



## SECTION 32 REPORT Sites and Areas of Significance to Māori

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## **1. Executive Summary**

Sites and areas of significance to Māori are sites, places and things that are tapu, sacred or spiritually endowed and of special importance to tangata whenua. These places provide the district with a sense of our history and a connection to our ancestors. They remind us of important battles and events, where they occurred and when.

It is important that sites and areas of significance to Māori, and/or sites with important archaeological values, are identified and protected in the District Plan as required by the RMA. The concentration of archaeological sites in New Plymouth is one of the densest in New Zealand, and many that pre-date 1900 are also sites and areas of significance to Māori. Historically a variety of land use activities, including earthworks, grazing, building, tree planting and coastal erosion have seen damage and desecration of these sites, partly because of errors and inconsistencies in the mapping of sites in the district.

The Operative District Plan contains a schedule of sites of significance to Māori and archaeological sites. Led by iwi and hapū, the Council has undertaken a review of this schedule for over 10 years, verifying the location and extent of sites in the Operative District Plan and identifying further sites for inclusion. As well as updating existing information, and adding new sites and areas of significance to Māori, particular attention needs to be given to the strategic framework that protects these sites.

The Operative District Plan contains just one objective and four policies that cover the topic of sites and areas of significance to Māori. The objectives and policies are very generic and do not focus on resource management issues specific to this topic. During the last ten years the district has seen the district has experienced considerable growth in building activities, excavation, and subdivision, which has placed pressure on the Council's responsibility to protect and maintain sites and areas of significance to Māori. The number of applications for resource consent indicates that the current rules may not be sufficiently protective.

The key resource management issue for Sites and Areas of Significance to Māori is the damage or loss of sites if they are not identified and protected from inappropriate land use, subdivision and development; and the loss of access to these sites.

The key changes introduced in respect of Sites and Areas of Significance to Māori are:

- Amending the locations and extents of sites of significance to Māori already identified in the Operative District Plan and adding new sites.
- Providing visibility for sites that have previously been unknown or incorrectly located.
- Alignment of the strategic framework related to Sites and Areas of Significance to Māori with National Planning Standards.

The Proposed Plan provisions recognise the mana and wairua of these sites and areas of significance to Māori and provide owners and developers with greater certainty. They also help recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and address resource management issues of concern to the District.

## **2. Introduction and Purpose**

This report contains a summary section 32 evaluation of the objectives, policies and methods relating to Sites and Areas of Significance to Māori in the Proposed New Plymouth District Plan. It is important to read this report in conjunction with the section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

This report sets out the statutory and policy context for Sites and Areas of Significance to Māori, the key resource management issues, specific consultation and approach to evaluation on this topic required to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the topic.

Traditionally, sites and areas of significance to Maori and archaeological sites have been grouped together in the Operative District Plan and in the Schedule to the Plan. National Planning Standards require these topics to be dealt with separately and provisions have been separated. However given the extensive overlap between the sites and areas of significance to Māori and archaeological sites, the Schedule still contains both types of site. While there is some discussion of archaeological sites in this report, archaeological sites are covered in a separate section of the 32 report for Historic heritage.

## **3. Statutory and Policy Context**

### **3.1. Resource Management Act 1991**

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "*Natural and physical resources*" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matter of national importance relevant to the proposed Sites and Areas of Significance to Māori provisions is primarily:

*(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and*

Section (f): *the protection of historic heritage from inappropriate subdivision, use, and development*, is also relevant.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

*(c) the maintenance and enhancement of amenity values;*

*(f) maintenance and enhancement of the quality of the environment; and*

*(g) any finite characteristics of natural and physical resources.*

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are Treaty of Waitangi matters identified in Section 8 that are relevant to the proposed Sites and Areas of Significance to Māori provisions. Through iwi authorities, and hapū as appropriate, tangata whenua

have been consulted as part of the review process. The obligation to make informed decisions based on that consultation is noted.

All of the above matters are relevant to the protection of Sites and Areas of Significance to Māori from inappropriate subdivision, use and development.

### **3.2. Statutory Planning Documents**

#### **3.2.1. New Zealand Coastal Policy Statement 2010**

The New Zealand Coastal Policy Statement came into effect in 2010. Its policies aim to achieve the purpose of the Act in relation to the coastal environment. Policy 17 is relevant to the protection of Historic Heritage:

##### *Policy 17: Historic Heritage Identification and Protection*

*Protect historic heritage in the coastal environment from inappropriate subdivision, use and development by:*

- *Identification, assessment and recording of historic heritage, including archaeological sites;*
- *Providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;*
- *Initiating assessment and management of historic heritage in the context of historic landscapes;*
- *Recognising that heritage to be protected may need conservation;*
- *Facilitating and integrating management of historic heritage that spans the line of mean high water springs;*
- *Including policies, rules and other methods relating to the above in regional policy statements, and plans;*
- *Imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;*
- *Requiring, where practicable, conservation conditions; and*
- *Considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.*

#### **3.2.2. National Planning Standards**

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The planning standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. Of particular relevance is the application of the planning template in respect of "Historical and Cultural Values". The planning standards specified the creation of a Historical and Cultural Values chapter within the Proposed Plan that has

split provisions for sites and areas of significance to Māori from historic heritage and archaeological sites. The planning standards require that the sites and areas formerly referred to as 'waahi taonga/sites of significance to Māori' in the Operative District Plan now be referred to as 'Sites and Areas of Significance to Māori'. Archaeological sites now fall within the 'Historic Heritage' section of the Proposed District Plan.

### 3.2.3. Regional Policy Statement 2010

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement. The Taranaki Regional Policy Statement (RPS) recognises that many important sites of historical and cultural value are at risk from inappropriate subdivision, use and development. In certain circumstances, these activities may include farm-related activities, earthworks, hydrocarbon exploration and development, coastal and urban development, and alterations, demolition and relocation of buildings. The RPS identifies four main issues in relation to Sites and Areas of Significance to Māori in Taranaki:

- HIS ISS 1 Identifying and raising awareness of Taranaki's historic heritage to promote its protection.
- HIS ISS 2 Managing adverse effects of inappropriate subdivision, use and development activities on Taranaki's historic heritage.
- HIS ISS 3 Promoting the active management of the region's historic heritage.
- REL ISS 1 Restoring, maintaining and enhancing the cultural relationships and links of Iwi o Taranaki.

The RPS has two objectives and three associated policies directing the enhancement of sites of historical and cultural value, and protection of these from inappropriate subdivision, use and development.

Methods of implementation outlined in the RPS that the District Plan may wish to consider include:

- HIS METH 6 Identification, protection and enhancement of historic heritage.
- HIS METH 7 Supporting surveys, research and investigations identifying historic heritage.
- HIS METH 8 Advocating for the establishment of heritage protection authorities.
- HIS METH 9 Providing financial incentives to maintain and enhance historic heritage (e.g. rates relief).
- HIS METH 10 Providing technical advice and support to owners of historic sites, buildings, or places.
- HIS METH 11 Maintain and update heritage records.
- HIS METH 12 Encouraging the development of heritage trails.
- HIS METH 13 Promoting awareness of heritage values to the community.
- REL METH 11 Include in district plans and conditions of resource consents provision for the protection of wāhi tapu and other places of cultural significance.
- REL METH 15 Encourage landowners to protect wāhi tapu on their properties through voluntary agreements or covenants.
- REL METH 16 Protect sensitive information about the location and nature of wāhi tapu.

### **3.3. Iwi Environmental Management Plans**

For the purposes of the District Plan Review, Iwi Environmental Management Plans must be taken into account under Section 74 (2A) of the RMA. The following Iwi Environmental Management Plans are relevant:

- 3.3.1. The Maniapoto Iwi Environmental Management Plan (Ko Tā Maniapoto Mahere Taiao) (2016) includes a Customary Activities section (section 9.0) which deals with access to sites of significance in order that Maniapoto can maintain a traditional and continuing cultural relationship with sites of significance and can continue to undertake customary activities and resource use in those areas. This includes directive provisions regarding the protection of access to sites from disturbance or limitation, and the restoration, protection and enhancement of sites.
- 3.3.2. Ngāti Mutunga Iwi Environmental Management Plan (2014 update) includes a Cultural Landscapes & Wāhi Tapu section that seeks to ensure the protection and safety of wāhi tapu within Ngāti Mutunga boundaries and to establish clear procedures with Council and other organisations to acknowledge the iwi's status and allows them to be involved in any decision-making in respect of the sites. The Plan includes provisions requiring engagement with Ngāti Mutunga on all applications that may affect sites and collaboration of all relevant parties to protect and manage the sites and ensure that any artefacts are treated and protected in a culturally appropriate way.
- 3.3.3. Taiao, Taiora: An Iwi Environmental Management Plan for the Taranaki Rohe (2018). Under the Papatūānuku (Whenua) section, Taiao, Taiora identifies an objective of free and unfettered access to important taonga, wāhi tapu and resources so that they can be restored and protected for future generations. Policies include the protection of sensitive areas during urban development and a declining of support for 'Any subdivision or land use that will result in the loss or restriction of access to sites of significance (including wāhi tapu), on Taranaki Iwi'.
- 3.3.4. Tai Whenua, Tai Tangata, Tai Ao, Te Atiawa Iwi Environmental Management Plan (2019). The Plan contains a section entitled 'Te Tai Hekenui – Wāhi Tapu/Wāhi Taonga, Urupā and Sites of Significance to Māori. This section contains context, issues, objectives, policies and guidance relevant to the issue of protecting sites of significance and cultural landscapes from inappropriate use, development, and destruction. Other provisions seek more acknowledgement of Te Atiawa's connection with the sites and better access to them. Te Atiawa wish to be made affected parties on any resource consent application which affects such sites.
- 3.3.5. Iwi strategy documents  
Te Korowai o Ngā Ruahine has developed and administers a 25-year strategic plan (Strategic Plan 2040) for its iwi Ngāruahine Rangī. The strategic plan includes an aspiration to build capability by capturing Ngāruahine history and knowledge, and to transmit that knowledge to all uri. Ngāruahine also has an environmental management plan under development.

### **3.4. Other Legislation and Policy Documents**

#### **3.4.1. Heritage New Zealand Pouhere Taonga Act 2014**

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) sets out the statutory responsibilities of Heritage New Zealand for the protection of archaeological sites

(Sections 42 and 43) and the purpose of the Heritage List/Rārangi Korero in assisting with the protection of historic places (Section 65).

#### 3.4.2. Heritage New Zealand Pouhere Taonga

Every few years Heritage New Zealand publishes a document assessing how RMA policies and plans are implementing heritage provisions. The *National Assessment of RMA Policies and Plans – Heritage Provisions 2018* evaluated plans against a range of indicators and a key finding was that "... there is an overall lower standard of regulation nationwide for Māori heritage in comparison with scheduled built heritage and there has been no improvement." Heritage New Zealand called this a "critical deficiency" in the protection of sites of significance to Māori and recommended that provisions for the prevention of destruction of scheduled Māori heritage as a non-complying activity should be included in district plans. In addition, the report recommended that Plans provide incentives for owners of heritage properties or with sites of significance to Māori on their properties.

### 3.5. Local Policies, Plans and Strategies

#### 3.5.1. New Plymouth District Council Strategic Framework:

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupū Rawa Hei Ahua Noho). The community outcomes this will achieve are: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

#### 3.5.2. The New Plymouth District Blueprint first adopted in June 2015 is a 30-year spatial plan that provides eight key directions for Council. Sites and Areas of Significance to Māori are an important part of New Plymouth's sense of place and helps to deliver on the following Blueprint key directions:

- Communities: Strengthen and connect local communities.
- Citizens: Enable engaged and resilient citizens.
- Central City: Champion a thriving Central City for all.
- Destination: Become a world class destination.

#### 3.5.3. Built, Cultural and Natural Heritage Protection Grant

The Heritage Protection Fund helps with the conservation, restoration and protection of sites with historical and cultural value, including Sites and Areas of Significance to Māori. Grants from the Fund can also help meet some of the additional costs associated with owning and caring for these sites.

Applications can be made for any item listed in the District Plan, including sites and Areas of Significance to Māori and Archaeological sites.

Applications are assessed using a scoring system based mainly on heritage attributes and public visibility and accessibility. Items or sites that have some public use or access are given priority. Fencing of sites is the type of work that is eligible for assistance in respect of sites and areas of significance to Māori are.

#### 3.5.4. Heritage Strategy 2012

This strategy guides the management of the Council's heritage assets and activities and provides an overarching framework that informs other Council plans.

The Council took a partnership approach in respect of the history and heritage of the district's tangata whenua by resourcing the Tangata Whenua Heritage Reference Group (TWHRG). This group helped develop the heritage strategy and agreed on three principles that were required to be recognised, acknowledged and reflected within the heritage strategy:

- Tangata Whenua do have history and heritage – and are visible.
- Tangata Whenua heritage is an essential aspect of community.
- Council engagement with tangata whenua is underpinned by trust and common ground built on a Treaty of Waitangi relationship.

The TWHRG produced a Taonga Tuku Iho (TTI) discussion document which provided tangata whenua perspectives, comments and recommendations, and identified current and future goals and actions. One of the key messages in the TTI is that capacity and resource issues restrict tangata whenua involvement in decisions around their heritage and these must be addressed by way of a partnership approach.

Specific actions proposed include identifying future cultural heritage, e.g. Te Rewa Rewa Bridge, and marae buildings, together with urupā which have not yet been identified. Tangata whenua have also identified viewshafts as part of cultural heritage.

The identification and verification of archaeological and waahi tapu (now sites and areas of significance to Māori) in the District Plan is a significant part of the Heritage Strategy and is covered by the following objectives:

Objective 25 Ensure the recording in the District Plan of all sites considered to be of archaeological value including sites of significance to tangata whenua

The Strategy notes that while the features of some sites may now be hidden, identification of a site is important for mana whenua reasons, not just for archaeological reasons:

*"All of the features together provide the overall archaeological context of a site; moreover, from a cultural perspective, their recognition and preservation helps to maintain the mana and wairua of a site.*

The Strategy goes on to state that the accurate identification and extent of archaeological sites – and sites and areas of significance to Māori – "... is important to ensure that the risk of development impacting on sites is minimised." Identification should be used to inform and guide development in areas where subdivisions or other developments are taking place. Planning requirements should note that identification of sites prior to development includes provision for archaeological assessments to be carried out so that unrecorded sites can be identified:

Objective 26 Ensure the accurate recording of location and extent of all features of archaeological and waahi tapu sites in advance of development taking place.

Raising awareness of sites will help with their recognition and protection and this is also a role for Council, through the provision of training to iwi/hapu monitors, during their oversight of excavations.

Other elements of the Heritage Strategy include facilitating appropriate opportunities for individuals with private collections of taonga tuku iho to dialogue with tangata whenua and including tangata whenua stories in heritage trail interpretation and historical celebrations.

#### 3.5.5. Heritage Trails Policy 2005

This policy outlines how future proposed heritage trails (or additions to existing trails) are evaluated. Key criteria include:

- Whether the point(s) on the trail are of significant local, regional or national historical importance as determined by the relevant historical authorities.
- That there is an education value to interpreting the heritage features with signage as determined by the relevant educational authorities.
- That the point(s) on the trail would be of interest to visitors to the area as determined by the relevant tourism authorities.

### 3.6. Other Documents

In addition to the above documents, the following background documents have been considered and have informed the review and evaluation of the District Plan and its provisions:

- Geometria, 2008, updated 2015, *New Plymouth District Council Waahi Tapu and Archaeological Site Review Site Recording Guide*
- Jones, Kevin L; 2007, *Caring for archaeological sites: practical guidelines for protecting and managing archaeological sites in New Zealand*
- New Zealand Archaeological Association, *Archaeological Site Recording in New Zealand*
- New Zealand Heritage/Pouhere Taonga, *Guidelines for Archaeological Assessments 2/06/06*
- New Zealand Heritage/Pouhere Taonga, *Heritage List/Rārangi Korero*
- New Zealand Heritage/Pouhere Taonga, 2018, *National Assessment of RMA Policies and Plans – Heritage Provisions*
- Ngā Kaitiaki, 2016, Wāhi Tapu/Historic Heritage position paper

## 4. Context, Research and Trends

### 4.1. Operative District Plan Approach

#### 4.1.1. Context

The protection of sites with historical and cultural value from inappropriate subdivision, use and development is a matter of national importance under the RMA. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is also a matter of national importance that must be recognised and provided for.

A scoping report undertaken for the review of the District Plan identified that the age of the information in the Operative District Plan concerning sites and areas of significance to Māori, and its uncertainty, required an upgrade and further investigations. A more extensive review of these sites was therefore initiated in 2007 (see section 5.3.1 of this report for more detail of the review). The review, which until now has been known as the 'Waahi Tapu Review', is on-going with a key focus on building relationships between landowners and iwi/hapū to ensure the protection and management of sites over time. The regulatory purposes of the review are:

1. To verify the location of the sites currently listed in the District Plan and where possible identify their extents; and
2. To identify further sites and where possible identify their extents and their appropriateness for inclusion in the District Plan.

Identification of the location of sites and areas of significance to Māori has and continues to be an iwi/hapū-led process, with Geometria helping to map the GPS coordinates that provide visibility for these sites, which have been unavailable for many years. For iwi and hapū this provides for the mana and wairua of the site to be recognised, and for owners and developers the identification provides certainty for the future.

#### 4.1.2. Plan Changes

The following Plan Changes have been undertaken to the Operative District Plan in respect of sites and areas of significance to Māori:

##### *Plan Change PLC08/00001 – Waahi Tapu and Archaeological Sites*

This plan change updated the location of some of the symbols on the planning maps that are used to show where Sites and Areas of Significance to Māori, including wāhi tapu, and archaeological sites are situated. It was based on the results of the New Zealand Archaeological Association upgrade project.

This plan change became operative on 18 March 2008.

##### *Plan Change PLC09/00019 – Addition of Tikorangi Pa to Schedule 26.1 Wāhi Tapu and Archaeological Sites*

This plan change added Tikorangi Pa to Schedule 26.1 – 'Waahi Tapu and Archaeological Sites'.

This plan change became operative on 16 June 2010.

##### *Plan Change PLC13/00040 – Updating provisions applying to Wāhi Taonga/Sites of Significance to Māori and Archaeological Sites*

This plan change added a new definition to the District Plan (Waahi Taonga/Sites of Significance to Māori) and amended related rules. In summary, these changes were as follows:

- Removed the definition of "waahi tapu site" and introduce "waahi taonga/sites of significance to Māori". Note that the definition for "wāhi tapu" was retained in the Operative District Plan.
- Updated references to Acts which had been repealed and replaced with new legislation.

- Removed 50 metre and 100 metre building setback requirements for the Residential and Business Environment Areas.
- Amended Appendix 26 to include two tables; one for sites verified through the review and subsequent Plan Changes (e.g. PLC14/00043), and one for the existing sites listed in the District Plan.

This plan change became operative on 19 December 2016. In respect of sites and areas of significance to Māori (and archaeological sites), a scoping exercise has revealed that the 2016 changes introduced as part of Plan Change 40 remain relevant moving forward. However, the Council is continuing to work with individual iwi and hapū to verify existing operative sites and add new sites. The review is outlined below.

*Plan Change PLC14/00043 – Confirming the location and extent of Waahi Taonga/Sites of Significance to Māori and Archaeological Sites in the Ngāti Rahiri Rohe*

This plan change confirmed the location and extent of waahi taonga/sites of significance to Māori in the District Plan which are located within the Ngāti Rahiri Rohe. Instead of a legal description, one of the columns in Appendix 26, Table 26.2, included the northing and easting of site centroids for verified sites.

This plan change became operative on 19 December 2016.

#### 4.1.3. Operative District Plan Provisions

Sites that are important to iwi/hapū and/or that have important archaeological values are identified and protected in the Operative District Plan. The Council is required to protect these sites under section 6(e) and (f), 7(a)(b) and 8 of the Resource Management Act 1991.

The traditional relationship of tangata whenua with the natural environment of the district referred to in Issue 19 of the Operative Plan primarily recognises cultural and spiritual values of tangata whenua in resource management, but also provides policy direction on managing waahi taonga/ sites of significance to Māori.

The relevant objective and policies relating to Sites and Areas of Significance to Māori are outlined below:

*Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.*

*Objective 19: To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Māori.*

*Policy 19.2: Subdivision, land use or development should not adversely affect the relationship, culture or traditions that tangata whenua have with waahi taonga/sites of significance to Māori.*

### *Rules*

- Permitted activities include:
  - Erection of structures (excluding minor upgrading) in the rural, industrial, or open space environment areas or within 100m of an archaeological site or wāhi taonga/site of significance to Maori where the structure is a maximum of 10m in height or less or is for the purpose of erection of lines;
  - Minor upgrading on or within 50m of an archaeological site or wāhi taonga/site of significance to Maori where a notice of proposed works is provided to mandated Mana Whenua and Heritage New Zealand Pouhere Taonga 10 working days prior to excavation or filling.
- Restricted discretionary activities include:
  - Erection of structures (excluding minor upgrading) in the rural, industrial, or open space environment areas or within 50m of an archaeological site or waahi taonga/site of significance to Maori.
  - Erection of structures (excluding minor upgrading) in the residential or business environment areas on an archaeological site or waahi taonga/site of significance to Maori.
  - Excavation and filling, clearance of trees (excluding minor upgrading) on or within 50m of any wāhi taonga/site of significance to Maori or archaeological site.
  - Subdivision of an allotment which contains a wāhi taonga/site of significance to Maori or archaeological site where (the allotment) is no smaller than the minimum allotment size specified for a discretionary activity in the underlying environment area.

The rules described above apply to the lists of identified archaeological sites and wāhi taonga/sites of significance to Māori included in the schedule to the Operative Plan - Appendix 26.

For more information on archaeological sites, please see the Historic Heritage s32 Report.

#### **4.2. Other Methods**

Other methods outside the Operative District Plan include:

- Maintenance of a GIS viewer for sites and areas of significance to Māori that can also be accessed by iwi/hapū groups within the District.
- Recording of sites and areas of significance to Māori on the Council's property information database.
- Financial assistance from the Council's Heritage Protection Fund for historic heritage.
- Provision of information about the location of sites and areas of significance to Māori when a land information memorandum is applied for by prospective purchasers.

#### **4.3. State of the Environment**

New Plymouth District has been occupied for generations by the ancestors of modern day Māori and their settlement is documented through sites and areas of significance located along the coast, rivers, and estuaries as well as in central New Plymouth.

European settlers started to arrive in the 1840s and war broke out between the settlers and Māori in 1860, over a dispute over the sale of land at Waitara. The 'land wars', as they became known, were not over for nearly two decades. The settlement of the district and the land wars have created an extensive cultural heritage in the district, which is an amalgam of all those elements.

New Plymouth has one of the densest concentrations of archaeological sites in New Zealand, and many of the archaeological sites in the district that pre-date 1900 are also sites and areas of significance to Māori. This is because both types of site are often in the same location or close by. Development in close proximity to both sites has therefore to some extent been managed through resource consent processes when the comments of the relevant iwi or hapū are sought.

Some of the archaeological sites and sites and areas of significance to Māori in the District are located on private land, often in the City and Local Centres, or older residential parts of New Plymouth and Waitara. Given these locations, often the extent or setting of the sites has never been previously identified, and it is likely that some degree of damage, caused by levelling to make way for built development, may have occurred.

The *Heritage New Zealand Pouhere Taonga Act 2014* (HNZPTA) defines an archaeological site as a place associated with pre-1900 human activity where there may be evidence relating to the history of Aotearoa/New Zealand. It is unlawful to modify or damage an archaeological site without first obtaining an archaeological authority from Heritage New Zealand. Tāngata whenua must be consulted where the sites are culturally significant to Māori.

Many archaeological sites and sites and areas of significance to Māori have been either recorded by the New Zealand Archaeological Association or registered by HNZPTA on the New Zealand Heritage List/Rārangi Kōrero ('the List'). Although the rules in the Operative District Plan do not protect unrecorded sites, the HNZPTA protection applies to all sites, whether or not they are recorded or registered.

Sites and areas of significance to Māori are sites, places and things that are tapu, sacred or spiritually endowed and of special importance to tangata whenua. Some sites held by tangata whenua are viewed as taonga, or treasures, for the relevant iwi or hapū. Taonga is a term which carries a deep spiritual meaning and can include things that cannot be seen or touched such as te reo (the Maori language) as well as tangible things such as sites of significance.

All these sites encompass the concept of pupuri (to hold, grip, maintain, keep in the memory, save). They may include:

- Urupa (burial sites).
- Historic pa and kainga sites.
- Battle grounds.
- Sacred mountains (such as Mount/Mounga Taranaki/Egmont).
- Rivers (awa), wetlands (repo) and lakes (moana).
- Symbolic and legendary landscape features.
- Mauri stones and trees.
- Tauranga waka (canoe landing sites).

- Sources of water for baptism or other ceremonial rites.
- Mahinga kai (food gathering or fishing areas).
- Taonga raranga and rongoa (plants prized for weaving, medicine and healing).

Historically there has been damage and desecration to sites and areas of significance to Māori and taonga in the District resulting from a variety of land use activities, including earthworks, grazing, building and tree planting. Coastal erosion is also recognised as a key threat to many coastal sites. These environmental outcomes have adversely affected the relationship of tangata whenua with their culture and traditions and with those aspects of their environment which matter greatly to them.

The Operative District Plan contains a schedule of 726 sites of significance to Māori and archaeological sites. The Council has been undertaking a review of this schedule for over 10 years and the number of sites in this schedule will increase considerably through notification of the Proposed Plan. See Section 5.3.1 of this document for further information on this review.

#### 4.3.1. Resource Consent Trends/Data

Many sites and areas of significance to Māori are identified in the Operative District Plan but their locations have been inaccurate. As the District has developed over the last two decades planners estimate over 40 sites have been damaged or destroyed. This caused reputational and relationship damage for NPDC and triggered the review of sites referred to above.

The number of resource consents triggered for each rule relating to sites and areas of significance to Māori and archaeological sites, for the ten years from 2008 to 2018, is outlined in the table below.

<b>Rule</b>	<b>Activity</b>	<b>Number of Resource Consents Triggered</b>
OL81	<b>Erection of structures (excluding minor upgrading) in the vicinity of wāhi taonga/sites of significance to Māori and/or archaeological sites</b> on any wāhi taonga/site of significance to Maori or archaeological site in the rural, industrial or open space environment area listed in Appendix 26 <b>or within 50m</b>	68
OL82	<b>Erection of structures (excluding minor upgrading) in the vicinity of wāhi taonga/sites of significance to Māori and/or archaeological sites</b> on any wāhi taonga/site of significance to Maori or archaeological site in the rural, industrial or open space environment area listed in Appendix 26 <b>or within 100m</b>	4
OL83	<b>Erection of structures (excluding minor upgrading) in the vicinity of waahi taonga/sites of significance to Māori and/or archaeological sites</b> on any wāhi taonga/site of significance to Māori or archaeological site in the residential or business environment area listed in Appendix 26	2

Rule	Activity	Number of Resource Consents Triggered
OL84	<i>Erection of fences on any wāhi tapu site or archaeological site listed in Appendix 26.1 Schedule A (Note: This rule was removed as a result of Plan Change 40)</i>	9
OL85	<b>Excavation and filling, clearance of trees (excluding minor upgrading)</b> on or within 50m of any wāhi taonga/site of significance to Māori or archaeological site listed in Appendix 26	70
OL86	<b>Minor upgrading in the vicinity of wāhi taonga/sites of significance to Maori and/or archaeological sites</b> on or within 50m of any wāhi taonga/site of significance to Māori or archaeological site listed in Appendix 26 <i>(Note: This rule was added as a result of Plan Change 40)</i>	3
OL87	<b>Subdivision of an allotment which contains a wāhi taonga/site of significance to Māori or archaeological site listed in Appendix 26</b>	86

The table indicates that the last ten years has seen considerable growth in building activities, excavation and filling, and subdivision in the district, and this has placed pressure on the Council's responsibility to protect and maintain sites and areas of significance to Māori. In addition, the requirement in Rule OL86 that network utility providers must only undertake *minor* upgrading in the vicinity of a site, and must provide a notice of works to tangata whenua and Heritage New Zealand Pouhere Taonga 10 working days prior to any earthworks commencing, does not always appear to be occurring. These issues indicate that the rules may not be sufficiently protective and may need review.

#### 4.4. Effectiveness of the Operative District Plan Approach

To ensure the Council is meeting its obligations under the RMA, the District Plan review of the wāhi taonga/sites of significance to Māori provisions has looked at whether the District Plan rule framework is sufficiently robust, and whether it would provide protection of the District's sites and areas of significance to Māori in the future. The key implementation issues that are being experienced with the Operative District Plan approach to managing these sites are outlined below:

Issue	Comment	Response
Issue 1: The objectives and policies are generic and there are issues with the rule framework.	The objectives and policies are very broad and do not focus on resource management issues specific to the district.  The use of restricted discretionary status limits ability to consider other effects and objectives and policies.	<ul style="list-style-type: none"> <li>• Inclusion of objectives and policies specific to the particular matter of sites and areas of significance to Māori.</li> <li>• Reviewed rules to allow wider assessment and consideration to be given to location and extent of proposed activities and their effect on the site.</li> </ul>

Issue	Comment	Response
	Some rules do not appear to be working properly and may not be sufficiently protective.	
Issue 2: The wāhi taonga/ sites and areas of significance to Māori and archaeological sites schedule needs updating	In some cases, sites mapping in the Operative District Plan is not accurate. Only Ngāti Rahiri sites and extents have been updated.  The identification of extents reduces uncertainty and confusion as to where to apply triggers for building activities and earthworks, to ensure that the values of the sites are protected.	<ul style="list-style-type: none"> <li>• Continue with the review of archaeological sites and sites and areas of significance to Māori.</li> <li>• Proposed District Plan has updated schedule with more accurate information and sites of significance to Māori that have been verified by iwi and hapū.</li> </ul>

#### 4.5. Effectiveness of Other Methods

Council has a web-based GIS viewer for sites of significance to Māori and archaeological sites that can also be accessed by iwi/hapū groups within the District.

Information on sites of significance to Māori, and archaeological sites, is provided to prospective purchasers when they apply for a Land Information Memorandum and this type of site is located on the property. This includes current and proposed location symbols of sites of significance to Māori and archaeological sites, as per the results of the ongoing review.

The Heritage Protection Fund (currently allocated \$50,000 a year) mostly provides funding to heritage buildings and items. Applications involving waahi taonga/sites of significance to Maori and archaeological sites are rare.

#### 4.6. Other Relevant Research/Documents

Current practice has been considered in respect of the topic, with a review undertaken of the following District Plans:

- Partially Operative Auckland Unitary Plan.
- Proposed Queenstown Lakes District Plan.
- Wellington City District Plan (Plan Change 48).

These plans were selected because they have been subject to recent reviews or relevant plan changes that have addressed the approach to management of sites and areas of significance to Māori in their respective communities.

### 5. Consultation

#### 5.1. General Consultation

Extensive consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Refer to the General Overview s32 Report for details on the methods that were used to carry out that consultation.

Feedback from consultation relevant to the Sites and Areas of Significance to Māori topic is summarised below.

#### 5.1.1. Draft District Plan 2016

The Draft District Plan was notified to the public at a general level in late 2016. No letters were sent to specifically affected landowners because the Draft District Plan only contained objectives, policies and possible rules. It did not contain a schedule of archaeological sites or sites and areas of significance to Māori. At the time, the Historic Heritage section incorporated built heritage, archaeological sites and sites and areas of significance to Māori. No feedback was received on the Draft District Plan from individuals regarding the Historic Heritage section.

Specific feedback was received in late 2016 on the Historic Heritage section of the Draft District Plan from Taranaki Regional Council (TRC), Federated Farmers of New Zealand (FFNZ), Heritage New Zealand Pouhere Taonga (HNZPT), Powerco Limited, Trustpower Limited and Friends of Pukekura Park New Plymouth Inc.

TRC stated that the objectives and policies in the Draft District Plan were generally in accordance with the Regional Policy Statement. TRC agreed that historic heritage is important to the District's identity and requested that the Council's heritage fund be retained for the purposes of maintaining the historic heritage of the District.

FFNZ supported the objectives, HH-P1 (identifying and scheduling significant heritage buildings and items), HH-P10 (supporting landowners to manage, maintain and preserve historic heritage) and HH-P11 (ensuring efficient processing by avoiding duplication with other statutory processes for land containing archaeological sites). FFNZ had concerns around the use of the word "surrounding" because it is an imprecise word and landowners might find they have activities that are unnecessarily affected.

In respect of sites and areas of significance to Māori, HNZPT suggested amendments as follows:

- HH-P6 (require activities adjacent to or affecting historic heritage to minimise the impact on the historic heritage values) – add (e) for historic heritage included on the New Zealand Heritage List/Rarangi Korero, waahi taonga/sites of significance to Maori and archaeological sites, the outcomes of consultation with Heritage New Zealand Pouhere Taonga; and (f) the classification, if any, given to historic heritage as set out in the schedule and the reasons for which it was scheduled".
- HH-P7 (require activities adjacent to or affecting waahi taonga/sites of significance to Maori and/or archaeological sites where they are scheduled or where there is a reasonable cause to suspect there is an archaeological site, to demonstrate the activity is appropriate) – (b) replace "any assessments or advice from a suitably qualified and experienced archaeological expert" with "the need to provide additional protection to an archaeological site to that provided under the Heritage New Zealand Pouhere Taonga Act 2014"; (c) replace "the outcomes of consultation with Heritage New Zealand Pouhere Taonga" with "the degree of compliance with the archaeological requirements set out in Schedule X".
- HH-P10 (support landowners to manage, maintain and preserve historic heritage) – add "providing selective exemptions to district plan rules."

Powerco Limited sought an amendment to HH-P5 (controlling activities that occur on or in proximity to historic heritage) so that "in proximity" was removed and replaced

with a sentence that read “control activities that occur on or within scheduled historic heritage items or areas where those activities would adversely affect the historic heritage values...” Powerco Limited also sought that the operation, maintenance, replacement and minor upgrade of infrastructure be managed in the rules as a permitted activity.

Targeted meetings to explain the new district plan framework and the intended heritage management approach were held with Heritage Taranaki on 12 July 2017 and Legacy Trust on 14 November 2017.

#### 5.1.2. Draft Digital District Plan 2018

No feedback was received from landowners regarding waahi taonga/sites and areas of significance to Māori and/or archaeological sites. However, it should be noted that landowners of these sites were not sent letters because they had already been sent letters as part of the waahi taonga/tapu review.

Te Atiawa Iwi Holdings Limited Partnership requested an updated review of a building currently listed as Category A that sits on land subject to their Treaty Settlement Claim. It considered it inappropriate that the items listed in the schedules of the Operative District Plan be simply “rolled over” into the Proposed District Plan.

Heritage Taranaki provided feedback on several points as follows:

- Identify heritage character areas already identified in the Operative District Plan plus significant archaeological areas such as the Waitara Road Taranaki Wars assemblage reach from Matarikoriko Road to Waitara.
- The loss of appendices was not supported as it makes it difficult to do wider reviews and assessment of heritage sites and to compare with other heritage databases such as the Heritage New Zealand Pouhere Taonga List. It is not clear how many sites are on this list and it is a complicated process to check if New Zealand Archaeological Site data and Council data is aligned. Heritage Taranaki want the ability to draw heritage data from areas as well as individual properties.
- Given there is no longer a schedule or appendix to the plan which lists the buildings, items, waahi taonga/sites of significance to Maori and/or archaeological sites, the references to “schedules” within the text is confusing.

FFNZ provided feedback on several points as follows:

- These policies are supported: HH-P1 (identify and schedule significant heritage buildings and items), HH-P2 (identify and schedule contributory buildings that add visual interest or play an important role in the historic character of the New Plymouth city centre), HH-P3 (identify heritage character precinct(s) that have special streetscape qualities that contribute to the district’s identify and sense of place), HH-P4 (identify and schedule known waahi taonga/sites of significance to Maori and archaeological sites), HH-P12 (support landowners to manage, maintain and preserve historic heritage) and HH-P13 (ensure efficient processes by avoiding duplication with other statutory processes for land containing archaeological sites).
- HH-P7 (control activities that occur on or in proximity to scheduled historic heritage), HH-P8 (require activities adjacent to or affecting historic heritage to minimise the impact on the historic heritage values) and HH-P11 (require activities adjacent to or affecting waahi taonga/sites of significance to Maori and/or archaeological sites where they are scheduled or where there is a reasonable cause to suspect there is an archaeological site to demonstrate the activity is

appropriate) – “in proximity to” is an extremely difficult phrase to a plan user to decipher and the boundaries of a site should be drawn such that the phrase is not needed. The term “adjacent to” in HH-P8 and HH-P11 is a little better, although for HH-P11 the term is redundant because “affecting” has already been used and if the activities are not affecting the site you would presumably not need to control them. FFNZ seeks to amend HH-P7 so it reads “control activities that occur on or ~~in proximity to~~ scheduled historic heritage” and HH-P11 so it reads “Require activities ~~adjacent to or~~ affecting waahi taonga/site of significance to Maori and/or archaeological sites...”.

- These rules are supported: HH-R2 (erection of a building on the same site as a scheduled heritage building or item), HH-R14 (maintenance of or rebuilding or an existing structure or building on a waahi taonga/site of significance to Maori and/or archaeological site) and HH-R15 (land disturbance on or within 50m of a waahi taonga/site of significance to Maori and/or archaeological site).
- HH-R12 (maintenance of or re-building of an existing structure or building on or within 50m of a waahi taonga/site of significance to Maori and/or archaeological site) and HH-R13 (erection of a new building or structure within 50m-100m of a waahi taonga/site of significance to Maori and/or archaeological site) – if the term “structure” did not encompass fences, stock yards, etc. these rules could be supported. It is suggested that “structure” is defined to exclude farm fences and similar small farm infrastructure.

Harvey Norman Properties (NZ) Ltd sought that the resource consenting requirement for earthworks or buildings within 50m or 100m of a specific waahi taonga/site of significance to Maori and/or archaeological site be deleted because this requirement will have adverse and unintended consequences with respect to development in the vicinity of this site.

A targeted meeting was held with Heritage Taranaki on 14 February 2018 to show the draft digital district plan and to explain the objectives, policies and rules in the Historic Heritage section relating to heritage buildings and items, contributory buildings and waahi taonga/sites of significance to Maori and archaeological sites. The connection with the City Centre Zone in terms of the heritage character precinct and the contributory buildings was also emphasised.

## **5.2. Consultation with Iwi and Hapū**

### **5.2.1. The Wāhi Tapu Review**

The information about sites in the District Plan was originally obtained from New Zealand Archaeological Association records and from iwi/hapū in the mid-1990s. Despite efforts to improve the accuracy of this data there have been on-going issues regarding the location and description of sites identified in the District Plan.

According to the *New Plymouth District Council Waahi Tapu and Archaeological Site Review Site Recording Guide*<sup>1</sup>, several factors affected the precise recording and classification of sites. Many were originally recorded in the days of the imperial map system, and before accurate global positioning systems (GPS), which sometimes resulted in inaccurate location measurements. The subsequent translation of

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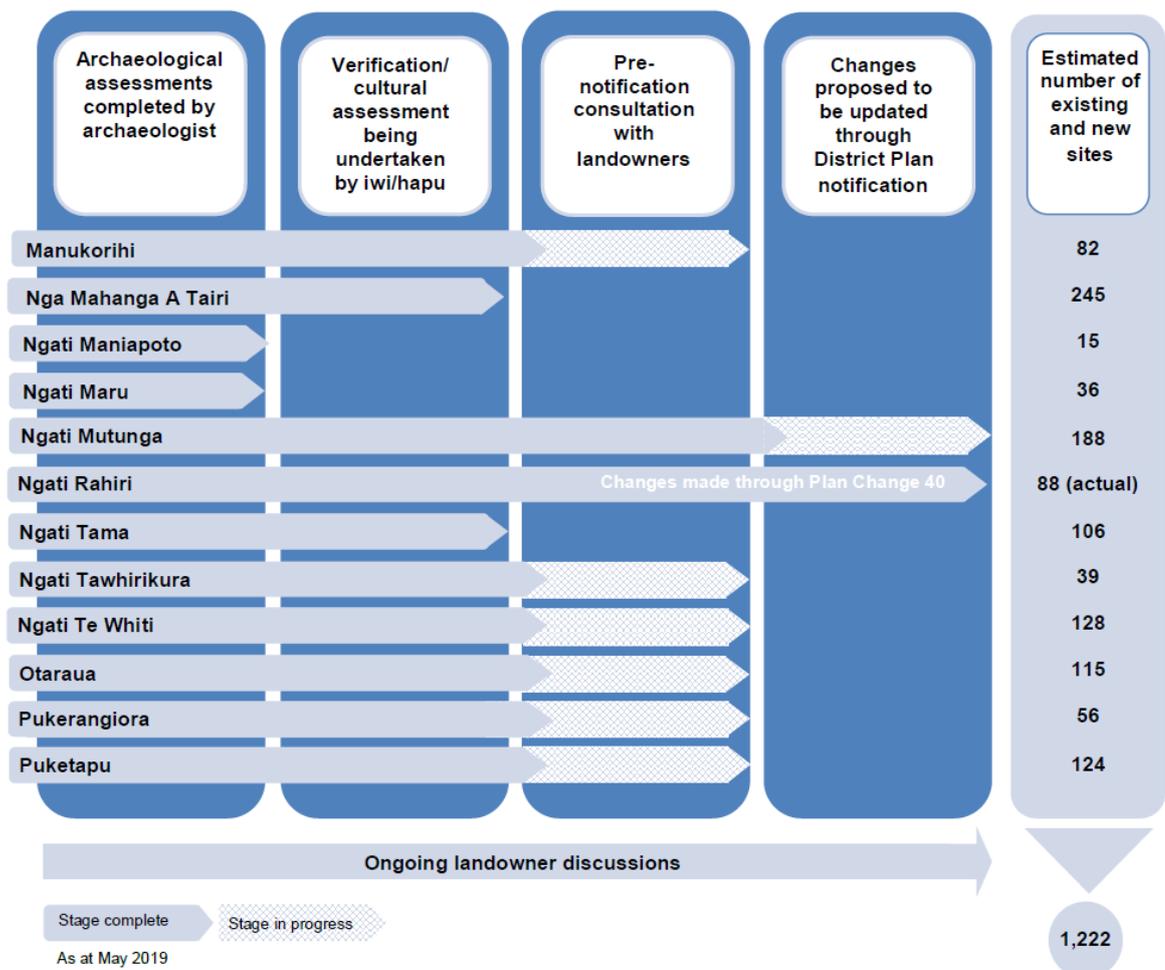
<sup>1</sup> *Geometria*, 20 May 2008, updated 08 July 2015.

geographic coordinates from imperial maps to digital coordinate systems increased the inaccuracy of the original measurement.

Inaccurately located triangles on the planning maps do not provide the full extent of the site or its location and this inaccuracy increases the risk that some sites might be modified or even destroyed. It can also have a significant effect on the day-to-day administration of the District Plan and can lead to inefficiencies.

Identification of the location of sites and areas of significance to Māori has and continues to be an iwi/hapū-led process, with the assistance of *Geometria* (an archaeological company). Archaeological assessments have been completed following the NZHPT Guidelines for Archaeological Assessments 2/06/06 and the New Zealand Archaeological Association (NZAA) guideline monograph "Archaeological Site Recording in New Zealand", which details the level of evidence required before a site should be considered for recording in the NZAA records. This guideline is the accepted best practice standard for the recording of archaeological sites in New Zealand.

Iwi and hapū have been actively working through verification processes, and also towards pre-notification consultation with landowners. The table below outlines the progress of different iwi/hapū:



It is important to note that the numbers of sites in the diagram above are indicative only. Some sites have been deleted from the Operative District Plan because they were

a duplication of other sites, while other sites that represented different aspects of the same site were merged into a single site. Some sites (such as an urupā next to a pā) have been merged at the request of iwi/hapū.

As indicated in the above figure, only Ngati Rahiri, a hapu of Te Atiawa iwi, has fully completed the review process. This process was completed through Plan Change 40 and confirmed sites have been incorporated into the Operative District Plan.

The only iwi that has completed pre-consultation with landowners is Ngāti Mutunga and their updated and new sites can be brought into the District Plan. In August 2017, 90 letters were sent out to landowners within the Ngāti Mutunga rohe who had sites of significance to Māori, and archaeological sites on their properties, inviting them to an open day on 6 September 2017. The open day provided an opportunity for landowners to discuss one-on-one with Council planners, the archaeologist, and iwi the implications of having an archaeological site or a site or area of significance to Māori on their property listed in the District Plan.

### 5.2.2. GIS Platform

In mid-2015 a web-based GIS platform was developed to help communicate and control site information. The GIS platform provides:

- A repository to show textual and spatial site information plus background information, e.g. survey plans and historic imagery, accessible by the Council, Iwi/Hapū and the archaeologists at any time.
- Iwi/Hapū with a way to access information about sites in their rōhe only, via individual web viewers that are password protected.

The GIS platform enables each party to look at the same set of information at a time and place of convenience to them, and providing aerials and cadastral information to establish clarity and fact for kanohi ke ti kanohi (face to face) interaction.

The project has engaged with many primary and secondary stakeholders, from the more involved Council teams (District Planning and Iwi Relationships), Iwi/Hapū, archaeologists and landowners through to the less involved Council teams (Resource Consents and Monitoring, LIMs, GIS and Customer Support), DOC, TRC, potential purchasers of land, developers and real estate agents.

Many of these stakeholders are time poor and the use of the GIS platform has meant that Council officers can be more agile and mobile in ensuring stakeholder engagement. Significant relationship improvements were seen with Iwi/Hapū and landowners as dialogue and education supported by the GIS platform could happen on site at the most convenient times for all involved.

### 5.2.3. Engagement with Ngā Kaitiaki

The Council works with a group called Ngā Kaitiaki made up of mandated representatives from iwi and hapū throughout the district. Ngā Kaitiaki was formed in 2016 specifically to provide feedback as part of the District Plan Review. Their suggestions in relation to the Historic Heritage chapter of the Draft District Plan are summarised in the bullet points below:

- Despite the good intentions of the Operative District Plan, the limitations that listing of sites, and subsequent missing of other broader values associated with areas, places or sites has minimised waahi tapu considerations through the

resource consent process. The presence or absence of a listed waahi tapu often determines whether tangata whenua are considered to be an affected party and able to participate in the process;

- Retention of Issue 19 in the Operative District Plan was supported, in particular methods that promote protecting sensitive information, consultation, facilitating landowner/iwi/hapu discussions, providing rates relief, and working towards access to waahi tapu on private property;
- Include specific provisions to address/provide direction for waahi tapu as a component of Historic Heritage (Māori Historic Heritage);
- The use of the term "Historic Heritage" was supported as an umbrella term defined in the RMA but must not be at the expense of other important terms, i.e. waahi tapu. Definitions could include Māori Historic Heritage, Waahi Tapu, Sites of Significance to Māori. These terms should be defined in Te Reo Māori as well as English;
- Add specific objectives regarding Māori Historic Heritage. Suggested wording was: "The tangible and intangible values of Māori Historic Heritage to tangata whenua are protected and enhanced." "The relationship of tangata whenua with Māori Historic Heritage, including the practical expression of kaitiakitanga, is recognised and provided for";
- Add a policy to acknowledge that tangata whenua are the only persons able to identify Māori Historic Heritage. Suggested wording was: "Recognise that only tangata whenua can identify their associations, values and interests with Māori Historic Heritage in the District";
- Amend HH-P2 (identify and schedule known waahi taonga/sites of significance to Māori and archaeological sites) to read: "Identify and schedule known Māori Historic Heritage in the District";
- Currently HH-P3 (protect and maintain historic heritage from inappropriate activities) addresses activities and their interface with historic heritage. A further method of protection and maintenance is providing for tangata whenua as kaitiaki to determine the best process/approach/method of working in and around Māori Historic Heritage areas/places/sites;
- Suggest that HH-P4 (allow X activities that do not compromise historic heritage values) references "heritage buildings or items" as opposed to historic heritage more generally;
- HH-P5 (control activities that occur on or in proximity to historic heritage) does not list all activities or actions which can damage or destroy Māori Historic Heritage. It should set a direction that any activity looking to manipulate, damage, destroy or disturb Māori Historic Heritage is avoided rather than list activities and this should guide the most restricted activity status possible – prohibited;
- HH-P6 (require activities adjacent to or affecting historic heritage to minimise the impact on the historic heritage values) – greater clarity is sought regarding what 'adjacent/in proximity to' means and the implications of the use of 'adjacent' on notification decisions through the resource consent process;
- HH-P7 (require activities adjacent to or affecting waahi taonga/sites of significance to Māori and/or archaeological sites where they are scheduled or where there is reasonable cause to suspect there is an archaeological site to demonstrate the activity is appropriate) should be two policies with a specific policy giving weight to kaumatua evidence in relation to Māori Historic Heritage. The use of terms like "having regard to" in this context was not supported as this minimises kaumatua evidence;

- It is questioned whether HH-P9 (only allow heritage items to be repositioned where it can be demonstrated it is appropriate to reposition the item) will extend to certain Māori heritage items/features, e.g. carvings;
- HH-P10(b) (support landowners to manage, maintain and preserve historic heritage by ... encouraging matauranga Māori, tikanga and kaitiakitanga to manage and maintain waahi taonga) is considered a better fit under HH-P3 (protect and maintain historic heritage from inappropriate activities). It is suggested this clause be redrafted to encourage consultation, education of values of an area/place/site and to form/maintain a relationship with tangata whenua. Additional wording could include HH-P10(d): encourage landowners to protect historic heritage on their properties through voluntary agreements or covenants;
- Additional policies specific to Māori Historic Heritage with more emphasis/visibility of waahi tapu are required. Existing policies in the Operative District Plan are considered to address issues well, e.g. Policy 19.2;
- A notification statement should be included in rules in relation to Māori Historic Heritage stating that tangata whenua are affected parties at all times;
- The current 50m/100m split for different activities is confusing. Often larger setbacks are required as rule triggers. As the plan is moving to a more activities-based approach, further discussion is encouraged on setback rule triggers for different activities in relation to Māori Historic Heritage and waahi tapu.

The advent of the National Planning Standards has meant that the section formerly titled "Historic Heritage" has been renamed "Historical and Cultural Values". This section now includes three chapters: "Historical Heritage"; "Notable Trees"; and "Sites and Areas of Significance to Māori". The 'Historical Heritage' chapter refers to heritage buildings and items and archaeological sites and has its own section 32 report. The separation of 'Historical Heritage' from "Sites and Areas of Significance to Māori" provides the "Sites and Areas of Significance to Māori" section with greater visibility however it has created challenges around separating provisions and providing separate spatial identification in the digital plan.

The new "Sites and Areas of Significance to Māori" chapter provides for sites to be identified, mapped and scheduled so that they can be protected. Similarly, strategic objectives and policies provide for the relationship of tangata whenua with the sites to be recognised and protected so that tangata whenua can exercise their kaitiaki aspirations and responsibilities. Other policies provide for protection from inappropriate activities and discretionary rules for earthworks and subdivision.

Given the volume of assessments for the archaeological sites, and for the sites and areas of significance to Māori, together with the sensitivity of some of the information, we have not attached them to this document. However, information will be made available provided the permission of the relevant iwi/hapū is obtained.

## **6. Key Resource Management Issue**

The key resource management issue for Sites and Areas of Significance to Māori is:

- The damage or loss of sites; if they are not identified and protected from inappropriate land use, subdivision and development; and the loss of access to these sites.

This has a direct adverse effect on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. It could also impact the District's sense of identity as well as amenity values and the quality of the environment.

## **7. Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)**

The proposed provisions are set out in the Sites and Areas of Significance to Māori sections of the Proposed New Plymouth District Plan.

- Strategic objectives.
- Sites and Areas of Significance to Māori.
- Definitions.

These provisions should be referred to in conjunction with this evaluation report.

The four Kaupapa Māori values that guide the draft Proposed District Plan – Rangatiratanga; Kaitiakitanga; Ūkaipōtanga; and Kotahitanga (see the General Approach section of the Proposed District Plan) – also guide the Sites and Areas of Significance to Māori provisions. The purpose of the values is to enable iwi and hapū to participate meaningfully in district planning processes and to assist the Council to recognise and respond to iwi and hapū needs, values and aspirations in a district planning context. The proposed chapter provisions are summarised below.

### *Overall Framework*

Sites and areas of significance to Māori are still identified and, where possible, their extents are mapped. For sites that have a verified extent, the verified extent comprises the extent of the site. For sites that don't have a verified extent, or that have a 'silent file' status, the accuracy of the location of sites is to +/- 200m and the extent of the site will be treated as the area within a 200m radius of the site's mapped centroid marker. There are still rules regarding what activities can be done on or within their vicinity.

Plan Change 40, which proposed alterations to the rules in respect to these types of sites, became operative on 19 December 2016 and it is proposed that these alterations continue. The rules have been subject to recent scrutiny and they have generally been transferred into the Proposed Plan and adapted to fit the new rule framework. In addition, the Ngā Kaitiaki feedback has also been taken into account. The wāhi taonga/sites of significance to Māori review is an ongoing project. Ngāti Rāhiri has already updated their sites via Plan Change 43, and Ngāti Mutunga will update their sites as part of this Proposed Plan. All other hapū will update their sites either through notification of the Proposed Plan, and/or through plan changes to the Proposed Plan once it becomes operative.

### **7.1. Strategic Objectives**

The applicability of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed District Plan. Of relevance to the Sites and Areas of significance to Māori provisions are Strategic Objectives TW-8 to TW-12; in particular TW-9, TW-11 and TW-12:

- Strategic objective TW-9 recognises that only tangata whenua can identify impacts on their relationship with their sites and areas of significance.

- Strategic objective TW-11 states that the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance must be provided for.
- Strategic objective TW-12 recognises the contribution that tangata whenua and their relationship as specified in TW-11 makes to the District's identity and sense of belonging.

## **7.2. Objectives and Policies**

In summary, the Objectives provide for:

- The recognition, protection and maintenance of sites and areas of significance to Māori;
- The recognition and protection of the relationship of tangata whenua with their sites and areas of significance to Māori;
- The acknowledgement of and appreciation by the community of the importance of sites and areas of significance to Māori to the district's identity;

In summary, the Policies provide for:

- Mapping and identifying sites and areas of significance to Māori that are identified in consultation and collaboration with tangata whenua and in accordance with tikanga Māori;
- Protecting and maintaining sites and areas of significance to Māori from inappropriate activities;
- Allowing activities provided the design, scale, and intensity of the activities will not compromise values, interests or associations of importance to tangata whenua;
- Managing activities that occur on or in proximity to identified sites and areas of significance to Māori;
- Ensuring that activities on, adjacent to or affecting sites or areas of significance to Māori avoid or appropriately mitigate any adverse effects on the site or area;
- Ensuring that any structures that exceed permitted height limits on or adjacent to sites and areas of significance to Māori are appropriately located and that any associated adverse effects are appropriately avoided, remedied or mitigated; and
- Supporting landowners to manage, maintain and preserve sites and areas of significance to Māori.

## **7.3. Rules**

7.3.1. Allowing as a permitted activity in respect of scheduled sites or areas of significance to Māori:

- Land disturbance for installation of fence posts and grazing of livestock;
- Demolition or removal of a structure on a site;
- Alterations to a structure on a site;
- Erection of, and additions to, or relocation of a structure on or within 50m of a site where no part of the structure is on a site; and the building or structure does not exceed 10m in height or the maximum height permitted in the underlying zone, whichever is the lesser; and all underlying zone Effects Standards are complied with.

### 7.3.2. Allowing as a controlled activity:

- Maintenance and repair or upgrading of a network utility structure, including associated earthworks on or within 50m of a site (SASM-R4);

### 7.3.3. Managing as a discretionary activity

- Erection of, additions to, or relocation of a structure on or within 50m of a site where compliance with the permitted activities is not achieved;
- Earthworks on or within 50m of a site, including earthworks associated with the clearance of trees and the erection of new structures, but excluding earthworks associated with the maintenance and repair and upgrading of a network utility provided for by SASM-R4; and
- Subdivision of a property containing any part of a site.

## 7.4. Definitions

- To help clarify the intent of the provisions, manage activities around sites and areas of significance to Māori and align with planning standards, new definitions have been introduced, including:
  - Earthworks (planning standards definition).
  - Land disturbance (planning standards definition).
  - Structure (planning standards definition).
  - Subdivision (planning standards definition).
- Generic District Plan-wide definitions such as activities, adjacent, maintenance and repair, and upgrading, are also applicable to the Sites and Areas of Significance to Māori provisions.

## 7.5. Schedule

Each archaeological site and site or area of significance to Māori is identified on the schedule (SCHED3 - Schedule of Archaeological Sites or Sites and Areas of Significance to Māori). A total of 1035 sites and areas of significance to Māori and archaeological sites are proposed for inclusion in the Proposed Plan. Of the 726 sites already listed in the Operative District Plan, the extent of 374 sites will be updated. A total of 309 new sites are being added.

One hundred and thirty six of the sites (136) are solely archaeological sites and 64 are solely sites and areas of significance to Māori, leaving 835 sites that are both archaeological and of significance to Māori. Some original sites have been deleted from the Operative District Plan because they were a duplication of other sites, while other sites that represented different aspects of the same site were merged into a single site. The number of silent files has reduced from 16 to 9.

## 7.6. Spatial mapping in the E-Plan

Each archaeological site and site or area of significance to Māori will be mapped on the E-Plan. The electronic nature of the Proposed Plan means that a user can click on a property with a site on it and obtain from the left-hand panel its Site ID and description; the relevant iwi or hapu who have mana whenua over the site; and whether it is a silent file and the extent is verified. If an archaeological site, or a site or area of significance to Māori is registered on the Heritage New Zealand Pouhere Taonga list, or with the New Zealand Archaeological Association, its reference number and/or category is stated in the schedule.

The efficient and effective implementation of the proposed provisions relies on an accurate representation and location of archaeological sites and sites and areas of significance to Māori on the schedule to the District Plan and in the E-Plan. This requires a robust process so that the schedule and E-Plan adequately reflect the significance of the District’s historic heritage.

## 7.7. Other Methods

In addition to the proposed provisions, the methods outside the District Plan set out in Section 4.2 are proposed to continue.

## 8. Approach to Evaluation

Section 32(1)(a) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

The section of the RMA requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

### 8.1. Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan.			✓	
Effects on matters of national importance.			✓	
Scale of effects – geographically (local, district wide, regional, national).			✓	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).			✓	
Scale of effects on those with specific interests, e.g. Tangata Whenua.				✓
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?			✓	

	Minor	Low	Medium	High
Likelihood of increased costs or restrictions on individuals, communities or businesses.			✓	

## 8.2. Explanation Summary

In summary:

- The degree of change from the Operative District Plan is moderate.
  - The operative schedule of sites and areas of significance to Māori and archaeological sites will be carried over into the Proposed Plan, together with amendments to their location and/or extent, and new sites added.
  - The rules applying to sites and areas of significance to Māori in the Operative District Plan have been modified for the Proposed Plan, partly to account for the changes required by the National Planning Standards, which has split the former Historic Heritage section into two parts but also to provide stronger protection for the sites.
- The proposal relates to two section 6 matters and three section 7 matters in the RMA, as well as section 8. This is a significant number, compared to other topics in the District Plan.
- The proposal does not relate to a specific key direction in the Blueprint however, historical heritage and cultural values are inherent in all key directions. Under the Blueprint's key principles of 'Partnership, Participation and Protection' the proposal recognises the Te Ao Māori principle of kaitiakitanga; the relationship of Māori with their ancestral lands, water, sites, waahi tapu and other taonga; their cultural and spiritual values; and provides tangata whenua with opportunities to contribute to decision-making processes.
- The proposal also addresses matters outlined in the Heritage Strategy.
- The geographical scale of effects for sites and areas of significance to Māori and archaeological sites is district-wide because of the large number of sites identified in the district.
- The scale of effects on people is moderate. A number of sites affected by the proposed changes are owned by private landowners who raise concern with the restrictions on their private property rights. However, these restrictions will only come into effect if the landowners are proposing activities that trigger rules in the District Plan. In the majority of instances, the restrictions will have little effect on the day-to-day operation and function of businesses and residences.
- Any landowner in the New Plymouth central city who is proposing an addition or alteration to an existing building or proposing a new building within the City Centre Zone will require a resource consent regardless of whether they have archaeological sites, or sites and areas of significance to Māori identified on their property. From a public good perspective, future generations will benefit from the greater protection of cultural values.
- The scale of effects on tangata whenua is substantial. The more sites and areas of significance to Māori that are identified and regulated in the District Plan, the more tangata whenua can maintain their relationship with their ancestral lands, water, sites, waahi tapu, and other taonga, as per section 6(e) of the RMA and be assured that their sites and areas of significance will be protected; and

- The identification procedures and proposed provisions (which are discussed in detail below) are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.

Overall, it is considered that the scale and significance of the proposal is medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the provisions related to sites and areas of significance to Māori.

## 9. Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
<p>Objective 11: To recognise the district’s historical and cultural values, specifically through the resource of sites and areas of significance to Māori, provide for their protection and promote their enhancement.</p> <p>Objective 19: To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Māori.</p>	<p>The objectives are generally consistent with the Council’s position and the statutory and policy context. However, to more appropriately address the issue of identifying and protecting sites and areas of significance to Māori from damage or loss from inappropriate land use, subdivision and development; and the loss of access to these sites, the objectives need to provide certainty to plan users about what is aimed for in addressing the issue and what outcomes are expected or considered appropriate under the District Plan provisions. In addition, raising public awareness of sites and areas of significance to Māori could be better addressed to align with the RMA and regional policy direction.</p> <p>Therefore, the current objectives are not considered the most appropriate way to address the issues identified in relation to sites and areas of significance to Māori, or to achieve the purpose of the RMA. New objectives are proposed as detailed below.</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p>TW-9: Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.</p> <p>TW-11: Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.</p> <p>TW-12: Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the District’s identity and sense of belonging.</p> <p>SASM-O1: Sites and areas of significance to Māori are recognised, protected and maintained.</p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources by managing the use, development and protection of physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being.</p> <p>Under Section 5 of the RMA, the management of Māori land must enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while sustaining the potential of natural and physical resources; safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and avoiding, remedying, or mitigating adverse effects of activities on the environment (section 5).</p> <p>Section 6(e) of the RMA requires that the Councils recognise and provides for “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga”.</p> <p>Under Section 6 (f) of the RMA, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; the protection of historic heritage from inappropriate subdivision, use and development; and the protection</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
<p>SASM-O2: The relationship of tangata whenua with sites and areas of significance to Māori is recognised and protected.</p> <p>SASM-O3: Sites and areas of significance to Māori are appreciated by the community and are acknowledged as important to the district's identity.</p>	<p>of protected customary rights are matters of national importance that Council must recognise and provide for.</p> <p>Under Section 7(a), the Council must have particular regard to kaitiakitanga.</p> <p>Under Section 8 of the RMA, all persons managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p> <p>The proposed strategic objectives provide for the recognition, protection and maintenance of sites and areas of significance to Māori from adverse effects of inappropriate activities, subdivision, damage, modification and destruction. It is important that decision-makers are aware that sites and areas of significance to Māori are identified and protected and that certain activities should be avoided to retain important connections to the past.</p> <p>The objectives are aligned with principles identified by Ngā Kaitiaki; in particular Kaitiakitanga and Ūkaipōtanga. These objectives directly relate to the resource management issues identified for sites and areas of significance to Māori.</p> <p>SASM-O2 provides for the recognition and protection of the relationship of tangata whenua with sites and areas of significance to Māori.</p> <p>SASM-O3 provides for sites and areas of significance to Māori to be appreciated by the community and acknowledged as important to the district's identity.</p> <p>The SASM objectives recognise that only tangata whenua can identify impacts on their relationship with sites and areas of significance to Māori among other matters; providing for that relationship; and recognising the contribution that tangata whenua and that relationship make to the District's identity and sense of belonging.</p> <p>However, sites and areas of significance to Māori also enhance the amenity of the District for residents and visitors. They can promote economic revitalisation, e.g. through the protection, maintenance and enhancement of sites of significance to Māori so that they can be visited by tourists if this is desired by tangata whenua. Sites can provide educational opportunities and enhance the visitor experience, e.g. through the erection of</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
	<p>interpretation panels at Koru Pā (at the end of Surrey Hill Road in Oakura) which has notable features such as extensive terracing, stone revetting, rua pits, defensive ditches and visible dwelling sites.</p> <p>The proposed objectives are responsive to the feedback received from stakeholders, including Ngā Kaitiaki, and implement national guidance and regional policy direction. The objectives are appropriate and reasonable as they provide a clear direction for decision making when assessing proposals affecting sites and areas of significance to Māori. They are considered reasonable and achievable as they are consistent with other districts and focus on the particular issues in this district.</p> <p>The objectives in relation to sites and areas of significance to Māori achieve the purpose of the RMA to promote sustainable management of our natural and physical resources. In addition, the protection and maintenance of sites and areas of significance to Māori provides for the spirit of these sites to be maintained and the identity and wellbeing of tangata whenua to be enhanced through the connection to past and future generations.</p>

Evaluation of Alternative Options	Appropriateness to achieve the purpose of the Act
Retain the status quo	<p>This option will have the following consequences:</p> <ul style="list-style-type: none"> <li>• Sites and areas of significance to Māori will not be regulated meaning that they could be at risk from modification or demolition.</li> <li>• Decision makers will be hindered when assessing resource consent applications as they will have limited guidance on what outcomes are expected and will only be able to consider certain effects.</li> <li>• Council will not meet its obligations under section 6 of the RMA, including providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and for the protection of historic heritage from inappropriate subdivision, use, and development.</li> </ul>

**Summary**

The preferred objectives will achieve the purpose of the RMA as they are clear statements of intent that recognise sites and areas of significance to Māori and protect them from the adverse effects of inappropriate activities, subdivision, damage, modification and destruction. They provide certainty as to the outcomes that are appropriate under the District Plan provisions and are aligned with best practice throughout New Zealand.

## 10. Evaluation of Options to Achieve the Objectives

This section evaluates the options to achieve the objectives within tables, using two broad themes. The first table relates to policy direction, i.e. objectives, policies and rules. The second table relates to identification, i.e. how sites and areas of significance to Māori are recognised.

### 10.1. Policy Direction

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p><b>Option A: Proposed Approach</b></p> <p>This option is <b>recommended</b>.</p> <ul style="list-style-type: none"> <li>Objectives and policies for Sites and Areas of Significance to Māori comprised in one section for their identification, recognition and protection.</li> <li>Apply flexible rules for additions and alterations, erection of structures, removal of vegetation and/or planting, disturbance, earthworks and subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>The objectives and policies will provide stronger direction on resource management issues affecting sites and areas of significance to Māori in the district, allow for full discretionary status where appropriate, and allow for wider environmental effects to be considered. This should result in better environmental outcomes.</li> <li>New rules regarding the erection of structures on or in close proximity to a scheduled site and area of significance to Māori should result in better</li> </ul>	<p>This approach means more landowners will be subject to rules than under the status quo approach. Some may perceive this as a challenge to their private property rights.</p>	<ul style="list-style-type: none"> <li>The objectives and policies for sites and areas of significance to Māori will be in one distinct section of the District Plan instead of two (currently Issues 11 and 19) creating less confusion for readers.</li> <li>The Council will be meeting its obligations under the RMA.</li> </ul>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that the provisions proposed have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	<p>environmental outcomes.</p> <ul style="list-style-type: none"> <li>• New rules regarding land disturbance for the installation of fence posts for existing fences and grazing of livestock on a site should result in better environmental outcomes.</li> <li>• Earthworks on or within 50 m of a scheduled site and area of significance to Māori is now a fully discretionary activity and requires a resource consent.</li> <li>• Subdivision of land on a scheduled site and area of significance to Māori is now a fully discretionary activity and requires a resource consent.</li> <li>• Increased certainty for landowners and developers within the district, with the amendment of operative</li> </ul>			

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	sites and addition of further sites.			
<p><b>Option B: Status Quo</b></p> <p>This option is <b>not recommended</b>.</p> <ul style="list-style-type: none"> <li>• One overall objective and one policy in Issue 19 for sites and areas of significance to Māori.</li> <li>• Apply rules for sites of significance to Māori (erection of structures, excavation and filling, clearance of trees, minor upgrading, and subdivision of land).</li> </ul>	<p>The same number of landowners will be subject to rules if the status quo approach continues. These landowners are already familiar with the rules.</p>	<ul style="list-style-type: none"> <li>• The objectives and policies will not provide stronger direction on resource management issues affecting sites and areas of significance to Māori in the district, will not allow for full discretionary status where appropriate, and will not allow for wider environmental effects to be considered. This may result in adverse environmental outcomes.</li> <li>• No rules regarding the erection of structures in close proximity to a scheduled site and area of significance to Māori could result in adverse environmental outcomes.</li> <li>• Not correcting the locations and where possible adding extents to the operative sites in</li> </ul>	<ul style="list-style-type: none"> <li>• The objectives and policies for sites and areas of significance to Māori will still be in two sections of the District Plan (Issues 11 and 19) creating confusion for readers.</li> <li>• The Council will be meeting its obligations under the RMA, although not as well as it could.</li> </ul>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plan came into effect in 2005.</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
		the Ngāti Rahiri or Ngāti Mutunga rohe, or any other iwi/hapū rōhe, as well as adding further sites, may mean that sites and areas of significance to tangata whenua continue to be damaged and destroyed.		
<p><b>Option C: Methods outside the District Plan</b></p> <p>This option is <b>not recommended</b>.</p> <p>Rely on non-regulatory methods. Increase public recognition and understanding of the District's sites and areas of significance to Māori, and rely on landowners to manage and protect them. Encourage the use of non-regulatory incentives and assistance to facilitate the restoration and conservation of recognised sites and areas of significance to Māori.</p>	<ul style="list-style-type: none"> <li>• Landowners will not be subject to rules meaning they will have increased economic opportunities and flexibility.</li> <li>• Public awareness of the importance of protecting sites and areas of significance to Māori is increased through education programmes.</li> <li>• The Council will not have to administer resource consent applications for sites and areas of significance to Māori.</li> </ul>	<ul style="list-style-type: none"> <li>• No regulatory control places the onus on landowners to protect sites and areas of significance to Māori for the public good, which could result in adverse environmental outcomes. A loss of sites and areas of significance to Māori is likely.</li> <li>• No rules regarding the erection of structures in close proximity scheduled site and area of significance to Māori could result in adverse environmental outcomes.</li> <li>• Sites and areas of significance to Māori are</li> </ul>	<ul style="list-style-type: none"> <li>• The location and type of objectives and policies within the District Plan will need to be evaluated given no regulatory methods will apply.</li> <li>• Sites and areas of significance to Māori will not be visible to people. Changing from a regulatory to a non-regulatory system is likely to cause confusion.</li> <li>• The Council will not be meeting its obligations under the RMA.</li> <li>•</li> </ul>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because Council has experience of dealing with only non-regulatory methods for other items in the District Plan. The effectiveness of non-regulatory methods is questionable, e.g. over 40 sites and areas of significance to Māori have already been damaged or</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
		<p>less visible in the landscape compared to heritage buildings and items.</p> <p>Landowners/developers could damage the sites unintentionally if they are not made aware of their existence, e.g. on the E-plan or schedule or through a Land Information Memorandum, resulting in negative cultural effects.</p>		<p>destroyed throughout the life of the Operative Plan.</p>
<p><b>Quantification</b> Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p><b>Summary</b> The above table has demonstrated that Option A (Proposed Approach) is the most appropriate method for protecting and managing sites and areas of significance to Māori.</p>				

## 10.2. Identification

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p><b>Option A: Proposed Approach</b></p> <p>This option is <b>recommended</b>.</p> <p>Identify sites and areas of significance to Māori in the District Plan and accurately locate them on planning maps.</p>	<ul style="list-style-type: none"> <li>Sites and areas of significance to Māori are identified present and future generations, adding to community identity and the identity of tangata whenua of the district.</li> <li>The identification of sites and areas of significance to Māori may contribute to a sense of place or the identification of several new sites may help to unite an iwi or hapu.</li> <li>The identification of many more sites and areas of significance to Māori will have positive cultural effects for the many iwi and hapu groups within the district and reinforce the relationship of Māori and their culture and traditions with their</li> </ul>	<ul style="list-style-type: none"> <li>Landowners wanting to do work on or in the vicinity of sites or areas of significance to Māori may need to seek advice at their expense from archaeologists and tangata whenua. If landowners want to avoid this cost it may lead to a loss of sites and areas of significance to Māori, e.g. through on-going deterioration through neglect, demolition, or destruction.</li> <li>The land on which sites or areas of significance to Māori is situated might be used for other things that might destroy them.</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Identifying specific sites or areas of significance to Māori provides certainty about why a particular site is listed and what rules apply to development involving that site.</li> <li>Identifying the exact location of sites and areas of significance to Māori as well as their extents where possible will provide a higher degree of certainty for plan users, e.g. proposed activities can be better located and designed.</li> <li>Resource consent will not be required for the "old" position (where the symbol has moved from the location shown in the Operative Plan) removing an inappropriate burden on</li> </ul>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that the items proposed for listing have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	<p>ancestral lands and sites as per section 6(e) of the RMA. In particular correcting the locations and where possible adding extents to the operative sites as well as adding new sites, provides increased certainty that these sites will be protected.</p>		<p>landowners who currently require resource consent for a site that has been more accurately located in an alternative location.</p>	
<p><b>Option B: Status Quo</b></p> <p>This option is <b>not recommended</b>.</p> <p>Do not update the location of sites and areas of significance to Māori in the District Plan or add new sites to the schedule or on the E-plan.</p>	<ul style="list-style-type: none"> <li>• The same number of landowners will be subject to rules if the status quo approach continues. These landowners are already familiar with the rules.</li> <li>• Additional landowners will not be subject to rules meaning they will have increased economic opportunities and flexibility.</li> <li>• No new sites and areas of significance to Māori will be identified, protected and maintained and locations and extents specified in</li> </ul>	<ul style="list-style-type: none"> <li>• The land on which sites and areas of significance to Māori is situated might be used for other things that might destroy them.</li> <li>• Not correcting the locations and where possible adding extents to the operative sites in the Ngāti Rahiri or Ngāti Mutunga rohe, or any other iwi/hapū rōhe, as well as adding further sites, may mean that sites and areas of significance to tangata whenua continue to be damaged and destroyed.</li> </ul>	<ul style="list-style-type: none"> <li>• Identifying specific sites or areas of significance to Māori provides certainty about why a particular site is listed and what rules apply to development involving that site.</li> </ul>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plan came into effect in 2005.</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	<p>the Operative District Plan will not be corrected.</p> <ul style="list-style-type: none"> <li>•</li> </ul>			
<p><b>Option C: Methods outside the District Plan</b></p> <p>This option is <b>not recommended</b>.</p> <p>Rely on non-regulatory methods. Increase public recognition and understanding of the District's sites and areas of significance to Māori, and rely on landowners to manage and protect them.</p> <p>Encourage the use of non-regulatory incentives and assistance to facilitate the restoration and conservation of sites and areas of significance to Māori.</p>	<ul style="list-style-type: none"> <li>• Public awareness of the importance of protecting sites and areas of significance to Māori is increased through education programmes.</li> <li>• The Council will not have to administer resource consent applications for sites and areas of significance to Māori.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Non-regulatory methods of protection will not provide certainty that sites and areas of significance to Māori will be protected. If this method is adopted, the Council is limited in actions it can take to prevent loss or degradation of these sites.</li> <li>• There will most likely be a loss of sites and areas of significance to Māori due to a lack of regulation.</li> <li>• The Council will incur costs to provide free technical advice and to produce educational material.</li> <li>• The Council may need to consider purchasing sites and areas of</li> </ul>	<p>No rules or performance standards would enable inappropriate activities, subdivision and development to occur, damaging sites and areas of significance to Māori without any constraints. This approach has the potential to result in significant adverse effects and a loss of sites and areas of significance to Māori. No rules or standards is not considered effective in achieving the objectives for the identification and protection of these sites, and would be inconsistent with national and regional policy direction.</p>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because Council has experience of dealing with only non-regulatory methods for other items in the District Plan. The effectiveness of non-regulatory methods is questionable, as monitoring has shown that substantial loss of sites and areas of significance to Māori has occurred over the life of the District Plan.</p>

Options to achieve the District Plan objectives relating to Sites and Areas of Significance to Māori	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
		significance to Māori in order to save them, thus impacting on rates.		
<p><b>Quantification</b>  Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p><b>Summary</b>  The above table has demonstrated that Option A (Proposed Approach) is the most appropriate method for identifying, managing and protecting sites and areas of significance to Māori.</p>				

## **11. Summary**

This evaluation has been undertaken in accordance with Section 32 of the Act in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for sites and areas of significance to Māori.
- Permitted activity rules in respect of sites and areas of significance to Māori allow for land disturbance for the installation of fence posts to replace an existing fence along its existing alignment and for grazing of livestock; maintenance and repair or upgrading of existing network utility structures; demolition or removal or alterations to a structure on a scheduled site under certain conditions; and erection or relocation of, or additions to, a structure on or within 50m of a scheduled site under certain conditions.
- Activities that may generate adverse effects and that harm the integrity of sites are appropriately managed through the resource consent process. These include erection or relocation of, or additions to, a structure on or within 50m of a scheduled site under certain conditions; earthworks on or within 50m of scheduled sites, including earthworks associated with the clearance of trees and the erection of new structures, but excluding earthworks associated with the maintenance and repair and upgrading of a network utility; and subdivision of land containing scheduled sites.
- The Heritage Protection Fund and other methods outside the District Plan that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.