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Proposed Natural Resources Plan for the Wellington Region
Greater Wellington Regional Council
Shed 39
2 Fryatt Quay
Wellington 6011

HERITAGE NEW ZEALAND POUHERE TAONGA HEARING STATEMENT—AREAS AND SITES WITH SIGNIFICANT MANA WHENUA VALUES

Introduction

1. Heritage New Zealand Pouhere Taonga (**'Heritage New Zealand'**) is an autonomous Crown Entity with statutory responsibility, under the Heritage New Zealand Pouhere Taonga Act 2014 (**'HNZPTA'**), for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead heritage agency.
2. Heritage New Zealand has read and considered the Section 42A Officer's Report—Areas and sites with significant mana whenua values (**'S42A Report'**), and the Statement of Primary Evidence of Mike Grace on Behalf of Wellington Regional Council.

Submissions in support

3. Heritage New Zealand submitted in support of:
 - Objective O33: Significant mana whenua values (submission point S94/002);
 - the rules that apply to Schedule C: Sites with significant mana whenua values (submission point S94/007); and
 - the inclusion of a number of places in Schedule C that are on, or associated with, the New Zealand Heritage List / Rārangī Kōrero (**'NZ Heritage List'**) (submission point S94/016).
4. The S42A Report recommends that the Hearing Panel accept these submissions, and Heritage New Zealand supports this recommendation.

Submissions in opposition

5. Heritage New Zealand (submission point S94/017) opposed the absence of the Rangitatau Wāhi Tapu Area (NZ Heritage List no. 9648) from Schedule C. It sought that the site, as described in the NZ Heritage List, be added to the schedule.
6. The S42A report recommends that the Hearing Panel reject this submission point because Schedule C is iwi mandated, and mana whenua did not recommend the site be added to Schedule C.
7. Heritage New Zealand commends the Greater Wellington Regional Council (**'Council'**) for developing a schedule of sites of significance through a mana whenua led process, and accepts in part the recommendation in the S42A report. However, Heritage New Zealand maintains that Rangitatau is a significant historic site and warrants protection under the

Proposed Natural Resources Plan for the Wellington Region (**'Proposed Plan'**). This can be achieved by including Rangitatau in Schedule E4: Archaeological sites.

Need for protection

8. Rangitatau is a nationally significant wāhi tapu area, for reasons discussed in Dr. Forde's expert evidence. Accordingly, the area warrants protection to ensure it is preserved for current and future generations. This protection is already provided in part by the Wellington City District Plan, where Rangitatau Pā, Poito Pā, and Palmer Head are scheduled individually, and the wider area is a Māori Precinct in the District Plan.
9. While inclusion in the District Plan provides vital protection to parts of Rangitatau from many potential adverse effects, two portions that are within the jurisdiction of the Proposed Plan remain unaddressed. The first is the need to protect the Te Poito and Te Poti streams within Rangitatau from modification. As described by Dr. Forde, these streams are places of traditional and ritual value. The other is the portion of Rangitatau that extends into the coastal marine area, in particular the taunga waka.
10. These portions of Rangitatau are vulnerable to adverse effects from disturbance, deposition, reclamation, and the development of structures. These activities have the potential to damage or destroy important features, modify or destroy archaeological sites, and break tapu.

Legislative

11. Several sections in the Resource Management Act 1991 (**'RMA'**) are pertinent in considering if Rangitatau should be scheduled in the Proposed Plan.
12. As a registered Wāhi Tapu Area, all persons exercising functions under the RMA are required under Section 6(e) to recognise and provide for the relationship of Māori and their culture and traditions with Rangitatau. Within this, Heritage New Zealand notes that this Section 6(e) responsibility extends to all Māori, not just those who hold mana whenua.
13. Second, Rangitatau meets the definition of historic heritage given in Section 2 of the RMA, as it contributes to an understanding and appreciation of New Zealand's history and cultures deriving from its cultural, historical, and archaeological qualities. Therefore, its protection from inappropriate subdivision use and development is a matter of national importance to be recognised and provided for under Section 6(f).
14. Any site with historic or cultural heritage value has unique associations, features, and korero that are the source of that heritage value. These are finite resources. For example, the destruction of a key feature severs the connection of that feature with the past, and repair is often not possible. Therefore, particular regard must be given to these finite characteristics under Section 7(g) of the RMA.
15. Finally, in preparing or reviewing a resource plan under the RMA, councils are required, under Section 66(2)(c)(iia), to have regard to relevant entries on the NZ Heritage List, to the extent that their content has a bearing on resource management issues of the region.

Policy rationale

16. A key policy relevant to the scheduling of Rangitatau is Policy 21 in the Regional Policy Statement for the Wellington region (**'RPS'**). This policy sets out criteria for identifying historic

heritage that then warrants protection under Policy 22. Under Policy 21, regional plans must identify places that meet one or more of these criteria. The following table sets out which criteria Heritage New Zealand considers Rangitatau meets and why.

Criteria	Rationale
(a)(i) themes: the place is associated with important themes in history or patterns of development.	The battle fought at Rangitatau in 1819 marked the beginning of a new layer of occupation by current mana whenua in the region.
(a)(ii) events: the place has an association with an important event or events in local, regional, or national history.	The site is the location of a famous raid by Patuone of Ngāpuhi, Te Rauparaha of Ngāti Toa, and other rangitara.
(a)(iii) people: the place is associated with the life or works of an individual, group, or organisation that has made a significant contribution to the district, region, or nation.	The site is associated with Tuteremoana, a tino āriki (high chief) of Ngai Tara, Rangitane, and Ngāti Awanuiarangi.
(a)(iv) social: the place is associated with everyday experience from the past and contributes to our understanding of the culture and life of the district, region, or nation.	The site is a network of pā, kāinga, māhinga kai, places of ritual, taunga waka, and other elements that form a cohesive place of occupation.
(b)(i) archaeological: there is potential for archaeological investigation to contribute new or important information about the human history of the district, region, or nation.	The site has significant archaeological value due to the well-preserved pā and the taunga waka offering the potential of marine archaeology.
(b)(iv) integrity: the significant physical values of the place have been largely unmodified.	The site is acknowledged as one of the best preserved pā site areas in Wellington.
(d) tangata whenua values: the place is sacred or important to Māori for spiritual, cultural or historical reasons.	Much of the site is tapu in the traditional, spiritual, and ritual sense, and is a spiritual link between the past and present.

17. Policy 21 and 22 are contained in Attachment 1.

18. Objective 6 of the New Zealand Coastal Policy Statement is also applicable:

- Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that ... historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

19. Policy 2: The Treaty of Waitangi, tangata whenua and Māori heritage, and Policy 17: Historic heritage identification and protection are also important considerations. For brevity, these policies are not reproduced here but can be found in Attachment 2.

Method of protection

20. Heritage New Zealand acknowledges that Rangitatau is a site of significance predominantly to iwi that no longer hold mana whenua in the Wellington Region, and that inclusion in Schedule C is not appropriate due to the consultation requirements attached to that schedule. However, considering the historic significance of the site, Heritage New Zealand submits to the Hearing Panel that Rangitatau should be added to Schedule E4: Archaeological sites.
21. This would ensure protection of the taunga waka, as the Proposed Plan contains a range of rules to control activities in the coastal marine area within scheduled archaeological sites¹. The Proposed Plan does not contain any specific rules that apply to works in or on streams within a scheduled archaeological site. However, scheduling would ensure appropriate regard is given to historic heritage in any discretionary or non-complying activity.

Conclusion

22. The Rangitatau Wāhi Tapu Area is a significant historic and cultural site. It has passed a rigorous significance assessment as part of entry on the NZ Heritage List, and as shown above, it fulfils multiple identification criteria specified in the RPS. Heritage New Zealand considers that the site warrants protection under both Section 6(e) and 6(f) of the RMA. There is also a range of other sections in the RMA, policies in the RPS, and provisions in the New Zealand Coastal Policy Statement that reinforce the need to protect this important site.
23. While much of the site is already protected under the Wellington City District Plan, it contains a taunga waka and two streams that rely on protection mechanisms administered through the Proposed Plan. Without this protection, there is a risk that the values that make Rangitatau significant are lost to both present and future generations.
24. Accordingly, Heritage New Zealand requests that Rangitatau be added to Schedule E4 Archaeological sites.

Yours sincerely



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Heritage New Zealand Pouhere Taonga

¹ Rule R157, R188, R191, R192, R196, R198, R202, R204, R205, R208, R209, R210, R212, R214, and R217.

Attachment 1: Regional Policy Statement Policy 21 and 22

Table 4: Fresh water
Objective 13
Methods 2 & 32
Appendix 1
Also see policies 5, 6,
7, 8, 12, 14, 15, 18,
24 and consider 35,
36, 37, 38, 39, 40, 41,
42, 43, 47, 48, 49, 52
& 54

Policy 19: Managing amenity, recreational and indigenous biodiversity values of rivers and lakes – regional plans

Regional plans shall include policies, rules and/or methods that:

- (a) maintain or enhance the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1; and
- (b) protect the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1.

Explanation

The *rivers* and *lakes* with significant *amenity* and recreational values listed in Appendix 1 were identified by the community as places that are regularly used for fishing, swimming, picnicking and other recreational activities. These rivers and lakes are listed in Table 15 of Appendix 1.

The rivers and lakes with significant *indigenous ecosystems* and *habitats* with significant *indigenous* biodiversity values were selected using indicators of aquatic invertebrate community health, the diversity of *indigenous* migratory fish species, the presence of nationally threatened fish species and the location of inanga spawning habitat. The criteria used to assess rivers and lakes with significant *indigenous ecosystems* are explained underneath Table 16 in Appendix 1.

Table 4: Fresh water
Objective 14
Methods 2, 34, 36
& 47
Also see policies 7,
8, 12, 13, 18 and
consider 37, 39, 40,
43, 44, 48, 49, 54
& 59

Policy 20: Using water efficiently – regional plans

Regional plans shall include policies, rules and/or methods that:

- (a) promote the efficient allocation and use of water; and
- (b) promote water harvesting.

Explanation

Using water efficiently and *water harvesting* when it is in abundant supply will make more water available when there is a shortage. *Efficient allocation* and use includes minimising water wastage during the abstraction, distribution and final use of the water. This includes all allocations and uses of water.

Water harvesting means taking and storing water from water bodies when the availability is high and using it when there is a water shortage.

Table 2: Coastal
environment
Objective 3

Table 5: Historic
heritage
Objective 15
Methods 1, 2, 20 & 32
Also see policies 4,
6, 23, 25, 27, 30, 31
and consider 36, 48,
49 & 53

Policy 21: Identifying places, sites and areas with significant historic heritage values – district and regional plans

District and regional plans shall identify places, sites and areas with significant historic heritage values that contribute to an understanding and appreciation of history and culture under one or more of the following criteria:

- (a) historic values: these relate to the history of a place and how it demonstrates important historical themes, events, people or experiences.
 - (i) themes: the place is associated with important themes in history or patterns of development.
 - (ii) events: the place has an association with an important event or events in local, regional or national history.
 - (iii) people: the place is associated with the life or works of an individual, group or organisation that has made a significant contribution to the district, region or nation.

- (iv) social: the place is associated with everyday experiences from the past and contributes to our understanding of the culture and life of the district, region or nation.
- (b) physical values: these values relate to the physical evidence present.
 - (i) archaeological: there is potential for archaeological investigation to contribute new or important information about the human history of the district, region or nation.
 - (ii) architectural: the place is notable for its style, design, form, scale, materials, ornamentation, period, craftsmanship or other architectural values.
 - (iii) technological: the place provides evidence of the history of technological development or demonstrates innovation or important methods of construction or design.
 - (iv) integrity: the significant physical values of the place have been largely unmodified.
 - (iv) age: the place is particularly old in the context of human occupation of the Wellington region.
 - (v) group or townscape values: the place is strongly associated with other natural or cultural features in the landscape or townscape, and/or contributes to the heritage values of a wider townscape or landscape setting, and/or it is a landmark.
- (c) social values: these values relate to the meanings that a place has for a particular community or communities.
 - (i) sentiment: the place has strong or special associations with a particular cultural group or community for spiritual, political, social, religious, ethnic, national, symbolic or commemorative reasons.
 - (ii) recognition: the place is held in high public esteem for its historic heritage values, or its contribution to the sense of identity of a community, to the extent that if it was damaged or destroyed it would cause a sense of loss.
- (d) tangata whenua values: the place is sacred or important to Māori for spiritual, cultural or historical reasons.
- (e) surroundings: the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development.
- (f) rarity: the place is unique or rare within the district or region.
- (g) representativeness: the place is a good example of its type or era.

Explanation

Policy 21 provides criteria to ensure significant *historic heritage* resources are identified in district and regional plans in a consistent way. The criteria are based on the Resource Management Act definition of historic heritage and commonly used assessment methodologies. They provide the basis for describing and evaluating historic heritage, including the physical, historic, social and other values that people attach to historic heritage. Wellington Regional Council, district and city councils are required to assess a place, site or area against all the criteria, but may use additional criteria. A place, site or area identified must, however, fit one or more of the listed criteria in terms of contributing to an understanding and appreciation of history and culture in a district in order to have significant historic heritage values.

Regional plans will identify significant historic heritage in the coastal marine area and the beds of lakes and rivers; district plans will identify significant historic heritage for all other land.

Method 20 is to provide guidance with using the criteria in policy 21 to identify places, sites and areas with significant historic heritage values.

Table 2: Coastal environment
Objective 4

Table 5: Historic heritage
Objective 15
Methods 1, 2 & 32
Also see policies 3, 6, 8, 24, 26, 28, 30, 31 & 32 and consider 35, 36, 39, 46, 47, 48, 49, 50, 53 & 54

Policy 22: Protecting historic heritage values – district and regional plans

District and regional plans shall include policies, rules and/or other methods that:

- (a) protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 21, from inappropriate subdivision, use, and development; and
- (b) avoid the destruction of unidentified archaeological sites and wāhi tapu with significant historic heritage values.

Explanation

Appropriate subdivision, use and development respects *historic heritage* values. Planning for, developing and using a historic place, site or area must be done with full understanding of its value. In addition, destruction of, or damage to, places, sites and areas of historic heritage needs to be avoided when unidentified sites are discovered.

Policy 22(a) is not intended to prevent change to historic heritage, but rather to ensure that change is carefully considered. The places, sites or areas with significant historic heritage values identified in policy 21, and the degree of significance of those values, will influence what activities would be deemed to be appropriate or inappropriate.

Policy 22(b) requires district and regional plans assess which activities could destroy unidentified archaeological sites or *wāhi tapu* with significant historic heritage values and ensure such activities avoid adverse effects.

Policy 46 will need to be considered alongside policy 22 when changing, varying or reviewing a district or regional plan.

Policy 23: Identifying indigenous ecosystems and habitats with significant indigenous biodiversity values – district and regional plans

District and regional plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; these ecosystems and habitats will be considered significant if they meet one or more of the following criteria:

- (a) Representativeness: the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in a district or in the region, and:
 - (i) are no longer commonplace (less than about 30% remaining); or
 - (ii) are poorly represented in existing protected areas (less than about 20% legally protected).
- (b) Rarity: the ecosystem or habitat has biological or physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.
- (c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.
- (d) Ecological context of an area: the ecosystem or habitat:
 - (i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or
 - (ii) provides seasonal or core habitat for protected or threatened indigenous species.
- (e) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Māori.

Table 2: Coastal environment
Objective 3

Table 6a: Indigenous ecosystems
Objective 16
Methods 1, 2, 21 & 32
Also see policies 4, 6, 21, 25, 27, 61 and consider 35, 36, 37, 43, 48, 49, 53 & 54

Attachment 2: New Zealand Coastal Policy Statement Objective 6, Policy 2, and Policy 17

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policies

Policy 1 Extent and characteristics of the coastal environment

- (1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
- (2) Recognise that the coastal environment includes:
 - (a) the coastal marine area;
 - (b) islands within the coastal marine area;
 - (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - (d) areas at risk from coastal hazards;
 - (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - (g) items of cultural and historic heritage in the coastal marine area or on the coast;
 - (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - (i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
- (b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
- (c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
- (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;
- (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū

¹ Mātauranga Māori: as defined in the Glossary.

² Pūkenga: as defined in the Glossary.

and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and

- (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and
 - (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;
- (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
- (i) bringing cultural understanding to monitoring of natural resources;
 - (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;
 - (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing; and
- (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:
- (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and
 - (ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.

Policy 3 Precautionary approach

- (1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.
- (2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:
 - (a) avoidable social and economic loss and harm to communities does not occur;
 - (b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and
 - (c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:
 - (i) the local authority boundary between the coastal marine area and land;
 - (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and
 - (iii) where hapū or iwi boundaries or rohe cross local authority boundaries;

- (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

Policy 16 Surf breaks of national significance

Protect the surf breaks⁸ of national significance for surfing listed in Schedule 1, by:

- (a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and
- (b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.

Policy 17 Historic heritage identification and protection

Protect historic heritage⁹ in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need conservation;
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, conservation conditions; and
- (i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

⁸ Surf break: as defined in the Glossary.

⁹ Refer to definition in section 2 of the Act.