



11 November 2015

File ref: 33002-081

Clive Aim
Senior Policy Analyst
Wanganui District Council
P O Box 637
WANGANUI 4500

By email: leayne.huirua@wanganui.govt.nz

Dear Clive

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA
PLAN CHANGE 39: ARCHAEOLOGY**

TO: Wanganui District Council

FROM: Heritage New Zealand Pouhere Taonga

1. **This is a submission on the following proposed plan change to the following plan (the proposal):**
Wanganui District Plan – Proposed Plan Change 39: Archaeology
2. **Heritage New Zealand could not gain an advantage in trade competition through this submission.**
3. **The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**
See attached table
4. **Heritage New Zealand's submission is:**
See attached table
5. **The reasons for Heritage New Zealand's position are as follows:**
See attached table
6. **Heritage New Zealand seeks the following decision from the local authority:**
See attached table
7. **Heritage New Zealand does not wish to be heard in support of our submission.**



11 November 2015

File ref: 33002-081

Clive Aim
Senior Policy Analyst
Wanganui District Council
P O Box 637
WANGANUI 4500

By email: leayne.huirua@wanganui.govt.nz

Dear Clive

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA
PLAN CHANGE 39: ARCHAEOLOGY**

TO: Wanganui District Council

FROM: Heritage New Zealand Pouhere Taonga

1. **This is a submission on the following proposed plan change to the following plan (the proposal):**
Wanganui District Plan – Proposed Plan Change 39: Archaeology
2. **Heritage New Zealand could not gain an advantage in trade competition through this submission.**
3. **The specific provisions of the proposal that Heritage New Zealand’s submission relates to are:**
See attached table
4. **Heritage New Zealand’s submission is:**
See attached table
5. **The reasons for Heritage New Zealand’s position are as follows:**
See attached table
6. **Heritage New Zealand seeks the following decision from the local authority:**
See attached table
7. **Heritage New Zealand does not wish to be heard in support of our submission.**

Yours sincerely



Claire Craig
General Manager
Central Region
New Zealand Historic Places Trust Pouhere Taonga

Attachments:

1. Submission table
2. Heritage New Zealand Accidental Discovery Protocol

Address for Service:

Jillian Kennemore
Heritage Adviser-Planning
Heritage New Zealand
PO Box 2629
Wellington 6140
DDI: 04-494-8325
Email: HAPlanningCR@heritage.org.nz

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan, November 2015

Proposed Plan Provision	Support or Oppose	Reasons for Submission	Relief Sought Strike: abc = delete Underline: abc = addition
Chapter 9 Cultural Heritage			
1. Legislation (pages 9-3 to 9-4)	Support	Heritage New Zealand supports the acknowledgement of the provisions in the Resource Management Act 1991 for historic heritage, in addition the roles of the Heritage New Zealand Pouhere Taonga Act 2014.	Retain these provisions
2. ARCHAEOLOGY (pages 9-7 to	Support in part	<p>Heritage New Zealand supports the acknowledgement and description of Wanganui's history, which provides the context for the understanding and appreciation of its archaeology.</p> <p>Heritage New Zealand also supports the work that has been done to identify archaeological sites in the district and the inclusion of these sites (and buffer areas around them) on the District Plan Maps and in Schedule K. This information will help support existing provisions elsewhere in the District Plan (e.g. for subdivision and earthworks), that already require the consideration of historic heritage effects in relation to resource consents required under other rules.</p> <p>However, Heritage New Zealand notes that not all of the sites in Schedule K have been recorded in the New Zealand Archaeological Association's site recording scheme. Also, in some cases, an appropriate buffer has not been identified for Schedule K entries. Heritage New Zealand therefore encourages the Council to carry out this work.</p>	Retain these provisions. In addition, the Council should aim to have all sites on Schedule K recorded in the New Zealand Archaeological Association's site recording scheme and appropriate buffers confirmed for all sites.

3.	9.2 OBJECTIVES	Support	<p>Heritage New Zealand supports the following objectives:</p> <p><i>9.2.5 Archaeological management Manage subdivision, use and development to ensure that adverse effects on the archaeological resources are avoided, remedied or mitigate.</i></p> <p><i>9.2.6 Archaeological risk reduction Reduce the risk of damage to archaeological sites and areas by identifying the known archaeological resource and avoid activities that may damage, modify or destroy that resource, including activities close to the identified site.</i></p> <p><i>9.2.7 Archaeological community protection Recognise and protect the archaeological resource by encouraging close co-operation with hapū, iwi, landowners and the community.</i></p> <p><i>9.2.8 Archaeological information Provide information to the community to encourage the protection and retention of the archaeological resource.</i></p> <p>Heritage New Zealand considers that these objectives flow well from the following Issue that is already included in the operative provisions of Chapter 9 Historic Heritage:</p> <p><i>Issue 9.1.7 Archaeological and historic heritage and development Archaeological sites and other historic heritage items and values can be at risk from the effects or works</i></p>	Retain these provisions
----	----------------	---------	---	-------------------------

	<p><i>arising from subdivision, earthworks, and infrastructure development.</i></p> <p>Heritage New Zealand also notes that the objectives relating to archaeology are well supported by operative (or proposed) provisions elsewhere in the District Plan that deal with activities and developments that have the potential to modify or destroy archaeological sites (such as subdivisions and earthworks).</p>		
<p>4.</p>	<p>9.3 POLICIES</p> <p>Support</p> <p>Heritage New Zealand supports the following policies introduced through the plan change in relation to archaeology:</p> <p>9.3.18 Sustainable archaeological management <i>To enable the sustainable management of the archaeological resource for future generations, consideration shall be given to:</i></p> <ul style="list-style-type: none"> • <i>Uniqueness of the site/s or area.</i> • <i>Representative nature of the site/s or area (i.e. best example of a particular site type).</i> • <i>Condition.</i> • <i>Traditions/historic association.</i> • <i>Alternative methods and locations available to carry out the proposed activity or works.</i> • <i>The nature, form and extent of the proposed activity and the likelihood and extent of damage to the site/sites or area taking into account the extent to which there has already been land disturbance or damage.</i> • <i>The findings of an archaeological assessment carried out by a suitable qualified archaeologist</i> 	<p>Retain these provisions.</p>	

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan, November 2015

			<p><i>and the extent to which adverse effects can be avoided, remedied or mitigated.</i></p> <p>9.3.19 Archaeological buffers <i>To enable development within the site-specific buffer area identified around each archaeological site/s or area in Appendix K, only where no adverse effect on the archaeological site/s or area will result.</i></p> <p>9.3.20 Voluntary archaeological protection <i>To encourage landowners, the community and tangata whenua to investigate sources of funding and methods of voluntary protection for the management of the archaeological resource including the use of covenants.</i></p> <p>Heritage New Zealand considers that Policies 9.3.18 and 9.3.19 will help guide the consideration of resource consent applications required elsewhere in the plan when there is potential that archaeology will be adversely affected. The encouragement of voluntary protection (Policy 9.3.20) is also a worthy intention in any circumstance involving archaeology.</p>	
5.	9.9 RULES – CLASS SCA (SPECIAL CHARACTER AREA) HERITAGE ITEMS	Support in part	Heritage New Zealand supports the Note regarding the Heritage New Zealand Pouhere Taonga Act 2014 provided with these rules. Minor changes are recommended to reflect a change in terminology introduced by this Act.	Retention of these provisions, but with the following amendment: <p><i>Note: Also note that it is an offence to <u>modify or destroy</u>—damage or modify any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga....</i></p>
6.	9.10 RULES –	Oppose	Heritage New Zealand has a number of concerns with the	That Rules 9.10.2 and 9.10.3 only be retained if

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan, November 2015

<p>ARCHAEOLOGICAL and OTHER SITES 9.10.2 Permitted Activities 9.10.3 Discretionary Activities</p>	<p>in part</p>	<p>following proposed rules for Permitted Activities (Rule 9.10.2) and Discretionary Activities (9.10.3):</p> <p>9.10.2 Permitted Activities The following activities shall be permitted activities: a. Any activity that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix K where it has been determined by a qualified archaeologist referred to in performance standard 9.11.1 that the land disturbance shall not damage, modify or destroy the archaeological site/s or area.</p> <p>9.10.3 Discretionary Activities The following activities shall be discretionary activities: a. Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site/s or area shown on the planning maps and listed in Appendix K, where it has been determined by a qualified archaeologist referred to in performance standard 9.11.1 that the land disturbance shall damage, modify or destroy the archaeological site.</p> <p>Heritage New Zealand's concerns are:</p> <ul style="list-style-type: none"> It is unusual that the Permitted Activity rule is focussed on only the buffer area of an archaeological site given that not all of the archaeological sites are recorded, which means it will not be clear where the archaeological sites ends and the buffer area begins. If the intent of the 	<p>they are to apply to only the most significant archaeological sites in the Wanganui District, in which case there should be more rules managing the subdivision, use and development of whole site (not just the buffer), enabling the consideration of all historic heritage effects, not just effects on archaeology.</p> <p>For other sites, the Advice Note regarding the Heritage New Zealand Pouhere Taonga Act 2014 is sufficient, but with the following minor change in keeping with the terminology of the Act:</p> <p>Advice Note:</p> <p>It is an offence to modify or destroy damage-of modify any archaeological site without an Authority from Heritage New Zealand, under the Heritage New Zealand Pouhere Taonga Act 2014. <u>Where land disturbance is proposed to take place within an archaeological site/s or area mapped and listed in Appendix K (Archaeological and Other Sites) or the buffer area surrounding it, the person undertaking the proposed land disturbance should obtain a report from a qualified archaeologist stating whether the archaeological site will be modified or destroyed.</u></p> <p>Heritage New Zealand also seeks that the Council considers the inclusion of a comprehensive discovery protocol in the District Plan (a recommended version is attached to this</p>
---	----------------	---	--

			<p>proposed provisions is simply to provide an alert layer, Heritage New Zealand recommends that it may be sufficient to identify the sites on the maps and in Schedule K, with an Advice Note in the District Plan rules regarding the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <ul style="list-style-type: none"> • Failure to achieve Permitted Activity status under Rule 9.10.2 requires a resource consent as a Discretionary Activity under Rule 9.10.3. This could in theory be the only resource consent trigger for an otherwise complying proposal even though an archaeological authority would also be required the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand considers that this is an unnecessary duplication for all of the 900+ archaeological sites listed in Appendix K. • Heritage New Zealand's recommended approach is that only significant archaeological sites be protected via special rules relating to the subdivision, use and development of such sites. These types of sites would need to be identified by the community using appropriate criteria, and should include all sites that are on the New Zealand Heritage List/ Rārangī Kōrero. • For other, less significant archaeological sites, Heritage New Zealand considers that it is useful for the effects on these sites to be taken into account when assessing proposals that require resource consent under other rules. In these cases, the aim should be the avoidance of archaeological sites. 	<p>submission).</p>
--	--	--	---	---------------------

		<p>Heritage New Zealand notes that the consideration of archaeological sites is well provided for in other sections of the District Plan (e.g. the provisions relating to subdivision and earthworks).</p> <ul style="list-style-type: none"> • Where there is potential for works authorised by any resource consent to disturb an archaeological site (recorded or unrecorded), conditions that address the mitigation or remediation of effects on archaeological sites can cause confusion given that these matters are also covered by an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. Instead, Heritage New Zealand prefers that Councils include an Advice Note in a resource consent reminding the consent holder of the need to obtain an archaeological authority. • A 'discovery protocol' condition on a resource consent can be useful if an archaeological assessment has confirmed that there is very little chance of disturbing an archaeological site (otherwise work should not commence at all until an archaeological authority is obtained). It is suggested that the Council considers the inclusion of a comprehensive discovery protocol in the District Plan; a recommended version is provided as Attachment 2 of this submission. <p>Essentially, Heritage New Zealand considers that while it is useful to show archaeological sites on the planning maps and in Schedule K, it is unnecessary to apply rules to all 900+ sites.</p>	
--	--	---	--

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan, November 2015

			<p>Heritage New Zealand recommends that the Council and Wanganui community aim to identify key sites for which protection by District Plan rules is considered appropriate. An advice note in the rules section is considered sufficient for the remaining sites. The following Advice Note is suggested, building on the wording included in the plan change and adding provisions from the proposed Performance Standard proposed in Section 9.11 of the proposed plan change:</p> <p><i>Advice Note:</i></p> <p><i>It is an offence to modify or destroy any archaeological site without an Authority from Heritage New Zealand, under the Heritage New Zealand Pouhere Taonga Act 2014. Where land disturbance is proposed to take place within an archaeological site/s or area mapped and listed in Appendix K (Archaeological and Other Sites) or the buffer area surrounding it, the person undertaking the proposed land disturbance should obtain a report from a qualified archaeologist stating whether the archaeological site will be modified or destroyed.</i></p>	<p>Retain these provisions, with the following minor changes, provided Rule 9.10.2 and 9.10.3 are limited to a smaller group of archaeological sites:</p> <p><i>9.11.1 Archaeological Report</i> <i>Where land disturbance is proposed to take place within the buffer area surrounding an archaeological site/s or area mapped and listed</i></p>
7.	PERFORMANCE STANDARDS - ARCHAEOLOGY	Support in part	<p>Heritage New Zealand supports the intention of the following performance standard, provided Rule 9.10.2 and 9.10.3 are limited to a smaller group of archaeological sites.</p> <p><i>9.11.1 Archaeological Report</i> <i>Where land disturbance is proposed to take place within the buffer area surrounding an archaeological</i></p>	<p>Heritage New Zealand supports the intention of the following minor changes, provided Rule 9.10.2 and 9.10.3 are limited to a smaller group of archaeological sites:</p> <p><i>9.11.1 Archaeological Report</i> <i>Where land disturbance is proposed to take place within the buffer area surrounding an archaeological site/s or area mapped and listed</i></p>

	<p><i>site/s or area mapped and listed in Appendix K (Archaeological and Other Sites) the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the archaeological site will be damaged or destroyed.</i></p> <p>Alternatively, parts of this performance standard could be included in the Advice Note.</p>		<p><i>in Appendix K (Archaeological and Other Sites) or a buffer area around it the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the archaeological site will be <u>modified</u> damaged or destroyed.</i></p> <p>Alternatively, parts of this performance standard could be included in the Advice Note provided in this part of the District Plan.</p>
<p>8. Appendix K</p>	<p>Support</p>		<p>Retain these provisions, but the Council should aim to have all sites on Schedule K recorded in the New Zealand Archaeological Association's site recording scheme and appropriate buffers indicated for all sites.</p> <p>Retention in Appendix K of all sites that are on the New Zealand Heritage List/ Rārangī Kōrero and that subdivision, use and development of these sites be subject to specific rules in the district plan that cover all effects on historic heritage and not just limited to effects on archaeology in their buffer areas.</p>
	<p>Heritage New Zealand supports the identification of archaeological sites and the buffer areas around them in Appendix K and on the District Plan Maps. The potential effects on these sites can be relevant to the consideration of resource consents that are required for other reasons e.g. subdivision or earthworks rules.</p> <p>However, given the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014, modification or destruction of these sites should not be a sole trigger for resource consent application, unless the sites are considered to be by the Wanganui community as being particularly worthy of protection. Also, as noted above, Heritage New Zealand considers that further rules are required for the most worthy sites.</p> <p>Heritage New Zealand recommends that all sites on the schedule be properly recorded in the New Zealand Archaeological Association's site recording scheme, including the extent of the sites. Also, an appropriate buffer should be indicated for all Schedule K entries.</p>		

Attachment 1: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan, November 2015

Heritage New Zealand is particularly supportive of the inclusion of sites that are on the New Zealand Heritage List/ Rārangī Kōrero. Heritage New Zealand considers that the subdivision, use and development of these sites requires specific rules in the district plan that cover more than just effects on archaeology in their buffer areas.

**Attachment 2: Heritage New Zealand Pouhere Taonga Submission on Proposed Plan Change 39 (Archaeology), Wanganui District Plan,
11 November 2015**

Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol

This protocol does not apply when an archaeological authority issued under the Heritage New Zealand Pouhere Taonga Act 2014 is in place.

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.