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Science and Strategy-Policy
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Dear Madam/Sir

FORM 5: SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA

Proposed Waikato Regional Plan Change 1-Waikato and Waipa River Catchments

TO: Waikato Regional Council

FROM: Heritage New Zealand Pouhere Taonga

1. This is a submission on the following proposed plan change to the Waikato Regional Plan :

Proposed Waikato Regional Plan Change 1-Waikato and Waipa River Catchments (Plan Change 1)

2. Heritage New Zealand could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:

The reliance on existing provisions in the Waikato Regional Plan for the protection of historic heritage at the time of works to meet the requirements of Plan Change 1.

4. Heritage New Zealand's submission is:

Heritage New Zealand Pouhere Taonga (Heritage New Zealand) supports the intention of the Healthy Rivers Plan change. However, the plan change falls short of giving effect to section 6(f) of the RMA. The plan change text identifies key values but does not identify historic heritage, specifically archaeological sites, as an important value. Section 3.11.1.1 Mana Atua – Intrinsic Values identifies the historical relationship between the rivers and iwi, but fails to connect these values with the potential for sites containing physical evidence of this relationship.

Heritage New Zealand requests that an additional bullet point be added to the list in section 3.11.1.1 under "Intrinsic Values – History".

- Riparian zones may contain physical evidence, known or as yet undiscovered, of the relationship between iwi and the river,

Heritage New Zealand notes that provisions in the Regional Plan are intended to protect historic heritage, in particular archaeology and wahi tapu. For example:

- Waikato Regional Plan, Provision - 5.1.5.7- The activity shall not disturb any archaeological site or wahi tapu as identified at the date of notification of this Plan, in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.
- Waikato Regional Plan, Provision 5.2.5.1.4- The activity shall not disturb any archaeological site or wahi tapu as identified at the date of notification of this Plan (28 September 1998), in any district plan, in the NZ Archaeological Association's Site Recording Scheme, or by the Historic Places Trust except where Historic Places Trust approval has been obtained.

These provisions are also repeated in a summarised format in a non-statutory support document entitled "Farmers guide to permitted activities", for example:

- "You must not disturb any archaeological or wahi tapu site. If such a site is identified by Waikato Regional Council while work is in progress you must stop work immediately. You cannot recommence work without approval from Waikato Regional Council.

However, Heritage New Zealand is concerned that the existing rule framework does not provide satisfactory protection to the historic heritage resource. The existing plan rules only apply to archaeological sites known at the date of the plan, recorded in district plans, the New Zealand Archaeological Association's Site Recording Scheme, or Historic Places Trust (now Heritage New Zealand). While this provides some certainty, it has inadvertently resulted in the rule not covering any archaeological site that has been recorded in any of those forums since the date of the Plan. Heritage New Zealand understands that conditions of consent advise of the need to not damage unrecorded sites. However there is a need through advice notes to advise the reader that unrecorded sites are also protected. The wording of the non-statutory document is clearer in this regard.

This is not the forum for addressing this plan-wide issue however there is scope within the plan change to ensure that those implementing measures to improve water quality as required by the plan change are aware of the requirements of the Heritage New Zealand Pouhere Taonga Act. The requirement not to modify or destroy an archaeological site without an authority from Heritage New Zealand applies whether an archaeological site is recorded or not. In this regard Heritage New Zealand seeks that amendments are made to the Plan change:

- to include an advice note relating to the fact that both recorded and unrecorded sites are protected by the Heritage New Zealand Pouhere Taonga Act 2014, and
- to include an advice note in both the Regional Plan and associated non-statutory documents to direct readers to Heritage New Zealand in the event of a discovery of an archaeological site, as they are the regulatory authority for archaeology.

5. The reasons for Heritage New Zealand's position are as follows:

Heritage New Zealand 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 historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.

The Resource Management Act requires that the protection of historic heritage should be *recognised and provided for* as a Matter of National Importance (Section 6(f)). As subdivision, use and development have the potential to significantly detract from historic heritage, it is important that works that arise as a result of the requirements of Plan Change 1 limit the potential for adverse effects to occur in sensitive river environs.

For early Māori and early European settlers rivers offered landing sites, harbours and a source of fresh water and food. Rivers were used for exploration and transport and river side settlements were commonplace. The Waipa and Waikato river environs are therefore locations of significant archaeological resource, containing both recorded and unrecorded archaeological sites. These sites provide or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand (s6a (ii) Heritage New Zealand Pouhere Taonga Act 2014).

It is anticipated that a large range of works could occur in these river environs as a result of the requirements of Plan Change 1, such as wetland creation (water damming/diversions) and introduction of planting, culverts/stock underpasses, discharge and intake structures, plantings on river banks, vegetation clearance on riparian margins (for fencing), and soil disturbance associated with fencing or tracks in riparian margins.

The s32 report, as part of the statutory framework section at Page 15, section A2.3.4 has stated that "the new chapter (Plan change 1) is catchment specific and is complementary to existing provisions in the regional plan," although has not specifically stated that section s6(f) matters national importance of the RMA are addressed by existing rules. This appears to be a gap in the statutory analysis.

6. Heritage New Zealand seeks the following decision from the local authority:

- that an additional bullet point be added to the list in section 3.11.1.1 "Intrinsic values – History".

Riparian zones may contain physical evidence, known or as yet undiscovered, of the relationship between iwi and the river,

- that an advisory note be added to section 3.11.5 to ensure that landowners implementing the provisions of Plan Change 1 are aware of their obligations under the Heritage New Zealand Pouhere Taonga Act 2014 not to modify or destroy any archaeological site, whether recorded or not, without obtaining an authority (consent) from Heritage New Zealand.

Heritage New Zealand are happy to work with Regional Council staff in the wording of the advice note and looks forward to working with the Regional Council and other parties in the implementation phase of Plan Change 1.

7. Heritage New Zealand wishes to be heard in support of our submission.

Yours sincerely

P.P. 

Sherry Reynolds

General Manager

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