However, the cost of maintaining and restoring historic heritage generally falls upon private landowners with some financial assistance available in the form of grants. This can result in historic heritage, especially buildings, falling into disrepair because they are too difficult or costly to restore or re-use. Such buildings can adversely impact on an area’s amenity and become a hazard to public safety.

The Councils must protect historic heritage from inappropriate subdivision, use and development and have many years of experience in doing so. The operative plan provisions have been fairly effective but given the costs associated with identifying historic heritage, it is imperative to ensure that only items of significance are listed in the Plan.

It is proposed to provide for a range of Permitted and “lower tier resource consent” activities for heritage items – to better enable adaptive reuse of valued heritage.

Where building interiors are significant this is clearly identified within the schedule – and the rules also apply to the scheduled interiors.

## 4.0 Evaluation

### 4.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Change 135 Objective: To identify examples of buildings, sites and structures that reflect the districts heritage and cultural values, and to provide for the management of those resources in a way that sustains the social, cultural and economic well-being of communities.</p>	<p>These objectives are similar and could be relatively easily amalgamated into one objective for all three districts. They are generally consistent with the views of TTPP Committee and statutory and policy context. However, they fail to recognise the need for opportunities for adaptive reuse of heritage items, particularly buildings, as being critical to ensure they are maintained and preserved into the future.</p> <p>The current objectives are not considered the most appropriate in addressing the Historic Heritage issues identified and in achieving the purpose of the RMA. New objectives are proposed as detailed below.</p>
<p>Grey District Plan Objective: The recognition and protection of buildings, sites, places and objects which contribute to people's appreciation and understanding of the District's heritage.</p>	
<p>Westland District Plan Objectives: N/A</p>	
Proposed TTPP Objectives:	Appropriateness to Achieve the Purpose of the Act
<p>Historic Heritage Chapter</p> <p>HH - O1 Recognise, protect and celebrate the benefits of historic heritage of the West Coast and its contribution to wellbeing through supporting a sense of place, community identity and economic opportunities.</p> <p>HH – O2 Provide for development opportunities that are sensitive to the identified values of scheduled historic heritage items and areas while providing for the protection of these values.</p> <p>HH – O3 Identify, assess and recognise places, landscapes and features that are significant to the West Coast/Te Tai o Poutini character and cultural heritage, to ensure their protection for future generations.</p> <p>HH – O4 Protect historic heritage by restricting relocation,</p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of these resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>The proposed objectives will assist with identifying and protecting heritage buildings and items, heritage character areas and archaeological sites, which are physical resources important to present and future generations. Identification and protection of these resources contributes to economic well-being, e.g. by making centres attractive places for people to visit and spend time in which has flow-on effects in terms of money spent on goods and services. It also contributes to cultural well-being, providing people with a sense of time and identity, a sense of where we have been and where we are now.</p> <p>Objective HH-O1 ensures that the values of historic heritage within the context of the West Coast are identified. Objective HH-O2 enables scheduled items to be able to be used on an ongoing basis to ensure their ongoing protection. HH – O3 ensures that sites and areas of historic heritage are identified. These objectives achieve the purpose of the RMA</p>



<p>repositioning, internal and external alterations and additions to heritage items and not allowing demolition and destruction.</p>	<p>to promote sustainable management of our natural and physical resources.</p> <p>Some historic heritage buildings are earthquake-prone and are subject to new strengthening requirements under the Building Act. Historic Heritage buildings are subject to the same Building Act requirements as non-Heritage buildings. Due to their age, the materials and methods of construction, keeping them to standard can have economic implications, not only for individual landowners but particularly for the viability and vitality of the towns of the West Coast as a whole. It is important they are actively used and maintained. If they are left to deteriorate, they can become dangerous to the public, create an eyesore, and rare heritage values could be lost forever. Aside from built historic heritage, the West Coast also has a substantial number of heritage features, and areas. Many of these are relicts of mining booms. These offer opportunities to celebrate our past, and for economic venture.</p> <p>The proposed objectives are responsive to community and stakeholder feedback and align with national guidance and regional policy direction. The objectives are appropriate and reasonable as they provide a clear direction for assessment and decision making affecting historic heritage. The objectives are considered reasonable and achievable as they are consistent with other districts and focus on the particular issues in the District. They are appropriate and effective in achieving the purpose of the RMA.</p>
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Principle Alternative	Appropriateness to Achieve the Purpose of the Act
<p>Not including Heritage provisions in TTPP</p>	<p>This is not considered an appropriate response given the national importance of historic heritage and the level of value the community places on heritage items in the district.</p> <p>This option will have the following consequences:</p> <ul style="list-style-type: none"> <li>- Buildings and items and archaeological sites that have heritage value will not be regulated meaning that they could be at risk from modification or demolition.</li> <li>- The collective value of important West Coast heritage buildings and items will not be adequately recognised, again meaning that they could be at risk from modification or demolition. In addition, there will be no ability to consider effects on the wider historical and cultural landscape.</li> <li>- TTPP will not meet the requirements under section 6 of the RMA, or the WCRPS, including recognising the social, cultural and economic benefits gained from historic heritage protection.</li> <li>- TTPP will not be aligned with National Planning Standards.</li> </ul>
<p><b>Summary</b></p> <p>The preferred objectives will achieve the purpose of the RMA as they are clear statements of intent that recognise the values of historic heritage and protect it from inappropriate subdivision, use and development. They provide certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best-practice throughout New Zealand.</p>	

## 4.2 Evaluation of Approach to Identification of Heritage Items and Areas

### 4.2.1 Description of the Proposed Heritage Items and Areas Schedule and Overlay

There are 105 historic heritage items, 7 historic areas and 24 archaeological sites scheduled in the proposed heritage items and areas overlay.

These are mapped on the planning maps, and the extent of the scheduled area/site/item is described in Schedule One. In the case of buildings where the interior is also protected this is identified in the schedule.

#### *Historic Heritage Items*

The majority of the historic heritage items scheduled are those listed by HNZPT. HNZPT have undertaken a substantial amount of work to update the listings for the West Coast assets. Some items listed in the Operative Buller District Plan (e.g., the plaques, replica streetlights) have not been carried forward into TTPP as they were scheduled in error, or there are more appropriate ways of managing them. Plaques are managed under the Sign rules. The plaques themselves were not constructed using heritage techniques, or by a notable heritage person, they were to indicate a site. The Jacobs River Church, that was scheduled in the Westland District Plan, but not by HNZPT was destroyed by Cyclone Fehi in 2018 so has not been carried forward. In addition, buildings which have now been demolished (e.g., Revingtons Hotel in Greymouth) have also been de-listed. In other instances, the extent, legal description or identified values have been updated or clarified.

Due to public concern that the list may not reflect what is valued on the Coast, nominations for additional items were opened and nominated sites were assessed for inclusion. Of the nominations received many were already listed, or there was insufficient evidence to enable consideration. Several nominations were received for items in private ownership and were not nominated by their owner, and therefore have not been included. The reason for this is while an item could be included without owner approval, it is preferred that the owner is in agreement, and TTPP Committee did not wish this path to be pursued.

The following new items are included in the overlay, being on public land and assessed as being significant.

- Taylorville Wallsend Swing Bridge Site
- Cobden Rail Bridge
- Dixon Park Band Rotunda

The Martins Mitre 10 verandah (HH16) is an existing listing, but not a HNZPT listing. There is no information on why it is of value, and the intended extent. In consultation with BDC staff it is being included in the proposed Plan Schedule and depending on submissions received may be amended as a result of submissions.

A demolition consent has been lodged for the Royal Hotel in Greymouth but had not been granted at the time of notification. At this point the hotel is still standing and is therefore included in the proposed Plan.

#### *Historic Areas*

The historic areas are those listed by HNZPT. Based on the assessment of the Greymouth Town Centre Historic Area, and the loss of heritage values of the area, a request to HNZPT was made to de-list the Heritage Area. This de-listing has now occurred.

#### *Archaeological Sites*

As all archaeological sites are protected under the HNZPT Act, only the most significant archaeological sites to the West Coast have been included in the proposed Plan.

This consists of:

- Cemeteries, current and past due to their sensitive nature and strong community significance. These have been compiled from the existing district plans, and the Archaeology NZ listings.
- Archaeological sites identified through the Sites of Significance to Māori identification process.

- Some of the listed Heritage Items are also archaeological sites. Where this is the case it is identified within the listing.

The New Zealand Archaeological Association holds the records of identified archaeological sites. A copy of this information has been reviewed. There are 1640 recorded sites on the West Coast. This information is updated on a continual basis. The accuracy of sites is relatively poor, usually requires a buffer, and the extent of sites is rarely sufficiently defined. A level of significance is not required resulting in an array of types of sites of varying value.

HNZPT and DOC are key stakeholders. Unfortunately, due to the accelerated plan development they have not been able to undertake assessments of priority archaeological sites within plan drafting timeframes. However, they may provide additional recommended sites for inclusion through the submission phase.

#### 4.2.2 Evaluation of Options around Identification of Historic Heritage Overlay

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: Status quo</p> <p>Identify the following in TTPP and accurately locate them on planning maps:</p> <ul style="list-style-type: none"> <li>- Heritage buildings and items;</li> <li>- Heritage areas;</li> <li>- Some wāhi taonga/sites of significance to Māori and archaeological sites</li> <li>- Retain the mix of approach to identifying interiors of buildings</li> </ul>	<ul style="list-style-type: none"> <li>- Historic heritage is identified, protected and maintained for present and future generations, adding to community identity and enhancing the amenity of the District for residents and visitors, and can contribute to economic revitalisation.</li> </ul>	<ul style="list-style-type: none"> <li>- Landowners wanting to do work on historic heritage may need to seek advice at their expense from professionals, e.g. conservation architects, engineers, etc. A professional could cost in the range of \$80-\$250 hour. If they want to avoid this cost it may lead to a loss of historic heritage, e.g. on-going deterioration through neglect or demolition through neglect.</li> <li>- The land on which historic heritage is situated could be used for other things that contribute to amenity values and provide employment for large numbers of people, e.g. the erection of a new state of the art office building</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying specific historic heritage sites provides certainty about why a particular site is listed and what rules apply to development involving that site.</li> <li>- Does not meet the requirements of the National Planning Standards as wāhi Taonga/Archaeological sites are not subject to separate listings and rules.</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in 1999 - 2005.</li> </ul>
<p>Option B: Proposed Plan Overlay</p> <ul style="list-style-type: none"> <li>- Updated list of Heritage buildings, and items;</li> <li>- Interior elements of specific heritage buildings included;</li> </ul>	<ul style="list-style-type: none"> <li>- Historic heritage is identified, protected and maintained for present and future generations, adding to community identity and enhancing the amenity of the West Coast for</li> </ul>	<ul style="list-style-type: none"> <li>- Landowners wanting to do work on or in the vicinity of historic heritage may need to seek advice at their expense from professionals, e.g. conservation architects, engineers, etc. A professional could cost in</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying specific historic heritage sites provides certainty about why a particular site is listed and what rules apply to development involving that site.</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered</li> </ul>

<ul style="list-style-type: none"> <li>- Updated Heritage character areas; and</li> <li>- Updated list of archaeological sites</li> </ul>	<p>residents and visitors, and can contribute to economic revitalisation.</p> <ul style="list-style-type: none"> <li>- Landowners are aware of the current heritage status of their buildings and items.</li> <li>- The identification of historic heritage will help build community cohesiveness and a sense of togetherness</li> <li>- The identification of the most significant archaeological sites on the West Coast will more strongly highlight to statutory authorities such as the Department of Conservation and HNZPT the importance of these areas to the West Coast community</li> <li>- The correct identification of the locations of archaeological sites where possible and adding extents gives increased certainty that these archaeological sites will be protected.</li> </ul>	<p>the range of \$80-\$250 hour. If they want to avoid this cost it may lead to a loss of historic heritage, e.g. on-going deterioration through neglect or demolition through neglect.</p> <ul style="list-style-type: none"> <li>- The land on which historic heritage is situated could be used for other things that contribute to amenity values and provide employment for large numbers of people, e.g. the erection of a new state of the art office building</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying the location of archaeological sites as well as their extents where possible will provide a higher degree of certainty for plan users, e.g. proposed activities can be better located and designed.</li> <li>- Resource consent will not be required for the "old" position (where the symbol has moved from the location shown in the Operative District Plans) removing an inappropriate burden on landowners who currently require resource consent for a site that has been more accurately located in another location.</li> </ul>	<p>that the items proposed for listing have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.</p> <ul style="list-style-type: none"> <li>- There is some risk that not all heritage items and archaeological sites have been identified.</li> <li>- TTPP sets up a framework that will allow further heritage buildings, heritage areas and archaeological sites to be introduced through plan changes when there is sufficient information available to support additional listing</li> </ul>
<p>Option C: Methods outside TTPP</p>	<ul style="list-style-type: none"> <li>- The Councils will not have to administer resource consent</li> </ul>	<ul style="list-style-type: none"> <li>- This will not give effect to the requirements to identify</li> </ul>	<ul style="list-style-type: none"> <li>- The three district councils are likely to each apply a different approach to non-</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not</li> </ul>

<p>Rely on non-regulatory methods. Rely on private landowners to manage and protect historic heritage.</p>	<p>applications for historic heritage.</p>	<p>and protect historic heritage in the RPS</p> <ul style="list-style-type: none"> <li>- Non-regulatory methods of protection will not provide certainty that historic heritage will be protected. If this method is adopted, the Councils will be limited in actions they can take to prevent loss or degradation of historic heritage.</li> <li>- There will most likely be a loss of historic heritage due to a lack of regulation.</li> <li>- The Councils will incur costs to provide any non-regulatory incentives they decide on.</li> <li>- The Councils may need to consider purchasing historic heritage in order to save them, thus impacting on rates.</li> </ul>	<p>regulatory methods. The nature of TTPP as a Combined Plan prepared by the TTPP Committee provides no way of guaranteeing expenditure by any of the Councils to support non-regulatory methods.</p> <ul style="list-style-type: none"> <li>- Having no rules or performance standards would enable inappropriate activities, subdivision and development to occur, damaging historic heritage without any constraints.</li> <li>- This approach has the potential to result in significant adverse effects and a loss of historic heritage.</li> <li>- No rules or standards is not considered effective in achieving the objectives for the identification and protection of historic heritage, and would be inconsistent with national and regional policy direction</li> </ul>	<p>acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</p> <ul style="list-style-type: none"> <li>- It is considered that there is certain and sufficient information about the provisions in this approach because Councils have experience of dealing with only nonregulatory methods for other items in the current District Plans.</li> <li>- The effectiveness of non-regulatory methods is questionable, for example the Greymouth Heritage Area had no regulation associated with it and has been ineffective as consents have been issued for demolition of heritage buildings within it, with significant impacts on the Heritage Area.</li> </ul>
<p><b>Quantification</b></p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p><b>Summary:</b></p>				

Option B is the preferred option. It is considered most likely to address the key resource management issues identified in Sections 2 and 3 above and give effect to the relevant statutory planning documents. The identification and protection of historic heritage items and archaeological sites is deemed important to the West Coast and it has been identified that the proposed objectives discussed above will provide the basis for the ongoing recognition of this issue. This will give effect to section 6 (f) of the Act and to desired community outcomes. The preferred option will achieve the purpose of the RMA and enable the ongoing use and protection of heritage buildings and items.

The proposed approach to identifying heritage buildings and items and archaeological sites is considered the most appropriate.

## 4.3 Evaluation of Policies and Rules in Relation to Managing Historic Heritage

### 4.3.1 Description of Policies and Rules Proposed in Relation to Historic Heritage

There are nine policies that support the objectives for Historic Heritage. These policies address the following matters:

- Differing significant scales at which historic heritage can be identified
- Outlining the process for identification and assessment of heritage items
- Adaptive reuse of heritage items
- External alterations to heritage items
- Relocation and repositioning of heritage items
- Demolition and destruction of heritage items
- Internal alteration of heritage items
- Flexibility in development control

The rules for heritage items take a cascading approach recognising that there are activities that can be undertaken in relation to a heritage item or area which are necessary, and provided they meet appropriate standards can be Permitted, or subject to a lower tier consent.

Permitted Activities are: Repairs and Maintenance, earthquake strengthening, fire protection, minor earthworks.

Controlled Activities are: Relocation or repositioning of heritage items

Restricted Discretionary Activities are: Matters that are Permitted or Controlled but where relevant performance standards aren't met, new buildings or structures within a Historic Area

Discretionary Activities: Demolition or destruction of a heritage item

#### 4.3.2 Evaluation of Options in relation to Policies and Rules for Historic Heritage

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: Modified Status quo</p> <p>Provide one objective and four policies which combine the current approach of the three Operative Plans</p> <p>These apply to historic heritage, wāhi tapu/taonga sites and archaeological sites</p> <p>Apply the current district-specific rules for the particular items identified within each of the three West Coast Districts</p>	<ul style="list-style-type: none"> <li>- The same number of landowners will be subject to rules if the status quo approach continues. These landowners are already familiar with these rules.</li> </ul>	<ul style="list-style-type: none"> <li>- Not recognising the importance of seismic strengthening could have strong implications for the main town centres given many earthquake-prone heritage buildings are in these areas.</li> </ul>	<ul style="list-style-type: none"> <li>- Potential heritage buildings and items will continue to be assessed under criteria that does not reflect best practice.</li> <li>- Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan,</li> <li>- The TTPP Committee will be meeting its obligations under the RMA to a degree, but TTPP will not be in alignment with the recently released National Planning Standards</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</li> <li>- It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s.</li> </ul>
<p>Option B: Proposed Plan</p> <p>Objectives and policies in one Historic Heritage chapter for the identification, recognition and protection of heritage buildings and items, interior elements of heritage buildings, contributory buildings,</p>	<ul style="list-style-type: none"> <li>- Clearly identified heritage items that have been assessed as having significant values.</li> <li>- Clear understanding of the values and threats to identified heritage items.</li> <li>- Clear understanding of what needs to be managed to protect</li> </ul>	<ul style="list-style-type: none"> <li>- Some potential loss of locally significant heritage items on the West Coast or the further deterioration of significant heritage values.</li> <li>- Cost to landowners of ongoing maintenance, repair and adaptive re-use of heritage items.</li> <li>- Cost to landowners to commission additional reports or designs where</li> </ul>	<ul style="list-style-type: none"> <li>- The Council will be meeting its obligations under the RMA, including the recently released National Planning Standards, although there will be duplication of rules in relation to historic heritage.</li> </ul>	<ul style="list-style-type: none"> <li>- The TTPP Committee has sufficient information to determine the provisions. As the Proposed Plan provisions are largely an update to the Operative Plans provisions, the Committee has a good understanding of the activities affecting historic heritage and their</li> </ul>



<p>historic heritage areas, and archaeological sites.</p> <p>Apply flexible rules for matters such as maintenance and repair; erection and relocation of structures nearby; erection, relocation, total or partial demolition of structures; land disturbance; earthworks; subdivision and signage.</p>	<p>identified heritage items.</p> <ul style="list-style-type: none"> <li>- Decision makers are provided with reliable information on heritage values to make a judgement on the effects of a proposal.</li> <li>- Landowners have a clear understanding of identified heritage items on their land and the impact or value of these qualities.</li> <li>- Recognition of the financial costs of protecting and on-going repair and maintenance of heritage items, and the ability to consider this when assessing resource consents</li> <li>- Potential support for tourism values on the West Coast</li> <li>- Benefits to the community in relation to amenity value.</li> <li>- Benefits to landowners allowing adaptive re-use of buildings and waiver of some rules that affect new buildings</li> </ul>	<p>they want to do works to or close to heritage items, including potential additional compliance costs.</p> <ul style="list-style-type: none"> <li>- Cost to landowners of resource consents to do works that affect heritage items.</li> <li>- Administrative costs to council for staff processing and enforcement activity.</li> <li>- Restrictions on landowner's ability to use their land.</li> </ul>		<p>associated effects on the historic heritage values.</p> <ul style="list-style-type: none"> <li>- In addition, the provisions being proposed have been applied in several district plans, and are understood to be effective. Therefore, there is a low risk of acting in the manner proposed.</li> </ul>
<p>Option C: Methods outside TTPP</p>	<ul style="list-style-type: none"> <li>- The Councils will not have to administer resource consent</li> </ul>	<ul style="list-style-type: none"> <li>- Non-regulatory methods of protection will not provide certainty that historic</li> </ul>	<ul style="list-style-type: none"> <li>- It will not be clear to people what buildings and items have heritage value.</li> </ul>	<ul style="list-style-type: none"> <li>- It is considered that there is certain and sufficient information about the</li> </ul>

<ul style="list-style-type: none"> <li>- Rely on non-regulatory methods/NZHPT listing only.</li> <li>- Rely on private landowners to manage and protect historic heritage.</li> </ul>	<p>applications for historic heritage.</p>	<p>heritage will be protected. If this method is adopted, the Councils will be limited in actions they can take to prevent loss or degradation of historic heritage.</p> <ul style="list-style-type: none"> <li>- No regulatory control places the onus on private landowners to protect historic heritage for the public good, which could result in adverse environmental outcomes. A loss of historic heritage is likely.</li> <li>- The Councils will incur costs to provide any non-regulatory incentives they decide on.</li> <li>- The Councils may need to consider purchasing historic heritage items in order to save them, thus impacting on rates.</li> <li>- Archaeological sites are less visible in the landscape compared to heritage buildings and items. Landowners/developers could damage important sites unintentionally if they are not made aware of their existence, e.g. on a planning map or through a Land Information</li> </ul>	<p>Changing from a regulatory to a non-regulatory system is likely to cause confusion.</p> <ul style="list-style-type: none"> <li>- The three district councils are likely to each apply a different approach to non-regulatory methods. The nature of TTPP as a Combined Plan prepared by the TTPP Committee provides no way of guaranteeing expenditure by any of the Councils to support non-regulatory methods.</li> <li>- Having no rules or performance standards would enable inappropriate activities, subdivision and development to occur, damaging historic heritage without any constraints.</li> <li>- This approach has the potential to result in significant adverse effects and a loss of historic heritage.</li> <li>- No rules or standards is not considered effective in achieving the objectives for the identification and protection of historic heritage, and would be inconsistent with national and regional policy direction</li> </ul>	<p>provisions in this approach because Councils have experience of dealing with only non - regulatory methods for other items in the current District Plans.</p> <ul style="list-style-type: none"> <li>- The effectiveness of non-regulatory methods is questionable, for example the Greymouth Heritage Area had no regulation associated with it and has been effectively ignored as consents have been issued for demolition of heritage buildings within it, without reference to the impacts on the Heritage Area.</li> </ul>
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		Memorandum, resulting in negative cultural effects.		
<p>Quantification:</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary:</p> <p>Option B is the preferred option. It is considered most likely to address the key resource management issues identified in Sections 2 and 3 above and give effect to the relevant statutory planning documents. The identification and protection of historic heritage items is deemed important to the West Coast and it has been identified that the proposed option discussed above will provide the basis for the ongoing recognition of this issue. This will give effect to section 6 (f) of the Act and to desired community outcomes. The preferred option will achieve the purpose of the RMA and enable the ongoing use and protection of heritage buildings and items.</p> <p>The proposed approach to identifying heritage buildings and items is considered the most appropriate.</p>				

## 5.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for historic heritage.
- The updated schedule for heritage items and areas reflects the current heritage values on the West Coast and locates items and areas in the correct location.
- The updated schedule for archaeological sites includes the most significant archaeological sites in the region
- Permitted activity rules in respect to heritage buildings and items allow for maintenance and repair to exteriors and identified interior elements.
- Activities that may generate adverse effects, reduce the quality of the environment and harm the integrity of finite heritage items and areas are appropriately managed through the resource consent process. These include the erection and relocation of structures onto the same site, the addition to impervious surface areas on the same site, the relocation of specified heritage items, subdivision of land containing a heritage building or item and alterations and additions to, and demolition or removal of heritage items and destruction of heritage areas.
- Permitted activity rules in respect to archaeological sites allow for land disturbance, demolition or removal of structures, erection and relocation of structures, and alterations and additions to structures provided the works do not involve earthworks and structures do not visually encroach upon sites.
- Activities that may generate adverse effects and harm the integrity of important archaeological sites are appropriately managed through the resource consent process. These include earthworks and the subdivision of land containing an archaeological site.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

## Part Two: Notable Trees

### 6.0 Overview and Purpose

This report contains a summary s32 evaluation of the objectives, policies and methods relating to notable trees in the Proposed Te Tai o Poutini Plan. It is important to read this report in conjunction with the s32 overview report which contains further information and evaluation about the overall approach and direction of TTPP.

#### 6.1 Introduction to the Resource Management Issue

Trees are important contributors to amenity, particularly in our towns and settlements, and have an important ecological, environmental and cultural role across the West Coast. Notable trees are those identified as prominent landmarks that add character and identity to different parts of the West Coast, are rare species or spectacular specimens and/or have special historical or cultural values.

This report sets out the statutory and policy context for notable trees, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the Notable Trees topic.

#### 6.2 Regulatory and Policy Direction

##### 6.2.1 Part 2 of the RMA

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "Natural and physical resources" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed notable trees provisions are:

- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (c) The maintenance and enhancement of amenity values.
- (f) Maintenance and enhancement of the quality of the environment.
- (g) Any finite characteristics of natural and physical resources.

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are no Treaty of Waitangi matters identified in Section 8 that are relevant to the proposed notable trees provisions. Tangata whenua, through iwi authorities have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted. Section 74(2A) of the RMA requires Councils to take into account relevant Iwi Management Plans and their bearing on the resource management issues of the district.

##### 6.2.4 National Planning Standards

Gazetted in April 2019, the purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content. The standards were introduced as part of the 2107 amendments to the RMA. Their development is enabled by sections 58B-58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, Te Tai o Poutini Plan will give effect to the planning standards. The following directives are of particular relevance to the Notable Trees topic:

- The Standards require that if a council chooses to protect trees for heritage or other community value reasons, it must provide a specific chapter in the Plan, under the Historic Heritage banner. This differs from the Operative Plans which generally manage notable trees through the “heritage resources” sections without a specific chapter for notable trees.
- The National Planning Standards also require that a schedule of notable trees is included in TTPP. This schedule must include a description of each tree, or group of trees, including their species. Furthermore, all schedules are required to contain the following information: - Unique identifier (created by the local authority). - Site identifier (e.g. legal description, physical address, site name or description). - Site type (including description of values). - Map reference or link.

### 6.2.5 West Coast Regional Policy Statement

In terms of the regional planning framework, the WCRPS does not provide any specific directions (policies or methods) in relation to protected trees or any specific policy support for the method of protecting trees of local significance. The WCRPS does touch on issues of amenity and the quality of the environment generally within a number of objectives and policies.

While the WCRPS does not include any criteria to identify trees of significance (nor require a district to identify or protect such trees), recognition and protection of trees within a district assists in recognising or giving effect to these broader WCRPS provisions. The appropriateness of protecting trees in a district (for the purpose of maintenance of amenity and quality of the environment) is a district issue to determine.

### 6.2.6 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are two iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan and the Ngāti Waewae Pounamu Management Plan. While these documents focus on the management of pounamu they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values.

Generally matters in relation to Poutini Ngāi Tahu cultural resources are dealt with in a comprehensive way in the Sites and Areas of Significance to Māori chapter, and discussed further in that evaluation report.

## 7.0 Resource Management Issues and Analysis

### 7.1 Background

The development of TTPP has provided the Councils the opportunity to review the approach to notable trees. Through an analysis of the current provisions, discussions with staff and a comparison to best practice, it has been determined that there are a number of issues with the operative notable tree provisions.

- The status of notable trees is currently difficult to determine. Some trees have been removed without authorisation, and without resultant complaint. This suggests that the landowner and the public may be unaware of their status.
- Information on the existing scheduled trees and their values is variable. It is unclear with some of the scheduled trees why the tree is notable or where it is located. This makes protection of the tree difficult.
- The existing scheduled trees were assessed for their inclusion. Only the Grey District Council has these original records. Consistent assessment is required for equity across the West Coast.

### 7.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

#### 7.2.1 Research

The current District Plans have been reviewed, technical advice and assistance utilised, along with community feedback to assist with setting the plan framework. The original Grey District Council assessments for trees contained in the operative District Plan have been reviewed. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update: Notable Trees. Report to Te Tai o Poutini Plan Committee 24 November 2020</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This report provides a summary of the planning context relating to notable trees, discusses the issues and outlines potential objectives and policies.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/11/TTPP-Agenda-13-November-2020.pdf">https://tppp.nz/wp-content/uploads/2020/11/TTPP-Agenda-13-November-2020.pdf</a>

<b>Title</b>	<b>Te Tai o Poutini Plan Technical Update: Notable Trees. Report to Te Tai o Poutini Plan Committee January 2021</b>
<b>Author</b>	Edith Bretherton
<b>Brief Synopsis</b>	This report outlines potential rules around notable trees and introduces the process of developing the notable tree schedule. The list of existing scheduled notable trees across the three districts is included in the report.
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2021/01/TTPP-26-January-2021-Agenda.pdf">https://tppp.nz/wp-content/uploads/2021/01/TTPP-26-January-2021-Agenda.pdf</a>

Subsequent to this report the draft chapter created for the plan was presented to the TTPP Committee on 29 October 2021. That draft chapter was endorsed by the Committee for further

refinement and integration into the TTPP framework. Following the informal feedback on the draft Plan in 2022 minor amendments to the provisions were made prior to adoption by the Committee for public notification on 21 June 2022.

### *Root Protection Area Research*

A review of best practice for notable trees identified that these provisions manage activities so that the ground around these trees is not disturbed and their roots are not damaged. In order for TTPP provisions to work effectively, it is important to determine the minimum area around a tree containing sufficient roots and rooting volume to maintain the tree's viability.

There is no New Zealand standard to determine what constitutes a "dripline area" (or "root protection area" as this area is more commonly called). The current approach throughout district plans is not consistent, with some councils using the canopy spread to determine the area, some using sophisticated formulas and others using an approach based on a British Standard. The latter is the approach most commonly used, and represents a circular area:

- The outer extent of the branches of a spreading canopy tree
- Half the height of a columnar canopy tree

The updated British Standard describes the root protection area as a circular area around a tree, with a radius 12 times the trunk diameter. Whether the British Standard is entirely appropriate for New Zealand trees is a moot point. What is clear, is that it would result in a significantly larger area being required for a root protection area than previously required by the Operative Plan's "dripline area".

The Ministry for the Environment considered defining "root protection area" in the recently released National Planning Standards. However, they concluded that "what constitutes the appropriate root protection area is a matter for experts and councils to determine. In the absence of a New Zealand Standard, or further work, it is not yet appropriate to be standardised in the planning standards at a national level."

### **7.2.2 Consultation and Engagement**

TTPP has been the subject of significant consultation and community engagement. Within that, the historic heritage provisions have been the subject of targeted consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of active historic heritage stakeholders on the West Coast – local history and historic heritage groups and individuals as well as the key agency stakeholders of Heritage New Zealand – Pouhere Taonga and the Department of Conservation.

One on one meetings were held with individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held. Notable Trees within a historic heritage context were part of that dialogue.

Specific meetings and workshops held were:

Plan Development Phase

- 23 August 2020, 28 August 2020 – West Coast Local Heritage Stakeholders
- 24 February 2022 – historic heritage interests

Feedback was received during the pre-draft consultation roadshow that some trees of value to the community were not included in the operative district plans, and that others were no longer there. Nominations for trees was promoted through TTPP website. A stocktake of the trees in the districts was also undertaken to ascertain which were still there.

Nominations were received, assessed and the trees added to the proposed Notable Tree schedule as follows

- Northern Rata (*Metrosideros robusta*) at the Rata Reserve, Karamea, Buller
- Magnolia near the Atarua turn off, Grey
- Lawsons Cypress, Oak and Liquid Amber, Blackball, Grey
- Japanese Cedar/ *Cryptomeria japonica*, Stafford Cemetery, Westland
- Ti kouka in Hokitika, Westland



- Oak trees in Kaniere Domain, Westland
- Rhododendron arboreum, Woodstock, Westland
- Oak tree, Woodstock, Westland
- Copse of Kowhai at the old Pa site, Jacobs River
- Kaihikatea, Jacobs River
- Kahikatea Grove, Kaniere

### 7.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki ki Makaawhio are the two papatipu rūnanga on the West Coast. They are collectively known as Poutini Ngāi Tahu. They have provided advice to TTPP Committee on specific trees of significance to Poutini Ngāi Tahu. These are identified within the Notable Tree framework, as well as being scheduled in the Sites and Areas of Significance to Māori chapter.

## 7.3 Operative District Plan Provisions

### 7.3.1 Buller District Plan

There are not specific objectives or policies for notable trees in the Operative Buller District Plan. The historic heritage objective and six historic heritage policies served generally as the policy framework for notable trees.

Plan Change 135 which introduced new Objectives and Policies into the Buller District Plan (but which did not progress to a hearing) also did not contain specific objectives or policies for notable trees.

Section 7.9.8 contains the rules for the 24 notable trees scheduled within the Plan as follow:

#### Rule 7.9.8.1 Permitted Activities

No modification or destruction of any notable tree listed in Part 15 is permitted.

#### Rule 7.9.8.2 Discretionary Activities

No destruction of any notable tree listed in Part 15, unless the work is clearly required to prevent obvious and imminent danger to the public.

As can be seen from the wording above, these rules are exceedingly vague and do not meet good drafting practice standards for rules in RMA plans. Alongside the lack of objectives and policies around the management of notable trees, there is little explanatory information about these in the Buller District Plan.

A field assessment of the scheduled notable trees in Buller District identified that several of them had been removed without approval from the District Council.

### 7.3.2 Grey District Plan

The Grey District Plan includes listed historic trees within its historic heritage framework for which it has an objective and four policies. The Objective and first two policies are particularly relevant to the historic trees framework as follow:

Objective: The recognition and protection of buildings, sites, places and objects which contribute to people's appreciation and understanding of the District's heritage

Policy 1. To identify heritage buildings, places and sites, waahi tapu, archaeological sites and historic trees, through consultation with the New Zealand Historic Places Trust, Tangata Whenua, the Department of Conservation and the local community.

Policy 2. To promote public awareness of the importance of heritage resources, through the provision of information and consultation of interested parties and owners of such resources.

These objective and policies collectively support the inclusion in the Operative Grey District Plan of 29 historic trees currently listed within schedules to the plan, plus associated rules. The schedules were

based on a detailed assessment of the historic values of the trees and this information is held by the Grey District Council.

Appendix 6 of the Grey District Plan includes the rules for historic trees and the historic tree schedule.

The rules are as follows:

Permitted activities

Work involving a historic tree, listed in Schedule 2, is permitted if:

- a. it does not involve the removal or felling of the tree; and
- b. a building or underground servicing are not constructed or laid within 5 metres of the base of the tree; and
- c. paving is not laid within 0.5 metres of the tree; and
- d. it does not involve pruning at a height greater than one third of the total height of the tree and does not include any branches greater than 50 mm in diameter below this level; and
- e. Trimming is required to ensure the security of supply to or from an existing high voltage transmission line.

Discretionary activities

Any activity that contravenes a permitted condition is a discretionary activity.

The rules are working reasonably well with many of the scheduled notable trees in robust health. These are predominantly the trees on public land which are well maintained and continue to provide value to the community. Some of those on private land have been destroyed, often without consent. There is often poor recognition of which trees are protected, some in Dixon Park for example have plaques detailing what the tree is, and why it is notable, some do not.

### 7.3.3 Westland District Plan

The Westland District Plan contains no objectives and one policy that applies to notable trees and includes them within their historic heritage framework. The relevant policy is:

Policy 4.5.A Buildings, places and items of significant historic, cultural or scientific interest and their relationship with places in Westland District should be preserved and maintained.

Four trees are scheduled within the Operative Westland District Plan as heritage items and the heritage rules apply as follows.

Permitted Activity

- No modification to Appendix A items/sites

Discretionary Activity

- Modification to Appendix A items/sites

As can be seen from the wording above, these rules are vague and do not meet good drafting practice standards for rules in RMA plans. In the case of notable trees there is also no contextual information provided in the plan to support interpretation of the rules.

## 7.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A wide-ranging review of current practice in terms of this matter has been undertaken, together with a review of 10 other district plans as follows.

*Porirua District Plan* (second generation, proposed) permits mowing and gardening around trees, works around the root with strict standards, trimming and removal of the tree if certified as an immediate threat to human life by an arborist. If the permitted standards are not met restricted discretionary consent is required, except for removal, which requires a full discretionary consent.

*New Plymouth District Plan* (second generation, proposed) has a suite of rules for notable trees. Gardening, mowing, "soft landscaping" and permitted. There are also permitted activities for

trimming and maintenance for utilities, where there is serious threat to life, earthworks within root zone, and removal of an unsafe tree, all of which have stringent standards. These all become restricted discretionary if they don't meet the standards. There are also restricted discretionary activities for buildings, and storage within the root area, and underground utilities, and subdivision. Everything not provided for or covered is non-complying.

*Auckland Unitary Plan* (second generation, operative) permits biosecurity tree works, dead wood removal, emergency works, trimming and alteration and works within the root zone, if undertaken by an arborist, and subject to standards. Dead wood removal by someone other than an arborist is a controlled activity. Activities not meeting permitted activity standards become restricted discretionary, except for tree removal which is full discretionary. There are also specific provisions, housed within the infrastructure chapter for trees within roads, and for electricity network generation and operation activities. These allow for specific activities, like trimming for Electricity Hazards from Trees Regulation 2003.

*Kapiti District Plan* (second generation, operative) permits trimming in restricted circumstances; electricity hazard from trees, safety and only by an arborist, and always within best industry practice guidelines. Controlled activities exist for modification of dead wood, with the same standards as the permitted activities. Also, for reducing risk to network utilities. Subdivision of a site with a notable tree is restricted discretionary, as is trimming that does not meet the PA or controlled activity standards.

*Central Otago District Plan* (first generation, operative) has no permitted activity rules for notable trees. Removal of a tree, except where it has died of natural causes is discretionary. All other activities are restricted discretionary.

*Whakatane District Plan* (first generation, operative) permits trimming or removal when complying with Electricity (Hazards from Trees) Regulation 2003. There is also a permitted activity rule to allow trimming and root works for utilities, or for health and safety. Removal of dead trees, or dead wood is also permitted. Partial or complete removal is a restricted discretionary activity.

*Invercargill District Plan* (first generation, operative) has no rules for notable trees. It has also not identified any notable trees.

*Queenstown Lakes District* (second generation, operative) has a two-tiered approach and protects trees and hedgerows. Minor trimming, removal of deadwood, removal of tree imminently threatening life, and mowing are permitted. Except mowing, all permitted activities require arborist oversight. All other activities are discretionary, including all works in the protected root zone.

*Far North District* (second generation, draft) permits trimming of deadwood, and removal of limbs where there is an immediate threat to safety, or for maintaining utilities subject to arborist oversight. Gardening is also permitted. All other activities, including removal and any works within the dripline are discretionary.

*Thames-Coromandel District* (first generation, operative) has three activities; activities within the vicinity of a significant tree, enhancement or maintenance of a significant tree, and removal or damaging a scheduled tree. All of the activities are permitted, with standards. Failure to meet the standards then cascades through the activities statuses to non-complying. While somewhat unusual to permit removal of notable trees, Kauri dieback is an issue in this district, and requires specific consideration.

In summary, the findings of the review are:

Generally, the approaches in the reviewed District Plans have a strong level of alignment with similar terminology and criteria used for identification of trees that contribute to the district, as well as the way in which information is displayed in the schedule or list of trees. The rules are also similar, with all plans providing for a range of permitted activities according to specified standards.

The themes in these plans are that:

- Notable trees should be identified in consultation with the community, using consistent criteria to assess them,
- The values of the notable trees should be protected,

- Maintenance of trees is enabled,
- Removal of notable trees if the tree is dead, if it poses imminent threat to human life, or for power line maintenance under specific circumstances is allowable,
- Major work on notable trees which could affect their long-term health, and removal of notable trees is restricted.

### **Tree Evaluation Criteria**

Protected trees in the three Operative Plans (and most other district plans) are assessed against evaluation criteria. The purpose of these criteria is to form a consistent basis for the assessment of significance. Where a tree reaches an appropriate threshold (as determined by an arboricultural specialist), it is deemed to be of sufficient significance that it should be protected through provisions in the District Plan.

The importance of adopting a standardised and nationally recognised methodology for evaluating trees has long been seen as a necessity by many within the New Zealand arboricultural industry.

### **The Standard Tree Evaluation Method**

The 'Standard Tree Evaluation Method' (STEM) approach as composed by Ron Flook is the most commonly used evaluation method around New Zealand.

Initially based upon the British 'Helliwell System', this method was later modified by the Royal New Zealand Institute of Horticulture. Following many years of collaboration and development with various stakeholder groups in New Zealand, this tree evaluation method was first published in September 1996. The method was peer reviewed during all 6 draft stages, prior to release and adoption within the New Zealand arboricultural industry.

It quickly became the most widespread method of evaluating heritage and notable trees for district plans around the country.

The benefits of using this system include:

- It is widely used throughout New Zealand and is seen as a consistent evaluation method. It is recognised by the NZ Environment Court system as consistent and appropriate.
- The criteria used for tree evaluation is robust and scored by quantitative means rather than qualitative means.
- It is endorsed by the New Zealand Arboricultural Association and the Royal New Zealand Institute of Horticulture.
- The threshold scoring is set by Local Authorities and thus provides the ability to set appropriate quantitative standards for the district
- It is uncomplicated by formulae or calculations which other systems use and which can lead to complications or a lack of integrity.

Overall, this tree evaluation method is well-regarded throughout the New Zealand arboricultural industry and adopted by many Local Authorities.

Additional to the evaluation itself, a threshold score is required for determining whether a tree is significant enough to be protected through the district plan. No national threshold score has been set and one is not provided within the STEM system. Where STEM has been used around the country, this figure has been determined by each Council. This approach has enabled them to have flexibility to apply an appropriate threshold to recognise local climates and context to growing conditions.

A number of Local Authorities have determined the threshold score following the assessment of all trees, as this removes the subjectivity associated with a pre-determined threshold. This also removes the possibility that the assessor makes the tree "fit" into the predetermined parameters.

A threshold is applied retrospectively by arboricultural specialists on reflection on the range of values captured on review of the trees and the qualities expressed by the trees in the District. In some districts, this threshold is expressed qualitatively in a policy or appendix.

## **7.6 Summary of Issues Analysis**

The provisions within the Buller and Westland operative District Plans represent poor drafting and do not provide a clear framework for identifying and managing the values of notable trees. The

provisions and intent within the Grey District Plan are much clearer, with consequently much more effective implementation.

There is considerable benefit in creating a clear policy framework for notable trees and standardising their assessment. An approach most similar to the operative Grey District Plan provisions, amended to reflect good practice and national planning standards requirements is likely to deliver a good outcome for this issue.

## 8.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans			x	
Effects on matters of national importance (s6 RMA)		x		
Scale of effects – geographically (local, district wide, regional, national)		x		
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)		x		
Scale of effects on those with particular interests, e.g. Tangata Whenua			x	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	x			
Likelihood of increased costs or restrictions on individuals, businesses or communities			x	

### 8.1 Explanation Summary

In summary:

The level of detail of analysis in this report is low – moderate.

Trees are of district wide interest and whilst there is no requirement to protect significant trees, they are often valued by the community and contribute to the amenity, historical context and character of an area. The removal of a Notable Tree can often be of significant interest to the local community and their loss can adversely affect the character of an area.

However, the cost of trimming and pruning protected trees falls upon both the local Council and private landowners. Likewise, the removal of a protected tree requires resource consent at a cost to the landowner. The operative Grey District Plan provisions have been fairly effective in protecting identified trees, but the Buller and Westland District Plans address this issue poorly. Standardisation of provisions and assessing any newly scheduled trees against the latest criteria is considered appropriate.

## 9.0 Evaluation

### 9.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objectives: To identify examples of buildings, sites and structures that reflect the districts heritage and cultural values, and to provide for the management of those resources in a way that sustains the social, cultural and economic well-being of communities.</p>	<p>These objectives do not specifically address the issue of notable trees and how these should be managed. They are not considered appropriate in addressing Notable Tree issues identified and in achieving the purpose of the RMA. New objectives are proposed as detailed below.</p>
<p>Grey District Plan Objectives: The recognition and protection of buildings, sites, places and objects which contribute to people's appreciation and understanding of the District's heritage.</p>	
<p>Westland District Plan Objectives: N/A</p>	
<p>Proposed TTPP Objectives: Notable Tree Chapter</p> <p>TREE – O1 To recognise the botanical, aesthetic, cultural or historic value of notable trees.</p> <p>TREE – O2 To provide for tino rangatiratanga in relation to management of notable trees of value to Poutini Ngāi Tahu.</p> <p>TREE – O3 To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required and may improve the health of the tree, or where removal is unavoidable.</p>	<p>These objectives are considered the most appropriate way to achieve the purpose of the Act because they:</p> <ul style="list-style-type: none"> <li>- will contribute to achieving s7(c) and (f) of the RMA by protecting trees that contribute to the character and amenity of the West Coast.</li> <li>- assist the Councils to undertake their functions under s31 and achieve integrated management of the protection of natural resources of the West Coast.</li> <li>- will not result in unjustifiably high costs on the community or parts of the community.</li> <li>- are realistically able to be achieved within the Councils' powers, skills and resources</li> </ul>

Principle Alternative	Appropriateness to Achieve the Purpose of the Act
<p>Not including Notable Tree provisions in TTPP</p>	<p>This is not considered an appropriate response given the level of value the community places on significant trees on the West Coast and the approach to including these in the operative plans.</p>
<p>Summary</p>	<p>The preferred objectives will achieve the purpose of the RMA as they are clear statements of intent that recognise the values of notable trees and protect them from inappropriate subdivision, use and development. They provide certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>

## 9.2 Evaluation of Options to Achieve the Objectives

### 9.2.1 Description of the Proposed Notable Trees Schedule and Overlay

There are 58 notable tree sites (some are individual trees, some are in groups) scheduled in the proposed notable trees overlay. These are mapped on the planning maps and the values of the tree are described in the schedule.

This is made up of the following:

- Existing scheduled trees from the three Operative District Plans. A field re-assessment process of all trees was undertaken to ensure that the trees were still present, accurately record their location and confirm their values.
- Newly scheduled trees nominated by the community, TTPP Committee and iwi for assessment. Information was provided on their values by the nominating party and then each tree was assessed in accordance with the Standard Tree Evaluation Method (STEM).



## 9.2.2 Evaluation of Provisions relating to Notable Trees

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Identify existing scheduled trees in TTPP and accurately locate them on planning maps</p> <p>Provide objectives and policies which combine the approach of the three Operative Plans.</p> <p>Apply the current district-specific rules for the notable trees within each of the three West Coast Districts</p>	<ul style="list-style-type: none"> <li>- Notable trees are identified, protected and maintained for present and future generations, adding to community identity, sense of place and enhancing the amenity of the district for residents and visitors.</li> <li>- Plan users, arborists and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the Notable Tree provisions of the plan.</li> </ul>	<ul style="list-style-type: none"> <li>- Grouping notable trees into 'heritage resources' policy framework lacks detail, direction and certainty on what is or is not appropriate in relation to notable trees, and could lead to inconsistent decision making. It would also be inconsistent with the National Planning Standards.</li> <li>- The current rules as drafted in Buller and Westland Operative Plans are confusing and unclear and represent poor practice.</li> <li>- The current schedules do not clearly identify the values that are being protected and further loss and damage to notable trees may continue.</li> </ul>	<ul style="list-style-type: none"> <li>- Potential notable trees will continue to be assessed by differing criteria across the three districts and that does not reflect good practice.</li> <li>- Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan.</li> <li>- TTPP Committee will be meeting its obligations under the RMA to a degree, but TTPP will not be in alignment with the recently released National Planning Standards</li> </ul>	<p>The risk of not acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> <li>- The current policy framework lacks detail and specific direction on appropriate or inappropriate activities, and</li> <li>- The status quo is inconsistent with the National Planning Standards, which require that if a council chooses to protect trees, it must provide a standalone chapter in the Plan.</li> <li>- It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act.</li> </ul>
<p>Option B: Proposed Plan Provisions</p>	<ul style="list-style-type: none"> <li>- Plan users and landowners will have clear up-front understanding of obligations and compliance with standalone notable</li> </ul>	<ul style="list-style-type: none"> <li>- Additional notable trees added to the Schedule may result in higher costs for landowners involved in obtaining resource consents.</li> </ul>	<ul style="list-style-type: none"> <li>- This approach is effective and efficient as it protects notable trees from inappropriate subdivision, use and development. The approach is practical and</li> </ul>	<ul style="list-style-type: none"> <li>- Not acting may mean that notable trees could be damaged or lost, in particular trees in the city centre not currently identified in the Operative District Plan. Overall, it is</li> </ul>

	<p>trees chapter of the plan</p> <ul style="list-style-type: none"> <li>- Notable trees are identified, protected and maintained for present and future generations, adding to community identity, sense of place and enhancing the amenity of the district for residents and visitors.</li> <li>- The ongoing provision of essential infrastructure is recognised and provided for.</li> <li>- Notable trees can be properly maintained and trimmed without the need for resource consent to ensure they remain safe, and to protect their ongoing viability and tree health.</li> <li>- Poutini Ngāi Tahu involvement for trees listed for cultural (tangata whenua) values recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, sites,</li> </ul>	<ul style="list-style-type: none"> <li>- If a notable tree is listed for cultural values, expectation that tangata whenua will be consulted may increase costs and/or time to process resource consent for landowners or developers.</li> <li>- The root protection area represents a greater area around columnar trees, thereby reducing the available area of property on which to undertake building activities, infrastructure and outdoor storage.</li> </ul>	<p>pragmatic (“fit for purpose”).</p> <ul style="list-style-type: none"> <li>- The works requiring resource consent would be limited to those that are considered “inappropriate” and decision-makers could make an informed decision based on detailed policy guidance, and on the values of the particular tree.</li> <li>- The rules and standards reflect best practice and provide clarity to plan users about when resource consent would be required.</li> <li>- This approach is not considered to be overly restrictive or onerous for landowners.</li> <li>- The definition of “root protection area” may not provide absolute protection in all circumstances, however it is uncomplicated, has been tested by other councils, and represents an increase in protection that is not unreasonable.</li> <li>- This approach addresses current issues, by providing a balance between protection of notable trees and</li> </ul>	<p>considered that there is sufficient information to act, and that risks of acting outweigh those of not acting.</p>
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	wāhi tapu and other taonga.		provision for trimming and maintenance for the ongoing viability and vitality of notable trees.	
Option C: No regulation Rely solely on nonregulatory methods, such as education, information, advice and financial assistance (e.g. arborist advice) to protect notable trees.	<ul style="list-style-type: none"> <li>- Increased economic and development opportunities and flexibility for landowners as they are not subject to restrictions to protect notable trees.</li> </ul>	<ul style="list-style-type: none"> <li>- No regulatory controls place the onus on private landowners to protect notable trees for the public good, with economic implications for landowners.</li> <li>- Uncertainty could lead to loss of notable trees and community identity, sense of place, amenity values and quality of the environment.</li> </ul>	<ul style="list-style-type: none"> <li>- No rules or performance standards would enable inappropriate activities, subdivision and development to occur, which could damage notable trees without any constraints.</li> <li>- This approach has no certainty and has the potential to result in significant adverse effects.</li> <li>- No rules or standards is not considered effective to achieve the objective of recognising and protecting notable trees.</li> </ul>	<ul style="list-style-type: none"> <li>- The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in the loss or damage to notable trees throughout the West Coast.</li> <li>- It is considered that there is sufficient information not to act on this option.</li> </ul>
<p>Quantification: Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary:</p> <p>This evaluation has been undertaken in accordance with s32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:</p> <ul style="list-style-type: none"> <li>- The objective and policies provide for the identification, recognition and protection of notable trees, including specific detail, direction and certainty on appropriate and inappropriate activities in relation to notable trees. The policy framework also provides recognition of cultural values and tangata whenua's association with some notable trees.</li> <li>- The revised Notable Trees Schedule has a more representative range of the West Coast's historic tree assets.</li> </ul>				

- Permitted activity rules allow for trimming and maintenance, and limited earthworks and root disturbance within the root protection area of notable trees, or the removal or destruction of unsafe or unsound notable trees provided it is undertaken by a Council approved arboricultural contractor.
- Activities that may cause damage or destruction to notable trees are appropriately managed through the resource consent process. These include the removal or destruction of a notable tree (unless unsafe or unsound), building activities, infrastructure, outdoor storage and subdivision.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

## Part Three: Sites and Areas of Significance to Māori

### 11.0 Overview and Purpose

This report contains a summary s32 evaluation of the objectives, policies and methods relating to Sites and Areas of Significance to Māori in the Proposed TTPP. It is important to read this report in conjunction with the s 32 overview report which contains further information and evaluation about the overall approach and direction of the Proposed TTPP.

This report sets out the statutory and policy context for Sites and Areas of Significance to Māori, the key resource management issues, specific consultation and approach to evaluation on this topic required to decide on the proposed provisions.

The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the topic.

#### 11.1 Introduction to the Resource Management Issue

Sites and areas of significance to Māori are part of the West Coast/Tai o Poutini's unique cultural and historic heritage as well as being taonga to Poutini Ngāi Tahu. It is important to protect them from damage or loss resulting from inappropriate land use, subdivision and development.

Traditionally, sites and areas of significance to Māori and archaeological sites have been grouped together in the Operative District Plans and in the Schedules to the Plan. National Planning Standards require these topics to be dealt with separately and provisions have been separated.

However, given the extensive overlap between the sites and areas of significance to Māori and archaeological sites, the Schedule still contains both types of sites. While there is some discussion of archaeological sites in this report, archaeological sites are covered in a separate section of the s32 report for Historic Heritage.

The evaluation of the appropriateness of the Sites and Areas of Significance to Māori Chapter is based on the following key issues:

1. *Protecting Poutini Ngāi Tahu cultural landscapes and taonga*
2. *Protecting Pounamu and Aotea Stone and its management*
3. *Recognising that only Poutini Ngāi Tahu can identify impacts of activities on their taonga*

The Section 32 evaluation report is structured according to the issues identified above, with the relevant objectives, policies and methods intended to address the issues being packaged together to provide a clear 'line of sight' between the issues and relevant provisions.

#### 11.2 Regulatory and Policy Direction

##### 11.2.1 Part 2 of the RMA

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "Natural and physical resources" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matter of national importance relevant to the proposed Sites and Areas of Significance to Māori provisions is primarily:

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- (f) the protection of historic heritage from inappropriate subdivision, use, and development, is also relevant.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (c) the maintenance and enhancement of amenity values;

- (f) maintenance and enhancement of the quality of the environment; and
- (g) any finite characteristics of natural and physical resources.

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are Treaty of Waitangi matters identified in Section 8 that are relevant to the proposed Sites and Areas of Significance to Māori provisions. Through Poutini Ngāi Tahu papatipu rūnanga, tangata whenua have been consulted as part of the review process. The obligation to make informed decisions based on that consultation is noted. All of the above matters are relevant to the protection of Sites and Areas of Significance to Māori from inappropriate subdivision, use and development.

### 11.2.3 National Instruments

#### *New Zealand Coastal Policy Statement*

The New Zealand Coastal Policy Statement 2010 (NZCPS) sets out policies that achieve the purpose of the RMA in relation to the coastal environment of New Zealand, recognising that the coastal environment has characteristics, qualities and uses that create challenges in promoting sustainable management.

The NZCPS has a number of provisions relating to Māori and their relationship with the coastal environment; for the purposes of TTPP development these include Objective 3 and Policies 2 and 17.

Objective 3 requires the principles of the Treaty of Waitangi to be taken account, the role of tangata whenua as kaitiaki to be recognised, and tangata whenua involvement in the management of the coastal environment to be provided for. These are all to be achieved by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Policy 2 sets out specific requirements when taking account of the principles of the Treaty of Waitangi, and kaitiakitanga, including:

- recognising the connection and relationships that tangata whenua have with the coastal environment;
- promoting tangata whenua involvement in coastal decision-making;
- providing opportunities for tangata whenua to exercise kaitiakitanga; and
- recognising the importance of Māori cultural and heritage values.

Policy 17 requires the protection of historic heritage, including archaeological sites, in the coastal environment from inappropriate subdivision, use and development.

#### *National Policy Statement for Freshwater Management 2020*

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies that focus on:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai: (the integrated and holistic well-being of a freshwater body) in the management of fresh water;
- Prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future;
- Avoiding over allocation, improving and maximising efficient allocation and use of water and safeguarding its life-supporting capacity;
- Improving integrated management of fresh water and the use and development of land;
- Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants; and

- Providing for the active involvement of tangata whenua in freshwater management and that Māori freshwater values are identified and provided for.

While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to TTPP. Provisions relating to the management of the use and development of land to safeguard water will also be relevant to the Proposed TTPP, but will need to be implemented in close co-ordination with West Coast Regional Council in order to avoid overlap and duplication.

#### *The National Environmental Standard on Plantation Forestry*

The National Environmental Standard on Plantation Forestry (NES-PF) came into force on 1 May 2018 and puts in place standards for forestry activities. This has implications for Sites and Areas of Significance to Māori;

Section 43A(5) of the RMA sets out the relationship between plan rules and National environmental Standards when these allow or permit an activity as follows (emphasis added):

“(5) If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:

(a) a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and

(b) the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and

(c) if a plan’s terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.

While the NES-PF conditions have been designed to address the key environmental effects associated with plantation forestry, such as effects on water quality and ecological effects, there are certain effects that are not addressed by the terms and conditions in the NES-PF, including effects on cultural and historic heritage, which are still able to be managed through provisions in district plans.

#### 11.2.4 National Planning Standards and/or Guidance Documents

The Ministry for the Environment National Planning Standards 2019 contain the following aspects of relevance to this topic:

1. District Plan Structure Standard – requires that a chapter on Sites and areas of significance to Māori are included in a District Plan if relevant. The Sites and areas of significance to Māori chapter sits within the Historical and Cultural Values section.
2. District Wide Matters Standard – If the following matters are addressed, they must be located in the Sites and areas of significance to Māori chapter:
  - a. descriptions of the sites and areas (e.g., wāhi tapu, wāhi tūpuna, statutory acknowledgement, customary rights, historic site, cultural landscapes, taonga and other culturally important sites and areas) when there is agreement by Māori to include this information;
  - b. provisions to manage sites and areas of significance to Māori;
  - c. a description of agreed process of identification of sites and areas including an explanation of how tangata whenua or mana whenua are engaged;
  - d. a schedule(s) that lists the specific or general location of sites and areas of significance to Māori when this information is provided. This may cross-reference an appendix; e. a description of any regulatory processes for identification.

#### 11.2.5 Regional Policy and Plans

The WCRPS become operative in July 2020 and includes Chapter 3 Resource Management Issues of Significance to Māori. Sites of significance to Māori are considered within this chapter of the Plan.

Alongside this Chapter 4 Resilient and Sustainable Communities addresses the matter of cultural landscapes. TTPP must **give effect** to the WCRPS.

The WCRPS intends to give effect to section 8 of the RMA. It outlines the key issues of concern to Poutini Ngāi Tahu and how they need to be addressed on the West Coast.

There are two Objectives that are relevant to the management of sites and areas of significance to Māori as follow:

Objective 3.1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the RMA.

Objective 3.2. Recognise and provide for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region.

Alongside this the following key policies are in place:

Policy 3.2. In consultation with Poutini Ngāi Tahu, provide for the protection of ancestral land, wāhi tapu, water, sites, and other taonga from the adverse effects of activities, in a manner which is consistent with the purpose of the RMA.

This policy gives effect to section 6(e) of the RMA by recognising that some resources, places or things are of special significance to Māori. These include wāhi tapu sites, archaeological sites, other historic sites or places and natural landscapes or features of cultural or traditional importance to Māori. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The policies aim to protect such sites and values from the adverse effects of resource use and development as far as is practicable.

Policy 4.5 To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes.

This policy recognises that the traditions of Poutini Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. Indicators of these intergenerational landscapes include pā and kainga, ara tawhito (traditional trails), pounamu, mahinga kai, wāhi tapu and wāhi ingoa (place names). Protection of Poutini Ngāi Tahu cultural landscapes from inappropriate use, development and subdivision is important to Poutini Ngāi Tahu culture, identity and wellbeing, and consultation with Poutini Ngāi Tahu is required to determine appropriate means of addressing this in particular locations.

Policy 8.2 (Freshwater and Land Chapter) To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:

- a. A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;
- b. The value of riparian margin vegetation for water quality and aquatic ecosystems; and
- c. Effects on the sustainability of mahinga kai, and protection of taonga areas.

Policy 8.3. (Freshwater and Land Chapter) To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

- a. Estuaries, hāpua lagoons, and other coastal wetlands; and
- b. Shellfish beds and fishing areas.

Policy 8.3 envisages that mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are, or will be, identified in the regional and district plans.

#### 11.2.6 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are two iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan and the Ngāti Waewae Pounamu Management Plan. While



these documents focus on the management of pounamu they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values

### 11.2.7 Mana Whakahono a Rohe Agreement

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 3.34 identifies that Pounamu Management Areas should be given priority as areas of protection and Poutini Ngāi Tahu whānui access, including through the use of local planning instruments.

Section 3.36 identifies that aotea is given a similar level of priority to pounamu as areas of protection and Ngāti Māhaki whānui access, including through the use of local planning instruments.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

## 12. Resource Management Issue and Analysis

### 12.1 Background

The development of TTPP has provided Poutini Ngāi Tahu and TTPP Committee the opportunity to review the approach to sites and areas of significance to Māori. Through an analysis of the current provisions, discussions with staff and a comparison to best practice, it has been determined that the operative plan provisions are wholly inadequate for this topic and a substantial exercise to develop appropriate provisions and identify all significant sites has been undertaken. Specifically, the following issues arise:

- Cultural landscapes are currently unrecognised in the operative District Plans which overlooks the historical occupation and relationship that Poutini Ngāi Tahu have as mana whenua in the rohe.
- Only a handful of sites are identified, and these are largely identified as archaeological sites and incorrectly located spatially in the schedules.
- Rule provisions are inadequate to protect important Poutini Ngāi Tahu cultural heritage and taonga values and inappropriate activities have occurred as a consequence, impacting on these taonga and the mana of Poutini Ngāi Tahu.

#### 12.1.1 Poutini Ngāi Tahu Strategic Objectives and Policies

The Strategic Objectives and Policies of the Poutini Ngāi Tahu Strategic Direction Chapter are an important part of the context for identification and management of sites and areas of significance to Māori. They have driven the overall approach to matters that affect Poutini Ngāi Tahu throughout TTPP.

There are four Strategic Objectives as follow:

*POU - O1 To enable the occupation, development and use of Poutini Ngāi Tahu land in accordance with tikanga and for the benefit of Poutini Ngāi Tahu.*

*POU - O2 To include Te Tai Poutini wide provisions to support Poutini Ngāi Tahu exercise of cultural rights and interests including:*

- a. Establishment of papakāinga and kaumatua housing;
- b. Access to mahinga kai and cultural materials;
- c. Management of Pounamu and Aotea stone; and
- d. Management of taonga and wāhi tapu

*POU - O3 To identify Poutini Ngāi Tahu cultural landscapes and enable their management to provide for the cultural relationships of Poutini Ngāi Tahu.*

*POU – O4 To support Poutini Ngāi Tahu in their exercise of kaitiakitanga and recognise their special relationship with te taiao, Poutini Ngāi Tahu taonga and wāhi tapu through resource management process and decisions.*

Alongside these strategic objectives, the following strategic policies also have direct relevance to development of provisions around Sites and Areas of Significance to Māori.

<b>POU – P2</b>	Enable rangatiratanga and kaitiakitanga in accordance with tikanga on Poutini Ngāi Tahu land through the development and use of Iwi/Papatipu Rūnanga Management Plans.
<b>POU - P3</b>	Support the identification of Poutini Ngāi Tahu Cultural Landscapes and provide for their protection through the use of overlays and Plan provisions.
<b>POU - P5</b>	Poutini Ngāi Tahu should be able to freely access mahinga kai sites and cultural materials in accordance with tikanga and to support community wellbeing.
<b>POU - P6</b>	Support the implementation of the Pounamu Vesting Act and the management of Aotea Stone and Pounamu by Poutini Ngāi Tahu through the use of overlays and Plan provisions.
<b>POU - P7</b>	Provide for active participation by Poutini Ngāi Tahu in the sustainable management of West Coast/Te Tai o Poutini resources.
<b>POU - P8</b>	Recognise the role of Poutini Ngāi Tahu as kaitiaki and provide for them to exercise kaitiakitanga through the resource management process.
<b>POU - P9</b>	Recognise Poutini Ngāi Tahu as specialists in tikanga and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.
<b>POU - P10</b>	Protect Poutini Ngāi Tahu taonga and cultural sites, while ensuring Poutini Ngāi Tahu’s key role in decision making around their management.

## 12.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

### 12.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

#### *Poutini Ngāi Tahu Matters Generally*

<b>Title</b>	<b>Te Tai o Poutini Plan – Poutini Ngāi Tahu Cultural Landscapes. Report to Te Tai o Poutini Plan Committee October 2020</b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	Introduces the concept of Cultural Landscapes

<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/10/TTPPC-Meeting-Agenda-October-2020.pdf">https://tppp.nz/wp-content/uploads/2020/10/TTPPC-Meeting-Agenda-October-2020.pdf</a>
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<b>Title</b>	<b>Te Tai o Poutini Plan – Poutini Ngāi Tahu Issues and Objectives – Report to Te Tai o Poutini Plan Committee November 2020</b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	Outlines the key issues for Poutini Ngāi Tahu and draft Strategic Objectives and Policies
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2020/11/TTPP-Agenda-13-November-2020.pdf">https://tppp.nz/wp-content/uploads/2020/11/TTPP-Agenda-13-November-2020.pdf</a>

*Sites and Areas of Significance to Māori*

<b>Title</b>	<b>Te Tai o Poutini Plan – Sites and Areas of Significance to Māori Objectives and Policies Report to Te Tai o Poutini Plan Committee February 2021</b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	Outlines the key matters and planning context and identifies potential Objectives and Policies for Sites and Areas of Significance to Māori
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2021/02/TTPP-Agenda-23-February-2021.pdf">https://tppp.nz/wp-content/uploads/2021/02/TTPP-Agenda-23-February-2021.pdf</a>

<b>Title</b>	<b>Ngāi Tahu Cultural Atlas – online web resource found at <a href="https://www.kahurumanu.co.nz/atlas">https://www.kahurumanu.co.nz/atlas</a></b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	This site contains maps with locations of key Ngāi Tahu cultural resources including names, narratives and quotes, and locations of Ngāi Tahu lands.
<b>Link to Document</b>	<a href="https://www.kahurumanu.co.nz/atlas">https://www.kahurumanu.co.nz/atlas</a>

<b>Title</b>	<b>Te Tai o Poutini Plan – Sites and Areas of Significance to Māori Rules. Report to Te Tai o Poutini Plan Committee May 2021</b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	Outlines the key planning context and proposes draft Rules for sites and areas of significance to Māori
<b>Link to Document</b>	<a href="https://tppp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf">https://tppp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf</a>

<b>Title</b>	<b>Te Tai o Poutini Plan – Sites and Areas of Significance to Māori – Report to TTPP Committee 17 May 2022</b>
<b>Author</b>	Lois Easton
<b>Brief Synopsis</b>	Provides updated provisions for sites and areas of significance to Māori and the full Schedule of sites to which the provisions apply.

Subsequent to this report the draft chapter created for the plan was presented to TTPP Committee on 29 October 2021. That draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

The issue of sites and areas of significance to Māori is much wider than just TTPP and the Committee has noted:

1. The role that Poutini Ngāi Tahu plays as kaitiaki of their lands and taonga;
2. The significant role that Heritage New Zealand – Pouhere Taonga plays in terms of the identification, protection and management of some sites – particularly those with archaeological and historic heritage significance;
3. The large number of sites managed by the Department of Conservation across the West Coast.

### 12.2.2 Consultation and Engagement

TTPP has been the subject of significant consultation and community engagement. In terms of the development of the Sites and Areas of Significance to Māori provisions, this has been a completely collaborative - not just consultative – process with Poutini Ngāi Tahu.

The identification of sites and development of the Schedule has been undertaken by Poutini Ngāi Tahu with many whanau inputting significant time and care into the identification, assessment and mapping of sites.

The development of the proposed TTPP provisions has also been undertaken in collaboration with Poutini Ngāi Tahu planners and the kaiwhakahaere of the two papatipu rūnanga.

Alongside this there has been wider consultation with hui at Arahura and Te Tauraka Waka a Maui Marae during the draft Plan development and draft Plan consultation phase.

Prior to notification of the proposed Plan, as part of the RMA Schedule 1 process, Te Runanga o Ngāi Tahu was provided with a copy of the intended proposed Plan and their feedback sought on this.

### 12.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki ki Makaawhio are the two papatipu rūnanga on the West Coast. They are collectively known as Poutini Ngāi Tahu. They have provided advice to the TTPP Committee that they expect all sites of significance to Poutini Ngāi Tahu (including where these are pre-European archaeological sites) should be identified and scheduled through the Sites and Areas of Significance to Māori chapter. They have provided detailed input into the development of all aspects of the provisions, and what rules apply to which specific site.

## 12.3 Operative District Plan Provisions

### 12.3.1 Buller District Plan

The Operative Buller District Plan contains one objective and six policies around historic heritage and cultural values, including in relation to sites of significance to Māori. These two aspects are intertwined within the Buller Plan and are as follow:

Objective 4.6.7.1. To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.

Policies

4.6.8.1. A close and on-going relationship with tangata whenua and the Council shall be maintained, including the maintenance of confidential records in ways which accord with the tikanga of tangata whenua of known waahi tapu.

4.6.8.2. Evaluate and protect heritage resources by identifying those resources of historic, cultural or architectural value or of special significance to the District.

4.6.8.3. As and when cultural and/or historical sites of importance to tangata whenua are identified by respective Kaitiaki in Buller District, the Council shall facilitate the recording of such sites in ways which accord with the tikanga of local iwi.

4.6.8.4. Assessment of resource consent applications shall include their potential impact on known places of historic and/or cultural value.

4.6.8.5. Continued access to sites of special cultural significance to tangata whenua shall be supported.

4.6.8.6. Upon accidental discovery of urupa or skeletal remains, consultation with the tangata whenua shall be required.

Within the Operative Buller Plan there are 64 Poutini Ngāi Tahu sites identified as "historic places", and eight identified as "other locations of historical or cultural interest". The schedules do not specifically identify that the listed sites are significant to Māori. The main significance attributed being either archaeological or historic values.

Section 7.9.7 contains the rules for these scheduled sites of significance to Māori as follow:

#### Rule 7.9.7.1 Permitted Activities

No changes of use or subdivision of any historic/cultural item(s) listed in Part 14, which would adversely affect the heritage resource or detract from the values the item(s) are listed for will be allowed

#### Rule 7.9.7.2 Discretionary Activities

No destruction of any historic/cultural item listed in Part 14.

Where a historic or cultural item is destroyed, this would be a non-complying activity under the General Rule 5.1.5.2 of the Buller District Plan.

As can be seen from the wording above, these rules are exceedingly vague and do not meet good drafting practice standards for rules in RMA plans. They have no interpretation or link to assessment by Poutini Ngāi Tahu around appropriate management of cultural sites – with the focus being on the core pākeha value around destruction of the site. They do not in any way recognise the harm that can occur with inappropriate activities being undertaken on or near wāhi tapu, or relate in any way to Te Ao Māori.

#### *Buller Plan Change 135*

The Buller District Council released Plan Change 135 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and six policies with one Objective and four policies. Of these the Objective and one policy is relevant to Sites and Areas of Significance to Māori.

Objective: To identify examples of buildings, sites and structures that reflect the districts heritage and cultural values, and to provide for the management of those resources in a way that sustains the social, cultural and economic well-being of communities

Policy 2: To identify and record, in consultation with tangata whenua, sites of significance to Maori in a manner which will ensure that they are respected and protected.

#### 12.3.2 Grey District Plan

The Operative Grey District Plan contains one objective and four policies around historic heritage and cultural values, including in relation to sites of significance to Māori. These two aspects are intertwined within the Grey District Plan.

Objective: The recognition and protection of buildings, sites, places and objects which contribute to people's appreciation and understanding of the District's heritage

Policy 1. To identify heritage buildings, places and sites, waahi tapu, archaeological sites and historic trees, through consultation with the New Zealand Historic Places Trust, Tangata Whenua, the Department of Conservation and the local community.

Policy 2. To promote public awareness of the importance of heritage resources, through the provision of information and consultation of interested parties and owners of such resources.

Policy 3. To encourage the use of protected buildings, sites and features in the District, while ensuring that their valued heritage features are not altered or destroyed.

Policy 4. Demolition, alteration, disturbance of identified items should not be allowed unless it can be demonstrated that:

- a) the item is in a state of disrepair and the costs to repair are significantly greater than other development alternatives on site.
- b) any alteration will not detract from its heritage value.
- c) relocation of the item is able to be accommodated without having a significant adverse effect.
- d) practical utilisation of the item is not possible.
- e) regard has been had to cultural and spiritual significance of Tangata Whenua.
- f) circumstances exist where the heritage item and land it is sited on is in different ownership and following investigation into practical options for the retention of the heritage item, it is unreasonable for the building to remain.

Despite these objectives and policies there are no sites of significance to Māori scheduled within the Grey District Plan. Rules relate entirely to the historic items (mainly buildings) scheduled.

### 12.3.3 Westland District Plan

The Westland District Plan contains no Objectives for sites of significance to Māori and one policy as follows:

Policy D. The protection of waahi tapu, taonga and urupa within Westland District shall be encouraged.

No sites of significance to Māori are scheduled within the Westland District Plan.

## 12.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- New Plymouth (second generation, proposed)
- Porirua (second generation, proposed)
- Auckland Unitary Plan (second generation, operative)
- Timaru (second generation, draft)
- Selwyn (second generation, proposed)
- Christchurch (second generation, operative)
- Nelson (second generation, draft)

These plans were chosen because they were all recent plans, and some are within the Ngāi Tahu takiwa.

In summary, the findings of the review are:

- It is common practice for councils to attempt to achieve their statutory duties around providing for the relationship of Maori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga by providing a list of identified culturally significant sites that are to be protected in statutory planning documents.
- It is often regarded that sites and areas of cultural significance can be neatly pinpointed on planning maps. Such a generic approach means that cultural considerations are often

overlooked compared with more comprehensively developed or specific policies or assessment matters.

- Statutory plans often reference “cultural values” however, this term is so broad it provides little guidance on what this actually means and what may be required to fulfil statutory obligations or higher order objectives to “protect cultural values”.
- A traditional approach aims to recognise and protect wāhi tapu and wāhi taonga in district plans through a two-step process:
  - Sites are pinpointed on planning maps, generally as a circle; and
  - Within those circles, rules apply to activities which may affect the site (i.e. earthworks or buildings).
- The approach involves identifying the physical location of sites, including their boundaries, to ensure certainty in terms of where the rules apply.
- The iwi authority and/or papatipu rūnanga are then identified as an affected party in terms of processing a resource consent application.
- There are advantages to this approach, in that it is easy for anyone to understand, and it fits neatly within the traditional style of statutory plans. This approach, however, overlooks the historical occupation and relationship that mana whenua has within its rohe.

In the West Coast context, all of the region is regarded as ancestral land by Poutini Ngāi Tahu who traditionally occupied and used the resources of all of the region. Accordingly, Poutini Ngāi Tahu hold interests in the management of all natural resources within the West Coast. In addition, the West Coast is the home of two unique cultural taonga – Pounamu (the ownership of which lies with Poutini Ngāi Tahu) and Aotea.

For these reasons, the traditional planning approach does not accord with a cultural perspective of resource management and is not considered to meet the requirements of the WCRPS or Part 2 of the RMA.

## 12.6 Summary of Issues Analysis

All three operative district plans have a wholly inadequate approach to the identification and management of sites and areas of significance to Māori. They are both reflective of poor practice in an RMA sense, and also in a cultural context for Poutini Ngāi Tahu.

An entirely new framework for identification and management of sites and areas of significance to Māori is needed – which as well as strongly placing mana whenua values in the plan, enables tino rangatiratanga and kaitiakitanga of these important resources.

## 13. Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans				x
Effects on matters of national importance (s6 RMA)				x
Scale of effects – geographically (local, district wide, regional, national)			x	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)			x	

Scale of effects on those with particular interests, e.g. Tangata Whenua				x
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?			x	
Likelihood of increased costs or restrictions on individuals, businesses or communities			x	

### 13.1 Explanation Summary

In summary:

The level of detail of analysis in this report is moderate-high/high. Sites and areas of significance to Māori can cover relatively large and extensive areas of the District, while also affecting smaller more discrete sites and areas. These areas are often highly significant and valued by mana whenua due to the concentration of various values, or due to the significance of the area relating to historical events, associations or connections to identity.

However, much of the land affected by these areas or sites falls within lands managed by the Department of Conservation. Where they fall on land that is privately owned activities in these areas can adversely impact on these values and generally need to be managed or limited in nature and extent to protect identified values.

This can mean that resource consents are required for a broader range of activities than in other areas of the district, with subsequent costs. These consenting requirements can impose additional costs on applicants as specialist Cultural Impact Assessments may be required.

However, the cost to the environment and to Poutini Ngāi Tahu from not appropriately managing effects on sites and areas of significance to Māori has the potential to be very high and this is reflected in these matters being recognised as a matter of national importance under the Resource Management Act 1991.



## 14.0 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objectives:</p> <p><b>4.6.7.1</b> To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.</p>	<p>These objectives do not address the key resource management issues identified for Sites and Areas of Significance to Māori, do not give effect to the provisions in the RPS and do not align with the strategic objectives and policies for Poutini Ngāi Tahu values developed for TTPP. They do not provide any kind of protective framework over important identified sites or recognise the need for Poutini Ngāi Tahu involvement in their management.</p>
<p>Grey District Plan Objectives:</p> <p><b>10.5.3</b> To protect culturally significant sites, such as burial grounds, tapu sites and other taonga throughout the District.</p>	<p>New objectives are proposed as detailed below.</p>
<p>Westland District Plan Objectives:</p> <p><b>3.5.1</b> To pursue a partnership of consultation and participation between the Council and Poutini Ngai Tahu relating to resource management.</p> <p><b>3.5.2</b> To recognise and provide for the relationship, culture and traditions of tangata whenua with their ancestral lands, water, sites, waahi tapu and other taonga.</p>	
Proposed TTPP Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Sites and Areas of Significance to Māori Chapter</p> <p><b>SASM 1:</b> Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision making that affects their values.</p> <p><b>SASM 2:</b> Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.</p> <p><b>SASM 3:</b> The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development including inappropriate modification, demolition or destruction.</p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of these resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>The proposed objectives address the requirements of s6(e) of the RMA to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu and other taonga. They will also address the requirement under section 6(f) of the RMA to protect historic heritage from inappropriate subdivision, use and development and the requirement under s7 (1) of the RMA to have particular regard to kaitiakitanga. They also address the requirement of s8 of the RMA to take into account the principles of the Treaty of Waitangi.</p> <p>These objectives support the Strategic Objectives and Strategic Policies.</p>

Evaluation of Alternative Options	Appropriateness to Achieve the Purpose of the Act
Do not define expectations for Sites and Areas of Significance to Māori and rely on RPS provisions around cultural landscapes	This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu and other taonga.
<p>Summary</p> <p>The preferred objectives will achieve the purpose of the RMA as they are clear statements of intent that recognise the values of sites and areas of significance to Māori and provide a mechanism for active Poutini Ngāi Tahu relationship with their culture and traditions with their ancestral lands, waters, sites, wāhi tapu and other taonga.</p> <p>Wāhi tapu, wāhi taonga, mahinga kai sites and other sites and areas of cultural significance are places that Poutini Ngāi Tahu value as a critical part of their cultural identity. Cultural and historic heritage values are not only part of the wider community's inheritance from the past, they are also a part of its contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there.</p> <p>Activities affecting cultural values need to be carefully managed to protect their identified values, whilst ensuring that existing activities can continue to occur. The preferred objectives will achieve the purpose of the RMA as they are a clear statement of intent that recognises and protects identified cultural values for the benefit of not only Poutini Ngāi Tahu, but the wider community and as a matter of national importance.</p>	

## 14.2 Evaluation of Approach to Identification of Sites and Areas of Significance to Māori

### 14.2.1 Description of the Schedule and Overlay

Sites and Areas of Significance to Māori were not identified in any of the existing West Coast District Plans, so this has involved a detailed process of identifying sites and areas for scheduling, and collating information on their values and mapping these sites and areas.

Poutini Ngāi Tahu were engaged to undertake this work on behalf of the Committee. Poutini Ngāi Tahu staff along with the Kaiwhakahaere of the two hapū and other kaumatua, undertook this work over 2021-2022. It is a very significant piece of work and has resulted in the identification of 215 sites and areas for inclusion within the Plan. These are mapped on the planning maps, and the extent and nature of the scheduled site/area is described in Schedule Three. Particular values of the different sites and areas are identified.

#### *Wāhi Tapu*

Wāhi tapu, or sacred sites, are identified within the Schedule. However, in the interests of protecting the values of these sites, more detail on them is not included.

#### *Māori Reserves*

Many of the sites identified are Māori Reserves – land which has been held in continuous ownership by Poutini Ngāi Tahu, and which holds significant value because of their continuous and uninterrupted association with the land.

#### *Pa, Kainga, Gardens and other Occupation Areas*

Most of the sites identified are locations of former and recent Poutini Ngāi Tahu settlements. Many of these have been modified over time (e.g. the Māwhera pa and gardens at Greymouth) however they retain important values for Poutini Ngāi Tahu.

### *Mahinga Kai and Waterway Sites*

Important food gathering sites (mahinga kai) and waterways of significance to Poutini Ngāi Tahu.

### *Ancestors in the Landscape*

There are eleven areas that are identified as “ancestors in the landscape” - significant maunga (mountains) and ridgelines that embed the traditions of Poutini Ngāi Tahu.

The different sites have been categorised by Poutini Ngāi Tahu as a way of identifying what activities are and are not appropriate on different sites. This reflects both their values and existing degree of modification.

### 14.2.2 Pounamu Management Area and Aotea Management Area Overlays

The Pounamu and Aotea overlays represent the areas where there are significant Pounamu and Aotea resources. All Pounamu on the West Coast is owned by Te Runanga o Ngāi Tahu, under the Pounamu Vesting Act and Aotea is a significant taonga (treasure) of Ngāti Mahaki ki Makaawhio. Both overlays were developed by Poutini Ngāi Tahu to reflect the areas where these significant cultural resources can be found. These are mapped on the planning maps.

### 14.2.3 Evaluation of Options for Overlays

Option	Benefits (Quantified where possible)	Costs (Quantified where possible)	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Identify a small number of cultural sites from the archaeological register in Buller and locate these on planning maps and include within the historic heritage schedule. No sites identified in Grey or Westland.</p>	<p>No benefits identified.</p>	<p>Most significant sites are not identified. Cultural resources continue to be degraded.</p> <p>Does not give effect to Section 6 (e) of the RMA</p>	<p>Does not meet the requirements of the RMA or the National Planning Standards – significant sites not identified or protected.</p>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in 1999 - 2005.</li> </ul>
<p>Option B: Proposed Plan Overlays</p> <ul style="list-style-type: none"> <li>-Updated list of significant sites and areas accurately mapped</li> <li>-Pouamu and Aotea management areas mapped</li> </ul>	<ul style="list-style-type: none"> <li>-Significant sites and areas are identified, protected and maintained for present and future generations, supporting the mana of Poutini Ngāi Tahu and adding to community identity for the West Coast</li> <li>-Landowners are aware of the importance of sites and areas of significance to Māori</li> <li>-the identification of significant sites will help restore the mana of Poutini Ngāi Tahu and enable them</li> </ul>	<ul style="list-style-type: none"> <li>-Landowners wanting to do work on or in the vicinity of sites and areas of significance to Māori will need to seek advice from Poutini Ngāi Tahu. For some activities resource consents and associated costs will be required</li> </ul>	<ul style="list-style-type: none"> <li>- Identifying specific sites and areas of significance to Māori provides certainty about why a particular site is listed and what rules apply to development involving that site.</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that the sites proposed for listing have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.</li> <li>- There is some risk that not all significant sites have been identified.</li> <li>- TTPP sets up a framework that will allow further sites and</li> </ul>

	<p>to exercise kaitiakitanga for these resources</p> <ul style="list-style-type: none"> <li>-the identification of significant sites and areas will more strongly highlight to statutory authorities such as DOC and HNZPT the importance of these areas to Poutini Ngāi Tahu</li> <li>-the correct identification and locations of significant sites and extents where these are also archaeological sites adds increased certainty that the archaeological values will be protected</li> <li>-Enables the Pounamu Vesting Act to be better given effect to.</li> </ul>			<p>areas of significance to Māori to be introduced through plan changes when there is sufficient information available to support additional listing</p>
Option C: No overlays identified	<ul style="list-style-type: none"> <li>- The Councils will not have to administer resource consent applications for sites and areas of significance to Māori</li> </ul>	<ul style="list-style-type: none"> <li>- Non-regulatory methods of protection will not provide certainty that sites and areas of significance to Māori will be protected. If this method is adopted, the Councils will be limited in actions they can take to prevent loss or degradation of culturally important sites</li> <li>- There will most likely be a loss of culturally important sites due to a lack of regulation.</li> </ul>	<ul style="list-style-type: none"> <li>- The three district councils are likely to each apply a different approach to non-regulatory methods. The nature of TTPP as a Combined Plan prepared by TTPP Committee provides no way of guaranteeing expenditure by any of the Councils to support non-regulatory methods.</li> <li>- Having no rules or performance standards would enable</li> </ul>	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</li> <li>- It is considered that there is certain and sufficient information about the provisions in this approach because Councils have experience of dealing with only nonregulatory methods for</li> </ul>

		<ul style="list-style-type: none"> <li>- The Councils will incur costs to provide any non-regulatory activities they decide on.</li> </ul>	<p>inappropriate activities, subdivision and development to occur, damaging culturally significant sites and areas without any constraints.</p> <ul style="list-style-type: none"> <li>- This approach has the potential to result in significant adverse effects and a loss of cultural sites</li> <li>- No rules or standards is not considered effective in achieving the objectives for the identification and protection of sites and areas of significance to Māori, and would be inconsistent with national and regional policy direction.</li> </ul>	<p>other items in the current District Plans.</p> <ul style="list-style-type: none"> <li>- The effectiveness of non-regulatory methods is questionable, as there is no statutory mechanism for Poutini Ngāi Tahu engagement and important values could be lost.</li> </ul>
<p>Quantification Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary:</p> <p>Option B is the preferred option. It is considered most likely to address the key resource management issues identified in Sections 2 and 3 above and give effect to the relevant statutory planning documents. The identification and protection of sites and areas of significance to Māori is deemed important to the West Coast and it has been identified that the proposed objectives discussed above will provide the basis for the ongoing recognition of this issue. This will give effect to section 6 (e) of the Act and to desired community outcomes. The preferred option will achieve the purpose of the RMA and enable the ongoing use and protection of sites and areas of significance to Māori.</p>				

## 14.3 Evaluation of Policies and Rules for Sites and Areas of Significance to Māori

### 14.3.1 Descriptions of Policies and Rules Proposed for Sites and Areas of Significance to Māori

There are sixteen policies that support the objectives for Sites and Areas of Significance to Māori. These policies address the following matters:

1. -protecting cultural landscapes
2. -identifying significant sites and areas
3. -accidental discover of kōiwi (skeletal remains)
4. -support for Poutini Ngāi Tahu access to identified sites and areas
5. -recognising and providing for tino rangatiratanga in relation to significant sites and areas
6. -supporting kaitiakitanga and tino rangatiratanga of the Pounamu and Aotea cultural resources
7. -protecting significant sites and areas from adverse effects
8. -process of management for identified sites and areas
9. -management of identified mahinga kai resources
10. -management of ancestral maunga and activities on this
11. -activities to be avoided on or near significant sites and areas
12. -destruction of significant sites and areas
13. -managing activities on significant sites and areas

The rules for Sites and Areas of Significance to Māori take a cascading approach recognising that there are activities that can be undertaken on some sites without compromising their values. In relation to Permitted Activities some sites have been identified as being more sensitive to some activities than others, and the grouping of scheduled sites is referred to in the rules.

Permitted Activities on Sites and Areas of Significance to Māori are: Grazing of Animals, Minor Earthworks, Demolition, Removal and Alterations to Structures, Indigenous Vegetation Clearance, Earthworks Buildings and Structures – in these rules specific sites are identified where these activities need to be undertaken only with approval from the relevant Poutini Ngāi Tahu Rūnanga.

Permitted Activities in the Pounamu and Aotea Management Area Overlays are: Farm Quarries and Mineral Extraction where Poutini Ngāi Tahu have provided written approval and Fossicking for Aotea by Ngāti Mahaki whanui

Controlled Activities are: Maintenance Repair and Upgrading of Network Utility Structures on specific sites

Restricted Discretionary Activities are: Farm Quarries and Mineral Extraction in the Pounamu and Aotea Overlays where no Poutini Ngāi Tahu approval is provided.

Discretionary Activities are: Earthworks, Buildings and Structures not provided for in Permitted Activity standards, Maintenance Repair and Upgrading of Network Utility Structures not meeting Controlled Activity standards, Grazing of Animals, Minor Earthworks, Demolition, Removal and Alterations to Structures and Indigenous Vegetation Clearance not meeting Permitted Activity standards.

Non-complying Activities are: Mineral Extraction by other than Poutini Ngāi Tahu in sites or areas of significance to Māori, Plantation Forestry and Woodlots on sites or areas of significance to Māori, landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities, on or within 50m of sites and areas of Significance to Māori, and Earthworks, Buildings or Structures on the upper slopes or peaks of ancestral maunga

Prohibited Activities are: Mineral extraction of Aotea by anyone other than Poutini Ngāi Tahu whanui in the Pounamu - Aotea Overlay

### 14.3.2 Evaluation of Options in relation to Policies and Rules

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: Modified Status quo</p> <p>Provide one objective and associated combine the current approach of the three Operative Plans</p> <p>These apply to historic heritage, wāhi tapu/taonga sites and archaeological sites</p> <p>Apply the current district-specific rules for the particular items identified within each of the three West Coast Districts</p>	<ul style="list-style-type: none"> <li>- The same number of landowners will be subject to rules if the status quo approach continues. These landowners are already familiar with these rules.</li> </ul>	-	-	<ul style="list-style-type: none"> <li>- The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</li> <li>- It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s.</li> </ul>
<p>Option B: Proposed Plan</p> <p>Objectives and policies in one Sites and Areas of Significance to Māori chapter for the</p>	<ul style="list-style-type: none"> <li>- Clearly identified sites and areas that have been assessed as having significant values.</li> </ul>	<ul style="list-style-type: none"> <li>- Cost to landowners of resource consents where Poutini Ngāi Tahu do not agree to the activity</li> </ul>	<ul style="list-style-type: none"> <li>- The Council will be meeting its obligations under the RMA, including the recently released National Planning Standards</li> </ul>	<ul style="list-style-type: none"> <li>- The TTPP Committee has sufficient information to determine the provisions. The Committee has a good understanding of the activities affecting sites and</li> </ul>



<p>identification, recognition and protection of significant sites and areas and the pounamu and aotea resources.</p> <p>Apply rules that recognise the impacts that different types of activities can have on cultural values. Provide for a wide range of Permitted Activities where the relevant Poutini Ngāi Tahu rūnanga has given approval for the activity.</p>	<ul style="list-style-type: none"> <li>- Clear ability for Poutini Ngāi Tahu to exercise tino rangatiratanga over their culturally significant sites</li> <li>- Only require resource consent where adverse effects are likely to be very significant, or where Poutini Ngāi Tahu oppose the activity</li> <li>- Landowners have a clear understanding of where identified sites and areas of significance to Māori are located on their land</li> </ul>	<ul style="list-style-type: none"> <li>- Administrative costs to council for staff processing and enforcement activity.</li> <li>- Restrictions on landowner's ability to use their land.</li> </ul>		<p>areas of significance to Māori and their associated effects on the cultural values.</p> <ul style="list-style-type: none"> <li>- In addition, the provisions being proposed have been applied in several district plans, and are understood to be effective. Therefore, there is a low risk of acting in the manner proposed.</li> </ul>
<p>Option C: Methods outside TTPP</p> <ul style="list-style-type: none"> <li>- Rely on non-regulatory methods/NZHPT listing only.</li> <li>- Rely on private landowners to manage and protect sites and areas of significance to Māori</li> </ul>	<ul style="list-style-type: none"> <li>- The Councils will not have to administer resource consent applications for sites and areas of significance to Māori</li> </ul>	<ul style="list-style-type: none"> <li>- Non-regulatory methods of protection will not provide certainty that significant cultural sites will be protected. If this method is adopted, the Councils will be limited in actions they can take to prevent loss or degradation of cultural values.</li> <li>- No regulatory control places the onus on private landowners to protect cultural values for the</li> </ul>	<ul style="list-style-type: none"> <li>- It will not be clear to people as to what sites and areas have cultural value.</li> <li>- The three district councils are likely to each apply a different approach to non-regulatory methods. The nature of TTPP as a Combined Plan prepared by the TTPP Committee provides no way of guaranteeing expenditure by any of the Councils to</li> </ul>	<ul style="list-style-type: none"> <li>- It is considered that there is certain and sufficient information about the provisions in this approach because Councils have experience of dealing with only non - regulatory methods for other items in the current District Plans.</li> <li>- The effectiveness of non-regulatory methods is questionable where specific sites and values need to be protected</li> </ul>

		<p>public good, which could result in adverse environmental outcomes. A loss of cultural values is likely.</p> <ul style="list-style-type: none"> <li>- Disenfranchising for Poutini Ngāi Tahu who will be unable to exercise kaitiakitanga for their important sites</li> <li>- Not meeting the principles of the Treaty of Waitangi</li> <li>- Many significant sites are not visible in the landscape Landowners/developers could damage important sites unintentionally if they are not made aware of their existence, e.g. on a planning map or through a Land Information Memorandum, resulting in negative cultural effects.</li> </ul>	<p>support non-regulatory methods.</p> <ul style="list-style-type: none"> <li>- Having no rules or performance standards would enable inappropriate activities, subdivision and development to occur, damaging cultural sites without any constraints.</li> <li>- This approach has the potential to result in significant adverse effects and a loss of cultural values</li> <li>- No rules or standards is not considered effective in achieving the objectives for the identification and protection of sites and areas of significance to Māori, and would be inconsistent with national and regional policy direction</li> </ul>	
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**Quantification:**

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.

**Summary:**

Option B is the preferred option. It is considered most likely to address the key resource management issues identified in Sections 2 and 3 above and give effect to the relevant statutory planning documents. The identification and protection of sites and areas of significance to Māori is deemed important to the West Coast and it has been identified that the proposed option discussed above will provide the basis for the ongoing recognition of this issue. This

will give effect to section 6 (e) of the Act and to desired community outcomes. The preferred option will achieve the purpose of the RMA and enable the ongoing use and protection of sites and areas of significance to Māori.

## 5.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for sites and areas of significance to Māori.
- The schedule for sites and areas of significance to Māori adds significantly to the body of public knowledge with regard to cultural values on the West Coast and locates sites and areas in the correct location.
- Permitted activity rules in respect to sites and areas of significance to Māori allow for a wide range of activities on most sites, except those with the greatest significance.
- Activities that may generate adverse effects, reduce the quality of the environment and harm the integrity of significant cultural values are appropriately managed through the resource consent process.
- Permitted activity rules in respect to the pounamu and aotea management overlays support the good management of these important cultural resources and enable the outcomes intended by the Pounamu Vesting Act.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

## Appendix One – Bibliography of Information in Relation to Historic Heritage Items and Areas

HNZPT registrations: <https://www.heritage.org.nz/the-list/>

Granity Public Library <https://www.heritage.org.nz/the-list/details/5019>

State Mines Store <https://www.heritage.org.nz/the-list/details/5021>

Granity War Memorial <https://www.heritage.org.nz/the-list/details/5020>

Granity Mines Survey Office (Former) <https://www.heritage.org.nz/the-list/details/5066>

Denniston Heritage Area <https://www.heritage.org.nz/the-list/details/7049>

Griffiths Foundary Furnace (Former) <https://www.heritage.org.nz/the-list/details/5022>

Post Office (Former) <https://www.heritage.org.nz/the-list/details/5031>

Buller County Chambers (Former) <https://www.heritage.org.nz/the-list/details/5001>

Buller Field Station (Former) <https://www.heritage.org.nz/the-list/details/5024>

Church of St John the Evangelist <https://www.heritage.org.nz/the-list/details/5027>

Westport Courthouse <https://www.heritage.org.nz/the-list/details/3041>

Gates of Remembrance <https://www.heritage.org.nz/the-list/details/5032>

Henley St House Westport <https://www.heritage.org.nz/the-list/details/5028>

51 Queen St House Westport <https://www.heritage.org.nz/the-list/details/5026>

55 Queen St House Westport <https://www.heritage.org.nz/the-list/details/5025>

Masonic Lodge Hall Westport <https://www.heritage.org.nz/the-list/details/5029>

O'Connor Home Westport <https://www.heritage.org.nz/the-list/details/5034>

Westport Railway Workshop <https://www.heritage.org.nz/the-list/details/3047>

Westport Public Library (Former) <https://www.heritage.org.nz/the-list/details/5030>

Bank of New South Wales (Former) Westport <https://www.heritage.org.nz/the-list/details/1706>

The Stone House, Westport <https://www.heritage.org.nz/the-list/details/7191>

Utopia Lodge (Former) Westport <https://www.heritage.org.nz/the-list/details/5033>

Municipal Chambers (Former) <https://www.heritage.org.nz/the-list/details/5000>

Cape Foulwind Lighthouse <https://www.heritage.org.nz/the-list/details/5023>

Big River Quartz Mine <https://www.heritage.org.nz/the-list/details/7762>

Consolidated Goldfields of New Zealand Manager's Residence (Former), Reefton <https://www.heritage.org.nz/the-list/details/5037>

Horse Trough (Former), Reefton <https://www.heritage.org.nz/the-list/details/5038>

Racecourse Grandstand, Reefton <https://www.heritage.org.nz/the-list/details/1687>

Reefton Courthouse (Former) <https://www.heritage.org.nz/the-list/details/1685>

Reefton Powerhouse Foundations <https://www.heritage.org.nz/the-list/details/5002>

School of Mines Reefton <https://www.heritage.org.nz/the-list/details/263>

Sacred Heart Church Reefton <https://www.heritage.org.nz/the-list/details/1689>

St Stephen's Church Reefton <https://www.heritage.org.nz/the-list/details/1691>

War Memorial Obelisk Reefton <https://www.heritage.org.nz/the-list/details/5039>  
Masonic Hall (Former) Reefton <https://www.heritage.org.nz/the-list/details/1686>  
Reefton Historic Area <https://www.heritage.org.nz/the-list/details/7050>  
Clerk of the Court and Survey Office House (Former) Reefton <https://www.heritage.org.nz/the-list/details/5068>  
Remains of Miss Bell's Log Cabin, Maruia Springs <https://www.heritage.org.nz/the-list/details/7135>  
Waipuna Station Homestead (Former), Waipuna <https://www.heritage.org.nz/the-list/details/3033>  
Blackwater School (Former), Blackwater <https://www.heritage.org.nz/the-list/details/5036>  
Waiuta <https://www.heritage.org.nz/the-list/details/9835>  
Ahaura Post Office (Former) <https://www.heritage.org.nz/the-list/details/5040>  
Runanga Miners' Hall (Former) <https://www.heritage.org.nz/the-list/details/9613>  
Blackball Coal Mine Chimneys <https://www.heritage.org.nz/the-list/details/5005>  
Return Air Vent and Fan Chamber, Blackball <https://www.heritage.org.nz/the-list/details/5006>  
Blackball Community Centre <https://www.heritage.org.nz/the-list/details/5043>  
Miners Bath House, Blackball <https://www.heritage.org.nz/the-list/details/5070>  
Formerly the Blackball Hilton <https://www.heritage.org.nz/the-list/details/7115>  
Brunner Industrial Site <https://www.heritage.org.nz/the-list/details/4996>  
Brunner Mines Historic Area <https://www.heritage.org.nz/the-list/details/7051>  
Suspension Bridge Taylorville <https://www.heritage.org.nz/the-list/details/7399>  
Dobson Monument <https://www.heritage.org.nz/the-list/details/1682>  
Moana Railway Station <https://www.heritage.org.nz/the-list/details/5004>  
Moana Railway Station Historic Area <https://www.heritage.org.nz/the-list/details/7054>  
Ruru Drying Kiln <https://www.heritage.org.nz/the-list/details/5069>  
Ruru Railway Station <https://www.heritage.org.nz/the-list/details/7236>  
Model Bungalow, Kotuku <https://www.heritage.org.nz/the-list/details/7232>  
Kotuku Timber Drying Kiln <https://www.heritage.org.nz/the-list/details/5042>  
Jack's Mill School Historic Area <https://www.heritage.org.nz/the-list/details/7434>  
Dispatch Foundry Greymouth <https://www.heritage.org.nz/the-list/details/1695>  
Greymouth Courthouse (Former) <https://www.heritage.org.nz/the-list/details/5016>  
Government Building (Former) Greymouth <https://www.heritage.org.nz/the-list/details/1696>  
Greymouth Railway Station <https://www.heritage.org.nz/the-list/details/3039>  
Greymouth Railway Station Historic Area <https://www.heritage.org.nz/the-list/details/7053>  
Gilmer Hotel (Former) <https://www.heritage.org.nz/the-list/details/1697>  
Railway Beam Bridge <https://www.heritage.org.nz/the-list/details/5018>  
Royal Hotel, Greymouth <https://www.heritage.org.nz/the-list/details/5058>  
Commercial Building, Greymouth <https://www.heritage.org.nz/the-list/details/5059>  
Hannah's Buildings, Greymouth <https://www.heritage.org.nz/the-list/details/5062>  
High Street Auto Centre (Former), Greymouth <https://www.heritage.org.nz/the-list/details/5064>  
Greymouth Railway Station Footbridge <https://www.heritage.org.nz/the-list/details/5014>

Heatherbell Hotel, Totara Flat <https://www.heritage.org.nz/the-list/details/7309>  
Regent Theatre, Greymouth <https://www.heritage.org.nz/the-list/details/7552>  
St Patricks Presbytery (Former), Greymouth <https://www.heritage.org.nz/the-list/details/1694>  
Kumara Racecourse Grandstand <https://www.heritage.org.nz/the-list/details/1692>  
Kumara Swimming Pool (former) <https://www.heritage.org.nz/the-list/details/7487>  
Hokitika Savings Bank Building (former) <https://www.heritage.org.nz/the-list/details/5051>  
Renton Hardware Building Hokitika <https://www.heritage.org.nz/the-list/details/5050>  
National Bank (Former), Hokitika <https://www.heritage.org.nz/the-list/details/5057>  
All Saints Church, Hokitika <https://www.heritage.org.nz/the-list/details/5012>  
St Andrew's United Church, Hokitika <https://www.heritage.org.nz/the-list/details/5013>  
Carnegie Free Public Library (Former), Hokitika <https://www.heritage.org.nz/the-list/details/1702>  
Bank of New South Wales (Former), Hokitika <https://www.heritage.org.nz/the-list/details/5056>  
Bank of New Zealand (Former), Hokitika <https://www.heritage.org.nz/the-list/details/5055>  
Prestons Building (Former), Hokitika <https://www.heritage.org.nz/the-list/details/5052>  
Memorial Clock Tower, Hokitika <https://www.heritage.org.nz/the-list/details/5054>  
Seddon Statue, Hokitika <https://www.heritage.org.nz/the-list/details/4995>  
Government Building (Former), Hokitika <https://www.heritage.org.nz/the-list/details/5011>  
St Mary's Church, Hokitika <https://www.heritage.org.nz/the-list/details/1705>  
Regent Theatre, Hokitika <https://www.heritage.org.nz/the-list/details/5053>  
Mahinapua Creek Railway Bridge <https://www.heritage.org.nz/the-list/details/5010>  
Hungerford Mausoleum, Hokitika <https://www.heritage.org.nz/the-list/details/1703>  
Seaview Lighthouse, Hokitika <https://www.heritage.org.nz/the-list/details/1704>  
Totalisator Building, Hokitika <https://www.heritage.org.nz/the-list/details/9249>  
St Patrick's Church, Ross <https://www.heritage.org.nz/the-list/details/1693>  
Ross Historic Area <https://www.heritage.org.nz/the-list/details/7055>  
Hendes Ferry Cottage, Harihari <https://www.heritage.org.nz/the-list/details/5048>  
The Willows Craft Cottage, Harihari <https://www.heritage.org.nz/the-list/details/5049>  
Guy Menzies Landing Site, Harihari <https://www.heritage.org.nz/the-list/details/7637>  
Okarito School (Former) <https://www.heritage.org.nz/the-list/details/5047>  
Donovan's Store <https://www.heritage.org.nz/the-list/details/5008>  
Memorial Obelisk <https://www.heritage.org.nz/the-list/details/5007>  
St James Church, Franz Josef <https://www.heritage.org.nz/the-list/details/4994>  
Defiance Hut, Franz Josef <https://www.heritage.org.nz/the-list/details/5046>  
Hendes Gallery, Franz Josef <https://www.heritage.org.nz/the-list/details/7166>  
Fox Glacier Hotel <https://www.heritage.org.nz/the-list/details/5045>  
Chancellor Hut, Fox Glacier <https://www.heritage.org.nz/the-list/details/5479>  
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