The Panel directs that Heritage New Zealand provide it with the following information by Friday 29 June, 2018:

(a) A list of the landowners who it has written to as to the proposal to list the whole of Kakapo Bay including their land as a heritage resource and copies of that correspondence.

Judith Davis,
Edward and Elaine Guard,
John and Narelle Guard,
Dr Hansby,
David Hayes,
John and Bernadette MacKenzie,
Dan Palmer and Lynda Guard,
Robert and Maureen Roberts,
Alan and Karen Roulston,

(b) A list of those who attended any meetings and dates and locations of those meetings.

On 9 June 2017, HNZPT Central Region staff travelled to Marlborough for meetings about Kakapo Bay. Finbar Kiddle—Planner, Blyss Wagstaff—Heritage Assessment Advisor, and Christine Barnett—Archaeologist visited with:

David Hayes, DOC at the DOC office in Picton, and with

John and Narelle Guard, Elaine and Edward Guard, Daniel Palmer and Lynda Guard, and Bernadette and Angela MacKenzie at Kakapo Bay (see attached file note)

(c) A copy of any agreement or terms of agreement reached, and/or correspondence said to encompass such an agreement, and copies of any replies.

See attached correspondence.

(d) If not apparent from the above responses, copies of written advice provided to landowners advising them a discretionary activity resource consent would be needed to erect any buildings on their land.

Discretionary status was not fully spelled out in any of the correspondence, but the need for resource consent was noted in various places in the attached correspondence and during consultation.

(e) Again if it is not apparent from any of the above responses, a detailed description of what Heritage New Zealand says is the 'planned approach' to management of the Bay.

The approach that HNZPT developed with the input of property owners through correspondence and an on-site meeting should be evident in the attached correspondence and file note.

HERITAGE NEW ZEALAND
POUHERE TAONGA

Kakapo Bay File Note

File ref: 12017-012

Date & Time:	Friday June 9
Building/place/site:	Kakapo Bay NZAA sites P27/77; P27/144
List number:	Kakapo Bay is not entered on the New Zealand Heritage List/Rārangi Kōrero ('the List') but is a Proposal for entry on the List, assigned identifier no. 9029 in Heritage New Zealand's database.

People involved:

- Owners of land at Kakapo Bay: John and Narelle Guard; Edward and Elaine Guard; Linda (Guard) and Dan; Bernadette McKenzie and Angela McKenzie
- Heritage New Zealand: Finbar Kiddle, Christine Barnett, Blyss Wagstaff

Reason for meeting:

- Kakapo Bay, in Port Underwood, Marlborough, is of historical and archaeological significance for its layers of Māori and European history.
- Notified for inclusion in the Proposed Marlborough Environment Plan, Ref 61 in Schedule 2: Category II and Locally Significant Resources, Appendix 13: Register of Significant Heritage Resources.
- Heritage New Zealand submits in support of the bay being scheduled in the MEP; meeting to discuss proposed submission and implications of scheduling
- Update Summary Report for Kakapo Bay – currently Proposal status for entry on the List
- Update NZAA sites P27/77; P27/144

Issues discussed:

- Heritage New Zealand discussed the proposed contents of Heritage New Zealand's submission and the implications of the proposed rules for the various zones in the Bay. Submissions are due on 23 June; opportunity to include comments from owners in Heritage New Zealand's submission but there will also be further opportunity for this in future stages of the process.
- The owners were cautiously supportive of the bay having some protection from inappropriate development. Wary about having to go through extra regulation though.
- Heritage New Zealand clarified that the only extra regulation would be the requirement to consider heritage effects if applying for a resource consent, and limitation on the amount of earthworks that could be done in the Sounds Foreshore reserve without consent. The archaeology process would be the same as currently exists.
- There was some concern from owners of land on the northern half of the bay that works to (for example) replace septic tanks would require archaeology.

- Heritage New Zealand suggested an option could be for owners to commission a joint archaeological assessment that covers the entire bay, which could then be used to assess effects of proposed works.
- Owners queried why the proposed extent in the summary report did not include all of the northern land parcels. Heritage New Zealand clarified that it followed a contour line to encompass the flat part of the bay rather than the northern slopes. The owners accepted this.

Agreed actions or follow up:

- Finbar to email draft submission contents to owners
- Narelle Guard to provide feedback on contents of revised summary report

HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Alan and Karen Roulston

Email:

Dear Mr. and Ms. Roulston

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

I am writing to you to provide an update on progress on the Proposed Marlborough Environment Plan (**'Plan'**) and the potential scheduling of Kakapo Bay as a historic site. This is further to my previous email dated 12 May 2017.

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Since the close of further submissions, Heritage New Zealand has been waiting for the Marlborough District Council (**'Council'**) to release its timetable for the hearings on the Plan. These hearings are an opportunity for submitters to present in front of the Hearings Panel and summarise their submission, present additional evidence, and answer questions. The Hearings Panel then decides whether to accept the various submission points or not. The Hearings Panel holds separate hearings for different chapters in the Plan.

The Council has now set down the schedule for some of the Plan's chapters, with hearings to be held between November 2017 and February 2018. However, it has not set down a date for the historic heritage chapter. While the Council has not stated when they will announce a date, the earliest the historic heritage hearing can be expected is March 2018.

Heritage New Zealand will be attending the hearing to speak to our submission and answer questions. If you have any comments, positive or negative, about the proposal, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand. As an affected landowner, we are also able to provide any material you wish to the Hearings Panel on your behalf.

Once the Council has set down a date for the hearing, we will provide you another update.

Yours sincerely,

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

Attachments

Attachment 1: Heritage New Zealand Further Submission

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Edward and Elaine Guard

[redacted]

Dear Edward and Elaine

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

I am writing to you to provide an update on progress on the Proposed Marlborough Environment Plan (**'Plan'**) and the potential scheduling of Kakapo Bay as a historic site.

First, thank you very much for your engagement, comments, and questions so far on the potential scheduling of Kakapo Bay as a historic site. The information you have provided has been invaluable in better identifying what makes the area special and how it can best be protected into the future. We are also very appreciative of the photos, historical material, and the book you sent us.

The further submissions stage of the plan review closed in June 2017. Other than Heritage New Zealand's further submission, no other submissions were made regarding Kakapo Bay. Attachment 1 contains a copy of Heritage New Zealand's further submission.

Since the close of further submissions, Heritage New Zealand has been waiting for the Marlborough District Council (**'Council'**) to release its timetable for the hearings on the Plan. These hearings are an opportunity for submitters to present in front of the Hearings Panel and summarise their submission, present additional evidence, and answer questions. The Hearings Panel then decides whether to accept the various submission points or not. The Hearings Panel holds separate hearings for different chapters in the Plan.

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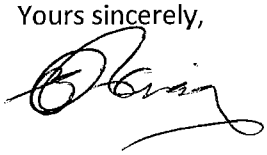
Heritage New Zealand will be attending the hearing to speak to our submission and answer questions. If you have any additional comments to those provided in the further submission that you wish the Hearings Panel to be made aware of, we are able to provide these to the Panel on your behalf. Once the Council has set down a date for the hearing, we will provide you another update.

If you have any feedback, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand.

Yours sincerely,



Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Dr. Hansby

Email:

Dear Dr. Hansby

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

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Once the Council has set down a date for the hearing, we will provide you another update.

Unfortunately, we do not have the contact details of all the owners of your lot, and we would appreciate if you could pass on the information in this letter to them.

Yours sincerely,

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Dan Palmer and Lynda Guard

Email: [redacted]

E-MAILED

Dear Dan and Lynda

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Yours sincerely,

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

John and Bernadette MacKenzie
[redacted]

Email: [redacted]

Dear John and Bernadette

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

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Yours sincerely,

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

John and Narelle Guard

[redacted]

Email: [redacted]

Dear John and Narelle

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I am writing to you to provide an update on progress on the Proposed Marlborough Environment Plan (**'Plan'**) and the potential scheduling of Kakapo Bay as a historic site.

First, thank you very much for your engagement, comments, and questions so far on the potential scheduling of Kakapo Bay as a historic site. The information you have provided has been invaluable in better identifying what makes the area special and how it can best be protected into the future.

The further submissions stage of the plan review closed in June 2017. Other than Heritage New Zealand's further submission, no other submissions were made regarding Kakapo Bay. Attachment 1 contains a copy of Heritage New Zealand's further submission.

Since the close of further submissions, Heritage New Zealand has been waiting for the Marlborough District Council (**'Council'**) to release its timetable for the hearings on the Plan. These hearings are an opportunity for submitters to present in front of the Hearings Panel and summarise their submission, present additional evidence, and answer questions. The Hearings Panel then decides whether to accept the various submission points or not. The Hearings Panel holds separate hearings for different chapters in the Plan.

The Council has now set down the schedule for some of the Plan's chapters, with hearings to be held between November 2017 and February 2018. However, it has not set down a date for the historic heritage chapter. While the Council has not stated when they will announce a date, the earliest the historic heritage hearing can be expected is March 2018.

Heritage New Zealand will be attending the hearing to speak to our submission and answer questions. If you have any additional comments to those provided in the further submission that you wish the Hearings Panel to be made aware of, we are able to provide these to the Panel on your behalf. Once the Council has set down a date for the hearing, we will provide you another update.

If you have any feedback, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand.

Yours sincerely,

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

Attachments

Attachment 1: Heritage New Zealand Further Submission

Attachment 1: Heritage New Zealand's Further Submission on Kakapo Bay

Plan Provision	Position	Reasons for Further Submission	Relief Sought
Appendix 13, Schedule 2 MEP Reference 61	Support in part	Heritage New Zealand submitted in support of the scheduling of Kakapo Bay in the Proposed Plan—subject to a minor amendment. However, the Proposed Plan is not clear on what extent is scheduled. The wording in Schedule 2 implies the whole Bay, while the mapping shows only the Cemetery being scheduled. Protecting only the Cemetery does not give appropriate recognition and protection to the historic heritage values of the Bay, while applying protection across the whole Bay would place an undue burden over a number of properties. To address this, Heritage New Zealand seeks that the scheduled extent cover that shown in Attachment 2, and a more permissive rule framework apply to the scheduled extent. Within the Coastal Living and Coastal Environment zones, the existing activity rules provide an appropriate level or protection for historic heritage values and additional activity rules are not required. However, the proposed extent should still cover these areas to ensure that historic heritage values are considered in any discretionary or non-complying resource consent application. Some activities (e.g. subdivision) are controlled or restricted discretionary activities. To ensure that historic heritage values are taken into account, a rule should be included whereby when an activity within the scheduled area is a controlled or restricted-discretionary activity, effects on historic heritage	That Kakapo Bay be appropriately identified and protected from inappropriate subdivision and development under the Proposed Plan. This could be achieved through amendments such as: • Expand the scheduling of Kakapo Bay to the extent shown in Attachment 2, and that "value applies to" column be amended to "Land, two trypots, a cannon and a memorial cairn". • That with the exception of the rules proposed below, the existing rules in General Rules Heritage Resources not apply to the scheduled extent. • That for any activity within the scheduled extent that is a controlled or restricted discretionary activity under the Proposed Plan, "effects on historic heritage values" be an additional matter of control/discretion. • A new discretionary rule is added making any excavation or filling within the area zoned Open Space 3 of the scheduled extent, or any relocation or removal of an identified feature of heritage significance, a discretionary activity.

		values are an additional matter of control/discretion. Additional rules around land disturbance are required for the portion of the site within the Open Space 3 Zone. This area has high archaeological potential, as it was the focus for whaling activities, and is a key contributor to the significance of Kakapo Bay. The Open Space 3 Zone allows a considerable volume of excavation and filling as a permitted activity (up to 500m^3). This has the potential to adversely affect historic heritage values and—considering the significance of the Bay—warrants additional protection to that provided under the Heritage New Zealand Pouhere Taonga Act 2014. To address this, the Plan requires a rule making land disturbance a discretionary activity within Open Space 3 zoned areas of Kakapo Bay. The scheduled extent also contains two historical significant trypots, a cannon, and a memorial cairn. Their removal or relocation should be a discretionary activity. Finally, the original report on Kakapo Bay submitted as part of Heritage New Zealand's submission contained some outdated information. This has been updated and a revised report is found in Attachment 4. Heritage New Zealand has consulted with landowners at Kakapo Bay about the proposals set out in this further submission point. Attachment 3 contains the responses Heritage New Zealand has so far received. For those landowners yet to respond, Heritage New Zealand hopes to provide further information at the hearing.	

HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Judith Davis

Email: [redacted]

E-MAILED

Dear Judith Davis

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

I am writing to you to provide an update on progress on the Proposed Marlborough Environment Plan (**'Plan'**) and the potential scheduling of Kakapo Bay as a historic site. This is further to my previous email dated 12 May 2017.

The further submissions stage of the plan review closed in June 2017. Other than Heritage New Zealand's further submission, no other submissions were made regarding Kakapo Bay. Attachment 1 contains a copy of Heritage New Zealand's further submission.

Since the close of further submissions, Heritage New Zealand has been waiting for the Marlborough District Council (**'Council'**) to release its timetable for the hearings on the Plan. These hearings are an opportunity for submitters to present in front of the Hearings Panel and summarise their submission, present additional evidence, and answer questions. The Hearings Panel then decides whether to accept the various submission points or not. The Hearings Panel holds separate hearings for different chapters in the Plan.

The Council has now set down the schedule for some of the Plan's chapters, with hearings to be held between November 2017 and February 2018. However, it has not set down a date for the historic heritage chapter. While the Council has not stated when they will announce a date, the earliest the historic heritage hearing can be expected is March 2018.

Heritage New Zealand will be attending the hearing to speak to our submission and answer questions. If you have any comments, positive or negative, about the proposal, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand. As an affected landowner, we are also able to provide any material you wish to the Hearings Panel on your behalf.

Once the Council has set down a date for the hearing, we will provide you another update.

Unfortunately, we do not have the contact details of all the owners of your lot, and we would appreciate if you could pass on the information in this letter to them.

Yours sincerely,

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

Attachments

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Attachment 1: Heritage New Zealand's Further Submission on Kakapo Bay

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HERITAGE NEW ZEALAND
POUHERE TAONGA

04 October 2017

File ref: 33002-092

Robert and Maureen Roberts

Email:

Dear Robert and Maureen Roberts

RE. UPDATE ON THE PROPOSED MARLBOROUGH ENVIRONMENT PLAN

I am writing to you to provide an update on progress on the Proposed Marlborough Environment Plan (**'Plan'**) and the potential scheduling of Kakapo Bay as a historic site. This is further to my previous email dated 12 May 2017.

The further submissions stage of the plan review closed in June 2017. Other than Heritage New Zealand's further submission, no other submissions were made regarding Kakapo Bay. Attachment 1 contains a copy of Heritage New Zealand's further submission.

Since the close of further submissions, Heritage New Zealand has been waiting for the Marlborough District Council (**'Council'**) to release its timetable for the hearings on the Plan. These hearings are an opportunity for submitters to present in front of the Hearings Panel and summarise their submission, present additional evidence, and answer questions. The Hearings Panel then decides whether to accept the various submission points or not. The Hearings Panel holds separate hearings for different chapters in the Plan.

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Heritage New Zealand will be attending the hearing to speak to our submission and answer questions. If you have any comments, positive or negative, about the proposal, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand. As an affected landowner, we are also able to provide any material you wish to the Hearings Panel on your behalf.

Once the Council has set down a date for the hearing, we will provide you another update.

Yours sincerely,

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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		values are an additional matter of control/discretion. Additional rules around land disturbance are required for the portion of the site within the Open Space 3 Zone. This area has high archaeological potential, as it was the focus for whaling activities, and is a key contributor to the significance of Kakapo Bay. The Open Space 3 Zone allows a considerable volume of excavation and filling as a permitted activity (up to 500m^3). This has the potential to adversely affect historic heritage values and—considering the significance of the Bay—warrants additional protection to that provided under the Heritage New Zealand Pouhere Taonga Act 2014. To address this, the Plan requires a rule making land disturbance a discretionary activity within Open Space 3 zoned areas of Kakapo Bay. The scheduled extent also contains two historical significant trypots, a cannon, and a memorial cairn. Their removal or relocation should be a discretionary activity. Finally, the original report on Kakapo Bay submitted as part of Heritage New Zealand's submission contained some outdated information. This has been updated and a revised report is found in Attachment 4. Heritage New Zealand has consulted with landowners at Kakapo Bay about the proposals set out in this further submission point. Attachment 3 contains the responses Heritage New Zealand has so far received. For those landowners yet to respond, Heritage New Zealand hopes to provide further information at the hearing.	

HERITAGE NEW ZEALAND
POUHERE TAONGA

7 October 2016

File ref: 12017-012; 33002-092

John and Narelle Guard

[redacted]

Dear John and Narelle

KAKAPO BAY: HERITAGE RECOGNITION

Thank you very much for your letter dated 15 September 2016. Heritage New Zealand really appreciates your time and effort in reviewing our draft heritage summary report and compiling the reference material you sent. As you rightly assert, the knowledge of a family who has lived in and cared for this important place for over 186 years is incredibly valuable and we are really cognisant of your very special connection to this land.

In recommending that Kakapo Bay be considered for scheduling in the Marlborough Environment Plan, it has been our intention to support your proposal in 1997 for the Bay to be entered onto the New Zealand Heritage List/Rārangi Kōrero ('the List', formerly known as the NZHPT Register). Marlborough District Council is required to have regard to our List when preparing the heritage schedules of its district plan, and so the summary report was prepared to provide information on why it was considered to have heritage values worthy of recognition. We believed ourselves to be honouring your desire to ensure the recognition and protection of the Bay by undertaking this work and so we hope that this clarifies why we had not consulted you sooner regarding the potential scheduling of parts of Kakapo Bay in the Marlborough Environment Plan.

Heritage New Zealand is very grateful for your identification of some errors in our report, and we thank you for taking the time to correct these. We have revised the report and enclose a version with the changes tracked; we hope that you find it now tallies better with your knowledge of the bay's history. We particularly appreciate having our misunderstanding of the marine hatcheries ownership and later sale cleared up, as well as that of the homestead built for Edward and Emma Guard.

Heritage New Zealand appreciates that it has been nearly 20 years since you nominated Kakapo Bay for inclusion in the List and that while it is our job to maintain records of nomination forms it would be very understandable that you may no longer have a copy of this. Consequently, please find enclosed a copy of your original form as this was the main source of information for our report, cross referenced with published sources chosen for their acknowledged expertise (for example archaeologist Nigel Prickett; historians John and Hillary Mitchell). We also consulted research we believed to be robust (for example Don Grady's interviews with your family and citation of Robert McNab's research; McNab having accessed archival records in Sydney as well as family records). We have noted that some of the information in your original form differs slightly from that which you provided in your recent letter, so we've removed mention of any aspects that are unclear—the artefact findspots on the map, for example—from the revised report.

We also wish to allay your concerns about a reference to an 'accommodation house' at the bay. The 'Uses' section of our reports is a Heritage New Zealand data entry tool designed to allow researchers to search our database for results like 'all places that were used as whaling stations' or 'all houses built before 1850', for example. We assign standard cataloguing terms based on a place's history of uses: in this case we had simply indicated that Kakapo Bay had contained 'Accommodation' in the form of 'Houses', not an 'accommodation house' as such. We can see how this list of uses could be misinterpreted though, so we've suggested removing that section from this report if you would be more comfortable with that.

Kakapo Bay is proposed to be scheduled as a Category B heritage resource in the Marlborough Environment Plan. This means that development would not be prohibited, but future proposals would be carefully assessed through a resource consent process, except for repair and maintenance activities that would not usually require consent. Please be assured that scheduling doesn't force owners into special maintenance arrangements, or allow public access to private property.

Heritage New Zealand acknowledges that the extent of Kakapo Bay scheduled in the Proposed Marlborough Environment Plan is too broad. We will be making a further submission seeking that this is addressed. The information you provided to us in your previous letter will be important in informing this further submission. There will then be opportunities at the council hearing, and any pre-hearing meeting, to further discuss what land in Kakapo Bay should be included in the schedule. As part of this process, we would be very happy to work with you and the Council.

Heritage New Zealand is very grateful for your contribution to caring for this significant site in New Zealand's and Marlborough's heritage and trusts that this advice gives you comfort in respect of our regard for this, and as to the motivation of our work.

Yours sincerely

Claire Craig
General Manager
Heritage New Zealand Central Region

Attachments: Revised summary report (tracked changes); revised summary report (changes accepted); copy of 'Registration Proposal Form for Historic Places and Historic Areas: Kakapo Bay, Port Underwood, Marlborough, 1997'

Finbar Kiddle

From: David Hayes
Sent: Thursday, 22 June 2017 11:53 a.m.
To: Finbar Kiddle
Subject: RE: Kakapo Bay and Land Disturbance

Yes, that would be fine.

Cheers
Dave

From: Finbar Kiddle [mailto:fkiddle@heritage.org.nz]
Sent: Thursday, 22 June 2017 11:31 a.m.
To: David Hayes
Subject: RE: Kakapo Bay and Land Disturbance

Thanks Dave,

Are you ok if I attach the below communication to our further submission as evidence of us consulting with DoC?

Regards

Finbar

From: David Hayes
Sent: Monday, 12 June 2017 2:44 p.m.
To: Finbar Kiddle
Cc: Shelly Sidley
Subject: RE: Kakapo Bay and Land Disturbance

Hi Finbar,
Yes DOC would be amenable to the wording that you have proposed.

Cheers
Dave

From: Finbar Kiddle [mailto:fkiddle@heritage.org.nz]
Sent: Monday, 12 June 2017 2:21 p.m.
To: David Hayes
Subject: Kakapo Bay and Land Disturbance

Good afternoon David

Thanks for meeting with us the other day, it was useful to get your perspective and hear about DoC's plans regarding Wairoa Bar.

I have been doing some research into possible thresholds for land disturbance in the open space zone of Kakapo Bay. I have not had much success devising an appropriate threshold. For example, 10m3 is a considerable amount of earth to move, while 1m3 seems so trivial as to not warrant mention. However,

after closer examination of the definitions in the Proposed Plan, I think not having a threshold might not be an issue.

The term "land disturbance activity" is defined in the Plan as "any activity that includes excavation, filling, cultivation or vegetation clearance." Within Kakapo Bay, we are only concerned about excavation and filling, so the cultivation and vegetation clearance parts can be done away with. To meet the definition of excavation or filling, an activity also needs to permanently alter the contour of the land. If we limit the proposed extra rule in the open space zone to excavation or filling being a discretionary activity, this would mean that activities that do not alter the contour of the land are not captured so the rule doesn't apply to them. The language of 'alter the contour' also could imply a threshold, as some activities may be deemed to be so minor as to not alter the contour of the land.

With this in mind, would you be amendable to forgoing a threshold for land disturbance, and having a rule along the lines of "excavation and filling within the open space 3 zoned areas of Kakapo Bay is a discretionary activity."?

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Finbar Kiddle

From: Finbar Kiddle
Sent: Thursday, 22 June 2017 11:27 a.m.
To: 'James Guard'
Subject: RE: Letter from Elaine and Edward Guard

Thank you very much James, the message came through fine this time.

Please pass on the regards of myself and the rest of the team in our office to Edward and Elaine, and thank them for the lovely photos they sent to us. The Guards of the Sea book has also now been added to our office library.

Regarding the photos of Edward's intarsia work, would they like them back or are we able to hold on to them?

Finally, I will write Edward and Elaine an update of how the Marlborough Environment Plan process is progressing when it moves to the next stage.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | PH: 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

-----Original Message-----
From: James Guard [redacted]
Sent: Tuesday, 20 June 2017 7:20 p.m.
To: Finbar Kiddle
Subject: RE: Letter from Elaine and Edward Guard

Apologies Finbar,

Please find a renamed attachment attached!

If this doesn't work, the text is as follows:

[redacted]

17 th June, 2017.

Mr. F. Kiddle,
Heritage Advisor Planning.
Heritage New Zealand.

Dear Finbar,
Edward and I wish to thank you for planning the Site Visit to Kakapo Bay, along with Blyss, and Christine.

We feel that having seen Kakapo Bay, and the various Historical areas, you have a better understanding of how various requirements can affect everyday life, for those of us living in the Bay, or with land in the Bay. We were concerned initially, but having the opportunity to speak with you and discuss the practical options we feel our concerns have been addressed.

We understand the need to have input from Heritage New Zealand in the Proposed Marlborough District Plan.

For those of the Guard family left owning land in Kakapo Bay, we are aware that we can't be around indefinitely, and it is important that special sites are protected into the future, when we are gone.

Our son James will send this letter to you via email, as the local post is slower than it used to be. All mail has to go to Christchurch before going onto it's destination.

Yours sincerely,

Elaine and Edward Guard.

--On Tuesday, June 20, 2017 01:11:18 +0000 Finbar Kiddle <fkiddle@heritage.org.nz> wrote:

> Good afternoon James
>
> Thank you for sending this, but unfortunately the attachment was
> blocked by our system. I think this is because there is an extra '.'
> before the '.pdf', could you please try removing this and sending it
> again.
>
>
> Regards,
>
>
> Finbar Kiddle
> Heritage Advisor - Planning | Central Region | Heritage New Zealand
> Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington
> 6140 | PH: 04 494 8325 | Visit www.heritage.org.nz and learn more
> about New Zealand's heritage places. This communication may be a
> privileged communication. If you are not the intended recipient, then
> you are not authorised to retain, copy or distribute it. Please notify
> the sender and delete the message in its entirety.
>
>
> -----Original Message-----
> From: James Guard
> Sent: Monday, 19 June 2017 7:39 p.m.
> To: Finbar Kiddle
> Subject: Letter from Elaine and Edward Guard
>
> Hello,
>
> Please find attached a letter from my parents, Elaine and Edward
> Guard.
>

> Thanks,
>
> James
>
> --
> James Guard
>

--
James Guard

Finbar Kiddle

From: Finbar Kiddle
Sent: Monday, 26 June 2017 9:16 a.m.
To: 'Narelle Guard'
Subject: RE: Support to HNZ Submission 23 6 17 (2)

Thank you very much for your support Narelle!

We have now lodged our further submission, so it is now a matter of waiting until we hear something more from Council.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

From: Narelle Guard [redacted]
Sent: Thursday, 22 June 2017 1:55 p.m.
To: Finbar Kiddle
Subject: Support to HNZ Submission 23 6 17 (2)

Sorry I do not know computers...it went somewhere.. hope this works - Narelle

---

J.A. & J.N. Guard
[redacted]

Email: [redacted]

Ph: [redacted]

Heritage New Zealand
Pouhere Taonga
P.O. Box 2629,
Wellington 6140

Attention: Finbar Kiddle

Dear Finbar

RE: Heritage New Zealand Submission to Marlborough District Council (MDC) Proposed Marlborough Environment Plan (the Plan). Appendix 13 - Schedule 2: Category 11 and

Locally Significant Heritage Resources – Kakapo Bay Whaling Station - Port Underwood - Land and building footprint

We **support** the Heritage New Zealand (HNZ) amended submission to the Plan - 23.06.17.

Staff from HNZ met with the residents of Kakapo Bay on Friday 9.06.17 explaining the proposal. We also had consultation with Pere Hause at MDC.

The Guard Family have lived in Kakapo Bay since 1830 (187 years) we have protected and treasured our/the heritage significance of this Bay. On 19.9.1997 we registered a proposal form for Historic Places and Historic Areas with NZ Historic Places Trust. It has taken 20 years to process but this will help protect Kakapo Bay from any future exploitation.

Yours faithfully

John & Narelle Guard

Finbar Kiddle

From: Finbar Kiddle
Sent: Monday, 26 June 2017 9:46 a.m.
To: 'Daniel Palmer'
Subject: RE: FW: Kakapo Bay Further Submission

Good morning Dan and Lynda

Thank you very much and we really appreciate your input.

I will be in touch closer to the hearing, or if we hear something of pertinence from Council.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

From: Daniel Palmer
Sent: Sunday, 25 June 2017 7:53 p.m.
To: Finbar Kiddle
Subject: Re: FW: Kakapo Bay Further Submission

Hi Finbar,

Firstly it was great to meet you all and we appreciated the effort you all made to visit Kakapo Bay. I apologise that we did not send any feedback to you before the 22 June.

Please note that myself and Lynda are in support of this submission on the proposed Marlborough Environmental Plan. Please feel free to contact us closer to the time of the hearing if you would like any further acknowledgment of support or documentation.

Good luck with the submission process.

Kind regards,

Dan Palmer and Lynda Guard

On Thu, Jun 15, 2017 at 7:57 AM, Finbar Kiddle <fkiddle@heritage.org.nz> wrote:
Sorry Dan, I got your email wrong in the original message.

From: Finbar Kiddle
Sent: Thursday, June 15, 2017 7:52 AM
To:
Subject: Kakapo Bay Further Submission

Good morning

First, thank you for meeting with us last week. It was great to meet you all and it really helped develop our understanding and appreciation of Kakapo Bay.

As I mentioned, we are now working on our further submission on the Proposed Marlborough Environment Plan (Proposed Plan). This is due on 23 June 2017. I have attached a copy of the relevant part from our draft further submission; however, it is written in 'planning speak' and is a bit complicated, so I will summarise what we are proposing:

- That the current extent of Kakapo Bay scheduled in the Proposed Plan be extended to the area shown in the attached map, and that the Proposed Plan specify that the two trypots, cannon, and memorial cairn are included in this.
- That the existing rules for historic heritage in the Proposed Plan should not apply to Kakapo Bay; instead only the following additional rules (additional to the other rules in the Proposed Plan that would apply even if Kakapo Bay was not scheduled as a historic site) apply to Kakapo Bay:
    - Excavation and filling in the Open Space 3 zoned area of Kakapo Bay (this is the area along the foreshore that is DoC land) be a discretionary activity (this means it requires resource consent)
    - Relocation or removal of the two trypots, cannon, or memorial cairn also be a discretionary activity
    - That **if** a resource consent is required under another rule in the Proposed Plan (e.g. subdivision would require a resource consent regardless of whether Kakapo Bay is scheduled as a historic site or not), as part of the resource consent process the applicant and the Council need to consider how the activity may negatively affect historic heritage and what can be done to avoid or reduce these effects. For example, with a subdivision you might consider if the new property boundaries will bisect any heritage features, like the former site of James Wynen's homestead. If this was an issue, you could adjust the boundaries to avoid crossing the homestead site therefore avoid the negative effects.

Overall, our intention is that including Kakapo Bay in the Proposed Plan does not have much of an impact on if you require a resource consent or not; however, if you do need a resource consent because of other rules in the Proposed Plan, consideration needs to be given to historic heritage.

In most situations this shouldn't have much of an impact either; for example, in building a house Council may just check to see if you have talked to Heritage New Zealand about archaeology. However, if at some point in the future there was a proposal for a marine farm or other large-scale development, scheduling Kakapo Bay would help ensure that this development is kept to a scale that is appropriate for a nationally significant heritage site—or potentially not occur at all if the development is particularly offensive.

I would also like to reiterate our offer of including any feedback (positive or negative) that you have on the proposed scheduling of Kakapo Bay. If you are able to provide this by 22 June, we can include it in the further submission; however, if this is not possible, we can also attach it to the evidence we present at the Council hearing (which is likely at least a year away).

Finally, attached is a revised version of our summary report on Kakapo Bay, we would welcome any additional comments you have on this version.

Once again, thank you very much for all your assistance with helping us understand Kakapo Bay, and your wonderful hospitality in allowing us to visit. We appreciated meeting you all.

Regards,

Finbar Kiddle

Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

Finbar Kiddle

From: Finbar Kiddle
Sent: Monday, 26 June 2017 9:41 a.m.
To: [redacted]
Cc: Blyss Wagstaff
Subject: RE: Kakapo Bay Further Submission

Good morning John and Bernadette

Thank you very much for your input. Unfortunately I was in the process of quickly sliding into sickness on Thursday, so was forced to submit our further submission before I got your email;. This means I wasn't able to incorporate your comments in our further submission, I apologise for this. However, we will make sure they are presented at the hearing. To speak to some of your points:

- To acknowledge the high degree of modification to the flats, I think we can put this in the summary report. It could then be used as evidence to prove to Council that the flats have been modified already. Due to how the Council has structured their schedule of historic heritage, it is difficult to provide a note within the plan itself—but this is something we can also explore further too.
- Regarding the interpretation of having talked to Heritage New Zealand, this will be something we will need to work out with Council more generally, as it applies to more sites than Kakapo Bay. I agree with you and think it is definitely worth it to codify the relationship between Council and Heritage New Zealand somewhere.
- Thank you for the update re. ownership, and we will change our records accordingly.

I will make sure to keep you informed as the plan change process rolls forward, although I imagine it will be a while before we hear anything back from Council.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

From: John MacKenzie [redacted]
Sent: Thursday, 22 June 2017 4:21 p.m.
To: Finbar Kiddle; [redacted]
Subject: Kakapo Bay Further Submission

Hello Finbar and team

We also appreciated the opportunity to meet with you, Christine and Bliss onsite at Kakapo bay recently, it was good to put faces to names and for all interested parties to have a 'round table" discussion.

We have just a few comments to make on your latest submission:

- We do feel that it should be made explicit the high degree of modification to the flats: they have been worked over extensively for pastoral farming for numerous decades.

- MDC's interpretation of checking to see if we have "talked" to Heritage NZ could be varied and will undoubtedly involve Affected Party Consent etc....depending on who we deal with at Heritage NZ and their understanding of the site will determine whether or not they request an archaeologist report. It would be useful for any expectations around the consultation process to be outlined: both MDC's and Heritage NZ's. Especially, as Angela commented on the day we met, we may have an understanding with the people we meet and they with us, however if we are dealing with staff unfamiliar with the area/us MDC staff will probably err on the side of caution and have higher requirements.
- There are a wide range of activities that could potentially trigger the need for a resource consent in the Bay especially considering the site constraints: waterways etc. For example operating heavy machinery within 8 metres of a stream, eg if we were to need to replace our septic tank, or placement of a structure such as a garage.
- Could you please remove Terry and June Marfell's names. They were 50% partners in our holiday house, but since we purchased their share in April 2017 they no longer have an interest in the property. As this is an official report, you no doubt want to get the names right.

Regards

John and Bernadette MacKenzie

HERITAGE NEW ZEALAND
POUHERE TAONGA

File ref: 33002-092

14 June 2017

Edward and Elaine Guard

[redacted]

Dear Mr. and Ms. Guard

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

First, thank you for meeting with us last week. It was great to meet you and it really helped develop our understanding and appreciation of Kakapo Bay.

We are now working on our further submission on the Proposed Marlborough Environment Plan (Proposed Plan). This is due on 23 June 2017. Attached to this letter is a copy of the relevant section from our draft further submission; however, it is written in 'planning speak' and is a bit complicated, so below is a summary of what we are proposing:

- That the current extent of Kakapo Bay scheduled in the Proposed Plan be extended to the area shown in the attached map, and that the Proposed Plan specify that the two trypots, cannon, and memorial cairn are included in this.
- That the existing rules for historic heritage in the Proposed Plan should not apply to Kakapo Bay; instead only the following additional rules (additional to the other rules in the Proposed Plan that would apply even if Kakapo Bay was not scheduled as a historic site) apply to Kakapo Bay:
    - Excavation and filling in the Open Space 3 zoned area of Kakapo Bay (this is the area along the foreshore that is DoC land) be a discretionary activity (meaning it requires resource consent).
    - Relocation or removal of the two trypots, cannon, or memorial cairn also be a discretionary activity.
    - That **if** a resource consent is required under another rule in the Proposed Plan (e.g. subdivision would require a resource consent regardless of whether Kakapo Bay is scheduled as a historic site or not), as part of the resource consent process the applicant and the Council need to consider how the activity may negatively affect historic heritage and what can be done to avoid or reduce these effects. For example, with a subdivision you might consider if the new property boundaries will bisect any heritage features, like the former site of James Wynen's homestead. If this was an issue, you could adjust the boundaries to avoid crossing the homestead site therefore avoid the negative effects.

Overall, our intention is that including Kakapo Bay in the Proposed Plan does not have much of an impact on if you require a resource consent or not; however, if you do need a resource consent because of other rules in the Proposed Plan, consideration needs to be given to historic heritage.

In most situations this shouldn't have much of an impact either; for example, in building a house Council may just check to see if you have talked to Heritage New Zealand about archaeology. However, if at some point in the future there was a proposal for a marine farm or other largescale development, scheduling Kakapo Bay would help ensure that this development is kept to a scale that

is appropriate for a nationally significant heritage site—or potentially not occur at all if the development is particularly offensive.

We would also like to reiterate our offer of including any feedback (positive or negative) that you have on the proposed scheduling of Kakapo Bay. If you are able to provide this by 22 June, we can include it in the further submission; however, if this is not possible, we can also attach it to the evidence we present at the Council hearing (which is likely at least a year away).

Finally, attached is a revised version of our summary report on Kakapo Bay, we would welcome any additional comments you have on this version.

Once again, thank you very much for all your assistance with helping us understand Kakapo Bay, and your wonderful hospitality in allowing us to visit. We appreciated meeting you all.

Yours sincerely

Finbar Kiddle

Heritage Advisor Planning
Central Region
Heritage New Zealand Pouhere Taonga

Attachments
Attachment 1: Heritage New Zealand proposed extent
Attachment 2: Draft further submission text
Attachment 3: Revised summary report for Kakapo Bay

Address for service
Postal: PO Box 2629, Wellington 6140, New Zealand
Email: fkiddle@heritage.org.nz
Phone: 04 494 8320

Attachment 1: Heritage New Zealand Proposed Extent

Attachment 2: Draft further submission text

Reasons for further submission

Heritage New Zealand submitted in support of the scheduling of Kakapo Bay in the Proposed Plan—subject to a minor amendment. However, the Proposed Plan is not clear on what extent is scheduled. The wording in Schedule 2 implies the whole Bay, while the mapping shows only the Cemetery being scheduled. Protecting only the Cemetery does not give appropriate recognition and protection to the historic heritage values of the Bay, while applying protection across the whole Bay would place an undue burden over a number of properties. To address this, Heritage New Zealand seeks that the scheduled extent cover that shown in Attachment 1, and a more permissive rule framework apply to the Bay.

Within the Coastal Living and Coastal Environment zones, the existing activity rules provide an appropriate level or protection for historic heritage values and additional activity rules are not required. However, the proposed extent should still cover these areas to ensure that historic heritage values are considered in any discretionary or non-complying resource consent application. Some activities (e.g. subdivision) are controlled or restricted discretionary activities. To ensure that historic heritage values are taken into account, a rule should be included whereby when an activity within the scheduled area is a controlled or restricted-discretionary activity, effects on historic heritage values is an additional matter of control/discretion.

Additional rules around land disturbance are required for the portion of the site within the Open Space 3 Zone. This area has high archaeological potential, as it was the focus for whaling activities, and is a key contributor to the significance of Kakapo Bay. The Open Space 3 Zone allows a considerable volume of excavation and filling as a permitted activity (up to 500m^3). This has the potential to adversely affect historic heritage values and, considering the significance of the Bay, warrants additional protection to that provided under the Heritage New Zealand Pouhere Taonga Act 2014. To address this, the Plan requires a rule making land disturbance a discretionary activity within Open Space 3 zoned areas of Kakapo Bay. Heritage New Zealand has consulted the Department of Conservation, who administer this land, and they are amenable to the new rule proposed.

Kakapo Bay also contains two historical significant trypots, a cannon, and a memorial cairn. Their removal or relocation should be a discretionary activity.

Finally, the original report on Kakapo Bay submitted as part of Heritage New Zealand's submission contained some outdated information. This has been updated and a revised report is found in Attachment 2.

Heritage New Zealand is undertaking consultation with landowners at Kakapo Bay, and we will include statements of their views as part of our hearing evidence.

Relief sought

Expand the scheduling of Kakapo Bay to the extent shown in Attachment 2, and that "value applies to" column be amended to "Land, two trypots, a cannon and a memorial cairn".

That with the exception of the rules proposed below, the rules in General Rules Heritage Resources not apply to Kakapo Bay.

That for any activity within Kakapo Bay that is a controlled or restricted discretionary activity under the Proposed Plan, "effects on historic heritage values" be an additional matter of control/discretion.

A new discretionary rule is added making any excavation or filling within the area zoned Open Space 3 of Kakapo Bay, or any relocation or removal of an identified feature of heritage significance, a discretionary activity.

Attachment 3: Revised summary report for Kakapo Bay

Finbar Kiddle

From: David Hayes [redacted]
Sent: Monday, 15 May 2017 3:56 p.m.
To: Finbar Kiddle
Subject: RE: Planned further submission on Proposed Marlborough Environment Plan

Hi Finbar,
The 13th works the best for me.

Cheers
Dave

From: Finbar Kiddle [mailto:fkiddle@heritage.org.nz]
Sent: Friday, 12 May 2017 10:25 a.m.
To: David Hayes <dhayes@doc.govt.nz>
Subject: RE: Planned further submission on Proposed Marlborough Environment Plan

That's quite alright David.

Would 9 June, 13 June or 16 June work for you?

Regards,
Finbar

From: David Hayes [redacted]
Sent: Thursday, 11 May 2017 4:42 p.m.
To: Finbar Kiddle
Subject: RE: Planned further submission on Proposed Marlborough Environment Plan

Hi Finbar,
Sorry, I'm involved in a training course on those days. I'm free on the Fri 2nd though.

Cheers
Dave

From: Finbar Kiddle [mailto:fkiddle@heritage.org.nz]
Sent: Wednesday, 10 May 2017 12:52 p.m.
To: David Hayes [redacted]
Subject: RE: Planned further submission on Proposed Marlborough Environment Plan

Good afternoon David

I am getting on to planning our trip down to Marlborough. Would Tuesday 30 May or Thursday 1 June work for you to meet?

We are thinking of flying Sounds Air to Picton, so we would be landing at 9:10am and flying out at 4:45pm. If possible, it would be great to meet either soon after we arrive or in the afternoon before we leave, this will give us time to also travel out to Kakapo Bay for a visit.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

From: David Hayes
Sent: Thursday, 20 April 2017 4:12 p.m.
To: Finbar Kiddle
Subject: RE: Planned further submission on Proposed Marlborough Environment Plan

Hi Finbar,
I'm happy to meet up later in May to discuss further the significance of the proposal.
Let me know what dates you have in mind.

Regards
Dave

From: Finbar Kiddle [mailto:fkiddle@heritage.org.nz]
Sent: Wednesday, 19 April 2017 9:48 a.m.
To: David Hayes
Subject: Planned further submission on Proposed Marlborough Environment Plan

Good morning David

Your name has been passed to me by my colleague Blyss Wagstaff as the person to talk to, as we are planning to make a further submission on the Proposed Marlborough Environment Plan (the Plan) that would affect land administered by Department of Conservation.

One of the proposed changes in the Plan is to include Kakapo Bay (the Bay) in the Register of Significant Heritage Resources (the Register). This is to recognise and protect the rich history of the Bay, especially its time as a whaling station. Heritage New Zealand intends to make a further submission to address an inconsistency regarding the extent of the Bay that is proposed for inclusion. The wording in the Register implies protection for the whole Bay, while the Council mapping only shows the Guard Family Cemetery having protection. To address this, Heritage New Zealand is planning to submit that the extent shown in Figure 1 below be included in the Register. We consider that this covers the historically significant portions of Kakapo Bay. For more information on the historic significance of the Bay, please see the attached report.

We are also concerned that the notified historic heritage rules in the Plan, which currently apply to all historic heritage in the Register, if applied to the extent shown in Figure 1, would place an undue restriction on property owners and land administrators. Instead of these rules, we intend to submit that a different, more targeted, suite of rules apply to the Bay. We intend that these will provide an appropriate balance between property owners' interests and the safeguarding of the important historic heritage for future generations to learn from and enjoy.

Of relevance for the Department of Conservation is the portion of land zoned Open Space 3 that falls within the Foreshore Reserve (see Figure 2). We are seeking to apply one historic heritage rule relating to activity statuses. This is to make land disturbance within the Open Space 3 zoned areas of the extent a restricted discretionary activity, where discretion is restricted to effects on historic heritage values. We consider this rule necessary to protect the significant historic heritage values arising from the archaeological material present in the area and its relationship with the wider narrative of the Bay. Such a rule would provide an

additional layer of protection to that provided in the Heritage New Zealand Pouhere Taonga Act 2014, one that is warranted considering the significance of the area.

Other than the above rule, we are largely satisfied that the Plan's non-historic heritage rules within the Open Space 3 zone provide an appropriate level of protection to the historic heritage values. However, any already controlled or restricted-discretionary activity relating to signage or the construction or alteration of buildings and structures should be required to consider effects on historic heritage values. Heritage New Zealand intends to propose a rule to this effect.

We are also proposing a rule to protect the try pot at the site of the first shore whaling station. The Plan is not clear on what protection, if any, would apply to the try pot. To protect this important item, any modification or removal of it should be a restricted discretionary activity and require resource consent. It may be that this try pot falls within the Foreshore Reserve.

We would be very interested in meeting with you and anyone else from the Department with an interest in the proposal. We are looking to travel to Blenheim in the second half of May, so could potentially arrange something then.

Regards,

Finbar Kiddle
Heritage Advisor – Planning | Central Region | Heritage New Zealand Pouhere Taonga | Level 7 69 Boulcott Street | PO Box 2629 Wellington 6140 | **PH:** 04 494 8325 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places.

Figure 1: Heritage New Zealand Proposed Extent

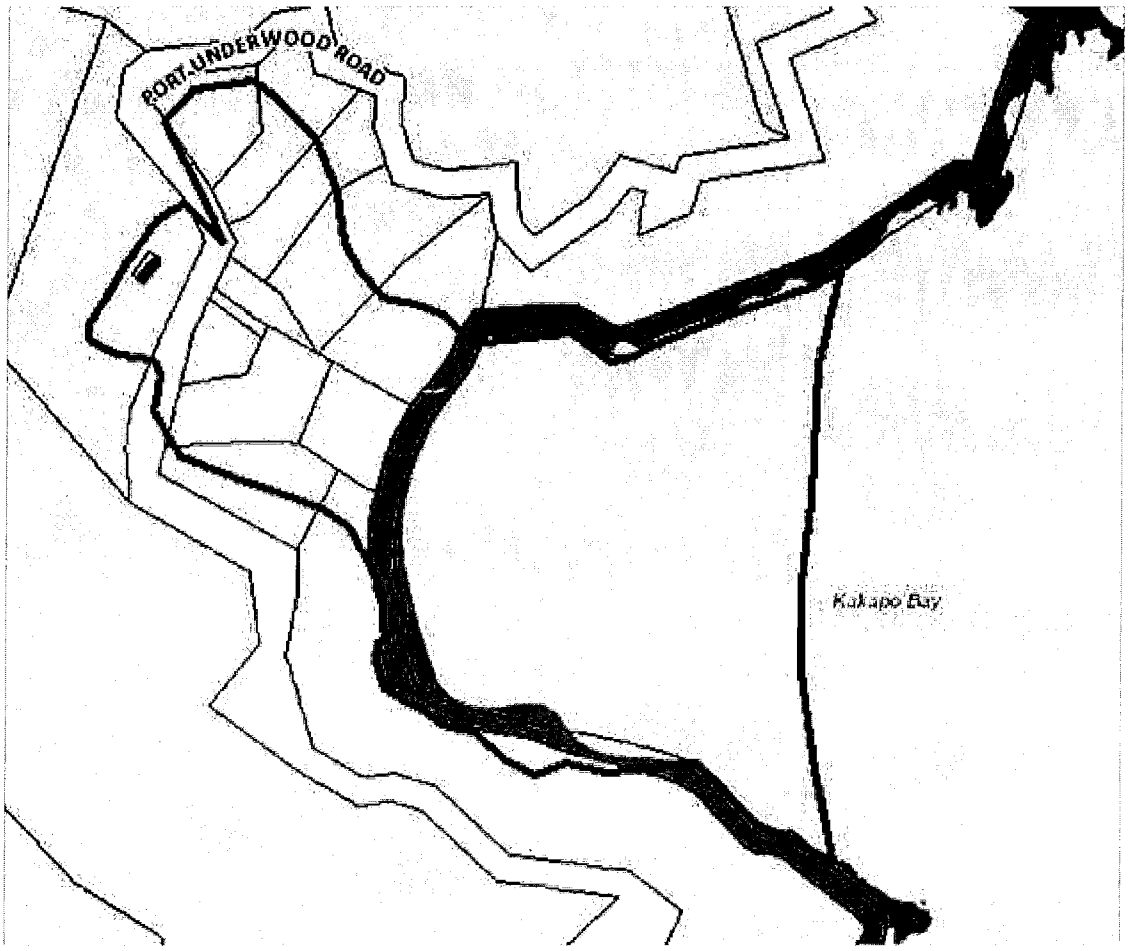

Figure 2: Kakapo Bat Zoning as in Proposed Plan

Key
Light brown: Coastal Environment Zone
Yellow: Coastal Living Zone
Green: Open Space 3 Zone
Red: Current mapped extent of area of heritage significance
Blue line: Heritage New Zealand proposed extent (approximate only)

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HERITAGE NEW ZEALAND
POUHERE TAONGA

12 May 2017

File ref: 33002-092

Judith Davis

Email: [redacted]

Dear Judith Davis

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

I am writing to you as an affected landowner in Kakapo Bay (the Bay). As you may be aware, the Marlborough District Council (the Council) is in the process of consulting on the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates the district plans, regional plan, and regional policy statement into one. The initial round of submissions has closed, with the further submission stage still to come. For more information on the Plan, please use the following link: http://www.marlborough.govt.nz/Your-Council/RMA/The-Proposed-MEP.aspx.

One of the proposed changes in the Plan is to include the Bay in the Register of Significant Heritage Resources (the Register). This is to recognise and protect the rich history of the Bay, especially its time as a whaling station. Heritage New Zealand intends to make a further submission on the Plan to address an inconsistency regarding the extent of the Bay that is proposed for inclusion in the Register. The wording in the Register implies protection for the whole Bay, while the Council mapping only shows the Guard Family Cemetery having protection. To address this, Heritage New Zealand is planning to submit that the extent shown in Attachment 1 be included in the Register. We consider that this covers the historically significant portions of Kakapo Bay. For more information on the historic significant of the Bay, please see Attachment 2.

We are also concerned that the notified historic heritage rules in the Plan, which currently apply to all historic heritage in the Register, if applied to the extent shown in Attachment 1, would place an undue restriction on property owners. Instead of these rules, we plan to submit that a different suite of rules apply to the Bay. We intend that these rules will provide an appropriate balance between property owners' interests and the safeguarding of the important historic heritage for future generations to learn from and enjoy.

For areas of Kakapo Bay zoned Coastal Environment and Coastal Living (see Attachment 2), we consider that the proposed zone rules already provide an appropriate level of protection. However, an additional rule is required to ensure the consideration of historic heritage values in any resource consent required under the other proposed plan rules that occurs within the extent shown in Attachment 1. This means that there would be no additional controls on which activities require resource consent and which do not, but if a resource consent is required, effects on historic heritage values would need to be considered as part of the resource consent application. We intend that this be restricted to resource consents with the potential to adversely affect historic heritage values, such as land disturbance, the constriction or alteration of buildings and structures, and signage.

For areas of the Bay zoned Open Space 3 (the Foreshore Reserve, administered by the Department of Conservation), we consider that an additional rule is required to restrict land disturbance. The Open Space 3 rules permit a large volume of land disturbance that is inappropriate in this archaeologically significant area. To address this, we are proposing land disturbance in the Open Space 3 zones within the proposed extent be a restricted-discretionary activity, so resource consent would be required.

The final rule we consider necessary is one to protect the try pot at the site of the first shore whaling station. The Plan is not clear on what protection, if any, would apply to this item. To protect the try pot, any modification or removal of it should be a restricted discretionary activity and require resource consent.

When Council releases the summary of submissions, I encourage you to make a further submission regarding your views on the scheduling of Kakapo Bay. Alternatively, Heritage New Zealand is able to include a statement from you as part of our further submission.

Unfortunately, we do not have the contact details of all the owners of your lot, and we would appreciate if you could pass on the information in this letter to them.

If you wish to discuss anything in this letter, please contact the Heritage Advisor Planning, Finbar Kiddle, on 04 4948320; fkiddle@heritage.org.nz; or PO Box 2629, Wellington 6140, New Zealand.

Yours sincerely

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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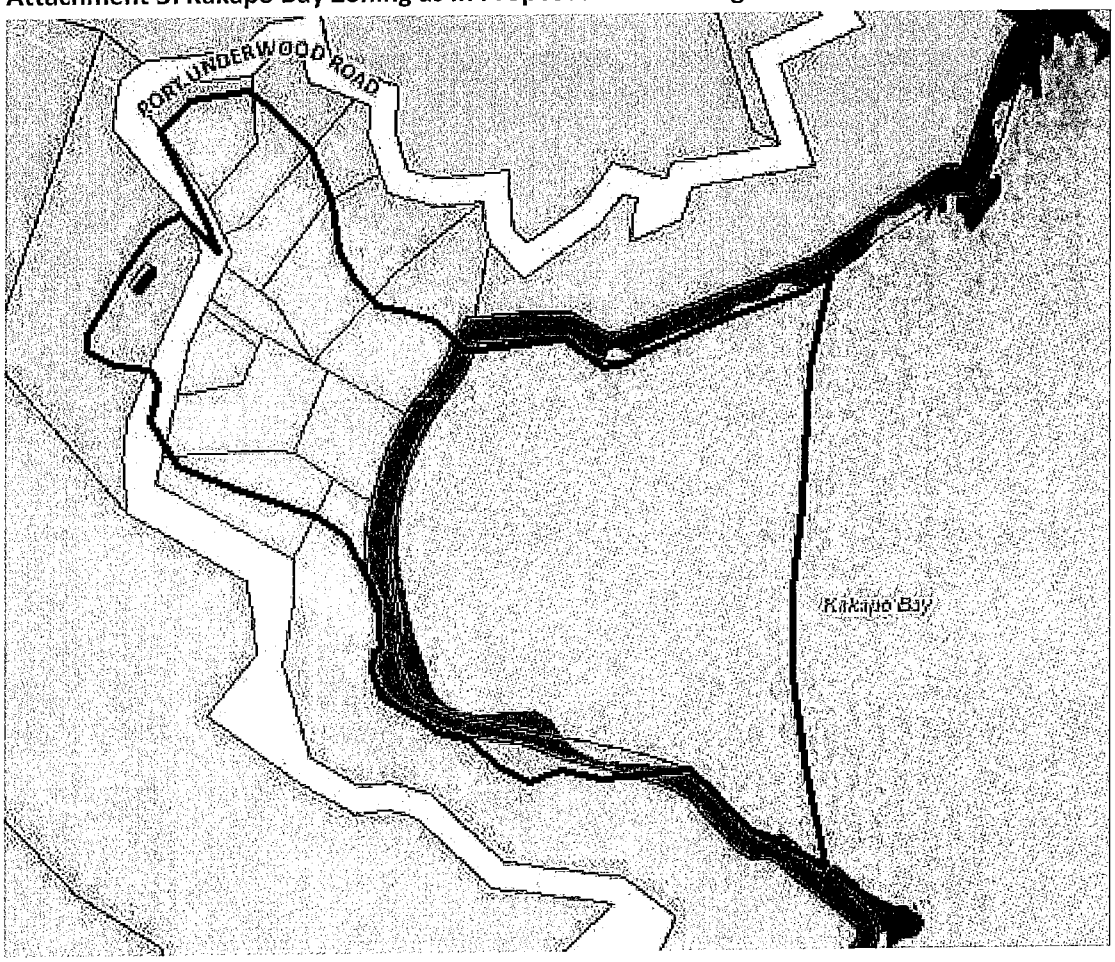

Key

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Blue line: Heritage New Zealand proposed extent (approximate only)

HERITAGE NEW ZEALAND
POUHERE TAONGA

12 May 2017

File ref: 33002-092

Robert and Maureen Roberts
[redacted]

Email: [redacted]

Dear Robert and Maureen Roberts

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

I am writing to you as an affected landowner in Kakapo Bay (the Bay). As you may be aware, the Marlborough District Council (the Council) is in the process of consulting on the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates the district plans, regional plan, and regional policy statement into one. The initial round of submissions has closed, with the further submission stage still to come. For more information on the Plan, please use the following link: http://www.marlborough.govt.nz/Your-Council/RMA/The-Proposed-MEP.aspx.

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For areas of Kakapo Bay zoned Coastal Environment and Coastal Living (see Attachment 2), we consider that the proposed zone rules already provide an appropriate level of protection. However, an additional rule is required to ensure the consideration of historic heritage values in any resource consent required under the other proposed plan rules that occurs within the extent shown in Attachment 1. This means that there would be no additional controls on which activities require resource consent and which do not, but if a resource consent is required, effects on historic heritage values would need to be considered as part of the resource consent application. We intend that this be restricted to resource consents with the potential to adversely affect historic heritage values, such as land disturbance, the constriction or alteration of buildings and structures, and signage.

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Unfortunately, we do not have the contact details of all the owners of your lot, and we would appreciate if you could pass on the information in this letter to them.

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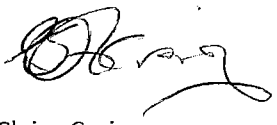
Yours sincerely



Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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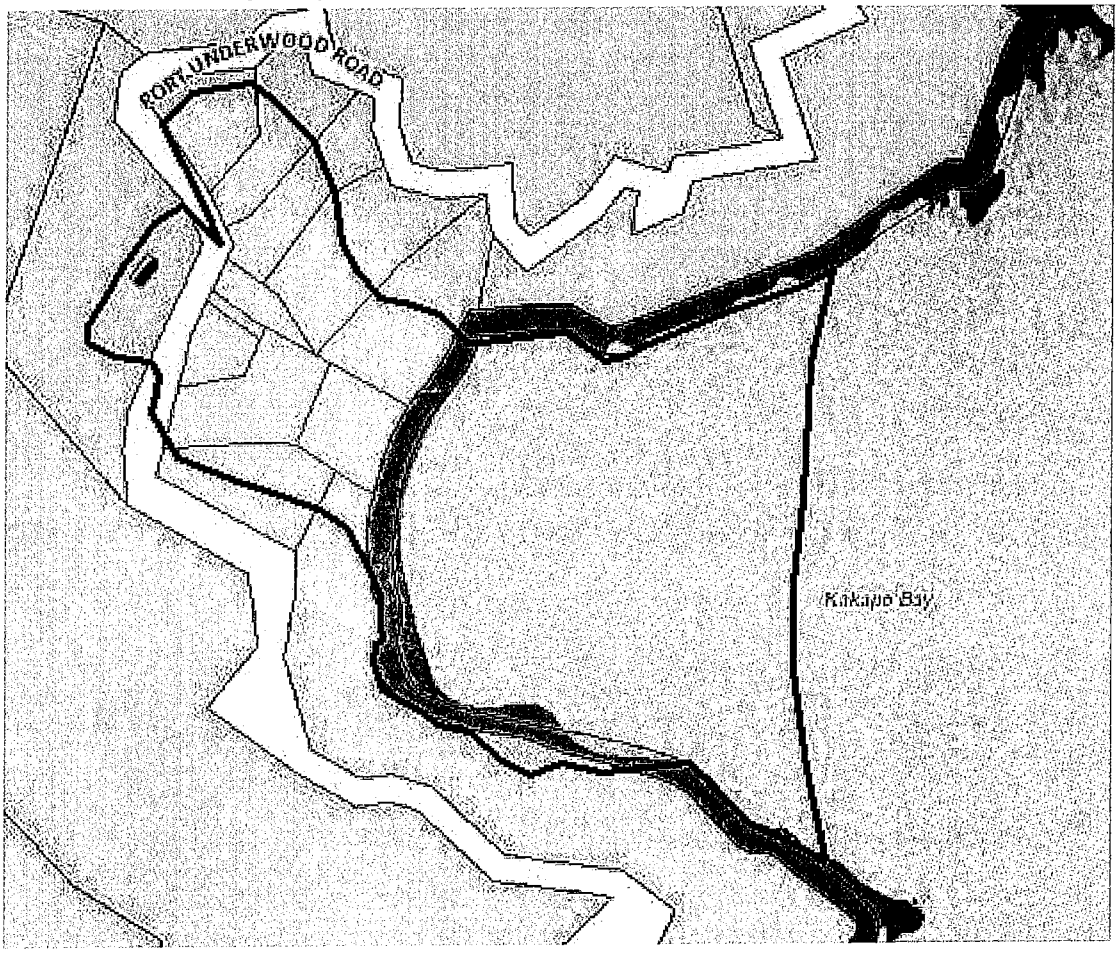

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HERITAGE NEW ZEALAND
POUHERE TAONGA

12 May 2017

File ref: 33002-092

J & B MacKenzie

[redacted]

Email: [redacted]

Dear J & B MacKenzie

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

I am writing to you as an affected landowner in Kakapo Bay (the Bay). As you may be aware, the Marlborough District Council (the Council) is in the process of consulting on the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates the district plans, regional plan, and regional policy statement into one. The initial round of submissions has closed, with the further submission stage still to come. For more information on the Plan, please use the following link: http://www.marlborough.govt.nz/Your-Council/RMA/The-Proposed-MEP.aspx.

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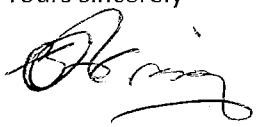
Yours sincerely



Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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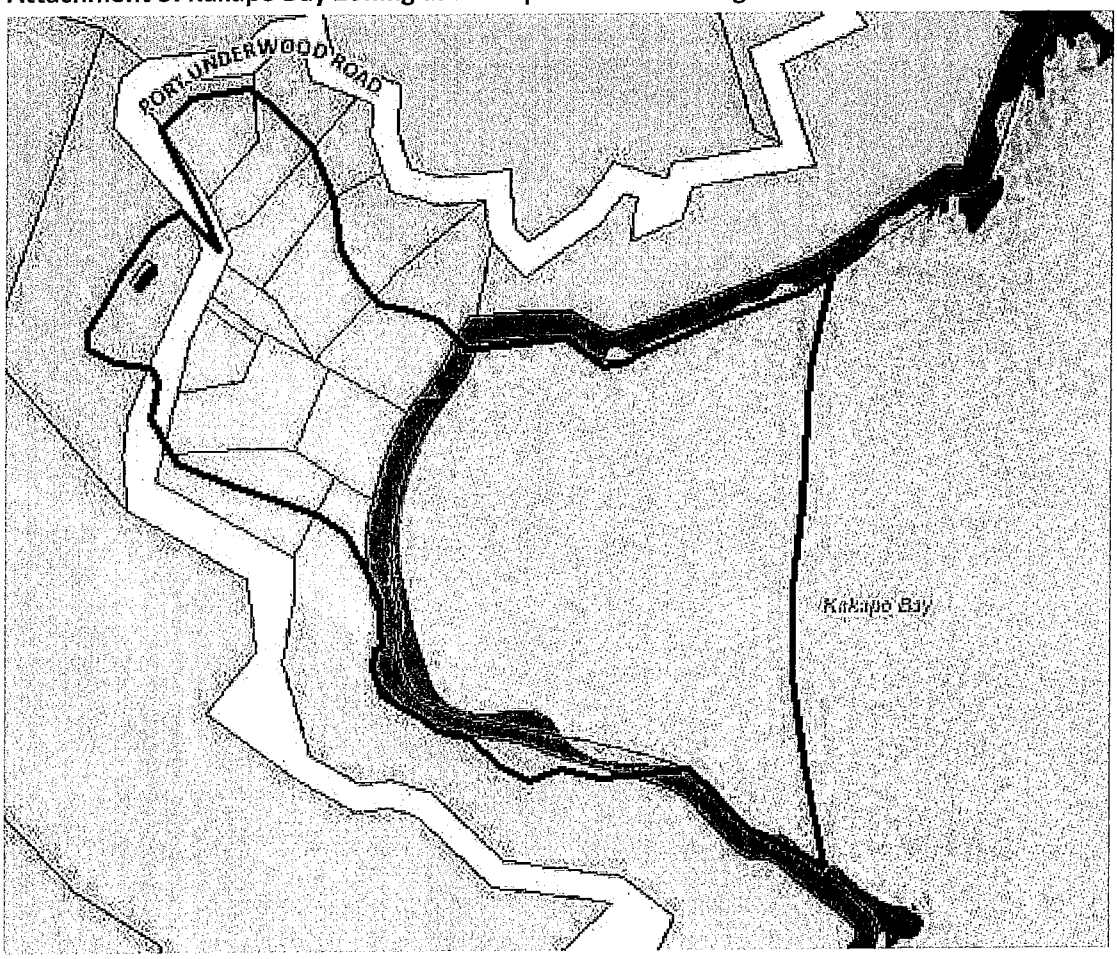

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HERITAGE NEW ZEALAND
POUHERE TAONGA

12 May 2017

File ref: 33002-092

Alan & Karen Roulston

[redacted]

Email: [redacted]

Dear Mr. and Ms. Roulston

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

I am writing to you as an affected landowner in Kakapo Bay (the Bay). As you may be aware, the Marlborough District Council (the Council) is in the process of consulting on the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates the district plans, regional plan, and regional policy statement into one. The initial round of submissions has closed, with the further submission stage still to come. For more information on the Plan, please use the following link: http://www.marlborough.govt.nz/Your-Council/RMA/The-Proposed-MEP.aspx.

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Yours sincerely

Claire Craig

General Manager
Central Region
Heritage New Zealand Pouhere Taonga

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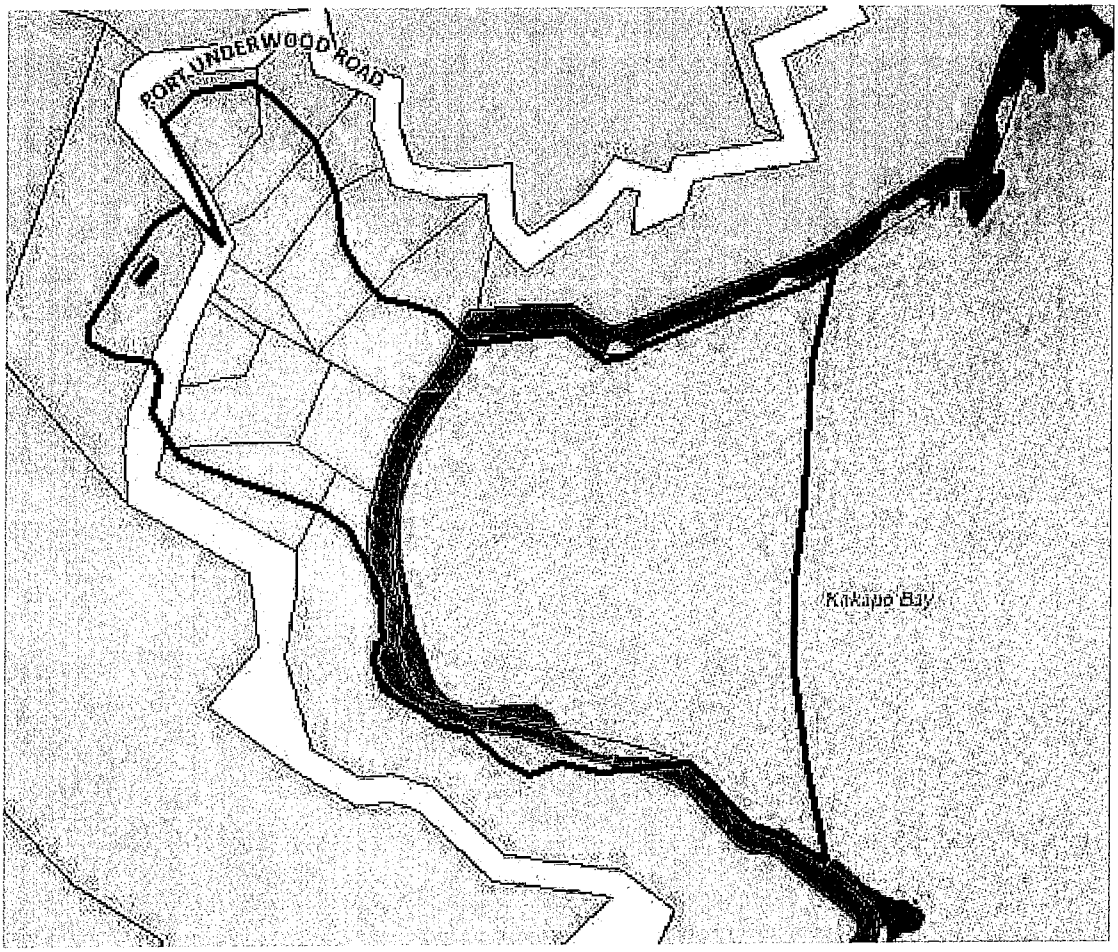

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HERITAGE NEW ZEALAND
POUHERE TAONGA

12 May 2017

File ref: 33002-092

Dr. Hansby

[redacted]

Email: [redacted]

Dear Dr. Hansby

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

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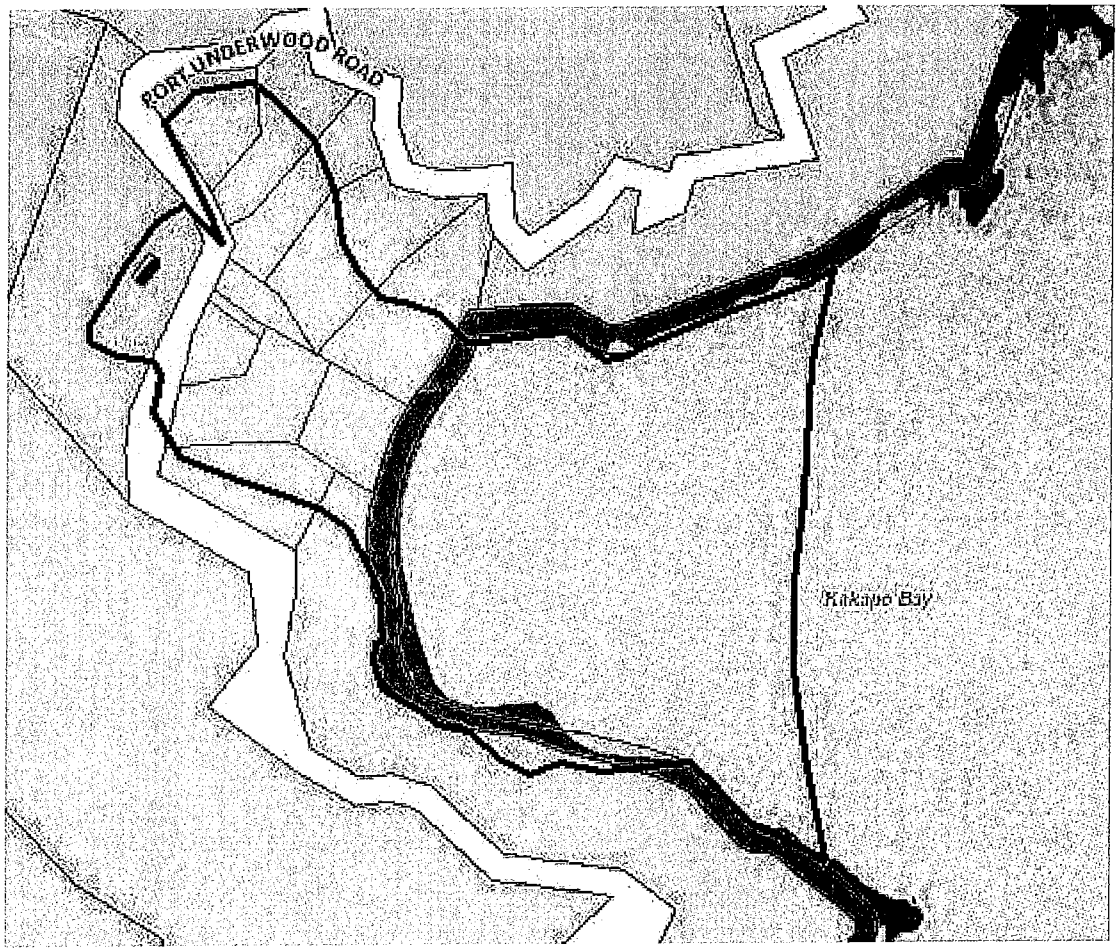

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HERITAGE NEW ZEALAND
POUHERE TAONGA

19 April 2017

File ref: 33002-092

John and Narelle Guard

[redacted]

Dear Mr. and Ms. Guard

RE. FURTHER SUBMISSION ON KAKAPO BAY WHALING STATION

I am writing to update you on Heritage New Zealand's planned further submission on the scheduling of Kakapo Bay (the Bay) in the Proposed Marlborough Environment Plan (the Plan).

As you will be aware, Heritage New Zealand originally submitted supporting the inclusion of the Bay in the Plan's Register of Significant Heritage Resources (the Register). However, it has come to our attention that the Plan is unclear on what areas are proposed for inclusion in the Register. The wording in the Register implies protection for the whole Bay, while the Council mapping only shows the Guard Family Cemetery being included. To address this, Heritage New Zealand intends to submit that the extent shown in Attachment 1 be included in the Register. We consider that this covers the historically significant portions of Kakapo Bay.

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Heritage New Zealand staff are intending to travel to Marlborough sometime in the second half of May to undertake site visits and meet with stakeholders. If you would like, we would be interested in

meeting with you in person to talk about the scheduling of the Bay and Heritage New Zealand's proposal further.

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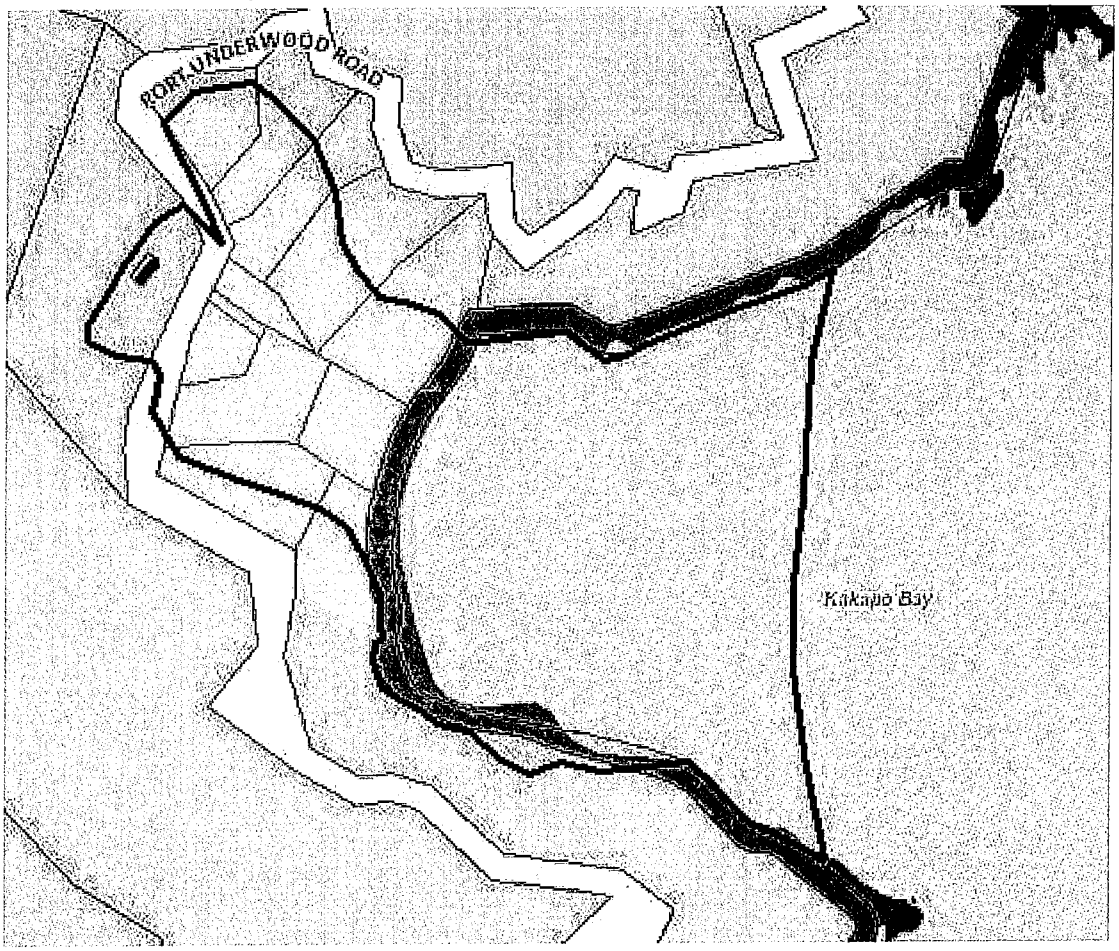

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HERITAGE NEW ZEALAND
POUHERE TAONGA

19 April 2017

File ref: 33002-092

Edward and Elaine Guard

[redacted]

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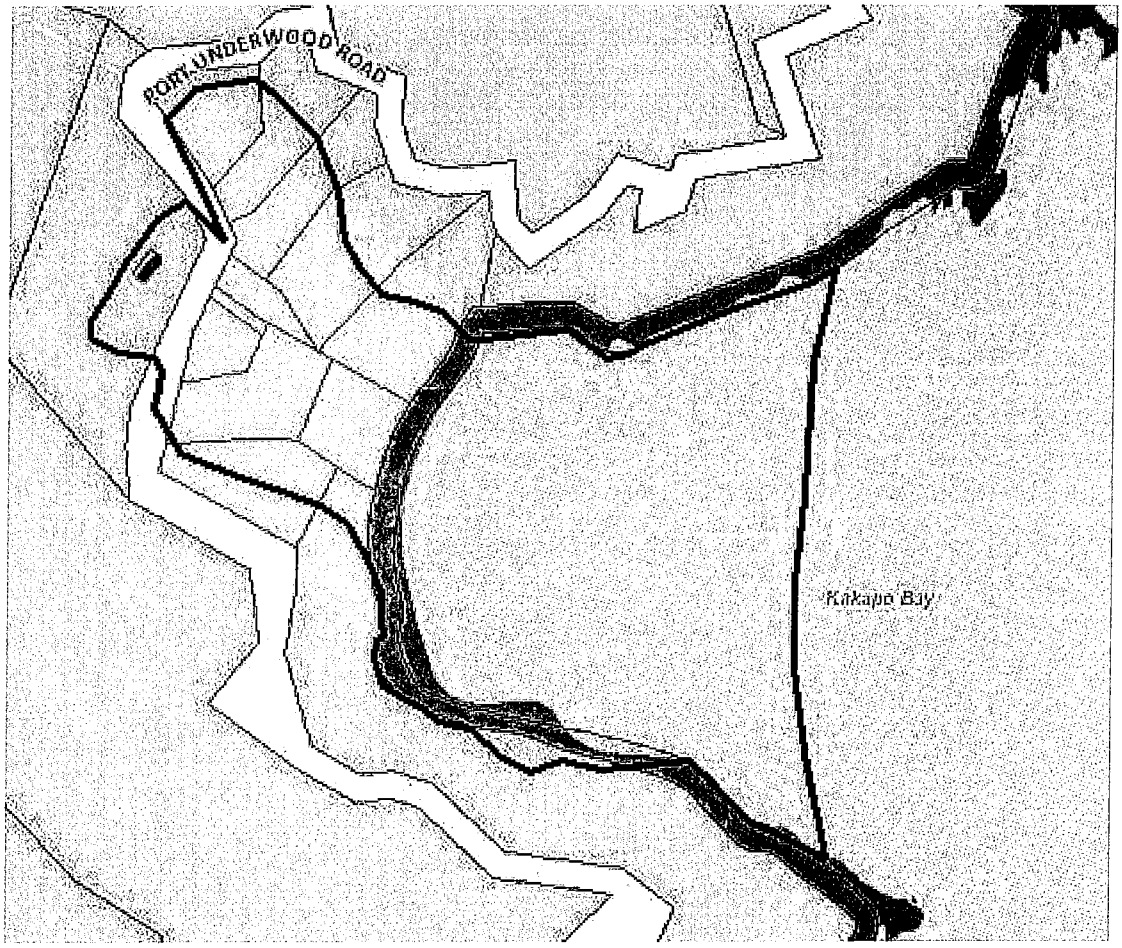

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HERITAGE NEW ZEALAND
POUHERE TAONGA

02 September 2016

File ref: 33002-092

Edward James and Elaine Valmai Guard

[redacted]

COPY

Dear Mr. and Ms. Guard

RE. KAKAPO BAY WHALING STATION

Heritage New Zealand Pouhere Taonga (Heritage New Zealand), as New Zealand's lead heritage agency, is writing to inform you of an opportunity to better recognise the heritage values of the Kakapo Bay Whaling Station (the Whaling Station).

As you are probably aware, the Whaling Station is proposed for entry on the New Zealand Heritage List / Rārangi Kōrero (the List). Being on the List does not provide any protection from major change or demolition. Rather, Heritage New Zealand recommends that places of historical significance or value be included in the heritage schedules of district plans. This affords protection under the Resource Management Act 1991 and ensures that the heritage effects of future proposals are carefully assessed through the resource consent process.

The Marlborough District Council has recently notified the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates all the different planning documents (district plan, regional plan and regional policy statement) into one. As part of its submission, Heritage New Zealand is supporting the inclusion of the Whaling Station in the Category 2 heritage schedule in the Plan.

Heritage New Zealand understands that increased regulation can be a cause for concern and is very interested in your views about the Whaling Station being added to the Plan. I encourage you to discuss any concerns you have with our Planner, Finbar Kiddle. He can be contacted on 04 494 8325 or at fkiddle@heritage.org.nz. I would also encourage you to make a further submission in support of, or opposition to Heritage New Zealand's submission.

I hope that you welcome this recognition of the special qualities of the Whaling Station. Attached to this letter is a report setting out these qualities in more detail. Heritage New Zealand is very grateful for your contribution to caring for this part of New Zealand's and Marlborough's heritage.

Yours sincerely

Claire Craig

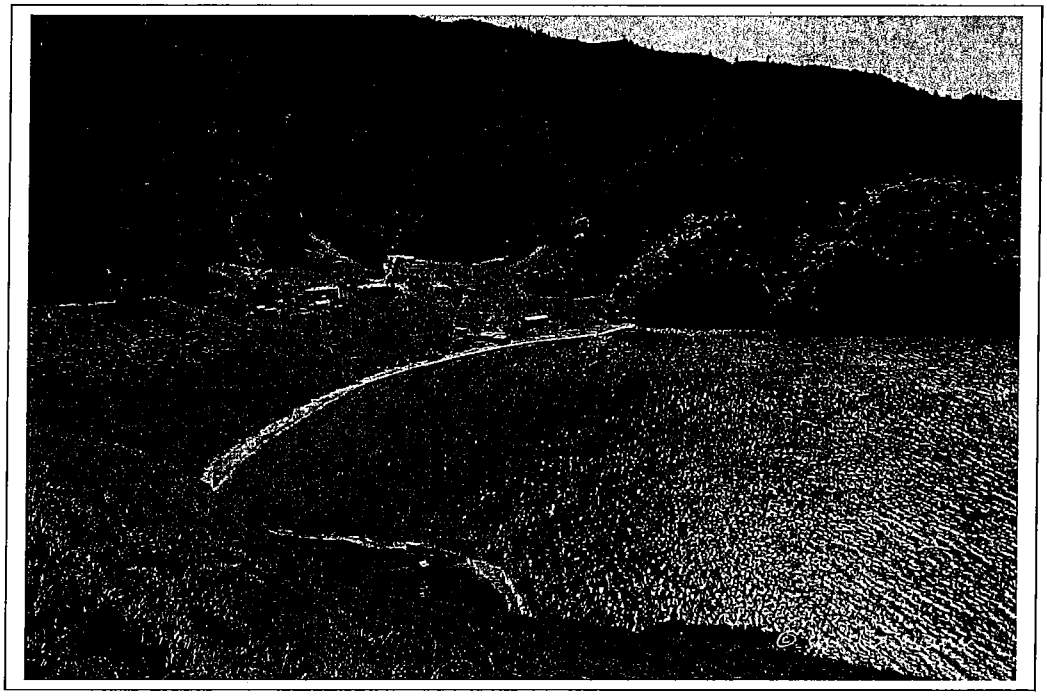
General Manager
Central Region
Heritage New Zealand Pouhere Taonga

HERITAGE NEW ZEALAND
POUHERE TAONGA

Summary Report

Kakapo Bay, PORT UNDERWOOD

File: 12017-012



'Kakapo Bay, Port Underwood, Marlborough', Shellie Evans, 5 September 2015 [unaltered].
Copyright: Shellie Evans, https://creativecommons.org/licenses/by-nc-nd/2.0/.

Address	Kakapo Bay, Port Underwood Road, PORT UNDERWOOD
Legal Description	Lots 1-5 DP 11200 (CTs MB6B/9, MB6B/10, MB6B/11, MB6B/12, MB6B/13); Lot 1 DP 4088 (CT MB6B/13); Lot 1 DP 9896 (CT MB5D/368); Lot 2 DP 9836 (CT MB5D/369); Lots 1-3 DP 305478 (CTs 21938, 21939, 21940); Lots 1-2 DP 364701 (CTs 262763, 262764); Sec 1 SO 6314 (NZ Gazette 1985 p.4239; CT 574674); Pt Seabed. All parcels are in the Marlborough Land District.
Extent	All of Kakapo Bay, including the seabed within the bay, has heritage value. The archaeological potential has been impacted in some areas by the construction of the modern buildings (houses at 1963, 1969 and 1973 Port Underwood Road; and the marine hatcheries buildings at the foreshore) but this has not reduced the overall value.
Owners	John and Narelle Guard; Edward and Elaine Guard; Marlborough District Council; Department of Conservation; Robert and Maureen Roberts, and John Leggett; Alistair Maxwell, David Strack, David Clark, Judith Davis, Matthew Montgomery, Rosemary Montgomery; Alan and Karen Roulston; Fleur and Nicholas Hansby, Paul Molyneux, Raewyn Heta; Bernadette MacKenzie, Charles Riley, John

	MacKenzie, June and Terry Marfell.

Summary:
Kakapo Bay, in Port Underwood, Marlborough, is of historical and archaeological significance for its layers of Māori and European history. Well-known as the location of early whaler John 'Jacky' Guard's shore-whaling station from c.1829, the bay also contains evidence of centuries of Māori occupation. Kakapo Bay has been the home of the Guard family, one of New Zealand's oldest European families, for over 186 years. It is associated with people of importance in New Zealand history, such as Jacky and Betty Guard, James Wynen (one of the founders of Blenheim), and Wesleyan missionary Rev. Samuel Ironside. The murder of Wynen's Ngāti Toa wife Rangiawa Kuika and son here in 1842 is regarded as one of the catalysts for the Wairau incident.[1]

Māori occupation of Kakapo Bay dates from the thirteenth or fourteenth century.[2] In addition to midden, burials including grave goods (amulets and fish lures) and an adze cache have been found there, all of early Polynesian type.[3] When European whalers and sealers began frequenting the area in the early nineteenth century it was occupied by people whose ancestors travelled on the *Kurahaupō* canoe (Rangitāne, Ngāti Apa, Ngāi Tara), but by 1828 tribes from Taranaki and Kāwhia were dominant.[4]

Captain John 'Jacky' Guard (1792–1857) is often credited with founding New Zealand's shore whaling industry, in 1827 at Te Awaiti.[5] Around 1829 he established the first station in Port Underwood, at sheltered Kakapo Bay.[6] By 1832 it was reported he had purchased the bay from Ngāti Toa chiefs Te Rauparaha and Te Rangihaeata, and the 1833 whaling season was particularly lucrative.[7] Jacky and wife Elizabeth's (Betty, 1814-1870) children born there (John b.1831 and Louisa b.1833), are said to be the first European children born in the South Island.[8] Betty and the children were captured by Ngāti Ruanui in 1834 after a ship wreck on the Taranaki coast. Their rescue by the HMS *Alligator* involved the Guard family in the first use of British military force against Māori in New Zealand.[9]

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[1] Mitchell, John and Hilary, *Te Tau Ihu o Te Waka: a history of Maori of Marlborough and Nelson; Volume 1: Te Tangata me Te Whenua – The People and the Land*, Huia Publishers, Wellington, 2004, pp. 323-324

[2] Nichol, Reg, 'Archaeological Remains at Kakapo Bay, Port Underwood', unpublished client report, Heritage New Zealand file 12017-012.

[3] Barber, Ian, 'Fieldwork and other activities', *Archaeology in New Zealand*, 40:2, p. 123; NZAA site record form P27/77

[4] Mitchell, John and Hilary, p. 234.

[5] Prickett, Nigel, *The archaeology of New Zealand shore whaling*, Department of Conservation, Wellington, 2002, p.3. It is likely that Peter Williams was working to establish a shore whaling station at Cuttle Cove in Rakituma/Preservation Inlet around the same time. Bauchop, Heather and Huia Pacey, *New Zealand Heritage List / Rarangi Korero - Report for a Historic Area: Rakituma/Preservation Inlet Historic Area,* List No. 9047, Heritage New Zealand, 2015, p. 10

[6] Prickett, p.3

[7] McIntosh, A.D. (ed), *Marlborough: A Provincial History*, Marlborough Provincial Historical Committee/ Whitcombe & Tombs, Blenheim, 1940, p.23

[8] Guard, John, 'The Guard Family of Kakapo Bay', http://www.portunderwoodassoc.org/?page_id=246, accessed 11 August 2016

[9] 'The Harriet affair', URL: http://www.nzhistory.net.nz/culture/maori-european-contact-pre-1840/the-harriet-affair, (Ministry for Culture and Heritage), updated 14-Oct-2014

Archaeologist Michael Trotter recorded evidence of the Kakapo Bay whaling station in 1975, including middens from the whaling period, a brick floor and trypot on a base.[10] The stone tryworks foundation, measuring 3 metres by 1.5 metres, topped by a trypot (filled with pieces of the foundation), was noted in 2000 by archaeologist Nigel Prickett as an important example of the type because of its good condition.[11] Prickett's survey of the archaeology of New Zealand shore whaling stations demonstrated the significance of these site types, particularly surviving tryworks, for their evidence of what was New Zealand's major commercial industry from 1830-1840.[12] As well as tryworks, shore whaling stations also potentially contain evidence of houses, gardens, walls, ditches and revetting, gravesites, workshops, slipways and boatbuilding, and lookout spots.

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Seventeen members of the family are buried in the cemetery on the hillside, including Jacky and Betty. Rangiawa Kuika and her two children are also buried there. Dick Cook was not convicted or punished for her rape and murder on 20 December 1842, and this glaring injustice contributed to the insults felt by Māori of the area. In June 1843 this erupted into the first significant armed conflict between Māori and British settlers since the Treaty of Waitangi's signing, known as the Wairau incident.[15]

The bay's heritage significance was marked with a plaque by the New Zealand Historic Places Trust in 1963, and alongside it the Marlborough Historical Society have mounted one of the trypots and a cannon, which had been 'lying in the grass for many years'.[16] Subsequently, new houses have been constructed near to the road, and a house and marine hatchery facility by the shore.[17]

Further Reading

Grady, Don, *Guards of the Sea*, Whitcoulls Limited, Christchurch, 1978

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[10] NZAA site record form P27/77; Prickett p. 67

[11] NZAA site record form P27/144

[12] Prickett (summary of report), p.2, URL: http://www.doc.govt.nz/Documents/conservation/historic/topics/archaelogy-nz-shore-whaling.pdf, accessed 29 August 2016

[13] Smith, F.W., 'Samuel Ironside and the Cloudy Bay Mission', *Wesley Historical Society (NZ)*, Publication # 11 (1), p.5, URL: http://www.methodist.org.nz/files/docs/wesley%20historical/11(1)%20samuel%20ironside%20.pdf, accessed 29 August 2016

[14] Grady, Don, *Guards of the Sea*, Whitcoulls Limited, Christchurch, 1978, pp. 157-161

[15] 'The Wairau incident', URL: http://www.nzhistory.net.nz/war/wairau-incident, (Ministry for Culture and Heritage), updated 23-Oct-2014

[16] 'Kakapo Bay', *Nelson Historical Society Journal*, Vol. 3 Issue 1, October 1974, p.30.

[17] Registration Proposal Form for Historic Places and Historic Areas: Kakapo Bay, Port Underwood, Marlborough, 1997, copy on Heritage New Zealand file 12017-012.

Grady, Don, 'Guard, Elizabeth', from the Dictionary of New Zealand Biography. Te Ara - the Encyclopedia of New Zealand, updated 2-Oct-2013, URL: http://www.TeAra.govt.nz/en/biographies/1g23/guard-elizabeth

'GUARD, John', from An Encyclopaedia of New Zealand, edited by A. H. McLintock, originally published in 1966. Te Ara - the Encyclopedia of New Zealand, updated 22-Apr-09, URL: http://www.TeAra.govt.nz/en/1966/guard-john

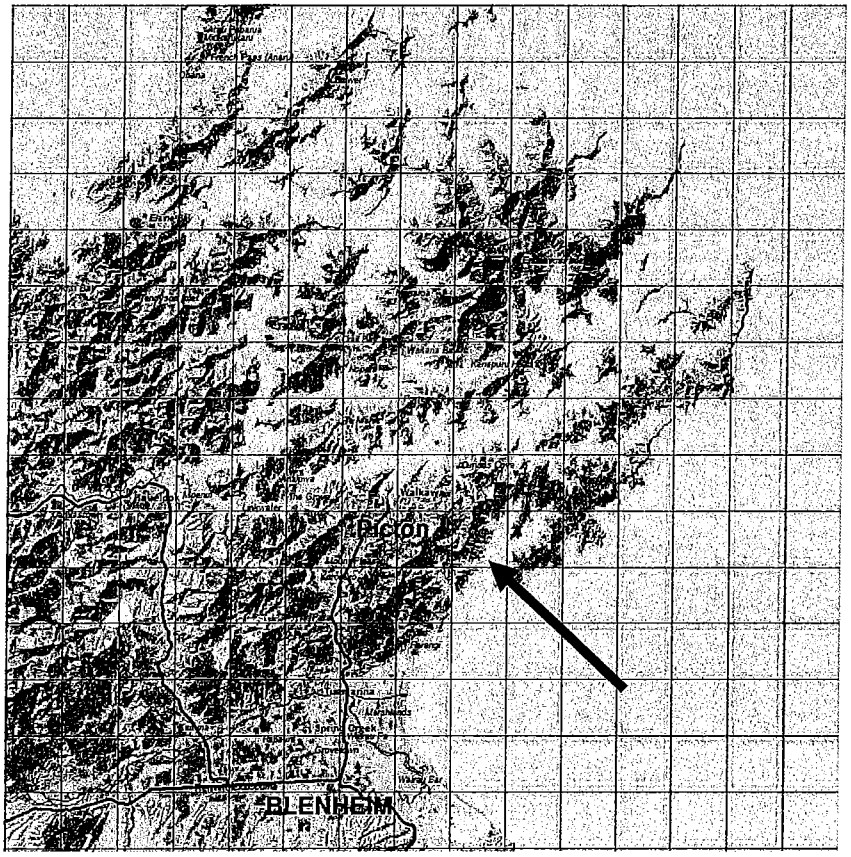
Mitchell, John and Hilary, *Te Tau Ihu o Te Waka: a history of Maori of Marlborough and Nelson; Volume 1: Te Tangata me Te Whenua – The People and the Land*, Huia Publishers, Wellington, 2004

Prickett, Nigel, *The archaeology of New Zealand shore whaling*, Department of Conservation, Wellington, 2002

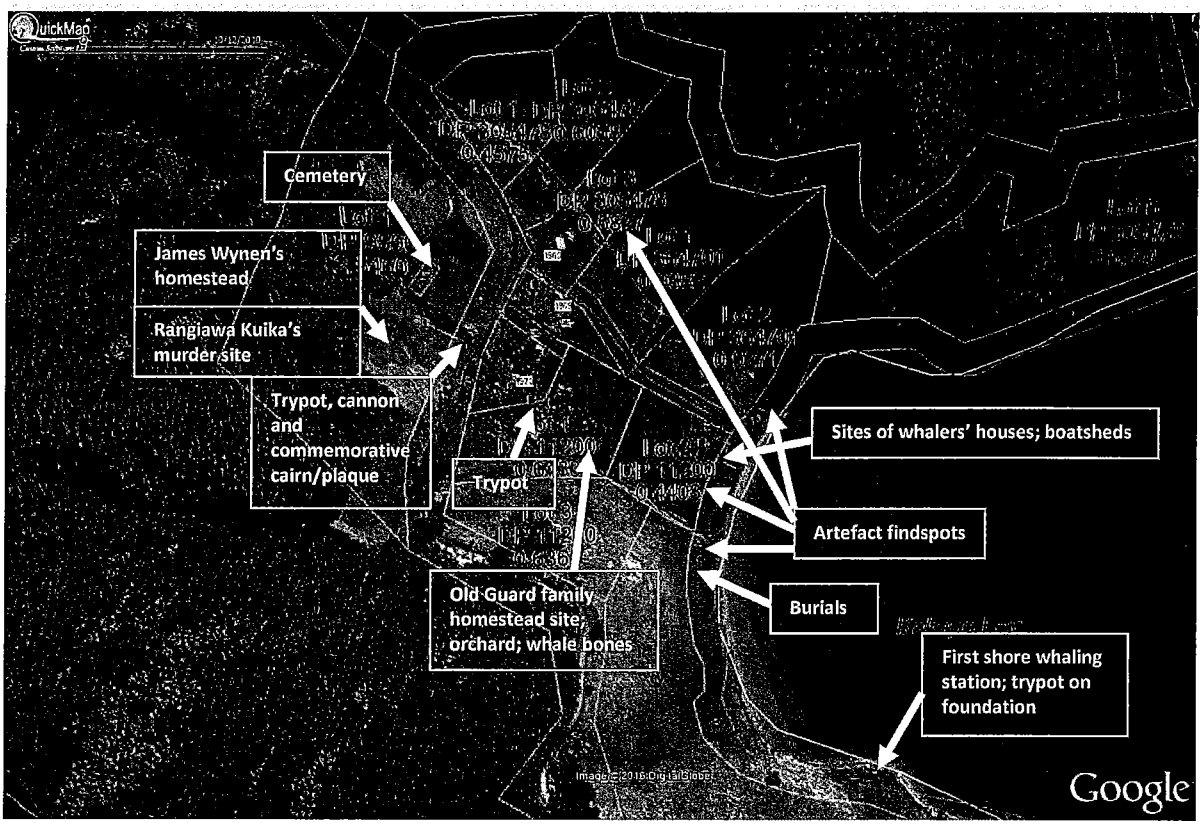
Other Names	Guard's Cove; Guard's Bay NZAA sites P27/77; P27/144
Key Physical Dates	c.1400-1500: Māori settlement in the bay c.1829: Jacky Guard's shore whaling station established; early houses built 1842: First interment in the cemetery (Rangiawa Kuika and her children) c.1887: house built for Edward and Emma Guard c.1900: Eight-bedroomed villa built for Edward and Emma Guard and children 1968: New Zealand Marine Hatcheries house built 1973: House built at 1973 Port Underwood Road Unknown: houses built at 1969 and 1963 Port Underwood Road Unknown: 1887 house demolished c.1996: Eight-bedroomed villa demolished 1997: Further fish hatchery development
Uses	Commemoration [Memorial marker/plaque] Cultural Landscape [Historic landscape] Funerary Sites [Cemetery/Graveyard/Burial Ground] Manufacturing [Boat Building] (Former) Manufacturing [Whaling Station] (Former) Maori [Papakainga] Accommodation [House]
Associated List Entries	Te Awaiti (List no. 7333). Kakapo Bay is not entered on the New Zealand Heritage List/Rārangi Kōrero ('the List') but has been nominated for entry on the List and assigned identifier no. 9029 in Heritage New Zealand's database.
Protection Measures	Notified for inclusion in the Proposed Marlborough Environment Plan, Ref 61 in Schedule 2: Category II and Locally Significant Resources, Appendix 13: Register of Significant Heritage Resources.
Recommendation	Add to Marlborough Environment Plan, Schedule 2: Category II and Locally Significant Resources in Appendix 13: Register of Significant Heritage Resources.

Attachments

Location map



Location within the Marlborough Sounds [Map: Quickmap].



Approximate locations of historic and archaeological sites. Source: Registration Proposal Form for Historic Places and Historic Areas: Kakapo Bay, Port Underwood, Marlborough, 1997 [Map: Quickmap and Google Earth].

Images

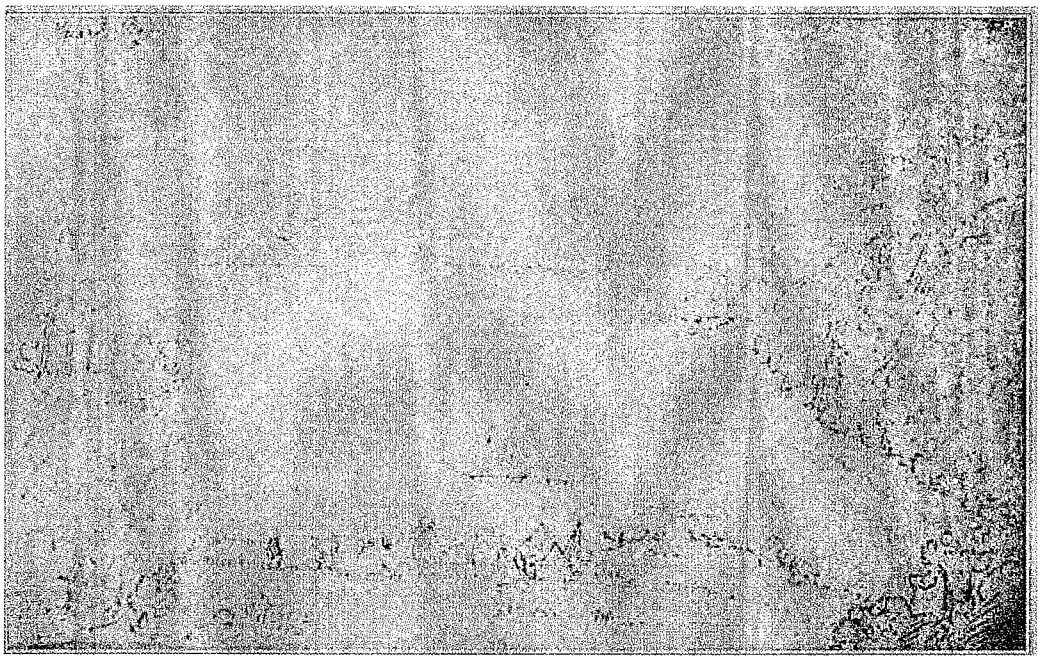


Figure 1: An 1847 sketch of Kakapo Bay by John Danforth Greenwood shows Jacky Guard's house by the shore, neighbouring houses and fenced garden areas. Greenwood, John

Danforth, 1803-1890. [Greenwood, John Danforth] 1803-1890: *Guards Bay*. 1847. [Greenwood, John Danforth] 1803-1890: [Sketchbook] 1822 [1825], 1847. Ref: E-150-q-047. Alexander Turnbull Library, Wellington, New Zealand. http://natlib.govt.nz/records/22697673.

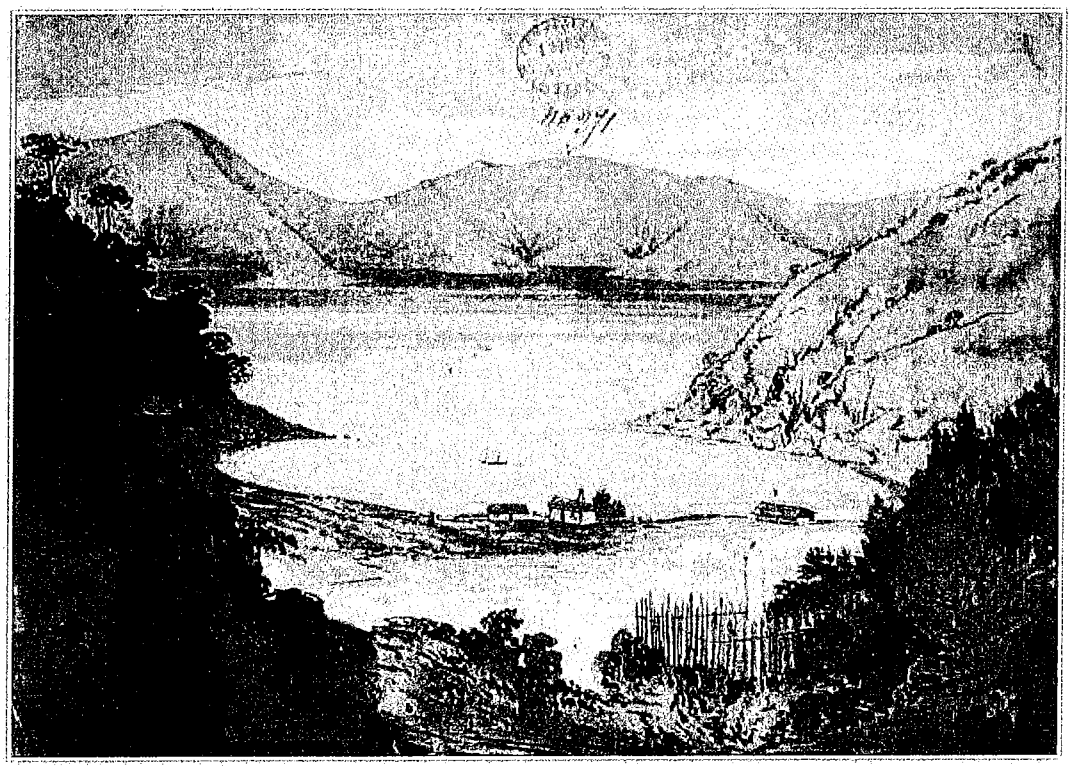


Figure 2: Rt. Hon. Sir William Fox's 1848 painting of Kakapo Bay shows the Guard's house and other buildings by the shore, with Rangiawa Kuika's grave in the foreground. Fox, William (Rt Hon Sir), 1812?-1893. Fox, William 1812-1893: *Guards Bay. Jan. 1848*. Ref: B-113-015. Alexander Turnbull Library, Wellington, New Zealand. http://natlib.govt.nz/records/23206133.

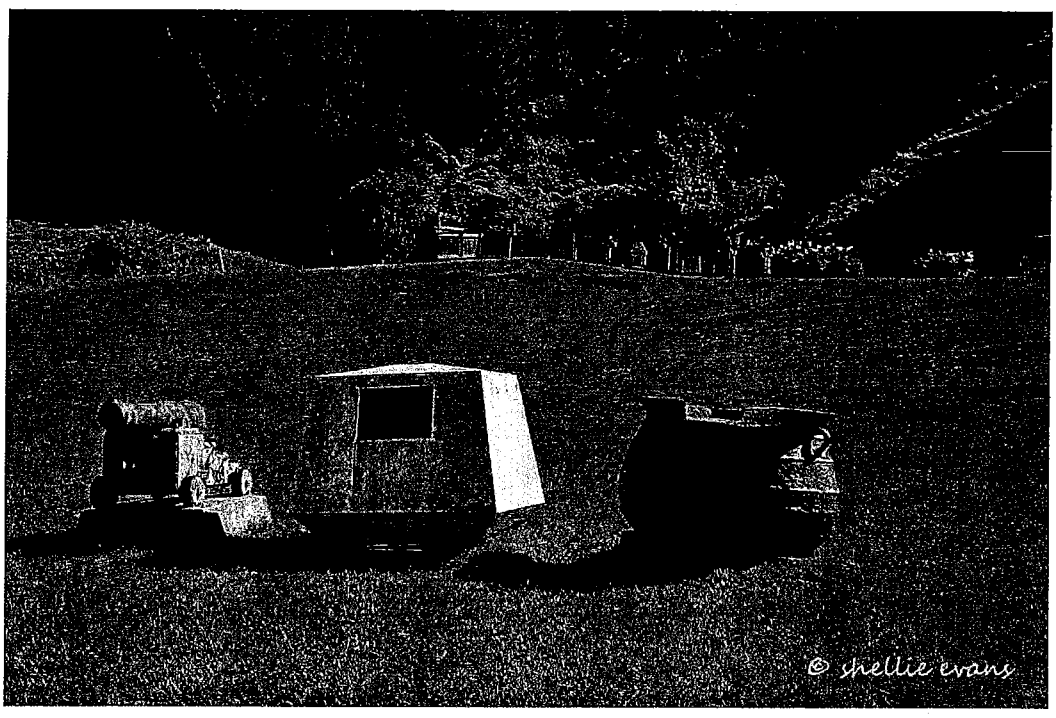


Figure 3: The memorial (cannon, NZHPT cairn/plaque and trypot), with the Guard family cemetery in the distance. 'Kakapo Bay, Port Underwood, Marlborough', Shellie Evans, 5 September 2015 [unaltered]. Copyright: Shellie Evans, https://creativecommons.org/licenses/by-nc-nd/2.0/.

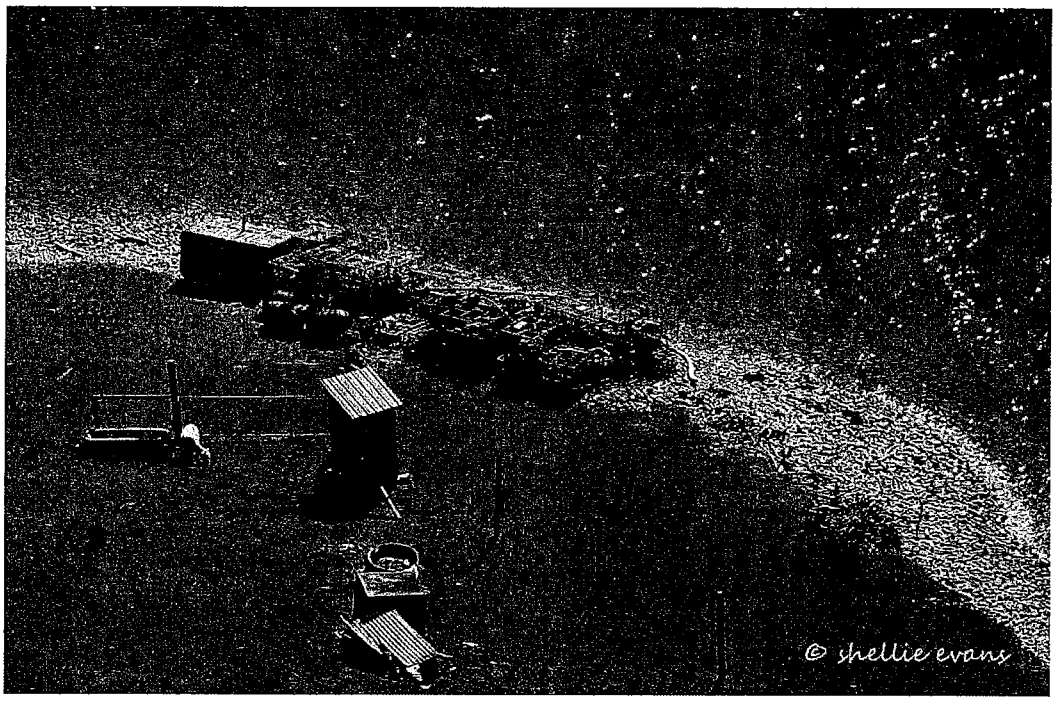


Figure 4: Site of the first shore whaling station, showing the trypot (filled with remains from the foundation) and foundation under the grass cover. 'Kakapo Bay, Port Underwood, Marlborough', Shellie Evans, 5 September 2015 [unaltered]. Copyright: Shellie Evans, https://creativecommons.org/licenses/by-nc-nd/2.0/.

HERITAGE NEW ZEALAND
POUHERE TAONGA

30 August 2016

File ref: 33002-092

John and Narelle Guard

[redacted]

COPY

Dear Mr. and Ms. Guard

RE. KAKAPO BAY WHALING STATION

Heritage New Zealand Pouhere Taonga (Heritage New Zealand), as New Zealand's lead heritage agency, is writing to inform you of an opportunity to better recognise the heritage values of the Kakapo Bay Whaling Station (the Whaling Station).

As you are probably aware, the Whaling Station is proposed for entry on the New Zealand Heritage List / Rārangi Kōrero (the List). Being on the List does not provide any protection from major change or demolition. Rather, Heritage New Zealand recommends that places of historical significance or value be included in the heritage schedules of district plans. This affords protection under the Resource Management Act 1991 and ensures that the heritage effects of future proposals are carefully assessed through the resource consent process.

The Marlborough District Council has recently notified the Proposed Marlborough Environment Plan (the Plan). The Plan is a combined document that amalgamates all the different planning documents (district plan, regional plan and regional policy statement) into one. As part of its submission, Heritage New Zealand is supporting the inclusion of the Whaling Station in the Category 2 heritage schedule in the Plan.

Heritage New Zealand understands that increased regulation can be a cause for concern and is very interested in your views about the Whaling Station being added to the Plan. I encourage you to discuss any concerns you have with our Planner, Finbar Kiddle. He can be contacted on 04 494 8325 or at fkiddle@heritage.org.nz. I would also encourage you to make a further submission in support of, or opposition to Heritage New Zealand's submission.

I hope that you welcome this recognition of the special qualities of the Whaling Station. Attached to this letter is a report setting out these qualities in more detail. Heritage New Zealand is very grateful for your contribution to caring for this part of New Zealand's and Marlborough's heritage.

Yours sincerely

Claire Craig

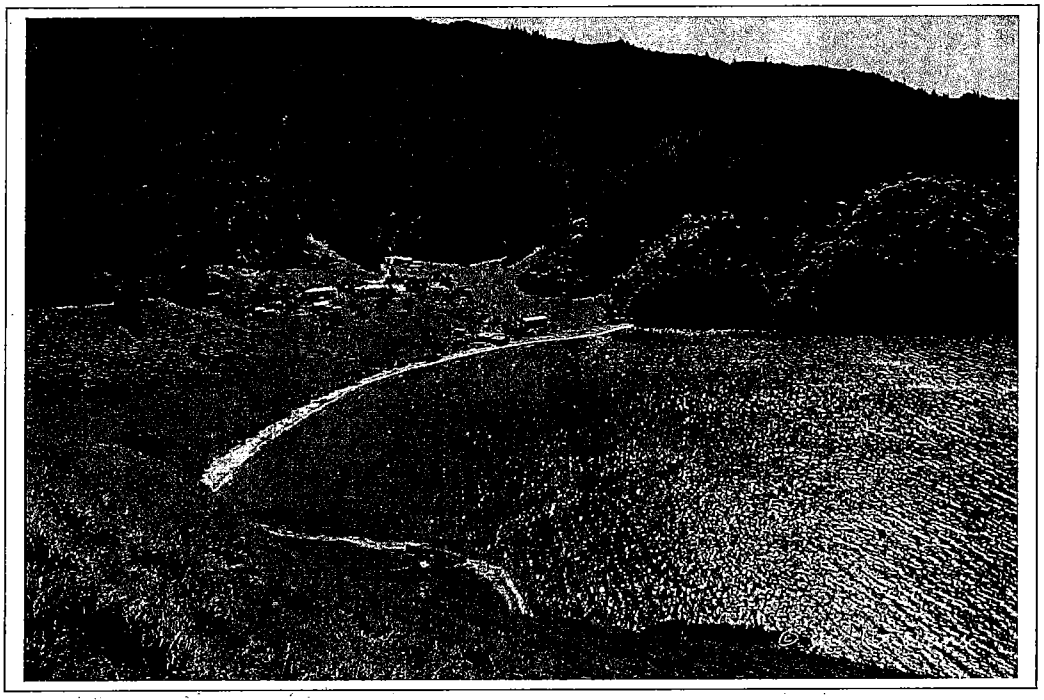
General Manager
Central Region
Heritage New Zealand Pouhere Taonga

HERITAGE NEW ZEALAND
POUHERE TAONGA

Summary Report

Kakapo Bay, PORT UNDERWOOD

File: 12017-012



'Kakapo Bay, Port Underwood, Marlborough', Shellie Evans, 5 September 2015 [unaltered].

Address	Kakapo Bay, Port Underwood Road, PORT UNDERWOOD
Legal Description	Lots 1-5 DP 11200 (CTs MB6B/9, MB6B/10, MB6B/11, MB6B/12, MB6B/13); Lot 1 DP 4088 (CT MB6B/13); Lot 1 DP 9896 (CT MB5D/368); Lot 2 DP 9836 (CT MB5D/369); Lots 1-3 DP 305478 (CTs 21938, 21939, 21940); Lots 1-2 DP 364701 (CTs 262763, 262764); Sec 1 SO 6314 (NZ Gazette 1985 p.4239; CT 574674); Pt Seabed. All parcels are in the Marlborough Land District.
Extent	All of Kakapo Bay, including the seabed within the bay, has heritage value. The archaeological potential has been impacted in some areas by the construction of the modern buildings (houses at 1963, 1969 and 1973 Port Underwood Road; and the marine hatcheries buildings at the foreshore) but this has not reduced the overall value.
Owners	John and Narelle Guard; Edward and Elaine Guard; Marlborough District Council; Department of Conservation; Robert and Maureen Roberts, and John Leggett; Alistair Maxwell, David Strack, David Clark, Judith Davis, Matthew Montgomery, Rosemary Montgomery; Alan and Karen Roulston; Fleur and Nicholas Hansby, Paul Molyneux, Raewyn Heta; Bernadette MacKenzie, Charles Riley, John

Archaeologist Michael Trotter recorded evidence of the Kakapo Bay whaling station in 1975, including middens from the whaling period, a brick floor and trypot on a base.[10] The stone tryworks foundation, measuring 3 metres by 1.5 metres, topped by a trypot (filled with pieces of the foundation), was noted in 2000 by archaeologist Nigel Prickett as an important example of the type because of its good condition.[11] Prickett's survey of the archaeology of New Zealand shore whaling stations demonstrated the significance of these site types, particularly surviving tryworks, for their evidence of what was New Zealand's major commercial industry from 1830-1840.[12] As well as tryworks, shore whaling stations also potentially contain evidence of houses, gardens, walls, ditches and revetting, gravesites, workshops, slipways and boatbuilding, and lookout spots.

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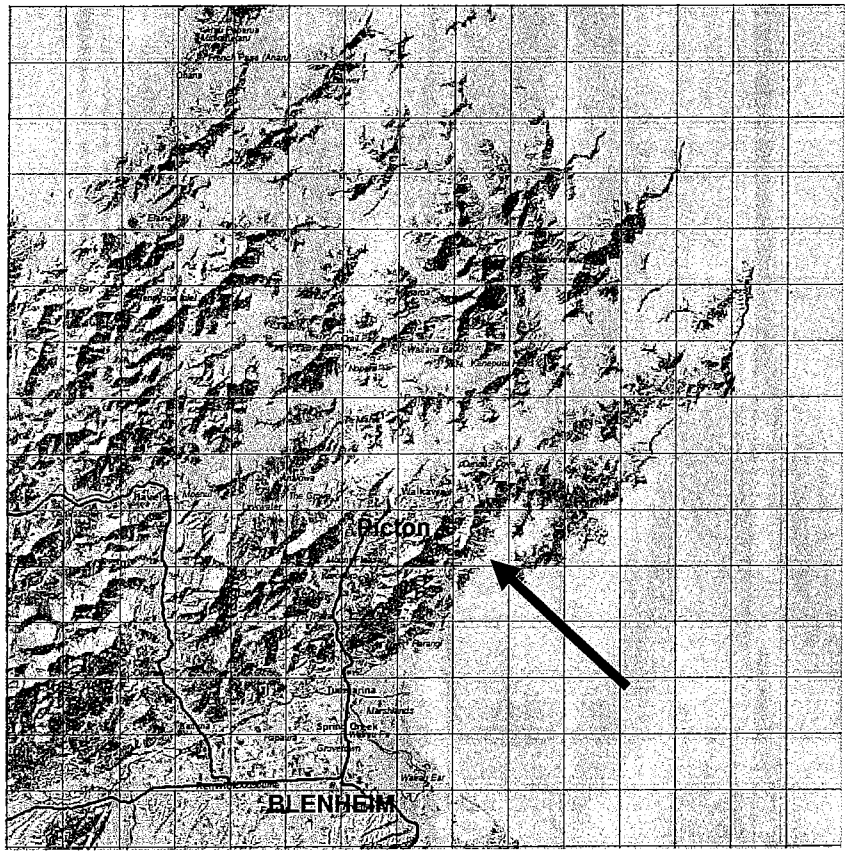
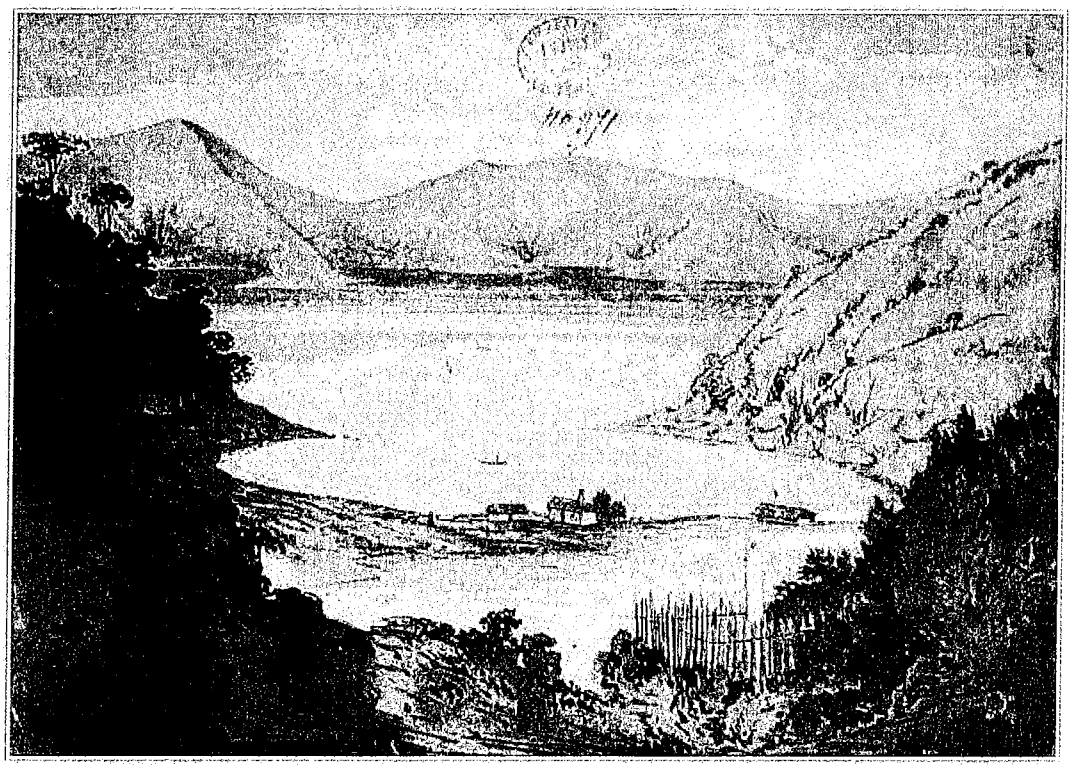


Location within the Marlborough Sounds [Map: Quickmap].

Danforth, 1803-1890. [Greenwood, John Danforth] 1803-1890: *Guards Bay*. 1847. [Greenwood, John Danforth] 1803-1890: [Sketchbook] 1822 [1825], 1847. Ref: E-150-q-047. Alexander Turnbull Library, Wellington, New Zealand. http://natlib.govt.nz/records/22697673.



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Jamie Jacobs

From: Claire Craig
Sent: Monday, 29 May 2017 5:38 p.m.
To: Blyss Wagstaff
Subject: RE: Kakapo Bay phone msg from owner Judith Davis

Thanks Blyss – I've forwarded it on to her. That was all she wanted by the sound of it. She's not involved in the meeting on the 9th, she just wants to make a submission.

Claire

From: Blyss Wagstaff
Sent: Monday, 29 May 2017 5:29 p.m.
To: Claire Craig
Subject: Kakapo Bay phone msg from owner Judith Davis

Hi Claire

I'm forwarding you that msg from one of the kakapo Bay owners, Judith Davis. I'm not sure exactly what she asks, but here is the letter she mentions, that we sent her. I'm unsure if she's coming to the meeting next Friday.

Many thanks
Blyss

Blyss Wagstaff | Heritage Advisor Registration / Pourangahau Onamata | Heritage New Zealand Pouhere Taonga | Central Region Office, PO Box 2629, Floor 7 69-71 Boulcott Street, Wellington 6140 | Ph: (64 4) 494 8320 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

Jamie Jacobs

From: Claire Craig
Sent: Monday, 29 May 2017 5:37 p.m.
To: [redacted]
Subject: Kakapo Bay
Attachments: Heritage New Zealand to Judith Davis.pdf

Dear Ms Davis,

Thank you for your voicemail message. Please find attached a copy of the letter that we sent you as requested.

With kind regards
Claire

Claire Craig
General Manager Central *Pouwhakahaere a Rohe* I Heritage New Zealand *Pouhere Taonga* I DDI 04 494 8321 I Mob 027 498 4604

PO Box 2629, Wellington 6011
ccraig@heritage.org.nz www.heritage.org.nz