

## Proposed Marlborough Environment Plan

### Minute of the Hearing Panel

#### Minute 26

1. In the course of deliberations on the issue of heritage listings in the Marlborough Environment Plan (MEP) the Hearing Panel has been considering the evidence it received from Heritage New Zealand Pouhere Taonga (Heritage New Zealand) in respect of its request that Kakapo Bay and its surrounds be listed as a Category B site in Schedule 2 of the MEP. In doing so, it has looked at the ownership of lands affected by the proposal and noted that there are a number of landowners potentially affected.
2. The Panel has noted that the evidence given by James Jacobs, the Director of the Central Regional Office of Heritage New Zealand, and Sylvia Allan, a planner, respectively made reference to either "*an agreed upon approach*" or that the "*management of the site would be as discussed with the landowners except that a small number of activities would be fully discretionary...*".
3. As the zoning of some parts of those owners' lands are zoned Coastal Living that would enable them to build and occupy residential homes as a permitted activity. However, such a heritage listing as requested would have a significant effect on them, requiring them to seek discretionary activity consents to be able to build houses on their land.
4. The only detail provided as to the nature of the discussions was provided at paragraph 7.4 by Mr Jacobs in his Statement of Evidence. It was very vague referring to unspecified landowners "*via an in-person meeting, letters, and emails to gain support for scheduling Kakapo Bay as a historic place*" and he said that that it had developed "*an excellent rapport*". He also stated that Heritage New Zealand has therefore pursued "*an agreed upon approach*".
5. The Hearing Panel is reluctant to make decisions with such serious consequences based on such vague evidence of landowner understanding as to exactly what was proposed, and the consequences of the proposal as to ability of owners to build on their own land. That concern is exacerbated by what appears to the Panel to be reference in Sylvia Allan's evidence to an exception from what was

discussed - *"...as discussed with the landowners except that a small number of activities would be fully discretionary..."*.

6. The Panel directs that Heritage New Zealand provide it with the following information by Friday 29 June, 2018:
- (a) A list of the landowners who it has written to as to the proposal to list the whole of Kakapo Bay including their land as a heritage resource and copies of that correspondence.
  - (b) A list of those who attended any meetings and dates and locations of those meetings.
  - (c) A copy of any agreement or terms of agreement reached, and/or correspondence said to encompass such an agreement, and copies of any replies.
  - (d) If not apparent from the above responses, copies of written advice provided to landowners advising them a discretionary activity resource consent would be needed to erect any buildings on their land.
  - (e) Again if it is not apparent from any of the above responses, a detailed description of what Heritage New Zealand says is the 'planned approach' to management of the Bay.

Dated 14 May 2018

A handwritten signature in black ink, appearing to read 'T Hook', with a small dot at the end.

Councillor Trevor Hook

Chair of the MEP Hearing Panel