



HERITAGE NEW ZEALAND
POUHERE TAONGA

Tairangahia a tua whakarere;
Tatakihia nga reanga o amuri ake nei
Honouring the past; Inspiring the future

File ref: 33002-068

27 October 2021

Central Hawkes Bay District Council
PO Box 127
Waipawa 4240

districtplan@chbdc.govt.nz

Dear Sir or Madam

FURTHER SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON PROPOSED DISTRICT PLAN

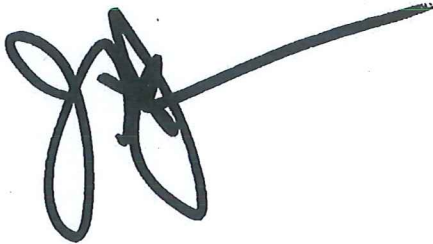
- 1. This is a further submission on a number of submissions in support or opposition to the Proposed District Plan for Central Hawkes Bay.**
- 2. Heritage New Zealand has an interest in the proposed plan that is greater than the general public.**

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

- 3. The submissions that Heritage New Zealand opposes and supports are detailed in the attached table (Attachment 1).**
- 4. The reasons for Heritage New Zealand's further submissions are detailed in Attachment 1.**
- 5. Heritage New Zealand seeks the decisions as described in the table in Attachment 1.**
- 6. Heritage New Zealand wishes to be heard in support of its further submission.**

7. If others make a similar submission, Heritage New Zealand will consider presenting a joint case with them at a hearing.

Yours sincerely



Jamie Jacobs
Kaiwhakahaere Matua / Director Takiwā o Te Pūtahi a Māui /Central Region
Heritage New Zealand Pouhere Taonga

Attachment:

1. Heritage New Zealand Pouhere Taonga Further Submission Table on Central Hawkes Bay Proposed District Plan.

Address for service

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Attachment 1**Further Submission of Heritage New Zealand Pouhere Taonga to Central Hawkes Bay Proposed District Plan**

Underline = include and ~~Strikethrough~~ = delete

Provision number	Submitter name, number, point number & content	Heritage NZ support or oppose	Reasons	Relief sought by Heritage New Zealand
Definitions	Kāinga Ora S129.001 Include definition of archaeological sites	S	The term archaeological sites is used throughout the plan and a definition would be beneficial.	Introduce a definition for archaeological sites which refers to the definition in the Heritage New Zealand Pouhere Taonga Act 2014
NU-P2	Powerco S56.013 Amend NU-P2	S	HNZPT supports amending the policy to avoid significant adverse effects while remedying and mitigating other adverse effects.	Accept the amendment sought by Powerco
NU-P2	Centralines S90.011 Amend NU-P2	O	Amending the policy by substituting the word avoid for the word manage would not be in line with Council's Section 6 obligations towards Historic Heritage	Retain as notified, or with other minor amendments
NU-P2	Chorus S117.035 Re-draft NU-P2	O	The policy as notified, or with the Powerco amendment, is appropriate and provides balance to the more enabling policy NU-P1	Retain as notified
Historic Heritage (General)	Kāinga Ora S129.060 Amend HH Chapter	O (partial)	HNZPT opposes the relief sought by Kāinga Ora under points numbered 4 and 5 in this submission point (permitted activity status for internal alterations and safety alterations). HNZPT is supportive of the other aspects of the submission. Regarding the third point (giving more attention to historic and archaeological sites) HNZPT considers that the set of rules needs amendment to better manage and protect historic sites including the Wāhi Tapu included in Schedule 2.	Amend provisions in line with points 1, 2, 3, 6 and 7 of this Kāinga Ora submission. Amend HH-R8 to make demolition of scheduled Wāhi Tapu a non complying activity.

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Provision number	Submitter name, number, point number & content	Heritage NZ support or oppose	Reasons	Relief sought by Heritage New Zealand
HH – Introduction	Elizabeth Pishief S18.001 Amend wording in introduction	S	HNZPT supports to the extent this submission is in line with our original submission	Amend as requested
HH – Introduction	Kairakau Lands Trust S84.001 Amend to emphasize that not all sites are recorded	S	The submission is correct in the point that not all sites are recorded. However the same paragraph in the PDP refers to the fact that that legal responsibilities relate to all sites, <i>whether they are identified, unknown, listed or recorded</i> . As such no change to the wording is needed.	Retain as notified.
HH – Objectives	Federated Farmers S121.150 Introduce a new objective to promote the continued use of heritage buildings	S	HNZPT supports an objective encouraging continued use of scheduled buildings, where their values are retained or enhanced.	Adopt new objective, incorporating a clause addressing the objective to retain heritage values. <i>To promote the continued use of scheduled heritage buildings in the District where this encourages their retention, restoration and maintenance, <u>and where heritage values are retained or enhanced.</u></i>
HH-O1	Federated Farmers S121.149 Raises several issues, including accurate mapping of heritage places, and the recognition of activities which do not	S	HNZPT supports the submission points relating to accurate mapping of heritage places, and the recognition of activities which do not cause adverse effects or which can enhance heritage	No changes sought

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	cause adverse effects on heritage sites		sites	
HH-P2	Federated Farmers S121.152 Add the words <i>from inappropriate subdivision, use and development</i> .	S	HNZPT supports the inclusion of the Section 6 (f) words in this policy	Amend as requested
HH-R2	Chorus New Zealand Ltd S117.053 Allow for small scale customer connection boxes	S	The requested amendment provides for necessary connections while at the same time minimising the adverse effects on heritage places	Amend as requested
HH-R6	Chorus New Zealand Ltd S117.054 A note is sought to ensure consistency with the relief sought for HH-R2	S	The requested amendment aligns with the submission on HH-R2	Amend as requested
HH-R8	HNZPT S55.029 Activity status for demolition of Schedule 2 heritage places	S	In addition to the submission supporting the activity status for Category 1 and Category 2 items, the Wāhi Tapu places included in Schedule 2 also need to be explicitly covered by this rule. Destruction of wāhi tapu should be included as a non-complying activity in this rule.	Add to the second row of HH-R8: <u>Category 1 Heritage Items and Wāhi Tapu</u>
HH – Principal Reasons	Kairakau Lands Trust S84.002 Amend comments on undiscovered archaeological sites	S	The requested amendment highlights the importance of potential damage to unrecorded sites	Amend as requested
HH – Sched2	Federated Farmers S121.157 Submission states that the extent of places needs to be accurately recorded, and that engagement with land owners is crucial	S	HNZPT agrees with the submission that location and extent of places needs to be accurately recorded, and that engagement with land owners is crucial	No specific change requested

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SASM – General	Kāinga Ora S129.061 Add clarity to SASM-Issue 1	S	HNZPT supports the submission points by Kāinga Ora, particularly regarding clearer identification of issues and spatial extents of sites.	No specific changes requested
SASM – Introduction	Kairakau Lands Trust S84.003 Add references to HNZPT Act and the relevant RMA Section 6 matters	S	HNZPT is supportive of including references to the HNZPT Act and the Archaeological Association database	Amend as requested
SASM-P3	Federated Farmers S121.161 Amend to refer to other non-regulatory methods	O	HNZPT is supportive of non-regulatory approaches and is cognisant of the important role of land owners in the rural area. However the suggested wording of assisting resource users is unclear in its intention or consequences.	Retain SASM-P3 as notified
SASM-P4	Ngā hapū me ngā marae o Tamatea S125.046 Amend policy to provide for active involvement of tangata whenua, and not limiting the policy to places identified in Schedule 3.	S	HNZPT supports the intention of this submission.	Amend as requested
SASM – Rules	Ngā hapū me ngā marae o Tamatea S125.049 Amend SASM Rules to ensure more partnership, cultural assessments and other matters	S	HNZPT is supportive of the intent of this submission, however it would be better to include the suggested wording (or similar) in SASM-AM1	Revise SASM-AM1 to strengthen assessment matters in line with this submission
SASM-R1	Kairakau Lands Trust S84.005	O	SASM-R1 does not permit the modification or	Retain SASM-R1 as notified

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Provision number	Submitter name, number, point number & content	Heritage NZ support or oppose	Reasons	Relief sought by Heritage New Zealand
	Remove Permitted Activity status for any activity affecting a wāhi tapu or area of significance		destruction of an archaeological site. The submitter is correct that any modification or destruction of an archaeological site would require an archaeological authority under the HNZPT Act. However some activities which would not result in modification or destruction should be permitted in the District Plan. Examples are maintaining a site by controlling weeds or repairing a fence.	
SASM-R4	Federated Farmers S121.165 Provide for primary production activities as a permitted activity	O	The definition of <i>primary production</i> in the District Plan includes all types of agriculture, horticulture, forestry, quarrying, mining and accessory rural buildings. Many of these activities should not be listed as permitted activities within SASM. However some farming activities, for example the grazing of light stock, could be given explicit permitted activity status.	Retain as notified; alternatively amend to include low impact rural activities such as grazing of light stock.
SASM-R5	Kairakau Lands Trust S84.009 Clarify whether SASM-R5 is lawful.	S (partial)	District Plan rules do not take away any requirements under separate legislation, including the requirement for archaeological authorities under the HNZPTA. For rule SASM-R5 it would be clearer if the rule specified that destruction or modification of a	Amend SASM-R5: 1. Activity Status: <u>PER NC</u> Where the following conditions are met:

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Provision number	Submitter name, number, point number & content	Heritage NZ support or oppose	Reasons	Relief sought by Heritage New Zealand
			Wāhi Tapu or site of significance is a non-complying activity.	<p>a. No activity is to destroy, damage or modify a wāhi tapu, wāhi taonga or site of significance, including any excavation, modification or disturbance of the ground containing the wāhi tapu, wāhi taonga or site of significance.</p> <p>b. The activity does not involve offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</p> <p><u>Except where the activity is provided for in rules SASM-R1, SASM-R2, SASM-R3 and SASM-R4, Destruction, damage or modification of a wāhi tapu, wāhi taonga or site of significance, including</u></p>

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				<p><u>any excavation, offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields.</u></p> <p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SASM-AM1.</p>
SASM-AM1	Kairakau Lands Trust S84.011 Any activity is prohibited if it is a wāhi tapu, wāhi taonga or sites or areas of significance	O	The submission is not correct that any activity is or should be prohibited under District Plan rules if it is in an area of significance to Māori. The Archaeological Authority process under the HNZPT Act is referenced in SASM-M4.	Retain as notified
SASM – new method	Federated Farmers S121.170 Additional method including non-statutory matters and engagement with land owners	S	HNZPT is supportive of the intention of the suggested method to engage with and support land owners in maintaining and preserving SASM.	Introduce new method along the lines of that suggested in the submission
SASM-SCHED3	Mataweka Marae Waipawa S30.001	S	HNZPT agrees that these significant places merit	Ensure the places referred to

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	Ensure certain specified places are included in Schedule 3		inclusion in Schedule 3 and protection under the District Plan rules.	in the submission are included in Schedule 3.
Subdivision – general	Kairakau Lands Trust S84.015 Require cultural assessments and checks by archaeologists for subdivisions in the vicinity of a SASM	S	HNZPT agrees with the intent of this submission	No specific changes requested
SUB-R1	James Bridge S105.014 Limit the trigger for discretionary activity status to subdivisions resulting in vehicle access of building platforms within scheduled sites	O	HNZPT understands the intention of this submission. However in the absence of accurate definition of the extent of most heritage places and sites of significance to Māori any subdivision of a site containing these features should be discretionary or restricted discretionary.	Retain as notified. An alternative relief may be that the extent of scheduled places is defined, or a buffer area is identified around each place. The subdivision rules could then apply to the extent of the scheduled place, or the identified buffer area.
SUB-R4	Kāinga Ora S129.093 Make boundary adjustment subdivision of sites containing HH and SASM a restricted discretionary activity	S	HNZPT does not object to boundary adjustment subdivision of sites containing HH and SASM sites being restricted discretionary.	Amend as requested
SUB-R5	Kāinga Ora S129.094 Amend rule for subdivision for lifestyle sites	S	HNZPT does not object to lifestyle block subdivision of sites containing HH and SASM sites being restricted discretionary.	Amend as requested


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SUB – new assessment matter	Kāinga Ora S129.123 Add a new assessment matter in the 'SUB - Subdivision' chapter for assessment of effects of subdivisions on heritage and cultural sites.	S	HNZPT supports appropriately worded assessment criteria for subdivision of land containing identified heritage or sits of significance to Māori. Assessment criteria AM 13(8) includes reference to HH and SASM, although AM13 is limited to subdivisions in the General Rural and Rural Production zones.	Accept submission for new assessment criteria, and delete AM13(8)
COMZ-S2	The Surveying Company (HB) Ltd S50.003 COMZ-S2 may contain an error	S	HNZPT agrees that the standard requiring a 5m minimum setback should apply outside the commercial frontage area	Revise as requested
COMZ-S2	Kāinga Ora S129.220 Delete COMZ-S2	O	HNZPT agrees that setbacks should not be required within the commercial frontage area. However this is best remedied by amendment of the standard as requested in submission S50.003	Amend in line with submission S50.003
COMZ Introduction	Kāinga Ora S129.196 Amend comments on built form of central retail areas	O	HNZPT would dispute the assumption that the built form of the town centre is a result of previous zoning rules. Many buildings in these areas would have been built prior to any planning or zoning rules	Retain as notified.
COMZ-AM2	Kāinga Ora S129.232 Amend assessment matter with regard to setback, design and appearance	O	The assessment matters relating to verandahs, building height and setback are important to maintain the townscape and built form of the town centres.	Retain as notified

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Maps	Te Mata Mushrooms Land Company Limited S102.002 The position of the archaeological site is not accurate	S	The location of the archaeological sites on the District Plan maps are based on the NZ Archaeological Association database, which is not always 100% accurate or up to date. In this case the submitter may be correct that the location of archaeological site V22/59 should be as shown on LT554782.	Check position of archaeological site V22/59 and amend maps if necessary
Maps	Will Foley S109.002 Relocate HH-65 to the correct site.	S	It appears the submitter appears to be correct that HH-65 (Te Pā Horehore – NZ Heritage List Wāhi Tapu 9992) is not shown accurately on the planning maps. The location and extent of the Wāhi Tapu as shown on the HNZPT database is shown here for reference. 	Check position of Wāhi Tapu HH-65 and amend map if necessary.