



Section 42A Officers Report

Marlborough Sounds Resource Management Plan
- ***Plan Change #17***

Wairau/Awatere Resource Management Plan
- ***Plan Change #55***

Heritage Buildings, Sites and Places Update

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Introduction

Background

The Wairau/Awatere Resource Management Plan (WARMP) and the Marlborough Sounds Resource Management Plan (MSRMP) (or the Plan's, as they are collectively referred), provide a framework for local resource management that promotes sustainable management of natural and physical resources within the Marlborough District. The Plan's identify the prevalent resource management issues within the district, and the objectives, policies, methods, and rules to resolve the issues and promote sustainable management.

On the 10 December 2009, Plan Change #55 to Wairau/Awatere Resource Management Plan and Plan Change #17 to the Marlborough Sounds Resource Management Plan were publicly notified. These Plan Changes were proposed to update the Register of Significant Heritage Resources relating to Heritage Buildings, Sites and Places, as contained within Appendix A of each Plan. The register of significant heritage resources (or the register as it is otherwise referred), in conjunction with Plan rules, provide protection for historic buildings, sites and places. In effect these provisions prevent the unauthorised alteration to heritage resources listed on the register.

Buildings, Sites and Places Proposed for Protection

Proposed Plan Change #55 to the Wairau/Awatere Resource Management Plan provides for the following:

- The Pilot's House – The proposed Plan Change seeks to include the Pilot's House as a Class A heritage feature within the register.
- Leefield Station – The Plan Change also proposes to amend several minor errors in the register with respect to the heritage listings and mapping of historic features found at Leefield Station.

Proposed Plan Change #17 to the Marlborough Sounds Resource Management Plan provides for the following:

- The Oparapara (Samson Bay) Argillite Quarries - The proposed Plan Change seeks to protect two additional quarry sites within the Samson Bay area, protect the wider area encompassing four quarry sites found in the Samson Bay area and amend existing planning map errors associated with the two current Argillite Quarries heritage listings.
- The Tory Channel Leading Lights - The proposed Plan Change seeks to list the Tory Channel Leading Lights and the former oil store shed associated with the lights on the Register of Significant Heritage Resources. It is proposed that they are listed as Class A heritage resources within the register.

Issues, Objectives and Policies

Ensuring that our heritage is protected and retained for future generations is important, and should be a joint responsibility shared between the community and the Council. Communities must also be enabled to change, grow and develop. Consequently, conflicting interests sometimes emerge in the process of heritage protection.

As what we perceive to be a 'heritage resource' changes and evolves with time, the protection of heritage resources is similarly an ongoing process. Council's directive to protect significant heritage resources is enshrined through the Resource Management Act 1991, which provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall amongst other things, recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. As provided for in the Act, recognising and providing for historic heritage in this manner is a matter of national importance.

Marlborough's Resource Management Plans further provide objectives and policies to promote the purpose of the Act. The relevant objectives and policies contained in each Plan for heritage matters, are identified below:

The Marlborough Sounds Resource Management Plan – Objectives and Policies		The Wairau/Awatere Resource Management Plan – Objectives and Policies	
6.1.2 Objective 1	Recognition and provision for the relationship of Marlborough's Maori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.	2.1.2 Objective 1	Recognition and provision for the relationship of Maori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.
Policy 1.1	Recognise and protect sites of significance to tangata whenua, including waahi tapu, taipure, maataitai, tauranga waka and areas of taonga raranga.	Policy 1.1	Recognise and protect sites of significance to tangata whenua, including waahi tapu, mahinga maataitai, tauranga waka and areas of taonga raranga.
Policy 1.2	Recognise values important to tangata whenua, including the concepts of mauri, effects on the mana of iwi or hapu and the ability of tangata whenua to provide manaakitanga.	Policy 1.5	Promote access for iwi to sites of cultural significance on land of the Crown or other publicly owned land.
Policy 1.5	Maintain and facilitate communication with iwi representative which ensures that where appropriate, issues of importance to iwi are drawn to the Council's attention.	Policy 1.7	Maintain and facilitate communication with iwi representative to ensure that where appropriate, issues of importance to iwi are drawn to the Council's attention.
6.2.2 Objective 1	The preservation of the Plan area heritage resources including: historic buildings, places and sites, waahi tapu, archaeological sites and areas, and heritage trees.	3.3 Objective 1	The protection or preservation of heritage resources, in appropriate cases, including: historic buildings, places and sites, waahi tapu, archaeological sites and areas, and heritage trees.
Policy 1.1	Recognise the heritage resources of the Plan area which have been identified as specified in section 6.2.3, and provide the necessary protection to avoid or mitigate any adverse effects of activities on these resources.	Policy 1.1	Recognise the heritage resources which have been identified and provide the necessary protection to avoid, remedy or mitigate any adverse effects of activities on these resources.
Policy 1.2	Research and assess additional items of heritage value in the Plan area (or local significance) according to the criteria specified in section 6.2.3, in consultation with landowners and other agencies including NZ historic Places Trust, New Zealand Department of Conservation and iwi.	Policy 1.2	Research and assess additional items of heritage value in the Wairau/Awatere Plan area (of local significance) in consultation with iwi and the Historic Places Trust, NZ Archaeological Association, and the Department of Conservation.

Policy 1.5	Ensure that regard is had for heritage preservation with all subdivision, use and development in the Plan area.	Policy 1.5	Ensure that regard is had for heritage and conservation with all subdivision, use and development in the Wairau/Awatere area.
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Both the MSRMP and the WARMP identify that one of the methods of implementing the objectives and policies identified above, is through the maintenance of a register of significant heritage resources and that resources registered on the register will include those on the New Zealand Historic Places Trust (NZHPT) Register. The proposed Plan Changes seek to update the existing heritage register, to protect additional heritage resources and retain these things for future generations. The Plan Changes also propose to make minor corrections associated with existing Heritage Schedule listings. These changes are consistent with objectives and policies identified above.

The Plan's each provide the following criteria for the identification of a specific heritage place or object:

- (a) Whether the place or object has values as a local landmark, over a length of time;
- (b) Whether the place or object has historic association with a person or event of note, or has strong public association for any reason;
- (c) Whether the place or object reflects past skills, style or workmanship which would make it of educational or architectural value;
- (d) Whether the place or object is unique or rare, or a work of art;
- (e) Whether the place or object is important to tangata whenua;
- (f) Whether the place or object is physically prominent or well sited;
- (g) Whether the place, as a whole, rather than in separate units, reflects a townscape which has developed in earlier years and has value for the Plan area both now and in the future;
- (h) Whether the place or object forms part of a precinct or area of heritage value.

Discussion and Recommendations

The public notification of Plan Changes has resulted in Council receiving two submissions on Plan Change #55 and four submissions on Plan Change #17. No further submissions were received in relation to either of these Plan Changes. The submissions received by Council are discussed below relative to the place or object to which they relate.

WARMP Heritage Resources

- The Pilot's House

Submitters:

- The New Zealand Historic Places Trust (NZHPT)
- Mr Robin Cox

The Pilots House stands today as a reminder of local marine history associated with the Blenheim area. This property is owned by Robin and Alison Orchard. Plan Change #55 proposes to list the Pilot's House as a Class A Category 2 Historic Place within the Schedule. The demolition or removal of a Class A Category 2 heritage resource is a Non-Complying Activity, with any alteration or addition to a Class A heritage feature being a Discretionary Activity, for which a resource consent is consequently required.

This building is currently registered by the NZHPT as a Category 1 Historic Place. The listing of the Pilot's House within the Heritage Schedule is considered to be consistent with the objectives and policies of the Plan. Submissions in general support for this listing have been received from Mr Robin Cox and the NZHPT. No submissions have been received in opposition. It is recommended that the Committee

accept these submissions and include the Pilot's House as a Class A Category 2 within the WARMP Heritage Schedule.

- **Leefield Station**

Submitters:

- Mr Robin Cox
- NZHPT

Plan Change #55 seeks to update the legal descriptions for the following Leefield Station heritage resources currently listed within the heritage register: The Shearers Quarters, Homestead, Stables, Looseboxes, Maids Quarters, Cookhouse and Woolshed. These Plan Changes are generally supported by submissions made by Mr Robin Cox and the NZHPT.

The proposed changes are considered necessary as the legal descriptions associated with these heritage resources are now out of date. However, due to an error in the Plan Change notification process which resulted in the owners of Leefield Station not being notified in accordance with the First Schedule of the RMA 1991, it is recommended that all the proposed changes associated with Leefield Station be withdrawn from the Plan Change.

Nevertheless, given that these errors are minor in nature and the Act allows for minor changes to be made to a Plan outside of the First Schedule notification process pursuant to Clause 20A (First Schedule) of the Act, it is recommended that a separate process be initiated to update the legal descriptions.

MSRMP Heritage Resources

- **Tory Channel Leading Lights and Oil Store Structure**

Submitters:

- Arapawa Sea Farms (Mr Mike Radon)
- NZHPT
- Mr Robin Cox

Plan Change #17 provides for the listing of the two Tory Channel leading light structures, and the former oil store shed associated with the lights on the Heritage Schedule. These structures are proposed to be listed as Class A heritage resources, and are all currently registered as Category 1 Historic Places with the NZHPT. The two light structures are located on the Lighthouse Reserve, Whekenui, Okukari Bay, Tory Channel, Marlborough Sounds (being Section 13 Blk V Arapawa Survey District). This land is owned by the Department of Conservation. The oil store structure is located on the adjoining property (being Lot 1 DP 3612) and is in private ownership.

The owners of Lot 1 DP 3612 and the oil store structure (being Arapawa Seafarms), have opposed the listing of the structure as a heritage resource while the structure remains in their ownership. However, the land owners have advised that they would not object to its protection if it was first purchased back from them by Council, then moved back to its original position.

Submissions in general support of the listing of the oil store structure, and the leading light structures, have been received from the NZHPT and from Mr Robin Cox.

The two light structures and the oil store structure all comply with the Plan criteria for the identification as heritage resources, in that they are all objects that have an historic association with the marine history of the area, and are objects that reflect past skills in terms of the technology behind the evolution of the lights to the present day. It is recommended that the Committee proceed to list the two Tory Channel leading light structures as Class A heritage resources within the heritage register.

However, with regard to the oil store structure, in 2006 this building was relocated from its original position to a private property adjoining the site. It consequently no longer holds the same level of historical value as the two leading light structures that remain in their original positions. For this reason,

and in consideration of the submission in opposition to the heritage listing, it is recommended that the oil store structure be listed on the heritage schedule as a Class B Heritage Resource as opposed to Class A. This would result in the demolition or removal of the oil store structure being a Discretionary Activity, and the alteration or addition to the oil store being a Controlled Activity (for which Council can not decline resource consent).

- **Oparapara (Samson Bay) Argillite (Pakohe) Quarries**

Submitters:

- Mr Raymond Smith of Te Runanga o Ngati Kuia
- Mr Robin Cox
- The New Zealand Historic Places Trust

With respect to the Oparapara (Samson Bay) Argillite (Pakohe) Quarries, Plan Change #17 provides for the following:

- Protection of the Plateau Quarry, and the West Pelorus Quarry as Class A heritage resources.
- Protection for the wider area encompassing four quarry sites as a Class A heritage Resource.
- The alteration of the existing Planning Maps relating to the Outcrop Quarry and Pit Quarry and Flaking Floors Sites (currently protected as a Class A heritage resource within the MSRMP).

Two quarry sites are already listed on the heritage register. The proposed Plan Change seeks to list two additional quarry sites on the register. All four of these quarry sites are currently registered historic sites with the NZHPT. These quarry sites consist of outcrops of pakohe (argillite) that have been quarried through the removal of large boulders of stone that were reduced through flaking to form adzes. The NZHPT advises that these sites have a high potential to provide information about New Zealand prehistory, and are of traditional significance to the Ngati Kuia Iwi. Ngati Kuia advocates that the use of pakohe to be integral to their tribal identity.

Mr Robin Cox and the New Zealand Historic Places Trust have made submissions in general support of the protection of the quarry sites within the Plan.

Mr Smith, on behalf of Ngati Kuia Iwi, has made a submission in opposition to the listing of these quarry sites within the Heritage Schedule. Mr Smith opposes the listing of the quarry area on the basis that Ngati Kuia are in the final stages of the Treaty of Waitangi Settlement process and that within their cultural redress package, they have identified that Pakohe (Argillite) and associated activities, as being one of the most important taonga for Ngati Kuia Iwi at the current time.

As outlined by Mr Smith, in achieving the purpose of the RMA 1991, Council are required to, amongst other things, to recognise and provide for 'the relationship of Maori and their culture and traditions with their ancestral lands, water sites, waahi tapu, and other taonga' (s6(e)), and the 'protection of recognised customary activities' (s6(g)). Section 7 further provides that Council shall have particular regard to 'kaitiakitanga' (s7(a)), and must take into account the principles of the Treaty of Waitangi (s8). In considering the aspects of the RMA 1991 outlined above, the Council are also required to consider the wider provisions contained in Part 2, which include the requirement to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development (s6(f)).

Ngati Kuia oppose both the listing of the two additional quarry sites in the Heritage Schedule and the wider protection of the quarry site area, as they believe that listing of these areas could potentially limit the Iwi's contemporary rights to Pakohe. It is consequently considered that the proposed listings would be inconsistent with Section 6(e) of the Act. Furthermore, as there is no evidence to suggest the quarries are currently under threat from inappropriate subdivision, use or development, a decision not to list the two additional quarry sites on the Heritage Schedule would not be inconsistent with s6(f) of the Act. It is therefore recommended that the Committee accept Mr Smith's submission (in part) and do not list the additional Oparapara (Samson Bay) Argillite Quarries within the Heritage Schedule.

This recommendation reflects a departure from methods of implementation as identified in section 6.2.3 of the Plan, which provides that resources registered within the Historic Places Trust Register will also be registered within the relevant Heritage Schedule of the Resource Management Plan. However, in this

case, given the established taonga values associated with Pakohe for Ngati Kuia and the Iwi's opposition to the registration, it is considered that the listing of the additional sites on the Heritage Schedule would be inconsistent with the principles contained in Part Two of the RMA 1991.

With respect to the proposed amendments to the existing Planning Maps associated with the two quarry sites already listed in the Heritage Schedule (being Planning Map Notations 1 and 2), it is however recommended that the Committee proceed to update the Planning Maps for these listings. These amendments to the Planning Maps will not change the status of protection associated with these two listings, merely improve the accuracy of the Planning Maps for Plan administration purposes.

Conclusion

It is noted that the recommendations made to the Committee within the discussion above, are not binding in nature, and stand as matters for the Committee's consideration. These recommendations are summarised in the table below:

Subject of Plan Change	Proposed Amendments	Recommendation Actions
Oparapara (Samson Bay) Argillite (Pakohe) Quarries	List the Plateau Quarry and the West Pelorus Quarry sites as a Class A heritage resource on the Heritage Schedule.	Accept the submission in opposition to the listing of the additional argillite quarry sites.
	List the wider area encompassing the four Argillite quarry sites as a Class B heritage resource on the Heritage Schedule.	Accept the submission in opposition to the listing of the additional argillite quarry sites.
	Amend the existing Planning Maps relating to the Outcrop Quarry, and Pit Quarry and Flaking Floors, which are currently listed within the MSRMP Heritage Schedule.	Proceed with the Planning Map amendments proposed to correct the location of the two argillite quarries already listed of the heritage register
Tory Channel leading lights	List the two Tory Channel leading light structures as Class A heritage resources.	Proceed with listing the light house structures on the heritage register.
	List the former Oil Store Shed associated with the leading lights as Class A heritage resource.	Proceed in part and list the Oil Store as a Class B heritage resource.
Pilot's House	List as a Class A Category 2 Historic Place within the Heritage Schedule.	Proceed with listing the Pilot's House on the heritage register.

Leefield Station	Amend the legal descriptions associated with all the Leefield Station Heritage Listings.	Withdraw the section of the Plan Change pertaining to Leefield Station. Recommend an amendment be initiated to update the legal descriptions pursuant to Clause 20A of the First Schedule of the Act.
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