



Patron:
His Excellency The Honourable
Sir Anand Satyanand, GNZM, QSO
Governor-General of New Zealand

28 July 2011

File ref: 33002-099 SA: 236 (P)

Selwyn District Council
Planning Department
PO Box 90
Rolleston

Attention: Andrew Mactier

**SUBMISSION OF NEW ZEALAND HISTORIC PLACES TRUST
POUHERE TAONGA TO SELWYN DISTRICT PLAN (VOLUME 1:
TOWNSHIP & VOLUME 2: RURAL)
PROPOSED PLAN CHANGE 26 RAKAIA HUTS WAHI TAONGA
MANAGEMENT AREAS AND SITES.**

This is a submission on the Proposed Plan Change to amend District Plan provisions relating to the management of the Rakaia Huts Moa Hunter Site and Wahi Taonga Management Areas at Rakaia Huts Township and the surrounding rural area.

The New Zealand Historic Places Trust (NZHPT) is New Zealand's leading national historic heritage agency. The work of the NZHPT is governed by the Historic Places Act 1993 (HPA). The purpose of the Act is to "promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand".

Statement of Submission:

Under Section 6 of the Resource Management Act 1991 (RMA), historic heritage is considered a "matter of national importance". From the information provided in the proposed plan change NZHPT is unable to clearly determine whether the adverse affects on historic heritage can be avoided, remedied or mitigated, as identified in Section 5 of the RMA.

The NZHPT's submission is:

The NZHPT supports the plan change in part. This support is subject to amendments put forward in this submission. The NZHPT sees the Proposed Plan Change provides an opportunity to incorporate the recommendations of the Conservation Management Plan that was developed for the Rakaia Huts area.

The specific provisions of the proposal that the NZHPT's submission relates to are: Historic heritage matters contained in the Objectives, Policies, Rules and Appendices of Volume 1: Township and Volume 2: Rural of the Selwyn District Council District Plan.

The reason for our submission is to ensure that under the RMA, Section 6 Matters of national importance 6 (e) "the relationship of Maori and their culture and traditions with

their ancestral lands, water, sites, waahi tapu and other taonga” and Section 6 (f) “the protection of historic heritage from inappropriate subdivision, use and development” are recognised and provided for.

Please note through out the submission proposed amendments are underlined and proposed deletions ~~struck out~~.

1. Volume 1 & 2: Definition and terminology

The NZHPT’s submission is:

The NZHPT has specific concerns with the definitions and terminology used for the description of historic heritage in Chapter B3.3 of the District Plan.

The reasons for the NZHPT’s position are as follows:

Whilst the proposed amendments to the district plan include a clear definition of historic heritage, consequential amendments have not been made through out the plan to compliment the definition provided.

For example, Objective B3.3.2 states that “Sites of wahi tapu and ‘other importance’ to tangata whenua are protected. The phrase ‘other importance’ is not defined in *Part D Definitions* and does not convey exactitude. The NZHPT suggests that the Council undertakes a separate planning exercise to address the terminology for historic heritage matters.

The NZHPT seeks the following decision from the local authority:

At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.

2. Volume 1: Objective B3.3.2 Explanation and Reasons.

The NZHPT’s submission is:

The NZHPT is concerned to ensure that sections 6(e) and 6(f) of the Resource Management Act are correctly referenced in this section.

The reasons for the NZHPT’s position are as follows:

Under the ‘Explanation and Reasons’ paragraphs, incorrect reference is made to sections 6(e) and 6(f) of the RMA. As proposed the passages confuse and intermingle terminology from both sections of the Act and do not serve to convey the intent of the Objective.

The NZHPT seeks the following decision from the local authority:

That the ‘Explanation and Reasons’ paragraphs, are amended to correctly reference sections 6(e) and 6(f) of the RMA as follows and those amendments are consequential through Volume 1 and 2.

- Objective B3.3.2 reflects the duty under section 6(f) (e) to recognise and provide for the protection of wahi tapu and other sites of cultural importance to Maori from inappropriate subdivision, use and development relationship

- of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- Objective B3.3.3 reflects the duty under ~~section 7(e)~~ section 6(f) of the act to recognise and provide for the protection of historical heritage from inappropriate subdivision, use, and development.

3. Volume 1: Policy B.3.3.4 Explanations and Reasons.

The NZHPT's submission is:

The NZHPT seeks that correct reference is made to the Policy which addresses 'resource consent fee waivers', in the paragraph beginning "*Where a landowner requires consent to undertake an activity...*".

The reasons for the NZHPT's position are as follows:

Advising applicants of resource consent fee waivers is an important part of non regulatory service that Selwyn District Council provides. Correct reference to the policy needs to be provided to ensure accuracy and certainty for applicants.

The NZHPT seeks the following decision from the local authority:

The NZHPT seeks amendment to the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.

4. Volume 1: Earthworks 2.1, Reasons for Rules

The NZHPT's submission is:

The NZHPT seeks that amendment is made to the 'Reasons and Rules' section where incorrect reference is made to Wahi Taonga Management area C39(c).

The reasons for the NZHPT's position are as follows:

The proposed plan change does not include an area known as Wahi Taonga Management area C39(c).

The NZHPT seeks the following decision from the local authority:

That amendment is made as detailed:

- ...Wahi Taonga Management area C39 (e) (b).

5. Volume 1: Controlled Activity 2.1.2

The NZHPT's submission is:

The NZHPT submit that this rule does not provide a clear expectation to applicants, in regard to consultation with NZHPT.

The reasons for the NZHPT's position are as follows:

As written the rule requires the written consent of NZHPT for any activity in Wahi Taonga Management Area C39 (b). The phrase 'written consent' construes Resource Management Act consent. The NZHPT does not wish to be contacted for resource

consent matters in this area. However the NZHPT does wish to be consulted under the provisions of the Historic Places Act 1993, as Wahi Taonga Management Area C39 (b) constitutes an archaeological site.

The NZHPT seeks the following decision from the local authority:

That Rule 2.1.2 is amended to reflect the following:

Any earthworks which do not comply with Rule 2.1.19 or 2.1.1.10 shall be a controlled activity if the written consent of the local runanga, ~~and in the case of Wahi Taonga Management Area C39 (b), the New Zealand Historic Places Trust, has been obtained.~~ In the case of Wahi Taonga Management Area C39 (b), which is an archaeological site, the written authorisation of New Zealand Historic Places Trust has been obtained.

The NZHPT seeks that an 'Advice Note' is included in the section as detailed below:

- Activities affecting any archaeological site including Wahi Taonga Management Area C39 (b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga.

The NZHPT seeks that amendments are made consequently through the appropriate sections of Volumes 1 & 2 of the district plan.

6. Volume 2: Historic heritage – Objective B3.3.3 Explanations and Reasons.

The NZHPT's submission is:

The NZHPT is concerned to ensure that correct reference is made to Section 6 of the Resource Management Act.

The reasons for the NZHPT's position are as follows:

Under the 'Explanation and Reasons' paragraphs, incorrect reference is made to section 6(f) of the RMA, as well as incorrect reference to the appropriate part of the Act.

The NZHPT seeks the following decision from the local authority:

That the 'Explanation and Reasons' paragraphs, are amended to correctly reference sections 6(e) of the RMA and are amended as follows:

- Objective B3.3.1 reflects the duty under section 6(f) (e) of the Act to recognise ~~and provide for the protection of wahi tapu and other sites of cultural importance to Maori from inappropriate subdivision use and development.~~ the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

7. Volume 2: Policy B3.3.4 Explanations and Reasons.

The NZHPT's submission is:

The NZHPT is concerned to ensure that correct reference is made to Wahi Taonga Management Area C39 (a) in the Explanations and Reasons section.

The reasons for the NZHPT's position are as follows:

The Explanations and Reasons section gives reference to Wahi Taonga Management Area C39 (b). The NZHPT notes that C39 (b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature of Appendix 5 in Volume 1.

The NZHPT seeks the following decision from the local authority:

That amendment is made to reference Wahi Taonga Management Area C39 (a) in the Explanations and Reasons section of Policy B3.3.4.

8. Volume 2: Part C. Rural Rules – Earthworks. Notes: 1

The NZHPT's submission is:

The NZHPT is concerned to ensure that correct reference is made to Wahi Taonga Management Area C39 (a) in the Notes section.

The reasons for the NZHPT's position are as follows:

The 'Notes' section gives reference to Wahi Taonga Management Area C39 (b). The NZHPT notes that C39 (b) is not scheduled in Appendix 5 of Volume 2. Rather it is a feature in Appendix 5 of Volume 1.

The NZHPT seeks the following decision from the local authority:

That amendment is made to reference Wahi Taonga Management Area C39 (a) in the 'Notes' section of Part C. Rural Rules – Earthworks.

9. Volume 1 and 2. General Submission.

The NZHPT's submission is:

It is important to note that from the outset, the Rakaia Huts Conservation Management Plan was intended to provide landowners, Council, tangata whenua and other stakeholders with clarity around legal obligations under the RMA and HPA with regard to archaeology at Rakaia Huts. The intention was to also streamline processes to better enable those obligations to be met.

The Conservation Management Plan identified the values of the archaeological site identified in the plan as "Cultural Site C39" and more accurately mapped the extent of this site and noted the archaeological values of the various parts of the site.

The reasons for the NZHPT's position are as follows:

While Plan Change 26 has provided rules specific to site C39 (a) and (b)(NZAA Site Record number L37/4) the NZHPT has wider concerns regarding the lack of clarity around the identification of (and provision of rules for) other recorded archaeological sites, sites of significance to Maori and historic heritage in the Selwyn District Plan. These concerns are outlined as followed:

- All wahi taonga sites identified in the Selwyn District Plan equate to NZAA recorded archaeological sites though they are not referred to as such in the

- plan. Some archaeological sites of European origin are included among the “wahi taonga” identified in the Plan.
- Some wahi taonga management areas identified in the Plan have recorded archaeological sites within them – others do not.
- Some silent files have recorded archaeological sites within them – others do not.
- No archaeological sites are currently identified in the Plan as ‘archaeological sites’. No heritage items or cultural sites are identified overtly for their ‘archaeological’ values.

The NZHPT regards this proposed plan change as an interim measure to address issues regarding one specific site, however a wider review of the heritage chapter is required.

The NZHPT seeks the following decision from the local authority:

That Selwyn District Council undertakes a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.

The NZHPT wishes to be heard in support of our submission.



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