

# **TE TAI O POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai o Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendation Report Historic Heritage – Ngā Tuku Ihotanga**

**Hearing Date: 7 December 2023**

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#### **HEARING PANEL**

Paul Rogers (Chair)

Anton Becker

Maria Bartlett

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## **APPENDICES**

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## **PART A – INTRODUCTORY MATTERS**

### **1. PRELIMINARY MATTERS**

#### **1.1. Introduction**

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the proposed Te Tai o Poutini Plan (**‘pTTPP’** or **‘the Plan’**) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to Part 2 – Historical and Cultural Values of the PTPP; and contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Historic Heritage – Ngā Tuku Ihotanga chapter and Schedule One.
3. The Section 32 Report<sup>1</sup> provided an evaluation of the options for management of historic heritage in the Plan, including the regulatory framework, key resource management issues, the evidence base and evaluation of options. The Section 32 Report distinguishes historic heritage and archaeological sites from sites and areas of significance to Māori (SASM), which are separately addressed in the Plan in accordance with the National Planning Standards 2019<sup>2</sup> (**‘Planning Standards’**), and subject to a separate Recommendation Report. The Hearing Panel (**‘the Panel’**) recognise a close relationship between the Historic Heritage and SASM chapters because sites and areas of significance to Māori are part of the RMA definition of *‘historic heritage’*, and there are some items, areas and archaeological sites overlapping between Schedule One and Schedule Three of the Plan. The Historic Heritage Chapter therefore recognises and provides for matters of national importance under section s6(f) and section 6(e) of the RMA.
4. The s42A Officer’s Report Historic Heritage (**‘s42A Report’**) was authored by Ms Lois Easton, an independent planner with Kererū Consultants who worked with the TTPP Committee during development of the draft plan. The s42A report was circulated prior to the hearing, responding to submissions and further submissions and making recommendations for consideration by the Panel. The s42A report and Appendices 1 – 3 were provided on 25 October 2023 in accordance with Minute 2. These appendices included recommended amendments to plan text, recommendations on individual submission points, and a statement of advice from heritage professional Dr Ann McEwan. Additional appendices to the s42A were provided at the hearing.
5. The advice of Dr McEwan contained in Appendix 3 to the s42A Report specifically responded to nine submissions requesting additions to Schedule 1A: Schedule of Historic Heritage Items and Areas. These included submissions from Ailsa Hart, Barbara King, Brendon McMahon, Glenn Johnston, Greymouth Heritage Trust, Heritage New Zealand Pouhere Taonga (**‘HNZPT’**), Kate Kennedy, Laura Mills, Frida Inta and Paul Thomas.
6. Ms Easton provided her right of reply on 12 January 2024 in accordance with the direction of the hearing Panel. This provided for the statutory shutdown period of 20 December to 10 January, meaning that her reply was received within 10 working days of the hearing, in accordance with Minute 2. Appendices to her rights of reply included advice from Dr McEwan

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<sup>1</sup> 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

<sup>2</sup> National Planning Standards, November 2019, Section 7 District-wide Matters Standard, 15 and 17

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and archaeologist T J O'Connell in response to the submissions of Laura Mills and Frida Inta regarding potential additions to Schedule 1A. Ms Easton also responded to specific questions raised by the Panel during the hearing.

7. The s42A Report, appendices and right of reply addressed 223 submission points and 36 further submission points from 42 submitters, including residents, community groups, property owners, statutory agencies and businesses with an interest in the management of historic heritage. A number of core matters were raised by submitters for consideration by the Panel:
  - the West Coast historic heritage context;
  - the process of identifying historic heritage items, sites and areas;
  - the need to protect against loss of remaining historic heritage;
  - the ongoing and future use of historic heritage items, sites and areas;
  - the process for demolition and destruction of historic heritage items; and
  - Māori heritage relationships.
8. The matters raised by submitters are discussed as they arise within the following sequence of sections in this report:
  - a. Definitions
  - b. General/Whole Chapter;
  - c. Overview;
  - d. Objective;
  - e. Policies;
  - f. Rules;
  - g. Methods; and
  - h. Schedules
9. This Recommendation Report largely follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and statements, and the Reporting Officer's reply evidence, before providing the Panel evaluation and recommendation.
10. This Recommendation Report should be read in conjunction with the s42A Report and Addendum Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the recommendations and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~strikethrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan in Appendix 1 must prevail.

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11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
  - (a) The Panel has adopted the reasoning and recommendation of the s42A Report or Addendum Report to retain the provision as notified; or
  - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
  - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
13. Where there is a recommended change to a notified provision of the TTPP, it is because:
  - (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
  - (b) The Panel adopted the reasoning and recommendation of the s42A Reports or Addendum to change the provision to that recommended in the original s42A Report; or
  - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or
  - (d) A consequential change has been necessary following on from a recommendation in either (a), (b) or (c).
14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's Addendum or reply evidence (i.e. the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
16. If any changes are recommended to the provisions (since the Section 32 Report was completed) a further evaluation, if required pursuant to section 32AA of the RMA, has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
17. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report

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and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

## 1.2. Terminology in this Report

18. Throughout this Report, the following abbreviations will be used.

ADP	Accidental Discovery Protocol
Bathurst	Bathurst Resources Limited and BT Mining Limited
BDC	Buller District Council
Chorus	Chorus New Zealand Limited
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand
GDC	Grey District Council
Heritage List	New Zealand Heritage List/Rārangi Kōrero
HNZPT	Heritage New Zealand Pouhere Taonga
Kiwirail	Kiwirail Holding Limited
Manawa	Manawa Energy Limited
The Heritage List	New Zealand Heritage List/Rārangi Kōrero
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
One NZ	One New Zealand Group Limited (formerly Vodafone)
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan

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REG	Renewable Electricity Generation
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
Spark	Spark New Zealand Trading Limited (formerly Telecom)
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora
Telecommunications companies	Spark Trading New Zealand Limited, Chorus New Zealand Limited, One NZ Group Limited (formerly Vodafone New Zealand Limited) and FortySouth
Transpower	Transpower New Zealand Limited
TTPP Committee	Te Tai o Poutini Plan Committee
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited

### 1.3. Procedural Steps and Issues

19. Procedural matters arose in relation to the decision-making process for the Historic Heritage Chapter of the Plan, including:
- pre-hearing meeting;
  - online hearing;
  - additions to the s42A Report; and
  - Manawa evidence.
20. A pre-hearing meeting was held on 25 September 2023 focussed on the submission points of HNZPT. The meeting was attended by representatives of HNZPT (Arlene Baird, Robyn Burgess and Christine Whybrew) and West Coast Regional Council (**'WCRC'**) (Ben Douglas), as well as planning and heritage consultants for the TTPP Committee (Lois Easton and Dr Ann McEwan).

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21. The Panel issued Minute 11 on 30 November 2023 advising that the Historic Heritage hearing would be conducted entirely online.
22. Additional appendices 4A – 4F to the s42A report were provided at the hearing. These appendices comprised of site records describing the values and extent of six historic heritage items and areas in the Westland and Grey districts recommended by Ms Easton for inclusion in Schedule 1A of the proposed plan, on the basis of Dr McEwan’s advice. These appendices were provided to the Panel for completeness, as contextual information and examples of the kind of detailed assessments intended to be undertaken for all sites in Schedule 1A and made available to plan users by 2026. The absence of the information in these appendices at the time of releasing the s42A report is not considered by the Panel to have disadvantaged any party to the process. The information pertained specifically to the submissions of Laura Mills and Brendon McMahon who requested that these historic heritage items and areas be included in Schedule 1A, which the s42A report and appendices support.
23. Notes from the pre-hearing meeting were available at the hearing but were not available at the time of writing the s42A report. Ms Easton advised the Panel that outcomes from the pre-hearing were incorporated into her report, such that the late release of pre-hearing notes to accompany the s42A report was not prejudicial to the process. The Panel agreed, upon review of the notes and finding reference to the corresponding pre-hearing meeting discussions in the s42A report analysis and recommendations<sup>3</sup>. HNZPT were able to provide additional insight on matters discussed in pre-hearing through their written and oral evidence.
24. Expert evidence of submitters was provided twenty working days in advance of the hearing, in accordance with Minute 2, including tabled evidence; however, due to an administrative error, the tabled evidence of Manawa Energy Limited (**‘Manawa’**) was not loaded on to the pTTPP website, meaning that there was a delay in access for other participants in the process. The s42A officer identified one further submitter on the original Manawa submission (S438.063), Birchfield Coal Mines Ltd (FS232.017), which was in support of the Manawa submission. As such, Ms Easton noted during the hearing that no parties had been prejudiced by this error.
25. Consideration of Manawa evidence by the Panel was not impacted by the error as the Panel had received a copy of the evidence at the time it was lodged. The substance of Manawa evidence was fully canvassed through the hearing process; consequently, the Panel are satisfied that the administrative error did not materially affect the process or outcome.

#### 1.4. Hearing Arrangements

26. A hearing into the submissions received on the Historic Heritage Chapter was held on the 7th of December 2023.
27. All participants in the hearing joined via audio visual link. The hearing was concluded in one day. A video recording of the hearing was made available on the pTTPP website.

#### 1.5. Appearances

28. The following participants appeared at the hearing:

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<sup>3</sup> See paragraphs 28, 95, 124, 155, 172, 173 and 201 of the s42A report

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**Ms Laura Mills** (S240) for herself

**Poutini Ngāi Tahu** (S620)

- Ms Susan Aitken, planner

**Chorus, Spark, One NZ & FortySouth** (S663)

- Mr Graeme McCarrison, on behalf of Spark NZ Trading Limited

- Mr Andrew Kantor, on behalf of Chorus NZ Limited

- Mr Chris Horne, planner

**Westpower Limited** (S547)

- Mr Rodger Griffiths, on behalf of the company

- Mr Martin Kennedy, planner

**The O’Conor Institute Trust Board** (S466)

- Mr Mark Lile, planner

**Heritage New Zealand Pouhere Taonga** (S140)

- Ms Arlene Baird, acting area manager Canterbury/West Coast

**Bathurst Resources Ltd and BT Mining Ltd** (S491)

- Mr Campbell Robertson, environmental manager

**Ms Frida Inta** (S553) on behalf herself and Buller Conservation Group (S552)

### **1.6. Overview of submitter evidence received**

29. For those appearing at the hearing, legal submissions were received from Mr Joshua Leckie and Ms Christina Sheard for Bathurst (dated 23 November 2023).
30. For those appearing at the hearing the following evidence and/or statements were received:
  - (a) Laura Mills, hearing statement (undated);
  - (b) Ms Susan Aitken, planner for Poutini Ngāi Tahu (evidence dated 9 November 2023 and statement dated 7 December 2023);
  - (c) Mr Graeme McCarrison for Spark NZ Trading Ltd, Mr Andrew Kantor for Chorus NZ Ltd and Mr Colin Clune for One NZ Group Ltd and FortySouth (formerly Vodafone NZ Ltd) (joint evidence dated 8 November 2023)
  - (d) Mr Martin Kennedy, planner for Westpower Limited (evidence dated 6 November 2023);
  - (e) Mr Mark Lile, planner for The O’Conor Institute Trust Board (evidence dated 9 November 2023);

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- (f) Ms Arlene Baird for Heritage New Zealand Pouhere Taonga (evidence dated 8 November 2023 and hearing statement, undated);
  - (g) Campbell Robertson for Bathurst Resources Limited and BT Mining Limited (evidence dated 9 November 2023)
  - (h) Ms Frida Inta and Buller Conservation Group (hearing statement dated 7 December 2023)
31. Following the receipt of the s42A Report:
- (a) Amy Young tabled evidence on behalf of the Director General, dated 9 November 2023, acknowledging that the reporting officer had accepted the Director General’s submission points, and that she supported the solutions identified in the s42A Report.
  - (b) Stephanie Styles tabled evidence on behalf of Manawa, dated 7 November 2023, that indicated outstanding matters to be resolved in relation to renewable electricity generation (**‘REG’**) in order to give effect to higher order instruments. She outlined that the Kumara hydro-electric power scheme and the Kaniere McKays hydro-electric power scheme both incorporate elements of historic heritage as part of their operation. She noted that the historic elements of these assets were not currently listed as historic heritage, but a further review may result in their inclusion, so the intent of the submission was to future-proof the Plan provisions.

#### 1.7. Right of Reply

32. Ms Easton provided her right of reply on 12 January 2024, which included an updated Appendix 1 showing tracked changes to the notified provisions, as well as two archaeological appraisals from archaeologist T J O’Connell, and two further appraisals from Dr Ann McEwan. These appraisals responded to the matters raised at the hearing by Frida Inta in relation to the Mōkihinui Midden site (NZAA Site Number L28/1) and the Mōkihinui-Seddonville railway line site (NZAA Site Number L28/36); as well as the matters raised by Laura Mills in relation to the Hannan and Seddon building in Werita Street, Greymouth and the Mt Griffin serpentine quarry remnants.

#### 1.8. Site Visits

33. The Panel undertook site visits from Karamea to Jackson Bay, including observations of historic heritage sites in Reefton, Stockton, Millerton and Denniston, Blackball, central Greymouth and Kumara.

### PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

34. This section of the report considers the requirements for preparation of a district plan, as relevant to the SASM Chapter, particularly section 73, section 74 and section 75 of the RMA, with reference to the Memorandum of Counsel from Ms de Latour dated 13 October 2024.
35. The Panel have considered the role of the Historic Heritage Chapter in assisting Buller District Council, Grey District Council and Westland District Council (**‘the Councils’**) to carry out their functions under section 31 of the Act, including integrated management.

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36. The Panel relies on the Section 32 Report<sup>4</sup> assessment of relevant statutory requirements and direction contained in higher order instruments.

37. For completeness, the Panel have considered the definition of historic heritage in Section 2 of the RMA which describes the scope of matters for consideration in this chapter, as follows:

*(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*

*(b) includes—*

*(i) historic sites, structures, places, and areas; and*

*(ii) archaeological sites; and*

*(iii) sites of significance to Māori, including wāhi tapu; and*

*(iv) surroundings associated with the natural and physical resources*

38. While there is a separate report dedicated to the Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori ('**SASM**') chapter, archaeological sites are addressed in this report and may include verified and as yet undiscovered sites of significance to Māori, such as individual midden finds not otherwise within an area identified in Schedule 3 – Sites and Areas of Significance to Māori and corresponding maps. Unverified archaeological sites are also a matter for this Recommendation Report.

39. A number of unverified archaeological sites of Māori origin are identified in Appendix Ten to the Plan. The notified version of the Plan contained no policies, rules or methods that specifically referenced Appendix Ten in order to understand how to apply plan provisions in the Historic Heritage – Ngā Tuku Ihotanga chapter and/or the Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori chapter in relation to this appendix. The Panel addresses this issue in response to evidence received through the hearings in the Recommendation Report for the SASM Chapter, and other chapters of the Plan where the matter arises.

40. With reference to section 74 of the RMA, the Panel have made recommendations in accordance with territorial authority functions as they pertain to historic heritage (section 31), the purpose of sustainable management (Part 2), Planning Standards, the NZ Coastal Policy

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<sup>4</sup> Section 11.2.7, p57

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Statement ('NZCPS') and relevant national policy statements. The Panel have also had regard to the provisions of adjacent territorial authorities, and relevant entries on the New Zealand Heritage List/Rārangi Kōrero ('Heritage List'), as well as strategies and plans prepared under other Acts, where relevant.

41. As a matter of national importance, the Panel recommendations recognise and provide for the "*protection of historic heritage from inappropriate subdivision, use and development*". The Panel has turned its mind to understanding what may be appropriate and inappropriate subdivision, use and development in the context of Te Tai o Poutini/West Coast region as a whole and within the three districts covered by the Plan. The Panel also acknowledge that there is historic heritage in Schedule One that relates to section 6(e), section 7(a) and section 8 of the RMA.
42. Efficient use and development of historic heritage, where appropriate, (section 7(b)) is a matter addressed by recommended provisions seeking to enable repurposing of historic heritage items and areas. Maintenance and enhancement of amenity values associated with historic heritage items and areas, and archaeological sites (section 7(c)), and the maintenance and enhancement of their quality (section 7(f)) is addressed by recommended provisions allowing for repurposing as well as those focussed on ways to improve upon past management of historic heritage within the region.
43. The finite characteristics of historic heritage items and areas and archaeological sites (section 7(g)) and the effects of climate change on them (section 7(i)) are particularly relevant to recommended provisions managing potential for demolition and potential for relocation of heritage items. The latter issue is related to management of significant risks from natural hazards, another matter of national importance that is addressed in the Natural Hazards – Ngā Mōreareatanga Aotūroa chapter and associated Recommendation Report. Providing for potential relocation of heritage items through the recommended provisions of the Historic Heritage – Ngā Tuku Ihotanga chapter contributes to meeting objectives for natural hazard risk management, assisting integrated management of natural and physical resources.
44. The Planning Standards in Standard 15 and Standard 17 set requirements for plans that address Historic Heritage and Sites and Areas of Significance to Māori respectively. The Panel recommendations have been made on the understanding that the SASM Chapter must contribute to achievement of objectives in the Historic Heritage Chapter, which is further discussed in the Recommendation Report for the SASM Chapter and discussed in relation to relevant objectives in this report. Standard 15, referenced in relation to this report, requires provisions to be located in the Historic Heritage Chapter where they pertain to identification of historic heritage, protection and management of historic heritage, heritage orders, and schedules of identified historic heritage and heritage orders, which may be in appendices. This standard is followed in the Plan.
45. The NZCPS, Objective 6, recognises that historic heritage in the coastal environment is extensive, but not fully known, and is vulnerable to loss or damage from inappropriate subdivision, use and development. The Coastal Environment – Te Taiao o te Takutai chapter of the PTPP, CE-P1, addresses historic heritage values in the coastal environment, as discussed in the Recommendation Report for the Coastal Environment Chapter. Policy 2 and Policy 6 of the NZCPS are relevant to Panel recommendations regarding management of unverified NZAA archaeological sites, including those that are located within the coastal environment, guided by NZCPS direction to incorporate buffers.

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46. Panel responses to the evidence of Manawa Energy Limited ('Manawa') ensure the provisions in the Historic Heritage Chapter appropriately give effect to the National Policy Statement for Renewable Electricity Generation ('NPSREG').
47. The West Coast Regional Policy Statement ('RPS') Chapter 4, Objective 4 seeks that "*the significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural well-being of the West Coast*". The Panel understand this objective in the context of Part 2 of the RMA, particularly section 6(f), interpreting the term "*significant*" to mean historic heritage is significantly valued as a matter of national importance. The Panel consider that in order to "*appropriately manage*" historic heritage it must be protected from inappropriate subdivision, use and development. Such management is then able to contribute to the economic, social and cultural well-being of the West Coast, as the Panel reads that objective. The Panel accepts that there may be degrees of value that influence how individual historic heritage items and areas and archaeological sites are protected, and therefore appropriately managed.
48. Policy 5 of Chapter 4 supports Objective 4, promoting the sustainable management of historic heritage through: "*identifying significant values associated with historic heritage*"; ensuring that subdivision, use and development does not detract from those values once identified; and encouragement of adaptive reuse of historic heritage where appropriate and practicable. The Panel again reads this policy in the context of section 6(f), meaning that historic heritage is presumed to have significant values associated with it as a matter of national importance and that identifying historic heritage means also identifying its values, such that there is no doubt regarding the significance of historic heritage, and that it is valued. The Panel interprets the need to not detract from identified historic heritage and its values as meaning that historic heritage is to be protected from inappropriate subdivision, use and development. The Panel acknowledge the efforts of the TTPP Committee, contributors from the community, submitters and owners of historic heritage to support adaptive reuse on the West Coast, including through the Plan provisions, as a means of giving effect to this policy. The Panel have given consideration to the economic implications, as signalled in the policy explanation, and the social and cultural implications of recommendations. The Panel has referenced the section 32 and 32AA analyses and further considers the costs and benefits of any recommended changes from the notified version of the PTPP as necessary. The Panel recommendations give effect to the RPS as it relates to historic heritage.
49. The Panel received evidence that all items on the Heritage List within the West Coast region have been added to Schedule 1A: Schedule of Historic Heritage Items and Areas. HNZPT advised that listed items are not protected by virtue of being on the list, hence the need for scheduling and provisions in the Plan, and for schedules to be "*comprehensive and defensible*", as described in the evidence of Ms Baird. The Panel acknowledge that this requires the preparation of assessments and site records for the benefit of heritage owners and planners to understand values requiring protection. HNZPT emphasised to the Panel that all pre-1900 sites are archaeological sites by definition under the HNZPT Act, whether or not they are scheduled in the district plan. The Panel recognise the need to protect archaeological sites, both known and unknown or unverified.
50. The Panel recognise the relationship between the Plan and Department of Conservation ('DOC') policies and strategies, and management plans guiding DOC responsibilities towards historic heritage on public conservation land. The reporting officer, Lois Easton, advised the Panel in her right of reply that the preservation and protection of natural and historic resources are matters for conservation under the Conservation Act 1987, and that DOC manages the largest heritage portfolio in the country. The Panel note that some historic

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heritage items and areas included in Schedule 1A of the Plan, including Big River Quartz Mine, Denniston Historic Area, Waiuta Historic Area, Brunner Mines Historic Area and Ross Historic Area, have a relationship with historic places actively managed on public conservation land<sup>5</sup>. Application of section 4(3) of the RMA determines that historic heritage on public conservation land is outside the jurisdiction of the Plan.

51. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.

## PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

### 2. HISTORIC HERITAGE - NGĀ TUKU IHOTANGA

52. Historic heritage is variously described through the s42A report, submissions and evidence presented to the hearing as “*items*”, “*buildings*”, “*structures*”, “*sites*”, “*areas*” and “*landscapes*”. The phrase “*items and areas*” is used throughout this report and as part of Panel recommendations. “*Items*” is considered by the Panel to include buildings, structures and materials. “*Areas*” includes the location of historic heritage items, landscape settings and delineated or mapped historic heritage places. ‘*Archaeological sites*’ are separately referenced. Where other terms are used, such as “*buildings*”, “*structures*” or “*materials*”, these are used specific to the context of analysis and recommendations.
53. The Panel received evidence from the reporting officer and submitters on the historic heritage context of the region.
54. **Ms Easton** described Te Tai o Poutini as “exceedingly rich” in historic heritage resources. She advised that all three operative district plans pre-date the introduction to the RMA in 2003 of protection for historic heritage from inappropriate subdivision, use and development as a matter of national importance, and therefore also the Heritage New Zealand Pouhere Taonga Act 2014 (‘**HNZPT Act**’) that established the functions and powers of HNZPT<sup>6</sup>. She noted that this has meant inconsistent and ad hoc outcomes for historic heritage in the region. She emphasised financial implications of maintaining heritage buildings, in particular due to earthquake strengthening requirements, and that “demolition by neglect” has been a significant problem in parts of the region. She outlined the challenges in Greymouth due to the prevalence of heritage buildings situated on leasehold land within the town, further affecting investment in maintenance, repairs and upgrade of these buildings. She stated that over the life of the Grey District Plan many heritage buildings have fallen in to disrepair, with examples of demolition, notably Remingtons Hotel and Waitaki House. She described the Plan process as an opportunity to reduce barriers to undertaking necessary works on such buildings, whilst being sensitive to their heritage values.
55. Significantly, Ms Easton identified that there is currently no historic heritage professional capability on the West Coast, either within councils or locally based consultants, despite the abundance of historic heritage, and therefore heavy reliance is placed on assistance from HNZPT, as well as contracted expertise from outside the region, particularly in relation to assessment of historic heritage items and areas, and archaeological site assessments. This context has been recognised by the Panel in the approach taken to identifying expertise

<sup>5</sup> P106, Table 2 of the West Coast Conservation Management Strategy

<sup>6</sup> The Buller District Plan was amended three times between 2004 and 2011, and the Grey District Plan was amended in 2014, however these amendments did not fully align the plans with statutory changes

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suitable for undertaking assessments, including the definition of *'suitably qualified or experienced heritage professional'*.

56. In her right of reply, Ms Easton acknowledged a connection between protection of historic heritage and tourism opportunities. She noted that each of the district councils have cultural heritage tourism projects (e.g. Westland Cultural Heritage Tourism project) and locations (e.g. Ross goldfield, Shantytown, Reefton, Denniston Plateau), and that the Pounamu Pathway project recently received significant support from Development West Coast. Overall, she described historic heritage tourism as a small but growing part of West Coast tourism offerings and that she considered it a priority to support that growth. The Panel, therefore, recognise the relationship between the Historic Heritage Chapter provisions and Tourism Strategic Objective TRM-O1 in the Plan.
57. Arlene Baird of **HNZPT** advised that the West Coast has already lost *"an absolutely massive amount"* of heritage, and that the region is *"incredibly unique"* with heritage that is not found anywhere else in the country. Ms Baird followed that there is a need to strive to protect as much historic heritage as possible.
58. **Laura Mills**, a journalist with a passion for documenting history and a weekly heritage feature in the Greymouth Star, described a limited network of organisations and community members working to preserve West Coast heritage, with ad hoc funding. She noted that there is no business driving heritage preservation, and that investigation is dependent upon volunteer effort. Ms Mills expressed concern about previous demolition and potential further demolition of heritage listed buildings in Greymouth, and noted the vulnerability of heritage buildings in small towns. She considered that heritage tourism was taking a back seat to nature based and adventure tourism, although there was visitor interest in West Coast heritage.
59. Susan Aitken, planner for **Poutini Ngāi Tahu**, indicated that historic heritage of significance to Poutini Ngāi Tahu was included in both Schedule One and Schedule Three of the plan, so the provisions of the Historic Heritage Chapter and the SASM Chapter together support historic heritage values of cultural importance, along with unverified archaeological sites in Appendix Ten.
60. Ms Easton confirmed that all objectives in the Historic Heritage Chapter are applicable to sites and areas of significance to Māori, and that policies HH-P1, HH-P2, HH-P3 and HH-P9 are suitable policies to apply in relationship with the policies in the SASM Chapter.

## 2.1. Definitions

### Submissions and Further Submissions

61. The s42A Report, on pages 12-14, summarises submissions and further submissions on definitions.
62. HNZPT (S140.002, S140.003, S140.006 and S140.007) was the sole submitter on the definitions for *'archaeological site'*, *'heritage fabric'*, *'relocation'* and *'repositioning'*.
63. Poutini Ngāi Tahu (S602.031 and S620.032) was the sole submitter on the definitions for *'heritage resource'* and *'historic heritage'*.
64. HNZPT (S140.004) and Federated Farmers (S524.009) submitted on the definition of *'heritage professional'*, in support of retaining as notified and requesting deletion respectively. Federated Farmers (S524.137, S524.046 and S524.138) sought an alternative definition for

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*'suitably qualified heritage professional'*. The Federated Farmers submission points were opposed, variously in full or in part, by HNZPT (FS111.004, FS111.006, FS111.008) and BDC (FS149.049).

65. BDC (S538.168) sought clarification on what was meant by *'ADP commitment'* in relation to HH-R3, which is also discussed in relation to that rule.

#### **Section 42A Report Analysis and Recommendations**

66. Ms Easton supported the request of HNZPT to introduce a definition of *'archaeological site'*, differentiated from *'site'*, which is defined in the Plan. She recommended no amendments to the definitions of *'relocation'* and *'repositioning'*, which HNZPT sought to be retained as notified. She also recommended amending the definition of *'historic heritage'* to match section 2 of the RMA in response to the Poutini Ngāi Tahu submission point, and recommended no amendments to the definition of *'heritage resource'*, which Poutini Ngāi Tahu sought to be retained as notified.
67. Ms Easton did not support the submission points of Federated Farmers regarding the definition of *'heritage professional'*. She acknowledged limited availability of heritage professionals in the region, but noted that relocation and modification of heritage items without input from appropriate expertise was an issue that had previously resulted in damage to important heritage resources. She emphasised that the definition supports rules that allow for repair, maintenance and earthquake strengthening of historic heritage buildings. She acknowledged the further submission of BDC that sought to delete reference to a minimum of 5 years of experience because the council did not wish to ascertain the work experience of every professional. She considered that any heritage professional providing advice to the Councils would provide information about their expertise.
68. Ms Easton responded to the BDC submission point by recommending a definition of *'Accidental Discovery Protocol Commitment'* to support implementation of HH-R3.

#### **Hearing and Submitter Evidence/Statements**

69. Arlene Baird on behalf of HNZPT advised that having the right expertise assessing historic heritage was particularly important and she believed that the qualifications covered by the proposed definition of *'heritage professional'* were potentially broad enough to cover a range of expertise, including architectural expertise. She acknowledged that there are occasions where an architect can have worked on heritage projects for ten years without having a particular heritage related qualification and have the right expertise, which has been overcome by councils consulting with HNZPT. She said that HNZPT takes a peer review role and assists councils. She gave the example of Christchurch City Council having a list of approved heritage professionals. She agreed that the expertise needed may differ depending on the project, and supported the use of an advice note that HNZPT may be consulted in each case, along with the use of the proposed definition. The proposed definition is used in other plans and is therefore supported by HNZPT, but Ms Baird indicated that it may benefit from an *'or'* that refers to an approved council list. She was comfortable with the term *'suitably qualified heritage professional'*.
70. Mark Lile, planner representing The O'Connor Institute Trust Board, raised the issue of capacity constraints on the West Coast, as well as nationally. He emphasised the scope of expertise that needs to be covered, particularly architectural qualifications and experience, in the definition of *'heritage professional'*. Mr Lile emphasised the importance of ensuring flexibility in the wording of the definition and/or the associated rules, potentially dropping the word

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*'heritage'* from the term or otherwise addressing what is captured by the definition to reflect the reality of practice in the region.

71. Susan Aitken, planner representing Poutini Ngāi Tahu, sought clarification for plan users regarding what constitutes a *'suitably qualified heritage professional'* in order to support proposed method HH-M2. She noted that an advice note would not carry any weight. She sought that the definition be expanded to Poutini Ngāi Tahu cultural heritage expertise, determined by the relevant Rūnanga.

#### **Reporting Officer Reply Evidence**

72. There was no further evidence from Ms Easton in her right of reply on the matter of definitions.

#### **Hearing Panel's Evaluation**

73. The Panel accepts the advice of the reporting officer, with the exception of the definition of *'heritage professional'*. The Panel also note that HNZPT sought that the reference to *'site'* in the *'heritage fabric'* definition should not link to the Plan definition for *'site'*. Evidence from Arlene Baird did not further explore this point. The Panel can see the issue raised by HNZPT and consider that removal of the term *'site'* is an available course of action, as alternative relief. The word *'place'* is already part of the definition and therefore the matter of location is covered, without introducing complications that might arise from use of the term *'site'* as defined in the Plan. The Panel also understand that all uses of the term *'site'* will incorporate a hyperlink to the interpretation of the term, so the alternative relief is necessary to address the issue raised in submission. The same is true in relation to the term *'archaeological site'* which is referenced in the Overview of the Plan but is not included as a definition in the Interpretation section. The Panel consider that including a definition in the Plan would provide additional relief on this submission point and should mean the same as the HNZPT Act 2014.
74. The Panel have identified the need for a consequential amendment to the definition of *'heritage fabric'* in light of the submissions from The O'Connor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056), as discussed in the Rules section of this Recommendation Report. Interior heritage fabric is only relevant to those heritage items in Schedule One that incorporate the phrase *"fixtures and fittings"* in their description of *"Extent"*, which the Panel considers is helpful to clarify in the definition of *'heritage fabric'* in addition to amendments in the rules.
75. The Panel has considered concerns expressed by submitters regarding the potential limitations of the notified definition of *'heritage professional'*, which during the course of the hearing was often referred to as *'suitably qualified heritage professional'*. The Panel accepts the view of Ms Baird that it is necessary to emphasise heritage expertise in the definition. The Panel also accepts the concerns of Mr Lile regarding clarity around the definition capturing related fields, such as architects. The Panel has further considered the evidence of Ms Baird regarding the peer support and peer review role that HNZPT offers to councils and to practitioners in the heritage field. Ms Baird stated that HNZPT does recognise some experts whose experience may not otherwise be captured in the notified definition of *'heritage professional'*, particularly those with many years of experience (e.g. ten years) who may lack a relevant qualification. She also acknowledged during questioning that different types of expertise may be required depending on the circumstances of each case, so that *'suitably qualified'* may differ between proposals.

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76. In the Christchurch City Council example cited by Ms Baird, involving a council approved list, HNZPT had not compiled the council list of suitably qualified heritage professionals, but Ms Baird said that HNZPT would support those on the list as having appropriate expertise to undertake heritage assessments. The Panel expressed concerns during the hearing about relying on a list approved by council, which may give rise to legal issues.
77. The Panel is of the view that a definition of *'suitably qualified heritage professional'*, as requested in the Federated Farmers submission points, needs to rely on objective criteria to determine what *'suitably qualified'* means in relation to a heritage professional. In this respect, HNZPT are the statutory body with a primary function nationally to assess and protect historic places, historic areas, wāhi tupuna and and wāhi tapu, and provide support for persons with a legal or equitable interest in such places and areas<sup>7</sup>. The Panel considers that the act of peer review and recognition by HNZPT of heritage expertise is a means of support that HNZPT can, and currently does, provide to the district councils. The Panel also considers that the act of peer review and recognition by HNZPT, and evidence of such, is a legitimate objective means of establishing whether a person can be considered a *'suitably qualified heritage professional'*, on the evidence given by HNZPT to the hearing. While the Panel can see that an advice note is helpful for plan users, this cannot overcome any limitations of the definition itself because the advice note has no statutory weight, as noted by Ms Aitken.
78. In response to submissions and evidence of submitters concerning the definition of *'heritage professional'*, the Panel has determined the need to recommend an additional pathway for someone to be considered suitable, reliant on HNZPT advice, and also note that the term should be *'suitably qualified or experienced heritage professional'* to reflect the different pathways provided for in the definition. The Panel consider that the definition should be accompanied by an advice note, and consequential amendments made to the rules to incorporate the expanded term. The Panel note that Poutini Ngāi Tahu did not submit on the definition, however the evidence provided has guided drafting of the advice note to accompany the definition, and ensures consistency with the approach taken in the SASM Chapter.
79. The Panel recommend adopting the definition of *'Accidental Discovery Protocol Commitment'* to support implementation of HH-R3, but consider that the second sentence in the wording recommended by the reporting officer is better suited to an advice note accompanying the definition.

#### **Hearing Panel's Recommendation**

80. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Definitions** section of the Plan:

**Accidental Discovery Protocol Commitment means a written commitment to adhere to the accidental discovery protocol as contained in Appendix Four.**

**Advice note: This does not replace any archaeological authority required by HNZPT.<sup>8</sup>**

<sup>7</sup> Heritage New Zealand Pouhere Taonga Act 2014, s13(1)(a)

<sup>8</sup> Buller District Council S538.168

**Archaeological site has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014 (as set out below).<sup>9</sup>**

**Means, subject to section 42 (3) of the Heritage New Zealand Pouhere Taonga Act 2014, –**

**a) Any place in New Zealand, including any building or structure (or part of a building or structure), that-**

**i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and**

**ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and**

**b) Includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.**

**Heritage fabric means any physical element, feature, material or finish which contributes to the heritage values, in whole or in part, of a structure, place, object or feature or site.<sup>10</sup> Heritage fabric only includes any interior element, feature, material or finish where specifically identified in Schedule One Historic Heritage Items and Areas that reference fixtures and fittings.<sup>11</sup>**

**Historic heritage means sites, buildings and areas identified in Schedule One Historic Heritage Items and Areas and Archaeological Sites has the same meaning as in section 2 of the RMA (as set out below) –**

**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**

**b) includes –**

<sup>9</sup> Heritage New Zealand Pouhere Taonga S140.002

<sup>10</sup> Heritage New Zealand Pouhere Taonga S140.003

<sup>11</sup> The O’Conor Institute Trust Board S466.013, Frank and Jo Dooley S478.056

- i. historic sites, structures, places, and areas; and
- ii. archaeological sites; and
- iii. sites and areas of significance to Māori, including wāhi tapu; and
- iv. surroundings associated with the natural and physical resources

**Suitably Qualified or Experienced Heritage Professional** means a person with a degree or recognised post-graduate qualification in a field related to heritage conservation or management, **which may include architecture**, and at least five years of experience in a heritage conservation or management role; **or otherwise, a person peer reviewed and recognised by Heritage New Zealand Pouhere Taonga as having experience in heritage conservation or management relevant to undertaking the required role.**

**Advice Note: Relevant experience in heritage conservation or management includes cultural expertise held by members of Poutini Ngāi Tahu, and consultation with Poutini Ngāi Tahu is needed to identify expertise relevant to undertaking the required role.**<sup>12</sup>

## 2.2. Historic Heritage General/Whole Chapter

### **Submissions and Further Submissions**

81. The s42A Report, on pages 8-10, summarises submissions and further submissions on the Historic Heritage Chapter as a whole. There were two submitters in support, one supporting in part and seven seeking amendments.
82. The Greymouth Heritage Trust (S104.007) sought that the Plan outline how and when heritage sites and buildings can be added to the Plan, and what would be required to be included. Rocky Mining Limited (S474.033 and S474.036)) and Papahaua Resources Limited (S500.022 and S500.025) sought recognition of the functional need and operational need of mineral extraction activities, and that use of the terms ‘avoid’, ‘protect’, ‘prevent’ or ‘minimise’ are limited to situations where they are warranted.

### **Section 42A Report Analysis and Recommendations**

83. Ms Easton responded to the submission of Greymouth Heritage Trust by noting that a plan change would be required to add historic heritage items and areas and archaeological sites to the Plan schedules. She acknowledged that there are likely to be important heritage items and areas and archaeological sites valued by the community that are not included in the schedules because the list is largely made up of historic heritage items and areas and archaeological sites listed by HNZPT. She recommends a new method HH-M2 is added to the Plan to address this matter, which is further discussed in the Methods section of this report.

<sup>12</sup> Federated Farmers of New Zealand S524.009, S524.137, S524.046 and S524.138

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84. Ms Easton responded to the points of the mining companies by citing Part 2 of the RMA and noting that there is no direction in higher order instruments that would give mineral extraction priority over matters of national importance. She considered that use of the terms that were causing concern for the mining companies are appropriate in the context of providing protection for historic heritage, in accordance with section 6(f) of the RMA.

#### **Hearing and Submitter Evidence/Statements**

85. The submitters did not provide evidence in support of their positions, but the Panel did receive evidence on the new proposed method HH-M2, which is discussed in the Methods section of this Report.

#### **Reporting Officer Reply Evidence**

86. There was no further evidence from Ms Easton in her right of reply on the general matters raised, aside from new Method HH-M2 which is discussed in the Methods section of this report.

#### **Hearing Panel's Evaluation**

87. The Panel accepts the advice of the reporting officer on the general matters raised.

#### **Hearing Panel's Recommendation**

88. No amendments are recommended to the Plan in relation to the general matters raised, with the exception of new Method HH-M2, which is discussed in the Methods section of this report.

## **2.3. Historic Heritage Overview**

#### **Submissions and Further Submissions**

89. The s42A Report, on pages 10-12, summarises submissions and further submissions on the Overview of the Historic Heritage Chapter. There was one submission point opposing in part and seven submission points seeking amendments, from HNZPT, Poutini Ngāi Tahu and GDC, with further submissions from Westpower and Poutini Ngāi Tahu.

#### **Section 42A Report Analysis and Recommendations**

90. Ms Easton generally supported submissions seeking changes to the Overview, with the exception that she considered it necessary to be clear that Appendix Ten archaeological sites are not currently mapped and would need to be introduced by way of plan change. She did not support the request of GDC (S608.010) to remove all references to sites and areas of significance to Māori, consistent with other recommendations.

#### **Hearing and Submitter Evidence/Statements**

91. Arlene Baird on behalf of HNZPT acknowledged the acceptance of their submission points on the Overview that made obligations to archaeological sites clearer for Plan users.
92. Susan Aitken on behalf of Poutini Ngāi Tahu accepted the alternative wording provided in the s42A Report regarding Appendix Ten. She recorded her agreement with the reporting officer that all of the objectives are relevant to SASM, as well as Notable Trees, and that policies HH-P1, HH-P2, HH-P3 and HH-P9 are the relevant policies for SASM. She supported the remainder

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of the recommendations on Poutini Ngāi Tahu submission points, whilst also noting some additional typos that were not picked up in Appendix 1 to the s42A Report.

93. Martin Kennedy, on behalf of Westpower, provided further evidence on further submission FS222.0161 in light of the s42A Report rejecting the point in favour of the HNZPT submission point S140.015. He recommended some wording that would satisfy the intent of the submission and further submission, adding “*including archaeological sites*”.

#### **Reporting Officer Reply Evidence**

94. Ms Easton, in response to a question from the Panel, considered that there may be value in referencing heritage tourism in the Overview, which would provide a link to the Strategic Direction for Tourism in the Plan. She did not provide any recommended wording.

#### **Hearing Panel’s Evaluation**

95. The Panel generally accepts the advice of the reporting officer on the Overview. The Panel also agree with Mr Kennedy that the additional wording he recommends would assist, which is further discussed in relation to the method in the Methods section of this report. The Panel have considered any need for additional reference to heritage tourism but find that reference is already present in paragraph three of the Overview, which is considered to be sufficient and provides a link to the Strategic Direction for Tourism in the Plan.
96. The Panel also recommend amending the Overview to avoid use of the term ‘*sites*’ that may be problematic, preferring the overarching terms ‘*items*’ and ‘*areas*’, and separate reference to ‘*archaeological sites*’, which mirrors the headings in the notified versions of Schedule 1A and Schedule 1B.
97. With regard to Appendix Ten, the Panel do not consider that an alert layer for information purposes is a matter for a plan change. The Panel consider that addition of these sites to Schedule One would warrant a plan change, so the Overview is amended on the basis of this understanding.

#### **Hearing Panel’s Recommendation**

98. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Overview**:

##### **Overview**

~~Sites~~ **Items**<sup>13</sup>, areas, memorials and buildings may have historic heritage values if they are places or objects ~~which~~ **that**<sup>14</sup> people associate with their identity, history, and events or cultural traditions.

Historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge<sup>15</sup> and a social and cultural link to the past that is important

<sup>13</sup> Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003

<sup>14</sup> RMA First Schedule, Clause 16

<sup>15</sup> RMA First Schedule, Clause 16

to the community. The destruction or damage of heritage values can cause the loss of this knowledge,<sup>16</sup> as well as a social/cultural link to the past.

As well as meeting the specific duties under section 6 of the Resource Management Act 1991, protecting historic heritage values can help teach people about their past, foster a sense of identity and community,<sup>17</sup> and provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Te Tai o Poutini Plan manages different types of historic heritage.

Historic Heritage items are listed in Schedule One, **Schedule Two and Schedule Three. Schedule One predominantly covers the built and colonial heritage and also** The schedule also<sup>18</sup> identifies if there are any interior elements of a heritage building that are also protected. **Schedule Two covers notable and heritage trees that are important to the community and Schedule Three reflects Poutini Ngāi Tahu historic heritage areas.**<sup>19</sup>

Historic areas are also listed in Schedule One. There are eight historic areas – Denniston Historic Area, Reefton Historic Area, Waiuta Historic Area, Greymouth Railway Station Historic Area, Moana Railway Station Historic Area, Brunner Mines Historic Area, Jack’s Mill School Historic Area and Ross Historic Area.

**Under the Heritage New Zealand Pouhere Taonga Act 2014,** Archaeological<sup>20</sup> sites are any place in Aotearoa New Zealand (including buildings and structures) that are associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. There are a large number of archaeological sites identified in the West Coast/Te Tai o Poutini. While all archaeological sites are protected under **the**<sup>21</sup> Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites **predominantly related to European colonial history**<sup>22</sup> of particular significance to the community on the West Coast/Te Tai o Poutini are included in Schedule One and the Historic Heritage rules also apply to these archaeological sites. **This schedule can also contain post-1900 items and areas.**<sup>23</sup> **The archaeological sites listed in Schedule One, while an important part of the West Coast/Te Tai o Poutini, are not the full list.**<sup>24</sup> Alongside this, the New Zealand Archaeological Association has identified a list of archaeological sites of Māori origin. **Further investigation is required to ensure the exact spatial location and extent of these archaeological sites, therefore** These<sup>25</sup> are included in Appendix Ten for information. **This appendix raises awareness for plan users, particularly resource consent applicants, of the increased likelihood of discovering archaeological material of Māori origin in the vicinity of these areas. Appendix Ten will be mapped and included as an “Alert Layer” on the e-plan maps. The Councils will continue to work with both Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu over the next ten years to ensure that the archaeological sites of Māori origin are accurately mapped before being considered for inclusion in Schedule One via a plan change.**<sup>26</sup>

<sup>16</sup> RMA First Schedule, Clause 16

<sup>17</sup> RMA First Schedule, Clause 16

<sup>18</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.151

<sup>19</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.151

<sup>20</sup> Heritage New Zealand Pouhere Taonga S140.015

<sup>21</sup> RMA First Schedule, Clause 16

<sup>22</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

<sup>23</sup> Heritage New Zealand Pouhere Taonga S140.015

<sup>24</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

<sup>25</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

<sup>26</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

Historic heritage and archaeological sites are also important to Poutini Ngāi Tahu **for values other than historic heritage**.<sup>27</sup> Some of these sites and areas are identified, with other Sites **and Areas**<sup>28</sup> of Significance to Māori, in Schedule Three. Notable trees of value to Poutini Ngāi Tahu are identified in Schedule Two. Where a site is scheduled in multiple locations, the provisions of all chapters must be considered. **Some objectives and policies of this chapter also apply to sites listed only in Schedule Two or Schedule Three**.<sup>29</sup>

#### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to historic heritage, including:

- **Sites and Areas of Significance to Māori** – the Sites and Areas of Significance to Māori Chapter contains the provisions in relation to the sites and areas identified in Schedule Three.
- **Notable Trees** – the Notable Trees Chapter contains the provisions in relation to trees identified in<sup>30</sup> Schedule Two.
- **Subdivision** – the Subdivision Chapter contains provisions which relate to the subdivision of land with historic heritage sites **items**<sup>31</sup> and areas – in particular Rules SUB – R10 and SUB – R17.
- **Financial Contributions** – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where **historic heritage**<sup>32</sup> sites and items **and areas**<sup>33</sup> are protected.
- **Signs** – the Signs Chapter contains provisions **which that** relate to signs that are placed on and around historic heritage sites **items**<sup>34</sup> and areas – in particular Rule SUB – R7.
- **The Zone Chapters** – ~~It~~<sup>35</sup> the Zone chapters contain some provisions which exempt historic heritage buildings from complying with performance standards, for example visitor accommodation requirements in the Town Centre Zone.
- **Appendix Ten** – ~~It~~<sup>36</sup> this appendix contains NZAA listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in this appendix for information purposes **and are a matter for consideration where resource consent is required for an activity that may impact an archaeological site. Appendix Ten will be mapped and included as an “Alert Layer” in the e-planning maps**.<sup>37</sup> Like all archaeological sites, these **archaeological sites**<sup>38</sup> are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

#### Other relevant Statutory Provisions

<sup>27</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.152, S620.100

<sup>28</sup> RMA First Schedule, Clause 16

<sup>29</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.392, S620.151

<sup>30</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.392, S620.153

<sup>31</sup> Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003

<sup>32</sup> RMA First Schedule, Clause 16

<sup>33</sup> Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003

<sup>34</sup> Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003

<sup>35</sup> RMA First Schedule, Clause 16

<sup>36</sup> RMA First Schedule, Clause 16

<sup>37</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.101, S620.353

<sup>38</sup> RMA First Schedule, Clause 16

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### Topic 7: Historic Heritage – Ngā Tuku Ihotanga

Aside from Te Tai o Poutini Plan, there are other key Acts and regulations seeking to protect and conserve historic heritage.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) – under this act it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in Te Tai o Poutini Plan or not) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before work starts. An archaeological authority is required in addition to any resource consent required by the Council. If you discover a previously unknown archaeological site (for example, when you are undertaking earthworks<sup>39</sup>) you must stop any work that could affect the archaeological<sup>40</sup> site and contact HNZPT for advice on how to proceed. If there are human remains/kōiwi or taonga<sup>41</sup> revealed, then the Accidental Discovery Protocol in Appendix Five Four<sup>42</sup> must be followed and if any artefacts are found they must be handed over to the Ministry for Culture and Heritage.

The Building Act 2004 – this Act and associated regulations manage earthquake-prone buildings. Earthquake strengthening to scheduled historic<sup>43</sup> heritage buildings and items is a permitted activity so long as the strengthening work does not compromise the historic heritage building or item's<sup>44</sup> heritage values.

## 2.4. Historic Heritage Objectives

### Submissions and Further Submissions

99. The s42A Report, on pages 17-20, summarises submissions and further submissions on the Objectives of the Historic Heritage Chapter.
100. There were six submissions in support of the objectives as a whole.
101. With regard to **HH-O1**, there were two submissions in support seeking that the objective be retained as notified.
102. With regard to **HH-O2**, there were two submissions in support seeking that the objective be retained as notified, and one seeking amendment. Westpower (S547.170) sought additional wording to say “*from inappropriate subdivision, use and development*”.
103. With regard to **HH-O3**, there were two submissions in support seeking that the objective be retained as notified, and one seeking amendment. Westpower (S547.171) sought additional wording to say “*from inappropriate subdivision, use and development*”.
104. With regard to **HH-O4**, there were two submissions in support seeking that the objective be retained as notified, and two seeking amendment. Westpower (S547.172) sought additional wording to say “*from inappropriate subdivision, use and development*”, replacement of the word “*restricting*” with “*managing*”, and the addition of “*where sustainable alternatives*”.

<sup>39</sup> Heritage New Zealand Pouhere Taonga S140.017

<sup>40</sup> Heritage New Zealand Pouhere Taonga S140.017

<sup>41</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.102, S620.154

<sup>42</sup> RMA First Schedule, Clause 16

<sup>43</sup> RMA First Schedule, Clause 16

<sup>44</sup> RMA First Schedule, Clause 16

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*exist*". Kiwirail (S442.047) sought the addition of "*while recognising the functional or operational need of infrastructure*".

#### **Section 42A Report Analysis and Recommendations**

105. Ms Easton supported use of the phrase "*inappropriate subdivision, use and development*" being added to HH-O2, HH-O3 and HH-O4, to align with section 6(f) of the RMA. She did not support the additional Westpower amendments to HH-O4 because she considered that they would undermine the purpose of the objective. She also did not support the Kiwirail submission point seeking reference to '*functional need*' and '*operational need*' because HH-O4 is addressing a matter of national importance and it would not be appropriate at the objective level.

#### **Hearing and Submitter Evidence/Statements**

106. Susan Aitken, on behalf of Poutini Ngāi Tahu, accepted the recommended amendments to the objectives in the s42A Report, although the Poutini Ngāi Tahu submission points had supported retaining the objectives as notified.
107. Martin Kennedy, on behalf of Westpower, reiterated his position that the additional requested amendments to HH-O4 would be consistent with s6(f) of the RMA and also reflect the reality of heritage management, particularly as experienced by communities with limited resources.
108. Stephanie Styles, in the tabled evidence from Manawa, acknowledged the partial acceptance of their submission point on HH-O2, which sought to retain the objective as notified.

#### **Reporting Officer Reply Evidence**

109. In her right of reply Ms Easton did not recommend any additional amendments to the objectives.

#### **Hearing Panel's Evaluation**

110. The Panel accepts the addition of the phrase "*inappropriate subdivision, use and development*" in HH-O3 and HH-O4 for the reasons identified by the reporting officer and submitters. However, the Panel does not recommend including it in HH-O2 because the objective is already describing sensitive development, which is appropriate development, while protecting values of historic heritage items and areas.
111. The Panel consider that the term "*managing*", rather than "*restricting*", better describes the process involved in any relocation, repositioning, internal and external alterations and additions to heritage items. The policy and rule framework describes the way in which this is done to protect historic heritage values, and supports these activities to occur in an appropriate manner. The Panel therefore agree with Westpower on this matter. However, the phrase "*where sustainable alternatives exist*" is problematic because alternatives may differ over time depending on a range of factors, including technological and financial. The Panel consider that the policy framework does allow for demolition and destruction to occur in limited circumstances, and that therefore the objective as notified is misaligned with policy. The Panel consider the policy to be important, allowing for demolition and destruction when particular conditions are met. While the Panel understand submitter concerns that recognising this at the objective level introduces risk of more demolition and destruction occurring, it is part of the policy design of the notified Plan. Recommendations to the Panel

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are to modify the associated policy, rather than to delete it from the Plan, and therefore the objective needs to reflect this. The Panel therefore offer alternative relief on the Westpower submission point.

#### Hearing Panel's Recommendation

112. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Objectives**:

##### **HH-O1**

Recognise, protect and celebrate the benefits of historic heritage of the West Coast/Te Tai o Poutini and its contribution to wellbeing through supporting a sense of place, community identity, culture and economic opportunities.

##### **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.

##### **HH-O3**

Identify, assess and recognise historic heritage places and features that are valued locally, regionally and nationally to ensure their protection **from inappropriate subdivision, use and development**<sup>45</sup> for future generations.

##### **HH-O4**

Protect historic heritage **from inappropriate subdivision, use and development** by restricting managing relocation, repositioning, internal and external alterations and additions to heritage items and ~~not~~ **only** allowing demolition and destruction **in limited circumstances**.<sup>46</sup>

## 2.5. Historic Heritage Policies

#### Submissions and Further Submissions

113. The s42A Report, on pages 21-25, summarises submissions and further submissions on the Policies of the Historic Heritage Chapter.
114. There was one submission in support of the policies as a whole from BDC.
115. With regard to **HH-P1**, there was one submission in support from Te Mana Ora.
116. With regard to **HH-P2**, there were two submissions in support from Te Mana Ora and Poutini Ngāi Tahu.
117. With regard to **HH-P3**, there were two submissions in support from Te Mana Ora and HNZPT.

<sup>45</sup> Westpower S547.171

<sup>46</sup> Westpower S547.172

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118. With regard to **HH-P4**, there were two submissions from Te Mana Ora and HNZPT, and one supporting in part. Manawa (S438.063) sought addition of the phrase “*where practicable*”.
119. With regard to **HH-P5**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, one supporting in part and two seeking amendments.
120. HNZPT (S140.021) sought to delete the word “*or*”. Westpower (S547.173) sought addition of the phrase “*or the supply and use of energy*”. Manawa (S438.064) sought addition of two clauses that allow for alterations required to enable continued use of the item, or for maintenance or repair purposes.
121. With regard to **HH-P6**, there was one submission in support from Te Mana Ora and three seeking amendments.
122. HNZPT (S140.022) sought addition of the phrase “*assessed by a suitably qualified heritage professional*”. Poutini Ngāi Tahu (S620.107) sought an additional clause that referenced impacts on Poutini Ngāi Tahu values associated with any item or site or area of significance to Māori. Westpower (S547.174) sought an additional phrase that referenced technical, locational, functional or operational constraints or requirements of energy activities.
123. With regard to **HH-P7**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, one supporting in part and two seeking amendments.
124. Westpower (S547.175) sought an additional phrase that referenced technical, locational, functional or operational constraints or requirements of energy activities. Bathurst (S491.011) sought additional wording to indicate that a suitably qualified heritage professional may be required to undertake an assessment, having regard to the nature of the protected heritage item. Manawa (S438.065) sought additional wording to reference significant risk to public safety, or adverse effects on the efficient functioning or operation of regionally significant infrastructure.
125. With regard to **HH-P8**, there were two submissions in support from Te Mana Ora and Northern Buller Communities Society Incorporated, and one seeking amendment.
126. Westpower (S547.176) sought an additional phrase “*or the supply and use of energy*”.
127. With regard to **HH-P9**, there were two submissions in support from Te Mana Ora and Poutini Ngāi Tahu, and one supporting in part.
128. HNZPT (140.023) sought amendments to include the phrase “*prioritising sites of Māori origin*”.
129. Kiwirail (S442.048) sought a new policy to read as follows:

#### **HH-PXX**

Only allow new infrastructure on or within heritage items, heritage settings and historic heritage sites, identified in Schedule One where it can be demonstrated that: there is an operational need or functional need that means the infrastructure's location cannot be avoided; and the new infrastructure will protect and maintain the particular heritage and/or cultural values of that building, site, area, item and/or feature.

130. Greymouth Heritage Trust (S104.009) sought a new policy to read as follows:

**HH-PXX**

That the Plan promotes the identification of human activity in the now that will become heritage assets in the future.

**Section 42A Report Analysis and Recommendations**

131. With regard to **HH-P2**, Ms Easton provided evidence at the outset of the hearing process on a whole of Plan submission from David Ellerm (S581.005) that sought the phrase “*including landowners*” be included to accompany reference to “*stakeholders*”, supporting the addition of this phrase to HH-P2.
132. With regard to **HH-P4**, Ms Easton did not support the addition of “*where practicable*” because she considered this would inappropriately allow for degradation of heritage values.
133. With regard to **HH-P5**, Ms Easton supported the submission point of HNZPT to remove “*or*” because the policy links to HH-R2 and both limbs need to be satisfied. She also supported the Westpower submission point to include supply and use of energy as a consideration because it also links to HH-R2, and upgrading electricity supply can be an important aspect of enabling use of historic heritage.
134. Ms Easton did not support the Manawa submission point seeking consideration of continued use or maintenance and repair. She considered clause a) to be the primary direction of the policy, and that the additions from Manawa would allow for a wide range of activities that could substantially degrade heritage values. She also did not consider repairs and maintenance to be within the realm of ‘*additions and alterations*’, which are defined.
135. With regard to **HH-P6**, Ms Easton supported the submission point of HNZPT to specify assessment by a suitably qualified heritage professional because it recognises the importance of professional oversight when relocating a historic heritage item. She supported the submission point of Poutini Ngāi Tahu seeking reference to impacts on Poutini Ngāi Tahu values and sites and areas of significance to Māori because a range of heritage items are within SASM sites and areas.
136. Ms Easton did not support the Westpower submission point seeking reference to constraints or requirements of energy activities because she did not consider it to be a relevant matter when assessing whether or not to reposition or relocate a heritage item. She considered the focus of the assessment to be heritage values and the impact of moving the item on those values.
137. With regard to **HH-P7**, Ms Easton did not support the Westpower submission point seeking reference to constraints or requirements of energy activities because she did not consider it to be a relevant matter when assessing whether or not to allow the demolition or destruction of a heritage item. She also did not support the submission point of Bathurst seeking that an assessment may not always be necessary, on the basis that the heritage item has already been identified as having value and its protection as a matter of national importance. She considered it appropriate that a suitably qualified heritage professional provide an assessment to guide decision-making.
138. Ms Easton supported the request of Manawa for an additional matter to be included with regard to risk to public safety, however she did not consider adverse effects on regionally

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significant infrastructure to be sufficient reason to justify demolition or destruction of a heritage item.

139. With regard to **HH-P8**, Ms Easton did not support the Westpower submission point seeking an additional matter of consideration around supply and use of energy. She considered that clause c), d) and e) of the policy already provide for a range of circumstances that could accommodate supply and use of energy.
140. With regard to **HH-P9**, Ms Easton did not support the amendment sought by HNZPT to include all NZAA archaeological sites and prioritise sites of Māori origin, because resources on the West Coast are severely constrained, with over 1000 NZAA archaeological sites and over 200 of Māori origin. She considered that recommended Method HH-M2 would assist.
141. With regard to the additional policy proposed by Kiwirail, Ms Easton supported this as part of the policy suite because she considered there was a gap, such that there was not recognition in the notified policies of circumstances where there may be a functional need or operational need for critical infrastructure to locate on or within a heritage item. She recommended adoption of the wording proposed by Kiwirail.
142. With regard to the additional policy proposed by the Greymouth Heritage Trust, Ms Easton explained that the matter had been considered during drafting of the Plan, but there is no clear mechanism to protect items or areas that may have historic heritage value in the future. Examples discussed during plan development included the site of the Holcim Cement Works, and she considered that such examples belonged in the category of “sense of place” or “amenity values” rather than historic heritage. She therefore recommended no amendments based on the submission point.

### Hearing and Submitter Evidence/Statements

143. With regard to **HH-P4**, Stephanie Styles, on behalf of Manawa, tabled evidence indicating disagreement with the conclusion of the s42A Report regarding the effect of adding “*where practicable*” to the policy. She cited the NPSREG, which requires decision-makers to have particular regard to logistical or technical practicalities, and gave the example of Manawa adaptive re-use of historic heritage items in their schemes, which means some change to those items. Rather than allowing for significant degradation of heritage values, she considered that the recommended amendment from Manawa would take into account the reality of the operational requirements of owners of heritage items. She also noted that the policy would not negate the need for a resource consent, but would allow assessment in decision-making that allows for practicalities.
144. With regard to **HH-P5**, Stephanie Styles, in her tabled statement considered the reasoning of the s42A Report in rejecting reference to alterations required to enable the continued use of the item, which she did not agree with. She offered alternative wording to support the intent of the submission, as follows:
  - c. the alterations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible.
145. Ms Styles also considered rejection of reference to alterations required for maintenance or repair, and emphasised that the point of including the matter was to illustrate that repair and maintenance may be the purpose of the alterations. She maintained that maintenance and repair are legitimate considerations, and she was guided by Manawa experience with the schemes that incorporate heritage items.

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146. With regard to **HH-P6**, Susan Aitken, on behalf of Poutini Ngāi Tahu, acknowledged the reporting officer's acceptance of wording proposed in their submission and agreed with the reasoning provided in the s42A Report.
147. Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He considered RSI related issues to be relevant if they are the reason for any proposed relocation or repositioning, and continued to seek inclusion of the matter in this policy.
148. With regard to **HH-P7**, legal submissions from Joshua Leckie and Christina Sheard for Bathurst outlined the statutory framework governing historic heritage items and areas, emphasising that protection and regulation of Heritage List items is achieved through the objectives, policies and rules of District Plans, and that archaeological sites are those that pre-date 1900, so they cannot be modified or destroyed without authority from HNZPT. The legal submissions argued for a heritage assessment to be a discretionary requirement, that could be considered during the resource consent process, on the basis that there will be situations where the conditions of the building determine that demolition or destruction is appropriate, where the structure is not safe or reasonably able to be repaired.
149. Campbell Robertson, on behalf of Bathurst, identified that a building they own on Section 2 SO Plan 14868 NL10A/582 within the Denniston Historic Area may pre-date 1900, and that this area is identified in Schedule One of the Plan, as well as the Heritage List as a Category 1 Historic Place. He outlined that the building was damaged and over-all in a state of disrepair, as a result of vandalism and potentially also extreme weather events. Mr Robertson supported addition of consideration of risks to public safety in the policy. He considered that images of the building provided in his evidence demonstrated that the building is not safe, or reasonably able to be repaired, such that the additional burden of obtaining a report was unnecessary and the matter could be determined by a council planner.
150. Arlene Baird, on behalf of HNZPT, supported the strong language of this policy that states demolition and destruction "*will not be allowed*", reflecting the importance of providing protection for historic heritage, although there are some scenarios where demolition or destruction may be provided through a consenting route.
151. Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He considered RSI related issues to be relevant when considering proposals to demolish or destroy historic heritage items. He argued that the matter assists in guiding decision-making where potential conflicts arise, and continued to seek inclusion of the matter in this policy.
152. Stephanie Styles, on behalf of Manawa, in her tabled statement assessed the s42A Report response to their submissions point that sought the matter of public safety to be incorporated and agreed with the alternative relief proposed, with the exception that she considered the word "*viable*" should be replaced with the word "*practicable*", to better align with the NPS-REG. However, she disagreed with the conclusion reached regarding the matter of efficient functioning or operation of RSI, and considered that the NPS-REG provided weight to the matter. She expressed concern regarding acceptance of the proposed policy from Kiwirail on the basis that it is about new infrastructure and could have unforeseen consequences, inconsistent with the approach recommended by Manawa in their submission points.
153. With regard to **HH-P8**, Martin Kennedy, on behalf of Westpower, did not agree with the reasoning in the s42A Report for rejecting their submission point. He emphasised that the

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intent was to ensure the viability of use of heritage items, similar to HH-P5, and he considered that undertaking alterations for the use and supply of renewable energy would support that outcome. He therefore continued to seek inclusion of the matter.

154. With regard to **HH-P9**, Arlene Baird, on behalf of HNZPT, explained that their submission point sought a commitment to undertake a programme to accurately map all NZAA sites, rather than just those of Māori origin. She acknowledged, having considered points raised in the pre-hearing meeting, that the resources of the Councils are severely constrained. She supported the recommended Method HH-M2, which would provide a clear pathway for additional sites to be included in the Plan.
155. Susan Aitken, on behalf of Poutini Ngāi Tahu, accepted the reasoning for rejection of their submission point and considered that recommended Method HH-M2 provides for a process to add archaeological sites to Schedule One of the Plan. She considered that although Appendix Ten archaeological sites are not yet mapped, their historic heritage status is still recognised and provided for in the Plan as a matter for discretionary and non-complying resource consent processes, and that NZAA sites of Māori origin are protected under the HNZPT Act.
156. With regard to the additional policy proposed by Kiwirail, Martin Kennedy, on behalf of Westpower, did not support the wording of the policy, although he supported the intent. He considered that the intent of the policy could be achieved by accepting other Westpower submission points, and he expressed concern that policy wording would mean historic heritage would always prevail over RSI, with no assessment of the impact of that policy outcome.

### Reporting Officer Reply Evidence

157. With regard to **HH-P5**, Ms Easton agreed with the amendment recommended by Stephanie Styles to allow alterations necessary to enable adaptive reuse of heritage items while maintaining heritage values. She also agreed that upgrading of energy supplies should be to the historic item, not supplying the wider network, and therefore recommended corresponding amendments.
158. With regard to **HH-P6**, Ms Easton responded to a query from the Panel asking if the policy could be re-worded more clearly to address the intention of managing heritage items on leased land in Greymouth. She considered that there may be scope in submissions where submitters had asked for the Plan to be written in “plain English” and recommended amended wording for clause g).
159. With regard to **HH-P7**, Ms Easton agreed with the amendment recommended by Stephanie Styles to exchange the word “*viable*” with the word “*practicable*” in the requested clause to address matters of public safety. She considered questions raised by the Panel including regarding how “*unreasonable*” would be assessed, and whether guidance could be provided by way of an advice note. She agreed that an advice note could be helpful, but that assessment would be on a case by case basis. She referred to section 85(b) of the RMA which references an “*unfair or unreasonable*” burden without further clarification, and she could not find case law to assist the question. Ms Easton also responded regarding any available mechanism to make people maintain heritage items, indicating that there was only section 131 of the Building Act regarding the need for policy around dangerous and unsanitary buildings, as applicable to heritage buildings. She considered the question of whether criteria were needed to guide assessment of practicable alternatives, and reiterated that it would be done on a case

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by case basis. She advised that “*practicable*” might differ based on a number of factors, including the degree of deterioration of the building, potential uses in its location, or characteristics of the building or item that make it more or less suitable for adaptive reuse.

160. Ms Easton also confirmed for the Panel, in response to questions at the hearing, that the Bathurst property that was the subject of their submission is situated within the Denniston Historic Area.
161. With regard to **HH-P9**, Ms Easton responded to a question from the Panel by indicating that she considered prioritisation could be a useful addition to the policy. She did not identify scope for the addition, but did recommend a list of priorities similar to recommended Method HH-M4. She also advised that the 90 heritage items referenced by HNZPT at the hearing were sites that people sought to be included in the Heritage List, and resulted in Waiuta Historic Area being included in Schedule One of the Plan. She noted that the HNZPT information on these sites is available to support further assessment for inclusion in Schedule One. She reiterated that HNZPT can only apply general pre-1900 archaeological sites provisions from the HNZPT Act in the absence of scheduling in the Plan.
162. In response to Panel questions about steps to prepare a variation to the Plan in relation to the historic heritage schedule, Ms Easton noted that over the next two years detailed site records would be produced for each of the items in Schedule One. Following that, a variation would be prepared to update the schedule listings, which could be as early as 2026. However, she noted that there was no budget to assess the 90 additional sites referenced by HNZPT or any programme in place to do so. She noted that items in Appendix Ten would be reviewed once the site records for schedule items were complete.

### Hearing Panel’s Evaluation

163. With regard to **HH-P1**, the Panel do not recommend any amendments in response to submissions and evidence.
164. With regard to **HH-P2**, the Panel agree with the recommendation of Ms Easton to incorporate the phrase “*including landowners*” in this policy in response to the whole of Plan submission point of David Ellerm.
165. With Regard to **HH-P3**, the Panel do not recommend any amendments in response to submissions and evidence.
166. With regard to **HH-P4**, the Panel agree with the reporting officer’s recommendation, and note that addition of the new policy for RSI may address the matter raised by Manawa regarding compatibility with the NPS-REG.
167. With regard to **HH-P5**, the Panel agree with the recommendation in the reporting officer’s right of reply, and with the evidence of Manawa on this policy. The Panel agree that alterations may be required during repair and maintenance, as highlighted by Manawa, but consider that the addition of c) covers a wide range of circumstances where alterations may be required to enable continued adaptive reuse, including repair and maintenance, so are satisfied that no further addition to the policy is required.
168. With regard to **HH-P6**, the Panel agree with the recommendation in the reporting officer’s right of reply, and have further considered the evidence of Westpower and Manawa in relation to RSI and the new policy proposed by Kiwirail. The Panel accept that there may be occasion for relocation or repositioning due to relationship with RSI, and therefore

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recommend amendment to the policy, incorporating additional matters for consistency with the new policy proposed by Kiwirail.

169. With regard to **HH-P7**, the Panel have considered the request of Bathurst for a discretionary consideration regarding the need for a professional assessment and agree with the reporting officer that council planning officers should have appropriate technical advice to inform decision-making. The Panel have also considered the submission points of Westpower and Manawa regarding impacts on RSI as a reason for destruction or demolition. The Panel consider that section 6(f) requires protection from inappropriate subdivision, use and development, and that it is not appropriate to prioritise RSI over a heritage item when it comes to permanent demolition or destruction. The Panel consider that the notified conditions of the policy need to be satisfied, while supporting the point that public safety is a suitable matter to add to the policy, including in response to the Building Act 2004. Only where these conditions are satisfied should there be a pathway, including in circumstances where owners of RSI seek demolition or destruction of a heritage item.
170. With regard to **HH-P8**, the Panel agree with the recommendation and reasoning of the reporting officer, and note that the new policy also addresses the matter raised by Westpower.
171. With regard to **HH-P9**, the Panel have reviewed scope in relation to the policy and find that the matter of prioritisation is limited to sites of Māori origin, as referenced in the HNZPT submission point. The Panel recommend adopting the requested amendment to wording of the policy. The Panel also note that recommended method HH-M4, on the evidence received, is focussed on assessments of historic heritage items and areas included in Schedule 1A, and listed archaeological sites in Schedule 1B, within the two year period, but will not involve archaeological sites of Māori origin in Appendix Ten or NZAA sites more broadly. The Panel consider that an information only alert layer is an available option for the Councils, utilising a standard buffer around the recorded location of the archaeological site (e.g. 100m), with an explanation that the location of the archaeological sites is unverified and the buffer area is therefore an alert that archaeological material may be encountered during works. This would provide for an interim step while policy HH-P9 is implemented. The Panel understand that information layers are not part of the Plan, and are therefore not subject to Plan Change requirements, but can assist Plan users applying the Plan framework.
172. With regard to the new policy proposed by Kiwirail, the Panel recommend including an amended version of the policy specific to RSI, having listened to the concerns raised by Westpower and Manawa. The Panel consider that the version recommended by Ms Easton is too broad, encompassing all infrastructure, and that given Kiwirail assets are RSI, it is appropriate to restrict the new policy to RSI.
173. The Panel agree with the reporting officer recommendation regarding the new policy proposed by Greymouth Heritage Trust. The Historic Heritage Chapter is not the right location for preservation of modern items that may be of future historic heritage value. The Panel have not identified an alternative location in the Plan for the proposed amendment and consider that mechanisms outside the Plan will be required to assist the aim of the submitter.

#### **Hearing Panel's Recommendation**

174. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Policies**:

**HH-P1**

Recognise that historic heritage items **and areas**<sup>47</sup> may be valued on a national, regional or local scale.

**HH-P2**

Identify, assess and map heritage buildings, features, places ~~and sites~~<sup>48</sup> and archaeological sites, in partnership with Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu and in consultation with the community and key stakeholders, **including landowners**.<sup>49</sup>

**HH-P3**

Assess the values of historic items and areas using the criteria set out in Method 3 of Chapter 4 in the West Coast Regional Council Policy Statement:

- a. Historic;
- b. Cultural;
- c. Architectural;
- d. Archaeological;
- e. Technological;
- f. Scientific;
- g. Social;
- h. Spiritual;
- i. Traditional;
- j. Contextual; and
- k. Aesthetic.

**HH-P4**

Enable the use, including adaptive reuse,<sup>50</sup> of historic heritage items identified in Schedule One, while ensuring that their identified values are maintained.

**HH-P5**

When considering the proposals for external alteration of historic heritage items identified in Schedule One, the following matters should be considered:

<sup>47</sup> RMA First Schedule, Clause 16, for internal consistency with Schedule One

<sup>48</sup> Consequential amendment arising from Heritage New Zealand Pouhere Taonga S140.003 and S140.003

<sup>49</sup> David Ellerm S581.005

<sup>50</sup> RMA First Schedule, Clause 16

- a. Any external alteration will not significantly detract from an item of historic heritage value; ~~or~~<sup>51</sup>
- b. The alterations are for the primary purpose of improving structural performance, fire safety, **upgrading energy supply** or physical access **to the heritage item**;<sup>52</sup>
- c. The alternations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible.**<sup>53</sup>

#### HH-P6

When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:

- a. The impact on the physical integrity of the item and practical considerations associated with relocating or repositioning;
- b. Whether the item can be accommodated without having a significant adverse effect on the structure and heritage values of the item;
- c. Whether the item is at immediate risk from natural hazards identified in the Natural Hazard Chapter of this plan;
- d. Whether the relocation is to return an item to its original location;
- e. The impact of the movement of the item on public access to the item;
- f. The importance of the heritage item's setting to its heritage significance and the impact of relocation or repositioning on that significance; ~~and~~
- g. The historic heritage item and land it is sited on are in different ownership and ~~following investigation and assessment into~~ **there is no** practical options for the retention of the historic heritage item **to remain** in its current location; ~~it is unreasonable for the item to remain; and~~<sup>54</sup>
- h. **Functional need and operational need of regionally significant infrastructure, where there is no practicable alternative location and heritage values of the item are maintained.**<sup>55</sup>

#### HH-P7

Demolition and destruction of **a** historic heritage items<sup>56</sup> identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitably qualified **or experienced**<sup>57</sup> heritage professional that:

- a. The extent of the work required to retain the heritage items<sup>58</sup> is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;

<sup>51</sup> Heritage New Zealand Pouhere Taonga S140.021

<sup>52</sup> Westpower Limited S547.173

<sup>53</sup> Manawa Energy Limited S438.064

<sup>54</sup> Gina Hogarth S304.003

<sup>55</sup> Westpower Limited S547.174, and consequential to acceptance of Kiwirail Holdings Limited S442.048

<sup>56</sup> RMA First Schedule, Clause 16

<sup>57</sup> Consequential amendment arising from decision on the definition of 'heritage professional'

<sup>58</sup> RMA First Schedule, Clause 16

- b. **The item poses a significant risk to public safety and there is no practicable alternative to make the item safe;**<sup>59</sup>
- c. The costs to retain or repair the heritage item would be unreasonable;
- d. All other viable alternatives, including relocation and repositioning,<sup>60</sup> have been fully considered.

#### **HH-P8**

Internal alteration of historic heritage buildings identified in Schedule One assessed as having significant internal values will not be allowed unless it can be demonstrated that:

- a. The alterations are for the primary purpose of improving structural performance, fire safety or physical access; or
- b. It is in a serious state of disrepair, and cost to remedy is prohibitive; or
- c. Any alteration will not detract from its heritage value; or
- d. It is of a temporary or easily reversible manner and will support its ongoing use; or
- e. It can be altered in part without significant adverse effects on the heritage values for which the item is listed in Schedule One.

#### **HH-P9**

The Councils will work with Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu to create a yearly work programme ~~which~~ **that**<sup>61</sup> will enable all NZAA sites of Māori origin<sup>62</sup> in<sup>63</sup> Te Tai o Poutini to be accurately mapped within the next ten years, **prioritising sites of Māori origin.**<sup>64</sup> These will be included in the planning maps as a Plan Change.

#### **HH-P10**

**Only allow regionally significant infrastructure on or within historic heritage items or areas identified in Schedule One where it can be demonstrated that:**

- a. **functional need or operational need of the infrastructure means that there is no practicable alternative to its location; and**
- b. **The infrastructure will protect and maintain the heritage values of the item or area.**<sup>65</sup>

<sup>59</sup> Manawa Energy Limited S438.065

<sup>60</sup> RMA First Schedule, Clause 16

<sup>61</sup> RMA First Schedule, Clause 16

<sup>62</sup> Heritage New Zealand Pouhere Taonga S140.023

<sup>63</sup> RMA First Schedule, Clause 16

<sup>64</sup> Heritage New Zealand Pouhere Taonga S140.023

<sup>65</sup> Kiwirail Holdings Limited S442.048

## **2.6. Historic Heritage Rules**

### **Submissions and Further Submissions**

175. The s42A Report, on pages 28-31, 36-37 and 40-46, summarises submissions and further submissions on the Rules of the Historic Heritage Chapter.
176. There was one submission on the rules as a whole. Brian Anderson (S576.002) sought that historic values should be assessed as mining proposals arise.
177. With regard to **HH-R1**, repairs and maintenance, there were two submissions in support from Te Mana Ora and BDC, one opposing in part and two seeking amendment.
178. HNZPT (S140.024) sought an additional clause requesting that repair and maintenance work be date stamped where it was indistinguishable from the original.
179. The O’Conor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056) sought that the rule make it clear that internal alterations not affecting the external appearance of the building were permitted.
180. With regard to **HH-R2**, earthquake strengthening, fire protection and accessibility, there were four submissions in support from Te Mana Ora and BDC, one opposed and four seeking amendment.
181. The O’Conor Institute Trust Board (S466.014) and Frank and Jo Dooley (S478.057) sought reference to ‘*suitably qualified and experienced architects*’, while Federated Farmers (S524.009) sought reference to ‘*suitably qualified heritage professional*’. Westpower (S547.177) sought to include reference to the supply of energy.
182. With regard to **HH-R3**, there were two submissions in support from Te Mana Ora and Westpower, one supporting in part, one opposed, one opposing in part and three seeking amendment.
183. HNZPT (S140.025) sought reference to “*archaeological site*”. Westpower (S457.178 and S547.179) sought addition of the word “*or*”, and sought to include reference to energy, overhead lines and fence post holes. Federated Farmers (S524.045) sought new wording for clause d). BDC (S538.168 and S538.170) sought clarification regarding what was meant by an Accidental Discovery Protocol (**‘ADP’**) commitment, and deletion of rule HH-R5 in order to rely on HH-R3 with amendment to refer to new infrastructure connections to heritage buildings. The Director General (S602.052) sought that clause a) reference rules in the Earthworks Chapter, including rules EW-R1 – EW-R6. Manawa (S438.066) sought an additional clause referring to maintenance and repair of RSI within the existing footprint of the infrastructure. The telecommunication companies (S663.036) sought additional reference to maintaining underground telecommunication assets and installation of new connections in circumstances where the item is not an archaeological site.
184. With regard to **HH-R4**, there was one submission in support from Te Mana Ora, one opposed, one opposing in part and one seeking amendment.
185. HNZPT (S140.026) sought that repositioning of a historic heritage item on the same site is classified as a discretionary activity and relocating to a new site is classified as a non-

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- complying activity. BDC (S538.169) sought deletion of the note that repositioning and relocation proposals will always be publicly notified, deletion of the word “*sustained*” and amendment so that it was a hazard professional rather than a heritage professional that would be required. The Director General (S602.053) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT.
186. With regard to **HH-R5**, there were two submissions in support from Te Mana Ora and the telecommunications companies, one opposed and three seeking amendments.
187. Federated Farmers (S524.137) supported use of the term “*suitably qualified heritage professional*”. Westpower (S547.181) sought addition of reference to energy in the title of the rule and in clause 1) of the rule. The Director General (S602.054) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT. BDC (S538.170) sought deletion of the rule because the Council considered the controlled activity rule to be onerous for necessary connections to services, and that the ADP could be relied upon to address matters associated with potentially unearthing archaeological material.
188. With regard to **HH-R6**, there were four submissions in support from Te Mana Ora, BDC, Manawa and Federated Farmers, and five seeking amendments.
189. Federated Farmers (S524.138) supported use of the term “*suitably qualified heritage professional*”. HNZPT (S140.027 and S140.028) sought that “*repairs and maintenance, earthquake strengthening, fire protection and accessibility upgrades*” should be a separate rule from “*additions and alterations and associated earthworks*” for ease of plan use, and sought changes to clauses a) and c) of the rule. The TTPP Committee (S171.015) sought that the rule be restricted discretionary with no conditions, and that status when compliance is not achieved should be “N/A”. Westpower (S547.182 and S547.183) sought reference to supply of energy in the title of the rule and reference to technical, locational, functional or operational constraints or requirements of energy activities.
190. With regard to **HH-R7**, there was one submission in support from Te Mana Ora, one opposed, one opposing in part and three seeking amendments.
191. HNZPT (S140.029) sought discretionary status for repositioning and non-complying status for relocation. BDC (S538.172) sought deletion of reference to all repositioning and relocation proposals being publicly notified. Westpower (S547.184) sought an additional clause that referenced technical, locational, functional or operational constraints or requirements of energy activities. The Director General (S602.055) sought reference to an archaeological authority issued by HNZPT or written approval by HNZPT. Poutini Ngāi Tahu (S620.108) sought an additional clause referencing impacts on cultural values on sites and areas of significance to Māori and implementation of advice from Poutini Ngāi Tahu.
192. With regard to **HH-R8**, there were three submissions in support from Te Mana Ora, HNZPT and Manawa seeking that the rule be retained as notified.
193. With regard to **HH-R9**, there was one submission in support from Te Mana Ora and one opposed.
194. HNZPT (S140.031) sought that demolition and destruction of a historic heritage item or area is classified as a non-complying activity because of the irreversibility of the action and the resulting loss of connection with history.

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195. With regard to **HH-R10**, there was one submission in support from Te Mana Ora, two opposed and one seeking amendment.
196. Manawa (S438.069) sought that the rule be deleted because it is unreasonably restrictive of nationally significant activities, and that a restricted discretionary activity status would be appropriate with a single matter of discretion referencing the impact on the heritage item. BDC (S538.173) also sought deletion of the rule because it was considered too onerous. Westpower (S547.185) sought that the rule be replaced with a restricted discretionary activity status for new energy activities.
197. With regard to **HH-R11**, there was two submissions in support from Te Mana Ora and BDC seeking that the rule be retained as notified.

### Section 42A Report Analysis and Recommendations

198. In relation to the submission of Brian Anderson, Ms Easton considered that there were existing mechanisms in the HNZPT Act requiring archaeological authority to be obtained. She noted that many of the sites Mr Anderson raised concerns about would meet the definition of an archaeological site and would therefore be covered by the HNZPT Act.
199. With regard to **HH-R1**, Ms Easton did not support the request of HNZPT for date stamping of repair and maintenance work because she considered it to be an unreasonable burden, not standard practice, and difficult to monitor or enforce. Ms Easton explained, in relation to alterations to interiors, only those items in Schedule One that incorporate the phrase “*fixtures and fittings*” are restricted in relation to interior alterations. She saw opportunity to provide this clarity to plan users in response to the submissions of The O’Conor Institute Trust Board and Frank and Jo Dooley by adding an advice note to the rule.
200. With regard to **HH-R2**, Ms Easton supported the submissions seeking a clear reference to the expertise required to apply the rule and recommended use of the defined term ‘*heritage professional*’ from the notified Plan. She also supported the Westpower submission point seeking reference to supply of energy, but did not support replacing “*and*” with “*or*” because she considered that both clauses of the rule needed to be satisfied to ensure activities did not detract from heritage values.
201. With regard to **HH-R3**, Ms Easton supported reference to “*archaeological site*”. She did not support addition of “*fence*” because this was not the intent of the rule. She noted that network utility poles could disturb archaeological sites, and for similar reasons she rejected the Federated Farmers submission point. She supported BDC seeking guidance on the Accidental Discovery Protocol commitment and recommended a definition be included in the Plan to provide that guidance.
202. Ms Easton supported reference to “*overhead line*” because she considered its absence to be a drafting error, but she did not consider reference to “*energy*” as necessary because electricity lines are already incorporated as network utilities. She supported the request of Manawa for maintenance and repair of existing RSI to also be permitted, and the request of the telecommunications companies in relation to existing underground assets. However, she did not support permitted status for new underground connections, which she considered should be assessed as part of a resource consent process, and for similar reasons did not support the BDC request to delete HH-R5. She accepted the submission point of the Director General in part, as it relates to EW-R1 because she considered it appropriate that these general standards for earthworks apply.

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203. With regard to **HH-R4**, Ms Easton responded to the request of HNZPT for a discretionary rule for repositioning and a non-complying rule for relocating a heritage item. She noted that she had discussed the matter with Dr Ann McEwan and on that basis recommended that the rule should be restricted discretionary, rather than controlled.
204. Ms Easton supported the BDC request to remove the word “*sustained*” on the basis that the rule is managing imminent threat. She emphasised the importance of use of a heritage professional to inform relocation and repositioning decisions in order to appropriately protect heritage values. In response to the matter of notification, Ms Easton noted that the matter of public input was of importance to the community, as evidenced during the consultation process for development of the plan. She therefore did not recommend deleting the reference to public notification, but accepted the issue of timeliness raised by BDC and so recommended amendment to the notification clause.
205. Ms Easton did not propose any wording changes in response to the submission point of Federated Farmers. In response to the Director General’s submission point she considered an advice note to be most appropriate, given that the matter of an archaeological authority is not within RMA jurisdiction.
206. With regard to **HH-R5**, Ms Easton did not support deletion of the rule, as sought by BDC, and considered a controlled activity status to be appropriate to allow for conditions to manage adverse effects in particular circumstances. She agreed with Westpower that energy connections should be referenced and considered their absence to be a drafting error. She considered an advice note to be the appropriate response to the Director General’s submission, but agreed that approval from HNZPT would be important given that the rule does not require an assessment from a heritage professional.
207. With regard to **HH-R6**, Ms Easton did not consider it necessary to split the rule in two, as requested by HNZPT due to the efficiency of retaining all these matters in the one rule. She supported the amendments requested by HNZPT to clause a) and clause c). She supported the submission of the TTPP Committee that the rule should be restricted discretionary with no conditions and non-compliance should not result in another activity status. She also supported the Westpower submission point requesting reference to supply of energy, but did not support the additional matter of discretion associated with functional need and operational need.
208. With regard to **HH-R7**, Ms Easton responded to the request of HNZPT for a discretionary rule for repositioning and a non-complying rule for relocating a heritage item. She noted that she had discussed the matter with Dr Ann McEwan and on that basis recommended that the rule should be discretionary, rather than restricted discretionary. She therefore considered that full discretionary status would allow for the matter of HNZPT interests to be considered as raised by the Director General, consideration of Poutini Ngāi Tahu values as raised by Poutini Ngāi Tahu, and functional need or operation need of RSI as raised by Westpower. In response to BDC, as with HH-R4, Ms Easton recommended an amended notification clause.
209. With regard to **HH-R8**, similar to other requests of the Director General, Ms Easton favoured an advice note in relation to archaeological authority requirements, and agreed that approval from HNZPT would be important given that the rule does not require an assessment from a heritage professional.
210. With regard to **HH-R9**, Ms Easton discussed the matter of activity status with Dr Ann McEwan; and reconsidered her position based on what she understood of the West Coast historic

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heritage context, community views during plan development, the activity status in existing district plans in the region, and the plans of other territorial authorities. Her conclusion, on balance, was that discretionary status was not sufficiently protective and that non-complying status, as requested by HNZPT, would be more appropriate.

211. With regard to **HH-R10**, Ms Easton reconsidered the rule status in light of the submissions of BDC, Westpower and Manawa and agreed that the notified rule was too onerous, so she recommended restricted discretionary status instead, with similar matters of discretion as Rule HH-R8.
212. With regard to **HH-R11**, Ms Easton noted support for the rule.
213. With regard to the submissions of Rocky Mining Limited (S474.006) and Papahaua Resources Limited (S500.027) seeking a new restricted discretionary activity for mineral extraction, Ms Easton did not support these submissions. She noted that protection of historic heritage from inappropriate subdivision, use and development was a matter of national importance, whereas mineral extraction, while an important economic activity in the region, is not recognised as requiring additional weight or consideration and is not an activity expected to occur in historic heritage areas.

#### **Hearing and Submitter Evidence/Statements**

214. With regard to **HH-R1**, Mark Lile on behalf of The O’Conor Institute Trust Board provided evidence that the Institute building is Category 2 on the Heritage List and is identified in Schedule One as HH19, but is not shown as having internal “*fixtures and fittings*” of heritage value. Mr Lile indicated support for the advice note recommended by the reporting officer in response to the issue raised in submission.
215. Arlene Baird, on behalf of HNZPT, in her evidence dated 8 November 2023 responded to the s42A Report rejection of date stamping work, describing the act of date stamping as a simple and effective measure that does not place a burden on owners and is consistent with the ICOMOS NZ Charter. However, she accepted the position of the reporting officer and noted that, where necessary, HNZPT can advocate for date stamping through consultation on individual cases. Following discussion at the hearing, outlining the simple acts required to date stamp activity, she provided wording for a date stamping condition, with accompanying advice note, as follows:

**x. New materials, works or reconstructed elements shall be date stamped to indicate the time of their installation.**

**Advice note: Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric so changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builders pencil be used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating, where there are areas of new or introduced material, it can be done on examples of this, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated.**

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216. With regard to **HH-R2**, Mark Lile on behalf of The O’Conor Institute Trust Board indicated support for use of the term *‘suitably qualified and experienced heritage professional’* in the rule, provided that it appropriately covers architectural expertise.
217. With regard to **HH-R3**, Susan Aitken, on behalf of Poutini Ngāi Tahu, outlined the purpose of their further submissions on this rule, which was to emphasise that heritage is more than just archaeology and includes sites and areas of significance to Māori. She supported the s42A Report recommendation for the rule.
218. Martin Kennedy, on behalf of Westpower, retained his position that addition of “or” to the rule would be appropriate, although he did not provide reasons in his written evidence. Mr Kennedy advised that consultation with company representatives indicated that it would not be possible to replace an overhead line without digging a new hole. He considered that the rule was intended to capture fence posts and not posts or poles for network utilities, and that the rule would be unduly restrictive on Westpower activities if the recommendations of the reporting officer were accepted.
219. Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledges the reporting officer’s acceptance of their submission point.
220. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer’s recommendation.
221. Chris Horne, on behalf of the telecommunications companies, advised that the trenching of service connection requires a minimum of 200mm and a “spade width”, with subsequent reinstatement of disturbed land. He considered that the level of excavation would be similar for maintaining existing assets as installing new ones.
222. With regard to **HH-R4**, Arlene Baird, on behalf of HNZPT, reiterated that she considered that repositioning and relocation are quite different activities with varying levels of potential impact on heritage values. She noted that repositioning maintains connection to the setting of the heritage item, which is lost when the item is relocated. She advised that Dr Ann McEwan in the pre-hearing meeting had suggested a cascade of activity status, based on the level of adverse effect, from non-complying for demolition to discretionary for relocation and restricted discretionary for repositioning. Ms Baird noted her agreement to the approach recommended by Dr McEwan, which she considered would appropriately give effect to the objectives and policies of the chapter.
223. Martin Kennedy, on behalf of Westpower, considered that if the activity status were to migrate to discretionary, then policy HH-P6 should incorporate the additional matter of discretion requested by Westpower.
224. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation. She also supported the change in activity status to restricted discretionary, and the additional matters of discretion, including in relation to impact on Poutini Ngāi Tahu cultural values.
225. With regard to **HH-R5**, Amy Young, on behalf of the Director General, in her tabled statement expressed support for the reporting officer recommendations in response to their submission.
226. Graeme McCarrison, Andrew Kantor and Colin Clune, representing the telecommunications companies, indicated that a best practice guide for installing ultra-fast broadband into

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heritage buildings developed by heritage specialists in consultation with HNZPT was a good example of how to manage potential adverse effects of RSI on heritage items. They considered this type of document to provide for a more efficient resource consent process, while appropriately managing effects on heritage values.

227. Chris Horne, on behalf of the telecommunications companies, queried whether compliance with a rule could be determined by a third party, and therefore whether the amendment recommended by the reporting officer regarding approval from HNZPT would be *ultra vires*. He recommended alternative wording that would allow for consultation with HNZPT.
228. With regard to **HH-R6**, Arlene Baird, on behalf of HNZPT, reluctantly accepted the reasoning and recommendation of the reporting officer in relation to splitting this rule. She noted that combining the activities in the rule was not standard practice or user friendly, but she did not consider that it would have a direct impact on heritage outcomes and accepted the position on that basis.
229. Martin Kennedy, on behalf of Westpower, noted support for the reporting officer recommendation to accept their submission point referencing energy and sought that the change be reflected in decision, but maintained that the rejected submission point seeking an additional matter of discretion should be accepted to ensure the matter is appropriately recognised and provided for in decision.
230. Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledged the reporting officer's acceptance of their submission point.
231. With regard to **HH-R7**, the evidence of Arlene Baird, on behalf of HNZPT, as described in relation to HH-R4 is also relevant to this rule.
232. Susan Aitken, on behalf of Poutini Ngāi Tahu, noted agreement with the s42A recommendation for this rule, which would allow for consideration of Poutini Ngāi Tahu values, and increase historic heritage protection.
233. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation.
234. With regard to **HH-R8**, Stephanie Styles, on behalf of Manawa, in her tabled statement acknowledged the reporting officer's acceptance of their submission point.
235. Amy Young, on behalf of the Director General, in her tabled statement expressed support for the new advice note as worded in the reporting officer recommendation.
236. With regard to **HH-R9**, Arlene Baird, on behalf of HNZPT, reiterated the reasons for requiring non-complying activity status and her strong agreement with the recommendation in the s42A Report to amend the activity status for demolition and destruction of a heritage item from discretionary to non-complying. She also supported the language in policy HH-P7 that made it clear that the activity "*will not be allowed*", except in the circumstances expressed in the policy.
237. Martin Kennedy, on behalf of Westpower, outlined the case for retaining discretionary activity status, rather than migrating to non-complying as requested by HNZPT. He noted there were no changes to objectives or policies to support the change, and that a blanket approach did not consider different circumstances, whether it be Building Act requirements or funding opportunities. He was concerned about the lack of additional methods to assist owners to

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retain and maintain heritage items. He considered that the outcome needed to be sustainable for the community. He reiterated that it was the strong view of the TTPP Committee that discretionary status was the appropriate classification. He considered that the change in activity status warranted further analysis, including in relation to objectives and policies.

238. With regard to **HH-R10**, Susan Aitken, on behalf of Poutini Ngāi Tahu, expressed concern with the recommended restricted discretionary rule, as requested by Westpower and Manawa. She referenced discretionary rules INF-R24 – INF-R27, which were not specific to activities located within or affecting historic heritage items and areas, inferring that discretionary status was not too onerous. She noted that new network utility structures within SASM sites and areas are discretionary under SASM-R13. She identified that more work would be required to determine what types of activities could occur, and additional matters of discretion included. In her hearing statement she noted that a solar panel installation is only one example and that there are no parameters guiding the scale of activities that may adversely affect heritage values.
239. Martin Kennedy, on behalf of Westpower, considered that migration of the rule to restricted discretionary status means that an additional matter of discretion is needed that references the functional need and operational need of energy activities.
240. Stephanie Styles, on behalf of Manawa, in her tabled statement reiterated that discretionary activity status was too restrictive and did not give effect to the NPS-REG. She agreed with the amendment of activity status to restricted discretionary, but noted that then HH-R8 and HH-R10 would have the same activity status, so she recommended deleting HH-R10 as requested in the Manawa submission. She supported utilising the matters of discretion from HH-R8, but noted that the s42A Report recommendation for HH-R10 used almost entirely different matters of discretion. She recommended amalgamating the matters restricted for discretion in HH-R8, to cover new buildings, structures and associated earthworks within a historic heritage site or area, and deleting HH-R10.
241. With regard to the requested rule for mineral extraction, Susan Aitken, on behalf of Poutini Ngāi Tahu, noted support for the recommendation of the reporting officer, recognising the variety of mining activities in terms of scale, duration and impact.

#### **Reporting Officer Reply Evidence**

242. With regard to **HH-R3**, Ms Easton advised the Panel, in response to questions, that it would be possible to treat historic heritage areas differently than historic heritage items, and differently than archaeological sites, when considering the effects of network utilities. However, she considered that scope was limited to the Westpower submission point S547.179 and the telecommunications companies' submission point S663.036 in relation to this rule.
243. Ms Easton noted that she supported the Westpower submission point S547.148 requesting to add the word "or" at the end of clause 1(a) because she considered that it corrected a drafting error. In response to questions from the Panel she confirmed that a power pole replaced in the same location would be permitted under this rule, but would otherwise be restricted discretionary under the new recommended Rule HH-XX, and she considered this to be appropriate.
244. With regard to **HH-R4**, Ms Easton advised the Panel, in response to questions, that the reference to natural hazards in the rule was necessary because emergency powers under s330 of the RMA only apply to certain authorised persons. She advised that the heritage item may

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not be owned by the local authority and the local authority may not consider it appropriate to use emergency powers to relocate a historic heritage item owned by another party.

245. With regard to **HH-R9**, Ms Easton provided a section 32AA assessment to accompany her recommendation to change the status of demolition and destruction of a heritage item from discretionary to non-complying. She also responded to a question from the Panel asking if the Plan should require records and photographic recording of heritage items before and during their demolition. She noted that as the activity would be non-complying, this matter could be brought in to a resource consent process. She suggested that an advice note could be an option, which she advised would not have any statutory weight, but would be appropriate given that there are no submission points specific to the matter.
246. With regard to **HH-R10**, Ms Easton advised the Panel that there may be scope in the Westpower submission point S547.185 and the Manawa submission point S438.069 to differentiate historic heritage items, historic heritage areas and archaeological sites when considering the effects of network utilities.
247. Ms Easton responded to questions from the Panel, and the evidence of Susan Aitken, agreeing that there should be a threshold at which RSI activities become discretionary. She provided recommended wording for a new restricted discretionary rule to provide those thresholds, with reference to permitted activity rules in other chapters of the Plan, as follows:

#### **Rule HH -RXXX**

#### **Energy Activities and Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One not meeting Permitted or Controlled Activity Standards**

#### **Activity Status Restricted Discretionary**

#### **Where:**

**1. These are Permitted Energy Activities provided for in Rules ENG – R1 – ENG – R5; or**

**2. These are Permitted Infrastructure Activities provided for in Rules INF – R1 – INF – R12; or**

**3. These are Permitted Transport Activities provided for in Rules TRN – R1 – TRN – R6.**

#### **Matters of Discretion**

**a. The location of the energy or infrastructure activity within the heritage site or area;**

**b. The impacts on the historic heritage values of the site or area;**

**c. Any alternative locations or designs;**

**d. Impacts on amenity, identity and character;**

**e. Compliance with a conservation plan or report that has been proposed by a suitably qualified heritage professional;**

**f. Relationship with adjoining sites of historic heritage value;**

**g. How effects will be minimised through construction and maintenance; and**

**h. Implementation of any advice received from the relevant Poutini Ngāi Tahu Rūnanga on ways to manage the effects of the activity on cultural values.**

**Advice Note: Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) is required before any work starts.**

248. In conjunction with introduction of the new restricted discretionary rule, Ms Easton also recommended amendment to the title of HH-R10 to read as follows:

**New Energy Activities and New Infrastructure Activities within a Historic Heritage Site or Area identified in Schedule One not provided for in another rule.**

#### **Hearing Panel's Evaluation**

249. With regard to **HH-R1**, the Panel had identified some minor amendments that are recommended to be made using the RMA First Schedule, Clause 16 for the purposes of consistency and clarity. The Panel agree with the recommendation of the reporting officer to add an advice note in response to the submission points of The O'Connor Institute Trust Board and Frank and Jo Dooley regarding management of the interior of heritage buildings. The Panel support the evidence of HNZPT that explained the matter of date stamping, and wording for an additional clause to the rule that improved on the submission wording, with an accompanying advice note. While the Panel accept that date stamping may be difficult to monitor and enforce, it is useful guidance that has regard to the HNZPT Act and responsibilities of HNZPT, in accordance with section 74(2)(b)(iia) of the RMA.
250. With regard to **HH-R2**, the Panel agrees with the recommendation of the reporting officer to accept the Westpower submission point that amends the title of the rule to accommodate energy supply, however the Panel considers that recommendations on Policy HH-P5 provide for ongoing adaptive reuse, which is likely to be reliant upon more than just energy supply upgrades. While the telecommunications companies did not submit on HH-R1, the Panel received evidence from their representatives that highlighted similar issues to those of Westpower with regard to enabling connections to heritage buildings to enable their ongoing use. The Panel therefore prefer the term "*service connection*" which allows for these types of connections that enable adaptive reuse of heritage buildings. The Panel also amend the rule to incorporate recommendation on the definition of '*heritage professional*' so that it reads '*suitably qualified or experienced heritage professional*'. The Panel has made some minor amendments to the rule.
251. With regard to **HH-R3**, the Panel has identified some minor amendments that are recommended to be made using the RMA First Schedule, Clause 16 for the purposes of consistency and clarity. The Panel generally agrees with the recommendations of the reporting officer, including the use of an ADP commitment process to implement the rule, with associated definition, because it provides an opportunity for the council and resource users to be reminded of the contents of the ADP. The Panel has considered whether network

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utilities should be treated differently depending on the nature of the historic heritage affected, but find this to be unnecessary. The Panel consider that the addition of clause 3) requiring adherence to the standards in EW-R1 provides for the situations raised by Westpower and the telecommunications companies regarding ability to undertake earthworks in order to connect services to heritage items and enable adaptive reuse. The parameters in EW-R1 would allow for installation of new services, not just maintenance of existing services, and would allow for replacement of electricity poles. Provided clause 1) is adhered to and the ADP is followed, the Panel consider that this should be sufficient to address the matter without requiring resource consent for these types of activities.

252. With regard to **HH-R4**, the Panel accepts the advice of HNZPT and Dr Ann McEwan that repositioning should be restricted discretionary and relocation should be discretionary based on the differing scale and significance of adverse effects on historic heritage. The Panel generally supports the recommendations of the reporting officer, with the exception that the new clause e) has been reworded to provide for consideration of impacts on values of a SASM and advice received from Poutini Ngāi Tahu on how to manage identified impacts. The Panel agrees with BDC that the notification clause should be deleted, and do not favour the recommended amendment put forward by Ms Easton. The Panel appreciates the concerns of the community regarding ability to input to resource consent processes, but relies on sections 95-95G of the RMA to guide Council decisions regarding notification rather than direction in the Plan. The Panel consider this appropriate in particular because relocation is no longer recommended to be part of the rule.
253. With regard to **HH-R5**, the Panel agree with the reporting officer's recommendation regarding addition of the advice note regarding archaeological authority from HNZPT, but prefer the wording provided by Chris Horne for the telecommunications companies in relation to consultation with HNZPT. The Panel agree with Mr Horne that the alternative wording recommended by Ms Easton would constitute third party approval, which is a matter that has been thoroughly canvassed in the SASM Recommendation Report. The Panel agree with the reporting officer that it would not be sufficient to rely on HH-R3, which only covers the earthworks component, in response to BDC. HH-R5 enables visual matters to be considered and factors associated with connection to the building, which the Panel consider are matters relevant to protecting heritage values. However, the Panel do not agree that reference to '*energy activities*' is necessary, given that '*infrastructure*' is a defined term that covers electricity connections.
254. With regard to **HH-R6**, the Panel agree with the reporting officer's recommendations, with the exception that the Panel prefer "*service connection*" to "*supply of energy*" in the title of the rule.
255. With regard to **HH-R7**, the Panel agree with the reporting officer's recommendation that the rule should be discretionary, but consider that it should only apply to relocating heritage items, following the advice of Dr McEwan and HNZPT, in line with recommendation on HH-R4. The Panel also agree with BDC that the notification clause can be deleted, and therefore section 95-95G of the RMA will guide notification decisions. The Panel accept that there will be a high degree of public interest in the relocation of historic heritage items, and consider it appropriate that the Councils work with their communities when these matters arise, which may or may not involve public notification in every instance. The Panel considered the amended wording of the notification clause recommended by Ms Easton, but prefer that the full array of notification options provided by the Act are available to the Councils, to be considered in the circumstances of each case.

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256. With regard to **HH-R8**, the Panel agree with Manawa that there is a discrepancy between the status of new buildings or structures within a historic heritage area and new infrastructure, including regionally significant infrastructure, when the considerations are similar. The Panel also agree that, given the reporting officer's stated intention to rely on the matters of discretion in HH-R8, it is sensible to include "*and infrastructure*" in the title of the rule, and incorporate other matters identified in relation to infrastructure and recommendations provided for amended HH-R10 by the reporting officer. The Panel prefer the blended recommendations of Stephanie Styles, rather than the new rule HH-RXX proposed by the reporting officer. The Panel consider that this is more efficient for the structure of the Plan. In making this recommendation, the Panel has considered the evidence of Susan Aitken on behalf of Poutini Ngāi Tahu and agree that where the activity takes place within a SASM site or area, the provisions of that chapter will classify the activity as discretionary, reflecting the additional values present. The Panel adopt the advice note because, although the Director General did not submit on this rule, the advice note has no weight in decision-making but is helpful to the Plan user and provides for consistency with other rules.
257. With regard to **HH-R9**, the Panel accept the advice of Dr McEwan and HNZPT regarding the appropriate classification of this activity as non-complying, to reflect the degree of difference in scale of effect between demolition and destruction of a historic heritage item or area, compared with relocation, and with repositioning of historic heritage items. The Panel have adopted activity classifications based on this differentiation in effect. The Panel are aware that the TTPP Committee were strongly in favour of a discretionary activity classification. Focus of the Panel has been on ensuring that the objectives and policies provide an appropriate pathway for demolition or destruction of a historic heritage item in particular circumstances. Policies HH-P1 and HH-P7 will be particularly relevant when applications are considered for demolition or destruction. The Panel have also had a focus on making the rule framework enabling of adaptive reuse of historic heritage items and areas. The Panel have been mindful of the challenges for owners of historic heritage, and have sought to strike a balance, whilst ensuring protection of historic heritage from inappropriate subdivision, use and development.

#### **Hearing Panel's Recommendation**

258. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Rules**:

<b>Historic Heritage Rules</b>	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
<b>Permitted Activities</b>	
<b>HH - R1</b>	<b>Repairs and Maintenance of a Historic Heritage Item identified in Schedule One</b>

**Activity Status Permitted**

Where:

1. There are no changes to the extent, floor levels, form, proportion and scale of the item;
2. There are no changes to the design, texture, or form of the fabric;
3. Use of materials other than those that<sup>66</sup> are the same as the original, or the most significant fabric, or the closest equivalent; or<sup>67</sup>
4. There<sup>68</sup> is no damage to the building or structure as a consequence of affixing scaffolding;
- 5. new materials, works or reconstructed elements are date stamped to indicate the time of their installation.**<sup>69</sup>

**Advice notes:**

**1. This rule applies only to the exterior of the heritage item, except where the 'Extent' in Schedule One includes 'fixtures and fittings'. The rule applies to 'fixtures and fittings' for those specific scheduled items, including interiors.**<sup>70</sup>

**2. Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric, so that changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil is used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating. Where there are areas of new or introduced material, it can be done on an example, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated.**<sup>71</sup>

Activity status where compliance not achieved:

Restricted Discretionary

**HH - R2      Earthquake Strengthening, Fire Protection, and Accessibility and Service Connection<sup>72</sup> Upgrades to a Historic Heritage Item Identified in Schedule One**

**Activity Status Permitted**

Where:

1. All performance standards for Rule HH – R1 are complied with; and

<sup>66</sup> RMA First Schedule, Clause 16

<sup>67</sup> Consequential to accepting Heritage New Zealand Pouhere Taonga S140.024

<sup>68</sup> RMA First Schedule, Clause 16

<sup>69</sup> Heritage New Zealand Pouhere Taonga S140.024

<sup>70</sup> The O'Conor Institute Trust Board (S466.013) and Frank and Jo Dooley (S478.056)

<sup>71</sup> Heritage New Zealand Pouhere Taonga S140.024

<sup>72</sup> Westpower Limited S547.177 and consequential to recommendation on HH-P5

2. An assessment from a suitably qualified or experienced Heritage Architect professional<sup>73</sup> is provided to the relevant council confirming the works are consistent with the values of the Historic Heritage item at least 10 working days prior to the commencement of the work.<sup>74</sup>

**Activity Status where compliance not achieved:**

Restricted Discretionary

**HH – R3 Minor earthworks in a Historic Heritage Item or<sup>75</sup> Area or Archaeological<sup>76</sup> Site identified in Schedule One**

**Activity Status Permitted**

Where:

1. These are earthworks that will not result in damage, demolition or destruction of heritage items and are associated with:

a. An activity permitted under Rule HH – R1 or Rule HH – R2; or<sup>77</sup>

b. Interments at existing cemetery or urupā; or

c. Archaeological survey by Heritage New Zealand - Pouhere Taonga or authorised representatives; or

d. Installing fence posts and the replacement of poles for overhead network utility lines,<sup>78</sup> provided the area of land disturbed is limited to what is necessary to maintain an existing fence or overhead line<sup>79</sup> along its existing alignment and does not involve installation or digging of new post holes,<sup>80</sup> or<sup>81</sup>

e. Maintaining existing underground energy activity or telecommunications<sup>82</sup> assets or installing new underground energy or telecommunications assets that enable ongoing use of the heritage item or area,<sup>83</sup> or<sup>84</sup>

f. Maintaining and repairing regionally significant infrastructure within the existing footprint of that infrastructure; or<sup>85</sup>

fg. Maintenance and repairing of<sup>86</sup> existing drains within the existing footprint of the drain; or

gh. Maintaining roads, tracks, carparks, accessways or paved areas within the footprint or modified ground compromised by the existing road, track, carpark, accessway or paved area; and

<sup>73</sup> Federated Farmers S524.009

<sup>74</sup> RMA First Schedule, Clause 16

<sup>75</sup> RMA First Schedule, Clause 16, consistent with the title of Schedule One

<sup>76</sup> Heritage New Zealand Pouhere Taonga S140.025

<sup>77</sup> RMA First Schedule, Clause 16

<sup>78</sup> RMA First Schedule, Clause 16

<sup>79</sup> Westpower Limited S547.179

<sup>80</sup> Additional relief in response to Westpower Limited S547.179, and as a consequence of the addition of clause 3 to the rule.

<sup>81</sup> RMA First Schedule, Clause 16

<sup>82</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.036

<sup>83</sup> Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.036

<sup>84</sup> RMA First Schedule, Clause 16

<sup>85</sup> Manawa Energy Limited S438.066

<sup>86</sup> RMA First Schedule, Clause 16

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2. An Archaeological Authority has been issued by Heritage New Zealand – Pouhere Taonga, or<sup>87</sup> an Accidental Discovery Protocol commitment has been completed and submitted to the relevant District<sup>88</sup> Council at least 10 working days prior to the commencement of any earthworks; **and**

**3. All standards of Rule EW – R1 are complied with.**<sup>89</sup>

#### **Advice Note:**

**1. Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**<sup>90</sup>

#### **Activity Status where compliance not achieved:**

Discretionary where these are not associated with another activity specifically provided for in a Controlled or Restricted Discretionary Activity Rule.

#### **Controlled Activities**

**HH – R54**      **New infrastructure Connections to a Historic Heritage Item identified in Schedule One**

#### **Activity Status Controlled**

Where:

1. The new infrastructure connection is to a historic heritage building listed in Schedule One; **and**
2. **The application is accompanied by evidence of the outcome of consultation with Heritage New Zealand – Pouhere Taonga (HNZPT) or demonstration of how the connection is in accordance with any guideline developed by the infrastructure provider in consultation with HNZPT.**<sup>91</sup>

#### **Matters of control are:**

- a. The location of the customer’s connection to the heritage building;
- b. The physical impact/damage to the heritage building; and
- c. Visual impact and how the visual impact might affect heritage value.

#### **Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological**

<sup>87</sup> Federated Farmers of New Zealand S524.045

<sup>88</sup> RMA First Schedule, Clause 16

<sup>89</sup> Director General of Conservation S602.052

<sup>90</sup> Federated Farmers of New Zealand S524.045, reasons for submission point

<sup>91</sup> Director General of Conservation S602.054

**authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**<sup>92</sup>

**Activity Status where compliance not achieved:**

Discretionary

### Restricted Discretionary Activities

**HH – R45** ~~Relocation of~~<sup>93</sup> **Relocation or Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks**

**Activity Status** ~~Controlled~~ **Restricted Discretionary**<sup>94</sup>

Where:

1. All performance standards for Rule HH – R1 are complied with; and
2. The item is being ~~relocated or~~<sup>95</sup> repositioned:
  - a. To its original locations;<sup>96</sup> or
  - b. Due to an immediate threat from damage ~~sustained~~<sup>97</sup> by a ~~Natural H~~azard<sup>98</sup> identified:
    - i. In this plan; or
    - ii. By a suitably qualified or experienced<sup>99</sup> heritage professional.

~~Matters of control are~~ **Discretion is restricted to:**<sup>100</sup>

- a. The capacity of the item to endure ~~relocation and~~<sup>101</sup> repositioning;
- b. The capacity of the site or area to accommodate the item;
- c. The impact on public access to the item; ~~and~~
- d. The reduction in risk from natural hazards from the ~~relocation or~~<sup>102</sup> repositioning; and
- e. Impacts of the activity on the cultural values of any site or area of significance to Māori, and advice received from Poutini Ngāi Tahu on managing identified impacts on cultural values.<sup>103</sup>

~~Notification:~~ Proposals to relocate or reposition public monuments will always be publicly notified.<sup>104</sup>

**Advice Note:**

<sup>92</sup> Director General of Conservation S602.054

<sup>93</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>94</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>95</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>96</sup> RMA First Schedule, Clause 16

<sup>97</sup> Buller District Council S538.169

<sup>98</sup> RMA First Schedule, Clause 16

<sup>99</sup> Federated Farmers of New Zealand S524.009

<sup>100</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>101</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>102</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>103</sup> Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.108

<sup>104</sup> Buller District Council S538.169

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**<sup>105</sup>

**Activity Status where compliance not achieved:**

~~Restricted~~ Discretionary

**HH – R6 Repairs and Maintenance, Earthquake Strengthening, Fire Protection, Service Connection<sup>106</sup> and Accessibility Upgrades where Permitted Activity standards are not met, or Additions and Alterations to Historic Heritage Items identified in Schedule One**

**Activity Status Restricted Discretionary**

**Where:**

~~1. This includes necessary earthworks associated with the activity.~~<sup>107</sup>

**Discretion is restricted to:**

- a. ~~Compatibility of t~~The form, **and** materials and setting with **in relation to** the ~~H~~historic ~~H~~eritage<sup>108</sup> item **and its setting**;<sup>109</sup>
- b. Methods to minimise the loss or destruction of the values which contribute to the item's ~~H~~historic ~~H~~eritage<sup>110</sup> values as assessed by a suitably qualified **or experienced**<sup>111</sup> heritage professional;
- c. ~~Compatibility of t~~The<sup>112</sup> treatment of the exterior, including the façade;
- d. The ongoing maintenance and enhancement of the ~~H~~historic ~~H~~eritage<sup>113</sup> values of the item;
- e. The long-term viability, retention or ongoing functional use of the item;
- f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified **or experienced**<sup>114</sup> heritage professional;
- g. If the ~~H~~historic ~~H~~eritage<sup>115</sup> item is located within a ~~H~~historic ~~H~~eritage<sup>116</sup> area, that the works do not compromise the ability to interpret the ~~H~~historic ~~H~~eritage<sup>117</sup> area; and

<sup>105</sup> Director General of Conservation S602.053

<sup>106</sup> Westpower Limited S547.182 and consequential to recommendation on HH-P5

<sup>107</sup> Te Tai o Poutini Plan Committee S171.015

<sup>108</sup> RMA First Schedule, Clause 16

<sup>109</sup> Heritage New Zealand Pouhere Taonga S140.028

<sup>110</sup> RMA First Schedule, Clause 16

<sup>111</sup> Federated Farmers of New Zealand S524.009

<sup>112</sup> Heritage New Zealand Pouhere Taonga S140.028

<sup>113</sup> RMA First Schedule, Clause 16

<sup>114</sup> Federated Farmers of New Zealand S524.009

<sup>115</sup> RMA First Schedule, Clause 16

<sup>116</sup> RMA First Schedule, Clause 16

<sup>117</sup> RMA First Schedule, Clause 16

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h. Whether the works complement the form, fabric and setting of the ~~H~~historic ~~H~~eritage<sup>118</sup> area which the item contributes to.<sup>119</sup>

**Activity Status where compliance not achieved:**

Discretionary ~~N/A~~<sup>120</sup>

**HH – R87 New Buildings or Structures or Infrastructure<sup>121</sup> and associated earthworks within a Historic Heritage<sup>122</sup> Area identified in Schedule One**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

a. Effects on the form, fabric or setting of the historic heritage<sup>123</sup> area from the scale, location, design including materials, duration and extent of the proposal, the construction methodology and associated site works;

b. The effects of the inter-relationship between buildings, structures and features within that place;

**c. Impact on the ability to view or interpret the historic heritage area,**<sup>124</sup>

ed.<sup>125</sup> The purpose and necessity of the works and any alternatives considered;

de. The provisions of a conservation plan where one has been prepared for the scheduled ~~H~~historic heritage Area,<sup>126</sup> and<sup>127</sup>

ef.<sup>128</sup> Whether the building or structure is for a Poutini Ngāi Tahu cultural purpose;

**g. Feedback from any consultation undertaken with Heritage New Zealand – Pouhere Taonga and Poutini Ngāi Tahu; and**

**h. Whether the works proposed enable development of regionally significant infrastructure.**<sup>129</sup>

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**<sup>130</sup>

**Activity Status where compliance not achieved:**

<sup>118</sup> RMA First Schedule, Clause 16

<sup>119</sup> RMA First Schedule, Clause 16

<sup>120</sup> Te Tai o Poutini Plan Committee S171.015

<sup>121</sup> Manawa Energy Limited S438.069

<sup>122</sup> RMA First Schedule, Clause 16

<sup>123</sup> Manawa Energy Limited S438.069

<sup>124</sup> Manawa Energy Limited S438.069

<sup>125</sup> RMA First Schedule, Clause 16

<sup>126</sup> RMA First Schedule, Clause 16

<sup>127</sup> Manawa Energy Limited S438.069

<sup>128</sup> RMA First Schedule, Clause 16

<sup>129</sup> Manawa Energy Limited S438.069

<sup>130</sup> Consequential amendment arising from recommendations on Director General of Conservation S602.055, for consistency

N/A

### Discretionary Activities

**HH – R78** ~~Relocation or Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks where compliance with HH – R4 is not achieved~~<sup>131</sup>

**Activity Status** ~~Restricted~~<sup>132</sup> Discretionary

Where:

~~1. This includes necessary earthworks associated with the activity.~~<sup>133</sup>

Discretion is restricted to:

- ~~a. Compatibility of the form materials and setting with in relation to the Historic Heritage item;~~
- ~~b. Methods to minimise the loss or destruction of the values which contribute to the item’s Historic Heritage values as assessed by a suitably qualified heritage professional;~~
- ~~c. Compatibility of the treatment of the exterior, including the façade;~~
- ~~d. The ongoing maintenance and enhancement of the Historic Heritage values of the item;~~
- ~~e. The long-term viability, retention or ongoing functional use of the item;~~
- ~~f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified heritage professional;~~
- ~~g. If the Historic Heritage item is located within a Historic Heritage area, that the works do not compromise the ability to interpret the Historic Heritage area; and~~
- ~~h. Whether the works complement the form, fabric and setting of the Historic Heritage area which the item contributes to.~~<sup>134</sup>

~~**Notification:** Proposals to relocate or reposition public monuments will always be publicly notified.~~<sup>135</sup>

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**<sup>136</sup>

**Activity Status where compliance not achieved:**

N/A

<sup>131</sup> Consequential amendment associated with recommendation on HH-R4

<sup>132</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>133</sup> Consequential amendment associated with recommendation for a fully discretionary rule in response to Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>134</sup> Heritage New Zealand Pouhere Taonga S140.026 and S140.029

<sup>135</sup> Buller District Council S538.172

<sup>136</sup> Director General of Conservation S602.055

<b>HH - R10</b>	<b><del>New Energy Activities and New Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One</del></b>
<b>Activity Status Discretionary</b>	
<b>Activity Status where compliance not achieved:</b> N/A	
<b>HH - R119</b>	<b>Earthworks within a Historic Heritage Area or that affect a Historic Heritage Item identified in Schedule One not provided for in another Rule.</b>
<b>Activity Status Discretionary</b>	
<b>Activity Status where compliance not achieved:</b>	
N/A	
<b><u>Non-complying Activities</u></b>	
<b>HH – R910</b>	<b>Demolition and Destruction of a Historic Heritage Item or Area identified in Schedule One</b>
<b>Activity Status <del>Discretionary</del> <u>Non-complying</u></b> <sup>137</sup>	
<b>Notification:</b> Activities to demolish or destroy a <u>historic H</u> eritage <u>I</u> tem or <u>A</u> rea <sup>138</sup> will always be limited notified to Heritage New Zealand – Pouhere Taonga.	
<b>Activity Status where compliance not achieved:</b>	
N/A	

## 2.7. Historic Heritage Methods

### Submissions and Further Submissions

259. The s42A Report, on page 49, summarises submissions and further submissions on the Methods of the Historic Heritage Chapter.
260. There were four submissions on the methods of the chapter as a whole. Greymouth Heritage Trust (S104.008) requested that there be a method for the Plan to require councils to provide for a Heritage Protection Fund and a Long-Term Heritage Assets Maintenance plan so that identified heritage assets are not left to “demolition by neglect”. Lucina Brady (S322.002) identified that the Old Courthouse in Greymouth should be purchased and retained so that “History House” can be housed there. Heritage West Coast (S426.001) sought that Heritage

<sup>137</sup> Heritage New Zealand Pouhere Taonga S140.031

<sup>138</sup> RMA First Schedule, Clause 16

West Coast is recognised within the methods of the Plan. Laura Mills (S309.004) asked that heritage resources on the West Coast be reviewed to include additional sites in Schedule One.

261. With regard to **HH-M1**, there were two submissions in support from Te Mana Ora and HNZPT seeking that the method be retained as notified.

#### **Section 42A Report Analysis and Recommendations**

262. With regard to the submissions of Greymouth Heritage Trust and Lucina Brady, Ms Easton recognised the importance of funding heritage protection and maintenance, but did not consider it to be a matter for the district plan, and was rather a matter for the Council's long-term plans.
263. With regard to the submission from Heritage West Coast, Ms Easton noted that the group are one of many local heritage groups in the region. However, she acknowledged that it is appropriate to recognise local heritage groups within the methods of the Plan and recommends a new method for the councils to recognise these groups and the role they play in advocating for and maintaining historic heritage on the West Coast. Her recommended method is as follows:

#### **HH – M3**

**Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.**

264. With regard to **HH-M1**, Ms Easton did not recommend any amendment to the method.
265. Ms Easton, in response to general submission points on the chapter as a whole from David Marshall (S347.004) and Greymouth Heritage Trust (S104.007), recommended a method to ensure that the process to add items or areas to Schedule One was clear for users of the Plan. The recommendation of Ms Easton for the new method reads as follows:

#### **HH – M2**

**The TPPP Committee will consider the merits of inclusion of additional heritage items in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P2. The owner of the item should also be willing for it to be scheduled in the Plan. Where such an assessment and confirmation of agreement to scheduling is provided to the TPPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so schedule the item via a Committee-initiated Plan change.**

266. Ms Easton, in response to a general submission point on Schedule One from HNZPT (S140.044), recommended a method to ensure that more detailed information would be made available for Plan users in relation to all items in Schedule 1A. This is further discussed in the section of this Recommendation Report that addresses the Schedules. The recommendation of Ms Easton for the new method reads as follows:

**HH – M4**

**Detailed documentation of the historic heritage and/or archaeological values of the Schedule 1A and Schedule 1B historic heritage items will be undertaken by the end of 2026. This will be prioritised for development as follows:**

- 1. Those items and areas which are on private land or are privately owned,**
- 2. Items and areas on Crown land outside of the public conservation estate,**
- 3. Items and areas on district or regional council lands,**
- 4. Items and areas on public conservation land.**

**Hearing and Submitter Evidence/Statements**

267. With regard to recommended method **HH-M2**, Arlene Baird, on behalf of HNZPT, recorded support for the method because it provides a clear pathway for the addition of items and areas, and archaeological sites, to Schedule One of the Plan.
268. Susan Aitken, on behalf of Poutini Ngāi Tahu, supported the addition of this method because it provides clarity for Plan users, including in relation to the process for archaeological sites to be added to Schedule One, and is consistent with policy HH-P9. She made the connection between this method and sites in Appendix Ten.
269. Martin Kennedy, on behalf of Westpower, supported the addition of the method but recommended an amendment that makes it clear that the process also applies to archaeological sites. He expressed concern in his evidence, and at the hearing, that there were no new methods proposed to support non-complying activity status for demolition or destruction of heritage items or areas. He considered that there needed to be support for owners to assist them to retain and maintain sites, or recognition by the Panel that there is currently no support.
270. Frida Inta, on behalf of herself and Buller Conservation Group, raised the point in her hearing statement that recommended HH-M2 should refer to HH-P3, not HH-P2.
271. With regard to recommended method **HH-M4**, Arlene Baird, on behalf of HNZPT, recorded support for the method in response to the HNZPT submission point, which will ensure that individual assessments are undertaken for scheduled items and areas in Schedule 1A. She further emphasised in her hearing statement that this was a compromise on the part of HNZPT and that reliance was placed on the Councils ensuring that resources were made available to undertake the assessments in the earliest timeframe possible.
272. Frida Inta, on behalf of herself and Buller Conservation Group, queried what would happen to the detailed documentation produced and sought further explanation in the method to make that clear.

**Reporting Officer Reply Evidence**

273. With regard to recommended method **HH-M2**, Ms Easton responded to a question from the Panel regarding whether there was a need to signal priorities in the method. She reiterated the limited resources available in the region and noted that she did not consider prioritisation

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to be necessary, but considered that the prioritisation included in recommended method HH-M4 could be used.

274. With regard to recommended method **HH-M4**, Ms Easton, in response to questions from the Panel, explained that resources had been set aside to accomplish the individual heritage assessments within two years. She agreed that the method should indicate how the public will be able to access these assessments and recommended a corresponding amendment to the wording. She included both Schedule 1A and Schedule 1B in the revised wording.

#### **Hearing Panel's Evaluation**

275. With regard to method **HH-M1**, the Panel recommended retaining the method as notified.
276. With regard to method **HH-M2**, the Panel adopt the recommended wording provided by the reporting officer, with the exception that the Panel agrees with Mr Kennedy that archaeological sites need to be referenced, in addition to historic heritage items and areas.
277. With regard to method **HH-M3**, the Panel adopt the recommended wording provided by the reporting officer.
278. With regard to method **HH-M4**, the Panel adopt the recommended wording provided by the reporting officer, with the exception that reference to "*Schedule One*" is preferred, and it is not necessary to include historic heritage on public conservation land because this is outside the jurisdiction of the plan.
279. Further to Panel analysis and recommendations on policy HH-P9, the Panel recommend a further method that will alert Plan users to the potential presence of archaeological material, either archaeological sites of Māori origin listed in Appendix Ten or NZAA sites more generally, until such time as these sites have been verified as to their location and values.

#### **Hearing Panel's Recommendation**

280. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Rules**:

##### **HH-M1**

Support owners of historic heritage items to maintain their assets through council appropriate resources, such as providing links to guidance documents on resource consent applications on council websites.

##### **HH-M2**

**The TTPP Committee will consider the merits of inclusion of additional heritage items and areas, and archaeological sites in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified or experienced heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P3. The owner of the item should also be willing for it to be scheduled in the Plan. Where such an assessment and confirmation of agreement to scheduling is provided to the TTPP Committee, the Committee will assess whether there is**

**sufficient justification for scheduling, and if so, schedule the item via a Committee – initiated Plan Change.**<sup>139</sup>

#### **HH-M3**

**Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters, and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.**<sup>140</sup>

#### **HH-M4**

**Detailed documentation of historic heritage values of items, areas and archaeological sites listed in Schedule One will be undertaken by the end of 2026. The record of these assessments will be placed on the Te Tai o Poutini Plan website and directly linked to Schedule One. Priorities for assessment are as follows:**

- 1. Those items and areas which are on private land or are privately owned.**
- 2. Items and areas on Crown land outside of the public conservation estate.**
- 3. Items and areas on district or regional council lands.**<sup>141</sup>

#### **HH-M5**

**A GIS alert layer will be created that can be accessed by users of the Plan to show the approximate location of unverified archaeological sites, including archaeological sites of Māori origin in Appendix Ten and other New Zealand Archaeological Association (NZAA) sites that are not listed in Schedule One. This layer will incorporate a 100 metre circular buffer area around the approximate location of the archaeological site to serve as an alert to users of the Plan that archaeological material may be uncovered during works in the area. The layer will be accompanied by an advisory note to that effect.**

## **2.8. Historic Heritage Schedules**

### **Submissions and Further Submissions**

281. The s42A Report, on pages 50-52, summarises submissions and further submissions on Schedule One.
282. There were four submissions in support for the schedule in general from GDC and HNZPT, one opposed, one opposing in part and two seeking amendments.
283. Federated Farmers (S524.047) sought removal of this schedule on the basis that there were no rules associated with it.

<sup>139</sup> David Marshall S347.004 and Greymouth Heritage Trust S104.007

<sup>140</sup> Heritage West Coast S426.001

<sup>141</sup> Heritage New Zealand Pouhere Taonga S140.043, S140.044

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284. HNZPT (S140.043) sought that an assessment of each item in Schedule 1A be provided. HNZPT (S140.044) sought clarification as to why some archaeological sites are included in Schedule 1B while others are not. HNZPT (S140.045) sought inclusion of definitions for the historic heritage values either within the policies or at the start of Schedule 1A, and provided those definitions.
285. HNZPT, in relation to specific scheduled items, sought addition of the phrase “*scheduled extent*” in relation to HH3, HH24, and HH88 (S140.067, S140.068 and S140.070). HNZPT sought removal of the sentence “*Refer to map in Appendix 1 of the registration report for further information*” from HH27, and removal of the sentence “*See extent map tabled at the Rārangī Kōrero Committee meeting on 30 April 2019*” from HH96 (S140.069 and S140.071). HNZPT sought addition of the phrase “*Historic Place Category 1*” in ARCH5, ARCH15 and ARCH16, and amendment of the Heritage List number for ARCH16 (S140.074, S140.075 and S140.076). HNZPT sought correction of references to Heritage List numbers and Historic Area references for ARCH27 and ARCH28 (S140.077 and S140.078).
286. HNZPT (S140.072) also sought that Seddon House be added to Schedule 1A and provided details to populate the schedule.
287. Laura Mills (S240.001 and S309.001) specifically supported the inclusion of Waiuta Historic Place, Waipuna Station Homestead, Blackwater School, Runanga Miners Hall, Remains of Taylorville Wallsend Swing Bridge, Heatherbell Hotel, Cobden Rail Bridge, Regent Theatre, St Patricks Presbytery and Dixon Park Band Rotunda. She also requested (S309.002) additions to the schedule for: the goldmining tunnels of the Woods Creek track at Rutherglen; Nelson Creek tunnels and swing bridge; the Greymouth Star on Werita Street; the old greenstone mine remains at Mt Griffin; the Hannan and Seddon law building on Werita Street; the fountain outside the Grey District Council; Londonderry rock at Kumara; WWII pill box at Blaketown tiphead; Taramakau rail bridge; Dillons Hut up the Taipo; payroll robbery memorial at Runanga; Cobden gun emplacement; hotpool remains near Gloriavale. She also requested (S240.003) that many of these be assessed by a trained historian, and including: heritage trees at Dixon Park; and trees off Kilgour Road in the Coronation Domain reserve.
288. A number of submitters<sup>142</sup>, including Laura Mills and the Greymouth Heritage Trust, requested a Historic Heritage Area for the southern Paparoa area in recognition of the mining history of the Greymouth Coalfield. Paul Thomas (S134.001) referenced a GNS Science Report from November 2010 in support of the request. The Runanga Miners Hall Trust (S498.001) sought inclusion of the Brunner Mine Site (HH53–HH57), Blackball (HH48–HH52) and the Runanga Miners’ Hall (HH47) up to the Strongman Mine memorial, and the towns of Dobson, Stillwater, Blackball, Taylorville, Runanga, Dunollie and Rapahoe, and the old town sites of Rewanui, Wallsend and Brunnerton.
289. The Greymouth Heritage Trust requested additions to the schedule, including: the Coal River Heritage Park (S104.002); Gows Creek 1.2km gold mining tunnel (S104.004); Woods Creek (S104.005); Greymouth Railways Signal Box Built 1904 (S104.006); and Nelson Creek Domain Gold Mining Area.
290. Frida Inta and Buller Conservation Group requested additions to the schedule, including: the midden site at Mokihinui (S552.054, S553.054); archaeological sites at Mokihinui and L28/36 at the Chasm Creek Walkway (S552.052, S552.204, S553.052, S553.204); the waka kereru site at Pages Stream (S552.212, S553.212). Additional requests included recording all known sites

<sup>142</sup> Kate Kennedy S3.001, Aisla Hart S7.001, Glen Johnston S74.001, S183.001, Paul Thomas S134.001, Runanga Miners Hall Trust S498.001, Greymouth Heritage Trust S104.001 and Laura Mills S17.001, S17.002

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in Schedule One and Appendix Ten (S552.051, S553.051), including all historic buildings, structures and sites from the Buller District Plan (S552.205, S553.205), and amending the label for Mokihinui Cemetary on the planning maps so that it correctly says ARCH3, as in Schedule 1B (S552.053, S553.053).

291. Barbara King (S71.002, S71.003) sought a review of heritage features of Nelson Creek, mapping, and addition of Nelson Creek Community Church to the schedule.
292. Brendon McMahon (S306.001) sought a full assessment of the heritage and amenity values of Kumara township, and a heritage precinct overlay to ensure all future development is sensitive to the existing townscape and its heritage value.
293. Kathleen Maitland (S38.001) supported inclusion of the Ross Goldfields Historic Area, noting that the building is used by the Ross Goldfields Information & Heritage Centre rather than the Ross Community Society, and that it was in relationship with a significant kahikatea tree.
294. Northern Buller Communities Society Incorporated (S142.001) expressed concern that the Gravity Mines Survey Office heritage item was wrongly sited on the map.

### **Section 42A Report Analysis and Recommendations**

295. Ms Easton noted in response to the Federated Farmers submission point that they were mistaken in their assertion that the schedule is not referred to in any rules. She explained that these sites are protected under the HNZPT Act, and that there are over a thousand archaeological sites recorded in the region. She reiterated that many sites were previously identified in district plans, and that the schedule includes sites identified as important by local heritage groups during development of the Plan. She noted that all of the archaeological sites in Schedule 1B are on land in public ownership.
296. Ms Easton advised that the purpose of new method HH-M4 is to respond to the HNZPT submission point S140.043. She advised, in response to the HNZPT query regarding Schedule 1B, that the schedule contains cemeteries past and present, and historic heritage items and areas compiled from existing district plans and NZAA listings, as well as archaeological sites identified through the sites and area of significance to Māori identification process. She indicated that the result of the pre-hearing meeting with HNZPT was that Schedule 1B sites would also be subject to assessment indicated in recommended method HH-M4.
297. In relation to the submission points of HNZPT, Ms Easton recommended making the requested amendments to Schedule One, including adding explanatory text to Schedule One that incorporates definition of terms used to describe heritage values, and amendments to individual items, areas and archaeological sites. She recommended acceptance of the addition of Seddon House to Schedule 1B, on the basis of advice from Dr Ann McEwan that there was insufficient built heritage remaining to justify inclusion in Schedule 1A, but that it would be appropriate to record it as an archaeological site.
298. In response to the range of heritage items and areas requested for addition to the Plan by Laura Mills, these were assessed by Dr McEwan and attached as Appendix 3 to the s42A Report. A number of the heritage items and areas nominated by Laura Mills were recommended for inclusion in the Plan, including the Taramakau Rail Bridge, the Hall & Coulthard Memorial at Runanga, the former WWII Battery Observation Post on Cobden Hill, Dillon's Homestead Hut, and Kopara Hot Springs bathing pool. The reasons for other heritage items and areas not being recommended for scheduling included insufficient information, the

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items being newer in origin, and trees and geological features not being a matter for Schedule One, or DOC management of items or areas.

299. Ms Easton advised that the matter of a Southern Paparoa Historic Area was considered by Dr McEwan and assessed as not meeting the criteria for scheduling in the Plan. She indicated, based on that advice, that the parties requesting this Historic Area should work with HNZPT on the proposal.
300. In response to the range of heritage items and areas requested for addition to the Plan by the Greymouth Heritage Trust, the advice of Dr McEwan included in Appendix 3 of the s24A Report did not support addition of any of the items or areas, either because there was insufficient information to support scheduling, or the items or areas did not meet the criteria for scheduling, or because public conservation land is outside the jurisdiction of the Plan. Dr McEwan noted that the Greymouth Railway Station signal box is already within scheduled area HH71, and also noted that she recognised the history and community importance of the items and areas identified.
301. Ms Easton noted that she could not act on the requests of Frida Inta and Buller Conservation Group because she did not have sufficient information. These items and areas were not included in the assessment of Dr McEwan in Appendix 3 to the s42A Report.
302. In response to the request of Barbara King for recognition of Nelson Creek township and community church, Ms Easton relied on the advice of Dr McEwan that the area is actively managed by DOC, and that the church is within a Historic Reserve, such that scheduling in the Plan was not warranted.
303. In response to the request of Brendon McMahon for a Kumara Historic Area, including the Theatre Royal Hotel, Empire Hotel, former BNZ and Seddon House site, Ms Easton relied on the advice of Dr McEwan that there was insufficient evidence to identify a clear extent for the proposed Historic Area. Dr McEwan noted that the Empire Hotel and Theatre Royal Hotel have been modified, the former BNZ is in partial reconstruction, and the Kumara Memorial Hall was built in 1950 to replace an earlier hall. She recognised the hall as a valued community asset, but did not recommend that these buildings or the area be added to the schedule. She did, however, support inclusion of St Patricks Catholic Church, Kumara on the schedule, in response to the submission.
304. Ms Easton supported amending the maps in response to the submission points of Northern Buller Communities Society Incorporated and Frida Inta that had identified errors. She did not note any further action in response to the submission of Kathleen Maitland, or others in support of the scheduled items and areas.

#### **Hearing and Submitter Evidence/Statements**

305. Arlene Baird, on behalf of HNZPT, supported the reporting officer's recommendation regarding the Seddon House site, in light of the assessment by Dr McEwan. She did not address the comments of Dr McEwan regarding the extent of HH24 and HH88.
306. Laura Mills presented evidence to the Panel focussed on the Hannan and Seddon building in Werita Street, Greymouth, and the Mt Griffin serpentine quarry remnants. She expressed a passion for local heritage, and outlined her research into both historic heritage items and areas for further consideration.

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307. Frida Inta presented the Archsite records for the midden site in the areas of the Mokihinui estuary, with information about an adze find, and the Chasm Creek railway at Seddonville. She spoke to her request for the scheduled items and areas in the Buller District Plan to be carried over to the Plan, to ensure that the information and records in that prior district plan were not lost.
308. Susan Aitken, on behalf of Poutini Ngāi Tahu, noted that there are some sites listed in both Schedule One and Schedule Three, but otherwise Schedule One is predominantly colonial built heritage.
309. Martin Kennedy, on behalf of Westpower, acknowledged the reporting officer's acceptance of their submission points on Schedule One.
310. Stephanie Styles, on behalf of Manawa, reiterated that none of the historic heritage assets that form part of their operating hydroelectricity schemes are included in Schedule One.

### **Reporting Officer Reply Evidence**

311. Ms Easton provided further assessments from Dr McEwan in response to the evidence received from Laura Mills and Frida Inta at the hearing. The outcome of those assessments was that only the Hannan and Seddon building in Werita Street, Greymouth was recommended for addition to the schedule, on the basis that it met the criteria for inclusion, and Dr McEwan indicated that a heritage record would be supplied for the building. For those that were not recommended for inclusion, Dr McEwan considered the archaeological sites would already be protected under the HNZPT Act, but they did not meet the criteria for inclusion on the schedule. She noted that the adze find at Mokihinui was not clearly connected to an archaeological site, inferring that it may have been transported to the river mouth area. She assessed the Chasm Creek railway site as having high amenity value, but could not determine that it was of sufficient archaeological significance to be included on the schedule.
312. Ms Easton provided a comprehensive assessment of the items and areas scheduled in the Buller District Plan, in response to the submissions of Frida Inta and Buller Conservation Group. She identified a significant number of items and areas that were included in Schedule One. She also identified a significant number of items and areas that were NZAA sites that did not appear to be of Māori origin, and therefore were not included in Appendix Ten, but neither did they contain accurate information regarding their location or values. She identified a midden site that is incorporated within a SASM in Schedule Three. She also identified a number of items and areas that were not historic sites, did not meet the criteria, or contained insufficient information for inclusion, and one that had been demolished.

### **Hearing Panel's Evaluation**

313. The Panel agree with the reporting officer recommendations, for the reasons provided in evidence, including supporting evidence from Dr McEwan, with the exception that the entry for Seddon House, ARCH31, is recommended to not include the text related to "Extent" because that is a matter for Schedule 1A rather than Schedule 1B, and is recommended to include its Category 1 Heritage List reference. The Panel also adopt the advice of Dr McEwan regarding the scheduled extent of HH24 and HH88, as alternative relief to the amendments sought by HNZPT. The Panel has otherwise relied on Appendix 1 in the right of reply of Ms Easton to populate the details in Schedule One for the newly added items, areas and archaeological sites, with the exception that there were no values provided for Dillons Homestead Hut. The Panel has relied on Appendix Four to the s42A Report that included the assessment of Dr McEwan, and the definitions provided by HNZPT to populate this aspect of

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the schedule. Any values that may have been missed or recorded inaccurately will need to be amended by way of a plan change.

314. The Panel accept the advice of Dr McEwan, as did Ms Easton, regarding the request for a Southern Paparoa Mining Historic Area, on the basis that the parties are encouraged to approach HNZPT regarding identification of the area.
315. The Panel consider that recommended method HH-M5 will assist in responding to the concerns of Frida Inta regarding archaeological sites in the Buller District Plan that are not included in Schedule One of the TTPP.

#### **Hearing Panel's Recommendation**

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the following changes to the **Historic Heritage – Ngā Tuku Ihotanga Schedule One: Historic Heritage Items and Areas and Archaeological Sites – Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho**.
317. The Panel recommend that corrections to the maps are made, as requested by Northern Buller Communities Society Incorporated and Frida Inta, and recommended by the reporting officer.
318. Overall, the Panel recommend that Schedule One, including Schedule 1A and Schedule 1B, are retained as notified, with the exception of changes shown in the boxes below.

#### **Schedule One: Historic Heritage Items and Areas and Archaeological Sites<sup>143</sup>**

##### **Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho**

Assessment of the scheduled Historic Heritage Items and Areas **and Archaeological Sites**<sup>144</sup> has been undertaken using the criteria set out in the West Coast Regional Policy Statement Chapter 4, Method 3:

- a. Historic;
- b. Cultural;
- c. Architectural;
- d. Archaeological;
- e. Technological;
- f. Scientific;
- g. Social;
- h. Spiritual;

<sup>143</sup> RMA First Schedule, Clause 16

<sup>144</sup> RMA First Schedule, Clause 16

- i. Traditional;
- j. Contextual; and
- k. Aesthetic.

**The historic heritage values of historic heritage items and areas and archaeological sites in the Schedule are identified in the tables. A description of these historic heritage values is provided below.**

**Historical and social significance value: Historical and social significance values that demonstrate or are associated with a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political, or other patterns.**

**Cultural and spiritual value: Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values.**

**Architectural and aesthetic value: Architectural and aesthetic values that demonstrate or are associated with a particular style, period or designer, design values, form, scale, colour, texture, and material of the place.**

**Technological and craftsmanship value: Technological and craftsmanship values that demonstrate or are associated with the nature and use of materials, finishes, and/or technological or construction methods that were innovative, or of notable quality for the period.**

**Contextual value: Contextual values that demonstrate or are associated with a relationship to the environment (constructed and natural); a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style, and/or detail; recognised landmarks and landscape that are recognised and contribute to the unique identity of the environment.**

**Archaeological and scientific significance value: Archaeological or scientific values that demonstrate or are associated with the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures or people.**<sup>145</sup>

<sup>145</sup> Heritage New Zealand Pouhere Taonga S140.045

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SCHED1A – Schedule of Historic Heritage Items and Areas					
Unique Identifier	Name, Address, Physical Address	Legal Address	Historic Heritage Values	Extent	Heritage New Zealand Pouhere Taonga Listing Reference and Category
HH3	War Memorial Torea St, Granity Buller		Architectural, Contextual, Historic, Social, Technological	The extent includes part of the land described as Railway Land as shown on DP 15319 (NZ Gazette 1881, p.1127), Nelson Land District, and the structure known as War Memorial thereon. The concrete wall is included in, and marks the boundary of, the <del>registration</del> <b>scheduled extent.</b> <sup>146</sup>	5020  Historic Place Category 2
HH24	Utopia Lodge (Former)  72 Queen St, Westport, Buller		Aesthetic, Contextual, Social	Extent includes the land described as Lot 4 DP 4199 (CT NL2C/331), Nelson Land District, and the building known as Utopia Lodge (Former) thereon. <del>The modern addition to the rear of Utopia Lodge (Former) is excluded from the registration</del> <sup>147</sup>	5033  Historic Place Category 2
HH27	Big River Quartz Mine  Victoria Conservation Park, Big River, Buller		Archaeological, Historic, Technological	Extent includes part of the land described as Secs 1-4, Blk X, and Crown Land Blk X (under action), Waitahu SD and Pt Crown Forest Land Block IV, Mawheraiti Survey District, (NZ Gazette 1981, p.1420	7762  Historic Place Category 1

<sup>146</sup> Heritage New Zealand Pouhere Taonga S140.067

<sup>147</sup> Heritage New Zealand Pouhere Taonga S140.068

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	(under action), Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District.		and NZ Gazette 1958, p591), Nelson Land District and the Big River Quartz Mine and road thereon. This includes buildings and structures known as the poppet head, Mine Shafts, Mullock Heap, Cyanide Plant, Boilers, Winding Engines, Cable Trestles, Condenser Shell, Aerial Ropeway, Battery remains, Pelton Wheel remains, Smelter, Water Races, Miner's Cottage, Winding Engine House, and its fittings and fixtures, the following chattels: mine cages, pulley wheels, zinc boxes, tramway remnants, and the following class of chattels: all objects associated with the Big River Quartz Mine within the boundary. (Refer to map in Appendix 1 of the registration report for further information) <sup>148</sup>	
HH88	National Bank (Former), Revell and Hamilton St, Hokitika, Westland  Sec 6 Town of Hokitika (RT WS3A/128),	Architectural, Contextual, Historic and Technological	Extent includes part of the land described as Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District and the building known as the National Bank (Former) thereon. The timber cottage	5057  Historic Place Category 2

<sup>148</sup> Heritage New Zealand Pouhere Taonga S140.069

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	Westland Land District		<del>on the land parcel is not included in the extent of the List entry<sup>149</sup></del>	
HH96	Seddon Statue, 14 Sewell St, Hokitika, Westland  Lot 1 DP 3239 (RT WS8B/652), Westland Land District. Located in front of Hokitika Government Buildings (otherwise known as Seddon House).	Cultural and Social	Extent includes part of the land described as Lot 1 DP 3239 (RT WS8B/652), Westland Land District and the structure known as Seddon Statue thereon. <del>See extent map tabled at the Rārangi Kōrero Committee meeting on 30 April 2019.</del> <sup>150</sup>	4995  Historic Place Category 1
<b>HH117<sup>151</sup></b>	<b><u>Taramakau Rail Bridge</u></b>  <b><u>Rail corridor over the Taramakau River</u></b>	<b><u>Historical, Social, Cultural, Aesthetic, Technological, Contextual and Archaeological</u></b>	<b><u>The extent of setting is limited to the rail corridor in the immediate vicinity of the bridge.</u></b>	
<b>HH118<sup>152</sup></b>	<b><u>Dillons Homestead Hut</u></b>  <b><u>Part 39004-GRA Pt Bed Taipo River BLK XII XVI Turiwhate SD BLK IX Otira SD</u></b>	<b><u>Historical, Social, Cultural, Aesthetic, Architectural, Technological, Contextual, and Archaeological</u></b>	<b><u>The extent of setting is limited to the immediate surrounds of the hut, rather than the land parcel as a whole.</u></b>	
<b>HH119<sup>153</sup></b>	<b><u>Hall &amp; Coulthard Payroll Robbery Memorial, Runanga</u></b>  <b><u>Parcel 3702214 [road reserve]</u></b>	<b><u>Historical, Social, Cultural, Aesthetic and Contextual</u></b>	<b><u>The extent of setting is limited to the immediate surroundings of the monument, rather than the subject road reserve as a whole.</u></b>	

<sup>149</sup> Heritage New Zealand Pouhere Taonga S140.070

<sup>150</sup> Heritage New Zealand Pouhere Taonga S140.071

<sup>151</sup> Laura Mills S309.002

<sup>152</sup> Laura Mills S309.002

<sup>153</sup> Laura Mills S309.002

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<p><b>HH120</b><sup>154</sup></p>	<p><b><u>Cobden Battery Observation Post, Cobden Hill Parcel 3702264</u></b></p>	<p><b><u>Historical, Social, Cultural, Aesthetic, Technological</u></b></p>	<p><b><u>The extent of setting is the land parcel on which the emplacement is located.</u></b></p>	
<p><b>HH121</b><sup>155</sup></p>	<p><b><u>Kopara Hot Springs Bathing Pool Parcel 23676024, NZ Gazette 1940 p. 1785</u></b></p>	<p><b><u>Historical, Social, Cultural, Aesthetic and Contextual</u></b>   <p><b><u>May have archaeological significance</u></b></p> </p>	<p><b><u>The extent of setting is limited to the immediate surrounds of the pool, rather than the land parcel as a whole.</u></b></p> <p><b><u>[The bathing pool is located on the west side of the Haupiri River, immediately south of its confluence with Cone Creek; the site is part of a large block within the DoC estate.]</u></b></p>	
<p><b>HH122</b><sup>156</sup></p>	<p><b><u>St Patricks Catholic Church, Kumara Lot 2 DP 3528 Town of Kumara</u></b></p>	<p><b><u>Historical, Social, Cultural, Spiritual, Architectural, Aesthetic, Technological and Contextual</u></b></p>	<p><b><u>Extent includes the building and the land parcel on which it sits described as Lot 2 DP 3528 Town of Kumara.</u></b></p>	
<p><b>HH123</b><sup>157</sup></p>	<p><b><u>Hannan and Seddon Building, (Former WW Perkins Law Office), 4 Werita Street, Greymouth Section 91 Block 3 Greymouth</u></b></p>	<p><b><u>Historical, Social, Cultural, Spiritual, Architectural, Aesthetic, Technological, Contextual, Archaeological and Scientific</u></b></p>	<p><b><u>Extent includes building and the land parcel on which it sits described as Section 91 Block 3 Greymouth.</u></b></p>	

<sup>154</sup> Laura Mills S309.002

<sup>155</sup> Laura Mills S309.002

<sup>156</sup> Brendon McMahon S306.001

<sup>157</sup> Laura Mills S309.002

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SCHED1B – Schedule of Archaeological Sites			
Unique Identifier	Site Identifier	Site Type and Values	Heritage New Zealand Listing Reference  New Zealand Archaeological Association Reference
ARCH5	Denniston Historic Area	Secs 1, 2, 5, 6, 8, 13, 21, 22, 27, 30, 32, 35, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 58, 62, 64, 65, 72, 77, 79, 80, 83, 87, 94, 97, 100, 103, 104, 106, 107, 111, 115, 122, 123, 124, 142, 143 Town of Denniston (RTs NL13/97, NL14/43, NL6A/687, Identifier: 216495, NL14/44, NL1A/270, NL92/57, NL1B/842, NL42/36, NL13/232, NL13/235, NL10A/1277, NL13/236, NL13/237, NL8C/367, NL13/239, NL14/181, NL13/98, NL2B/78, NL9A/989, NZ Gazette 1964, p. 1594, NZ Gazette 1975, p. 189, NZ Gazette 1979, p. 700, NZ Gazette 1982, p. 3696), Pt Secs 26, 28, 36, 41, 44, 45, 50, 59, 60, 61, 66, 67, 68, 69, 73 & 74, 82, 87, 89, 90, 91, 96, 101, 102, 127, Town of Denniston (RTs NL13/210, NL8C/1350, NL39/191, NL33/90, NL7C/34 & NL45/56, NL125/14, NL22/60 & NL22/59, NL 84/72 & NL14/77 & NL84/73, NL35/260, NL11D/43, NL20/89, NL50/232, NL54/39, NL9A/746, NL14/51, NZ Gazette 1972, p. 500, NZ Gazette 1975, p. 189, NZ Gazette 1982, p. 3696, NZ Gazette 1987, p.1248), Sec 75, Blk V Kawatiri SD, (NZ Gazette 1976, p. 2287, NZ Gazette 1979, p. 700), Secs 7,	HNZPT 7049  <u>Historic Place Category 1</u> <sup>158</sup>  NZAA K29/55

<sup>158</sup> Heritage New Zealand Pouhere Taonga S140.074

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		11, 40, 44, 45, 47, 50 and Pt Sec 42, Blk VI Kawatiri SD, (RTs NL89/13, NL55/139, NL5C/6, NL11B/157), Lot 1 DP 542 (being Pt Sec 66 Town of Denniston) (RT NL39/95), Lots 1, 2 DP 61 (being Pt Sec 81 Town of Denniston) (RT NL16/70, NL16/69), Lot 2 DP 1987 (being Pt Sec 89 Town of Denniston) (RT NL68/279), Secs 1, 2, 3, 4, SO Plan 14864 (RTs NL10A/333, NL10A/582, NL10A/573, NL10A/574), Sec 1 SO Plan 14928 (RT 10A/1303), Sec 1 SO Plan 15088 (RT NL11A/1123), and all SO Plans 3524, 8550 and 10411 (NZ Gazette 1979, 700), all Kawatiri SD, Nelson Land District.	
ARCH15	Big River Quartz Mine	Secs 1-4, Blk X and Crown Land Blk X (under action). Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District	HNZPT 7762  <b><u>Historic Place Category 1</u></b> <sup>159</sup>
ARCH16	Waiuta Historic Area	Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Crown Land (under action) Town of Waiuta	HNZPT <b><u>9285 9835</u></b> <b><u>Historic Place Category 1</u></b> <sup>160</sup>

<sup>159</sup> Heritage New Zealand Pouhere Taonga S140.075

<sup>160</sup> Heritage New Zealand Pouhere Taonga S140.076

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		(RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Town of Waiuta, Sec 47 Town of Waiuta, Sec 48 Town of Waiuta (RT NL2D/809), Secs 49-51 Town of Waiuta (NZ Gazette 1984, p. 560), Lot 1 DP 18537 (RT NL73/88), Sec 5 Blk XIII Waitahu SD (NZ Gazette 1981, p. 1420) and Pt Crown Forest Land Blk IV Mawheraiti SD (NZ Gazette 2020, 4720), Sec 1 SO 14989 (NZ Gazette 2002, p. 602), Legal Road and Legal River, Nelson Land District	
ARCH27	Brunner Mines Historic Area, Taylorville	Pt Sec 2A Square 119 (NZ Gazette 1924, p2299); RS 6362, Blk X Arnold SD (NZ Gazette 1985, p534); Crown Land, Crown Land Survey Office Plan 4893 and Part Res 982 (Conservation purposes SO 11209 K31/43); Crown Land (Conservation purposes SO 11209 K31/44); Secs 1-2 SO 449212 (RT 581572, NZ Gazette 2012 p.1067); Sec 3 SO 309588 (RT 47501, NZ Gazette 2002 p 2090); Legal Road; Legal River; Railway Land (PROC 36, NZ Gazette 1896, p.1199), Westland Land District	<b>HNZPT 7051 Historic Area</b> <sup>161</sup>

<sup>161</sup> Heritage New Zealand Pouhere Taonga S140.077

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ARCH28	Ross Historic Area, Ross	Lot 1 DP 2387 (RT WS58/1029), Lot 2 DP 2387 (RT WS5B/1030), Res 96A and Secs 34-39 Town of Ross, and Sec 1 SO 11511 (NZ Gazette 1989 p.5684), Pt Legal Road, Westland Land District.	HNZPT <del>7053</del> <b>7055</b> <sup>162</sup> <b>Historic Area</b>
<u>ARCH31</u> <sup>163</sup>	<b><u>Seddon House Site</u></b> <b><u>740-742 Otira Highway</u></b> <b><u>(State Highway 73),</u></b> <b><u>Kumara</u></b>	<b><u>Seddon House Historic Reserve (NZGZ 1981, p. 24; NZGZ 1988, p. 2396 and NZGZ 1989, p. 5301), Westland Land District</u></b>	<b><u>HNZPT 9864</u></b> <b><u>Historic Place</u></b> <b><u>Category 1</u></b>

### 2.9. Historic Heritage Appendices

319. The s42A Report for the Historic Heritage Chapter notes that submissions and evidence on Appendix Four and Appendix Ten, while relevant to the historic heritage topic as a whole, are addressed in the Sites and Areas of Significance to Māori s42A Report.
320. The Panel have adopted the same approach to these appendices and provide recommendations as part of the Sites and Areas of Significance to Māori Recommendation Report.



**Paul Rogers**

**Hearings Panel – Chair**



**Anton Becker**

**Hearings Panel Member**



**Maria Bartlett**

**Hearings Panel Member**

**Date: 9 September 2025**

<sup>162</sup> Heritage New Zealand Pouhere Taonga S140.078

<sup>163</sup> Heritage New Zealand Pouhere Taonga S140.072

APPENDIX 1 - RECOMMENDATIONS

Definitions

<p><b><u>Accidental Discovery Protocol Commitment</u></b></p>	<p><b><u>means a written commitment to adhere to the accidental discovery protocol as contained in Appendix Four.</u></b></p> <p><b><u>Advice note: This does not replace any archaeological authority required by HNZPT.</u></b></p>
<p><b><u>Archaeological site</u></b></p>	<p><b><u>has the same meaning as in the Heritage New Zealand Pouhere Taonga Act 2014 (as set out below).</u></b></p> <p>Means, <b><u>subject to section 42 (3) –</u></b></p> <p><b><u>a) Any place in New Zealand, including any building or structure (or part of a building or structure), that-</u></b></p> <p><b><u>i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u></b></p> <p><b><u>ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u></b></p> <p><b><u>b) Includes a site for which a declaration is made under section 43 (1) of the Heritage New Zealand Pouhere Taonga Act 2014</u></b></p>
<p><b><u>Heritage fabric</u></b></p>	<p>means any physical element, feature, material or finish which contributes to the heritage values, in whole or in part, of a structure, place, object <b><u>or</u></b> feature <b><u>or</u></b> site</p>
<p><b><u>Historic heritage</u></b></p>	<p><b><u>means sites, buildings and areas identified in Schedule One Historic Heritage Items and Areas and Archaeological Sites has the same meaning as in section 2 of the RMA (as set out below) –</u></b></p> <p><b><u>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:</u></b></p> <p><b><u>i. archaeological;</u></b></p> <p><b><u>ii. architectural;</u></b></p> <p><b><u>iii. cultural;</u></b></p> <p><b><u>iv. historic;</u></b></p> <p><b><u>v. scientific;</u></b></p> <p><b><u>vi. technological; and</u></b></p> <p><b><u>b) includes –</u></b></p> <p><b><u>i. historic sites, structures, places, and areas; and</u></b></p> <p><b><u>ii. archaeological sites; and</u></b></p> <p><b><u>iii. sites and areas of significance to Māori, including wāhi tapu; and</u></b></p> <p><b><u>iv. surroundings associated with the natural and physical resources</u></b></p>

<p><b>Suitably Qualified or Experienced Heritage Professional</b></p>	<p>means a person with a degree or recognised post-graduate qualification in a field related to heritage conservation or management, <b>which may include architecture</b>, and at least five years of experience in a heritage conservation or management role; <b>or otherwise, a person peer reviewed and recognised by Heritage New Zealand Pouhere Taonga as having experience in heritage conservation or management relevant to undertaking the required role.</b></p> <p><b>Advice Note: Relevant experience in heritage conservation or management includes cultural expertise held by members of Poutini Ngāi Tahu, and consultation with Poutini Ngāi Tahu is needed to identify expertise relevant to undertaking the required role.</b></p>
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## Historic Heritage Chapter

### Overview

**Sites-Items**, areas, memorials and buildings may have historic heritage values if they are places or objects **which that** people associate with their identity, history, and events or cultural traditions.

Historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge, and a social and cultural link to the past that is important to the community. The destruction or damage of heritage values can cause the loss of this knowledge, as well as a social/cultural link to the past.

As well as meeting the specific duties under section 6 of the Resource Management Act 1991, protecting historic heritage values can help teach people about their past, foster a sense of identity and community, and provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Te Tai o Poutini Plan manages different types of historic heritage.

Historic Heritage items are listed in Schedule One, **Schedule Two and Schedule Three. Schedule One predominantly covers the built and colonial heritage and also** The schedule also identifies if there are any interior elements of a heritage building that are also protected. **Schedule Two covers notable and heritage trees that are important to the community and Schedule Three reflects Poutini Ngāi Tahu historic heritage areas.**

Historic areas are also listed in Schedule One. There are eight historic areas – Denniston Historic Area, Reefton Historic Area, Waiuta Historic Area, Greymouth Railway Station Historic Area, Moana Railway Station Historic Area, Brunner Mines Historic Area, Jack’s Mill School Historic Area and Ross Historic Area.

**Under the Heritage New Zealand Pouhere Taonga Act 2014,** Archaeological sites are any place in Aotearoa New Zealand (including buildings and structures) that are associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. There are a large number of archaeological sites identified in the West Coast/Te Tai o Poutini. While all archaeological sites are protected under **the** Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites **predominantly related to European colonial history** of particular significance to the community on the West Coast/Te Tai o Poutini are included in Schedule One and the Historic Heritage rules also apply to these archaeological sites. **This schedule can also contain post-1900 items and areas. The archaeological sites listed in Schedule One, while an important part of the West Coast/Te Tai o Poutini, are not the full list.** Alongside this, the New Zealand Archaeological Association has identified a list of

archaeological sites of Māori origin. **Further investigation is required to ensure the exact spatial location and extent of these archaeological sites, therefore these are included in Appendix Ten for information. This appendix raises awareness for plan users, particularly resource consent applicants, of the increased likelihood of discovering archaeological material of Māori origin in the vicinity of these areas. Appendix Ten will be mapped and included as an “Alert Layer” on the e-plan maps. The Councils will continue to work with both Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu over the next ten years to ensure that the archaeological sites of Māori origin are accurately mapped before being considered for inclusion in Schedule One via a plan change.**

Historic heritage and archaeological sites are also important to Poutini Ngāi Tahu **for values other than historic heritage**. Some of these sites and areas are identified, with other Sites **and Areas** of Significance to Māori, in Schedule Three. Notable trees of value to Poutini Ngāi Tahu are identified in Schedule Two. Where a site is scheduled in multiple locations, the provisions of all chapters must be considered. **Some objectives and policies of this chapter also apply to sites listed only in Schedule Two or Schedule Three.**

#### **Other relevant Te Tai o Poutini Plan provisions**

It is important to note that in addition to this chapter, a number of chapters also contain provisions that may be relevant to historic heritage, including:

- **Sites and Areas of Significance to Māori** – the Sites and Areas of Significance to Māori Chapter contains the provisions in relation to the sites and areas identified in Schedule Three.
- **Notable Trees** – the Notable Trees Chapter contains the provisions in relation to trees identified in Schedule Two.
- **Subdivision** – the Subdivision Chapter contains provisions which related to the subdivision of land with historic heritage sites **items** and areas – in particular Rules SUB – R10 and SUB – R17.
- **Financial Contributions** – the Financial Contributions Chapter provides the framework and provisions that allow for waivers for financial contributions in circumstances where heritage **heritage sites and items and areas** are protected.
- **Signs** – The Signs Chapter contains provisions **which that** relate to signs that are placed on and around historic heritage sites **items** and areas – in particular Rule SUB – R7.
- **The Zone Chapters** – ~~the~~ the Zone chapters contain some provisions which exempt historic heritage buildings from complying with performance standards, for example visitor accommodation requirements in the Town Centre Zone.
- **Appendix Ten** – ~~this~~ this appendix contains NZAA listed archaeological sites of Māori origin. The exact spatial location and extent of these sites has not yet been clearly identified but they are included in this appendix for information purposes **and are a matter for consideration where resource consent is required for an activity that may impact an archaeological site. Appendix Ten will be mapped and included as an “Alert Layer” in the e-planning maps.** Like all archaeological sites, these **archaeological sites** are protected under the Heritage New Zealand Pouhere Taonga Act 2014.

#### **Other relevant Statutory Provisions**

Aside from Te Tai o Poutini Plan, there are other key Acts and regulations seeking to protect and conserve historic heritage.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) – under this act it is unlawful to destroy, damage or modify an archaeological site (regardless of whether the site is scheduled in Te Tai o Poutini Plan or not) without obtaining an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before work starts. An archaeological authority is required in addition to

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any resource consent required by the Council. If you discover a previously unknown archaeological site (for example, when you are undertaking earthworks) you must stop any work that could affect the **archaeological** site and contact HNZPT for advice on how to proceed. If there are human remains/**kōiwi or taonga** revealed, then the Accidental Discovery Protocol in Appendix ~~Five~~ **Four** must be followed and if any artefacts are found they must be handed over to the Ministry for Culture and Heritage.

The Building Act 2004 – this Act and associated regulations manage earthquake-prone buildings. Earthquake strengthening to scheduled **historic** heritage buildings and items is a permitted activity so long as the strengthening work does not compromise the historic heritage building or item's heritage values.

#### HH-O1

Recognise, protect and celebrate the benefits of historic heritage of the West Coast/Te Tai o Poutini and its contribution to wellbeing through supporting a sense of place, community identity, culture and economic opportunities.

#### 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.

#### HH-O3

Identify, assess and recognise historic heritage places and features that are valued locally, regionally and nationally to ensure their protection **from inappropriate subdivision, use and development** for future generations.

#### HH-O4

Protect historic heritage **from inappropriate subdivision, use and development** by restricting managing relocation, repositioning, internal and external alterations and additions to heritage items and ~~not~~ **only** allowing demolition and destruction **in limited circumstances**.

#### HH-P1

Recognise that historic heritage items **and areas** may be valued on a national, regional or local scale.

#### HH-P2

Identify, assess and map heritage buildings, features, places ~~and sites~~ and archaeological sites, in partnership with Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu and in consultation with the community and key stakeholders.

#### HH-P3

Assess the values of historic items and areas using the criteria set out in Method 3 of Chapter 4 in the West Coast Regional Council Policy Statement:

- a. Historic;
- b. Cultural;
- c. Architectural;
- d. Archaeological;

- e. Technological;
- f. Scientific;
- g. Social;
- h. Spiritual;
- i. Traditional;
- j. Contextual; and
- k. Aesthetic.

**HH-P4**

Enable the use, including adaptive reuse of historic heritage items identified in Schedule One, while ensuring that their identified values are maintained.

**HH-P5**

When considering the proposals for external alteration of historic heritage items identified in Schedule One, the following matters should be considered:

- a. Any external alteration will not significantly detract from an item of historic heritage value; or
- b. The alterations are for the primary purpose of improving structural performance, fire safety, upgrading energy supply or physical access to the heritage item;
- c. The alternations are necessary to enable the continued adaptive reuse of the heritage item while maintaining heritage values to the fullest extent possible.**

**HH-P6**

When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:

- a. The impact on the physical integrity of the item and practical considerations associated with relocating or repositioning;
- b. Whether the item can be accommodated without having a significant adverse effect on the structure and heritage values of the item;
- c. Whether the item is at immediate risk from natural hazards identified in the Natural Hazard Chapter of this plan;
- d. Whether the relocation is to return an item to its original location;
- e. The impact of the movement of the item on public access to the item;
- f. The importance of the heritage item's setting to its heritage significance and the impact of relocation or repositioning on that significance; and
- g. The historic heritage item and land it is sited on are in different ownership and ~~following investigation and assessment into~~ **there is no** practical options for the ~~retention of the historic heritage item~~ **to remain** in its current location, ~~it is unreasonable for the item to remain;~~
- h. Functional need and operational need of regionally significant infrastructure, where there is no practicable alternative location and heritage values of the item are maintained.**

**HH-P7**

Demolition and destruction of a historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, through investigation and assessment by a suitably qualified or experienced heritage professional that:

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- a. The extent of the work required to retain the heritage items is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;
- b. **The item poses a significant risk to public safety and there is no practicable alternative to make the item safe;**
- c. The costs to retain or repair the heritage item would be unreasonable;
- d. All other viable alternatives, including relocation and repositioning, have been fully considered.

#### HH-P8

Internal alteration of historic heritage buildings identified in Schedule One assessed as having significant internal values will not be allowed unless it can be demonstrated that:

- a. The alterations are for the primary purpose of improving structural performance, fire safety or physical access; or
- b. It is in a serious state of disrepair, and cost to remedy is prohibitive; or
- c. Any alteration will not detract from its heritage value; or
- d. It is of a temporary or easily reversible manner and will support its ongoing use; or
- e. It can be altered in part without significant adverse effects on the heritage values for which the item is listed in Schedule One.

#### HH-P9

The Councils will work with Heritage New Zealand Pouhere Taonga and Poutini Ngāi Tahu to create a yearly work programme ~~which that~~ will enable all NZAA sites of Māori origin in Te Tai o Poutini to be accurately mapped within the next ten years, **prioritising sites of Māori origin**. These will be included in the planning maps as a Plan Change.

#### HH-P10

**Only allow regionally significant infrastructure on or within historic heritage items or areas identified in Schedule One where it can be demonstrated that:**

- a) **functional need or operational need of the infrastructure means that there is no practicable alternative to its location; and**
- b) **The infrastructure will protect and maintain the heritage values of the item or area.**

### Historic Heritage Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

### Permitted Activities

**HH - R1 Repairs and Maintenance of a Historic Heritage Item identified in Schedule One**

**Activity Status Permitted**

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Where:

1. There are no changes to the extent, floor levels, form, proportion and scale of the item;
2. There are no changes to the design, texture, or form of the fabric;
3. Use of materials other than those that are the same as the original, or the most significant fabric, or the closest equivalent; or
4. There is no damage to the building or structure as a consequence of affixing scaffolding;

**5. New materials, works or reconstructed elements are date stamped to indicate the time of their installation.**

**Advice notes:**

**1. This rule applies only to the exterior of the heritage item, except where the 'Extent' in Schedule One includes 'fixtures and fittings'. The rule applies to 'fixtures and fittings' for those specific scheduled items, including interiors.**

**2. Date stamping is a term used in heritage conservation to mean marking with a date, not necessarily a stamp, and is important to clearly distinguish replicated or introduced features and new areas of fabric from heritage fabric, so that changes to the heritage item can be readily understood in the future. The dating of new or introduced fabric may be undertaken by a number of permanent means. It is recommended that a builder's pencil is used with regard to masonry or timber, or small steel plate can be used on timber. A permanent marker pen may be used on steel elements. Marking should be in unobtrusive locations. Not all new fabric requires dating. Where there are areas of new or introduced material, it can be done on an example, rather than on every piece. It should be noted that some treated timber and plasterboard is already dated.**

**Activity status where compliance not achieved:**

Restricted Discretionary

**HH - R2      Earthquake Strengthening, Fire Protection, and Accessibility and Service Connection Upgrades to a Historic Heritage Item Identified in Schedule One**

**Activity Status Permitted**

Where:

1. All performance standards for Rule HH – R1 are complied with; and
2. An assessment from a **suitably qualified or experienced** Heritage Architect **professional** is provided to the relevant council confirming the works are consistent with the values of the Historic Heritage item at least 10 working days prior to the commencement of the work.

**Activity Status where compliance not achieved:**

Restricted Discretionary

**HH – R3      Minor earthworks in a Historic Heritage Item or Area or Archaeological Site identified in Schedule One**

**Activity Status Permitted**

Where:

1. These are earthworks that will not result in damage, demolition or destruction of heritage items and are associated with:

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- a. An activity permitted under Rule HH – R1 or Rule HH – R2; **or**
  - b. Interments at existing cemetery or urupā; or
  - c. Archaeological survey by Heritage New Zealand - Pouhere Taonga or authorised representatives; or
  - d. Installing fence posts and the replacement of poles for overhead network utility lines, provided the area of land disturbed is limited to what is necessary to maintain an existing fence or **overhead line** along its existing alignment ~~and does not involve installation or digging of new post holes;~~ **or**
  - e. Maintaining existing underground energy activity or **telecommunications** assets **or installing new underground energy or telecommunications assets that enable ongoing use of the heritage item or area;** **or**
  - f. Maintaining and repairing regionally significant infrastructure within the existing footprint of that infrastructure; or**
  - ~~fg. Maintaining and repairing of existing drains within the existing footprint of the drain; or~~
  - gh. Maintaining roads, tracks, carparks, accessways or paved areas within the footprint or modified ground compromised by the existing road, track, carpark, accessway or paved area; and**
2. An Archaeological Authority has been issued by Heritage New Zealand – Pouhere Taonga, or an Accidental Discovery Protocol commitment has been completed and submitted to the relevant District Council at least 10 working days prior to the commencement of any earthworks; **and**

### **3. All standards of Rule EW – R1 are complied with.**

#### **Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**

#### **Activity Status where compliance not achieved:**

Discretionary where these are not associated with another activity specifically provided for in a Controlled or Restricted Discretionary Activity Rule.

#### **Controlled Activities**

**HH – R54**      **New infrastructure Connections to a Historic Heritage Item identified in Schedule One**

#### **Activity Status Controlled**

Where:

1. The new infrastructure connection is to a historic heritage building listed in Schedule One; **and**
2. **The application is accompanied by evidence of the outcome of consultation with Heritage New Zealand – Pouhere Taonga (HNZPT) or demonstration of how the connection is in accordance with any guideline developed by the infrastructure provider in consultation with HNZPT.**

#### **Matters of control are:**

- a. The location of the customer’s connection to the heritage building;
- b. The physical impact/damage to the heritage building; and

c. Visual impact and how the visual impact might affect heritage value.

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**

**Activity Status where compliance not achieved:**

Discretionary

**Restricted Discretionary Activities**

**HH – R45      ~~Relocation or~~ Relocation or Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks**

**Activity Status ~~Controlled~~ Restricted Discretionary**

Where:

1. All performance standards for Rule HH – R1 are complied with; and
2. The item is being ~~relocated or~~ repositioned:
  - a. To its original locations; or
  - b. Due to an immediate threat from damage sustained by a ~~N~~natural ~~H~~hazard identified:
    - i. In this plan; or
    - ii. By a suitably qualified or experienced heritage professional.

**~~Matters of control are~~ Discretion is restricted to:**

- a. The capacity of the item to endure ~~relocation and~~ repositioning;
- b. The capacity of the site or area to accommodate the item;
- c. The impact on public access to the item; ~~and~~
- d. The reduction in risk from natural hazards from the ~~relocation or~~ repositioning; and
- e. **Impacts of the activity on the cultural values of any site or area of significance to Māori, and advice received from Poutini Ngāi Tahu on managing identified impacts on cultural values.**

**~~Notification:~~ Proposals to relocate or reposition public monuments will always be publicly notified.**

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**

**Activity Status where compliance not achieved:**

~~Restricted~~ Discretionary

**HH – R6      Repairs and Maintenance, Earthquake Strengthening, Fire Protection, Service Connection and Accessibility Upgrades where Permitted Activity standards are not met, or Additions and Alterations to Historic Heritage Items identified in Schedule One**

**Activity Status Restricted Discretionary**

Where:

~~1. This includes necessary earthworks associated with the activity.~~

**Discretion is restricted to:**

- a. ~~Compatibility of t~~The form, **and** materials ~~and setting with~~ **in relation to** the ~~H~~historic ~~H~~eritage item **and its setting**;
- b. Methods to minimise the loss or destruction of the values which contribute to the item's ~~H~~historic ~~H~~eritage values as assessed by a suitably qualified **or experienced** heritage professional;
- c. ~~Compatibility of t~~The treatment of the exterior, including the façade;
- d. The ongoing maintenance and enhancement of the ~~H~~historic ~~H~~eritage values of the item;
- e. The long-term viability, retention or ongoing functional use of the item;
- f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified **or experienced** heritage professional;
- g. If the ~~H~~historic ~~H~~eritage item is located within a ~~H~~historic ~~H~~eritage area, that the works do not compromise the ability to interpret the ~~H~~historic ~~H~~eritage area; and
- h. Whether the works complement the form, fabric and setting of the ~~H~~historic ~~H~~eritage area ~~which the item contributes to.~~

**Activity Status where compliance not achieved:**

Discretionary **N/A**

**HH – R87**      **New Buildings or Structures or Infrastructure and associated earthworks within a Historic Heritage Area identified in Schedule One**

**Activity Status Restricted Discretionary**

**Discretion is restricted to:**

- a. Effects on the **form, fabric or setting of the historic heritage** area from the scale, location, design including materials, duration and extent of the proposal, the construction methodology and associated site works;
- b. The effects of the inter-relationship between buildings, structures and features within that place;
- c. Impact on the ability to view or interpret the historic heritage area;**
- ~~ed.~~ The purpose and necessity of the works and any alternatives considered;
- ~~de.~~ The provisions of a conservation plan where one has been prepared for the scheduled ~~H~~historic ~~heritage A~~area; ~~and~~
- ~~ef.~~ Whether the building or structure is for a Poutini Ngāi Tahu cultural purpose;
- g. Feedback from any consultation undertaken with Heritage New Zealand – Pouhere Taonga and Poutini Ngāi Tahu; and**
- h. Whether the works proposed enable development of regionally significant infrastructure.**

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**

**Activity Status where compliance not achieved:**

N/A

**Discretionary Activities**

**HH – R78 Relocation or Repositioning of a Historic Heritage item identified in Schedule One and associated earthworks where compliance with HH – R4 is not achieved**

**Activity Status ~~Restricted~~ Discretionary**

Where:

~~1. This includes necessary earthworks associated with the activity.~~

Discretion is restricted to:

- ~~a. Compatibility of the form materials and setting with in relation to the Historic Heritage item;~~
- ~~b. Methods to minimise the loss or destruction of the values which contribute to the item’s Historic Heritage values as assessed by a suitably qualified heritage professional;~~
- ~~c. Compatibility of the treatment of the exterior, including the façade;~~
- ~~d. The ongoing maintenance and enhancement of the Historic Heritage values of the item;~~
- ~~e. The long term viability, retention or ongoing functional use of the item;~~
- ~~f. Whether the works are in accordance with good practice conservation principles and methods as assessed by a suitably qualified heritage professional;~~
- ~~g. If the Historic Heritage item is located within a Historic Heritage area, that the works do not compromise the ability to interpret the Historic Heritage area; and~~
- ~~h. Whether the works complement the form, fabric and setting of the Historic Heritage area which the item contributes to.~~

**Notification:** ~~Proposals to relocate or reposition public monuments will always be publicly notified.~~

**Advice Note:**

**Where work is proposed that could modify an archaeological site (regardless of whether the site is scheduled as an archaeological site in Te Tai o Poutini Plan or not) obtaining archaeological authority from Heritage New Zealand – Pouhere Taonga (HNZPT) is required before any work starts.**

**Activity Status where compliance not achieved:**

N/A

**HH R10 New Energy Activities and New Infrastructure Activities and associated Earthworks within a Historic Heritage Site or Area identified in Schedule One**

**Activity Status Discretionary**

**Activity Status where compliance not achieved:** N/A

<b>HH - R119</b>	<b>Earthworks within a Historic Heritage Area or that affect a Historic Heritage Item identified in Schedule One not provided for in another Rule.</b>
<b>Activity Status Discretionary</b>	
<b>Activity Status where compliance not achieved:</b>	
N/A	
<b><u>Non-complying Activities</u></b>	
<b>HH – R910</b>	<b>Demolition and Destruction of a Historic Heritage Item or Area identified in Schedule One</b>
<b>Activity Status <del>Discretionary</del> Non-complying</b>	
<b>Notification:</b> Activities to demolish or destroy a <u>historic heritage item or Area</u> will always be limited notified to Heritage New Zealand – Pouhere Taonga.	
<b>Activity Status where compliance not achieved:</b>	
N/A	

**Methods**

**HH-M1**

Support owners of historic heritage items to maintain their assets through council appropriate resources, such as providing links to guidance documents on resource consent applications on council websites.

**HH-M2**

**The TTPP Committee will consider the merits of inclusion of additional heritage items and areas, and archaeological sites in the Plan as part of their regular monitoring of Plan implementation. People seeking additional items to be scheduled will need to provide an assessment by a suitably qualified or experienced heritage professional that identifies the merits of the item proposed to be scheduled against the criteria in Policy HH – P3. The owner of the item should also be willing for it to be scheduled in the Plan. Where such an assessment and confirmation of agreement to scheduling is provided to the TTPP Committee, the Committee will assess whether there is sufficient justification for scheduling, and if so, schedule the item via a Committee – initiated Plan Change.**

**HH-M3**

**Recognise the West Coast heritage groups, including Heritage West Coast, as significant stakeholders in relation to historic heritage matters, and that they play an important role in advocating for and maintaining historic heritage values on the West Coast.**

**HH-M4**

**Detailed documentation of historic heritage values of items, areas and archaeological sites listed in Schedule One will be undertaken by the end of 2026. The record of these assessments will be placed on the Te Tai o Poutini Plan website and directly linked to Schedule One. Priorities for assessment are as follows:**

- 1. Those items and areas which are on private land or are privately owned.**

2. Items and areas on Crown land outside of the public conservation estate.
3. Items and areas on district or regional council lands.

**HH-M5**

A GIS alert layer will be created that can be accessed by users of the Plan to show the approximate location of unverified archaeological sites, including archaeological sites of Māori origin in Appendix Ten and other New Zealand Archaeological Association (NZAA) sites that are not listed in Schedule One. This layer will incorporate a 100 metre circular buffer area around the approximate location of the archaeological site to serve as an alert to users of the Plan that archaeological material may be uncovered during works in the area. The layer will be accompanied by an advisory note to that effect.

**Schedules**

**Schedule One: Historic Heritage Items and Areas and Archaeological Sites**

**Te Rārangai Tuatahi: Ngā Rawa me ngā Whenua Tuku Iho**

Assessment of the scheduled Historic Heritage Items and Areas and Archaeological Sites has been undertaken using the criteria set out in the West Coast Regional Policy Statement Chapter 4, Method 3:

- a. Historic;
- b. Cultural;
- c. Architectural;
- d. Archaeological;
- e. Technological;
- f. Scientific;
- g. Social;
- h. Spiritual;
- i. Traditional;
- j. Contextual; and
- k. Aesthetic.

The historic heritage values of historic heritage items and areas and archaeological sites in the Schedule are identified in the tables. A description of these historic heritage values is provided below.

Historical and social significance value: Historical and social significance values that demonstrate or are associated with a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political, or other patterns.

Cultural and spiritual value: Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values.

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**Architectural and aesthetic value: Architectural and aesthetic values that demonstrate or are associated with a particular style, period or designer, design values, form, scale, colour, texture, and material of the place.**

**Technological and craftsmanship value: Technological and craftsmanship values that demonstrate or are associated with the nature and use of materials, finishes, and/or technological or construction methods that were innovative, or of notable quality for the period.**

**Contextual value: Contextual values that demonstrate or are associated with a relationship to the environment (constructed and natural); a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style, and/or detail; recognised landmarks and landscape that are recognised and contribute to the unique identity of the environment.**

**Archaeological and scientific significance value: Archaeological or scientific values that demonstrate or are associated with the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures or people.**

**SCHED1A – Schedule of Historic Heritage Items and Areas**

Unique Identifier	Name, Physical Address, Legal Address	Historic Heritage Values	Extent	Heritage New Zealand Pouhere Taonga Listing Reference and Category
HH3	War Memorial Torea St, Granity Buller  Railway Land as shown on DP 15319 (NZ Gazette 1881, p 1127), Nelson Land District	Architectural, Contextual, Historic, Social, Technological	The extent includes part of the land described as Railway Land as shown on DP 15319 (NZ Gazette 1881, p.1127), Nelson Land District, and the structure known as War Memorial thereon. The concrete wall is included in, and marks the boundary of, the <del>registration</del> <b>scheduled extent.</b>	5020  Historic Place Category 2
HH24	Utopia Lodge (Former) 72 Queen St, Westport, Buller Lot 4 DP 4199 (CT NL2C/331), Nelson Land District	Aesthetic, Contextual, Social	Extent includes the land described as Lot 4 DP 4199 (CT NL2C/331), Nelson Land District, and the building known as Utopia Lodge (Former) thereon. <del>The modern addition to the rear of Utopia Lodge (Former) is</del>	5033  Historic Place Category 2

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			<del>excluded from the registration</del>	
HH27	<p>Big River Quartz Mine</p> <p>Victoria Conservation Park, Big River, Buller</p> <p>Secs 1-4, Blk X and Crown Land Blk X (under action), Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District.</p>	<p>Archaeological, Historic, Technological</p>	<p>Extent includes part of the land described as Secs 1-4, Blk X, and Crown Land Blk X (under action), Waitahu SD and Pt Crown Forest Land Block IV, Mawheraiti Survey District, (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p591), Nelson Land District and the Big River Quartz Mine and road thereon. This includes buildings and structures known as the poppet head, Mine Shafts, Mullock Heap, Cyanide Plant, Boilers, Winding Engines, Cable Trestles, Condenser Shell, Aerial Ropeway, Battery remains, Pelton Wheel remains, Smelter, Water Races, Miner's Cottage, Winding Engine House, and its fittings and fixtures, the following chattels: mine cages, pulley wheels, zinc boxes, tramway remnants, and the following class of chattels: all objects associated with the Big River Quartz Mine within the boundary. (<del>Refer to map in Appendix 1 of the registration report for further information</del>)</p>	<p>7762</p> <p>Historic Place Category 1</p>

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HH88	National Bank (Former), Revell and Hamilton St, Hokitika, Westland  Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District	Architectural, Contextual, Historic and Technological	Extent includes part of the land described as Sec 6 Town of Hokitika (RT WS3A/128), Westland Land District and the building known as the National Bank (Former) thereon. <del>The timber cottage on the land parcel is not included in the extent of the List entry</del>	5057  Historic Place Category 2
HH96	Seddon Statue, 14 Sewell St, Hokitika, Westland  Lot 1 DP 3239 (RT WS8B/652), Westland Land District. Located in front of Hokitika Government Buildings (otherwise known as Seddon House).	Cultural and Social	Extent includes part of the land described as Lot 1 DP 3239 (RT WS8B/652), Westland Land District and the structure known as Seddon Statue thereon. <del>See extent map tabled at the Rārangi Kōrero Committee meeting on 30 April 2019.</del>	4995  Historic Place Category 1
<u>HH117</u>	<u>Taramakau Rail Bridge</u>  <u>Rail corridor over the Taramakau River</u>	<u>Historical, Social, Cultural, Aesthetic, Technological, Contextual and Archaeological</u>	<u>The extent of setting is limited to the rail corridor in the immediate vicinity of the bridge.</u>	
<u>HH118</u>	<u>Dillons Homestead Hut</u>  <u>Part 39004-GRA Pt Bed Taipo River BLK XII XVI</u>  <u>Turiwhate SD BLK IX Otira SD</u>	<u>Historical, Social, Cultural, Aesthetic, Architectural, Technological, Contextual, and Archaeological</u>	<u>The extent of setting is limited to the immediate surrounds of the hut, rather than the land parcel as a whole.</u>	
<u>HH119</u>	<u>Hall &amp; Coulthard Payroll Robbery Memorial, Runanga</u>	<u>Historical, Social, Cultural, Aesthetic and Contextual</u>	<u>The extent of setting is limited to the immediate surroundings of the monument, rather than the subject</u>	

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	<u>Parcel 3702214</u> <u>[road reserve]</u>		<u>road reserve as a whole.</u>	
<u>HH120</u>	<u>Cobden Battery</u> <u>Observation Post,</u> <u>Cobden Hill</u> <u>Parcel 3702264</u>	<u>Historical, Social,</u> <u>Cultural,</u> <u>Aesthetic,</u> <u>Technological</u>	<u>The extent of setting is the land parcel on which the emplacement is located.</u>	
<u>HH121</u>	<u>Kopara Hot Springs</u> <u>Bathing Pool</u> <u>Parcel 23676024,</u> <u>NZ Gazette 1940 p.</u> <u>1785</u>	<u>Historical, Social,</u> <u>Cultural,</u> <u>Aesthetic and</u> <u>Contextual</u>  <u>May have</u> <u>archaeological</u> <u>significance</u>	<u>The extent of setting is limited to the immediate surrounds of the pool, rather than the land parcel as a whole.</u>  <u>[The bathing pool is located on the west side of the Haupiri River, immediately south of its confluence with Cone Creek; the site is part of a large block within the DoC estate.]</u>	
<u>HH122</u>	<u>St Patricks Catholic Church, Kumara</u>  <u>Lot 2 DP 3528</u> <u>Town of Kumara</u>	<u>Historical, Social,</u> <u>Cultural,</u> <u>Spiritual,</u> <u>Architectural,</u> <u>Aesthetic,</u> <u>Technological</u> <u>and Contextual</u>	<u>Extent includes the building and the land parcel on which it sits described as Lot 2 DP 3528 Town of Kumara.</u>	
<u>HH123</u>	<u>Hannan and</u> <u>Seddon Building,</u> <u>(Former WW</u> <u>Perkins Law</u> <u>Office), 4 Werita</u> <u>Street, Greymouth</u>  <u>Section 91 Block 3</u> <u>Greymouth</u>	<u>Historical, Social,</u> <u>Cultural,</u> <u>Spiritual,</u> <u>Architectural,</u> <u>Aesthetic,</u> <u>Technological,</u> <u>Contextual,</u> <u>Archaeological</u> <u>and Scientific</u>	<u>Extent includes building and the land parcel on which it sits described as Section 91 Block 3 Greymouth.</u>	

SCHED1B – Schedule of Archaeological Sites

Unique Identifier	Site Identifier	Site Type and Values	Heritage New Zealand Listing Reference
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			<b>New Zealand Archaeological Association Reference</b>
ARCH5	Denniston Historic Area	Secs 1, 2, 5, 6, 8, 13, 21, 22, 27, 30, 32, 35, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 57, 58, 62, 64, 65, 72, 77, 79, 80, 83, 87, 94, 97, 100, 103, 104, 106, 107, 111, 115, 122, 123, 124, 142, 143 Town of Denniston (RTs NL13/97, NL14/43, NL6A/687, Identifier: 216495, NL14/44, NL1A/270, NL92/57, NL1B/842, NL42/36, NL13/232, NL13/235, NL10A/1277, NL13/236, NL13/237, NL8C/367, NL13/239, NL14/181, NL13/98, NL2B/78, NL9A/989, NZ Gazette 1964, p. 1594, NZ Gazette 1975, p. 189, NZ Gazette 1979, p. 700, NZ Gazette 1982, p. 3696), Pt Secs 26, 28, 36, 41, 44, 45, 50, 59, 60, 61, 66, 67, 68, 69, 73 & 74, 82, 87, 89, 90, 91, 96, 101, 102, 127, Town of Denniston (RTs NL13/210, NL8C/1350, NL39/191, NL33/90, NL7C/34 & NL45/56, NL125/14, NL22/60 & NL22/59, NL 84/72 & NL14/77 & NL84/73, NL35/260, NL11D/43, NL20/89, NL50/232, NL54/39, NL9A/746, NL14/51, NZ Gazette 1972, p. 500, NZ Gazette 1975, p. 189, NZ Gazette 1982, p. 3696, NZ Gazette 1987, p.1248), Sec 75, Blk V Kawatiri SD, (NZ Gazette 1976, p. 2287, NZ Gazette 1979, p. 700), Secs 7, 11, 40, 44, 45, 47, 50 and Pt Sec 42, Blk VI Kawatiri SD, (RTs NL89/13, NL55/139, NL5C/6, NL11B/157), Lot 1 DP 542 (being Pt Sec 66 Town of Denniston) (RT NL39/95), Lots 1, 2 DP 61 (being Pt Sec 81	HNZPT 7049  <b><u>Historic Place Category 1</u></b>  NZAA K29/55

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		Town of Denniston) (RT NL16/70, NL16/69), Lot 2 DP 1987 (being Pt Sec 89 Town of Denniston) (RT NL68/279), Secs 1, 2, 3, 4, SO Plan 14864 (RTs NL10A/333, NL10A/582, NL10A/573, NL10A/574), Sec 1 SO Plan 14928 (RT 10A/1303), Sec 1 SO Plan 15088 (RT NL11A/1123), and all SO Plans 3524, 8550 and 10411 (NZ Gazette 1979, 700), all Kawatiri SD, Nelson Land District.	
ARCH15	Big River Quartz Mine	Secs 1-4, Blk X and Crown Land Blk X (under action). Waitahu SD and Part Crown Forest Land Blk IV, Mawheraiti SD (NZ Gazette 1981, p.1420 and NZ Gazette 1958, p.591) and Legal Road, Nelson Land District	HNZPT 7762  <b><u>Historic Place Category 1</u></b>
ARCH16	Waiuta Historic Area	Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42 Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Crown Land (under action) Town of Waiuta (RTs NL1D/354, NL1D/255 and NL1D/265), Secs 2 and 4 Blk XIII Waitahu SD, Secs 6-7 Blk XIII Waitahu SD (RT NL9A/489), Sec 8 Blk XIII Waitahu SD, Secs 2A,2-33 Town of Waiuta, Sec 34 Town of Waiuta (RT NL6A/166), Secs 35-41 Town of Waiuta, Sec 42	HNZPT <del>9285</del> <u>9835</u> <b><u>Historic Place Category 1</u></b>

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		Town of Waiuta (NZ Gazette 1979, p. 1397), Sec 43 Town of Waiuta, Pt Sec 44 and Pt Sec 46 Town of Waiuta (RT NL1D/354), Pt Sec 44 Town of Waiuta, Sec 45 Town of Waiuta, Pt Sec 46 Town of Waiuta, Sec 47 Town of Waiuta, Sec 48 Town of Waiuta (RT NL2D/809), Secs 49-51 Town of Waiuta (NZ Gazette 1984, p. 560), Lot 1 DP 18537 (RT NL73/88), Sec 5 Blk XIII Waitahu SD (NZ Gazette 1981, p. 1420) and Pt Crown Forest Land Blk IV Mawheraiti SD (NZ Gazette 2020, 4720), Sec 1 SO 14989 (NZ Gazette 2002, p. 602), Legal Road and Legal River, Nelson Land District	
ARCH27	Brunner Mines Historic Area, Taylorville	Pt Sec 2A Square 119 (NZ Gazette 1924, p2299); RS 6362, Blk X Arnold SD (NZ Gazette 1985, p534); Crown Land, Crown Land Survey Office Plan 4893 and Part Res 982 (Conservation purposes SO 11209 K31/43); Crown Land (Conservation purposes SO 11209 K31/44); Secs 1-2 SO 449212 (RT 581572, NZ Gazette 2012 p.1067); Sec 3 SO 309588 (RT 47501, NZ Gazette 2002 p 2090); Legal Road; Legal River; Railway Land (PROC 36, NZ Gazette 1896, p.1199), Westland Land District	<b><u>HNZPT 7051 Historic Area</u></b>
ARCH28	Ross Historic Area, Ross	Lot 1 DP 2387 (RT WS58/1029), Lot 2 DP 2387 (RT WS5B/1030), Res 96A and Secs 34-39 Town of Ross, and Sec 1 SO 11511 (NZ Gazette 1989 p.5684), Pt Legal Road, Westland Land District.	<b><u>HNZPT <del>7053</del>-7055 Historic Area</u></b>
<b><u>ARCH31</u></b>	<b><u>Seddon House Site</u></b>	<b><u>Seddon House Historic Reserve (NZGZ 1981, p. 24; NZGZ 1988, p. 2396 and NZGZ</u></b>	<b><u>HNZPT 9864 Historic Place Category 1</u></b>

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	<u>740-742 Otira Highway (State Highway 73), Kumara</u>	<u>1989, p. 5301), Westland Land District</u>	
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