

Section 42A Hearing Report

Proposed Otago Regional Policy Statement 2021

Chapter 13:

HCV – Historical and cultural values

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13. HCV – Historical and Cultural Values

13.1. Introduction

1. The protection of historic heritage from inappropriate subdivision, use and development is identified as a matter of national importance, as stated in s6(f) of the RMA. The interpretation of ‘historic heritage’ as stated in s2 of the RMA, includes cultural qualities and sites of significance to Māori. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are also identified as a matter of national importance, as stated in s6(e) of the RMA.
2. Regional councils must prepare a regional policy statement that recognises and provides these matters of national importance, by establishing, implementing, and reviewing objectives, policies and methods for the protection of historic heritage and cultural values.
3. In addition to these requirements, regional councils must structure their regional policy statements according to the National Planning Standards, which in turn require a chapter entitled ‘Historical and Cultural Values’. While there is no further direction within the National Planning Standards regarding the structure of this chapter, the requirements for a regional plan specifically include separate topic chapters on ‘Historic heritage’ and ‘Sites and areas of significance to Māori’.
4. The Otago region is rich in historic heritage, with a wide range of important cultural and historic heritage places and areas. The HCV chapter provides the approach for managing these places and areas through lower order plans.
5. The HCV chapter has two sections:
 - HCV – WT – Wāhi tūpuna
 - HCV – HH – Historic heritage

13.2. Author

6. My full name is Angela Marie Fenemor. I am an Associate Resource Management Planner employed by Incite, a planning consultancy. I hold a Bachelor of Science (Biology and Geography) from Canterbury University. I am an Associate Member of the New Zealand Planning Institute, a member of the Resource Management Law Association and am an accredited decision-maker under the Making Good Decisions programme.
7. I have fifteen years’ experience in resource management and planning. Over this time, I have worked on a range of regional plans and policy statements for several Regional Councils (including plan drafting and section 32 evaluation), prepared and lodged resource consent applications and prepared and presented section 42A reports for both resource consent and plan hearings.

8. I have been involved in the review of the pORPS 2019 and the preparation of the pORPS since January 2020. I have assisted in the development of the MW – Mana Whenua Chapter, AIR – Air Chapter and the HCV – Historical and Cultural Values Chapter, including assisting with the provision drafting and the section 32 evaluation report. I am the author of the HCV – Historic and Cultural Values chapter of this section 42A report.

13.3. General themes

9. This section addresses general submissions on the entire HCV chapter, covering both Wāhi Tūpuna and Historic Heritage.
10. A number of submitters raise issues with the wording of the chapter, specifically regarding the use of the terms ‘historic’ and ‘heritage,’ and the need for improved integration between the two sections of the chapter, WT – Wāhi tūpuna and the HH – Historic heritage.
11. Several submissions are lodged against the HCV chapter generally but appear to apply more directly to the Wāhi Tūpuna sub-chapter¹. These submissions are addressed in section 13.5 below.

13.3.1. Submissions

12. There are 14 general submissions on the HCV chapter. QLDC requests the chapter be retained as notified.² DOC supports those provisions it has not sought changes to.³
13. Heritage NZ requests changing the chapter title to “HHCV – Historic heritage and cultural values ~~HCV – Historical and cultural values~~”, along with further amendments as necessary to achieve consistency.⁴
14. Waitaki Whitestone Geopark Trust seeks to delete the word “Historic” from the term “Historic Heritage” and replace with “Cultural & Natural Heritage” throughout the document.⁵
15. The Central Otago Heritage Trust makes several submissions providing overall support, though requests the addition of appropriate cross references between HCV – WT and HCV – HH to acknowledge they are not interpreted in isolation.⁶ They also request that objectives and policies are adjusted to prioritise the recording and sharing of information concerning heritage values, particularly where the Council is considering proposals for the modification or destruction of heritage sites.⁷ Finally, the submitter requests that the RPS provide a description or summary of Otago’s heritage legacy.⁸

¹ 00209.035 Universal Developments Hawea Limited; 00014.062 Mt Cardrona Station; 00118.062 Maryhill Limited; 00210.035 Lane Hocking; 00211.035 LAC Properties Trustees Limited; 00239.148 Federated Farmers; 00223.006 Ngāi Tahu ki Murihiku

² 00138.237 QLDC

³ 00137.141 DOC

⁴ 00123.004 Heritage NZ

⁵ 00117.001 Waitaki Whitestone Geopark Trust

⁶ 00212.004 Central Otago Heritage Trust

⁷ 00212.002 Central Otago Heritage Trust

⁸ 00212.005 Central Otago Heritage Trust

13.3.2. Analysis

16. I acknowledge that “historic heritage” is the term used in s6(f) of the RMA, however the title of the chapter is determined by the National Planning Standards. I recommend rejecting Heritage NZ’s submission.⁹
17. “Cultural and Natural Heritage” is not an equivalent term to “historic heritage”, as evidenced by the description Waitaki Whitestone Geopark Trust provides. Making the change the submitter seeks would have significant repercussions for the meaning of several pORPS policies, including creating unexplored overlaps with the provisions for Natural Features and Landscapes. The submission does not address these repercussions. I recommend rejecting the submission.
18. Regarding Central Otago Heritage Trust’s submissions, the first issue raised is the interaction between HCV – WT and HCV – HH. The Integrated Management chapter provides the direction for reading all provisions together. In the absence of any specific concerns being raised, I do not believe there is anything in these two sub-chapters that suggests they are exclusive. Adding cross references in this case only may suggest that other policies in the RPS are supposed to be interpreted in isolation, leading to all RPS provisions needing to be exhaustively cross referenced. I consider it a better solution to let the Integrated Management chapter determine the relationships between provisions (except where the National Planning Standards determine there must be cross referencing, or where two provisions are intended to interact in a specific way).
19. In the absence of specific wording being provided to particularise the submitter’s concerns, I do not think recording and sharing heritage values need to be prioritised above other management matters. Recording is part of the identification and protection of values, which are already provided for.
20. The submitter has not provided any drafting or suggestions for a section on Otago’s heritage legacy. In the absence of a suggestion, in conjunction with this being a very broad subject, I am not in a position to propose content that might satisfy the submitter’s concerns. Such content could be inserted in the description of the region in Part 1 or in the explanation and principal reasons for the HCV – HH sub-chapter and I am open to the submitter drafting content for consideration through the hearings process. In its absence, I recommend rejecting this submission.
21. I recommend accepting in part submission supporting this chapter, in respect of those parts that remain as notified.

13.3.3. Recommendation

22. I do not recommend any amendments based on the general submissions on the HCV-WT chapter, though further consideration could be given to including content on Otago’s heritage legacy if the submitter provides drafting through the hearings process.

⁹ Ministry for the Environment. November 2019. National Planning Standards. Wellington: Ministry for the Environment. See 2. Regional Policy Statement Structure standard, p8.

13.4. Definitions

23. There are a range of submissions relating to defined terms used in this section, some of which are addressed in other parts of this report. In summary:

- Defined terms used throughout the pORPS, including in this section, are addressed in *Chapter 1: Introduction and general themes*.
- Defined terms, including requests for new definitions of terms, used only in the HCV chapter are addressed in this section of this report.

13.4.1. Historic Heritage

24. The definition of historic heritage, as notified, states:

has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box 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—

- (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

13.4.1.1. Submissions

25. There are two submissions on the definition of historic heritage. Gerald Carter¹⁰ seeks to amend “historic heritage” to read “cultural and natural heritage”. The submitter notes that UNESCO defines these terms. Central Otago Heritage Trust¹¹ seeks the addition of the term “historic heritage” consistent with the definition of the RMA, with the addition of the following clause:

“(b) Includes – ... heritage values associated with natural and physical resources”

¹⁰ 00416.001 Gerald Carter

¹¹ 00212.001 Central Otago Heritage Trust

13.4.1.2. Analysis

26. I note that the term “historic heritage” is defined by the RMA, and those definitions have been used in the PORPS. This approach is consistent with the National Planning Standards. I do not recommend any changes to these definitions in response to these submissions.

13.4.1.3. Recommendation

27. I recommend retaining the definition of historic heritage as notified.

13.4.2. Wāhi tūpuna

28. The definition of wāhi tūpuna, as notified, states:

means landscapes and places that embody the relationship of manawhenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taoka.

13.4.2.1. Submissions

29. Kāi Tahu ki Otago requests a minor amendment to the definition of wāhi tūpuna, replacing a full stop with a comma as follows:¹²

means landscapes and places that embody the relationship of manawhenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taoka.

30. Central Otago Heritage Trust¹³ requests that the definition is amended to state:

means places important to Māori for their ancestral significance and associated cultural and traditional values

13.4.2.2. Analysis

31. I recommend accepting the change suggested by Kāi Tahu ki Otago as it is a minor editing correction. I note that the definition suggested by Central Otago Heritage Trust does not encompass the full meaning of wāhi tūpuna, and therefore do not recommend this submission is accepted.

13.4.2.3. Recommendation

32. I recommend amending the definition of wāhi tūpuna as follows:

Wāhi tūpuna

means landscapes and places that embody the relationship of manawhenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taoka.

¹² 00226.037 Kāi Tahu ki Otago

¹³ 00121 Central Otago Heritage Trust (not included in Summary of Decisions Requested report).

13.4.3. New definition - Archaeological site

33. Heritage New Zealand Pouhere Taonga request that a definition of “archaeological site” is included in the definitions list.¹⁴ They consider it is important for the consistent in how it uses its terminology in relation to historic heritage, and suggest the use of the HNZPTA 2014 definition of the term ‘Archaeological site’, as follows:

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),—

(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)

34. The submitter notes that using this definition in the PRORPS 2021 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.

13.4.3.1. Analysis

35. I agree with Heritage New Zealand Pouhere Taonga that including a definition of archaeological site provides certainty to users, and that having a definition consistent with the HNZPTA 2014 appears to be a sensible solution. I note that the definition from the HNZPTA 2014 is “subject to section 42(3)” of that Act. It is unclear how this would affect the use of this definition in the context of the PORPS 2021, and without this clarification, I recommend this submission is not accepted.

13.4.4. General submissions - definitions

13.4.4.1. Submissions

36. Central Otago Heritage Trust requests the addition of new definitions, including:

- Heritage
- Cultural heritage value/s¹⁵
- Tangible value
- Intangible value
- Cultural landscape

¹⁴ 0123.006 Heritage New Zealand Pouhere Taonga

¹⁵ 00212.009 Central Otago Heritage Trust

- Mana whenua

37. The submitter states that PORPS uses various terms when referencing heritage matters e.g., heritage, historic heritage values, historic heritage resources and cultural values, without clearly defining or reflecting their specific meanings in the context they are used. They consider that a common understanding of a subject relies on the use of precise language, and suggest the addition of several definitions. They state that UNESCO and ICOMOS NZ helpfully classify historic heritage qualities as ‘tangible’ or intangible, and consider that adjusting the definitions will contribute to achieving the objectives and policies.

13.4.4.2. Analysis

38. I note that the term “mana whenua” is defined by the RMA, and those definitions have been used in the PORPS. This approach is consistent with the National Planning Standards, and the definition sought by the submitter. I do not recommend any changes to these definitions in response to this submission. I do not consider that a separate definition of “heritage” is necessary, in addition to the definition of “historic heritage”.

39. I note that the terms “cultural heritage values”, “tangible values” and “intangible values” are not used within the text of the PROPS and therefore do not need to be defined. I do not recommend including these terms in the definitions list. The same recommendation applies to the definition of “cultural landscape”, as I recommend this term is removed from the HCV-WT provisions (as discussed in the relevant sections of this report).

13.4.4.3. Recommendation

40. I recommend retaining the definition of “mana whenua” as notified. I do not recommend including definitions for “Heritage”, “Cultural heritage value/s”¹⁶, “Tangible value”, “Intangible value” and “Cultural landscape”.

13.5. HCV – WT – Wāhi tūpuna

13.5.1. Introduction

41. Kāi Tahu ki Otago have a long history of settlement, travel and resource use throughout Otago, and areas used for these purposes form part of wider cultural landscapes (wāhi tūpuna). Wāhi tūpuna embody both the customary and contemporary relationships of Kāi Tahu and their culture and traditions. Kāi Tahu have a special relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka, and this is recognised in the RMA as a matter of national importance.

42. While Kāi Tahu values associated with wāhi tūpuna are included in this chapter of the pORPS, the expression of kaitiakitaka and broader recognition of Kāi Tahu rights, values and interests is addressed and managed via provisions contained in Part 1: MW – Mana Whenua.

¹⁶ 00212.009 Central Otago Heritage Trust

43. This section of the report addresses submissions on the pORPS related to wāhi tūpuna. The relevant provisions for this section are:

- HCV-WT-O1 – Kāi Tahu cultural landscapes
- HCV-WT-O2 – Rakatirataka
- HCV-WT-P1 – Recognise and identify wāhi tūpuna
- HCV-WT-P2 – Management of wāhi tūpuna
- HCV-WT-M1 – Identification
- HCV-WT-M2 – Local authorities

44. This section also addresses submissions on the related Appendix 7: Identifying wāhi tūpuna.

13.5.2. General submissions

45. This section addresses general submissions on the Wāhi Tūpuna sub-chapter.

13.5.2.1. Submissions

46. Kāi Tahu ki Otago seeks to retain the management approach for identification and protection of wāhi tūpuna.¹⁷

47. A group of submitters seek to ensure that any wāhi tūpuna sites or overlays provided at a district planning level apply appropriate rules and restrictions that are commensurate with the protection of cultural values necessary.¹⁸

48. Federated Farmers notes that HCV-WT-E1 mentions protection from inappropriate subdivision, use and development and that HCV-AER2 focusses on maintaining wāhi tūpuna and their values. The submitter goes on to say that it considers this chapter sets up a strict ‘avoidance and protection’ regime which is at odds with the purpose mentioned in those provisions. It seeks that the Chapter be amended so the focus is on protection from inappropriate subdivision, use and development as stated in the principal reasons and explanation¹⁹, and to ensure that the provisions reflect a focus on maintenance rather than avoidance and protection.²⁰

49. Ngāi Tahu ki Murihiku wishes to ensure there is no confusion regarding interpretation of cultural landscapes or wāhi tūpuna in practice, and that rūnanga expression of cultural landscapes is accommodated. In particular, the submitter requests that the pORPS provide further clarification in provisions regarding the terms “cultural landscapes” and “wāhi tūpuna” and the intended management approach for these areas, ensuring that it is possible for ngā Rūnanga to describe cultural landscapes or wāhi tūpuna within decision-making processes in a manner that fits with their preferred approach, in order to be able to appropriately address effects on them.

¹⁷ 00226.022 Kāi Tahu ki Otago

¹⁸ 00209.035 Universal Developments Hawea Limited; 00014.062 Mt Cardrona Station; 00118.062 Maryhill Limited; 00210.035 Lane Hocking; 00211.035 LAC Properties Trustees Limited.

¹⁹ 00239.148 Federated Farmers

²⁰ 00239.203 Federated Farmers

50. Ngāi Tahu ki Murihiku also submits that the section should reflect the following understanding of cultural landscapes and wāhi tūpuna in provisions:

- cultural landscapes can be found across the region and described by mana whenua according to cultural values and mātauraka
- cultural landscapes can be described as wāhi tūpuna
- some wāhi tūpuna will be mapped and can include lands, waterbodies and parts of the coastal environment that need to be protected and managed in a culturally appropriate manner
- wāhi tūpuna may include outstanding and highly valued natural features, landscapes and seascapes, outstanding water bodies, places and areas of historic heritage
- some site-specific land based wāhi tūpuna will be mapped, including wāhi tapu and wāhi taoka, that need to be protected as they are particularly vulnerable to land uses.²¹

51. A submission from Aurora Energy Limited recorded in this part of the SODR concerns consequential relief to a submission on HCV-WT-P2 and is addressed in the appropriate sections below.²²

13.5.2.2. Analysis

52. Rules and restrictions applied at a district planning level are determined through district planning processes. In the absence of suggested drafting, I am satisfied that the pORPS sets up a framework that indicates the necessary levels of protection to guide development of those plans. I recommend these submissions are rejected.

53. I disagree with Federated Farmers' submission. The regime provided by the provisions specifies what is "inappropriate" in relation to wāhi tūpuna, through identifying and protecting those areas. Whether that regime is too strict needs to be determined with reference to particular matters in the provisions.

54. Proper expression of tikaka concepts in the PRPS is vital but, in the absence of suggested drafting, I am unsure how Ngāi Tahu ki Murihiku would like the provisions themselves to be changed. In my estimation, the existing policies and methods serve most of the purposes raised in the submission, particularly when taken in concert (as the pORPS intends) with the Mana Whenua and Integrated Management Chapters. Some of the suggested content seems to be appropriate to the context segment of the Mana Whenua chapter.

55. I agree that there is some uncertainty about whether the terms "cultural landscape" and "wāhi tūpuna" are intended to be used interchangeably in this chapter. The former term arguably refers to a broader range of landscapes than wāhi tūpuna, for instance the gold mining landscapes of Central Otago; however, it is used only four times in the pORPS and then only in relation to Kāi Tahu values. "Cultural landscape" could potentially be replaced with "wāhi tūpuna", if that would be appropriate in all instances. I invite Ngāi Tahu ki Murihiku to expand on the points raised by proposing particular changes they

²¹ 00223.006 and 00223.120 Ngāi Tahu ki Murihiku

²² 00315.070 Aurora Energy Limited

would like to the provisions in this section, or to the context section of the Mana Whenua Chapter, and any consideration to removing the term “cultural landscapes” in favour of “wāhi tūpuna” from the pORPS for clarity’s sake.

56. I recommend accepting in part Kāi Tahu ki Otago’s submission in support of the management approach, in respect of those parts that remain as notified.

13.5.2.3. Recommendation

57. I do not recommend any amendments based on the general submissions but invite Ngāi Tahu ki Murihiku to expand on their comments to identify any further gaps in the provisions relating to wāhi tūpuna.

13.5.3. HCV-WT-O1 – Kāi Tahu cultural landscapes

13.5.3.1. Introduction

58. This objective responds particularly to RMIA-WTU-I1, envisioning a future state when the values of wāhi tūpuna are properly recognised in resource management.

59. As notified, HCV-WT-O1 reads:

HCV-WT-O1 – Kāi Tahu cultural landscapes

Wāhi tūpuna and their associated cultural values are identified and protected.

13.5.3.2. Submissions

60. Several parties request that the objective be retained as notified.²³

61. Federated Farmers notes that wāhi tūpuna include privately owned land, and seeks the following amendment:²⁴

Wāhi tūpuna sites are protected from inappropriate subdivision, use and development and their associated cultural values are identified and provided for and maintained ~~protected~~.

62. Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu both request the following change:²⁵

HCV-WT-O1 – Kāi Tahu ~~cultural landscapes~~ wāhi tūpuna

Wāhi tūpuna and their associated cultural values are identified, where appropriate, and protected.

13.5.3.3. Analysis

63. Wāhi tūpuna are more than particular sites. Among other things, the relationship between particular sites within wāhi tūpuna is also important. I do not consider that adding “inappropriate subdivision, use, and development” is useful – the phrase begs the

²³ 00237.057 Beef & Lamb; 00201.043 CODC; 00139.226 DCC; 00138.164 QLDC

²⁴ 00239.149 Federated Farmers

²⁵ 00226.275 Kāi Tahu ki Otago; 00234.034 Te Rūnanga o Ngāi Tahu

question of what is “inappropriate”. This sub-chapter sets the framework for regional and district plans to answer this question.

64. I acknowledge the concern that wāhi tūpuna may include private land. The concept of wāhi tūpuna and that of private ownership that arrived with European settlers are not always easy to reconcile, and ongoing discussion and relationships between ORC, landowners, and mana whenua will be vital to determining how private land rights and Kāi tahu values can both be satisfactorily served. The point remains that Kāi Tahu values have been poorly served in the past.
65. I consider “protection” is a more appropriate term in the context of the principles of te Tiriti o Waitangi. What form that protection takes in specific cases will depend on what needs to be protected. The HCV – WT provisions particularise how protection may be approached at a high level and set a framework for approaching such issues in lower order plans. I recommend rejecting Federated Farmers’ submission.
66. The proposed change in title clarifies matters as requested by Ngāi Tahu ki Murihiku in its general submission discussed above. I am not certain about the text “where appropriate”. If a value is not identified in some way it is difficult to protect it effectively, and difficult for people using land to manage around it. The methods in this sub-chapter deal with non-disclosure for sensitive sites. I do not think this needs to be specified in the objective, as I think this reduces clarity of intent. I recommend accepting this submission in part.
67. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.3.4. Recommendation

68. I recommend amending HCV-WT-O1 as follows:

HCV-WT-O1 – Kāi Tahu cultural landscapes wāhi tūpuna²⁶

Wāhi tūpuna and their associated cultural values are identified and protected.

13.5.4. HCV-WT-O2 – Rakatirataka

13.5.4.1. Introduction

69. As notified, HCV-WT-O2 reads:

HCV-WT-O2 – Rakatirataka

The rakatirataka of *mana whenua* over *wāhi tūpuna* is recognised, and *mana whenua* are able to exercise *kaitiakitaka* within these areas.

²⁶ 00226.275 Kāi Tahu ki Otago; 00234.034 Te Rūnanga o Ngāi Tahu

13.5.4.2. Submissions

70. Three submitters seek the objective be retained as notified.²⁷

71. Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu seek the following amendment:²⁸

HCV-WT-O2 – Rakatirataka

The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise ~~kaitiakitaka~~ their role as kaitiaki within these areas.”

13.5.4.3. Analysis

72. The submitted amendment provides a direct expression of a tikaka concept by mana whenua. I recommend accepting this submission.

73. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.4.4. Recommendation

74. I recommend amending HCV-WT-O2 as follows:

HCV-WT-O2 – Rakatirataka

The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise ~~kaitiakitaka~~ their role as kaitiaki²⁹ within these areas.

13.5.5. HCV-WT-P1 – Recognise and identify wāhi tūpuna

13.5.5.1. Introduction

75. As notified, HCV-WT-P1 reads:

HCV-WT-P1 – Recognise and identify wāhi tūpuna

Kāi Tahu relationships with wāhi tūpuna are sustained, including by:

- (1) identifying as wāhi tūpuna any sites and areas of significance to mana whenua, along with the cultural values that contribute to each wāhi tūpuna being significant,*
- (2) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise kaitiakitaka within these areas,*
- (3) recognising and providing for connections and associations between different wāhi tūpuna, and*

²⁷ 00237.058 Beef & Lamb; 00139.227 DCC; 00138.165 QLDC

²⁸ 00226.276 Kāi Tahu ki Otago; 00234.035 Te Rūnanga o Ngāi Tahu

²⁹ 00226.276 Kāi Tahu ki Otago; 00234.035 Te Rūnanga o Ngāi Tahu

- (4) recognising and using traditional place names.

13.5.5.2. Submissions

76. Two submitters support the policy as notified.³⁰
77. Kāi Tahu ki Otago seeks the following amendments:³¹

Recognise and provide for the enduring Kāi Tahu relationships—relationship with wāhi tūpuna are sustained, including by:

- (1) recognising that Kāi Tahu hold an ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā,
- (2) enabling Kāi Tahu to identify identifying as wāhi tūpuna any sites and areas of significance to mana whenua, where appropriate, along with the cultural values that contribute to each wāhi tūpuna being significant,
- (3) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise kaitiakitaka their role as kaitiaki within these areas,
- (4) recognising and providing for connections and associations between different wāhi tūpuna, and
- (5) recognising and using traditional place names.

13.5.5.3. Analysis

78. The requested amendments provide a direct expression of Kāi Tahu values and clarifies understanding of the role of Kāi Tahu in identifying and protecting wāhi tūpuna and their values. In relation to the addition of “where appropriate” in clause (2),y understanding is that this phrase is included to indicate that mana whenua may choose not to identify wāhi tupuna if so desired but its location in the policy makes it unclear what the “appropriateness” refers to. I do not consider that the policy compels Kāi Tahu to identify mana whenua so I do not consider that this wording is necessary. I note also, as above, that the methods in this sub-chapter deal with non-disclosure for sensitive sites.
79. In relation to the suggested drafting from the submitter, I note thatincluding “recognise and provide for” in the chapeau results in some of the clauses effectively reading “recognise by recognising”, which is not useful in my view. I recommend retaining the word “sustain” but moving it to be the active verb at the start of the sentence. I consider “sustain the enduring Kāi Tahu relationship” to be a strong statement of purpose for this policy. I have recommended amended wording below to resolve this issue.
80. I acknowledge the validity of the new proposed clause (1) but it seems out of place in this policy, being a broadly applicable statement about Kāi Tahu’s relationship with whenua, wai māori and coastal resources rather than specifically about wāhi tūpuna. I consider

³⁰ 00139.228 Dunedin City Council; 00138.166 QLDC

³¹ 00226.277 Kāi Tahu ki Otago

this clause has a place in the pORPS, but would work better as part of the Mana Whenua chapter, specifically in policy MW-P3.

81. Accordingly, I recommend accepting this submission in part.

82. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.5.4. Recommendation

83. I recommend amending HCV-WT-P1 as follows:

HCV-WT-P1 – Recognise and identify *wāhi tūpuna*

~~Sustain the enduring~~ Kāi Tahu ~~relationships~~ relationship with *wāhi tūpuna* ~~are sustained~~³², including by:

- (1) enabling Kāi Tahu to identify ~~identifying~~³³ as *wāhi tūpuna* any sites and areas of significance to *mana whenua*, along with the cultural values that contribute to each *wāhi tūpuna* being significant,
- (2) recognising the rakatirataka of *mana whenua* over *wāhi tūpuna* and providing for their ability to exercise ~~kaitiakitaka~~ their role as kaitiaki³⁴ within these areas,
- (3) recognising and providing for connections and associations between different *wāhi tūpuna*, and
- (4) recognising and using traditional place names.

13.5.6. HCV-WT-P2 – Management of *wāhi tūpuna*

13.5.6.1. Introduction

84. As notified, HCV-WT-P2 reads:

HCV-WT-P2 – Management of *wāhi tūpuna*

Wāhi tūpuna are protected by:

- (1) avoiding significant adverse *effects* on the cultural values associated with identified *wāhi tūpuna*,
- (2) where adverse *effects* demonstrably cannot be completely avoided, remedying or mitigating adverse *effects* in a manner that maintains the values of the *wāhi tūpuna*,
- (3) managing identified *wāhi tūpuna* in accordance with tikaka Māori,

³² 00226.277 Kāi Tahu ki Otago

³³ 00226.277 Kāi Tahu ki Otago

³⁴ 00226.277 Kāi Tahu ki Otago

(4) avoiding any activities that may be considered inappropriate in *wāhi tūpuna* as identified by Kāi Tahu, and

(5) encouraging the enhancement of access to *wāhi tūpuna* to the extent compatible with the particular *wāhi tūpuna*.

13.5.6.2. Submissions

85. DCC and QLDC seek the policy be retained as notified.³⁵

86. Beef + Lamb and DINZ seek to amend the policy to provide for a collaborative approach whereby *wāhi tūpuna* are recognised and managed through Farm Planning, facilitated by Kāi Tahu.³⁶

87. DOC requests adding a new second clause as follows:³⁷

(x) Avoiding, as the first priority, other adverse effects on the cultural values associated with *wāhi tūpuna*,

88. Several submitters seek to reduce the strictness or scope of the policy.

89. Toitū Te Whenua requests that clause (1) be amended to not overcommit, e.g., striving to avoid instead of avoiding.³⁸

90. Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand seek to delete clause (4) or amend it so that it is more certain how it will apply, because the submitter sees the clause as very uncertain in regard to the extent of areas affected and activities that Kāi Tahu may consider inappropriate.³⁹

91. Aurora Energy Limited considers the policy unworkable in its current format, stating that it can often be impossible to completely avoid, remedy or mitigate adverse effects on *wāhi tūpuna* because of their extent and that clause (4) as drafted effectively provides a veto power to Kāi Tahu, regardless of the functional or operational needs of that infrastructure. The submitter considers it is appropriate to provide for infrastructure to meet this policy even if all effects cannot be avoided in order to provide for the health and wellbeing of the community. Aurora seeks that clause (4) be deleted or that the following be added as an additional clause:⁴⁰

(6) recognising that for infrastructure, EIT-INF-P13 applies instead of HCV-WT-P2(1) to (5).

92. Aurora Energy Limited also seeks consequential amendments to HCV-WT-M2, HCV-WT-E1, HCV-WT-PR1, and HCV-WT-AER2.⁴¹

³⁵ 00139.229 DCC; 00138.167 QLDC

³⁶ 00237.059 Beef + Lamb and DINZ

³⁷ 00137.142 DOC

³⁸ 00101.050 Toitū Te Whenua

³⁹ 00310.012 Chorus, New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand

⁴⁰ 00315.069 Aurora Energy Limited

⁴¹ 00315.070 Aurora Energy Limited

93. Transpower also seeks an additional clause to provide for the National Grid, as well as a cross-reference policy between HCV-WT-P2 and EIT-INF:

(6) managing the effects of the development of the National Grid on wāhi tupuna in accordance with EIT-INF-Px and (1) and (4) above do not apply.”

94. Waitaki Irrigators Collective is similarly concerned that clause (4) could effectively prohibit activities that may result in the loss of currently unspecified Kāi Tahu values in currently unspecified areas, and seeks to amend clause (4) as follows:⁴²

“avoiding minimising the effects of any activities that may be considered...”

95. Federated Farmers seeks more extensive changes, which it considers better align the policy with the principal reasons and AERs and also limit its concerns regarding the lack of clarity on the relationship of the policy to privately owned land and existing activities:⁴³

Wāhi tūpuna are ~~protected~~ and managed by:

(1) avoiding significant adverse effects of inappropriate subdivision, use and development on the cultural values associated with identified wāhi tūpuna,

(2) where adverse effects ~~demonstrably~~ cannot be ~~completely~~ avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,

(3) managing identified wāhi tūpuna in accordance with tikaka Māori,

(4) ~~avoiding~~ managing any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and

(5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna and with landowner consent.

96. Kāi Tahu ki Otago provide a rewritten version of the policy to improve understanding of the role of Kāi Tahu in managing wāhi tūpuna and their values in accordance with tikaka Māori:⁴⁴

Wāhi tūpuna are protected by:

(1) avoiding significant adverse effects on the cultural values ~~associated with~~ of identified wāhi tūpuna,

(2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,

⁴² 00213.027 Waitaki Irrigators Collective Limited

⁴³ 00239.150 Federated Farmers

⁴⁴ 00226.278 Kāi Tahu ki Otago

(3) ~~managing identified~~ enabling Kāi Tahu to manage wāhi tūpuna in accordance with tikaka Māori,

(4) ~~avoiding any activities that may be considered~~ are inappropriate in wāhi tūpuna as identified by Kāi Tahu, and

(5) ~~encouraging the enhancement of~~ enhancing access to wāhi tūpuna to the extent compatible with the particular cultural values of the wāhi tūpuna.

13.5.6.3. Analysis

97. I recommend rejecting Beef + Lamb and DINZ's submissions. I consider the idea itself has merit, though there are likely a wider range of mechanisms to manage wāhi tūpuna than through farm planning. I consider that this level of operational detail does not belong in pORPS policy and would be more appropriate in a regional or district plan as a means by which the management frameworks established in the pORPS are implemented.
98. DOC's proposed new wording clarifies the approach to avoidance of other effects that is indicated in clause (2). I consider this makes the mitigation hierarchy clearer, and recommend accepting this submission in part, as the clause should apply to identified wāhi tūpuna, as indicated in clause (1).
99. I recommend rejecting Toitū Te Whenua's submission. With regard to significant adverse effects, "striving to avoid" does not provide the required clear purpose.
100. There is considerable opposition to clause (4), especially from infrastructure providers. I agree that, given the importance of some infrastructure activities to community wellbeing, the overarching powers given in this clause are too strong, though I disagree that the policy as a whole is unworkable. Note that the avoidance of significant adverse effects in clause (1) applies to the "values associated with wāhi tūpuna," not simply the areas themselves as a whole. If the values can be protected appropriately (which will require discussion with Kāi Tahu), activities will not need to be avoided.
101. It is unclear what clause (4) adds to the mitigation hierarchy. I assume that any activity that is inappropriate in wāhi tūpuna is one that has adverse effects on the values. If an activity's effects are managed in the ways described in clauses (1) to (3), I do not understand how it can nonetheless continue to be inappropriate. It may be that there are some activities that are deemed completely objectionable in relation to kāi tahu values that they will not be appropriate in wāhi tūpuna. I consider such activities will be excluded by clause (1) and will be identified through cultural impact assessments. In my opinion, removing clause (4) fosters a discussion around the effects of activities, and allows a path for local authorities, land users, and Kāi Tahu together to determine how a particular activity may be managed in accordance with tikaka so that it satisfies both the needs of wāhi tūpuna values and land users as far as this can be done. I therefore recommend that clause (4) be deleted.
102. I do not agree with creating a carve out clause, as requested by some submitters. If the values of wāhi tūpuna are to be protected, then disregarding them in some circumstances will not assist with achieving HCV-WT-O1. Values could be completely protected from a wide range of effects, but then degraded by the narrow range of activities that do not need to pay attention to them. My understanding is that the pORPS is drafted to apply to the existing environment – this means that infrastructure that already exists can continue

to operate. Other mechanisms are available to ensure that both infrastructure and Kāi Tahu cultural needs can be met, and are reliant on good relationships and communication.

103. Based on the above discussion, I recommend rejecting the submissions of Transpower and the Waitaki Irrigator's Collective, and accepting the submissions of Chorus, New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand and Aurora Energy Limited (noting that I do not support a carve out clause, which Aurora Energy Limited suggested as alternative relief).
104. I recommend rejecting Federated Farmers' submission. Changes to clause (4) are addressed above. In addition:
- As mentioned above, I consider "protection" is an appropriate term in the context of the principle of active protection in te Tiriti o Waitangi.
 - I do not consider that "of inappropriate subdivision, use and development" adds clarity to the policy. "Adverse effects" is clear enough on its own. I note the words "inappropriate subdivision, use and development" are not present in section 6(e) of the RMA.
 - I consider the words "demonstrably" and "completely" add appropriate weight to the preference for avoidance, and the need to show that avoidance has been reasonably considered, especially with the addition of DOC's submitted wording above.
 - I consider that landowner consent is a facet of "the extent compatible with the particular wāhi tūpuna" that does not need to be specified in a high-level policy framework. Further, the active verb in this clause is "encouraging".
105. I recommend accepting Kāi Tahu ki Otago's submission in part. Changes to clause (4) are addressed above. In addition:
- Changes to clauses (1) and (2) improve clarity of expression, and I recommend accepting those amendments.
 - The requested amendment to clause (3) reads as though mana whenua are to have blanket management responsibilities over areas within wāhi tūpuna, which may be extensive. Several parties may be involved in managing land within wāhi tūpuna, for a variety of purposes, and will need to work together to ensure values are protected, as indicated in response to other submissions above. I recommend rejecting this amendment.
106. I also recommend rejecting the requested amendments to clause (5). As a practical matter, access will often need to be negotiated around existing property and use rights meaning that cultural values of the wāhi tūpuna cannot be the only determinant in those situations.
107. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.6.4. Recommendation

108. I recommend amending HCV-WT-P2 as follows:

HCV-WT-P2 – Management of *wāhi tupuna*

Wāhi tupuna are protected by:

- (1) avoiding significant adverse *effects* on the cultural values associated with of⁴⁵ identified *wāhi tupuna*,
- ~~(1A) avoiding, as the first priority, other adverse effects on the cultural values of identified *wāhi tupuna*,⁴⁶~~
- (2) where other⁴⁷ adverse *effects* demonstrably cannot be completely avoided, then either⁴⁸ remedying or mitigating adverse *effects* in a manner that maintains the values of the *wāhi tupuna*,
- (3) managing identified *wāhi tupuna* in accordance with tikaka Māori, and⁴⁹
- ~~(4) — avoiding any activities that may be considered inappropriate in *wāhi tupuna* as identified by Kāi Tahu, and⁵⁰~~
- (5) encouraging the enhancement of access to *wāhi tupuna* to the extent compatible with the particular *wāhi tupuna*.

13.5.7. WT-M1 – Identification

13.5.7.1. Introduction

109. As notified, HCV-WT-M1 reads:

HCV-WT-M1 – Identification

Local authorities must:

- (1) enable Kāi Tahu to identify *wāhi tupuna* sites, areas and values,
- (2) identify *wāhi tupuna* using the guide set out in APP7,
- (3) recognise that *wāhi tupuna* span jurisdictional boundaries and work together to ensure the identification process under (1) enables *wāhi tupuna* sites, areas and values to be treated uniformly across district boundaries, and
- (4) identify, map, describe and protect the areas and values identified under (1) in the relevant *regional* and *district plans* or, if a site is a sensitive

⁴⁵ 00226.278 Kāi Tahu ki Otago

⁴⁶ 00137.142 DOC

⁴⁷ 00226.278 Kāi Tahu ki Otago

⁴⁸ 00226.278 Kāi Tahu ki Otago

⁴⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.069 Aurora Energy Limited

⁵⁰ 00315.069 Aurora Energy Limited

cultural site, use alert layers to advise of sensitive cultural sites without disclosure in plans.

13.5.7.2. Submissions

110. QLDC supports the method as notified.⁵¹

111. Federated Farmers seeks the following amendments:⁵²

- Clauses (2) and (4) should provide mechanisms to help with impacted landowners' understanding and engagement,
- In clause (4), replace the word "protect" with "maintained",
- add a new subclause:

(5) Once values are identified as much information as possible, acknowledging cultural sensitivities, is made available to affected landowners upon request.

112. Kāi Tahu ki Otago seeks the following amendment:⁵³

Local authorities must:

(1) enable Kāi Tahu to identify wāhi tūpuna sites, areas and values, where appropriate, using the guide set out in APP7

(2) ~~identify wāhi tūpuna using the guide set out in APP7,~~

...

113. Ngāi Tahu ki Murihiku seeks the following amendments:⁵⁴

Local authorities must:

(1) enable Kāi Tahu to identify wāhi tūpuna sites, areas and values according to mātauraka,

(2) identify wāhi tūpuna using the guide set out in APP7,

...

(4) identify, ~~map~~ including through processes that involve mapping, describe and protect the areas and values ~~identified under (1) of those areas through provisions in the relevant regional and district plans or, if a site is a sensitive cultural site, including through the use of alert layers where desirable to advise of sensitive cultural sites without that avoid disclosure in plans.~~

⁵¹ 00138.168 QLDC

⁵² 00239.151 Federated Farmers

⁵³ 00226.279 Kāi Tahu ki Otago

⁵⁴ 00223.121 Ngāi Tahu ki Murihiku

114. Toitū Te Whenua seeks an amendment to recognise that local authorities must not only work together to ensure the identification process but must also work with private landowners to ensure the identification of those sites and prevent the destruction or degradation of those sites.⁵⁵

13.5.7.3. Analysis

115. I acknowledge Federated Farmers’ and Toitū Te Whenua’s concerns about understanding, engagement, and access to information. However, I do not consider this method is the correct place for this, because it is directly concerned with the process of identification, and Federated Farmers’ concerns go beyond this. I consider the issues raised would be better dealt with under the new provision also proposed by Federated Farmers, and yet to have drafting provided.

116. It is not clear to me what difference Federated Farmers is trying to achieve by replacing “protect” with “maintain”. I agree there are nuances in meaning; protection has a connotation of keeping something safe from harm, whereas maintaining implies keeping something in a particular state or level. In terms of the practical outcome in this method, I am not convinced that the terms would have markedly different results. “Protect” in my view, is more in keeping with the objective as written and the principles of te Tiriti o Waitangi, and my preference is to retain it. I recommend rejecting this submission.

117. I am not sure what Toitū Te Whenua means by local authorities working together to ensure the identification process. In the absence of drafting being provided, I recommend rejecting this submission.

118. Kāi Tahu ki Otago’s submission to combine clauses (1) and (2) makes sense, but I disagree with the inclusion of “where appropriate”. I consider this phrase adds a level of uncertainty to the policy and is not necessary to provide the flexibility mana whenua seek. I recommend accepting this submission in part.

119. Ngāi Tahu ki Murihiku’s addition to clause (1) provides recognition for the role of mātauraka within the pORPS and is an appropriate inclusion. However, I consider the changes proposed for clause (4) result in unwieldy expression that is not easy to comprehend. The intent of the changes seems to be to ensure there is no obligation to map or disclose the location of sensitive sites, which I support. I recommend accepting this submission in part at this stage and propose creating a new clause to deal with management approaches and adjusting clause (4) accordingly.

120. In saying the above, I acknowledge the difficulty in managing land uses when sensitive sites are not disclosed. Conversely, full disclosure and mapping presents difficulties from a Kāi Tahu perspective. Achieving RMA s6(e) will require a nuanced approach that includes ongoing communication between Councils, landowners and mana whenua.

121. I recommend accepting in part QLDC’s submission supporting this provision, in respect of those parts that remain as notified.

13.5.7.4. Recommendation

122. I recommend amending HCV-WT-M1 as follows:

⁵⁵ 00101.051 Toitū Te Whenua

HCV-WT-M1 – Identification

Local authorities must:

- (1) enable Kāi Tahu to identify *wāhi tūpuna* sites, areas and values, using the guide set out in APP7,
- (2) identify *wāhi tūpuna* using the guide set out in APP7,⁵⁶
- (3) recognise that *wāhi tūpuna* span jurisdictional boundaries and work together to ensure the identification process under (1) enables *wāhi tūpuna* sites, areas and values to be treated uniformly across district boundaries, and
- (4) identify, ~~map~~, describe and protect the areas and values identified under (1) in the relevant *regional plans*⁵⁷ and *district plans* ~~or, if a site is a sensitive cultural site, use alert layers to advise of sensitive cultural sites without disclosure in plans~~
- (5) collaborate with Kāi Tahu regarding the use of mapping and other techniques, including alert layers, to identify, describe and protect *wāhi tūpuna* sites, areas and values.⁵⁸

13.5.8. HCV-WT-M2 – Regional and district plans

13.5.8.1. Introduction

123. As notified, HCV-WT-M2 reads:

HCV-WT-M2 – Regional and district plans

Local authorities must prepare or amend and maintain their *regional* and *district plans* to include methods that are in accordance with tikaka to:

- (1) control activities in, or adjacent to, *wāhi tūpuna* sites and areas,
- (2) require cultural impact assessments where activities have the potential to adversely affect *wāhi tūpuna*,
- (3) require including conditions on *resource consents* or designations to provide buffers or setbacks between *wāhi tūpuna* and incompatible activities,
- (4) require including accidental discovery protocols as conditions on *resource consents* or designations for activities that may unearth archaeological sites, and
- (5) maintain existing access to identified *wāhi tūpuna* sites and areas and promote improved access where practicable.

⁵⁶ 00226.279 Kāi Tahu ki Otago

⁵⁷ Clause 16(2), Schedule 1, RMA

⁵⁸ 00223.121 Ngāi Tahu ki Murihiku

13.5.8.2. Submissions

124. Two submitters support the method as notified.⁵⁹

125. DCC seeks to clarify that not all clauses might apply in all cases because, in practice, some will apply in some cases, and some in others. The submitter also seeks to clarify which methods are in accordance with tikaka and reduce the requirement for cultural impact assessments being required on a case-by-case basis, as it does not support buffers or cultural impact assessments for all activities which may adversely affect wāhi tūpuna.⁶⁰

126. Federated Farmers seeks amendments to:

- provide a definition of ‘tikaka’ and other key, undefined te reo terms.
- amend clause (1): “manage control activities in, or adjacent to, wāhi tūpuna sites and areas,”
- under clause (2), ensure a ‘cultural impact assessment’ is provided by council, rather than something an individual landowner is left to determine.
- amend clause (3) as follows “require ~~including~~ conditions on resource consents or designations where necessary to provide buffers or setbacks between protect wāhi tūpuna ~~and from inappropriate subdivision, use and development incompatible activities,~~”
- under clause (3), provide more clarity for landowners so they can engage and appropriately manage areas.⁶¹

127. Heritage NZ considers that the methods unnecessarily duplicate archaeological site protection under the Heritage New Zealand Pouhere Taonga Act 2014. It is concerned that consent holders may misinterpret a consent condition regarding an accidental discovery protocol as the required process to follow rather than the correct approach of obtaining an archaeological authority from Heritage New Zealand for works to proceed. It seeks the following amendment to clause (4):⁶²

(4) a requirement to include the Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol ~~accidental discovery protocols~~ as an advice note conditions on resource consents or notices of requirement for activities that may unearth archaeological features.”

128. Kāi Tahu ki Otago seeks the following changes for readability, and to improve understanding of the role of Kāi Tahu in managing wāhi tūpuna and their values in accordance with tikaka Māori:⁶³

Local authorities must prepare or amend and maintain their regional and district plans to include methods that: ~~are in accordance with tikaka, to~~

⁵⁹ 00201.041 CODC; 00138.169 QLDC

⁶⁰ 00139.230 DCC

⁶¹ 00239.152 Federated Farmers

⁶² 00123.007 Heritage NZ

⁶³ 00226.280 Kāi Tahu ki Otago

(1) control activities in, or adjacent to, wāhi tūpuna sites and areas,

(1A) enable Kāi Tahu to manage wāhi tūpuna in accordance with tikaka Māori,

(2) require cultural impact assessments where activities have the potential to adversely affect the values of wāhi tūpuna,

(3) require ~~including~~ conditions on resource consents or designations to provide buffers or setbacks between wāhi tūpuna and incompatible activities,

(4) require ~~including~~ accidental discovery protocols as conditions on resource consents or designations for activities that may ~~unearth~~ affect archaeological sites, and

(5) maintain existing access to identified wāhi tūpuna sites and areas and promote improved access where practicable and appropriate.

129. Ngāi Tahu ki Murihiku requests the following changes to ensure there is a connection between this policy and other related parts of the RPS, and to recognise that provisions in plans may obviate the need for cultural impact assessments in some circumstances. Such assessments will be associated with the scale and significance of effects of a type of activity in a particular location:⁶⁴

...

(1) control activities in, ~~or adjacent to,~~ or affecting wāhi tūpuna sites and areas in order to achieve objectives and implement policies specific to Kāi Tahu relationship with these sites and areas as identified in this RPS,

(2) require cultural impact assessments where activities have the potential to adversely affect wāhi tūpuna and Kāi Tahu have identified the need for an assessment,

13.5.8.3. Analysis

130. In the absence of draft wording being provided I recommend rejecting DCCs submission, for the following reasons:

- There is no requirement to implement a method that is not applicable in a given situation. The methods indicate when they are applicable.
- Developing methods that are in accordance with tikaka will require discussion and partnership with Kāi Tahu during development of the given plan provisions. It is not for the pORPS to predetermine when these will be.
- I consider it is reasonable to require a buffer or setback between wāhi tupuna and an activity that may adversely affect it,

⁶⁴ 00223.122 Ngāi Tahu ki Murihiku

- In order to manage the adverse effects of an activity on wāhi tupuna, the impacts of that activity must be assessed in some way. Kāi Tahu ki Otago’s submission, discussed below, seeks amendments which may address the issue without reducing Cultural Impact Assessments to a case-by-case decision, which I do not think provides adequate protection.

131. In response to Federated Farmers’ points, I recommend accepting the submission in part, as follows:

- The term “tikaka” is discussed in the Mana Whenua chapter. Kāi Tahu have considered which te reo terms they are comfortable providing definitions or descriptions for through the pORPS development processes. Te reo terms are not always amendable to an English translation, because nuance and understanding may be lost. Federated Farmers has not defined what further te reo terms concern them, so I am unable to comment further.
- The term “control”, in my view, creates a preference for using controlled activity status, or stricter in lower order plans. This clause is broad in scope and may encompass activities that are compatible with wāhi tūpuna values. Given the chapeau already prescribes that the methods used in plans need to be in accordance with tikaka, I consider that “manage” is appropriate here, to enable a suitable range of responses. I agree with removing the term “adjacent to”, in combination with Ngāi Tahu ki Murihiku’s submission as discussed below.
- I do not consider that the party responsible for providing a cultural impact assessment needs to be determined in this method – this is for the district or regional plan to determine.
- In clause (3) I agree with the deletion of “including” as grammatically unnecessary. I also agree with replacing “provide buffers or setbacks between” with “protect” because the range of useful protections may be broader than buffers and setbacks. I do not agree with adding the words “where necessary” as I consider they do not contribute to understanding the clause. For the same reason, I also disagree with replacing “activities” with “subdivision, use and development”. I do not agree that “incompatible” should be replaced with “inappropriate” because I do not think this improves the clarity of the provision. In my view, “incompatible” is a clearer indication that the activity cannot coexist with mana whenua values. However, pursuant to other changes, “and” should be replaced with “from” to ensure grammatical sense.
- It is unclear from the submission what additional clarity is sought under clause (3). I recommend no changes in response to this point.

132. I recommend accepting Kāi Tahu Ki Otago’s submission in part also:

- The submitter seeks a similar amendment to Federated Farmers regarding removing the word “including” from both clauses (3) and (4), which I agree with.
- I disagree with shifting the reference to tikaka to a new clause (1A). Retaining the reference in the chapeau means that all the clauses of the policy must be in

accordance with tikaka. I consider this provides an important overarching control on the way they are interpreted. Additionally, the proposed drafting of clause (2) does not recognise that several parties may be involved in managing land within wāhi tūpuna, for a variety of purposes.

- I am comfortable with the addition of “values of” wāhi tūpuna to clause (2), as it clarifies what is being protected.
- I disagree with changing “unearth” to “affect” in relation to accidental discovery protocols. My understanding is that the risk that accidental discovery protocols are trying to address is accidentally unearthing unknown archaeological remains. Managing in a way that avoids “affecting” unknown sites has a much wider ambit and does not seem practical to implement.
- I do not think the words “and appropriate” aid the clarity of the policy.

133. I also recommend accepting Ngāi Tahu ki Murihiku’s submission in part:

- Adding the word “affecting” broadens the policy in an appropriate way but would result in the term “adjacent” becoming irrelevant. I consider that it is broader than the term “adjacent” as adjacent activities may not affect wāhi tūpuna, but activities may affect wāhi tūpuna without being adjacent. I therefore suggest removing the term “adjacent” as proposed by Federated Farmers and replacing it with “affecting”. I disagree with the remainder of the changes to clause (1). I acknowledge the need for this method to implement the related policies, and for provisions throughout the RPS to act in concert. This does not need to be spelt out here, as the Integrated Management Chapter requires all provisions in the pORPS to be read together.
- The change to clause (2) is an appropriate way to recognise that Cultural Impact Assessments may not be required in all circumstances, while retaining Kāi Tahu’s ability to determine what those circumstances are through plan provisions.

134. Regarding Heritage NZ’s submission, I agree that an advice note is an appropriate mechanism for this information, as it refers to obligations under other pieces of legislation, and I agree that accidental discovery protocols should complement the archaeological site protection under the Heritage New Zealand Pouhere Taonga Act 2014. However, I am concerned about directly referencing non-regulatory documents in the pORPS that are material to implementing the pORPS but are under the auspices of another agency.

135. I recommend that Heritage NZ’s submission be accepted in part, by replacing “conditions” with “an advice note”.

136. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.8.4. Recommendation

137. I recommend amending HCV-WT-M2 as follows:

HCV-WT-M2 – Regional plans⁶⁵ and district plans

Local authorities must prepare or amend and maintain their *regional plans*⁶⁶ and *district plans* to include methods that are in accordance with tikaka to:

- (1) ~~control~~ manage⁶⁷ activities in, or ~~adjacent to~~⁶⁸ affecting,⁶⁹ *wāhi tūpuna* sites and areas,
- (2) require cultural impact assessments where activities have the potential to adversely affect values of⁷⁰ *wāhi tūpuna* and Kāi Tahu have identified the need for an assessment,⁷¹
- (3) require ~~including~~⁷² conditions on resource consents or designations to ~~provide buffers or setbacks between~~ protect⁷³ *wāhi tūpuna* and ~~from~~⁷⁴ incompatible activities,
- (4) require ~~including~~⁷⁵ accidental discovery protocols as ~~conditions an~~ advice note⁷⁶ on resource consents or designations for activities that may unearth archaeological sites, and
- (5) maintain existing access to identified *wāhi tūpuna* sites and areas and promote improved access where practicable.

13.5.9. HCV-WT-M3 – Collaboration with Kāi Tahu

13.5.9.1. Introduction

138. As notified, HCV-WT-M3 reads:

HCV-WT-M3 – Collaboration with Kāi Tahu

Local authorities must include Kāi Tahu in all decision making concerning protection of the values of *wāhi tūpuna* sites and areas and collaborate with Kāi Tahu to:

- (1) identify and protect places, areas or landscapes of cultural, spiritual or traditional significance to them,
- (2) identify and protect the values that contribute to their significance, and
- (3) share information relevant to Kāi Tahu interests.

⁶⁵ Clause 16(2), Schedule 1, RMA

⁶⁶ Clause 16(2), Schedule 1, RMA

⁶⁷ 00239.152 Federated Farmers

⁶⁸ 00239.152 Federated Farmers

⁶⁹ 00223.122 Ngāi Tahu ki Murihiku

⁷⁰ 00226.280 Kāi Tahu ki Otago

⁷¹ 00223.122 Ngāi Tahu ki Murihiku

⁷² 00226.280 Kāi Tahu ki Otago

⁷³ 00239.152 Federated Farmers

⁷⁴ 00239.152 Federated Farmers

⁷⁵ 00239.152 Federated Farmers

⁷⁶ 00123.007 Heritage NZ

13.5.9.2. Submissions

139. Two submitters support the method as notified.⁷⁷
140. Federated Farmers seeks that, once values have been identified under clause (2), that they are made available to landowners to help clarify what is required in terms of protection.⁷⁸
141. Kāi Tahu ki Otago seeks a significant rewrite of the method to recognise the Treaty partnership between local authorities and Kāi Tahu. It considers that clauses (1) and (2) duplicate HCV-WT-M1 and should be deleted, and the purpose of clause (3) is unclear and should be focused on decision-making:⁷⁹

HCV-WT-M3 – ~~Collaboration~~ Treaty Partnership with Kāi Tahu

Local authorities must:

(1) include Kāi Tahu in all decision – making concerning identification and protection of wāhi tūpuna sites and areas and the values that contribute to their significance, and

(2) in decision – making outside identified wāhi tūpuna, recognise and provide for Kāi Tahu’s ancestral and enduring relationship with all whenua, wai māori and coastal waters within their takiwā.

13.5.9.3. Analysis

142. This method is focused on the partnership between Kāi Tahu and local authorities. I do not consider this is the place to include the clarification Federated Farmers seeks, and therefore recommend rejecting this submission. The potential new method proposed by Federated Farmers would be an appropriate place to address information sharing with landowners.
143. I recommend accepting Kāi Tahu ki Otago’s submission in part. The new clause (2) is not related to wāhi tūpuna and is therefore not a good fit with this section. It seems to me to be a better fit for the Mana Whenua or Integrated Management chapters, as it is more in the nature of a broadly applicable approach. Similar ground appears to be covered in IM-P3 and MW-P2. I also disagree with removing the reference to information sharing. I consider the flow of information between council and mana whenua will be vital to ensuring both parties are able to make well informed decisions.
144. However, I do agree that the chapeau and clauses are made clearer by combining them in the way proposed in the submission. I note that doing this will require some additional wording from the current chapeau to be included in clause (3) to ensure it clearly relates to information sharing between local authorities and Kāi Tahu. I also agree that the title should refer to “partnership” rather than collaboration.

⁷⁷ 00201.042 CODC; 00138.170 QLDC

⁷⁸ 00239.153 Federated Farmers

⁷⁹ 00226.281 Kāi Tahu ki Otago

145. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

146. Additionally, in light of the submissions throughout this chapter emphasising Kāi Tahu's relationship with wāhi tūpuna, and acknowledging that only mana whenua are able to identify the associated sites, values and areas, I consider this series of methods would flow more clearly if method 3 was first in order. This creates a conceptual map that begins with the broad nature of partnership, moves to the process of identifying wāhi tūpuna and appropriate methods for protection, and then to formalising the outcome of this process in plans and council procedures.

13.5.9.4. Recommendation

147. I recommend amending HCV-WT-M3 as follows:

HCV-WT-M3 – ~~Collaboration~~ Treaty partnership⁸⁰ with Kāi Tahu

Local authorities must include Kāi Tahu in all decision making concerning protection of the values of *wāhi tūpuna* sites and areas and collaborate with Kāi Tahu to:

(1) include Kāi Tahu in all decision-making concerning identification and protection of *wāhi tūpuna* sites and areas and the values that contribute to their significance, and ~~identify and protect places, areas or landscapes of cultural, spiritual or traditional significance to them,~~

(2) identify and protect the values that contribute to their significance, and⁸¹

(3) collaborate with Kāi Tahu to⁸² share information relevant to Kāi Tahu interests.

148. I recommend moving HCV-WT-M3 so it is included as the first method in this section.

13.5.10. New methods

13.5.10.1. Introduction

149. This section addresses a submission seeking a new method.

13.5.10.2. Submissions

150. Federated Farmers seeks a similar method to HCV-HH-M6 – Incentives and education for HCV – WT to help promote understanding and engagement with landowners.⁸³

13.5.10.3. Analysis

151. I consider that direct relationships and engagement between mana whenua and landowners are an important way to grow, share, and maintain support for mana whenua values while also recognising private property rights. I agree a provision to support this is

⁸⁰ 00226.281 Kāi Tahu ki Otago

⁸¹ 00226.281 Kāi Tahu ki Otago

⁸² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.281 Kāi Tahu ki Otago

⁸³ 00239.154 Federated Farmers

appropriate, but I do not think the model of HCV-HH-M6 works in this instance. ORC is not in a position to provide education and information about tikaka; this is the preserve of mana whenua.

152. ORC could play a role in facilitating relationships and discussions, as well as making information easily accessible when it is appropriate to do so. The nature of the provision would need to be ironed out in concert with mana whenua. I do not have a recommendation on this point at present; I invite further discussion of an appropriate provision through the hearings process, and suggest Federated Farmers may wish to approach Ngāi Tahu to discuss a joint way forward.

13.5.10.4. Recommendation

153. I support introducing a new method to this effect, however I make no recommendation at this stage and invite further discussion on the form of such a provision through the hearings process.

13.5.11. HCV-WT-E1 – Explanation

13.5.11.1. Introduction

154. As notified, HCV-WT-E1 reads:

HCV-WT-E1 – Explanation

The policies in this chapter are designed to achieve protection of *wāhi tūpuna* from inappropriate *subdivision*, use and development. The policies recognise the significance of *wāhi tūpuna* to Kāi Tahu, and enable the relationship of Kāi Tahu with their culture and traditions by acknowledging that the identification of *wāhi tūpuna* and the associated values can only be undertaken by Kāi Tahu, then protecting or managing those sites or areas to ensure that activities do not have any significant adverse *effects* on the values associated with the identified *wāhi tūpuna*. The policies also direct that the management of activities within or adjacent to *wāhi tūpuna* must occur in a culturally appropriate manner.

13.5.11.2. Submissions

155. Federated Farmers supports the provision as notified, and seeks other provisions be amended to be consistent with it; these submissions are discussed under the appropriate provisions in this section.⁸⁴

156. Kāi Tahu ki Otago seeks a substantial amendment of the explanation request rewording of this explanation for readability, and to improve understanding of the role of Kāi Tahu in managing *wāhi tūpuna* and their values in accordance with tikaka Māori:⁸⁵

The policies in this chapter recognise the cultural and contemporary significance of *wāhi tūpuna* to Kāi Tahu and acknowledge that the identification of *wāhi tūpuna* and the associated values can only be undertaken by Kāi Tahu. The policies are designed to achieve active protection of *wāhi tūpuna* from inappropriate *subdivision*, use and development and to ensure that activities do not have

⁸⁴ 00239.155 Federated Farmers

⁸⁵ 00226.282 Kāi Tahu ki Otago

significant adverse effects on the values associated with the identified wāhi tūpuna. The policies also enable Kāi Tahu to manage activities within or adjacent to wāhi tūpuna in accordance with tikaka Māori.

The policies in this chapter are designed to achieve protection of wāhi tūpuna from inappropriate subdivision, use and development. The policies recognise the significance of wāhi tūpuna to Kāi Tahu, and enable the relationship of Kāi Tahu with their culture and traditions by acknowledging that the identification of wāhi tūpuna and the associated values can only be undertaken by Kāi Tahu, then protecting or managing those sites or areas to ensure that activities do not have any significant adverse effects on the values associated with the identified wāhi tūpuna. The policies also direct that the management of activities within or adjacent to wāhi tūpuna must occur in a culturally appropriate manner.”

157. Ngāi Tahu ki Murihiku seeks consequential amendments to the explanation to recognise that wāhi tūpuna are not limited by the phrase ‘inappropriate subdivision, use and development’, are impacted by a range of activities that require different management responses, and to recognise the relationship with wāhi tūpuna. The submitter also notes that wāhi tūpuna are associated with Section 6(e), Section 7(a) and Section 8 of Part 2 of the RMA it considers should be referenced in the Explanation and provide the basis upon which to discuss them.⁸⁶

13.5.11.3. Analysis

158. I recommend accepting both Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku’s submissions in part. Kāi Tahu ki Otago’s submission refines the drafting, while Ngāi Tahu ki Murihiku’s suggests making the link to the RMA explicit, which I consider appropriate (though drafting is not provided), and removing the reference to “inappropriate subdivision, use and development” which is not present in the RMA s6(e). Kāi Tahu’s submission also seeks to include the concept of active protection, which I consider is appropriate as this is a principle of Te Tiriti o Waitangi.

159. The text “The policies also enable Kāi Tahu to manage activities within or adjacent to wāhi tūpuna [...]” is consequential to another requested amendment that I have not accepted. This wording suggests blanket management by Kāi Tahu, which is unlikely to occur as I discuss above in response to submissions on HCV-WT-M2.

160. I have recommended drafting in the Recommendations section below combining wording and concepts from both submissions, and reflecting wording from the provisions discussed above. I note that Ngāi Tahu ki Murihiku has not provided drafting, so I have developed wording from the submission text provided.

161. I recommend accepting in part Federated Farmers’ submission supporting this provision, in respect of those parts that remain as notified.

13.5.11.4. Recommendations

162. I recommend amending the HCV-WT-E1 as follows:

Providing for wāhi tūpuna plays a role in recognising the resource management principles in sections 6(e), 7(a) and 8 of Part 2 of the RMA. The policies in this

⁸⁶ 00223.123 Ngāi Tahu ki Murihiku

chapter recognise the cultural and contemporary significance of wāhi tūpuna to Kāi Tahu and acknowledge that the identification of wāhi tūpuna and the associated values can only be undertaken by Kāi Tahu.

Wāhi tūpuna can be impacted by a range of activities, requiring a range of different management responses. The policies in this chapter are designed to achieve active protection of wāhi tūpuna from inappropriate subdivision, use and development. The policies recognise the significance of wāhi tūpuna to Kāi Tahu, and enable the relationship of Kāi Tahu with their culture and traditions by acknowledging that the identification of wāhi tūpuna and the associated values can only be undertaken by Kāi Tahu, then protecting or managing those sites or areas to ensure that activities do not have any significant adverse effects on the values of associated with⁸⁷ the identified wāhi tūpuna. The policies also direct that the management of activities within or ~~adjacent to~~ affecting wāhi tūpuna must occur in ~~a culturally appropriate manner~~ accordance with tikaka⁸⁸.

13.5.12. HCV-WT-PR1 – Principal reasons

13.5.12.1. Introduction

163. In accordance with RMA s62(1)(f), this provision provides the principal reasons for adopting the objectives, policies, and methods of implementation set out in this chapter.

164. As notified, HCV-WT-PR1 reads:

HCV-WT-PR1 – Principal reasons

Wāhi tūpuna are landscapes that embody the customary and contemporary relationship of Kāi Tahu and their culture and traditions with Otago. The sites and resources used by Kāi Tahu are spread throughout Otago, reflecting the relationship of Kāi Tahu with the *land, coastal waters* and wai Māori. *Wāhi tūpuna* have significant cultural value to Kāi Tahu.

The provisions in this chapter assist in implementing section 6(e) of the RMA 1991 and the NZCPS by requiring:

- the identification of *wāhi tūpuna* in consultation with Kāi Tahu,
- the protection of *wāhi tūpuna* from inappropriate *subdivision*, use and development, and
- specified actions on the part of Otago's *local authorities* in managing activities that may impact *wāhi tūpuna*.

Implementation of the provisions in this chapter will occur primarily through *regional* and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

⁸⁷ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.278 Kāi Tahu ki Otago

⁸⁸ 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

13.5.12.2. Submissions

165. QLDC supports the provision as notified.⁸⁹
166. Kāi Tahu ki Otago seeks an amendment of the first bullet point in paragraph 2 as follows:⁹⁰
- the identification and management of wāhi tūpuna ~~in consultation with~~ by Kāi Tahu in accordance with tikaka Māori,
167. Toitū Te Whenua notes that the ORPS provides for the principles under Te Tiriti o Waitangi allowing Kāi Tahu to take an active role in the RMA process. It considers that this should be mentioned here as one of the principal reasons for recognising and providing for wāhi tūpuna.⁹¹

13.5.12.3. Analysis

168. I recommend accepting Kāi Tahu ki Otago's submission in part. I disagree with the addition of "and management" for reasons discussed previously. The other changes reflect the policies.
169. I agree that the principles of Te Tiriti o Waitangi should be referenced here, as the principles of partnership and active protection appear to me to be directly relevant. I recommend accepting Toitū Te Whenua's submission. I have proposed text below, as drafting was not provided.
170. Noting the change to the Explanation to recognise the resource management principles in the RMA, I consider a consequential change should be made to the language in the Principal Reasons for consistency.
171. I recommend accepting in part QLDC's submission supporting this provision, in respect of those parts that remain as notified.

13.5.12.4. Recommendations

172. I recommend amending HCV-WT-P1 as follows:

HCV-WT-PR1 – Principal reasons

Wāhi tūpuna are landscapes that embody the customary and contemporary relationship of Kāi Tahu and their culture and traditions with Otago. The sites and resources used by Kāi Tahu are spread throughout Otago, reflecting the relationship of Kāi Tahu with the *land, coastal waters* and wai Māori. *Wāhi tūpuna* have significant cultural value to Kāi Tahu.

⁸⁹ 00138.172 QLDC

⁹⁰ 00226.283 Kāi Tahu ki Otago

⁹¹ 00101.052 Toitū Te Whenua

The provisions in this chapter play a role in recognising the resource management principles in ~~assist in implementing~~⁹² sections 6(e), 7(a) and 8⁹³ of the RMA ~~1991~~⁹⁴ and the NZCPS, as well as providing for the principles of te Tiriti o Waitangi,⁹⁵ by requiring:

- the identification of *wāhi tūpuna* ~~in consultation with~~ by Kāi Tahu in accordance with tikaka Māori,⁹⁶
- the protection of *wāhi tūpuna* from inappropriate *subdivision*, use and development, and
- specified actions on the part of Otago’s *local authorities* in managing activities that may impact *wāhi tūpuna*.

Implementation of the provisions in this chapter will occur primarily through *regional plans*⁹⁷ and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

13.5.13. HCV-WT-AER1

13.5.13.1. Introduction

173. As notified, HCV-WT-AER1 reads:

HCV-WT-AER1

The areas and places of *wāhi tūpuna* are identified in the relevant *regional* and *district plans*.

13.5.13.2. Submissions

174. QLDC supports the AER as notified.⁹⁸

175. Federated Farmers seeks to replace the word “places” with “sites”.⁹⁹

176. Kāi Tahu ki Otago submits an improvement to readability:¹⁰⁰

~~*Wāhi tūpuna areas and places*~~ *the areas and places of wāhi tūpuna are identified in the relevant regional and district plans*

177. Toitū Te Whenua notes its understanding that in many cases Kāi Tahu and local hapu do not want information on cultural values to be published publicly, due to previous

⁹² Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

⁹³ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

⁹⁴ Clause 16(2), Schedule 1, RMA

⁹⁵ 00101.052 Toitū Te Whenua

⁹⁶ 00226.283 Kāi Tahu ki Otago

⁹⁷ Clause 16(2), Schedule 1, RMA

⁹⁸ 00138.173 QLDC

⁹⁹ 00239.156 Federated Farmers

¹⁰⁰ 00226.284 Kāi Tahu ki Otago

occurrences of destruction and vandalism. Subsequently, the submitter considers a more subtle approach may be required where information on those sites and values known are not made public.¹⁰¹

13.5.13.3. Analysis

178. Federated Farmers' submission is consistent with the wording throughout the provisions relating to wāhi tūpuna. I recommend accepting this submission.

179. In consequence, I recommend accepting Kāi Tahu ki Otago's submission in part, replacing "areas" with "sites" as Federated Farmers suggests.

180. I agree with Toitū Te Whenua that the AER sets an expectation not reflected in the policies. I recommend accepting this submission. As drafting has not been provided, I have drafted a recommended amendment in the Recommendations section below.

181. I recommend accepting in part QLDC's submission supporting this provision, in respect of those parts that remain as notified.

13.5.13.4. Recommendations

182. I recommend amending HCV-WT-AER1 as follows:

HCV-WT-AER1

Wāhi tūpuna areas and sites ~~The areas and places of wāhi tūpuna~~¹⁰² are identified in the relevant *regional plans*¹⁰³ and *district plans* and sensitive sites are identified and protected using mechanisms deemed appropriate by Kāi Tahu.¹⁰⁴

13.5.14. HCV-WT-AER2

13.5.14.1. Introduction

183. As notified, HCV-WT-AER2 reads:

HCV-WT-AER2

Wāhi tūpuna and their values are maintained.

13.5.14.2. Submissions

184. Two submitters support the AER as notified.¹⁰⁵

185. Kāi Tahu ki Otago seeks to replace the word "maintained" with "protected".¹⁰⁶

¹⁰¹ 00101.053 Toitū Te Whenua

¹⁰² 00239.156 Federated Farmers; 00226.284 Kāi Tahu ki Otago

¹⁰³ Clause 16(2), Schedule 1, RMA

¹⁰⁴ 00101.053 Toitū Te Whenua

¹⁰⁵ 00239.157 Federated Farmers; 00138.174 QLDC

¹⁰⁶ 00226.285 Kāi Tahu ki Otago

186. Ngāi Tahu ki Murihiku seeks to amend the AER as follows:¹⁰⁷

Wāhi tūpuna and their values are maintained, or improved where their values have been degraded by human activities.

13.5.14.3. Analysis

187. I recommend accepting Kāi Tahu ki Otago’s submission. “Protected” better reflects the language in the objectives, policies, and methods.

188. I recommend accepting Kāi Tahu ki Murihiku’s submission in part. Although there is no policy direction in this sub-chapter to improve wāhi tūpuna where degraded, this direction is consistent with policy MW-P3 in Chapter 2.11 MW - Mana Whenua. As a consequence of accepting Kāi Tahu ki Otago’s submission, I consider the “or” should be an “and” because protection and improvement are consistent actions.

189. I recommend accepting in part the submissions supporting this provision, in respect of those parts that remain as notified.

13.5.14.4. Recommendations

190. I recommend amending HCV-WT-AER2:

HCV-WT-AER2

Wāhi tūpuna and their values are maintained protected¹⁰⁸ and improved where their values have been degraded by human activities.¹⁰⁹

13.5.15. APP7 – Identifying wāhi tūpuna

13.5.15.1. Introduction

191. As notified, APP7 reads:

APP7 – Identifying wāhi tūpuna

This appendix is a guide to assist in identifying *wāhi tūpuna*. It is not a complete list of all *wāhi tūpuna* in Otago.

Kāi Tahu use the term ‘*wāhi tūpuna*’ to describe landscapes that embody the customary and contemporary relationship of Kāi Tahu and their culture and traditions with Otago. It is important to understand this concept in the context of the distinctive seasonal lifestyle that Kāi Tahu evolved in the south. The sites and resources used by Kāi Tahu are spread throughout Otago. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use. The different elements of these sites of significance include:

TABLE 1: SITES OF SIGNIFICANCE TO KĀI TAHU

¹⁰⁷ 00223.124 Kāi Tahu ki Murihiku

¹⁰⁸ 00226.285 Kāi Tahu ki Otago

¹⁰⁹ 00223.124 Ngāi Tahu ki Murihiku

Site of significance	Explanation
Ara Tawhito	Ancient trails. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and along the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.
Kāika	Permanent settlements or occupation sites. These occurred throughout Otago, particularly in coastal areas.
Nohoaka	These were a network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements and ranged inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Wāhi Mahika kai	The places where the customary gathering of food or natural materials occurs. Mahika kai is one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Marae	The marae atea and the buildings around it, including the whareniui, wharekai, church and urupā. The sheltering havens of Kāi Tahu cultural expression, a place to gather, kōrero and to welcome visitors. Marae are expressions of Kāi Tahu past and present.
Repo raupo	Wetlands or swamps. These provide valued habitat for taoka species and mahika kai resources.
Tauraka waka	Canoe mooring sites. These were important for transport and gathering kai.
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Taumanu	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court.
Umu, Umu-tī	Earth ovens. Used for cooking tī-kōuka (cabbage tree), are found in a diversity of areas, including old stream banks and ancient river terraces, on low spurs or ridges, and in association with other features, such as kāika nohoaka.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi kōhatu	Rock outcrops. Rocky outcrops provided excellent shelters and were intensively occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā (rock art) may be present due to the occupation of such places by the tūpuna.
Wāhi pakaka	Battle sites. Historic battle sites occur throughout Otago, such as that at Ohinepouwera (Waikouaiti sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi paripari	Cliff areas.
Wāhi taoka	Resources, places and sites treasured by <i>mana whenua</i> . These valued places reflect the long history and association of Kāi Tahu with Otago.

Wāhi tapu	Places sacred to Kāi Tahu. These occur throughout Otago and include urupā (human burial sites).
Wāhi tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland.
Wai Māori	Freshwater areas important to Māori, including wai puna (springs), roto (lakes) and awa (rivers).

13.5.15.2. Submissions

192. QLDC supports the appendix as notified.¹¹⁰

193. Kāi Tahu ki Otago seeks the following amendments:¹¹¹

- “Kāi Tahu use the term ‘wāhi tūpuna’ to describe landscapes and places that embody the customary and contemporary relationship of Kāi Tahu whānui and their culture and traditions ~~with Otago~~. It is important [...] The different elements of these ~~sites~~ areas of significance include:”
- In Table 9:
 - “~~Sites~~ Areas of significance to Kāi Tahu”
 - “~~raupe~~ raupō”
- Add “tuhituhi neherā – rock art sites”

194. Ngāi Tahu ki Murihiku requests an amendment to the reference in the first sentence of the second paragraph to match the definition contained in the Interpretation section.¹¹²

13.5.15.3. Analysis

195. Both Kāi Tahu ki Otago and Ngāi Tahu ki Murihiku’s submissions improve expression of mana whenua interests. I recommend accepting Kāi Tahu ki Otago’s submission in part, preferring Ngāi Tahu ki Murihiku’s submission where they overlap because it ties the wording back to the definitions section, which helps with overall integration and consistency. I recommend accepting Ngāi Tahu ki Murihiku’s submission in full.

196. I recommend accepting in part QLDC’s submission supporting this appendix, in respect of those parts that remain as notified.

13.5.15.4. Recommendations

197. I recommend amending APP7 as follows:

APP7 – Identifying *wāhi tūpuna*

¹¹⁰ 00138.171 QLDC

¹¹¹ 00226.327 Kāi Tahu ki Otago

¹¹² 00223.135 Ngāi Tahu ki Murihiku

This appendix is a guide to assist in identifying *wāhi tūpuna*. It is not a complete list of all *wāhi tūpuna* in Otago.

Kāi Tahu use the term '*wāhi tūpuna*' to describe landscapes ~~that embody the customary and contemporary relationship of Kāi Tahu and their culture and traditions with Otago~~ and places that embody the relationship of manawhenua and their culture and traditions with their ancestral lands, water, sites, *wāhi tapu* and other taoka.¹¹³ It is important to understand this concept in the context of the distinctive seasonal lifestyle that Kāi Tahu evolved in the south. The sites and resources used by Kāi Tahu are spread throughout Otago. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use. The different elements of these sites areas¹¹⁴ of significance include:

Table 2: Sites Areas¹¹⁵ of significance to Kāi Tahu

<u>Site Area</u> ¹¹⁶ of significance	Explanation
Ara Tawhito	Ancient trails. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and along the coast, providing access to a range of mahika kai <i>mahika kai</i> ¹¹⁷ resources and inland stone resources, including pounamu and silcrete.
Kāika	Permanent settlements or occupation sites. These occurred throughout Otago, particularly in coastal areas.
Nohoaka	These were a network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements and ranged inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Wāhi mahika kai <i>mahika kai</i> ¹¹⁸	The places where the customary gathering of food or natural materials occurs. Mahika kai <i>Mahika kai</i> ¹¹⁹ is one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Marae	The marae atea and the buildings around it, including the wharenuī, wharekai, church and urupā. The sheltering havens of Kāi Tahu cultural expression, a place to gather, kōrero and to welcome visitors. Maraе are expressions of Kāi Tahu past and present.
Repo raupe <i>raupō</i> ¹²⁰	Wetlands or swamps. These provide valued habitat for taoka species and mahika kai <i>mahika kai</i> ¹²¹ resources.

¹¹³ 00223.135 Ngāi Tahu ki Murihiku

¹¹⁴ 00226.327 Kāi Tahu ki Otago

¹¹⁵ 00226.327 Kāi Tahu ki Otago

¹¹⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.327 Kāi Tahu ki Otago

¹¹⁷ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

¹¹⁸ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

¹¹⁹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

¹²⁰ 00226.327 Kāi Tahu ki Otago

¹²¹ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

Taumanu ¹²²	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court.
Tauraka waka	Canoe mooring sites. These were important for transport and gathering kai.
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Tuhituhi neherā ¹²³	Rock art sites
Taumanu ¹²⁴	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court.
Umu, Umutī	Earth ovens. Used for cooking tikōuka (cabbage tree), are found in a diversity of areas, including old stream banks and ancient river terraces, on low spurs or ridges, and in association with other features, such as kāika nohoaka.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi kōhatu	Rock outcrops. Rocky outcrops provided excellent shelters and were intensively occupied by Māori from the moahunter period into early European settlement during seasonal hikoi. Tuhituhi neherā (rock art) may be present due to the occupation of such places by the tūpuna.
Wāhi pakaka	Battle sites. Historic battle sites occur throughout Otago, such as that at Ohinepouwera (Waikōuaiti Waikōuaiti ¹²⁵ sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi paripari	Cliff areas.
Wāhi taoka	Resources, places and sites treasured by <i>mana whenua</i> . These valued places reflect the long history and association of Kāi Tahu with Otago.
Wāhi tapu	Places sacred to Kāi Tahu. These occur throughout Otago and include urupā (human burial sites).
Wāhi tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland.
Wai Māori	Freshwater areas important to Māori, including wai puna (springs), roto (lakes) and awa (rivers).

13.6. HCV – HH – Historic heritage

13.6.1. Introduction

198. Otago's historic heritage is identified as a critical part of the region's sense of identity and unique character. The historic heritage section acknowledges this and focuses on

¹²² Clause 16(2), Schedule 1, RMA

¹²³ 00226.327 Kāi Tahu ki Otago

¹²⁴ See above.

¹²⁵ 00226.024 Kāi Tahu ki Otago

ensuring that these features are appropriately identified, categorised, managed, and/or protected. In turn, these historic heritage features will continue to contribute to the unique character, and social, cultural and economic wellbeing of the region.

199. HCV – HH – Historic Heritage provides the mechanisms by which historic heritage features are identified and categorised. Guidance is then provided for the effective management of these features, and how potential adverse effects may be avoided, mitigated or remedied.
200. The direction set out in the provisions of the HCV – HH chapter includes a methodology for the appropriate identification and categorisation of historic heritage features. By providing a clear framework and process for identifying and categorising historic heritage features, there is a clearer pathway for managing any potential adverse effects on those features. There are several submissions regarding the methodology, with many seeking clarification or further detail on identification and categorisation methods.
201. The relevant provisions for this section are:
 - HCV-HH-O3 – Historic heritage sources
 - HCV-HH-P3 – Recognising historic heritage
 - HCV-HH-P4 – Identifying historic heritage
 - HCV-HH-P5 – Managing historic heritage
 - HCV-HH-P6 – Enhancing historic heritage
 - HCV-HH-P7 – Integration of historic heritage
 - HCV-HH-M4 – Regional plans
 - HCV-HH-M5 – District Plans
 - HCV-HH-M6 – Incentives and education
 - HCV-HH-E2 – Explanation
 - HCV-HH-PR2 – Principal reasons
 - HCV-HH-AER3
 - HCV-HH-AER4
 - HCV-HH-AER5
 - APP8 – Identification criteria for places and areas of historic heritage

13.6.2. General submissions

202. This section addresses the general submissions made on HCV – HH – Historic heritage.

13.6.2.1. Submissions

203. There are five general submissions for HCV – HH – Historic heritage.
204. Central Otago Heritage Trust points to the multicultural nature of historic heritage in Otago and identifies that the style and tone of HCV – HH should reflect that of HCV – WT, both for consistency and to better achieve the objectives of the chapter. Therefore, the submitter seeks amendments to the definition of historic heritage to better align with a broader interpretation of the term, as well as amendments to clearly express that priority

be given to the protection of heritage values, as well as heritage sites (as emphasised in HCV – WT).¹²⁶

205. Central Otago Heritage Trust also seek an amendment to the chapter to include a description or summary of Otago’s heritage legacy. In doing so, they state that appropriate context will be given to the policies and objectives of HCV – HH, and further clarity provided regarding heritage values of relevance to particular Otago communities.¹²⁷ Additionally, the submitter seeks amendments to objectives and policies to prioritise the recording and sharing of information concerning heritage values.¹²⁸ They highlight that this is particularly important where the Council is considering proposals for the modification or destruction of heritage sites.
206. Te Ao Marama state that amendments are required to recognise and improve the connection between HCV – HH and HH – WT, particularly as there is a high degree of overlap between the two regarding wāhi tūpuna.¹²⁹
207. Aurora Energy Limited seek consequential amendments to several provisions in the HCV – HH chapter to give effect to their relief sought for EIT-INF-P13. The submitter has not provided details of the types of amendments necessary.¹³⁰

13.6.2.2. Analysis

208. The request from Central Otago Heritage Trust for the protection of heritage values alongside heritage sites is adequately provided for in HCV-HH-P3 which recognises historic heritage values as a sub-set of historic heritage. Therefore, the provisions ensure historic heritage values are eligible for protection and amendment is unnecessary. I recommend rejecting the submission.
209. While I agree that a description of the heritage legacy of Otago would provide useful context for using the RPS, particularly for those less familiar with the topic, this is not consistent with the style adopted by the ORC in drafting the RPS, which itself stems from the National Planning Standards. A description or summary of this topic would be more appropriate within the ‘Description of the Region’ section of the RPS, however there is limited scope available to include such amendments. Therefore, I recommend rejecting this submission.
210. Regarding the recording and sharing of information, I note that the methods specify that the identification is to occur at the regional and district plan level, and the RPS does not specify how that identification is to be recorded (i.e it does not limit the local authorities to mapping the location of the site/feature). Without specific details of the amendments sought by the submitter, I recommend rejecting this submission.

¹²⁶ 00212.007 Central Otago Heritage Trust, 00212.008 Central Otago Heritage Trust

¹²⁷ 00212.006 Central Otago Heritage Trust

¹²⁸ 00212.002 Central Otago Heritage Trust

¹²⁹ 00223.125 Te Ao Marama

¹³⁰ 00315.072 Aurora Energy Limited

13.6.2.3. Recommendation

211. I do not recommend any amendments based on the general submissions on the HCV-HH chapter.

13.6.3. HCV-HH-O3 – Historic heritage resources

13.6.3.1. Introduction

212. As notified, HCV-HH-O3 reads:

HCV-HH-O3 – *Historic heritage* resources

Otago's unique *historic heritage* contributes to the region's character, sense of identity, and social, cultural and economic well-being, and is preserved for future generations.

13.6.3.2. Submissions

213. There are five submissions on HCV-HH-O3. Four submitters support HCV-HH-O3 and seek that it is retained as notified.¹³¹

214. Dunedin City Council seeks that the objective is amended to clarify that not every item of historic heritage must be preserved. DCC reasons that the preservation of all items of historic heritage would conflict with other objectives within the PORPS, and the Dunedin 2nd Generation District Plan. They provide example wording for how to acknowledge potential disparities, as follows:¹³²

Otago's unique historic heritage contributes to the region's character, sense of identity, and social, cultural and economic well-being, and retains places and areas with special or outstanding historic heritage values or qualities and seeks to, where not in conflict with other objectives, retain other places or areas with heritage values or qualities.

13.6.3.3. Analysis

215. Four submitters generally support HCV-HH-O3, seeking that the objective is retained as notified, with the submission from CODC specifically stating that they support the preservation of historic heritage for future generations. Conversely, Dunedin City Council is concerned with the outcome related to preservation, which they state would conflict with other objectives in the PORPS. I agree with the submitter that there may be some tensions between objectives and provisions that protect or preserve parts of our natural and built environment and other provisions that enable development, and there may be benefits in amending the wording of the objective to alleviate any concerns that all historic heritage sites and features are to be preserved in totality. It is my view, however, that the amendments suggested by Dunedin City Council are insufficient to provide the

¹³¹ 00201.044 CODC, 00123.002 Heritage New Zealand Pouhere Taonga, 00226.286 Kāi Tahu ki Otago, 00138.175 QLDC

¹³² 00139.231 DCC

appropriate level of protection that is anticipated by the effects management hierarchy in HCV-HH-P5 (managing Historic Heritage). In the absence of an appropriate alternative, and noting that the remainder of the chapter provides sufficient direction for achieving HCV-HH-O3, I recommend that the submission is not accepted.

13.6.3.4. Recommendation

216. I recommend HCV-HH-O3 is retained as notified.

13.6.4. HCV-HH-P3 – Recognising historic heritage

13.6.4.1. Introduction

217. As notified, HCV-HH-P3 reads:

HCV-HH-P3 – Recognising *historic heritage*

Recognise that Otago’s *historic heritage* includes:

- (1) Māori cultural and *historic heritage* values,
- (2) archaeological sites,
- (3) residential and commercial *buildings*,
- (4) pastoral sites,
- (5) surveying equipment, communications and transport, including *roads*, bridges and routes,
- (6) industrial *historic heritage*, including mills and brickworks,
- (7) gold and other mining systems and settlements,
- (8) dredge and ship wrecks,
- (9) ruins,
- (10) coastal *historic heritage*, particularly Kāi Tahu occupation sites and those associated with early European activities such as whaling,
- (11) memorials, and
- (12) trees and vegetation.

13.6.4.2. Submissions

218. There are twelve submissions on HCV-HH-P3. Four submitters support HCV-HH-P3 and seek that it is retained as notified.¹³³

219. Two submitters oppose the policy and seek that it be deleted. Both submitters state that the policy is too vague in its descriptions of historic heritage in the region, and that this could lead to territorial authorities identifying historic heritage features within District

¹³³ 00201.045 CODC, 00139.232 DCC, 00226.287 Kāi Tahu ki Otago, 00138.176 QLDC

Plans, regardless as to whether they are worthy of protection. They state that historic heritage is defined in the RMA, and therefore a directive list is unnecessary.¹³⁴

220. Six submitters seek amendments to the policy. Two of those submitters seek to add “Geological Heritage” to the list of features.¹³⁵ They point to the Moeraki Boulders as an example of geological heritage that is currently only protected as they are famous and explicitly included in the “Coastal section” (presumably the CE - Coastal Environment chapter of this pORPS).

221. The Director General of Conservation seeks to insert a new clause, as the policy does not recognise the Heritage New Zealand Pouhere Taonga Act, which is directly relevant to the purpose of the policy. The submitter provides an example of how this may be worded, or words to like effect, as follows:¹³⁶

(x) _____ and includes any historic place within the meaning under section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

222. Federated Farmers seeks consistency in whether it is Māori cultural and historic heritage being recognised, or Kāi Tahu heritage specifically, and proposes amended wording. They also propose to delete the inclusion of ‘vegetation’ in the list, pointing to uncertainty about what is being recognised; the vegetation itself, which has a shorter lifespan (in comparison to trees), or an historic heritage area covered by particular vegetation. These proposed amendments are as follows:¹³⁷

(1) ~~Māori~~ Kāi Tahu cultural and historic heritage values,

...

(12) *trees and vegetation*

223. Toitū Te Whenua requests redrafting the definition of historic heritage to better reflect cultural and heritage values associated with farming activities, but not including the activity itself. For example, a historic wool shed which has heritage value associated with farming activities.¹³⁸

224. Waitaki DC seeks clarity regarding the difference between coastal historic heritage, clause (10), and Māori cultural and historic heritage values, clause (1), as there may be duplication between the two. They also seek clarity whether ‘Māori and cultural and historic heritage values’ refers to sites as well as values, as they note that the two are typically interconnected. Waitaki DC also proposes amended wording as follows:¹³⁹

(5) *surveying equipment, communications and transport, including roads, bridges, railway infrastructure and routes*

¹³⁴ 00016.018 Alluvium and Stoney Creek, 00017.016 Danny Walker and others

¹³⁵ 00416.002 Gerald Carter, 00117.002 Waitaki Whitestone Geopark Trust

¹³⁶ 00137.143 Director General of Conservation

¹³⁷ 00239.158 Federated Farmers

¹³⁸ 00101.054 Toitū Te Whenua

¹³⁹ 00140.029 Waitaki DC

(6) *industrial historic heritage, including mills, quarries, limekilns, grain stores, water supply infrastructure and brickworks,*

(7) *gold, limestone and other mining systems and settlements,*

(8) *dredge and shipwrecks, and coastal structures and buildings, including breakwaters, jetties, and lighthouses*

(11) *memorials and cemeteries*

(12) *trees and vegetation*

(12A) *military structures or remains*

13.6.4.3. Analysis

225. HCV-HH-P3 provides important regional context to the policy framework, to assist with understanding and acknowledging the types of values, sites and features that form part of Otago's historic heritage. On this basis I recommend rejecting submissions seeking that the policy be deleted. The list contained in HCV-HH-P3 is non-exhaustive, and it is my view that several of the suggested amendments describing additional sites and features would result in a more comprehensive list that is better reflective of the types historic heritage in Otago. I recommend that submission from Waitaki District Council is accepted in part.
226. I also agree with Waitaki District Council that there is likely to be duplication between clauses (1) and (10), however I do not consider that any duplication within the list needs to be resolved or removed to implement the package of provisions related to historic heritage. I do not recommend any amendments in response to this part of Waitaki District Council's submission.
227. I agree with Waitaki District Council's statement that Māori cultural values and sites are typically interconnected and can see how this may raise questions for those reading the PORPS 2021. The Wāhi Tūpuna section refers to identification of sites and areas of significance, while also explicitly referring to the identification of the cultural values that can contribute to that significance. Therefore, I recommend that clause (1) be amended to refer to both 'values' and 'sites'.
228. I also consider that the amendments sought by Federated Farmers would assist in clarifying that the cultural values are specifically Kai Tahu values. I also agree with the submitter that vegetation is unlikely to be a particularly relevant feature for historic heritage, for the reasons included in their submission.
229. Regarding the inclusion of 'Geological Heritage' to the provision, I consider that geological features are more appropriately managed under the provisions in the NFL – Natural Features and Landscapes chapter. NFL-PR1 and APP9 (Identification criteria for outstanding and highly valued natural features, landscapes and seascapes) explicitly include physical attributes including geological components. I do not consider that geological features need to be managed under the historic heritage policy framework, as well as the NFL framework. I do not recommend that the submission is accepted.

13.6.4.4. Recommendation

230. I recommend amending HCV-HH-P3 as follows:

HCV-HH-P3 – Recognising *historic heritage*

Recognise that Otago’s *historic heritage* includes:

- (1) Māori Kāi Tahu cultural and historic heritage values and sites,¹⁴⁰
- (2) archaeological sites,
- (3) residential and commercial *buildings*,
- (4) pastoral sites,
- (5) surveying equipment, communications and transport, including roads, bridges, railway infrastructure¹⁴¹ and routes,
- (6) industrial *historic heritage*, including mills, quarries, limekilns, grain stores, water supply infrastructure¹⁴² and brickworks,
- (7) gold, limestone¹⁴³ and other mining systems and settlements,
- (8) dredge and ship wrecks, and coastal structures and buildings, including breakwaters, jetties, and lighthouses,¹⁴⁴
- (9) ruins,
- (10) coastal *historic heritage*, particularly Kāi Tahu occupation sites and those associated with early European activities such as whaling,
- (11) memorials and cemeteries,¹⁴⁵ ~~and~~
- (12) trees and vegetation, ~~and~~¹⁴⁶
- (13) military structures or remains.¹⁴⁷

13.6.5. HCV-HH-P4 – Identifying historic heritage

13.6.5.1. Introduction

231. As notified, HCV-HH-P4 reads:

HCV-HH-P4 – Identifying *historic heritage*

¹⁴⁰ 00239.158 Federated Farmers; 00226.287 Kāi Tahu ki Otago, 00140.029 Waitaki DC

¹⁴¹ 00140.029 Waitaki DC

¹⁴² 00140.029 Waitaki DC

¹⁴³ 00140.029 Waitaki DC

¹⁴⁴ 00140.029 Waitaki DC

¹⁴⁵ 00140.029 Waitaki DC

¹⁴⁶ 00239.158 Federated Farmers

¹⁴⁷ 00140.029 Waitaki DC

Identify the places and areas of *historic heritage* in Otago in accordance with APP8 and categorise them as:

- (1) places and areas with special or outstanding *historic heritage* values or qualities, or
- (2) places and areas with *historic heritage* values or qualities.

13.6.5.2. Submissions

232. There are eight submissions on HCV-HH-P4. CODC, Kāi Tahu ki Otago, and QLDC support the policy and seek that it is retained as notified.¹⁴⁸
233. The Director General of Conservation states that neither the policy nor the referenced APP8 provide enough certainty or clarity around determining whether values, places or areas are special or outstanding. They request that the policy is amended to provide clearer criteria or guidance and refer to the HNZPT *Significance Assessment Guidelines* March 2019.¹⁴⁹
234. DCC points to resourcing implications and potential inconsistency between the policy and their Dunedin 2nd Generation Plan. They state that their 2nd Generation Plan does not currently have resourcing to implement a two-tier categorisation of heritage items. Therefore, they seek that the council considers whether an amendment is necessary to bridge the gap between their current approaches to identification and the policy, such as a mechanism for district plans.¹⁵⁰
235. Ngāi Tahu ki Murihiku asks that the policy recognise wāhi tūpuna as part of historic heritage and that clause (2) provides appropriate description for wāhi tūpuna. Therefore, they seek that the policy is amended as follows:¹⁵¹

Identify the places and areas of historic heritage in Otago in accordance with APP7 and APP8 and ~~categorise~~ describe them as...

236. Both Trojan and Wayfare seek to delete the clauses of the policy, as they state the policy does not align with APP8 to provide an effective means of distinguishing between what is 'special' versus 'outstanding'. They seek amendment as follows:¹⁵²

Identify the places and areas of historic heritage in Otago in accordance with APP8 and ~~categorise~~ them as:

- (1) *places and areas with special or outstanding historic heritage values or qualities, or*
- (2) *places and areas with historic heritage values or qualities*

¹⁴⁸ 00201.046 CODC, 00226.288 Kāi Tahu ki Otago, 00138.177 QLDC.

¹⁴⁹ 00137.144 Director General of Conservation

¹⁵⁰ 00139.233 DCC

¹⁵¹ 00223.126 Ngāi Tahu ki Murihiku

¹⁵² 00206.060 Trojan, 00411.074 Wayfare

13.6.5.3. Analysis

237. In response to the Director General of Conservation, the development of APP8 was based on the criteria contained in the HNZPT significance assessment guidelines to provide a consistent approach for identifying and managing historic heritage across Otago, using clear criteria and guidance that is familiar, understood and easily replicated. In the absence of suggested amendments to the provisions, I recommend that the submission is rejected.
238. DCC raises concerns about the resourcing implications of implementing the direction set out in HCV-HH-P4, and the potential inconsistency with their district plan. I note that a two-tiered classification system is not a new requirement, with the proposed policy direction being a refinement of the approach set out in the pORPS 2019. The pORPS 2019 includes a requirement to avoid adverse effects on those values that contribute to the area or place of regional or national significance, and minimise significant adverse effects on other values of areas and places of historic heritage. I also note that resourcing requirements were considered in the development of the provisions, with the s32 evaluation report¹⁵³ identifying that there will be an increase in cost for the territorial authorities to identify and manage heritage through plan reviews, however that cost will be lower than the status quo for district councils that have not undertaken a plan review since the notification of the PORPS 2019. While there will be additional costs for those councils that have already undertaken a plan review, it is not anticipated that their plans will be reviewed ahead of a 10-year planning cycle in response to the HCV – HH chapter. For these reasons I recommend rejecting this submission point from DCC.
239. Ngāi Tahu ki Murihiku seeks that HCV-HH-P4 recognise wāhi tūpuna as part of historic heritage. While the submission has merit, it is unclear how the two different effects management hierarchies (set out in HCV-WT-P2 and HCV-HH-P5) would apply to wāhi tūpuna. Further clarification from the submitter would assist in understanding how these two management hierarchies would apply to wāhi tupuna, and if one would take precedence over another. Without further clarification, I do not recommend the submission point from Ngāi Tahu ki Murihiku is accepted.
240. In response to submissions seeking the deletion of clauses (1) and (2), I note that these clauses are important for retaining the two-tiered classification approach, as APP8 does not provide the distinction between special or outstanding. This two-tiered approach is, as mentioned earlier, a refinement of the pORPS 2019 provisions. I recommend rejecting these submissions.

13.6.5.4. Recommendation

241. I recommend HCV-HH-P4 is retained as notified but remain open to Ngāi Tahu ki Murihiku providing further comment or clarification on their request to include wāhi tūpuna as part of historic heritage.

¹⁵³ Table 60, page 185

13.6.6. HCV-HH-P5 – Managing historic heritage

13.6.6.1. Introduction

242. As notified, HCV-HH-P5 reads:

HCV-HH-P5 – Managing historic heritage

Protect *historic heritage* by:

- (1) requiring the use of accidental discovery protocols,
- (2) avoiding adverse *effects* on areas or places with special or outstanding *historic heritage* values or qualities,
- (3) avoiding significant adverse *effects* on areas or places with *historic heritage* values or qualities,
- (4) avoiding, as the first priority, other adverse *effects* on areas or places with *historic heritage* values or qualities,
- (5) where adverse *effects* demonstrably cannot be completely avoided, remedying or mitigating them, and
- (6) recognising that for *infrastructure*, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (5).

13.6.6.2. Submissions

243. There are twenty-two submissions on HCV-HH-P5. CODC, Meridian, and QLDC support the policy and seek to retain it as notified.¹⁵⁴ The remaining submissions either seek that the policy is amended to provide clarification and improve the readability of the policy, or seek amendments to the effects hierarchy to better enable certain types of activities, including:

- Regionally and Nationally Significant Infrastructure activities;
- Infrastructure activities that are not classified as being regionally or nationally significant;
- Existing activities.

General amendments

244. The Director General of Conservation seeks to amend the policy to ensure consistency with earlier relief sought for HCV-HH-P4. To ensure the levels of protection are appropriate to the identified values or qualities of the historic heritage feature, they seek to amend as follows, or words to like effect:¹⁵⁵

- (2) *avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities, except where adverse*

¹⁵⁴ 00201.047 CODC, 00306.067 Meridian, 00138.178 QLDC

¹⁵⁵ 00137.145 Director General of Conservation

effects result from integration of historic heritage values into new activities and adaptive reuse or upgrade as provided for in Policy HCV-HH-P7.

245. Kāi Tahu ki Otago supports the protection of historic heritage, but seeks amendments in the wording of the policy to establish a clear hierarchy of effects management as follows:¹⁵⁶

Protect historic heritage by:

(1) avoiding adverse effects on areas or places with outstanding historic heritage values or qualities,

(2) for other areas or places with historic heritage values or qualities:

(a) avoiding significant adverse effects on historic heritage values or qualities

(b) avoiding, as the first priority, other adverse effects on historic heritage values or qualities,

(c) where adverse effects cannot be avoided, remedying, or mitigating adverse effects on historic heritage values or qualities.

(3) require the use of accidental discovery protocols for any earthworks

(4) recognising that for infrastructure, EIT-INF-P13 applies instead of HCV-HH-P5 (1) to (5).

(1) requiring the use of accidental discovery protocols,

(2) avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities,

(3) avoiding significant adverse effects on areas or places with historic heritage values or qualities,

(4) avoiding, as the first priority, other adverse effects on areas or places with historic heritage values or qualities,

(5) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating them, and

(6) recognising that for infrastructure, EIT – INF – P13 applies instead of HCV – HH – P5 (1) to (5).

246. DCC also states that several amendments are required for clarity. One is required for clauses (4) and (5) as it is unclear whether clause (5) is only attached to clause (4), and therefore missing punctuation/formatting, or whether it applies to clauses (2) and (3) as well. The second is to replace the word ‘demonstrably’ with ‘practicably,’ as this is

¹⁵⁶ 00226.289 Kāi Tahu ki Otago

considered a more commonly understood term. If this is not feasible, the submitter requires clarity regarding what type of demonstration is required to adhere to this policy. The third is to provide an example of 'other adverse effects' to provide clearer guidance on what this may include.¹⁵⁷

247. Federated Farmers states that there is a need to include accidental discovery protocols in the APPs, so that it is clear (and prescribed) what is required. Federated Farmers seeks clarification on who is managing accidental discovery protocols and whether it is local authorities. Clarification is also sought regarding what makes an area/place/site special or outstanding, as opposed to a site just containing historic heritage values.¹⁵⁸

Regionally and Nationally Significant Infrastructure;

248. The Telecommunications Companies seek to add a new clause recognising the importance of infrastructure connections to heritage buildings in supporting the ongoing use and protection of historic heritage.¹⁵⁹ They have not included suggested wording in their submission.

249. Transpower states that, subject to their submission for a new policy in the EIT-INF section, a further cross-reference should be added to HCV-HH-P5 to provide clarity regarding the management of effects from the National Grid on historic heritage. They request a new clause, as follows:¹⁶⁰

(7) managing the effects of the development of the National Grid on historic heritage in accordance with EIT-INF-Px and (1) and (4) above do not apply.

250. Trustpower seeks to add a new clause to the policy, as a means of ensuring consistency with other points of their submission, including cross-referencing with the EIT-EN chapter for renewable electricity generation activities. This new clause is proposed as follows:¹⁶¹

(7) recognising that this policy does not apply to renewable electricity generation activities (which are subject to the provisions of EIT – EN).

251. Waka Kotahi generally supports the policy, however states that the 'avoid' requirement in clauses (2) and (3) may impact their ability to maintain the state highway. They have also submitted proposed amendments to policy EIT-INF-P13 of Chapter 9: EIT – Energy, infrastructure and transport, which this policy refers to in clause (6). Waka Kotahi seeks amendment to the wording in order to recognise and provide for the functional and operational needs of infrastructure. They provide examples of how this may be addressed, including replacing 'avoid' with 'minimise' (or similar) and including a new clause, as follows:¹⁶²

¹⁵⁷ 00139.234 DCC

¹⁵⁸ 00239.159 Federated Farmers

¹⁵⁹ 00310.013 The Telecommunications Companies

¹⁶⁰ 00314.046 Transpower

¹⁶¹ 00311.055 Trustpower

¹⁶² 00305.075 Waka Kotahi

(7) while recognising the functional and operational needs of nationally and regionally significant infrastructure.

252. Queenstown Airport opposes the policy as it is, stating that it is more stringent than section 6(f) of the RMA. They seek to amend the policy to align with this section of the RMA, as follows:¹⁶³

Protect historic heritage from inappropriate subdivision, use and development by:

- (1) requiring the use of accidental discovery protocols,*
- (2) avoiding adverse effects on areas or places with special significant or outstanding historic heritage values or qualities,*
- (3) avoiding significant adverse effects on areas or places with historic heritage values or qualities,*
- (4) avoiding, ~~as the first priority, other~~ remedying or mitigating adverse effects on areas or places with historic heritage values or qualities,*
- (5) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating them, and*
- (6) recognising that for infrastructure, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (5)*

253. Aurora Energy Limited states that, provided the necessary amendments are made to EIT-INF-P13 (as raised within their submission), they would support retaining the policy as notified.¹⁶⁴

Providing for activities that are not classified as being regionally or nationally significant infrastructure

254. DCC considers the policy unnecessarily onerous and limiting and points out that the definition of ‘effect’ is broad; minor or temporary effects may be acceptable, but overall preservation/re-use may outweigh these. An example provided by DCC is the new Dunedin Hospital, which may not have been able to go ahead under this policy due to the site housing the old Cadbury factory (which had no practical adaptive reuse purpose). Therefore, DCC proposes amendments to include a caveat to ‘avoid’, such as ‘where practicable.’¹⁶⁵

255. OWRUG states that, provided the amendments sought for EIT-INF-P13 are accepted, they support retaining clause (6) of this policy. Alternatively, they seek to amend clause (6) to manage adverse effects on historic heritage for infrastructure that is not nationally or regionally significance in accordance with clauses (3) to (5) of Policy HCV-HH-P5. As infrastructure developments often have functional and locational requirements that

¹⁶³ 00313.028 Queenstown Airport

¹⁶⁴ 00315.071 Aurora Energy Limited

¹⁶⁵ 00139.234 DCC

dictate where they can occur, OWRUG considers the activity appropriate to be managed in accordance with the effects mitigation hierarchy.¹⁶⁶

256. Federated Farmers opposes the use of an effects management hierarchy as it has been presented, and seeks amendments as follows:¹⁶⁷

(2) avoiding, remedying or mitigating adverse effects on areas or places with special or outstanding historic heritage values or qualities,

(3) avoiding, remedying or mitigating ~~significant~~ adverse effects on area or places with historic heritage values or qualities,

(4) avoiding, as the first priority, other adverse effects on areas or places with historic heritage values or qualities,

(5) where adverse effects demonstrably cannot be avoided, remedying or mitigating them, and

~~(6)~~(4) recognising that for infrastructure, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (53).

257. Alluvium and Stoney Creek, and Danny Walker and others seek to delete clauses (2) and (3) from the policy. They state that these clauses contain strict avoidance policy for categories (special or outstanding) that have unclear requirements. They highlight that such avoidance policy is problematic for activities like mineral extraction, which often occur on sites of historic heritage due to the location of gold resources. As the Heritage New Zealand Pouhere Taonga Act provides mechanisms for protection of significant archaeological sites, they consider it unnecessary to include such restrictive policy in the pRPS as it results in duplication of protections. They seek to amend the policy as follows:¹⁶⁸

Protect historic heritage by:

(1) Requiring the use of accidental discovery protocols,

(2) Avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities,

(3) Avoiding significant adverse effects on areas or places with historic heritage values or qualities,

258. Trojan and Wayfare state that unless the community is aware of which activities could potentially be restricted or prevented, then a policy directing them to 'avoid' adverse effects is inappropriate. Therefore, they both seek to delete clause (2) from the policy.¹⁶⁹

¹⁶⁶ 00235.136 OWRUG

¹⁶⁷ 00239.159 Federated Farmers

¹⁶⁸ 00016.020 Alluvium and Stoney Creek, 00017.018 Danny Walker and others

¹⁶⁹ 00206.061 Trojan, 00411.075 Wayfare

Existing activities.

259. Graymont has the Makareao Plant and Quarry site, which is classified as a Category 1 Historic Place, and has a specific exclusion area over it, allowing for its operation. They seek to add a new clause to ensure that their existing activities can continue, and that these can be maintained, developed and upgraded, where necessary. They propose an amendment as follows:¹⁷⁰

(7) providing for existing, lawfully established activities to continue to operate and to be maintained, developed and upgraded where necessary.

260. Te Waihanga states that they support the policy in principle, however the threshold of 'cannot' may be too high in some circumstances, therefore they seek an amendment to the policy as follows:¹⁷¹

(5) where adverse effects demonstrably cannot practicably be ~~completely~~ avoided, remedying or mitigating them, and...

261. Oceana Gold opposes the policy as it is, stating that it is overly restrictive and has the potential to significantly constrain development of areas which contain or are adjacent to sites of historic heritage. Similar to the Graymont submission, they comment on current mining activities which occur on, and adjacent to, historic mining sites and will continue to affect such sites (particularly at Macraes). Oceana Gold states that adverse effects can only be remedied or mitigated, because to be 'completely avoided' would mean not undertaking the activity in the first instance. Therefore, they propose an amendment to clause (3), and to delete clauses (2), (4) and (5) as follows:¹⁷²

Protect historic heritage by:

- (1) requiring the use of accidental discovery protocols,*
- (2) avoiding adverse effects on areas or places with special or outstanding historic heritage values or qualities,*
- (3) avoiding significant adverse effects on areas or places with historic heritage values or qualities, where adverse effects of any scale cannot be avoided due to functional or locational constraints of the activity, require adverse effects to be remedied and/or mitigated.*
- (4) avoiding, as the first priority, other adverse effects on areas or places with historic heritage values or qualities,*
- (5) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating them, and*

¹⁷⁰ 00022.024 Graymont

¹⁷¹ 00321.036 Te Waihanga

¹⁷² 00115.029 Oceana Gold

(6) recognising that for infrastructure, EIT – INF – P13 applies instead of HCV–HH– P5(1) to (5).

262. Toitū Te Whenua seeks to amend the policy to set a more realistic benchmark and acknowledge that avoiding adverse effects is not possible in all situations. They recommend replacing ‘avoiding’ with ‘striving to avoid.’¹⁷³

13.6.6.3. Analysis

263. The analysis below follows the same topic groupings set out in the section above.

General submissions

264. The Director General of Conservation points out in their submission the requirement to avoid effects on areas or places with special or outstanding historic heritage values or qualities may prevent some projects (such as adaptive reuse and upgrade) from proceeding. I agree with the submitter and consider that including a link to Policy HCV-HH-P7 (adaptive reuse and upgrade) is a clear way of providing for the integration of historic heritage values into new activities. Alternatively, the wording of the pORPS 2019 may be useful as it seeks to avoid adverse effects on the significant values of special or outstanding historic heritage places or features. This approach would also provide for several other submissions, without weakening the policy position of other provisions. I recommend this submission is accepted in part, and a new clause be included in the provision¹⁷⁴.

265. In response to the submission from DCC, I consider that “demonstrably” has a different meaning to “practicably”, in that the former requires that it must be clearly evident that adverse effects cannot be avoided. It is my view that using this term places the onus on those wishing to undertake the activity to provide practical evidence that this is not a viable option, rather than a more subjective assessment of whether or not avoidance is “practical”. Using “practicably” could also result in a weakening of the policy position. I therefore recommend that the submission point is rejected.

266. I do however agree with the submission from DCC seeking clarity regarding the application of clause (5), as the policy is missing the appropriate formatting to provide clear direction to ensure clause (5) only applies to clause (4). The amendments sought by Kāi Tahu ki Otago address this particular issue, however I recommend retaining the word “demonstrably” for the reasons set out above. I recommend both submissions are accepted in part¹⁷⁵.

267. DCC also seeks that the policy provides an example of “other adverse effects”. In the context of HCV-HH-P5, I note that “other adverse effects” relates to all adverse effects that are not significant. The Quality Planning website describes “significant adverse effects” as *an effect that is noticeable and will have a serious adverse impact on the*

¹⁷³ 00101.055 Toitū Te Whenua

¹⁷⁴ 00137.145 Director General of Conservation

¹⁷⁵ 00226.289 Kāi Tahu ki Otago; 00139.234 DCC

*environment but could potentially be mitigated or remedied*¹⁷⁶. I do not consider that any amendments are required in response to this submission¹⁷⁷.

268. In relation to the submission from Federated Farmers seeking guidance on the application and form of accidental discovery protocols, I note that HCV-HH-M4 and HCV-HH-M5 require both regional councils and territorial authorities to include accidental discovery protocols as conditions on resource consents. I consider that the content of the accidental discovery protocols is more appropriately set at a regional or district plan level and therefore do not recommend this submission point is accepted.
269. Federated Farmers also seeks clarification about what makes an area/place/site special or outstanding, as opposed to a site just containing historic heritage values.¹⁷⁸ It is unclear from the submission what amendments would be necessary. In absence of this information, I recommend this submission is not accepted¹⁷⁹.

Regionally and Nationally Significant Infrastructure

270. Trustpower seeks that HCV-HH-P5 is amended to specify that this policy does not apply to renewable electricity generation activities. I note that the cross-reference to EIT-INF-P13 provides the pathway for all activities related to regionally and nationally significant infrastructure in areas or places of significant or outstanding historic heritage. I do not consider it is appropriate to allow any type of infrastructure activity to be exempt from the effects management hierarchy in areas or places of historic heritage, as that could risk failure to achieve the objectives. I do not recommend this submission is accepted¹⁸⁰.
271. I agree with the Telecommunications Companies that they provide support to heritage buildings, however it is unclear why special mention of this service is required within the policy, which provides direction on the management of historic heritage. I do not recommend that this submission is accepted¹⁸¹.
272. Several other infrastructure providers have sought amendments to the corresponding policy in the EIT – INF chapter (EIT-INF-P13). This policy provides a different effects management hierarchy for activities associated with regionally and nationally significant infrastructure, including proposed activities in areas or places of significant or outstanding historic heritage. I note that the author of that section of this s42A report has not recommended any amendments to EIT – INF in response to the amendments sought by Waka Kotahi, Trustpower or Transpower, and as such I do not recommend accepting the consequential amendments sought to HCV-HH-P5¹⁸².
273. Queenstown Airport seeks amendments to the effects management hierarchy, and as these amendments are not specific to “regionally significant infrastructure”, the

¹⁷⁶ <https://qualityplanning.org.nz/node/837> accessed 22/02/2022

¹⁷⁷ 00139.234 DCC

¹⁷⁸ 00239.159 Federated Farmers

¹⁷⁹ 00239.159 Federated Farmers

¹⁸⁰ 00311.055 Trustpower

¹⁸¹ 00310.013 The Telecommunications Companies

¹⁸² 00311.055 Trustpower, 00305.075 Waka Kotahi, 00314.046 Transpower

submission points are addressed in the section below alongside other similar submissions.

Infrastructure activities that are not classified as being regionally or nationally significant, and other existing activities.

274. Several submissions request the deletion of clauses (2) and (3) from HCV-HH-P5, with other submitters seeking various amendments to clauses (2) through to (5) to provide a more enabling effects management hierarchy. Section 6 of the RMA provides clear guidance that historic heritage must be protected from inappropriate use, development or subdivision as a matter of national importance. For a site or feature to be considered to have special or outstanding historic heritage values, it must meet the significance criteria in APP8, which includes criteria related to the significance of the site at a regional or national level. A site or feature that meets these criteria is worthy of protection from adverse effects. It is recommended that the strong policy position for avoiding adverse effects on these sites and features is retained.
275. Similarly, I also consider that it is appropriate to retain the direction to avoid significant adverse effects on other historic heritage sites or features as a first preference. I recommend that the submissions seeking the deletion of clauses (2) and (3) are rejected¹⁸³. I also recommend rejecting all submissions seeking other amendments that provide a pathway to either avoid, remedy or mitigate adverse effects¹⁸⁴, or deleting the requirement to avoid adverse effects¹⁸⁵, as this is an unjustified weakening of the policy position.
276. Upholding the proposed effects management hierarchy is integral for achieving HCV-HH-O2, and it is my view that suggested amendments to provide carve outs or exemptions for particular types of activities (including infrastructure that is not nationally or regionally significant) would erode the strong policy position presented in HCV-HH-P5 for managing historic heritage. Where there is a functional need for a particular activity to occur at a site, the activity must be managed in accordance with the policy, where there are options provided to mitigate or remedy some types of effects.
277. Graymont seeks the inclusion of a clause that provides for existing, lawfully established activities to continue to operate, and to be maintained, developed and upgraded where necessary. I note that section 10 of the RMA provides protection for certain existing types of land uses, provided that the land use was lawfully established before any rule becoming operative or a proposed plan notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed prior to the rule becoming operative/plan being notified.
278. It is expected that the continued operation, maintenance and upgrade of the site will be able to continue under the allowances set out in section 10 of the RMA, and it is unnecessary to provide specific provision for this within the RPS. I note that there may be some instances where development, upgrade or extension of the activity may not be

¹⁸³ 00016.020 Alluvium and Stoney Creek, 00017.018 Danny Walker and others

¹⁸⁴ 00239.159 Federated Farmers

¹⁸⁵ 00206.061 Trojan, 00411.075 Wayfare

able to meet the test set out in section 10(1)(a)(ii) of the RMA (effects being the same or similar in character, intensity and scale), however the effects management hierarchy set out in HCV-HH-P5 enables remedy or mitigation of effects in some instances. Consistent with earlier recommendations, I recommend rejecting the submissions¹⁸⁶ seeking exemptions and carve outs for particular activities, or adherence to a different effects management hierarchy for different activities.

13.6.6.4. Recommendation

279. I recommend amending HCV-HH-P5 as follows:

HCV-HH-P5 – Managing *historic heritage*

Protect historic heritage by:

- (1) requiring the use of accidental discovery protocols,
- (2) avoiding adverse *effects* on areas or places with special or outstanding *historic heritage* values or qualities, except in the circumstances where HCV-HH-P7 applies,¹⁸⁷
- (3) avoiding significant adverse *effects* on areas or places with *historic heritage* values or qualities,
- (4) avoiding, as the first priority, other adverse *effects* on areas or places with *historic heritage* values or qualities,
- ~~(5) —and where it is demonstrated that adverse *effects* demonstrably cannot be completely avoided, they are remedied or mitigated remedying or mitigating them, and~~¹⁸⁸
- (6) recognising that for *infrastructure*, EIT-INF-P13 applies instead of HCV-HH-P5(1) to (5).

13.6.7. HCV-HH-P6 – Enhancing historic heritage

13.6.7.1. Introduction

280. As notified, HCV-HH-P6 reads:

HCV-HH-P6 – Enhancing *historic heritage*

Enhance places and areas of *historic heritage* wherever possible through the implementation of plan provisions, decisions on applications for *resource consent* and notices of requirement and non-regulatory methods.

¹⁸⁶ 00235.136 OWRUG, 00022.024 Graymont, 00321.036 Te Waihanga; 00115.029 Oceana Gold; 00313.028 Queenstown Airport; 00101.055 Toitū Te Whenua

¹⁸⁷ 00137.145 Director General of Conservation

¹⁸⁸ 00226.289 Kāi Tahu ki Otago; 00139.234 DCC

13.6.7.2. Submissions

281. There are nine submissions on HCV-HH-P6. CODC and QLDC support the policy and seek that it is retained as notified.¹⁸⁹

282. Alluvium and Stoney Creek, and Danny Walker and others seek amendment to the policy, as they state that requiring enhancement whenever possible would place a significant burden on consent applicants. Instead, they seek to amend the wording as follows:¹⁹⁰

Enhance places and areas of historic heritage wherever ~~possible~~ practicable through the implementation ...

283. Trustpower seeks a similar amendment to the previous submitters, stating that enhancement of historic heritage may not always be possible due to location, condition or use. Therefore, they seek that the policy is amended as follows:¹⁹¹

Enhance places and areas of historic heritage wherever possible and practicable through the implementation ...

284. Waka Kotahi provides similar analysis to previous submitters, stating that they support the intention of the policy and want to ensure applicants are only required to undertake enhancements where reasonable. They seek amendment as follows:¹⁹²

Enhance places and areas of historic heritage wherever possible and reasonable through the implementation ...

285. DCC seeks clarity on what is meant by 'enhance' and recommend replacement with wording like 'encourage the maintenance, ongoing use and adaptive re-use of...' They state that this would make the language used consistent with the Dunedin 2nd Generation Plan. They also state that 'through the implementation of' is awkward phrasing for policy, and recommend re-wording the policy to:¹⁹³

Encourage the maintenance, ongoing use and adaptive re-use of historic heritage through plan provisions which enables these activities in a way that also minimises adverse effects on identified heritage values.

286. As mentioned earlier, Graymont has the Makareao Plant and Quarry site, which is classified as a Category 1 Historic Place, and has a specific exclusion area over it, allowing for its operation. They request that a qualifier is added to the policy to ensure that their existing activities can continue, and that these can be maintained, developed and upgraded, where necessary. They propose an amendment as follows:¹⁹⁴

Enhance places and areas of historic heritage wherever possible through the implementation of plan provisions, decisions on applications for resource consent

¹⁸⁹ 00201.048 CODC, 00138.179 QLDC

¹⁹⁰ 00016.021 Alluvium and Stoney Creek, 00017.019 Danny Walker and others

¹⁹¹ 00311.056 Trustpower

¹⁹² 00305.076 Waka Kotahi

¹⁹³ 00139.235 DCC

¹⁹⁴ 00022.025 Graymont

and notices of requirement and non-regulatory methods while providing for existing, lawfully established activities to continue to operate and to be maintained, developed and upgraded where necessary.

287. Kāi Tahu ki Otago supports the enhancement of places and areas of historic heritage, and states that HCV-HH-P6 AND HCV-HH-P7 could be amalgamated into one policy. They state that this approach is supported by the explanation to historic heritage (E2) and the principal reasons (PR2). Therefore, they seek to amend as follows:¹⁹⁵

Enhance places and areas of historic heritage wherever possible through the implementation of plan provisions, decisions on applications for resource consent and notices of requirement and non-regulatory methods.

Enhance places and areas of historic heritage through:

- (a) the implementation of plan provisions,
- (b) decisions on applications for resource consent and notices of requirement,
- (c) the integration of historic heritage values into new activities,
- (d) enabling adaptive reuse or upgrade of historic heritage places and areas, and
- (e) non-regulatory methods

13.6.7.3. Analysis

288. For those submissions requesting the insertion of a qualifier, such as ‘where practicable’ and ‘where reasonable,’ in each instance they result in weakening of the policy position for historic heritage. I recommend these submissions are rejected.
289. I agree with the submission from Kāi Tahu ki Otago that HCV-HH-P6 (Enhancing historic heritage) and HCV-HH-P7 (Integration of historic heritage) do not necessarily require separate provisions, noting that the requested amendment to amalgamate the two provides a more cohesive policy and addresses some of the issues raised by other submitters. However, I am concerned that the management approach for the two policies is different, with HCV-HH-P6 setting the direction for enhancing historic heritage where possible, and HCV-HH-P7 describing the actions that can be undertaken to maintain historic heritage values through the integration of historic heritage. Given that it is important to maintain the distinction between the two approaches, I do not recommend accepting this submission.
290. The term ‘enhance’ is commonly used and understood in resource management, and it focuses on improving the existing values, sites and areas within the region. This intent is lost through the amendments sought by DCC, as well as there being potential conflicts

¹⁹⁵ 00226.290 Kāi Tahu ki Otago

between their proposed wording and the management approach set out in HCV-HH-P5 (Managing historic heritage). I therefore recommend not accepting this submission.

13.6.7.4. Recommendation

291. That HCV-HH-P6 is retained as notified.

13.6.8. HCV-HH-P7 – Integration of historic heritage

13.6.8.1. Introduction

292. As notified, HCV-HH-P7 reads:

HCV-HH-P7 – Integration of *historic heritage*

Maintain *historic heritage* values through the integration of *historic heritage* values into new activities and the adaptive reuse or upgrade of *historic heritage* places and areas.

13.6.8.2. Submissions

293. There are six submissions on HCV-HH-P7. QLDC and Waitaki DC support the policy and seek that it is retained as notified.¹⁹⁶

294. DCC opposes the policy and seeks that it is deleted in favour of a reworded HCV-HH-P6 (which is included in the previous section).¹⁹⁷

295. Kāi Tahu ki Otago opposes the policy and seeks that it is deleted in favour of integrating HCV-HH-P7 and HCV-HH-P6 (as included in the previous section).¹⁹⁸

296. Federated Farmers seeks clarity regarding ‘adaptive reuse or upgrade.’ They state that if this specifically refers to ‘built’ areas, that this be made clear. Therefore, they seek an amendment, as follows:¹⁹⁹

Maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of built historic heritage places and areas.

297. Trustpower considers that the policy should recognise that integration of historic heritage values into the identified activities, may not always be possible due to location, condition or use. They seek an amendment, as follows:²⁰⁰

Where practicable maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.

¹⁹⁶ 00138.180 QLDC, 00140.030 Waitaki DC

¹⁹⁷ 00139.236 DCC

¹⁹⁸ 00226.291 Kāi Tahu ki Otago

¹⁹⁹ 00239.160 Federated Farmers

²⁰⁰ 00311.057 Trustpower

13.6.8.3. Analysis

298. I note that the submissions seeking to delete the provision in favour of an amalgamated HCV-HH-P6 have been addressed in the section above. Consistent with that recommendation, I do not recommend that these submissions are accepted.

299. I am unclear from the Federated Farmers submission as to the risks and/or benefits of inserting the term 'built' into the provision, and whether this will result in the exclusion of other forms of historic heritage from upgrade and adaptive re-use. HCV-HH-AER5 explicitly refers to how adaptive re-use may be used to maintain, enhance and integrate Otago's existing built historic heritage, but this does not necessarily mean that 'upgrades' are exclusive to 'built' environments. Therefore, I recommend the submission is rejected as it is unclear how this would improve the provision.

300. As in earlier comments, the use of the qualifier 'where practicable' in this provision, weakens the policy position. I recommend this submission is rejected.

13.6.8.4. Recommendation

301. I recommend HCV-HH-P7 is retained as notified.

13.6.9. HCV-HH-M4 – Regional plans

13.6.9.1. Introduction

302. As notified, HCV-HH-M4 reads:

HCV-HH-M4 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

(1) identify places and areas with *historic heritage* in accordance with HCV-HH-P4 that are located in the *beds of lakes and rivers, wetlands* and the *coastal marine area*,

(2) control the following where they may adversely affect *historic heritage*:

(a) the character, location, scale and form of *structures* in the *beds of lakes and rivers, wetlands* and in the *coastal marine area*,

(b) indigenous vegetation removal in the *beds of lakes and rivers, wetlands* and the *coastal marine area*,

(c) *earthworks*, deposition and disturbance to and in the *beds of lakes and rivers* and in the *coastal marine area*,

(d) *discharges* to air,

(e) taking, use, damming and diversion of, and *discharges* to, *water*, and

(f) the disturbance, demolition or alteration of physical elements or *structures of historic heritage* in the *beds of lakes and rivers* and in the *coastal marine area*,

(3) include implementation methods to protect *historic heritage* that are in accordance with HCV-HH-P5 and may also include:

(a) assessment criteria, development standards or thresholds to control the scale, intensity, form and location of activities (including for the purposes of controlling cumulative adverse *effects*), and

(b) conditions on *resource consents* to provide buffers or setbacks between *historic heritage* places or areas and other incompatible activity, and

(4) require the use of accidental discovery protocols as conditions on *resource consents* for *earthworks* or other activities that may encounter archaeological features.

13.6.9.2. Submissions

303. There are three submissions on HCV-HH-M4. Waka Kotahi supports the provision and seeks to retain it as notified.²⁰¹

304. Toitū Te Whenua seeks to amend the provision to include any other soil disturbance as a sub-clause to clause (2).²⁰²

305. Kāi Tahu ki Otago supports the provision with amendments to enable Kāi Tahu to exercise their kaitiaki role by identifying historic heritage values for mana whenua in accordance with HCV-HH-P4. They seek amendments as follows:²⁰³

(2) enable Kāi Tahu to identify places and areas with historic heritage values for mana whenua in accordance with HCV-HH-P4 that are located on the beds of lakes and rivers, and in wetlands and the coastal marine area.

~~(2)~~(3) *control the following where they may adversely affect historic heritage: ...*

13.6.9.3. Analysis

306. It is unclear how including any other soil disturbance in the provision is relevant to the preservation of historic heritage. The submitter did not provide reasoning for this amendment and so, in the absence of further explanation or justification, I recommend the submission be rejected.

307. I agree with the addition of a new clause enabling Kāi Tahu to exercise their kaitiaki role by identifying historic heritage values for mana whenua. This would ensure consistency with HCV – WT – Wāhi tūpuna.

²⁰¹ 00305.077 Waka Kotahi

²⁰² 00101.056 Toitū Te Whenua

²⁰³ 00226.292 Kāi Tahu ki Otago

13.6.9.4. Recommendation

308. I recommend HCV-HH-M4 is amended as follows:²⁰⁴

HCV-HH-M4 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

- (1) identify places and areas with *historic heritage* in accordance with HCV-HH-P4 that are located in the *beds of lakes and rivers, wetlands* and the *coastal marine area*,
- (2) control the following where they may adversely affect *historic heritage*:
 - (a) the character, location, scale and form of *structures* in the *beds of lakes and rivers, wetlands* and in the *coastal marine area*,
 - (b) indigenous vegetation removal in the *beds of lakes and rivers, wetlands* and the *coastal marine area*,
 - (c) *earthworks*, deposition and disturbance to and in the *beds of lakes and rivers* and in the *coastal marine area*,
 - (d) *discharges* to air,
 - (e) taking, use, damming and diversion of, and *discharges* to, *water*, and
 - (f) the disturbance, demolition or alteration of physical elements or *structures* of *historic heritage* in the *beds of lakes and rivers* and in the *coastal marine area*,
- (2A) enable Kāi Tahu to identify places and areas with historic heritage values for mana whenua in accordance with HCV-HH-P4 that are located on the beds of lakes and rivers, and in wetlands and the coastal marine area,²⁰⁵
- (3) include implementation methods to protect *historic heritage* that are in accordance with HCV-HH-P5 and may also include:
 - (a) assessment criteria, development standards or thresholds to control the scale, intensity, form and location of activities (including for the purposes of controlling cumulative adverse *effects*), and
 - (b) conditions on *resource consents* to provide buffers or setbacks between *historic heritage* places or areas and other incompatible activity, and
 - (4) require the use of accidental discovery protocols as conditions on *resource consents* for *earthworks* or other activities that may encounter archaeological features.

²⁰⁴ 00226.292 Kāi Tahu ki Otago

²⁰⁵ 00226.292 Kāi Tahu ki Otago

13.6.10. HCV-HH-M5 – District plans

13.6.10.1. Introduction

309. As notified, HCV-HH-M5 reads:

HCV-HH-M5 – District Plans

Territorial authorities must prepare or amend and maintain their *district plans* to the extent necessary to:

- (1) identify places and areas with *historic heritage* in accordance with HCV-HH-P4 that are located outside the *beds of lakes and rivers, wetlands* and the *coastal marine area*,
- (2) control the following where they may adversely affect *historic heritage*:
 - (a) the location, intensity and form of *subdivision*,
 - (b) the character, location, scale and form of activities (including *structures*) outside the *beds of lakes and rivers* and the *coastal marine area*,
 - (c) the location and scale of *earthworks* and indigenous vegetation removal outside the *beds of lakes and rivers* and the *coastal marine area*,
 - (d) the disturbance, demolition or alteration of physical elements or *structures* with special or outstanding *historic heritage* value or qualities outside the *coastal marine area, beds of lakes and rivers*,
- (3) include implementation methods to protect *historic heritage* places and areas required by HCV-HH-P5, and may also include:
 - (a) assessment criteria, development standards or thresholds to control the scale, intensity, form and location of activities (including for the purposes of controlling cumulative adverse *effects*),
 - (b) conditions on *resource consents* and designations to provide buffers or setbacks between *historic heritage* places or areas and other incompatible activity,
 - (c) accidental discovery protocols as conditions on *resource consents* for *earthworks* or other activities that may unearth archaeological features,
 - (d) providing for activities seeking to retain *historic heritage* places, areas or landscapes, including adaptive reuse, maintenance and seismic strengthening,
 - (e) including heritage alert layers in plans to inform the public about areas where there is a high probability of the presence of heritage values, particularly archaeological values, and

- (4) require the use of accidental discovery protocols as conditions on *resource consents* and designations for *earthworks* or other activities that may unearth archaeological features.

13.6.10.2. Submissions

310. There are ten submissions on HCV-HH-M5. CODC, QLDC and Waka Kotahi support the provision, and seek that it is retained as notified.²⁰⁶

311. Gerald Carter, and Waitaki Whitestone Geopark Trust reiterate their concerns from earlier submissions that geological heritage is absent from the RPS as a whole, and particularly within this chapter. Therefore, they seek to amend the provision as follows:²⁰⁷

(3) ...

(e) including heritage alert layers in plans to inform the public about areas where there is a high probability of the presence of heritage values, particularly archaeological values and geological values, and

(4) require the use of accidental discovery protocols as conditions on resource consents and designations for earthworks or other activities that may unearth archaeological features or geological features.

312. DCC seeks amendments to the provision as they state that the location or presence of historic heritage is not always known, therefore the provision requires further detail. They seek to amend clause (2) and insert a new clause immediately after, as follows:²⁰⁸

(2) where the location and values of historic heritage is known, control the following where they may adversely affect historic heritage:

...

(3) where the location of historic values is suspected but not known, include provisions that alert plan users to the need to follow accidental discovery protocol or other appropriate plan provisions to protect historic heritage,

313. Horticulture NZ seeks amendments to include further direction for the implementation of buffers or setbacks, by providing more detail in the wording. They provide amendments to (3)(b) as follows:²⁰⁹

(b) conditions on resource consents and designation to provide buffers or setbacks to mitigate adverse effects on the historic heritage values and qualities between of historic heritage places or areas and other from incompatible activity

²⁰⁶ 00201.049 CODC, 00138.182 QLDC, 00305.078 Waka Kotahi

²⁰⁷ 00416.003 Gerald Carter

²⁰⁸ 00139.237 DCC

²⁰⁹ 00236.095 Horticulture NZ

314. Kāi Tahu ki Otago supports the policy with amendments to enable Kāi Tahu to exercise their kaitiaki role by identifying historic heritage values for mana whenua in accordance with HCV-HH-P4. They seek amendments as follows:²¹⁰

(2A) enable Kāi Tahu to identify places and areas with historic heritage values for mana whenua in accordance with HCV-HH-P4 that are located outside the beds of lakes and rivers, wetlands and the coastal marine area,

315. Toitū Te Whenua seeks to include soil disturbance as a sub-clause to clause (2), to ensure consistency with previous submission on HCV-HH-M4.²¹¹

13.6.10.3. Analysis

316. Submissions seeking the addition of geological sites in the HCV-HH chapter have been evaluated against HCV-HH-P3, and are not repeated here. For the reasons set out in that section of this report I do not recommend these submissions be accepted.

317. I note that the amendments sought by Kāi Tahu ki Otago are consistent with the HCV-WT chapter. I recommend that the submission point be accepted.

318. I consider that the amendments set out in the submission of DCC appear to be pragmatic suggestion, however I note that directing that the listed matters be ‘controlled where they might adversely affect historic heritage’ is a clear signal that district plans need policy and rules with appropriate terms and conditions – and these should automatically consider known and unknown. I do not consider there is a need to include specific direction for this. In addition, I note the chapeau includes the words “to the extent necessary”, which is deliberate because at a regional level the extent necessary cannot possibly be known. As such, I do not recommend these submissions are accepted.

319. In response to the submission from Horticulture NZ, I do not consider that further direction on implementation of buffers or setbacks is necessary. The direction in HCV-HH-M5 has a clear link to HCV-HH-P5, which sets a specific effects management hierarchy for activities. The requested amendments are inconsistent with the effects management hierarchy as it removes the option to avoid adverse effects. I do not recommend this submission is accepted. I.

320. The submission from Toitū Te Whenua seeks to include reference to soil disturbance to the activities that will be controlled in a district plan, where they may adversely affect historic heritage. I note that the definition of earthworks is comprehensive, and only excludes gardening, cultivation and the disturbance of land for fence posts. It is unclear from the submission whether the "soil disturbance" envisioned by the submitter is to provide for these particular activities. In the absence of further information, I recommend this submission be rejected.

13.6.10.4. Recommendation

321. I recommend HCV-HH-M5 is amended as follows:

²¹⁰ 00226.293 Kāi Tahu ki Otago

²¹¹ 00101.057 Toitū Te Whenua

HCV-HH-M5 – District Plans

Territorial authorities must prepare or amend and maintain their district plans to the extent necessary to:

- (1) identify places and areas with historic heritage in accordance with HCV-HH-P4 that are located outside the beds of lakes and rivers, wetlands and the coastal marine area,
- (2) control the following where they may adversely affect historic heritage:
 - (a) the location, intensity and form of subdivision,
 - (b) the character, location, scale and form of activities (including structures) outside the beds of lakes and rivers and the coastal marine area,
 - (c) the location and scale of earthworks and indigenous vegetation removal outside the beds of lakes and rivers and the coastal marine area,
 - (d) the disturbance, demolition or alteration of physical elements or structures with special or outstanding historic heritage value or qualities outside the coastal marine area, beds of lakes and rivers,
- (2A) enable Kāi Tahu to identify places and areas with historic heritage values for mana whenua in accordance with HCV-HH-P4 that are located outside the beds of lakes and rivers, wetlands and the coastal marine area,²¹²
- (3) include implementation methods to protect historic heritage places and areas required by HCV-HH-P5, and may also include:
 - (a) assessment criteria, development standards or thresholds to control the scale, intensity, form and location of activities (including for the purposes of controlling cumulative adverse effects),
 - (b) conditions on resource consents and designations to provide buffers or setbacks between historic heritage places or areas and other incompatible activity,
 - (c) accidental discovery protocols as conditions on resource consents for earthworks or other activities that may unearth archaeological features,
 - (d) providing for activities seeking to retain historic heritage places, areas or landscapes, including adaptive reuse, maintenance and seismic strengthening,
 - (e) including heritage alert layers in plans to inform the public about areas where there is a high probability of the presence of heritage values, particularly archaeological values, and

²¹² 00226.293 Kāi Tahu ki Otago

(4) require the use of accidental discovery protocols as conditions on resource consents and designations for earthworks or other activities that may unearth archaeological features.

13.6.11. HCV-HH-M6 – Incentives and education

13.6.11.1. Introduction

322. As notified, HCV-HH-M6 reads:

HCV-HH-M6 – Incentives and education

Local authorities are encouraged to use other mechanisms or incentives to assist in achieving Policies HCV-HH-P3 to HCV-HH-P7, including:

- (1) promoting public awareness of *historic heritage* values through providing information and education, and
- (2) rates differentials and *resource consent* fee waivers for activities that involve the retention of historic places or areas.

13.6.11.2. Submissions

323. There are seven submissions on HCV-HH-M6. QLDC and Federated Farmers support the policy and seek that it is retained as notified.²¹³

324. Toitū Te Whenua states that ORC must carefully consider releasing information to the public regarding the locations and types of historical and cultural sites and values in the region. They point out that this may result in perverse outcomes, such as the destruction or vandalism of those sites. There is no explicit amendment sought.²¹⁴

325. Gerald Carter, and Waitaki Whitestone Geopark Trust seek to replace the term ‘historic’ with ‘heritage’ to be consistent with earlier submissions, as follows:²¹⁵

(2) rates differentials and resource consent fee waivers for activities that involve the retention of ~~historic~~ heritage places or areas.

326. DCC seeks to amend the policy to include other ‘economic instruments’ as a means of broadening the scope of the policy, although they also recognise that it is not meant to be an exclusive list.²¹⁶

327. Kāi Tahu ki Otago, consistent with their earlier submissions, seeks an amendment to include a clause specific to Kāi Tahu regarding interpretation of historic heritage values for mana whenua, as follows:²¹⁷

²¹³ 00138.183 QLDC, 00239.161 Federated Farmers

²¹⁴ 00101.058 Toitū Te Whenua

²¹⁵ 00416.004 Gerald Carter, 00117.005 Waitaki Whitestone Geopark Trust

²¹⁶ 00139.238 DCC

²¹⁷ 00226.294 Kāi Tahu ki Otago

(2A) enabling Kāi Tahu to interpret places and areas with historic heritage values for mana whenua, and

13.6.11.3. Analysis

328. The identification and recording of sites and places of historic heritage is an important step in being able to appropriately manage activities in and near these sites. I consider that making this information available to the public will assist in implementing the provisions in this chapter of the PORPS 2020, and consider that these benefits outweigh the risk of any perverse outcomes suggested by Toitū Te Whenua. I recommend this submission point is not accepted.
329. In relation to the submission from DCC, I agree that the list of mechanisms or incentives to assist in achieving Policies HCV-HH-P3 to HCV-HH-P7 is non-exhaustive, and does not prevent councils from utilising other economic incentives or instruments. I consider that the amendments suggested by DCC are not clear in their meaning, and do not improve the meaning or application of the method. I do not recommend this submission is accepted.
330. I consider that the amendments sought by Kāi Tahu ki Otago are consistent with the direction set out in the MW and HCV – WT chapters, and recommend that this submission is accepted.
331. I consider it appropriate to continue to use the term “historic heritage” throughout this chapter, consistent with the RMA and New Zealand Planning Standards and therefore recommend rejecting submissions seeking alternative terms²¹⁸.

13.6.11.4. Recommendation

332. I recommend HCV-HH-M6 is amended as follows:²¹⁹

HCV-HH-M6 – Incentives and education

Local authorities are encouraged to use other mechanisms or incentives to assist in achieving Policies HCV-HH-P3 to HCV-HH-P7, including:

- (1) promoting public awareness of *historic heritage* values through providing information and education, and
- (2) rates differentials and *resource consent* fee waivers for activities that involve the retention of historic places or areas.
- (3) enabling Kāi Tahu to interpret places and areas with historic heritage values for mana whenua.²²⁰

²¹⁸ 00416.004 Gerald Carter, 00117.005 Waitaki Whitestone Geopark Trust

²¹⁹ 00226.294 Kāi Tahu ki Otago

²²⁰ 00226.294 Kāi Tahu ki Otago

13.6.12. HCV-HH-E2 – Explanation

13.6.12.1. Introduction

333. As notified, HCV-HH-E2 reads:

HCV-HH-E2 – Explanation

The policies in this section are designed to ensure that Otago’s unique *historic heritage* continues to contribute to the region’s character, sense of identity, and social and economic well-being by requiring places and areas of significant *historic heritage* to be identified using regionally consistent methodology, then protecting or managing those sites or areas in particular ways to ensure that other activities do not detract from the region’s special character and sense of identity. This also includes enhancing places and areas of *historic heritage* by encouraging the integration of *historic heritage* values into new activities and enabling the adaptive reuse or upgrade of *historic heritage* places in certain circumstances.

13.6.12.2. Submissions

334. There are two submissions on this section. QLDC supports it and seeks that it is retained as notified.²²¹

335. Kāi Tahu ki Otago seeks several amendments for the purpose of readability. These are as follows.²²²

... then protecting or managing those sites or areas ~~in particular ways~~ to ensure that ~~other~~ activities do not detract from the region’s special character and sense of identity. This also includes enhancing places and areas of historic heritage by encouraging the integration of historic heritage values into new activities and enabling the adaptive reuse or upgrade of historic heritage places ~~in certain circumstances~~.

13.6.12.3. Analysis

336. I consider that some of the amendments suggested by Kāi Tahu ki Otago generally improve the explanation, however I consider that it is appropriate to retain “in certain circumstances” on the basis that integration of historic heritage and adaptive reuse or upgrade is not applicable to all circumstances. I recommend the submission from Kāi Tahu ki Otago is accepted in part.

13.6.12.4. Recommendation

337. I recommend HCV-HH-E2 is amended as follows:²²³

HCV-HH-E2 – Explanation

²²¹ 00138.84 QLDC

²²² 00226.295 Kāi Tahu ki Otago

²²³ 00226.295 Kāi Tahu ki Otago

The policies in this section are designed to ensure that Otago's unique *historic heritage* continues to contribute to the region's character, sense of identity, and social and economic well-being by requiring places and areas of significant *historic heritage* to be identified using regionally consistent methodology, then protecting or managing those sites or areas in particular ways to ensure that other²²⁴ activities do not detract from the region's special character and sense of identity. This also includes enhancing places and areas of *historic heritage* by encouraging the integration of *historic heritage* values into new activities and enabling the adaptive reuse or upgrade of *historic heritage* places in certain circumstances.

13.6.13. HCV-HH-PR2 – Principal reasons

13.6.13.1. Introduction

338. As notified, HCV-HH-PR2 reads:

HCV-HH-PR2 – Principal reasons

Otago is a region rich in *historic heritage*, with a diversity of significant cultural and *historic heritage* places and areas that contribute to its special character and identity. *Historic heritage* encompasses historic sites, *structures*, places, and areas; archaeological sites; sites of significance to Māori (including wāhi tapu and wāhi taoka) and the broader surroundings and landscape in which they are situated. The heritage resources in Otago are reflective of the history that helped to shape the region, and is representative of the different cultures, industries and institutions that contributed to its development. Historic landscapes in the coastal *environment* are specifically recognised in Policy 17 of the NZCPS.

The provisions in this chapter assist in implementing section 6(f) of the RMA 1991 and the NZCPS by requiring:

- the identification of places and areas with *historic heritage* values and qualities and places and areas with special or outstanding *historic heritage* values and qualities using clear criteria and methodology that is regionally consistent,
- the protection of *historic heritage* from inappropriate *subdivision*, use and development,
- the enhancement of *historic heritage* through the integration of *historic heritage* values into new activities and enabling the adaptive reuse or upgrade of *historic heritage* places and areas in certain circumstances, and
- specified actions on the part of Otago's *local authorities* in managing *historic heritage*.

Implementation of the provisions in this chapter will occur primarily through *regional* and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

²²⁴ 00226.295 Kāi Tahu ki Otago

13.6.13.2. Submissions

339. There are five submissions on HCV-HH-PR2. QLDC supports the provision and seeks that it is retained as notified.²²⁵

340. Gerald Carter, and Waitaki Whitestone Geopark Trust seek to amend the second sentence of the policy to include geological sites, as follows:²²⁶

...heritage encompasses historic sites, structures, places, and areas; archaeological sites and geological sites; sites of significance to...

341. Kāi Tahu ki Otago seeks amendments to the wording in the second sentence of the provision, to ensure consistency in the use of wāhi tūpuna (which includes wāhi tapu and wāhi taoka sites), as follows:²²⁷

Historic heritage encompasses historic sites, structures, places, and areas; archaeological sites; sites of significance to Māori (including wāhi tūpuna, wāhi tapu and wāhi taoka sites) and the broader surroundings and landscape in which they are situated

342. Trustpower, consistent with their earlier submission, seeks amendment to the wording, to include ‘where practicable’ at the beginning of the third bullet point, as follows:²²⁸

... where practicable, the enhancement of historic heritage through the integration of historic heritage values into new activities and enabling the adaptive reuse or upgrade of historic heritage places and areas in certain circumstances ...

13.6.13.3. Analysis

343. Submissions seeking the addition of geological sites in the HCV – HH chapter have been evaluated against HCV-HH-P3. For the reasons set out in that section of this report I do not recommend these submissions be accepted.

344. I note that the amendments requested by Trustpower do not provide additional certainty about the rationale for the provisions in this chapter, and therefore do not recommend the submission is accepted. Conversely, the suggested amendment from Kāi Tahu ki Otago does provide additional certainty about the reasons for the provisions as they apply to wāhi tapu and wāhi taoka sites. I note that the identification and management of effects on wāhi tūpuna is set out in the HCV-WT chapter, and note that including it within the HCV-HH chapter may create some uncertainty or confusion about which provisions prevail. I do not recommend that wāhi tūpuna is included in the explanation, but otherwise recommend the submission from Kāi Tahu ki Otago be accepted in part.

²²⁵ 00138.185 QLDC

²²⁶ 00416.005 Gerald Carter, 0011.006 Waitaki Whitestone Geopark Trust

²²⁷ 00226.296 Kāi Tahu ki Otago

²²⁸ 00311.058 Trustpower

13.6.13.4. Recommendation

345. I recommend HCV-HH-PR2 is amended as follows:²²⁹

HCV-HH-PR2 – Principal reasons

Otago is a region rich in *historic heritage*, with a diversity of significant cultural and *historic heritage* places and areas that contribute to its special character and identity. *Historic heritage* encompasses historic sites, *structures*, places, and areas; archaeological sites; sites of significance to Māori (including wāhi tapu and wāhi taoka sites)²³⁰ and the broader surroundings and landscape in which they are situated. The heritage resources in Otago are reflective of the history that helped to shape the region, and is representative of the different cultures, industries and institutions that contributed to its development. Historic landscapes in the coastal *environment* are specifically recognised in Policy 17 of the NZCPS.

The provisions in this chapter assist in implementing section 6(f) of the RMA ~~1991~~²³¹ and the NZCPS by requiring:

- the identification of places and areas with *historic heritage* values and qualities and places and areas with special or outstanding *historic heritage* values and qualities using clear criteria and methodology that is regionally consistent,
- the protection of *historic heritage* from inappropriate *subdivision*, use and development,
- the enhancement of *historic heritage* through the integration of *historic heritage* values into new activities and enabling the adaptive reuse or upgrade of *historic heritage* places and areas in certain circumstances, and
- specified actions on the part of Otago's *local authorities* in managing *historic heritage*.
- Implementation of the provisions in this chapter will occur primarily through *regional plans*²³² and *district plan* provisions, however *local authorities* may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.

13.6.14. HCV-HH-AER3

13.6.14.1. Introduction

346. As notified, HCV-HH-AER3 reads:

HCV-HH-AER3

²²⁹ 00226.296 Kāi Tahu ki Otago

²³⁰ 00226.296 Kāi Tahu ki Otago

²³¹ Clause 16(2), Schedule 1, RMA

²³² Clause 16(2), Schedule 1, RMA

Heritage resources that make a significant contribution towards Otago's *historic heritage* are identified and protected

13.6.14.2. Submissions

347. There is one submission on HCV-HH-AER3, and it is from QLDC who supports the provision and seeks that it is retained as notified.²³³

13.6.14.3. Analysis

348. As stated above, the submitter seeks that it is retained as notified.

13.6.14.4. Recommendation

349. I recommend HCV-HH-AER3 is retained as notified.

13.6.15. HCV-HH-AER4

13.6.15.1. Introduction

350. As notified, HCV-HH-AER4 reads:

HCV-HH-AER4

The number, type, extent and distribution of *historic heritage* sites and places with special or outstanding values or qualities are maintained.

13.6.15.2. Submissions

351. There is one submission for HCV-HH-AER4, and it is from QLDC who supports the provision and seeks that it is retained as notified.²³⁴

13.6.15.3. Analysis

352. As stated above, the submitter seeks that it is retained as notified.

13.6.15.4. Recommendation

353. I recommend HCV-HH-AER4 is retained as notified.

13.6.16. HCV-HH-AER5

13.6.16.1. Introduction

354. As notified, HCV-HH-AER5 reads:

HCV-HH-AER5

Otago's existing built *historic heritage* is maintained, enhanced and integrated through efficient use, or adaptive reuse, where appropriate.

²³³ 00138.186 QLDC

²³⁴ 00138.187 QLDC

13.6.16.2. Submissions

355. There is one submission for HCV-HH-AER5, and it is from QLDC who supports the provision and seeks that it is retained as notified.²³⁵

13.6.16.3. Analysis

356. As stated above, the submitter seeks that it is retained as notified.

13.6.16.4. Recommendation

357. I recommend HCV-HH-AER5 is retained as notified.

13.6.17. APP8 – Identification criteria for places and areas of historic heritage

13.6.17.1. Introduction

358. APP8 sets out the criteria a place or area must meet to be considered as having historic heritage value, while also providing criteria for assessing the significance of those areas and places with historic heritage. As notified, APP8 reads:

APP8 – Identification criteria for places and areas of historic heritage

A place or area is considered to have *historic heritage* if it meets any one or more of criteria below:

Aesthetic	The place has, or includes, aesthetic qualities that are considered to be especially pleasing, particularly beautiful, or overwhelming to the senses, eliciting an emotional response. These qualities are demonstrably valued, either by an existing community or the general public, to the extent that they could be expected to experience a sense of loss if the qualities which evoke the aesthetic value were no longer there.
Archaeological	The place provides, or is demonstrably likely to provide, physical evidence of human activity that could be investigated using archaeological methods. Evidence obtained from an archaeological investigation could be expected to be of significance in answering research questions, or as a new or important source of information about an aspect of New Zealand history.
Architectural	The place reflects identifiable methods of construction or architectural styles or movements. When compared with other similar examples, or in the view of experts or relevant practitioners, it has characteristics reflecting a significant development in this country's architecture. Alternatively, or in conjunction with this, the place is an important or representative example of architecture associated with a particular region or the wider New Zealand landscape.
Cultural	The place reflects significant aspects of an identifiable culture and it can be demonstrated that the place is valued by the associated cultural group as an important or representative expression of that culture.

²³⁵ 00138.188 QLDC

Historic	The place contributes to the understanding of a significant aspect of New Zealand history and has characteristics making it particularly useful for enhancing understanding of this aspect of history, especially when compared to other similar places.
Scientific	The place includes, or is demonstrably likely to include, fabric expected to be of significance in answering research questions or a new or important source of information about an aspect of New Zealand's cultural or historical past through the use of specified scientific methods of enquiry.
Social	The place has a clearly associated community that developed because of the place, and its special characteristics. The community has demonstrated that it values the place to a significant degree because it brings its members together, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.
Spiritual	The place is associated with a community or group who value the place for its religious, mystical or sacred meaning, association or symbolism. The community or group regard the place with reverence, veneration and respect, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.
Technological	The place includes physical evidence of a technological advance or method that was widely adopted, particularly innovative, or which made a significant contribution to New Zealand history OR The place reflects significant technical accomplishment in comparison with other similar examples or, in the view of experts or practitioners in the field, has characteristics making the place particularly able to contribute towards our understanding of this technology.
Traditional	The place reflects a tradition that has been passed down by a community or culture for a long period, usually generations and especially since before living memory, and has characteristics reflecting important or representative aspects of this tradition to a significant extent.

The significance of areas and places with *historic heritage* will be assessed having regard to the following criteria:

- (1) the extent to which the place reflects important or representative aspects of Otago or New Zealand history,
- (2) the association of the place with events, persons, or ideas of importance in Otago or New Zealand history,
- (3) the potential of the place to provide knowledge of Otago or New Zealand history,
- (4) the importance of the place to *takata whenua*,
- (5) the community association with, or public esteem for, the place,

- (6) the potential of the place for public education,
- (7) the technical accomplishment, value, or design of the place,
- (8) the symbolic or commemorative value of the place,
- (9) the importance of identifying historic places known to date from an early period of Otago's or New Zealand's settlement,
- (10) the importance of identifying rare types of historic places, and
- (11) the extent to which the place forms part of a wider historical and cultural area.

13.6.17.2. Submissions

359. There are thirteen submissions on APP8. The Director General of Conservation and QLDC both support APP8 and seek that it is retained as notified.²³⁶

360. Alluvium and Stoney Creek, and Danny Walker and others seek to remove the Aesthetic, Social, Spiritual and Traditional criteria, as well as reference to those criteria.²³⁷ The submitters note that there is no mention of these terms in the definition in section 2 of the RMA, and consider that it is entirely inappropriate to include these as criteria for determining historic heritage. The submitters refer to the section 32 analysis, which indicates that the additional criteria come from the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines. The submitters note that these guidelines were developed based on the criteria which Heritage New Zealand are required consider under the Heritage New Zealand Pouhere Taonga Act when determining whether to add a historic place or area to the New Zealand Heritage List and state that it is not appropriate to use these criteria in an RMA context without comprehensive analysis of the implications of doing so.

361. Gerald Carter, and Waitaki Whitestone Geopark Trust seek to amend APP8 by adding in a new geological identification criterion. This ensures consistency with earlier submissions concerning the inclusion of geological heritage into policy. The proposed amendment is as follows:²³⁸

Geological: The natural range (diversity) of geological (rocks, minerals, fossils), geomorphological (landforms, topography, physical processes), soil and hydrological features. It includes their assemblages, structures, systems, and contributions to landscapes.

362. For consistency with their previous submissions, Gerald Carter, and Waitaki Whitestone Geopark Trust also seek to add new geological significance criteria to the list, as follows:²³⁹

(11A) The extent that the place represents our geological diversity

²³⁶ 00137.160 Director General of Conservation, 00138.181 QLDC

²³⁷ 00016.019 Alluvium and Stoney Creek, 00017.017 Danny Walker and others

²³⁸ 00416.006 Gerald Carter, 00117.007 Waitaki Whitestone Geopark Trust

²³⁹ 00416.007 Gerald Carter, 00117.008 Waitaki Whitestone Geopark Trust

363. Federated Farmers seeks clarification for why the identification criteria has changed from the recently resolved in the partially operative RPS.²⁴⁰
364. Heritage New Zealand Pouhere Taonga states that while they support the inclusion of historic heritage significance assessment criteria in the RPS and does not object to the Significance Assessment Guidelines being used, they must be correctly presented. As the Significance Assessment Guidelines are based on the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines, this must be appropriately referenced due to copyright requirements. Therefore, the submitter seeks amendments as follows:²⁴¹

APP8 – Identification criteria for places and areas of historic heritage

A place or area is considered to have historic heritage if it meets any one or more of the criteria below, as stated in the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines:

Aesthetic significance or value ...

Archaeological significance or value ...

Architectural significance or value ...

Cultural significance or value ...

Historic significance or value ...

Scientific significance or value ...

Social significance or value ...

Spiritual significance or value ...

Technological significance or value ...

Traditional significance or value ...

365. DCC also notes that APP8 is derived from the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019. They consider that a reference to this document is required and will support “the change in methodology being proposed here, so that practitioners understand the full method required to identify and justify places and areas of historic heritage”. Accordingly, they request that APP8 is amended to include clear reference to the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines 2019.²⁴²

13.6.17.3. Analysis

366. Heritage New Zealand Pouhere Taonga and DCC have correctly identified that the genesis of the identification criteria is the Significance Assessment Guidelines. I consider that the amendments proposed by the submitters would ensure that APP8 better aligns with the guidelines, and the criteria are appropriately presented in accordance with that

²⁴⁰ 00239.190 Federated Farmers

²⁴¹ 00123.003 Heritage New Zealand Pouhere Taonga

²⁴² 00139.239 DCC

document. However, I do not consider it is appropriate to add the word “significance” to each of the ten criteria for identifying places or areas with historic heritage, as the second step to the identification criteria is to determine the significance of the site.

367. I note that while the majority of APP8 is an extract from the Significance Assessment Guidelines, some amendments have been made to the significance criteria. Even so, I agree it would be appropriate to reference the Heritage New Zealand Pouhere Taonga Significance Assessment Guidelines. I recommend the submissions from Historic Heritage Pouhere Taonga and DCC are accepted²⁴³.

368. The rationale for the change in approach from the PORPS 2019 is set out in the s32 report at paragraph 665, which states:

The PORPS 2019 provisions related to historic values have been implemented through various district planning processes, which has highlighted issues with the direction related to areas of “regional or national significance” and the ability of councils to apply a consistent approach to identifying and managing historic heritage.

369. It is unclear from the Federated Farmers submission what changes are being requested. I do not recommend their submission is accepted²⁴⁴.

370. Submissions seeking the addition of geological sites in the HCV-HH chapter have been evaluated against HCV-HH-P3. For the reasons set out in that section of this report I do not recommend these submissions be accepted²⁴⁵.

371. I agree with the submission from Alluvium and Stoney Creek, and Danny Walker and others, that the terms Aesthetic, Social, Spiritual and Traditional are not included in the definition of section 2 of the RMA.²⁴⁶ I note that the use of these criteria are a key component of a holistic, pragmatic and consistent approach to managing historic heritage in Otago, to best achieve the outcomes expressed in HH-HCV-O3. I therefore consider it is appropriate to align with the guidance and framework adopted by Heritage New Zealand Pouhere Taonga. I recommend rejecting this submission point.

13.6.17.4. Recommendation

372. I recommend APP8 is amended as follows:²⁴⁷

APP8 – Identification criteria for places and areas of *historic heritage*

²⁴³ 00123.003 Heritage New Zealand Pouhere Taonga, 00139.239 DCC

²⁴⁴ 00239.190 Federated Farmers

²⁴⁵ 00416.007 Gerald Carter, 00117.008 Waitaki Whitestone Geopark Trust

²⁴⁶ 00016.019 Alluvium and Stoney Creek, 00017.017 Danny Walker and others

²⁴⁷ 00123.003 Heritage New Zealand Pouhere Taonga

A place or area is considered to have *historic heritage* if it meets any one or more of the²⁴⁸ criteria below:²⁴⁹

<u>Aesthetic value</u>	The place has, or includes, aesthetic qualities that are considered to be especially pleasing, particularly beautiful, or overwhelming to the senses, eliciting an emotional response. These qualities are demonstrably valued, either by an existing community or the general public, to the extent that they could be expected to experience a sense of loss if the qualities which evoke the aesthetic value were no longer there.
<u>Archaeological value</u>	The place provides, or is demonstrably likely to provide, physical evidence of human activity that could be investigated using archaeological methods. Evidence obtained from an archaeological investigation could be expected to be of significance in answering research questions, or as a new or important source of information about an aspect of New Zealand history.
<u>Architectural value</u>	The place reflects identifiable methods of construction or architectural styles or movements. When compared with other similar examples, or in the view of experts or relevant practitioners, it has characteristics reflecting a significant development in this country's architecture. Alternatively, or in conjunction with this, the place is an important or representative example of architecture associated with a particular region or the wider New Zealand landscape.
<u>Cultural value</u>	The place reflects significant aspects of an identifiable culture and it can be demonstrated that the place is valued by the associated cultural group as an important or representative expression of that culture.
<u>Historic value</u>	The place contributes to the understanding of a significant aspect of New Zealand history and has characteristics making it particularly useful for enhancing understanding of this aspect of history, especially when compared to other similar places.
<u>Scientific value</u>	The place includes, or is demonstrably likely to include, fabric expected to be of significance in answering research questions or a new or important source of information about an aspect of New

²⁴⁸ Clause 16(2), Schedule 1 RMA 1991

²⁴⁹ The identification criteria in APP8 follows O'Brian, R and Barnes-Wylie J, Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero (2019) which has been adopted by Heritage New Zealand Pouhere Taonga as its Significance Assessment Guidelines (00123.003 Heritage New Zealand Pouhere Taonga, 00139.239 DCC)

Zealand's cultural or historical past through the use of specified scientific methods of enquiry.

Social value The place has a clearly associated community that developed because of the place, and its special characteristics. The community has demonstrated that it values the place to a significant degree because it brings its members together, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.

Spiritual value The place is associated with a community or group who value the place for its religious, mystical or sacred meaning, association or symbolism. The community or group regard the place with reverence, veneration and respect, and they might be expected to feel a collective sense of loss if they were no longer able to use, see, experience or interact with the place.

Technological value The place includes physical evidence of a technological advance or method that was widely adopted, particularly innovative, or which made a significant contribution to New Zealand history

OR

The place reflects significant technical accomplishment in comparison with other similar examples or, in the view of experts or practitioners in the field, has characteristics making the place particularly able to contribute towards our understanding of this technology.

Traditional value²⁵⁰ The place reflects a tradition that has been passed down by a community or culture for a long period, usually generations and especially since before living memory, and has characteristics reflecting important or representative aspects of this tradition to a significant extent.

The significance of areas and places with *historic heritage* will be assessed having regard to the following criteria:

- (1) the extent to which the place reflects important or representative aspects of Otago or New Zealand history,
- (2) the association of the place with events, persons, or ideas of importance in Otago or New Zealand history,
- (3) the potential of the place to provide knowledge of Otago or New Zealand history,
- (4) the importance of the place to *takata whenua*,

²⁵⁰ 00123.003 Heritage New Zealand Pouhere Taonga

- (5) the community association with, or public esteem for, the place,
- (6) the potential of the place for public education,
- (7) the technical accomplishment, value, or design of the place,
- (8) the symbolic or commemorative value of the place,
- (9) the importance of identifying historic places known to date from an early period of Otago's or New Zealand's settlement,
- (10) the importance of identifying rare types of historic places, and
- (11) the extent to which the place forms part of a wider historical and cultural area.

References

- O'Brien, R., and Barnes-Wylie, J. (2019). *Significance Assessment Guidelines: Guidelines for Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangī Kōrero*. Heritage New Zealand Pouhere Taonga.
- Ministry for the Environment. (2019, November). *National Planning Standards*. Wellington: Ministry for the Environment.
- Quality Planning. (n.d.). *Determining the extent of adverse effects*. Retrieved February 22, 2022, from <https://qualityplanning.org.nz/node/837>.