
**BRIEF OF SUPPLEMENTARY EVIDENCE OF ANGELA MARIE FENEMOR
HCV – HISTORICAL AND CULTURAL VALUES**

Qualifications and Experience

- 1 My qualifications and experience are set out in paragraphs 6 to 8 of my section 42A report titled *Chapter 13: HCV – Historical and cultural values* and dated 4 May 2022.

Code of Conduct

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 3 This supplementary statement of evidence updates the recommendations I made in my section 42A report titled *Chapter 13: HCV – Historical and cultural values*. That chapter comprises two sub-sections: HCV-WT – Wāhi tūpuna and HCV-HH – Historic Heritage. The matters addressed in this statement of evidence, in relation to each sub-section, are set out below.
- 4 In the sections below, and in relation to each matter above, I have:
- 4.1 Identified the recommendation that is to be amended or replaced.
 - 4.2 Identified the authority relied upon to make these amendments or replacements.
 - 4.3 Provided an explanation for the amendment or replacement.
 - 4.4 Evaluated the amendment or replacement in accordance with section 32AA of the RMA.
 - 4.5 Set out the proposed amendments to the relevant pORPS provisions.

Key to proposed amendments

Appearance	Explanation
Black text	Parts of the pORPS as they were when notified on 26 June 2021.
Black text with <u>underlining</u> or strikethrough	Changes recommended in my s42A report.
Red text with <u>underlining</u> or strikethrough	Additional changes recommended in this supplementary report.

Errata

- 5 Appendix 1 of this evidence includes a table setting out the corrections that have been identified as necessary to ensure a proper understanding of my s42A report. These corrections are confined to the recommendations section of my report only. The recommendations included in the s42A version of the pORPS are all correct.

Part 1 of the RPS

Recommendation(s) to be amended or replaced

- 6 In paragraph 20 of my section 42A report I recommend rejecting the submission by Central Otago Heritage Trust¹ to include a description or summary of “Otago’s heritage legacy”. I noted that I was not in a position to propose content that might satisfy the submitter’s concern but was open to the submitter drafting content for consideration.

Explanation

- 7 During pre-hearing discussions, the submitter offered a description that summarised Otago’s heritage legacy. The structure and format of the topic chapters do not include introductory or context statements at the beginning of each chapter, rather, these are either included in Part 1 – Description of the Region of the RPS or within the Principal Reasons. I note that the description provided by the submitter is more akin to a description of the environment, rather than a reason for adopting provisions. I have discussed this matter with Lisa Hawkins (reporting officer for Part 1 of the RPS) and we agree that any description of the environment (including historic heritage) should be included in Part 1 of the RPS.

Proposed amendments to provisions

¹ 00212.005 Central Otago Heritage Trust

8 I recommend that the following text should be included in Part 1:

Otago's history recognises the early exploration and occupation of Otago by Kai Tahu followed by the arrival of settlers from Europe and Asia.²

Section 32AA evaluation

9 The recommendation to include a brief description of the history of Otago does not affect the meaning or application of any provisions in the document. As such, there will be no change to the effectiveness or efficiency assessment contained in the Section 32 Evaluation Report.

Definitions

Recommendation(s) to be amended or replaced

10 In paragraph 35 of my section 42A report I recommend rejecting the submission by Heritage New Zealand Pouhere Taonga³ to include a definition of 'archaeological site' as defined in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA 2014).

11 While I agreed that a definition would provide certainty to users, and that consistency with HNZPTA 2014 would be a sensible solution, I noted that the definition from the HNZPTA 2014 is "subject to section 42(3)" of that Act. It was unclear how this would affect the use of this definition in the context of the pORPS.

Explanation

12 The submitter wrote to ORC to try to reach agreement or narrow points of disagreement about the definition of "archaeological site".

13 Section 6 of the HNZPTA 2014 defines 'archaeological site' as meaning, subject to section 42(3):

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

² 00212.005 Central Otago Heritage Trust

³ 0123.006, Heritage New Zealand Pouhere Taonga

(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)*

14 For context, a brief description of the relevant sections of the HNZPTA 2014 that are referenced in the definition follow:

15 Subpart 2 of the HNZPTA 2014 relates to the overarching protection of archaeological sites, where section 42(1) sets out specific directions that archaeological sites must not be modified or destroyed. In particular, section 42(1) states that, “unless an authority is granted... no person may modify or destroy any part of that site if the person knows or ought to have suspected that the site is an archaeological site”. Section 42(3) of the HNZPTA 2014 states that despite clause (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole building.

16 At a meeting with representatives of Heritage NZ Pouhere Taonga, they noted that section 42(3) of the HNZPTA 2014 refers to the requirement for an archaeological authority, which is not relevant to the definition of an archaeological site for the purposes of a regional policy statement. I agree with HNZPT and consider that if the definition of archaeological site is included in the RPS, that this reference can be omitted.

17 HNZPT also noted that Section 43(1) refers to the declaration of an archaeological site and is therefore still relevant to the definition. To provide clarity, HNZPT suggested including a reference to the HNZPT Act within the definition. I agree with HNZPT that reference to section 43(1) is relevant to the definition in the context of the ORPS, as these sites will also need to be recognised and managed appropriately, in accordance with the framework set out in the pORPS.

Proposed amendments to provisions

18 I recommend including a new definition for “archaeological site” as follows:

Archaeological site:⁴

means

- a. any place in New Zealand, including any building or structure (or part of a building or structure), that—
 - i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- b. includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 32AA evaluation

- 19 The recommendation to include a definition of “archaeological site” will provide certainty for the users of the RPS on the meaning of archaeological site and will not affect the meaning or application of any provisions in the document. While the suggested amendments will not result in any changes to the implementation of the RPS, including a definition will likely result in improved effectiveness of the relevant provisions, compared to the effectiveness or efficiency assessment contained in the Section 32 Evaluation Report.

HCV-WT – Wāhi tūpuna

HCV-WT-M1 - Identification

Recommendation(s) to be amended or replaced

- 20 In paragraph 122 of my section 42A report I recommended accepting the submission by Ngāi Tahu ki Murihiku to recognise that wāhi tūpuna may be identified in different ways, including through mapping, and so that Kā Rūnaka expression of cultural landscapes is accommodated.⁵

⁴ 0123.006, Heritage New Zealand Pouhere Taonga

⁵ 00223.121, Ngāi Tahu ki Murihiku

- 21 Recommended amendments to HCV-WT-M1 are set out in paragraph 122 of my section 42A report, with specific amendments to clause (4) and the addition of a new clause (5) (not underlined in the s42A report).

Explanation

- 22 The pre-hearing discussion between parties traversed the need to ensure consistency in the methods for recording sites of significance to mana whenua, and in particular, consistency between MW-M1(1) and HCV-WT-M1(4). I agree it is important for the wording of provisions to be consistent if they are providing the same or similar direction. In this case, I have considered amendments suggested during the pre-hearing discussions. I agree that the suggested amendments provide for better consistency between MW-M1(1) and HCV-WT-M1(4). The suggested amendments better provide for Kā Rūnaka to describe cultural landscapes or wāhi tūpuna in decision-making processes in their preferred manner. In the s42A report, I recommended the addition of clause (5) to address the submission from Ngāi Tahu ki Murihiku⁶ (in part). This clause can be removed, because the changes I now propose to clause (4) address this submission point. I also note that the requirement for councils to collaborate with mana whenua is directed in the MW chapter, and that directive still applies despite my revised recommendation to remove this clause.
- 23 I also recommend the addition of the word “site” in clause (4), to ensure consistency with clause (1). This word appears to have been omitted in error and the amendment can be made in accordance with Schedule 1, Clause 16(2) of the RMA, to correct a minor error.

Section 32AA evaluation

- 24 The recommended amendments to HCV-WT-M1 provide for a consistent approach to identifying sites of significance to mana whenua, using methods that align with their preferred approach. The requirement to record wāhi tūpuna sites, areas and values in plans remains as an integral part of the method, to enable effective implementation of any subsequent plans. The requirement to record sites, areas and values was assessed in the Section 32 Evaluation Report, and as this requirement has not been affected by recommended changes to the provisions, a further evaluation under section 32AA is not necessary.

Proposed amendments to provisions

⁶ 00223.121, Ngāi Tahu ki Murihiku

25 I recommend the following amendments to HCV-WT-M1:

HCV-WT-M1 – Identification

Local authorities must:

- (1) enable Kāi Tahu to identify, in accordance with tikaka⁷, *wāhi tūpuna* sites, areas and values, using the guide set out in APP7,
- ~~(2) identify *wāhi tūpuna* using the guide set out in APP7,⁸~~
- (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~~ record using methods determined by mana whenua (which may include mapping)⁹ and protect the sites,¹⁰ areas and values identified under (1) in the relevant *regional plans*¹¹ 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.¹²~~

HCV-WT-M2 – Regional plans and district plans

Recommendation(s) to be amended or replaced

26 In paragraph 134 of my section 42A report I recommend partially accepting the submission by Heritage NZ regarding the role of accidental discovery protocols¹³, accepting that an advice note is a more appropriate mechanism than a consent condition. However, I had concerns regarding the direct referencing of non-regulatory documents in the pORPS that are material to implementing the pORPS but are the responsibility of another agency.

⁷ 00223.121 Ngāi Tahu ki Murihiku

⁸ 00226.279 Kāi Tahu ki Otago

⁹ 00223.121 Ngāi Tahu ki Murihiku

¹⁰ Clause 16(2), Schedule 1, RMA

¹¹ Clause 16(2), Schedule 1, RMA

¹² 00223.121 Ngāi Tahu ki Murihiku

¹³ 00123.007, Heritage NZ

27 Recommended amendments to HCV-WT-M2 are set out in paragraph 137 of my section 42A report.

Authority

28 The Heritage NZ submission¹⁴ on this provision considers that the methods unnecessarily duplicate archaeological site protection under the Heritage New Zealand Pouhere Taonga Act 2014. The submission raises concerns 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.

Explanation

29 During the pre-hearing discussion, the representatives of Heritage NZ explained that without guidance or definitions in the pORPS to describe what constitutes an accidental discovery protocol, a protocol may not be fit for purpose. To resolve this issue, I consider it is appropriate to adopt the HNZPT accidental discovery protocol as an appendix to the pORPS and require its use when implementing subsequent plan documents (district and regional plans) to ensure a consistent approach across the region. I therefore recommend the addition of a new APP to include the relevant requirements of the HNZPT accidental discovery protocol, and consequential amendments to the following provisions, to include reference to the new appendix:

29.1 HCV-WT-M2;

29.2 HCV-HH-P5;

29.3 HCV-HH-M4; and

29.4 HCV-HH-M5(3)(c) and (4).

Section 32AA evaluation

30 The recommended addition of a new appendix to outline the requirements of an accidental discovery protocol provides a consistent approach for the use of accidental discovery protocols, rather any further or different actions than what was anticipated under the notified version of the pORPS. While this will likely

¹⁴ 00123.007, Heritage NZ

result in greater clarity for the provisions, there will be no overall change to the intent or efficiency of the provisions as assessed in the Section 32 Evaluation Report. There may be an incremental improvement in effectiveness of the provisions compared to the assessment set out in the Section 32 Evaluation Report.

Proposed amendments to provisions

- 31 I recommend the addition of a new appendix, and amendments to HCV-WT-M2, HCV-HH-P5, HCV-HH-M4 and HCV-HH-M5 as follows:

APP11 – Accidental discovery protocol¹⁵

If an unidentified archaeological site is located during works, the following applies:

1. Work must cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager must secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (kōiwi) are uncovered the Site Manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 must apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (kōiwi) must not resume until Heritage New Zealand Pouhere Taonga gives

¹⁵ 00123.007, Heritage NZ

written approval for work to continue. Further assessment by an archaeologist may be required.

7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

8. Heritage New Zealand Pouhere Taonga will advise if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

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

HCV-WT-M2 – Regional plans¹⁶ and *district plans*

Local authorities must prepare or amend and maintain their *regional plans*¹⁷ and *district plans* to include methods that are in accordance with tikaka to:

...

(3) require ~~including~~¹⁸ conditions on *resource consents* or designations to ~~provide buffers or setbacks between protect~~¹⁹ *wāhi tūpuna* and ~~from~~²⁰ incompatible activities, in accordance with APP11,²¹

...

HCV-HH-P5 – Managing historic heritage

Protect *historic heritage* by:

(1) requiring the use of accidental discovery protocols in accordance with APP11,²²

...

¹⁶ Clause 16(2), Schedule 1, RMA

¹⁷ Clause 16(2), Schedule 1, RMA

¹⁸ 00226.280 Kāi Tahu ki Otago

¹⁹ 00239.152 Federated Farmers

²⁰ 00239.152 Federated Farmers

²¹ Consequential amendment to APP11: 00123.007, Heritage NZ

²² Consequential amendment to APP11: 00123.007, Heritage NZ

HCV-HH-M4 – Regional plans

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

...

- (4) require the use of accidental discovery protocols as conditions on *resource consents* for *earthworks* or other activities that may encounter archaeological features, in accordance with APP11.²³

HCV-HH – Historic Heritage

HCV-HH-O3

Recommendation(s) to be amended or replaced

- 32 In paragraph 215 of my section 42A report I agreed with the submission from Dunedin City Council that there may be some tensions between preserving historic heritage and other provisions that enable development, and that there may be benefits in amending the wording of the provision to alleviate any concerns that all historic heritage sites and features are to be preserved in totality.²⁴
- 33 In the s42A report I noted that the wording suggested by the submitter did not provide sufficient protection of historic heritage, and therefore recommended that HCV-HH-O3 be retained as notified (see paragraph 216 of the s42A report).

Authority

- 34 There were five submissions on HCV-HH-O3, four of which sought for the provision to be retained as notified.²⁵ The scope for amendments to HCV-HH-O3 comes from a submission by Dunedin City Council.²⁶

Explanation

- 35 One submitter circulated alternative wording for HCV-HH-O3 that removes reference to the “preservation” of historic heritage, and instead includes a directive to “protect” and “enhance” historic heritage, as follows:

²³ Consequential amendment to APP11: 00123.007, Heritage NZ

²⁴ 00139.231, DCC

²⁵ 00201.044 CODC, 00123.002 Heritage New Zealand Pouhere Taonga, 00226.286 Kāi Tahu ki Otago, 00138.175 QLDC

²⁶ 00139.231, DCC

Otago's unique historic heritage, which contributes to the region's character, sense of identity, and social and cultural wellbeing,—is preserved for future generations protected and enhanced.

36 I agree the suggested amendments go some way to provide a suitable alternative to the directive for preserving historic heritage in all circumstances. However, noting the definition of Historic Heritage ("*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...*" [emphasis added]), it is my view that enhancement can occur to a site or place **with** historic heritage, rather than there being an ability to enhance historic heritage itself.

37 In my view, the recommended wording better aligns with the management framework set out in subsequent provisions, and is sufficient to provide a level of protection that aligns with section 6(f) of the RMA.

Section 32AA evaluation

38 The recommended amendments to HCV-HH-O3 provide improved clarity regarding the management approach for historic heritage, which also aligns with the subsequent provisions in the HCV-HH chapter. This indicates that the suggested amendments will not result in any changes to the implementation of the RPS, or effectiveness or efficiency of the provisions as assessed in the Section 32 Evaluation Report. As such, a further evaluation under section 32AA is not necessary.

Proposed amendments to provisions

39 I recommend the following amendments to HCV-HH-O3:

HCV-HH-O3

Otago's unique historic heritage contributes to the region's character, sense of identity, and social and cultural wellbeing, and is ~~preserved~~ protected²⁷ for future generations and people's understanding and appreciation of it is enhanced.²⁸

APP8 – Identification criteria for places and areas of historic heritage

²⁷ 00139.239, DCC

²⁸ 00139.239, DCC

Recommendation(s) to be amended or replaced

- 40 In paragraph 364 of my section 42A report, I refer to the Heritage New Zealand Pouhere Taonga (HNZPT) submission which states that it supports the inclusion of the historic heritage significance assessment criteria and does not object to the Significance Assessment Guidelines being used, provided they are correctly presented and explicitly referenced as such.²⁹ DCC also requests that specific reference to the HNZPT Significance Assessment Guidelines 2019 is included in APP8.³⁰
- 41 The Director General of Conservation submitted on HCV-HH-P4 raising concerns that the criteria for categorising historic heritage were unclear.³¹ In paragraph 237 of my section 42A report I noted that the APP was based on the criteria contained in the HNZPT significance assessment guidelines, and in the absence of suggested amendments to the provisions, I recommended rejecting the submission.
- 42 I recommended minor changes to APP8, as set out in paragraph 372 of my section 42A report.

Authority

- 43 There are thirteen submissions on APP8. The Director-General of Conservation and QLDC both support APP8 and seek that it is retained as notified.³² While there are no specific submission points requesting the amendments to APP8 that are described in the sections below, it is my view that the recommended amendments can be considered consequential to relief sought to HCV-HH-P4 by the Director General of Conservation.³³
- 44 The submission from the Director General of Conservation concerned a lack of certainty or clarity around determining whether values, places or areas are categorised as either special or outstanding; an issue that she stated had not been addressed in either HCV-HH-P4 or APP8. Therefore, she sought amendments to provide a clearer criteria or guidance for categorisation, however no proposed wording was provided.³⁴

²⁹ 00123.003, HNZPT

³⁰ 00139.239, DCC

³¹ 00137.144, Director General of Conservation

³² 00137.160 Director General of Conservation, 00138.181 QLDC

³³ 00137.144 Director General of Conservation

³⁴ 00137.144 Director General of Conservation

Explanation

- 45 Following the discussion at the pre-hearing meeting, I have considered the drafting of HCV-HH-P4, HCV-HH-P5 and the wording of APP8.
- 46 HCV-HH-P4 provides a directive for identifying and categorising historic heritage in accordance with APP8, whereas HCV-HH-P5 sets out the effects management framework for places and areas that have historic heritage values or qualities, and places and areas that have “special or outstanding” historic heritage values or qualities.
- 47 I agree with parties that applying the criteria in APP8 for the categorisation historic heritage is unclear, as APP8 does not clearly distinguish between places and areas that have historic heritage values or qualities, and places and areas that have “special or outstanding” historic heritage values or qualities.
- 48 To resolve this drafting issue, I recommend that APP8 is amended to better align with the assessment criteria and wording used in *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. The guidelines differentiate between the two categorisations, so it is clear that when applying the guidelines whether a place has significance as “special or outstanding” rather than duplicate this within APP8.
- 49 It is my view that the suggested amendments will enable the two types of historic heritage to be distinguished, so that the effects management hierarchy in HCV-HH-P5 can be applied. I do not consider that further amendments to HCV-HH-P4 are necessary.
- 50 In relation to the effects management hierarchy set out in HCV-HH-P5, I consider that in order to achieve HCV-HH-O3 (either as notified, or with the amendments recommended in this evidence), it is important to retain the requirement to avoid adverse effects on places and areas with outstanding or special historic heritage values, consequently I am not recommending further amendments to this policy.

Section 32AA evaluation

- 51 The recommended amendments to APP8 provide better direction for identifying historic heritage sites, places and areas with special or outstanding heritage values or qualities, so that the management approach set out in the subsequent

provisions in the HCV-HH chapter can be applied. This indicates that the suggested amendments will improve the effectiveness of the proposed provisions for achieving HCV-HH-O3, compared to the assessment undertaken in the Section 32 Evaluation Report, by removing uncertainty for plan implementation.

Proposed amendments to provisions

52 I recommend the following amendments to APP8:

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

Step 1:³⁵ A place or area is considered to have *historic heritage* if it meets any one or more of the³⁶ criteria below:³⁷

<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.

³⁵ 00137.144 Director General of Conservation

³⁶ Clause 16(2), Schedule 1 RMA 1991

³⁷ 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)

<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 Zealand’s cultural or historical past through the use of specified scientific methods of enquiry.
<u>Social value</u>	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.
<u>Spiritual value</u>	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.
<u>Technological value</u>	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.
<u>Traditional value</u> ³⁸	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:~~

Step 2: Categorising a place of *historic heritage*

All places and areas which have been identified as *historic heritage* in Step 1 must be assessed to determine whether they have special or outstanding heritage values or qualities by considering the criteria below and by applying the method set out in “Part Two: Applying the section 66(3) criteria” of *Assessing Historic Places and Historic Areas for the New Zealand Heritage List/Rārangi Kōrero (2019)*:³⁹

³⁸ 00123.003 Heritage New Zealand Pouhere Taonga

³⁹ 00137.144 Director General of Conservation

- (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.

Angela Marie Fenemor

11 October 2022

Appendix 1: Section 42A Report – Errata

Chapter 13 HCV – Historical and Cultural Values

Provision	Paragraph in s42A report	Error	Correction
HCV-WT-P2	108	<p>Formatting error in both the s42A report and the tracked changes version of the pORPS.</p> <p>Correction to be made to both documents, to italicise 'wāhi tūpuna'.</p>	<p>HCV-WT-P2 – Management of wāhi tūpuna</p> <p><i>Wāhi tūpuna</i> are protected by:</p> <p>(1) avoiding significant adverse <i>effects</i> on the cultural values associated with <u>of</u>⁴⁰ identified <i>wāhi tūpuna</i>,</p> <p><u>(1A) avoiding, as the first priority, other adverse effects on the cultural values of identified <i>wāhi tūpuna</i>.</u>⁴¹</p> <p>(2) where <u>other</u>⁴² adverse <i>effects</i> demonstrably cannot be completely avoided, <u>then either</u>⁴³ remedying or mitigating adverse <i>effects</i> in a manner that maintains the values of the <i>wāhi tūpuna</i>,</p> <p>(3) managing identified <i>wāhi tūpuna</i> in accordance with tikaka Māori, <u>and</u>⁴⁴</p> <p>(4) avoiding any activities that may be considered inappropriate in <i>wāhi tūpuna</i> as identified by Kāi Tahu, and⁴⁵</p> <p>(5) encouraging the enhancement of access to <i>wāhi tūpuna</i> to the extent compatible with the particular <i>wāhi tūpuna</i>.</p>
HCV-WT-M1	122	<p>Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. These include:</p>	<p>HCV-WT-M1 – Identification</p> <p><i>Local authorities</i> must:</p> <p>(1) enable Kāi Tahu to identify <i>wāhi tūpuna</i> sites, areas and values, <u>using the guide set out in APP7.</u></p>

⁴⁰ 00226.278 Kāi Tahu ki Otago

⁴¹ 00137.142 DOC

⁴² 00226.278 Kāi Tahu ki Otago

⁴³ 00226.278 Kāi Tahu ki Otago

⁴⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.069 Aurora Energy Limited

⁴⁵ 00315.069 Aurora Energy Limited

		<ul style="list-style-type: none"> changing the colour of the text for 'APP7' to black in clause (1) strikethrough clause (2) underlining clause (5) (note that the further recommendations of this report recommend that clause (5) be deleted). 	<p>(2) identify wāhi tūpuna using the guide set out in APP7,⁴⁶</p> <p>(3) recognise that <i>wāhi tūpuna</i> span jurisdictional boundaries and work together to ensure the identification process under (1) enables <i>wāhi tūpuna</i> sites, areas and values to be treated uniformly across district boundaries, and</p> <p>(4) identify, map, describe and protect the areas and values identified under (1) in the relevant <i>regional plans</i>⁴⁷ and <i>district plans</i> or, if a site is a sensitive cultural site, use alert layers to advise of sensitive cultural sites without disclosure in plans</p> <p><u>(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.</u>⁴⁸</p>
HCV-WT-M2	137	<p>Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. These include:</p> <ul style="list-style-type: none"> italicisation of the terms 'resource consents' 	<p>HCV-WT-M2 – <i>Regional plans</i>⁴⁹ and <i>district plans</i></p> <p><i>Local authorities</i> must prepare or amend and maintain their <i>regional plans</i>⁵⁰ and <i>district plans</i> to include methods that are in accordance with tikaka to:</p> <p>(1) control <u>manage</u>⁵¹ activities in, or adjacent to⁵² <u>affecting</u>,⁵³ <i>wāhi tūpuna</i> sites and areas,</p> <p>(2) require cultural impact assessments where activities have the potential to adversely affect <u>values of</u>⁵⁴ <i>wāhi tūpuna</i> <u>and Kāi Tahu have identified the need for an assessment,</u>⁵⁵</p>

⁴⁶ 00226.279 Kāi Tahu ki Otago

⁴⁷ Clause 16(2), Schedule 1, RMA

⁴⁸ 00223.121 Ngāi Tahu ki Murihiku

⁴⁹ Clause 16(2), Schedule 1, RMA

⁵⁰ Clause 16(2), Schedule 1, RMA

⁵¹ 00239.152 Federated Farmers

⁵² 00239.152 Federated Farmers

⁵³ 00223.122 Ngāi Tahu ki Murihiku

⁵⁴ 00226.280 Kāi Tahu ki Otago

⁵⁵ 00223.122 Ngāi Tahu ki Murihiku

			<p>(3) require including⁵⁶ conditions on <i>resource consents</i> or designations to provide buffers or setbacks between <u>protect</u>⁵⁷ <i>wāhi tūpuna</i> and <u>from</u>⁵⁸ incompatible activities,</p> <p>(4) require including⁵⁹ accidental discovery protocols as conditions <u>an advice note</u>⁶⁰ on <i>resource consents</i> or designations for activities that may unearth archaeological sites, and</p> <p>(5) maintain existing access to identified <i>wāhi tūpuna</i> sites and areas and promote improved access where practicable.</p>
HCV-WT-M3	147	<p>Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. These include:</p> <ul style="list-style-type: none"> striking out the words after 'Local authorities must' in the chapeau of the provision underlining the text in clause (1) striking out the text in clause (2) 	<p>HCV-WT-M3 – Collaboration <u>Treaty partnership</u>⁶¹ with Kāi Tahu</p> <p>Local authorities must include Kāi Tahu in all decision-making concerning protection of the values of <i>wāhi tūpuna</i> sites and areas and collaborate with Kāi Tahu to:</p> <p>(1) <u>include Kāi Tahu in all decision-making concerning identification and protection of <i>wāhi tūpuna</i> sites and areas and the values that contribute to their significance, and</u> identify and protect places, areas or landscapes of cultural, spiritual or traditional significance to them,</p> <p>(2) identify and protect the values that contribute to their significance, and⁶²</p> <p>(3) <u>collaborate with Kāi Tahu to</u>⁶³ share information relevant to Kāi Tahu interests.</p>
HCV-WT-E1	162	<p>Formatting errors in the s42A report, requiring corrections for consistency</p>	<p>HCV-WT-E1 – Explanation</p>

⁵⁶ 00226.280 Kāi Tahu ki Otago

⁵⁷ 00239.152 Federated Farmers

⁵⁸ 00239.152 Federated Farmers

⁵⁹ 00239.152 Federated Farmers

⁶⁰ 00123.007 Heritage NZ

⁶¹ 00226.281 Kāi Tahu ki Otago

⁶² 00226.281 Kāi Tahu ki Otago

⁶³ Consequential to 00226.281 Kāi Tahu ki Otago

		<p>with the tracked changes version of the pORPS. These include:</p> <ul style="list-style-type: none"> • Underlining the first paragraph of the explanation. • Removing the italicisation of the whole explanation and only italicise 'wāhi tūpuna' • In the last sentence of the explanation, underlining the term 'affecting' 	<p><u>Providing for wāhi tūpuna plays a role in recognising the resource management principles in sections 6(e), 7(a) and 8 of the RMA. 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.</u></p> <p><u>Wāhi Tūpuna can be impacted by a range of activities, requiring a range of different management responses.</u> The policies in this chapter are designed to achieve active protection of <i>wāhi tūpuna</i> from inappropriate <i>subdivision</i>, use and development. The policies recognise the significance of <i>wāhi tūpuna</i> to Kāi Tahu, and enable the relationship of Kāi Tahu with their culture and traditions by acknowledging that the identification of <i>wāhi tūpuna</i> and the associated values can only be undertaken by Kāi Tahu, then protecting or managing these sites or areas to ensure that activities do not have any significant adverse effects on the values <u>of associated with</u>⁶⁴ the identified <i>wāhi tūpuna</i>. The policies also direct that the management of activities within or adjacent to <u>affecting</u> <i>wāhi tūpuna</i> must occur in a culturally appropriate manner accordance with tikaka.⁶⁵</p>
HCV-WT-PR1	172	<p>Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. These include:</p> <ul style="list-style-type: none"> • several additions which need to be underlined in the second paragraph 	<p>HCV-WT-PR1 – Principal reasons</p> <p><i>Wāhi tūpuna</i> 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 <i>land, coastal waters</i> and wai Māori. <i>Wāhi tūpuna</i> have significant cultural value to Kāi Tahu.</p>

⁶⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.278 Kāi Tahu ki Otago

⁶⁵ 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

			<p>The provisions in this chapter <u>play a role in recognising the resource management principles in</u> assist in implementing⁶⁶ sections <u>6(e), 7(a) and 8</u>⁶⁷ of the RMA-1994⁶⁸ and the NZCPS, <u>as well as providing for the principles of te Tiriti o Waitangi</u>,⁶⁹ by requiring:</p> <ul style="list-style-type: none"> • the identification of <i>wāhi tūpuna</i> in consultation with <u>by Kāi Tahu in accordance with tikaka Māori</u>,⁷⁰ • the protection of <i>wāhi tūpuna</i> from inappropriate <i>subdivision</i>, use and development, and • specified actions on the part of Otago's <i>local authorities</i> in managing activities that may impact <i>wāhi tūpuna</i>. <p>Implementation of the provisions in this chapter will occur primarily through <i>regional plans</i>⁷¹ and <i>district plan</i> provisions, however <i>local authorities</i> may also choose to adopt additional non-regulatory methods to support the achievement of the objectives.</p>
HCV-WT-AER1	182	Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. This includes underlining of several additions.	<p>HCV-WT-AER1</p> <p><u>Wāhi Tupuna areas and sites</u> The areas and places of <i>wāhi tūpuna</i>⁷² are identified in the relevant <i>regional plans</i>⁷³ and <i>district plans</i> <u>and sensitive sites are identified and protected using mechanisms deemed appropriate by Kāi Tahu</u>.⁷⁴</p>
HCV-WT-AER1	190	Formatting errors in the s42A report, requiring	HCV-WT-AER2

⁶⁶ Consequential change for consistency with wording in 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

⁶⁷ Clause 10(2)(b)(i), Schedule 1, RMA – Consequential amendment arising from 00226.282 Kāi Tahu ki Otago; 00223.123 Ngāi Tahu ki Murihiku

⁶⁸ Clause 16(2), Schedule 1, RMA

⁶⁹ 00101.052 Toitū Te Whenua

⁷⁰ 00226.283 Kāi Tahu ki Otago

⁷¹ Clause 16(2), Schedule 1, RMA

⁷² 00239.156 Federated Farmers; 00226.284 Kāi Tahu ki Otago

⁷³ Clause 16(2), Schedule 1, RMA

⁷⁴ 00101.053 Toitū Te Whenua

		corrections for consistency with the tracked changes version of the pORPS. This includes underlining of several additions.	<i>Wāhi tūpuna</i> and their values are maintained <u>protected</u> ⁷⁵ <u>and improved where their values have been degraded by human activities.</u> ⁷⁶
HCV-HH-P3	230	Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. This includes underlining the second part of clause (8), and the entirety of clause (13).	<p>HCV-HH-P3 – Recognising <i>historic heritage</i></p> <p>Recognise that Otago’s <i>historic heritage</i> includes:</p> <ol style="list-style-type: none"> (1) Māori <u>Kāi Tahu</u> cultural and <i>historic heritage</i> values <u>and sites</u>,⁷⁷ (2) archaeological sites, (3) residential and commercial <i>buildings</i>, (4) pastoral sites, (5) surveying equipment, communications and transport, including <i>roads</i>, bridges, <u>railway infrastructure</u>⁷⁸ and routes, (6) industrial <i>historic heritage</i>, including mills, <u>quarries</u>, <u>limekilns</u>, <u>grain stores</u>, <u>water supply infrastructure</u>⁷⁹ and brickworks, (7) <u>gold</u>, <u>limestone</u>⁸⁰ and other mining systems and settlements, (8) dredge and ship wrecks, <u>and coastal structures and buildings, including breakwaters, jetties, and lighthouses</u>,⁸¹ (9) ruins, (10) coastal <i>historic heritage</i>, particularly Kāi Tahu occupation sites and those associated with early European activities such as whaling, (11) memorials <u>and cemeteries</u>,⁸² and

⁷⁵ 00226.285 Kāi Tahu ki Otago

⁷⁶ 00223.124 Ngāi Tahu ki Murihiku

⁷⁷ 00239.158 Federated Farmers; 00226.287 Kāi Tahu ki Otago, 00140.029 Waitaki DC

⁷⁸ 00140.029 Waitaki DC

⁷⁹ 00140.029 Waitaki DC

⁸⁰ 00140.029 Waitaki DC

⁸¹ 00140.029 Waitaki DC

⁸² 00140.029 Waitaki DC

			(12) trees and vegetation, and ⁸³ <u>(13) military structures or remains.</u> ⁸⁴
HCV-HH-M4	308	Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. This includes underlining clause (2A).	<p>HCV-HH-M4 – Regional plans</p> <p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> to:</p> <p>(1) identify places and areas with <i>historic heritage</i> in accordance with HCV-HH-P4 that are located in the <i>beds of lakes and rivers, wetlands</i> and the <i>coastal marine area</i>,</p> <p>(2) control the following where they may adversely affect <i>historic heritage</i>:</p> <p>(a) the character, location, scale and form of <i>structures</i> in the <i>beds of lakes and rivers, wetlands</i> and in the <i>coastal marine area</i>,</p> <p>(b) indigenous vegetation removal in the <i>beds of lakes and rivers, wetlands</i> and the <i>coastal marine area</i>,</p> <p>(c) <i>earthworks</i>, deposition and disturbance to and in the <i>beds of lakes and rivers</i> and in the <i>coastal marine area</i>,</p> <p>(d) <i>discharges</i> to air,</p> <p>(e) taking, use, damming and diversion of, and <i>discharges</i> to, <i>water</i>, and</p> <p>(f) the disturbance, demolition or alteration of physical elements or <i>structures</i> of <i>historic heritage</i> in the <i>beds of lakes and rivers</i> and in the <i>coastal marine area</i>,</p> <p><u>(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,</u>⁸⁵</p>

⁸³ 00239.158 Federated Farmers

⁸⁴ 00140.029 Waitaki DC

⁸⁵ 00226.292 Kāi Tahu ki Otago

			<p>(3) include implementation methods to protect <i>historic heritage</i> that are in accordance with HCV-HH-P5 and may also include:</p> <ul style="list-style-type: none"> (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 <i>effects</i>), and (b) conditions on <i>resource consents</i> to provide buffers or setbacks between <i>historic heritage</i> places or areas and other incompatible activity, and <p>4) require the use of accidental discovery protocols as conditions on <i>resource consents</i> for <i>earthworks</i> or other activities that may encounter archaeological features.</p>
HCV-HH-M5	321	Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. This includes underlining clause (2A).	<p>HCV-HH-M5 – District Plans <i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to the extent necessary to:</p> <ul style="list-style-type: none"> (1) identify places and areas with <i>historic heritage</i> in accordance with HCV-HH-P4 that are located outside the <i>beds of lakes and rivers, wetlands</i> and the <i>coastal marine area</i>, (2) control the following where they may adversely affect <i>historic heritage</i>: <ul style="list-style-type: none"> (a) the location, intensity and form of <i>subdivision</i>, (b) the character, location, scale and form of activities (including <i>structures</i>) outside the <i>beds of lakes and rivers</i> and the <i>coastal marine area</i>, (c) the location and scale of <i>earthworks</i> and indigenous vegetation removal outside the <i>beds of lakes and rivers</i> and the <i>coastal marine area</i>, (d) the disturbance, demolition or alteration of physical elements or <i>structures</i> with special or outstanding <i>historic heritage</i> value or qualities outside the <i>coastal marine area, beds of lakes and rivers</i>,

			<p><u>(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,⁸⁶</u></p> <p>(3) include implementation methods to protect <i>historic heritage</i> places and areas required by HCV-HH-P5, and may also include:</p> <ul style="list-style-type: none"> (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 <i>effects</i>), (b) conditions on <i>resource consents</i> and designations to provide buffers or setbacks between <i>historic heritage</i> places or areas and other incompatible activity, (c) accidental discovery protocols as conditions on <i>resource consents</i> for <i>earthworks</i> or other activities that may unearth archaeological features, (d) providing for activities seeking to retain <i>historic heritage</i> 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 <p>(4) require the use of accidental discovery protocols as conditions on <i>resource consents</i> and designations for <i>earthworks</i> or other activities that may unearth archaeological features.</p>
HCV-HH-M6	332	Formatting errors in the s42A report, requiring corrections for consistency with the tracked changes version of the pORPS. This	<p>HCV-HH-M6 – Incentives and education</p> <p><i>Local authorities</i> are encouraged to use other mechanisms or incentives to assist in achieving Policies HCV-HH-P3 to HCV-HH-P7, including:</p>

⁸⁶ 00226.293 Kāi Tahu ki Otago

		includes underlining clause (3).	<p>(1) promoting public awareness of <i>historic heritage</i> values through providing information and education, and</p> <p>(2) rates differentials and <i>resource consent</i> fee waivers for activities that involve the retention of historic places or areas.</p> <p><u>(3) enabling Kāi Tahu to interpret places and areas with historic heritage values for mana whenua.</u>⁸⁷</p>
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⁸⁷ 00226.294 Kāi Tahu ki Otago