

**BEFORE THE ENVIRONMENT COURT**

**RMA /20**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Resource Management Act 1991

**BETWEEN** **HERITAGE NEW ZEALAND POUHERE  
TAONGA**

**Appellant**

**AND** **MARLBOROUGH DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL**

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## **Notice of appeal to the Environment Court against the decision on the proposed Marlborough Environment Plan**

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To** The Registrar  
Environment Court  
Christchurch

Heritage New Zealand Pouhere Taonga appeals against part of the decision of the Marlborough District Council on the Proposed Marlborough Environment Plan ('PMEP').

Heritage New Zealand Pouhere Taonga (Heritage New Zealand) made submissions dated 1 September 2016 and further submissions on 23 June 2017 on the PMEP.

Heritage New Zealand is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (RMA).

Heritage New Zealand Pouhere Taonga received notice of the decision on 21<sup>st</sup> February 2020

The decision was made by Marlborough District Council.

**The parts of the decision that Heritage New Zealand Pouhere Taonga is appealing are:**

**1. Protection of Heritage**

Policies 10.1.5, 10.1.6, 10.1.7, 10.1.8, and 10.1.9 in Volume One of the PMEP are now strictly related to items included in Appendix 13 and have no application to other heritage resources which may not yet have been included in Appendix 13.

**2. Application of Policies 10.1.5, 10.1.9, 10.1.11, and 10.1.12; 10.M.1, 10.M.2 and 10.M.3 in Volume One of the PMEP; and General Rules 2.24 and 2.27 in Volume Two of the PMEP**

These policies, methods and rules should relate to Regional and Coastal and District planning responsibilities. All policies and methods should be notated RPS, R, C and D, and the rules should be notated R, C and D.

3. Destruction of Appendix 3 places - Policy 10.1.5.

The explanation to this policy which states that the destruction of a Schedule 3 resource is subject to prohibited activity rules and does not deal with partial destruction.

4. Policy 10.1.11 & Method 10.M.5 - Discovery Protocol

The inclusion of a Discovery Protocol, once developed in Appendix 13, which is inconsistent with Policy 10.1.11 and attached explanations which provides for '*protocols to be published and provided to the community*'.

5. General Rules 2.24, 2.26 and 2.27 in Volume 2 of the PMEP

- a. Signage  
Rule 2.24.4 which provides an activity rule for signage
- b. Subdivision  
No provision for control of subdivision of a site containing a heritage resource in Rule 2.26
- c. Network Utilities
- d. No safeguard for partial destruction in Rule 2.27.2

6. Appendix 13 and Plan Maps

- a. Kakapo Bay  
The listing description in Schedule 2 of the area of the scheduled Kakapo Bay historic area, and the mapping of the area
- b. Wairau Wāhi Tapu  
The extent of the Wairau Wāhi Tapu area as defined in Schedule 3 as described in Schedule 3 and shown on the Plan Maps.

**The reasons for the appeal are as follows:**

1. Protection of Historic and Cultural Heritage

Policies 10.1.5, 10.1.6, 10.1.7, 10.1.8, and 10.1.9 are strictly related to items included in Appendix 13 and have no application to other heritage resources which may have not been identified and included in Appendix 13 but which come within the definition of historic heritage in the Resource Management Act and which fall within ss6 (e) & (f) of that Act as matters of national importance. A further policy to provide a framework for heritage other than that identified in Appendix 13 is required to ensure that proper recognition, preservation and

protection is given to heritage places, structures, sites and areas which have not been included in Appendix 13.

2. Application of Policies 10.1.5, 10.1.9, 10.1.11 and 10.1.12; Methods 10.M.1, 10.M.2, and 10.M.3; and Rules 2.24, 2.26 and 2.27  
The notations and explanations attached to the provisions listed above do not provide for Regional, Coastal, and District coverage and there is some confusion as to the application of each provision. Clarification of this would make the provisions clear and prevent the possibility of certain activities such as land disturbance being treated purely as a 'D' activity.
3. Destruction of Appendix 3 places - Policy 10.1.5  
Policy 10.1.5 provides that destruction of a Schedule 3 resource is subject to the prohibited activity rules. This is to be applauded but the nature of some of the sites in Schedule 3 is such that destruction, which must on the face of it require all of the place to be destroyed, is very unlikely if not impossible. Some places are very large and the 'destruction' requirement would not be triggered even if an enormous amount of heritage was being destroyed. It is more appropriate to ensure that activities which would properly be described as 'partial destruction' are also encompassed by the policy. It is not appropriate that the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA') regulate such destruction as the scope and criteria which apply to decisions under that Act do not cover matters which the RMA is specifically designed to control. Anything less than full destruction of a site is otherwise a discretionary activity which would not provide the necessary control of some of New Zealand's most important heritage places and sites.
4. Discovery Protocol  
Policy 10.M.4 provides that the Discovery Protocol, once developed will be included in Appendix 13. This is inconsistent with Policy 10.11.1 where there is no suggestion that there might be a single protocol, or that be included in Appendix 13 but that the '*protocols will be published and provided to the community*'. This inconsistency needs resolution.
5. General Rules 2.24 and 2.27
  - a. Signage - Rule 2.24.4 provides that signage (of a generous maximum size, and for interpretative material on heritage values and information on such as opening hours) is a permitted activity. There is no requirement for restricted discretionary status where the standards for permitted status are not met. There is also no clarity as to whether the sign must be free-standing or can be fixed to the building or item. The protection or preservation of historic heritage through the regulation of signage is an important part of ensuring the retention and integrity of heritage in the region.
  - b. Subdivision - Heritage New Zealand sought that subdivision of the site of a scheduled heritage item should be a discretionary, because of the adverse impact that such activities can have on heritage resources unless adequately evaluated. This submission was not

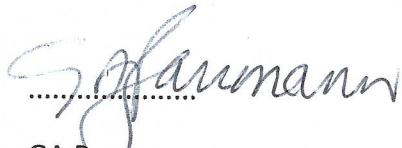
accepted, and such subdivisions appear likely to be considered as controlled of restricted discretionary activities which provide insufficient safeguard for heritage resources.

6. The two listings identified above do not provide appropriately for the protection of the heritage resources identified.

**Heritage New Zealand seeks the following relief: (using the same numbering as above)**

1. Addition of an additional policy in Chapter 10 that provides for historic heritage not included in Appendix 13 along the lines of:  
“Recognise that some places, sites, buildings and structures have heritage values, but have not been included in Appendix 13. Heritage values and potential adverse effects on them shall be taken into account when considering resource consent applications.”
2. The addition of the following notations in policies, methods and rules as indicated:  
10.1.5 C, R, D  
10.1.9 R  
10.1.11 R  
10.1.12 R  
10.M.1 R  
10.M.2 R  
10.M.3 R, C  
Rule 2.24 R, C  
Rule 2.26 R, C (and delete “land use” in Rule 2.26.2)  
Rule 2.27 R, C
3. Policy 10.1.5 –redefine destruction to include partial destruction by either including partial destruction in the policy itself or by defining destruction to include partial or significant.
4. Discovery Protocol – Align Policy 10.1.11 and 10.M.5. to clarify that the Discovery Protocol now in Appendix 13 is an indicative one only, and clarify that further work will be undertaken to meet the policy provision that and that a Plan Change will not be needed for future Protocols to be effective.
5. a. Signage - reduce the permitted activity size, and clarify that permitted signage cannot be attached to any listed building or structure. Add a new restricted discretionary rule for signs that do not meet the permitted standard.  
b. Subdivision -- Add a new subdivision rule in Rule 2.26 to cover subdivision of sites containing scheduled heritage resources.
6. Provide for the two items in 6 above as incorporated in Heritage New Zealand’s further submissions and evidence at the Hearing on Topic 8: to include the wider area of Kakapo Bay (including part of the coastal marine area); and in relation to Wairau Wāhi Tapu, include the whole of Area “C” with associated rules, and

within the area identified as "B" (Wairau Lagoons), include the area of designated land (part of designation B75) which was excluded in the decision.



GA Baumann

Signature of person authorised to sign  
on behalf of Appellant



Date

**Address for service of Appellant:**

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I attach the following documents to this notice:

- (a) a copy of my submission and further submission

(a) Copy of submission of Heritage New Zealand Pouhere Taonga and further submission of Heritage New Zealand Pouhere Taonga



31 August 2016

File ref: 33002-092

Marlborough District Council  
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Dunheim 7240

Email: [mdc@marlborough.govt.nz](mailto:mdc@marlborough.govt.nz)

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON THE PROPOSED  
MARLBOROUGH ENVIRONMENT PLAN**

1. This is a submission on the following proposed plan:  
Proposed Marlborough Environment Plan
2. Heritage New Zealand Pouhere Taonga could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that Heritage New Zealand Pouhere Taonga's submission relates to are:  
The matters within the plan changes relating to historic and cultural heritage.
4. Heritage New Zealand Pouhere Taonga's submission is:  
See Attachments 1 to 6.
5. The reasons for Heritage New Zealand's position are as follows:  
See Attachments 1 to 6.
6. Heritage New Zealand seeks the following decision from the local authority:  
See Attachment 1.
7. Heritage New Zealand wishes to be heard in support of our submission.

Yours sincerely

Claire Craig  
General Manager  
Central Region  
Heritage New Zealand Pouhere Taonga





Attachments:

1. Proposed Marlborough Environment Plan Submission Table
2. Example Archaeological Requirements Appendix
3. Wairau Public Hospital Nurses' Home (Former) List Entry Report
4. Kakapo Bay Whaling Station Summary Report
5. Omaka Presbyterian Church Summary Report
6. Ōpaoa Wharf Building Summary Report

Address for Service:

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**Attachment 1: Proposed Marlborough Environment Plan Submission Table**

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Marlborough Environment Plan

	Proposed Plan Provision	Support or Oppose	Reasons for Submission	Relief Sought Strike: <del>abc</del> = deletion Underline: <u>abc</u> = insertion Italics: <i>abc</i> = new clause
<b>Volume One</b>				
<b>Overall</b>				
1	Multiple	Support with amendment	a. The plan should differentiate between natural heritage values and historic heritage values (historic heritage being used in the RMA) and always include the word 'heritage' (e.g. do not use 'historic values'). This also applies when referring to natural heritage and historic heritage. Catering to natural and historic heritage often require different approaches so warrant being differentiated.	That when referring the following terms be used constantly throughout the plan: <ul style="list-style-type: none"> <li>• Historic heritage and/or natural heritage</li> <li>• Historic heritage values and/or natural heritage values</li> </ul>
2	Multiple	Support with amendment	a. When talking about the inclusion of various heritage items, be they archaeological sites, wāhi tapu, buildings, or other items, Heritage New Zealand discourages using the word 'listing, list, listed, etc.' in RMA plans, as this can cause confusion between those items in the plan and those in the New Zealand Heritage List / Rārangi Kōrero (the List). Instead, we suggest using 'included in schedule X, scheduled, etc.'. Given that this plan contains multiple schedules in a single appendix, the appendix should also be referenced.	That when referring to cultural and historic heritage resources contained in the schedule they be referred to as "heritage resources included in schedule X in appendix 13".
3	Multiple	Support with amendment	a. When referring to archaeological sites, the same language should be used as in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). This only differentiates between recorded and unrecorded sites. Other terms such as 'known' and 'unknown' or 'discovered' and 'undiscovered' can cause confusion when dealing with discovery (e.g. 'discovering an undiscovered site' is a poor phrase).	Where there is an intended reference to discovered and undiscovered archaeological sites, the words 'recorded archaeological site' and 'unrecorded archaeological site' be used. In the context of the Plan, 'recorded' should refer to any site with a New Zealand Archaeological Association identifier and/or included in the relevant appendices of the Plan.

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4	Multiple	Support with amendment	a. When referring to adverse effects on archaeological sites, the same language should be used as in the Heritage New Zealand Pouhere Taonga Act 2014, that being 'modify or destroy'.	That when referring to adverse effects on archaeological sites, the Plan use 'adverse effects from the modification or destruction of archaeological sites' etc.
<b>3. Marlborough's Tangata Whenua Iwi</b>				
5	Objective 3.1, 3.2, 3.3, 3.4, and 3.5	Support	a. Heritage New Zealand supports these objectives as they are all relevant to the protection of sites of significance to Māori, including wāhi tapu and will help contribute to this end.	Retain as notified.
6	Policy 3.1.3	Support with amendment	Heritage New Zealand supports this policy subject to the following minor amendments for clarity and grammar: a. The use of the word 'traditional' in (e) is too limited. The word 'traditional' locks the particular uses and practices to a particular time and does not provide for their ongoing evolution and change. The word 'cultural' should be used as well. This is also in line with the language used in the Resource Management Act 1991 (RMA). b. Clause (e) does not make sense grammatically and minor amendments are required.	Policy 3.1.3 – Where an application for resource consent or plan change is likely to affect the relationship of Marlborough's tangata whenua iwi and their culture and traditions, decision makers shall ensure:  ...  (e) <del>how</del> <u>that</u> traditional <u>and</u> cultural Māori uses and practices relating to natural and physical resources such as mahinga maataitai, waahi tapu, papakāinga and taonga raranga <u>will</u> be recognised and provided for.
7	Policy 3.1.4	Support with amendment	a. Iwi management plans are an important means for identifying sites of significance to Māori, and Heritage New Zealand supports their promotion. However, in developing iwi management plans, iwi should be encouraged to identify the range of heritage resources of historic or cultural significance that are referenced throughout the rest of the Plan. This will facilitate protection.	Policy 3.1.4 – Encourage iwi to develop iwi management plans that contain  ...  (c) <u>sites, places, areas and landscapes of historic or cultural significance;</u>
8	3.M.3	Support with amendment	a. See submission point 7.a.	Iwi management plans will be used and taken into account to:  ...

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				<ul style="list-style-type: none"> <li>assist the identification of heritage resources for inclusion in the Marlborough Environment Plan and Council maps.</li> </ul>
<b>4. Use of Natural and Physical Resources</b>				
9	Objective 4.3	Support with amendment	<p>a. It is important that the historic heritage values are also maintained and enhanced. These are important contributors to the character of the Marlborough Sounds and require protection. These are not captured under the current drafting as it refers to 'qualities', and rather than being a quality historic heritage is a type of natural and physical resource. To ensure the objective captures everything it needs to, it should refer to 'the qualities of natural and physical resources that contribute to the character of the Marlborough Sounds'.</p>	Objective 4.3 – The maintenance and enhancement of the <u>visual, ecological and physical qualities of natural and physical resources</u> that contribute to the character of the Marlborough Sounds.
<b>7. Landscape</b>				
10	Policy 7.1.1	Support with amendment	<p>a. Current drafting makes it unclear whether the words "that are widely known and valued by the immediate and wider community for their contribution to a sense of place" apply to only landscapes or to cultural and historic heritage values also. These words should not apply to historic heritage and cultural values as they are already valuable and warrant protection without contributing to a sense of place. The clause should be re-arranged to remove this ambiguity.</p> <p>b. See submission point 1.a.</p>	(c) <u>associative values, including landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place, cultural values, and historic heritage values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.</u>
11	Objective 7.2	Support	<p>a. Heritage New Zealand supports Objective 7.2. In particular, the recognition given to the contribution of historic heritage values make to significant landscapes.</p>	Retain as notified.
12	Policy 7.2.1	Support	<p>a. Heritage New Zealand supports the control of activities that have the potential to degrade identified historic heritage values that contribute to outstanding natural features in</p>	Retain as notified.

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			<p>landscapes (including archaeology).</p> <p>As part of this, where there is the potential to disturb archaeological sites, including wāhi tapu, an archaeological assessment should be required.</p>	
13	Policy 7.2.4	Support	a. See submission points 11.a and 12.a.	Retain as notified.
14	Policy 7.2.5	Support	a. See submission points 11.a and 12.a.	Retain as notified.
15	Policy 7.2.7	Oppose in part	<p>a. Many of the Marlborough Sounds Coastal Landscapes have significant archaeological heritage value and these should be protected from the adverse effects of land disturbance, structures, and vegetation planting and clearance.</p> <p>Where archaeological value is identified as a relevant associative value, Heritage New Zealand considers that this warrants additional protection under the RMA rather than relying on the management regime under the HNZPTA. This is for two reasons.</p> <p>First, given the significance of archaeology in certain areas, it is appropriate that the Plan signal that development resulting in sites being modified or destroyed is not acceptable. Planning to avoid effects on archaeological sites can reduce the risk of site damage and unnecessary delays for applicants while they apply for an archaeological authority.</p> <p>Second, The HNZPTA is also not well suited for taking into account effects on overall cultural landscape values, as the HNZPTA is restricted to considering effects in close proximity to or within the extent of the individual sites in question. Protection from adverse effects on landscape values resulting from damage to individual sites therefore needs to be provided for under the RMA process.</p>	<p>In respect of structures:</p> <p>...</p> <p><i>(viii) avoiding the disturbance of archaeological sites.</i></p> <p>In respect of land disturbance (including tracks and roads):</p> <p>...</p> <p><i>(v) avoiding the disturbance of archaeological sites.</i></p> <p>In respect of vegetation planting <u>and clearance</u>:</p> <p>...</p> <p><i>(iv) avoiding the disturbance of archaeological sites.</i></p>
16	Objective 7.2 Methods of	Oppose in part	a. Heritage New Zealand seeks reference to the archaeological authority process under the HNZPTA be added to the	<i>7.M.10 Heritage New Zealand Pouhere Taonga Act 2014</i>

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	Implementat ion		<p>methods of implementation. This would act as an advice note and help prevent the modification or destruction of archaeological sites.</p> <p>b. Attached to this submission is also an example appendix of archaeological requirements that sets out the requirements of the HNZPTA, the definition of archaeological site, how applicants can find out if they should apply for an authority, and an accidental discovery protocol for where an archaeological authority has not been obtained. This schedule should be added to Volume 3 and then referenced in this method.</p>	<p><i>This Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority'. This applies to both recorded and unrecorded archaeological sites. It is important that the planning for any building or development takes this issue into account and an archaeological assessment may be required. The applicant is advised to contact Heritage New Zealand Pouhere Taonga if any activity such as earthworks, fencing or landscaping may modify damage or destroy any archaeological site. More information is contained in Appendix 13.</i></p>
17	7.AER.1	Oppose in part	<p>a. It is important that damage to archaeological sites is monitored. An effective way to do this is the number of site damage incidents recorded by Heritage New Zealand.</p>	<p>New clause in the monitoring effectiveness column:  <i>The instances of archaeological site damage recorded by Heritage New Zealand decreases or is maintained at zero, and the instances of site avoidance increases.</i></p>
<b>9. Public Access and Open Space</b>				
18	Policy 9.4.4 (g)	Support with amendment	<p>a. The current wording refers to historic, archaeological, and wāhi tapu values. Historic and archaeological values can be combined into 'historic heritage values'. For 'wāhi tapu values', this should reflect the wording used in Objective 3.2 of 'spiritual and cultural values of Marlborough's tangata whenua iwi'.</p>	<p>(g) any historic <u>heritage</u>, conservation, <u>or</u> ecological, <u>archaeological or wāhi tapu</u> values; <u>or spiritual and cultural values of Marlborough's tangata whenua iwi</u> associated with the reserve;</p>
19	Anticipated environmental results and monitoring effectiveness	Oppose in part	<p>a. This section does not address Objective 9.4 – The Establishment or development of open space areas and recreation activities does not have adverse effects on the environment. It is important that there is some way to measure progress towards achieving Objective 9.4. Heritage New Zealand has a particular interest in adverse effects on historic and cultural heritage values being monitored.</p>	<p>Council develop an appropriate anticipated environmental result to address Objective 9.4. Heritage New Zealand recommends the following monitoring clauses to address cultural and historic heritage values:</p> <ul style="list-style-type: none"> <li>• <i>The condition, of Heritage Resources as defined in Volume 2, is maintained or</i></li> </ul>

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				<p><i>improved</i></p> <ul style="list-style-type: none"> <li>• <i>The instances of archaeological site damage recorded by Heritage New Zealand decreases or is maintained at zero, and the instances of site avoidance increase.</i></li> </ul>
<b>10. Heritage Resources and Notable Trees</b>				
20	Introduction	Support with amendment	a. See submission point 3.a.	<p>It is also important to note that Heritage New Zealand retains regulatory responsibilities regarding archaeological sites. Any modification or destruction of a <del>known or unknown</del> <u>recorded or unrecorded</u> archaeological site requires an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 and Heritage New Zealand processes applications for such authorities.</p>
21	Issue 10A	Support with amendment	<p>a. Paragraph one: historic heritage is not vulnerable to all use and development, just inappropriate use and development.</p> <p>b. Paragraph two: archaeological sites can be modified or destroyed without being unearthed; e.g., by inappropriate planting of large trees, vibrations or the use of heavy machinery. The wording should reflect this. Also see submission point 4.a.</p> <p>c. Paragraph three: Historic heritage is not threatened by there being many unknown areas of heritage significance per se. Rather, a lack of knowledge on location, extent, and values is a risk that needs to be managed.</p>	<p>Marlborough’s historic heritage is vulnerable to the <u>inappropriate</u> use and development of natural and physical resources.</p> <p>Archaeological sites are particularly vulnerable to land disturbance, as they tend to be buried and excavation at, or in close proximity to, the site can <del>unearth</del> <u>disturb</u> the object of significance and its archaeological context. If appropriate action is not taken, the heritage resource <del>that was previously buried</del> can potentially be <del>damaged</del> <u>modified</u> or destroyed. For archaeological sites that have a connection to Marlborough’s tangata whenua iwi, such adverse effects can also cause a serious cultural affront to the mana of an iwi.</p> <p><del>One of the threats to historic heritage is that there are many unknown areas of heritage significance. A</del></p>



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				<p><u>lack of knowledge about the location, extent and values of historic heritage creates risks that require management.</u> For example, although past archaeological studies have revealed a little of the Māori and early European settlement patterns and culture, much more remains to be identified, researched and recorded. There will also be forgotten sites. The lack of awareness of the existence of a heritage resource makes the resource vulnerable to irreparable damage as a result of land use change.</p>
22	Objective 10.1	Support with amendment	a. Heritage New Zealand supports the objective to protect historic heritage, but considers the wording should be amended to reflect the wording in the RMA, especially in the definition of historic heritage.	Objective 10.1 – Retain and protect heritage resources that contribute <u>to an understanding and appreciation of Marlborough’s and New Zealand’s history and cultures.</u> <del>to the character of Marlborough.</del>
23	Policy 10.1.1	Support	a. Heritage New Zealand supports a joint management approach set out in this policy. There are many stakeholders involved in historic heritage and working collaboratively with them helps deliver better outcomes.	Retain as notified.
24	Policy 10.1.2	Support	a. Community initiatives are an important part in retaining and enhancing historic heritage. Heritage New Zealand therefore supports this Policy.	Retain as notified.
25	Policy 10.1.3	Support with amendment	<p>a. This policy currently duplicates the definition of ‘heritage resources’ included in the definition chapter of Volume 2. It still could be beneficial for clarity to have this duplication, but it could be removed without regulatory implications.</p> <p>b. The identification portion of the policy is already covered in Policy 10.1.4, so should be removed from this policy.</p> <p>c. The term ‘appropriate protection’ is vague and can be interpreted to mean different levels of protection, rather</p>	<p>The policy should be amended to the following:</p> <p>Policy 10.1.3 – <del>Identify and p</del><u>Provide appropriate protection to Marlborough’s heritage resources through a diverse range of methods, including:</u></p> <p>(a) <del>historic buildings (or parts of buildings), places and sites;</del></p> <p>(b) <del>heritage trees;</del></p>

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			than different methods of protection (as stated in the explanation). That it refers to different methods should be included in the policy itself.	<p><del>(c) places of significance to Marlborough's tangata whenua iwi;</del></p> <p><del>(d) archaeological sites;</del></p> <p><del>and (e) monuments and plaques.</del></p>
26	Policy 10.1.4	Support with amendment	<p>a. The current wording of "that meet the following criteria for significance" creates the impression that for an item to be included in the schedule it must fulfil all the criteria, which would be very difficult for most items to do. An item should only have to meet at least one of the criteria, this is the standard used in the HNZPTA.</p> <p>b. The policy should also point towards the specific appendix that sets out the schedule of heritage resources.</p> <p>c. The main function of this policy should also be to identify heritage that is then protected under the Plan, rather than raising community' awareness (although this is important). This should be reflected in the wording.</p> <p>d. Criteria (b) does not specify that the association needs to be valuable, it should do this.</p> <p>e. The following are additional criteria that are used in assessing if an item should be listed under the HNZPTA that are not covered in Policy 10.1.4:</p> <ul style="list-style-type: none"> <li>• The potential of the place to provide knowledge of New Zealand history</li> <li>• The potential of the place for public education</li> <li>• The symbolic or commemorative value of the place</li> <li>• Association with important ideas in New Zealand's history</li> <li>• The design of the place</li> </ul>	<p>That Policy 10.1.4 be amended to the following:</p> <p>Policy 10.1.4 – <del>Increase the community's awareness of historic heritage values by identifying</del> <u>Identify</u> heritage resources <u>for scheduling in Appendix 13 of the Marlborough Environment Plan, including historic buildings, places, sites, monuments and plaques</u> that meets <u>one or more of</u> the following criteria for significance <u>or value in the Marlborough Environment Plan</u>:</p> <p>(a) have value as a local landmark, over a significant length of time;</p> <p>(b) have historic association <u>of value</u> with a person, <u>idea</u> or event of note, or have a strong public association for any reason;</p> <p>(c) reflect past skills, <u>design</u>, style, materials, methods of construction or workmanship that would make it of educational or architectural value;</p> <p>(d) is <u>a</u> unique or rare <u>heritage resource in relation to particular historical themes</u>, or is a work of art;</p> <p>(e) is important to Marlborough's tangata whenua iwi;</p> <p>(f) forms part of a precinct or area of heritage value;</p>

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			<p>Another criteria is the importance of identifying rare types of historic places, this is somewhat addressed in Policy 10.1.4, by (d). However, the qualifier of ‘in relation to particular historic themes’ is unnecessarily restrictive, the focus should be on general rarity.</p> <p>These criteria should be included in the policy.</p>	<p><u>(g) has the potential to provide knowledge of New Zealand history or public education of value; or</u></p> <p><u>(h) has symbolic commemorative value.</u></p>
27	Policy 10.1.5	Oppose in part	<p>a. The current wording of the policy means it applies to all adverse effects (and conflicts with Policy 10.1.6). However, the explanation focuses on the effects from the destruction of sites. This should be reflected in the wording of the policy.</p> <p>b. Heritage New Zealand discourages the classification of wāhi tapu and other sites of significance to Māori into different grades (e.g. 1 or 2, or A or B), as the cultural values that make them significant often defy classification. Accordingly, wāhi tapu and other sites of significance should have their own schedule. Given the vulnerability of sites of significance to Māori and the difficulty of remedying and mitigating adverse effects on them, Heritage New Zealand recommends that adverse effects from destruction be avoided.</p> <p>c. Heritage New Zealand discourages councils using the terms ‘Category 1’ and ‘Category 2’ in their plans. This can cause confusion between items in the New Zealand Heritage List / Rārangī Kōrero (the List) and those scheduled in district plans. It also discounts the ability of Council to classify heritage resources it schedules that are not on the List. Instead, Councils should use the terms ‘Category A’ and ‘Category B’.</p> <p>d. The policy should specifically point to the relevant schedules in Appendix 13.</p> <p>e. The explanation states that “loss or destruction” of Category</p>	<p>Policy 10.1.5 – Avoid adverse effects on the historic heritage values <u>from the destruction, demolition, partial demolition or relocation</u> of Category A-I heritage resources <u>identified in Schedule 1 and from the destruction of sites of significance to Māori identified in Schedule X of Appendix 13.</u></p> <p><u>Schedule 3 sites of significance to Māori, including wāhi tapu, while Schedule 1 contains Category A historic buildings and structures (or parts of buildings or structures), places, sites, monuments and plaques. Category A means they are of special or outstanding significance. This is the same meaning as Category 1 historic places in the New Zealand Heritage List / Rārangī Kōrero. Heritage resources sourced from the New Zealand Heritage List/Rārangī Kōrero are assigned either a Category I or Category II status. Heritage resources classified as Category I are nationally significant.</u></p> <p>Any loss or damage of or significant change to a <u>Category I heritage resource an item contained in Schedule 1 or X</u> would result in a significant and potentially irreversible loss of historic heritage that is important in a national context. For this reason, <u>any significant</u> adverse effects on the historic heritage values of <u>resources in Schedule 1 and X</u></p>

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			<p>1/A items will be a prohibited activity. However, the language of “demolition or partial demolition” is more appropriate and specific for built heritage. “Destruction” is appropriate for historic areas and wāhi tapu and other sites of significance to Māori.</p> <p>f. The specific setting a Category 1/A built item is located in is often very significant to the cultural and historic heritage values. Accordingly, relocation of these items should also be prohibited, and acknowledged in the explanation through the term “relocation”. “Loss” is a redundant term already covered by those discussed above, it should be removed.</p> <p>g. Category 1 items are of ‘special or outstanding’ significance under the HNZPTA. The explanation should reflect this.</p> <p>h. See submission point 2.a.</p>	<p><del>Category 1 resources</del> must be avoided. This will see a prohibited activity rule that forbids the <del>loss or</del> <u>destruction, relocation, demolition, or partial demolition</u> of a <del>Category 1</del> resource <u>in Schedule 1 and the destruction of a resource in Schedule X.</u></p>
28	Objective 10.1	Oppose in part	<p>a. With 10.1.5 addressing the demolition, partial demolition, relocation, and destruction of Category 1/A heritage resources, a similar policy is needed regarding Category 2/B resources. For Category 2/B resources ideally adverse effects will be avoided. However, given the reduced significance of these items, consideration should be given to the economics of retaining the item, especially regarding the cost of upgrades for public safety, these matters are provided for in Policy 10.1.7 and should be referred to. Relocation of Category 2/B items should not be included in this policy and is best addressed under Policy 10.1.6 due to Category 2/B items generally being less tied to their original location.</p>	<p>Include the following new policy, followed by an appropriate explanation:</p> <p><i>Policy 10.1.X – Avoid adverse effects on historic heritage values from the destruction, demolition or partial demolition of Category B heritage resources identified in Schedule 2 of Appendix 13, except where the item is of danger to public safety and repair is not the best practicable option after having regard to the matters in Policy 10.1.7.</i></p>
29	Policy 10.1.6	Oppose	<p>a. The term ‘modification’ is vague. The policy needs to apply to all adverse effects from subdivision, use and development on heritage resources, except for those matters addressed under Policy 10.1.5 and the new policy proposed in submission point 28.a.</p>	<p>Replace the current policy with the following wording and an appropriate explanation:</p> <p><i>Policy 10.1.5 – Except where provided for under Policy 10.1.6 and 10.1.X, avoid, remedy or mitigate adverse effects from the use, subdivision or</i></p>

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			<p>The changes proposed in this submission point and those in points 25 and 26 would create a framework that appropriately classifies how heritage resources are to be protected from different adverse effects. To summarise, this is:</p> <ul style="list-style-type: none"> <li>• Avoidance of adverse effects from the destruction of sites of identified significance to Māori</li> <li>• Avoidance of adverse effects from the destruction of Category A heritage sites and areas</li> <li>• Avoidance of adverse effects from the demolition, partial demolition or relocation of Category A heritage buildings and structures</li> <li>• Avoidance of adverse effects from the destruction of Category B heritage sites and areas, except where there is a risk to public safety and repair is not the best practicable option</li> <li>• Avoidance of adverse effects from the demolition or partial demolition of Category B heritage buildings and structures, except where there is a risk to public safety and repair is not the best practicable option</li> <li>• Avoidance, remediation, or mitigation of all other adverse effects on identified heritage resources, excluding archaeological sites.</li> </ul>	<p><i>development of land on heritage resources identified in Schedules 1, 2, and 3 of Appendix 13.</i></p>
30	Policy 10.1.7	Support with amendment	<p>a. The current drafting would apply to all heritage resources; therefore, it conflicts with Policy 10.1.8 and 10.1.9. The policy should specify that it does not apply to archaeological sites and wāhi tapu and other sites of significance to Māori. This can be done by specifically pointing to the heritage resources in Schedule 1 and 2 of the Appendix.</p>	<p>Policy 10.1.7 – When assessing resource consent applications in relation to heritage resources <u>included in Schedule 1 and 2 of Appendix 13</u> have regard to:</p> <p>...</p>

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		<p>b. In making decisions on heritage resources, Council should have regard to the economic feasibility of all reasonably practicable options to avoid, remedy, or mitigate adverse effects. This gives Council the ability to take into account the economic reality of some areas of New Zealand. In adopting such a matter to have regard to, (j) becomes redundant as it becomes implicit in the proposed clause. (j) can then be replaced with the clause proposed.</p> <p>c. (b) and the explanation should simply refer to effects on the historic cultural heritage values of heritage resources, rather than just consents to demolish, remove, alter, or add to a heritage resource. This makes it clear that heritage resources are to be protected from all adverse effects (e.g. including those from adjacent developments).</p> <p>d. Council should also have regard to effects on the relationship between distinct elements of the heritage resource and its surroundings. These matters are very important, but are often not listed as specific historic or cultural values. Having an appropriate clause would allow proper consideration of an application like a large development that obstructs a key site line to a prominent heritage resource functioning as a landmark.</p> <p>e. The policy should also specifically reference that it applies to the heritage resources in the appendix.</p> <p>f. See submission point 1.a.</p>	<p>(b) <del>the effects effect demolition, removal, alteration or additions will have on the historic and heritage values of the heritage resource, including the relationship between distinct elements of the heritage resource and its surroundings;</del></p> <p>...</p> <p>(e) the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the historical heritage values of the heritage resource;</p> <p>...</p> <p>(h) the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the historical heritage value of the resource;</p> <p>...</p> <p>(j) <u>the economic feasibility of all reasonably practicable options to avoid, remedy or mitigate adverse effects options for retaining a heritage resource when its demolition is proposed;</u> and</p> <p>...</p> <p>This policy sets out the matters that the Council should have regard to when assessing any resource consent application <u>with adverse effects on the historic heritage values of identified heritage resources to demolish, remove, alter or add to a</u></p>
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				heritage resource. These matters are designed to ensure that the significance of the heritage resource is recognised and appropriately provided for in the decision making process.
31	Policy 10.1.8	Support with amendment	<p>a. The current drafting of the policy refers to “applications to destroy or modify”, this is different from the language used in Policy 10.1.7 of “applications in relation to”. For consistency, the same language as in Policy 10.1.7 should be used. This is also broader, so ensures that other applications that may adversely affect wāhi tapu and other sites of significance to Māori are captured.</p> <p>b. The views of Heritage New Zealand should only be sought where the heritage resource in question is included in the New Zealand Heritage List / Rārangi Kōrero.</p> <p>c. Clause (d) can easily be combined with (a), as they both focus on effects.</p> <p>d. For clarity, a cross reference should be included in the explanation to the relevant objectives and policies in Chapter 3 – Marlborough’s Tangata Whenua Iwi.</p> <p>e. See submission point 1.a.</p> <p>f. See submission point 2.a.</p>	<p>Policy 10.1.8 – When assessing resource consent applications <u>in relation to sites of significance to Māori, including wāhi tapu, included in Schedule 3 of Appendix 13, to destroy or modify a registered wāhi tapu site or area, or to undertake activities in a place of significance to Marlborough’s tangata whenua iwi,</u> have regard to:</p> <p>(a) <del>the effects of demolition, removal, alteration or additions</del> on the heritage values of the heritage resource, <u>including effects on the spiritual and cultural values of iwi;</u></p> <p>(b) the position of the relevant iwi;</p> <p>(c) <u>the views of Heritage New Zealand, for heritage resources on the New Zealand Heritage List / Rārangi Kōrero;</u></p> <p><del>(d) the effects of the destruction or alteration on the heritage resource or the effects of the proposed activity on the spiritual and cultural values of iwi;</del></p> <p>...</p> <p>This policy sets out the matters that the Council should consider when assessing any resource consent application <u>with adverse effects on the historic or cultural heritage values of an identified to destroy or modify a wāhi</u> tapu site or area, or other area of significance to Marlborough’s tangata whenua iwi. These matters are designed to ensure</p>

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				<p>the cultural and spiritual significance of the site or area is recognised and appropriately provided for in the decision making process.</p> <p><u>Chapter 3 – Marlborough’s Tangata Whenua Iwi also provides a range of objectives and policies relevant to any application regarding sites of significance to Māori, including wāhi tapu.</u></p>
32	Policy 10.1.9	Support with amendment	<p>a. Heritage New Zealand supports the approach taken, but would encourage Council to help provide information to applicants that can help them determine if they need to apply for an archaeological authority. Attached to this submission is an example Archaeological Requirements Schedule that sets out how the archaeological authority process works and the information Council can provide to assist the public. Council should consider including this schedule in the plan and referring to it in Policy 10.1.9.</p>	<p>Policy 10.1.9 – Except as set out in Policy 10.1.11 and the <u>Schedule of Archaeological Requirements in Appendix 13</u>, primarily rely on Heritage New Zealand and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites within Marlborough.</p>
33	Policy 10.1.10	Oppose	<p>a. Heritage New Zealand supports accidental discovery protocols (ADPs) in principle, but notes that they should only be used where there is no reasonable cause to suspect the presence of archaeological sites. Additionally, where an archaeological authority has been obtained, this must take precedence over the ADP. Otherwise, there can be confusion between what is required to be followed (conditions in the archaeological authority or the ADP).</p> <p>b. The attached example Archaeological Requirements Schedule contains an example accidental discovery protocol that could be adopted, or a different one could be added in the future (after consultation with iwi). The development of an ADP should be a method to achieve Policy 10.1.9., insofar as it references the Archaeological Requirements Schedule, rather than a specific policy. Accordingly, Policy 10.1.10 should be removed.</p>	<p>Remove Policy 10.1.10.</p>



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34	Policy 10.1.11	Support with amendment	<p>a. Heritage New Zealand supports additional controls under the RMA to manage adverse effects on places of significance to Marlborough's tangata whenua iwi. However, it would be beneficial if the Policy pointed to a schedule that identified the relevant places of significance.</p>	<p>Policy 10.1.11 – Control land disturbance activities in places of significance to Marlborough's tangata whenua iwi, <u>identified in Schedule 4 of Appendix 13.</u></p>
35	10.M.1	Support with amendment	<p>a. Heritage New Zealand supports the inclusion of heritage resources in particular schedules contained in an appendix. The method should specify the different schedules, and what they will contain, that will form the appendix.</p> <p>b. However, heritage New Zealand discourages the classification of wāhi tapu and other sites of significance to Māori into different grades (e.g. 1 or 2, or A or B), as the cultural values that make them significant often defy classification. Accordingly, wāhi tapu and other sites of significance should have their own schedule. Given the vulnerability of sites of significance to Māori and the difficulty of remedying and mitigating adverse effects on them, Heritage New Zealand recommends that adverse effects from destruction be avoided.</p> <p>c. Heritage New Zealand discourages councils using the terms 'Category 1' and 'Category 2' in their plans. This can cause confusion between items in the New Zealand Heritage List / Rārangī Kōrero (the List) and those scheduled in district plans. It also discounts the ability of Council to classify heritage resources it schedules that are not on the List. Instead, Councils should use the terms 'Category A' and 'Category B'.</p> <p>d. The method should also provide for situations where iwi do not want the precise location of a site disclosed.</p>	<p>The Council will identify significant heritage resources and notable trees within Appendix 13 of the MEP. Each individual resource or tree will be described in a schedule and included on planning maps. Resources or trees identified will be those that meet the criteria in Policies 10.1.4 and 10.2.1 and/or those included on the New Zealand Heritage List/Rārangī Kōrero. <u>Heritage resources and trees will be divided into the following Schedules:</u></p> <ul style="list-style-type: none"> <li>• <u>Schedule 1: Category A Historic Buildings, Structures, Places, Sites and Areas</u></li> <li>• <u>Schedule 2: Category B Historic Buildings, Structures, Places, Sites and Areas</u></li> <li>• <u>Schedule 3: Sites of Significance to Marlborough's Tangata Whenua Iwi</u></li> <li>• <u>Schedule 4: Places of Significance to Marlborough's Tangata Whenua Iwi</u></li> <li>• <u>Schedule 5: Notable Trees</u></li> </ul> <p><u>Where Marlborough's tangata whenua iwi do not wish the location of a relevant heritage resource disclosed, Council will make use of methods to protect the confidentiality of the site.</u></p>
36	10.M.2	Oppose	<p>a. This method requires amendment to align it with the changes proposed in this submission regarding the historic heritage</p>	<p>That the method be amended accordingly to reflect the final state of the heritage rules.</p>

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			rules.	
37	10.M.3	Support with amendment	a. Heritage New Zealand supports the use of incentives to support the protection and enhancement of heritage resources. There are two additional support methods that can be very useful. These are rates rebates and public education.	<p>The Council will support, including financially, the protection and enhancement of heritage resources and notable trees included in the MEP in the following ways:</p> <ul style="list-style-type: none"> <li>• Waiving some or all resource consent and building consent application fees where the activity requiring consent will assist with the protection or enhancement of a heritage resource or notable tree;</li> <li>• Providing grants on an annual basis to facilitate the protection of heritage resources/notable trees and/or the community's appreciation of the resources/trees;</li> <li>• <u>Providing rates rebates for properties with heritage resources;</u></li> <li>• <u>Carrying out public education and promotion regarding the value and benefits of heritage resources;</u></li> <li>• Providing funding to assist with the ongoing maintenance of notable trees where required.</li> </ul>
38	10.M.4	Support with amendment	a. Heritage New Zealand supports ongoing liaison. A minor amendment is needed to correctly refer to the New Zealand Archaeological Association.	<p>The Council will liaise on an ongoing basis with the various agencies and groups involved in the protection of historic heritage in Marlborough to ensure that protection efforts are co-ordinated. Heritage New Zealand, the Department of Conservation, the <u>New Zealand Archaeological Association</u>, Marlborough's tangata whenua iwi and</p>

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				other heritage organisations are the key agencies and groups in this regard.
39	10.M.5.	Support with amendment	a. See submission point 31.a. and 31.b	In conjunction with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi, the Council will develop, maintain and implement a discovery protocol for archaeological sites <u>where an archaeological authority has not been obtained and there is no reason to suspect the presence of any archaeological sites</u> . This will detail the procedures to be followed if any feature, artefact or human remains are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different iwi to enable people to make contact with the relevant iwi. The protocol will assist in ensuring that the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 can then be applied. <u>The protocol will be included in Appendix X containing the Schedule of Archaeological Requirements.</u>
40	10.M.6	Support with amendment	a. The provision of information on the location of archaeological sites is an important way councils can help avoid the damage or modification of archaeological sites. Along with identifying recorded sites, it is very beneficial if councils also identify areas where there is reasonable cause to suspect the presence of unrecorded archaeological sites. This can be done through archaeological alert layers on council maps	In conjunction with the New Zealand Archaeological Association, the Council will provide information on known archaeological sites in Marlborough <u>and areas where there is reasonable cause to suspect the presence of unrecorded archaeological sites</u> . This will assist resource users to determine whether they need to approach Heritage New Zealand for an archaeological authority.
41	10.M.7	Support	a. To help provide appropriate heritage advice, Heritage New Zealand supports it being treated as an affected party for	Retain as notified.

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			appropriate resource consent applications.	
42	10.AER.1	Oppose in part	<p>a. In assessing the loss of Category 1/A heritage resources, relocation and partial demolition should also be considered.</p> <p>b. Monitoring effectiveness should also be measured against the limited loss of Category B heritage resources through demolition, partial demolition and relocation.</p> <p>c. Monitoring effectiveness should be measured against the loss of wāhi tapu and other sites of significance to Māori through destruction.</p> <p>d. Monitoring effectiveness should also be measured against archaeological site damages as recorded by Heritage New Zealand.</p>	<p>No loss of Category <del>1</del> <u>A</u> heritage resources as measured through the grant of resource consent applications to <u>demolish, partially demolish or relocate</u> Category <del>1A</del> heritage resources.</p> <p><u>Limited loss of Category B heritage resources as measured through the grant of resource consent applications to demolish or partially demolish Category B heritage resources.</u></p> <p><u>No loss of sites of significance Māori, including wāhi tapu, as measured through the grant of resource consent applications to destroy sites of significance to Māori, including wāhi tapu.</u></p> <p><u>The instances of archaeological site damage recorded by Heritage New Zealand decrease or are maintained at zero, and the instances of site avoidance increase.</u></p>
<b>12. Urban Environments</b>				
43	Policy 12.2.5	Oppose in part	<p>a. Inappropriate subdivision and development has the potential to adversely affect historic heritage values that require protection. For example, the subdivision of a property containing a heritage building could adversely affect values originating from the relationship between the building and its surroundings. Subdivision can also facilitate land disturbance that adversely affects archaeological sites, including wāhi tapu. If subdivisions are not properly planned, this can result in considerable costs to land-owners in obtaining an archaeological authority and if an authority application is</p>	<p>Policy 12.2.5 – Where resource consent is required, ensure that subdivision and/or residential development within Urban Residential Zones is undertaken in a manner that:</p> <p>...</p> <p><u>(d) protects the historic heritage values of heritage resources identified in Appendix 13.</u></p>

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			declined, the land may not be able to be developed. Accordingly, subdivision should be managed to avoid adverse effects on heritage resources.	
44	Policy 12.6.7	Oppose in part	a. See submission point 43.a.	Policy 12.6.7 – Where resource consent is required, ensure that development within the business or industrial zones is undertaken in a manner that:  ... <u>(d) protects the historic heritage values of heritage resources identified in Appendix 13.</u>
<b>13. Use of the Coastal Environment</b>				
45	Policy 13.3.1	Oppose in part	a. Recreational activities have the potential to cause adverse effects on historic heritage values. For example, unrestrained foot traffic can cause damage to archaeological sites, including wāhi tapu, in the form of erosion and compaction. A permissive approach should therefore not be taken where there adverse effects on historic heritage values. Controls under the RMA are especially important as the archaeological authority process is not well suited to dealing with site damage caused by unknown and multiple parties (what you are likely to have with recreational activities).	Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:  ... <u>(g) adversely affect historic heritage values of heritage resources identified in Appendix 13.</u>
46	Policy 13.5.2	Oppose in part	a. See submission point 43.a	Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:  ... <u>(d) protect the historic heritage values of heritage resources identified in Appendix 13.</u>
<b>14. Use of the Rural Environment</b>				
47	Policy 14.5.2	Oppose in part	a. See submission point 44.a.	Policy 14.5.2 – Residential activity and subdivision for residential purposes within rural environments

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				<p>should take place within land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3, to</p> <p>...</p> <p><u>(j) protect the historic heritage values of heritage resources identified in Appendix 13.</u></p>
<b>17. Transportation</b>				
48	Policy 17.6.2	Oppose in part	<p>a. The development, maintenance and use of the land transport network has the potential to adversely affect historic heritage values. For example, heavy machinery can compact archaeological components of wāhi tapu sites causing damage, vibrations can damage built heritage, and roading infrastructure can disrupt the connection heritage resources have to their surroundings. These adverse effects require management and so should be referenced in the Policy.</p>	<p>Policy 17.6.2 – The development, maintenance and use of the land transport network must be undertaken in a manner that protects natural and physical resources and the health, safety and wellbeing of the community through avoiding, remedying or mitigating:</p> <p>...</p> <p><u>(h) adverse effects on the historic heritage values of heritage resources identified in Appendix 13.</u></p>
<b><u>Volume Two</u></b>				
<b>2. General Rules – Heritage Resources</b>				
49	2.	Oppose in part	<p>a. Heritage New Zealand considers that it is important that some activities involving heritage resources are provided for as restricted discretionary activities. This is important for those activities where there is increased certainty on what potential adverse effects will be. Where this is the case, restricted discretionary is appropriate as the relevant adverse effects can be addressed at a reduced cost to Council and applicants.</p> <p>b. Signage affecting heritage resources should be provided for a</p>	<p><i>Add the following rules:</i></p> <p><i>2.26. Restricted Discretionary Activities</i></p> <p><i>Application must be made for a Restricted Discretionary Activity for the following:</i></p> <p><i>2.26.1. Erection of a sign attached to, obstructing, or within the site of a Heritage Resource included in Schedule 1, 2 or 3 of Appendix 13 that is not a permitted activity under rule 2.24.X.</i></p>

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			<p>restricted discretionary activity. These signs can conflict with historic heritage values and may be culturally inappropriate on a site of significance to Māori. Discretion should be limited to effects on historic heritage values and the physical elements of the sign.</p> <p>However, some signage should be provided for as a permitted activity. This is covered more below in submission point 46.a.</p> <p>c. Both internal and external alterations (excluding those provided for in rule 2.24.2., except where the performance standards are not met) should also be restricted discretionary activities (rather than discretionary as under the current drafting). Considering that the adverse effects of any alteration are very likely to be constrained to the building or structure they apply to, discretion should be appropriately restricted to adverse effects related to the building and its historic heritage value. Effects on wider amenity are also possible for external alterations and should be considered.</p>	<p><i>Matters of which the Council will exercise its discretion:</i></p> <p>2.26.1.1. <i>Effects on historic heritage values.</i></p> <p>2.26.1.2. <i>Sign design, size, number, appearance, illumination, construction, location, and placement.</i></p> <p>2.26.2 <i>Alteration of a heritage resource identified in Schedule 1 or 2 of Appendix 13, including alterations provided for under Rule 2.24.3. that do not meet the applicable standards.</i></p> <p><i>Matters of which the Council will exercise its discretion:</i></p> <p>2.25.2.1. <i>Effects on historic heritage values.</i></p> <p>2.25.2.2. <i>Effects on amenity.</i></p> <p>2.25.2.3. <i>Alteration design, construction, location, appearance and layout.</i></p>
50	2.24	Oppose in part	<p>a. There are some signage activities relating to heritage resources that should be provided for as permitted activities, subject to performance standards. These are:</p> <ul style="list-style-type: none"> <li>• signs setting out information relating direction to the onsite activities or uses, as this can help provide for adaptive re-use;</li> <li>• Signs relating to traffic or maritime safety or public health and safety requirements, as these matters need providing for</li> <li>• signs that provide interpretive material on the historic heritage values of the place, as these can help enhance the appreciation historic heritage.</li> </ul>	<p>Add the following permitted activity and associated standards.</p> <p>2.24.X. <i>Erection of one sign within the site of a Heritage Resource included in Schedule 1,2 or 3 that is not greater than 0.5m<sup>2</sup> and is not flashing, illuminated or variable for the purposes of:</i></p> <p><i>(a) setting out information relating directly to the onsite activities or uses;</i></p> <p><i>(b) aiding traffic or maritime safety or navigation or providing information for public health and safety requirements</i></p> <p><i>(c) interpretative material on the historic</i></p>

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			These activities should still be subject to standards to limit the risk of adverse effects on historic heritage values. These standards should relate to the number of signs, sign size, and illumination.	<i>heritage values of the place.</i>
51	2.24.1.	Support with amendment	a. The rule should reference the heritage resources specifically included in schedule 1 and 2 of appendix 13. This will then exclude archaeological sites (leaving their management to the HNZPTA) and sites of significance to Māori (dealt with under other rules).	Repair or maintenance of a Heritage Resource <u>identified in Schedule 1 or 2 of Appendix 13.</u>
52	2.24.2.	Support with amendment	<p>a. Heritage New Zealand suggests some minor wording changes to make it cover the various actions that are part of improving a buildings structural stability or safety.</p> <p>b. The words ‘internal or external safety’ before alteration are unnecessary and could cause confusion on how the term differs from regular alteration.</p> <p>c. The rule should reference the heritage resources specifically included in schedule 1 and 2 of appendix 13. This will then exclude archaeological sites (leaving their management to the HNZPTA) and sites of significance to Māori (dealt with under other rules).</p>	<p>2.24.3. <del>Internal or external safety</del> Alteration of a Heritage Resource <u>identified in Schedule 1 or 2 of Appendix 13</u>, necessary for the purpose of improving structural <u>stability or safety</u> through:</p> <ul style="list-style-type: none"> <li>• <u>structural seismic upgrades, core sample drilling, temporary lifting, shifting off foundations or permanent realignment of foundations</u></li> <li>• <u>fire protection; and</u></li> <li>• <u>provision of access.</u></li> </ul> <p><del>performance (including earthquake strengthening work), fire safety or physical access.</del></p>
53	2.24.3.	Oppose in part	<p>a. This policy should only apply to wāhi tapu and other sites of significance to Māori identified in the appropriate schedule. By referring to archaeological sites, it could cause confusion between the RMA process and the HNZPTA.</p> <p>b. The words ‘(meaning protective care)’ should be removed and provided for under the definition of maintenance.</p> <p>c. Reference to land disturbance by fencing that does not</p>	<p>Maintenance <del>(meaning protective care)</del> of an <del>archaeological site</del> <u>a site of significance, including wāhi tapu, to Māori identified in Schedule 3 of Appendix 13</u>, where that maintenance includes:</p> <p>(a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;</p> <p>(b) land disturbance by <u>cultivation or fencing that</u></p>



## Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Marlborough Environment Plan

			<p>extend beyond the area or depth previously disturbed should be provided for. Fencing can be an important part of site maintenance as it can be used to restrict access to the site.</p> <p>d. The word 'or' at the end of (b) is needed.</p>	<p>does not extend beyond the area or depth previously disturbed; <u>or</u></p> <p>(c) maintenance and upgrading of a paved road, modified berm or path provided that the land disturbance does not extend beyond the area or depth previously disturbed.</p>
54	2.25.	Oppose in part	<p>a. It is important that any work relating to wāhi tapu and other sites of significance to Māori involves consultation with relevant tangata whenua. Accordingly a performance standard should be included requiring any maintenance work to obtain the written approval of relevant tangata whenua.</p>	<p>Add the following performance standard:</p> <p><i>2.25.X. Maintenance of a site of significance to Māori, including wāhi tapu, identified in Schedule 3 of Appendix 13 meeting the requirements in Rule 2.24.3.</i></p> <p><i>2.25.X.1. Maintenance work shall be supported by the written approval of the relevant tangata whenua iwi.</i></p>
55	2.25.1.	Support with amendment	<p>a. 2.25.1.6. is more suited to be part of the definitions of repair and maintenance and should be removed.</p> <p>b. The rule should reference the heritage resources specifically included in schedule 1 and 2 of appendix 13. This will then exclude archaeological sites (leaving their management to the HNZPTA) and sites of significance to Māori (dealt with under other rules).</p>	<p>Repair or maintenance of a Heritage Resource identified in Schedule 1 or 2 of Appendix 13.</p> <p>...</p> <p><del>2.25.1.6. The repair or maintenance can include the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures</del></p>
56	2.25.2.	Support with amendment	<p>a. Some additional standards are proposed to align with those used in performance standards 2.25.1. These standards ensure that the activity does not stray into territory dealt with under different rules (e.g. demolition or partial demolition).</p> <p>a. The wording can also be simplified in how it refers to 2.24.2.</p>	<p><del>Internal or external safety</del> Alteration of a Heritage Resource, necessary for <u>those reasons stated in Rule 2.24.2. the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.</u></p> <p>....</p> <p>2.25.2.3. The alteration must not involve the</p>

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				<p><u>relocation, partial demolition, or full demolition of the Heritage Resource.</u></p> <p><u>2.25.2.4. The alteration must not result in any increase in the area of land occupied by the Heritage Resource.</u></p>
57	2.26.	Oppose in part	<p>a. Some of the Outstanding Natural Landscapes and Features identified in Appendix 1 and protected through Chapter 7 have important historic and cultural associative values deriving from archaeology. Land disturbance in these areas has the potential to adversely affect archaeological sites and therefore disrupt their contribution to landscape cultural and historic heritage value. Accordingly, land disturbance in these areas should be a discretionary activity; giving Council the power to manage any adverse effects.</p> <p>Heritage New Zealand considers that this rule is valid despite the archaeological provisions in the HNZPTA for two reasons. First, the archaeology in these areas is suitably significant that it is appropriate that Council signal that certain development might not be possible. Permitted or controlled activity status can create the impression that development that could modify or destroy archaeological sites is allowable. Second, the HNZPTA is not well suited to taking into account effects on overall historic and cultural landscape values. This needs to be provided through the RMA process.</p> <p>b. Rule 2.26.1. applies to a range of activities, including subdivision, and activities outside the particular site containing a Heritage Resource. Heritage New Zealand supports this approach but considers subdivision should have its own discretionary activity rule. This is because the adverse effects of subdivision are likely to be constrained to development of properties containing Heritage Resources and the rule should be limited accordingly.</p>	<p>Insert the following discretionary activities</p> <p><i>2.26.3. Any land disturbance in a landscape identified in Appendix 1 that has historic heritage related associative values.</i></p> <p><i>2.26.4. Any subdivision of land containing a Heritage Resource identified in Schedule 1, 2 or 3 of Appendix 13.</i></p>

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58	2.26.2.	Support with amendment	<p>a. It would be beneficial for the sake of clarity that the rule set out some of the other land use activities that it applies to.</p> <p>b. The rule needs to also reference activities provided for as restricted discretionary or prohibited activities.</p> <p>c. The word 'involving' is somewhat vague. 'with potential adverse effects on' is in keeping with the language used in the RMA and helps emphasise that the rule applies to activities outside the Heritage Resource's site (e.g. significant infrastructure development adjacent to a property with a heritage building).</p> <p>d. For clarity, the rule should reference the heritage resources specifically included in schedule 1, 2 and 3 of appendix 13.</p>	<p>2.26.2. Any land use activity <u>involving with potential adverse effects on a Heritage Resource identified in Schedule 1, 2 or 3 of Appendix 13</u> not provided for as a Permitted, Restricted Discretionary, or Prohibited Activity, including but not limited to, <u>plantation forestry and harvesting, land disturbance, network utility infrastructure, and the construction of or addition to buildings or structures.</u></p>
59	2.27.	Oppose in part	<p>a. Heritage New Zealand considers that the destruction of a wāhi tapu site or other site of significance to Māori should be a prohibited activity. These sites have important cultural and historic heritage values that Council must protect. The destruction of these sites should be avoided and prohibited activity status provides for this.</p>	<p>Insert the following new prohibited activity:</p> <p><i>2.27.2. The destruction of a site of significance, including wāhi tapu, to Māori identified in Schedule 3 of Appendix 13.</i></p>
60	2.27.1.	Support with amendment	<p>a. 'Part demolition' reads strangely while 'removal' is ambiguous and could be taken to also mean demolition. 'Partial demolition' and 'relocation' should be used.</p> <p>b. For clarity, the rule should reference the heritage resources specifically included in schedule 1, 2 and 3 of appendix 13.</p>	<p>The whole or <u>partial</u> demolition or <u>removal relocation</u> of a <del>Category 1</del> Heritage Resource identified in Schedule 1 of Appendix 13.</p>
<b>2. General Rules - Transportation</b>				
61	2.32.1.10.	Oppose in part	<p>a. Where a heritage building has gone through a change of use, it can be costly for applicants to meet increased parking requirements without adversely affecting heritage values (e.g. there might not be enough open space on the site requiring the removal of heritage fabric). Therefore, to promote the adaptive re-use of heritage buildings, they</p>	<p>When a building is increased in floor area, or undergoes a partial change in use, parking requirements for the existing part of the building (if any), or that part remaining in the existing activity, will remain unaltered. Parking requirements for the increased floor area or that area with a new or</p>

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			should be exempt from requirements to meet parking provision standards where there is a change of use.	altered use must be calculated in accordance with Table 2.1. For the purpose of this standard, 'partial' means an addition or alteration of more than 20% of the gross floor area over a 5 year timeframe. <u>This rule does not apply for any change of use of a Heritage Resource included in Schedule 1 or 2 of Appendix 13.</u>
<b>25. Definitions</b>				
62	25.	Oppose in part	<p>a. Across the country there are many different ways to refer to sites of significance to Māori in RMA plans. Appropriate definitions should be agreed on with tangata whenua and then applied uniformly throughout the plan. The following terms are examples:</p> <ul style="list-style-type: none"> <li>• Sites of significance to Māori, including wāhi tapu (used in the definition of historic heritage in the RMA)</li> <li>• wāhi tapu and wāhi tūpūna (used in the Heritage New Zealand Pouhere Taonga Act 2014)</li> <li>• wāhi tapu, wāhi taonga and other sites of significance (used in the proposed Hastings District Plan)</li> </ul> <p>b. Heritage New Zealand considers that there are some definitions lacking from the section that would help avoid ambiguity and aid in interpretation of the plan.</p> <p>c. Definitions for alteration and addition would be beneficial, as these are common activities that relate to heritage resources and providing a clear definition will assist applicants.</p> <p>d. While the plan does not deal much with archaeology, a specific definition of an archaeological site would be useful as there can be confusion as to what constitutes an archaeological site. For simplicity and consistency, the</p>	<p>Council should consult with tangata whenua to agree on how sites of significance to Māori should be referred to and then an appropriate definition be included in Chapter 25 Definitions.</p> <p>That the following definitions be added to the plan:</p> <p><b>Alteration</b> means any changes to the fabric or characteristics of a building involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the building. It does not include repair or maintenance.</p> <p><b>Addition</b> means an extension, or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.</p> <p><b>Archaeological site</b> has the same meaning as in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p><b>Repair</b> means the restoration to good or sound condition of any existing building or structure (or part of any existing building or structure) for the purpose of its maintenance. It includes</p>

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			<p>definition should refer to the definition in the HNZPTA.</p> <p>e. A definition of repair is needed to complement the definition of maintenance and to aid in interpretation of Rule 2.24.1. This definition should also provide for reconstruction of damage from natural hazards, as this will assist the recovery from such events. Council should consider if it is appropriate that this reconstruction clause should apply to all repair activities or just those relating to heritage resources.</p>	<p><i>reconstruction after damage caused by natural hazards.</i></p>
63	25 – Maintenance of a building or structure	Support with amendment	<p>a. This definition should not be restricted to buildings and structures. It is important that it also apply for sites of significance to Māori, as they are also subject to protective care.</p>	<p><b>Maintenance of a building or structure</b> means the protective care of a place. For clarity, the maintenance of a building or structure does not extend to the complete rebuild or replacement of <del>the</del> a building or structure.</p>
64	25. – Maintenance and replacement	Oppose	<p>a. The relationship between this definition and the definition for ‘maintenance of a building or structure’ is unclear. The definition should be amended to just deal with replacement and avoid using the term ‘maintenance’.</p>	<p>The definition be amended to only focus on replacement and the word ‘maintenance’ be removed.</p>
<b>Volume Three</b>				
<b>Overall</b>				
65	Overall	Oppose in part	<p>a. Heritage New Zealand considers that the inclusion of an Appendix setting out archaeological requirements would be beneficial. This appendix should set out requirements under the HNZPTA, the definition of an archaeological site, information sources that applicants can use to determine if they require an archaeological authority (i.e. if recorded sites exist or unrecorded sites are suspected), and an accidental discovery protocol for where an archaeological authority has not been obtained and there is no reason to suspect the presence of any archaeological sites.</p> <p>b. An example appendix is included in Attachment 2. Heritage</p>	<p>That the archaeological requirements appendix in Attachment 2 be added to Volume Three of the Plan.</p>

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			New Zealand notes that accidental discovery protocol may require consultation with tangata whenua iwi.	
<b>Appendix 1</b>				
66	Overall	Support in part	a. Heritage New Zealand supports the historic heritage related associative values that are identified in the various outstanding natural features and landscapes and areas with high amenity value identified in the appendix.	That the historic heritage related associative values remain as notified.
<b>Appendix 13</b>				
67	Overall	Oppose in part	<p>a. Heritage New Zealand discourages the classification of wāhi tapu and other sites of significance to Māori into different grades (e.g. 1 or 2, or A or B), as the cultural values that make them significant often defy classification. Separating sites of significance into another Schedule also makes it easier to apply specific policies and rules related to sites of significance through pointing directly to the schedule.</p> <p>b. Where a site of significance also includes a building or structure of historic heritage value, the building or structure should also be included in either Schedule 1 or 2.</p> <p>c. Specific methods may be needed where iwi do not want the precise location of a site of significance disclosed.</p>	<p>That Council add a new schedule to Appendix 13 for sites of significance to Māori, including wāhi tapu, directly after the existing Schedule 2.</p> <p>Any sites of significance currently in Schedule 1 or 2 should be moved into the new schedule. For Schedule 1, these include MEP Reference 6 and 9. For Schedule 2, these include MEP Reference 1, 2, 3, 4, 49, 50, and 131.</p> <p>That any buildings or structures of historic heritage value located on a site of significance are included in Schedule 1 or 2.</p> <p>That Council note that where iwi do not want the exact location of a site of significance disclosed, specific methods may be required.</p>
68	Schedule 1	Support subject to amendment	a. Heritage New Zealand discourages councils using the terms 'Category 1' and 'Category 2' in their plans. This can cause confusion between items in the New Zealand Heritage List / Rārangi Kōrero (the List) and those scheduled in district plans. It also discounts the ability of Council to classify	Schedule 1: Category <del>1A</del> Heritage Resources

## Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Marlborough Environment Plan

			heritage resources it schedules that are not on the List. Instead, Councils should use the terms 'Category A' and 'Category B'.	
69	Schedule 2 - Title	Support subject to amendment	<p>a. See submission point 68.a.</p> <p>b. The use of the words 'locally significant' in the title is somewhat redundant as it can easily be captured under the definition of Category B heritage resources, as this phrase is no longer tied to the definition used in the HNZPTA.</p>	Schedule 2: Category <del>B</del> and <del>Locally Significant</del> Heritage Resources
70	Schedule 2 – Wairau Public Hospital Nurses' Home (Former)	Oppose	<p>a. Heritage New Zealand opposes the absence of the Wairau Public Hospital Nurses' Home (Former) (The Home) from Schedule 2.</p> <p>b. The Home, built in 1925-6, is a good representative example of a building type that is now becoming increasingly less common as hospitals tend to no longer require onsite residential wings for its nurses.</p> <p>c. Built to improve the quality of accommodation and study facilities for student nurses at the Wairau Public Hospital, the core two storeyed brick Nurses' Home has a combination of architectural and social significance. It is an example of an institutional building with a domestic character, being the hub of study and social activities for hundreds of trainee nurses and their friends and colleagues for six decades.</p> <p>d. Heritage New Zealand considers the Home as an important heritage resource that should be included in the schedule for Category 2/B items.</p> <p>e. Additional information on the importance of the Home is included in Attachment 3.</p>	<p>That the following be added to Schedule 2 of Category 2/B Heritage Resources:</p> <p>MEP Reference – 147</p> <p>HNZ List No (if applicable) – 1534</p> <p>Heritage Resource – Wairau Public Hospital Nurses' Home (Former)</p> <p>Address – 2 Hospital Road, Witherlea, Blenheim</p> <p>Value applies to – Building envelope</p>
71	Schedule 2 – MEP reference 61	Support subject to amendment	<p>a. The Kakapo Bay Whaling Station and Omaka Presbyterian Church have been identified for listing and so have heritage listing numbers assigned. However, due to resource</p>	That the word 'proposed' be added inside parentheses after the Heritage New Zealand List Number for Heritage Resources MEP Reference 61

**Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Marlborough Environment Plan**

	and 73		<p>constraints they have not been fully processed by Heritage New Zealand so are not currently entered on the New Zealand Heritage List / Rārangī Kōrero.</p> <p>b. Heritage New Zealand still considers that they should be included in the Schedule as they have historic heritage significance or value and to help emphasise this, relevant reports are included in this submission as Attachment 4 and 5.</p> <p>c. To reflect the fact that these Heritage Resources are yet to be entered into the New Zealand Heritage List / Rārangī Kōrero, the word 'proposed' should be included after the list number.</p>	and 73.
72	Schedule 2 – MEP reference 74	Oppose in part	<p>a. The Sunnymead Farm Cottage has been identified for listing and so has a heritage listing number assigned. However, due to resource constraints it has not been fully processed and is not currently entered on the New Zealand Heritage List / Rārangī Kōrero. This needs to be reflected in the schedule with the word 'proposed' after the list number.</p> <p>b. Heritage New Zealand is neutral regarding whether the heritage resource should be added to the schedule.</p>	That the word 'proposed' be added inside parentheses after the Heritage New Zealand List Number.
73	Schedule 2 - MEP reference 106	Support subject to amendment	<p>a. The Ōpaoa Wharf Building was formally entered in the New Zealand Heritage List / Rārangī Kōrero as a category 2 historic place. However, due to an error it was mistakenly removed due to Heritage New Zealand incorrectly being advised that it was demolished.</p> <p>b. Due to resource constraints, its re-listing has not yet been progressed and it is treated as a proposed listing. Heritage New Zealand considers that the building still warrants protection under the RMA and therefore supports the inclusion of the building in the schedule; however, its proposed listing status should be reflected.</p> <p>c. Additional information on the importance of the Ōpaoa</p>	That the word 'proposed' be added inside parentheses after the Heritage New Zealand List Number.



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			Wharf Building is included in Attachment 6.	
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22 June 2017

File ref: 33002-092

Marlborough District Council  
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Blenheim 7240

Email: mep@marlborough.govt.nz

**FURTHER SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON PROPOSED  
MARLBOROUGH ENVIRONMENT PLAN**

**TO: Marlborough District Council**

**FROM: Heritage New Zealand Pouhere Taonga (Heritage New Zealand)**

**1. This is a further submission on submissions on the Proposed Marlborough Environment Plan by:**

- Tootaranui Limited (Submitter no. 233);
- Murray Chapman (Submitter no. 348);
- Federated Farmers of New Zealand (Submitter no. 425);
- Port Marlborough New Zealand Limited (Submitter no. 433);
- Chorus New Zealand Limited (Submitter no. 464);
- Te Runanga o Ngati Kuia (Submitter no. 501);
- Heritage New Zealand Pouhere Taonga (Submitter no. 768);
- Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited (Submitter no. 1004);
- Spark New Zealand Trading Limited (Submitter no. 1158);
- Te Atiawa o Te Waka-a-Maui (Submitter no. 1186);
- Te Runanga a Rangitane o Wairau (Submitter no. 1187);
- Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (Submitter no. 1189); and
- Transpower New Zealand (Submitter no. 1198).

**2. Heritage New Zealand is a person who has an interest in the proposal that is greater than the interest the general public because:**

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

**3. Heritage New Zealand opposes or opposes in part the following submission points:**

See attachment 1.

**4. Heritage New Zealand supports or supports in part the following submission points:**

See attachment 1.

Heritage New Zealand Proposed Marlborough Environment Plan Further Submission Table

					That consideration be given to whether there are other land use activities that do not warrant discretionary activity status with regard to scheduled historic heritage.
<b>1186 Te Atiawa o Te Waka-a-Mauī</b>					
40	59	Chapter 10	Support	Anticipated environmental results regarding sites of significance to Māori are crucial for monitoring plan effectiveness and should be included.	Accept the submission point.
41	225	Appendix 13	Support	It is important to indicate that the schedule does not provide an exhaustive list of historic heritage in the area.	Accept the submission point.
<b>1187 Te Runanga a Rangitane o Wairau</b>					
42	4	Policy 10.1.3	Support in part	<p>Heritage New Zealand supports the increased protection and conservation sought for the Wairau Lagoon and Bar by Te Runanga a Rangitane o Wairau. These areas are of nationally significant cultural and historic heritage value. An effective way to protect these areas is to include them in the new schedule for sites of significance to Māori proposed in Heritage New Zealand's original submission (submission no. 768.71), or the existing Schedule 1 Category 1 Heritage Resources.</p> <p>To aid evidence presentation, such a scheduling can be divided into three areas:</p> <ul style="list-style-type: none"> <li>• Area A, the area covered by the Heritage New Zealand Wāhi Tapu Listing 'Wairau' (List no. 9561), this is separate to the Category 2 Moa Hunter Site (List no. 5979);</li> <li>• Area B, the Wairau Lagoons; and</li> </ul>	<p>That the Wairau Lagoon and Bar be appropriately identified and protected from inappropriate subdivision and development under the Proposed Plan.</p> <p>This could be achieved through amendments such as:</p> <ul style="list-style-type: none"> <li>• Include the extents shown in Attachment 5 in the schedule of sites of significance to Māori; or</li> <li>• Include the extents shown in Attachment 5 in the schedule of category 1 heritage resources.</li> </ul>

Heritage New Zealand Proposed Marlborough Environment Plan Further Submission Table

				<ul style="list-style-type: none"> <li>Area C, the historically, culturally, and/or archaeologically significant portion of the bar northwest of the Wairau River outlet.</li> </ul> <p>Attachment 5 contains a proposed extent for scheduling in the Proposed Plan. Attachment 6 contains the New Zealand Historic Places Trust Registration Report for Area A, which Heritage New Zealand submits as evidence for its cultural and historic heritage significance.</p> <p>Please note that the areas proposed for Area B and C are indicative only. Heritage New Zealand is working with stakeholders to define a more definitive extent for circulation prior to the hearing. Heritage New Zealand will also provide supplementary evidence prior to the hearing on the heritage significance of areas A, B, and C.</p> <p>It may be that additional rules are required to cater to the unique nature of Wairau Bar and the Wairau Lagoons.<sup>3</sup></p>	
<b>1189 Te Runanga o Kaikoura and Te Runanga o Ngai Tahu</b>					
43	91	New policy	Support	Heritage New Zealand supports the strengthening of policies relating to sites of significance to Maori, in particular requirements around consultation with tangata whenua.	Accept the submission point.
44	92	New policy	Support in part	Council working with all iwi to identify sites of significance to Maori is vital for their protection. Accordingly, the policy should be amended to apply to all of Marlborough's Tangata Whenua iwi.	Amend the relief to apply to all of Marlborough's Tangata Whenua iwi.
45	95	Policy 13.1.1	Support in part	Recognising and protecting the relationship between Māori and their ancestral lands, water, sites, wāhi tapu, and wāhi taonga is important in the coastal marine environment. However, avoidance may not be possible in all situations and consideration should be given to the appropriateness	Accept the submission point, but also consider the appropriateness of avoidance in all circumstances.