

Statement from HNZPT on the Proposed Gore District Plan.

Kia Ora Kōutou,

Thank you for the opportunity to speak to Heritage New Zealand Pouhere Taonga (HNZPT) submission. My name is James Sutherland, and I am joined today by Sarah Gallagher, Area Manager for Otago/Southland and Rebecca Benham, Archeologist for Otago/Southland. I will take my evidence as read.

HNZPT is supportive of the proposed Gore District Plan and the proposed amendments the reporting planner made in the section 42A report. HNZPT is comfortable with the recommendations also made in the section 42A report regarding Sites and Areas of Significance to Māori (SASM's). HNZPT will not be speaking at the SASM hearing but is supportive of mana whenua being best placed to advise on the matter and the mana whenua chapter proposed, however we would like to state that it is important that any proposed changes do meet the consistency of the National Planning Standards.

Historic Heritage is a matter of National Importance (Section 6 (f)) of the Resource Management Act 1991 (RMA). This level of importance provides local authorities with a clear understanding of their obligations to meet the level of protection and controls granted within a district plan. The schedule is also a very useful tool that local authorities can use in order to protect items of historical importance from inappropriate use and development.

Alongside the RMA sits the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). The role of the act is to 'promote the identification, protection, preservation and conservation of historical and cultural heritage of New Zealand'. The act regulates archeology for the country and classifies an archeological site as; any place in New Zealand, including any building or structure (or part of a building or structure), that –

Was associated with human activity that occurred before 1900 or is the site of a the wreck of any vessel where the wreck occurred before 1900; and

Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

Includes a site for which a declaration is made under section 43(1) of the HNZPTA.

HNZPT has primarily an advocacy role in relation to the protection of heritage items, we hold and maintain the New Zealand Heritage List/Rārangi Kōrero for recognition and information purposes. Council by scheduling items within the district plan provides protection of important heritage items for the region. The additional layer of protection

does not cause unnecessary regulation placed on said item, instead rules are provided to control development or inappropriate use of the item, protecting the heritage values and story of said item. This is very similar to controls being used during the erection of a new dwelling, being respectful to hold the characteristics of the zone outlined within the District Plan.

HNZPT is extremely supportive of the inclusion of the archeological 'information layer' being included within the proposed plan. This archeological information layer provides the reader of the plan an idea when archeological sites may be known or unknown, and their obligations under the HNZPTA. The inclusion of this layer does not provide any further regulation on private properties, however, educates the public of the possibility of archaeological sites known and unknown. Rule 5 within the proposed district plan provides suffice protection and we ask that amendments made to the rule, only reflect our submissions and hearing evidence. An archeological layer has been included in various District Plans around the South Island already such as Dunedin City Council's Second-Generation Plan, this has been successful in educating the public of known sites of archeological significance, preventing inappropriate use and development of those sites, beyond its existing use.

HNZPT acknowledges that evidence provided by other submitters regarding HH-R5 and its appeared duplication between the HNZPTA. While the archeological sites are protected under our act, local authorities such as Gore District have management responsibilities for the use of land under the RMA. Archeological values are also part of the definition of historic heritage in the RMA. It is of HNZPT view that HH-R5 achieves the resource management requirements that local authorities need to consider, providing the necessary protection needed to protect archeological sites from inappropriate use and development. The note at the bottom of the rule provides sufficient information to the interpretation of any requirements for an archeological authority under our act.

HNZPT further holds the view that authorities granted before a plan change or new district plan are given effect, the authority remains in place to it has either expired or the authority holder has surrendered said authority. HNZPT understands that some councils are requiring authority holders to get new authorities when a district plan is modified. An authority could be seen in comparison to a resource consent. That if a RC is granted before a plan change or new district plan being notified, the consent remains active and the activity consented can be carried out. However, if the consent expires and the applicant reapplies for a new consent, it gets granted taking into effect the new rules and provisions.

Heritage New Zealand Pouhere Taonga acknowledges the requests of landowners to have their items removed from the schedule, while this is not ideal for a positive heritage outcome as scheduling provides legal protection for items of historic, cultural or social importance to a district. The removal of structures from the list, severely reduces the say Council has at a consenting stage to ensure that the heritage fabric of the building is protected. This can lead to a loss in heritage fabric or the structure itself. The Heritage New Zealand Pouhere Taonga Act 2014, replaced the Historic Places Trust Act 1993, and holds, maintains and administers the New Zealand Heritage List/Rāangi Kōrero. The List is a professionally researched and documented record of Aotearoa New Zealand's historical and cultural place-based heritage. It is a diverse and evolving resource available to all New Zealanders. The list has no legal effect; however our Act requires Councils to give effect to our list within Councils District Plans, enables HNZPT to provide advice or an Affected Party Approval under Section 92 (a) of the RMA. There is a misunderstanding that having your building scheduled under the district plan is going to place unnecessary restraints on what you want to do with the structure, that is not the case. HNZPT advocates for adaptive reuse of a heritage structure in a way that preserves the heritage fabric and values of a building, it is rare for us to not support a resource consent that would have positive outcomes for a scheduled and listed item. The appropriate use of controlled activity status throughout the rules enables to ensure that the heritage character of a building is maintained, if not enhanced. This is no different to many other rules that regulate other chapters of any District Plan.

HNZPT does urge Council that undertaking throughout and evidence-based Heritage Assessments that educate the owner on the significance of their item and why it needs to be protected is very important. By informing the owners of the significance of their item provides suffice evidence to have the building scheduled and in many cases owners are really happy to have their building scheduled given the heritage impact assessment. This also provides clarity for the consenting officer when granting a resource consent. Dunedin City Council has just notified their Plan Change 1 and provided every owner with sufficient Heritage Assessments, that provides clear, prizes reasonings to why an item has been added to the schedule for protection. A grassroots led approach to heritage scheduling is key to myth bust any misconceptions about having your structure scheduled, and costs associated with this. HNZPT urges council to follow the same approach going forward.

HNZPT continues to be supportive of a mana whenua driven approach to Sites and Areas of Significance to Māori. HNZPT acknowledges the controversy that has occurred as a result of a blanket layer that has been placed across the district, however this does give effect to Section 6(e), Section 7 and Section 8 of the Resource Management Act

1991. Mana whenua and iwi are required to be included in the decision-making process and to have 'kaitiakitanga' over the management, development and protection of natural and physical resources. The Ngai Tahu Claims Settlement Act 1998 provides provisions for iwi to be included in the resource management process and consultation where there may be a plausible impact on statutory acknowledgments outlined in the Ngai Tahu Claim Settlement Act 1998. HNZPT would like to make the panel aware of our position to make note of this when deliberating the SASM hearing evidence in the near future.

HNZPT again thanks the commissions for the opportunity to speak, we are happy to take any questions.

ENDS.