



2 September 2021

Otago Regional Council
70 Stafford Street
Private Bag 1954
Dunedin 9054

To whom it may concern,

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON THE DRAFT OTAGO REGIONAL POLICY STATEMENT

To: Otago Regional Council

Name of submitter: Heritage New Zealand Pouhere Taonga

1. Heritage New Zealand Pouhere Taonga is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historic heritage.

This is a submission on the draft Otago Regional Policy Statement

2. The draft Otago Regional Policy Statement.
3. Heritage New Zealand could not gain an advantage in trade competition through this submission.
4. The specific parts of the application that Heritage New Zealand's submission relates to are the historic heritage-related aspects of the document.

Historical Significance of the Otago Region

5. The management of the region's finite heritage resources is especially important for enabling existing and future generations' full understanding and appreciation of the region and to enhance the value that the region's residents gain from living and working in and around historic places. Considered management of heritage resources can also render these a drawcard for potential visitors to the region, with all of the attendant economic benefits that tourism can offer.

Heritage New Zealand supports the draft Regional Policy Statement for the following reasons:

6. The Otago Regional Policy Statement is required to recognise and provide for matters of national importance, in particular 6(e) “the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”; and 6(f) “the protection of historic heritage from inappropriate subdivision, use and development”.
7. The proposed objectives and policies recognise that certain activities governed by the draft Regional Policy Statement have the potential to adversely affect historic heritage and cultural values, and that appropriate management of these values is a priority.

Heritage New Zealand recommends:

8. Heritage New Zealand generally supports the draft Otago Regional Policy Statement as it concerns historic heritage, but does seek amendments and additions to certain provisions in order to further protect and enhance the historic heritage of the Otago region. The specific relief sought by Heritage New Zealand is set out in Attachment A to this submission. The relief sought is intended to improve by clarifying, qualifying and strengthening the provisions as they relate to the management and protection of historic heritage.
9. Heritage New Zealand wishes to be heard in support of this submission.

Yours sincerely



Sheila Watson

Director Southern Region

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Attachment A: Submission of Heritage New Zealand Pouhere Taonga
Attachment B: Accidental Discovery Protocol
Attachment C: Appendix X Archaeological Requirements

Attachment A - Submission of Heritage New Zealand Pouhere Taonga

Key:

Strike eg. ~~abc~~ = delete text

Underline eg. abc = additional text

RMA 1991 = Resource Management Act 1991

HNZPTA 2014 = Heritage New Zealand Pouhere Taonga Act 2014

Ref. no.	Proposed RPS provision ref.	Support/oppose/amend	Reasons for submission	Relief sought
1.	HCV-HH-O2 - Historic heritage resources	Support	<p>The Otago Regional Policy Statement is required to recognise and provide for matters of national importance under the Resource Management Act 1991, in particular 6(e) <i>the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</i>; and 6(f) <i>the protection of historic heritage from inappropriate subdivision, use and development</i>.</p> <p>The proposed objective recognises that the Regional Policy Statement establishes the framework for Otago's regional and district plans which have the potential to adversely affect historic heritage and cultural values, and that appropriate management of these values is a priority.</p>	Adopt HCV-HH-O3
2.	APP8 – Identification criteria for places and areas of historic heritage	Amendment sought	<p>Heritage New Zealand supports the inclusion of historic heritage significance assessment criteria in Regional Policy Statements. Further to the New Zealand Heritage List, this will assist territorial authorities to identify and assess heritage of local significance that should be scheduled in their district plans.</p> <p>The identification criteria listed in APP8 has been based on the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines and the source document has not been referenced. Heritage New Zealand does not object to the Significance Assessment Guidelines being used, however, this should be in</p>	<p>Amend APP8 – Identification criteria for places and areas of historic heritage as follows: APP8 – Identification criteria for places and areas of <i>historic heritage</i></p> <p>A place or area is considered to have <i>historic heritage</i> if it meets any one or more of <u>the criteria below, as stated in the Heritage New Zealand Pouhere</u></p>

Ref. no.	Proposed RPS provision ref.	Support/ oppose/ amend	Reasons for submission	Relief sought
			<p>the correct form.</p> <p>The Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines is required to be referenced as a copyright has been registered for this document. Citing the source will also provide further explanation and context to the information included in Appendix APP8.</p> <p>The areas of significance and value should be labelled as such to align with the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines.</p>	<p><u>Taonga Significance Assessment Guidelines:</u></p> <p>Aesthetic <u>significance or value</u> ... Archaeological <u>significance or value</u> ... Architectural <u>significance or value</u> ... Cultural <u>significance or value</u> ... Historic <u>significance or value</u> ... Scientific <u>significance or value</u> ... Social <u>significance or value</u> ... Spiritual <u>significance or value</u> ... Technological <u>significance or value</u> ... Traditional <u>significance or value</u> ...</p>
3.	Purpose HCV – Historical and cultural values CE-E1 – Explanation	Amendment sought	<p>Heritage New Zealand considers it is important for the Regional Policy Statement to be clear and consistent in how it uses its terminology in relation to historic heritage. The term ‘historic heritage’ is defined under the Resource Management Act 1991 and encompasses cultural heritage, including wāhi tapu and other sites of significance to Māori.</p> <p>Heritage New Zealand suggests changing the chapter name ‘HCV – Historical and cultural values’ to ‘Historic heritage and cultural values’ for the reasons listed above. The chapter name ‘Historic heritage’ is consistent with a number of regional policy statements across New Zealand, however does not encompass all the cultural provisions under HCV – WT – Wāhi tūpuna.</p> <p>In CE-E1 – Explanation, Heritage New Zealand suggests changing ‘historical and cultural values’ to ‘Historic heritage and cultural values’ to achieve consistency with the suggested chapter name.</p>	<p>Amend HCV – Historical and cultural values as follows: <u>HHCV – Historic heritage and cultural values</u> HCV – Historical and cultural values</p> <p>Amend CE-E1 – Explanation as follows:</p> <ul style="list-style-type: none"> • <u>Historic heritage and cultural values</u> Historical and cultural values <p>Further amendments as necessary to achieve consistency.</p>

4.	Definitions	Amendment sought	<p>Heritage New Zealand considers it is important for the Regional Policy Statement to be clear and consistent in how it uses its terminology in relation to historic heritage. The HNZPTA 2014 provides a clear definition of the term 'Archaeological site' and the adoption of this in the Regional Policy Statement provides clarity and consistency for users and also directs them to the HNZPTA 2014, which is a useful 'flag' where archaeology may be a consideration.</p>	<p>Amend Definitions as follows: <u>Archaeological site has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014 (as set out in the box below) means, subject to section 42(3),—</u> <u>(a) any place in New Zealand, including any building or structure (or part of a building or structure), that—</u> <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> <u>(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u> <u>(b) includes a site for which a declaration is made under section 43(1)</u></p>
5.	HCV-WT-M2 – Local authorities	Amendment sought	<p>Heritage New Zealand is concerned that the Historical and cultural values methods unnecessarily duplicates archaeological site protection under the Heritage New Zealand Pouhere Taonga Act 2014. The HNZPTA 2014 makes it unlawful for any person to modify or destroy the whole or any part of an archaeological site whether or not the land on which the site is located is designated, or a resource or building consent has been issued, without the prior authority of Heritage New Zealand.</p> <p>Heritage New Zealand considers that councils do have a responsibility to manage effects on archaeological heritage values pursuant to section 6(f) of the RMA 1991, however it is not necessarily appropriate to require accidental</p>	<p>Amend HCV-WT-M2 – Local authorities as follows: (4) a requirement to include <u>the Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol</u> accidental discovery protocols as <u>an advice note conditions</u> on resource consents or notices of requirement for activities that may unearth archaeological features.</p>

			<p>discovery protocol be included as a condition to resource consents as this creates unnecessary duplication. If an accidental discovery protocol is included as a condition of consent, this may be misinterpreted by the consent holder as the correct process to follow where an archaeological authority is required to be obtained from Heritage New Zealand for works to proceed.</p> <p>Heritage New Zealand recommends that the Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (refer Attachment B) is included as an advice note on resource consents or notices of requirement for activities that may unearth archaeology.</p>	
6.	Description of the Region – Coast	Amendment sought	<p>Heritage New Zealand is concerned that the risks to historic heritage from the effects of climate change has not been adequately addressed throughout the proposed Regional Policy Statement.</p> <p>The impact of climate change, particularly coastal erosion, is an increasing threat to wāhi tūpuna and this should be reflected throughout the Regional Policy Statement.</p>	<p>Amend Description of the Region – Coast as follows: Coastal erosion and the decline of the regional coastline is well documented, posing a long-term threat to residential and commercial coastal developments <u>and historic heritage, particularly wāhi tūpuna.</u></p>
7.	New appendix requested	Amendment sought	<p>As referred to elsewhere in this submission, the management of archaeological heritage values is achieved under both the RMA 1991 and the HNZPTA 2014. In order to ensure that management of archaeological resources is achieved in an integrated manner, whilst avoiding duplication as far as possible, Heritage New Zealand considers that it would be appropriate for the Regional Policy Statement to include an appendix outlining HNZPTA 2014 legal requirements concerning archaeological sites.</p> <p>As well as enhancing the management of archaeology by raising awareness of the legal protection to archaeological sites, the provision of this information is of benefit to land owners and developers in that early awareness of their obligations lessens the possibility of unforeseen time delays and costs to projects.</p>	<p>Include the information contained in Attachment C of this submission as an appendix to the Otago Regional Policy Statement.</p>



Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol

This protocol does not apply when an archaeological authority issued under the Heritage New Zealand Pouhere Taonga Act 2014 is in place.

Under the Heritage New Zealand Pouhere Taonga Act (2014) an archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. For pre-contact Māori sites this evidence may be but is not limited to, bones, shells, charcoal, stones etc. In later sites of European/Chinese origin, artefacts including but not limited to bottle glass, crockery etc. may be found, or evidence of old foundations, well, drains, or similar structures. Burials/koiwi tangata may be found in association with any of these cultural groups.

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand will advise if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.

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Attachment C: Heritage New Zealand Pouhere Taonga Example Archaeological Requirements Schedule

Schedule X Archaeological Requirements

This Schedule sets out information to alert the public to their responsibilities regarding archaeological sites. This is relevant with regard to:

- 1) Demolition / destruction of any structure associated with human activity prior to 1900, whether or not it is scheduled in a district or regional plan.
- 2) Earthworks or other works that may disturb pre-1900 surface or sub-surface archaeological sites or material.

An archaeological site is as defined by the Heritage New Zealand Pouhere Taonga Act 2014 as being:

- 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

It is also possible for Heritage New Zealand Pouhere Taonga (Heritage New Zealand) to declare a post-1900 site as an archaeological site.

Consent required from Heritage New Zealand

An authority (consent) from Heritage New Zealand must be obtained prior to the commencement of works noted in (1) or (2) above, and preferably before submitting any resource consent application. It is an offence to modify or destroy an archaeological site, or demolish / destroy a whole building, without an authority if the person knew or ought to reasonably suspect it to be an archaeological site. For further information, contact Heritage New Zealand. The relevant legislation is the Heritage New Zealand Pouhere Taonga Act 2014, in particular sections 42 and 44 of that Act.

Known or suspected archaeological sites

The following resources may assist in determining if an archaeological site is or may be present:

- Historic and cultural heritage scheduled in a district or regional plan.
- Sites listed by the New Zealand Archaeological Association's Archaeological Site Recording Scheme (Latest information is on the NZAA website).
- Council GIS information that highlights known sites and areas where there is a higher risk of unidentified historic heritage being encountered.
- Written and oral histories of the area, including those of Tangata Whenua.

Archaeological discovery without an authority (Protocol)

If an authority has not first been obtained, and an archaeological site is subsequently discovered, the following protocol must be followed:

- i. immediately cease operations;
- ii. inform the relevant iwi authority;
- iii. inform Heritage New Zealand and apply for the appropriate authority, if required;
- iv. inform the Council and apply for the appropriate resource consent, if required;
- v. take appropriate action, after discussion with the Heritage New Zealand, Council and relevant iwi authority to remedy damage and/or restore the site.

RPS

From: Fran Davies <FDavies@heritage.org.nz>
Sent: Thursday, 2 September 2021 5:11 p.m.
To: RPS
Subject: Heritage New Zealand Submission - Otago Regional Policy Statement
Attachments: Attachment A Otago Regional Policy Statement submission.pdf; Attachment B Archaeological Discovery Protocol.pdf; Attachment C - Appendix X Archaeological Requirements.pdf; HNZPT Submission - Otago Regional Policy Statement.pdf

Categories: Submission - Sector stakeholder

Good afternoon,

Please find attached, a submission from Heritage New Zealand Pouhere Taonga on the proposed Otago Regional Policy Statement.

If you have any questions on the contents of this submission, please do not hesitate to get in contact.

Kind regards,
Fran

Fran Davies, Planner | Heritage New Zealand Pouhere Taonga | PO Box 5467, Dunedin 9054 | Ph: (64 3) 477 9871 | DDI: 470 2366 | M: 027 241 3624 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

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