

**BEFORE THE HEARING PANEL**

**IN THE  
MATTER OF**

The Resource Management Act  
1991 (the Act)

**AND**

**IN THE  
MATTER OF**

Of the hearing of submissions on  
Hearing 6/7 General District-Wide  
Matters and GMOs provisions of  
the Proposed Far North District  
Plan

**STATEMENT OF EVIDENCE OF MIKE BUTLER FOR AND ON BEHALF OF HERITAGE NEW  
ZEALAND POUHERE TAONGA**

23 October 2024

## 1. Introduction

- 1.1 My name is Mike Butler. I have been employed by Heritage New Zealand Pouhere Taonga (HNZPT) on and off since 2011.
- 1.2 I wrote evidence in response to the Hearing 6/7 s42A Reports (Earthworks, Signs, Temporary Activities) topics for HNZPT.
- 1.3 I am attending today with Mr Bill Edwards, the HNZPT Area Manager for Northland and Dr James Robinson, Northland Regional Archaeologist. Both Mr Edwards and Dr Robinson are also available to answer any questions on any of the submission points that HNZPT are supporting.

## 2. Consideration of outstanding matters

### Key Issue 7: Other Earthworks Standards Submission (# S 409.050).

- 3.1 The reporting planner has rejected Earthworks (EW-S6) Setback Standard amendments to include a 20m setback from the extent of an archaeological site and a Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) advice note, considering that the setback relief sought is best addressed through the Historic Heritage chapter and that the advice note should not replace that in EW-S6 relating to setbacks to waterbodies and is repetitive in respect of EW-S3.<sup>1</sup>
- 3.2 I still consider that it is important for these matters to be recognised. The EW-S3 20m setback when someone has encountered suspected sensitive material in place of a precautionary approach does not fulfil the Part 2 Purpose and principles of the Act relating to **avoiding** (my emphasis added), remedying or mitigating any adverse effects of activities on the environment in promoting the sustainable management of natural and physical resources.<sup>2</sup>
- 3.3 Part 2 – District-Wide Matters / Historical and Cultural Values / Historic Heritage Rules already includes a 20m minimum setback from a scheduled heritage resource.<sup>3</sup> Historic buildings, sites, objects, and places identified on the planning maps as a ‘heritage item’ and listed in Schedule 2 – Schedule of historic sites, buildings and objects are often pre-1900 in age and therefore an archaeological site in terms of site surrounds. So, there is already a de-facto 20m setback precedent from archaeological sites.
- 3.4 EW-S3 does not achieve the policies and objectives of the Earthworks Chapter, as potentially unscheduled archaeological sites will be unprotected which is likely to be

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<sup>1</sup> Section 42A Report Earthworks Section 5.2.7, para 211. pp.57-58. *Appendix 2 – Officer’s Recommended Decisions on Submissions (Earthworks)* pp. 111-112.

<sup>2</sup> RMA s5(2)(c).

<sup>3</sup> e.g. Part 2 – District-Wide Matters / Historical and Cultural Values. Historic heritage HH-R4.

contrary to EW-O2 and EW-P2, EW-P4, EW-P5 in ensuring that Earthworks are appropriately managed to protect historical and cultural values.

- 3.5 The HNZPTA advice note is also supported to ensure that the HNZPTA is referenced where there is overlap in reference to the PDP Part 2-District-Wide Matters / Historical and Cultural Values / Historic Section. Reference to the HNZPTA in relation to Earthworks from a visibility standpoint is important for users of the Plan.
- 3.6 Without earthworks Plan setback rules, there can be considerable delay and expense to applicants where there is site damage under the HNZPTA.<sup>4</sup>
- 3.7 The disagreement expressed in the s42A regarding replacing setbacks to waterbodies as a Note does not summarise the HNZPT submission and position correctly.<sup>5</sup>

### 3. Consideration of outstanding matters

#### **Key Issue 1: Signs Clarification, Interpretation Matters and General Support (# FS 51.17 - # FS 51.19).<sup>6</sup>**

- 4.1 Improved clarity through the consistent use of the defined term 'Historic Heritage' (# FS51.17)<sup>7</sup> should instead reference (# FS51.41) by way of clerical accuracy (if I have interpreted this correctly)<sup>8</sup>; improved plan terminology (# FS51.18)<sup>9</sup> should instead reference (# FS51.42)<sup>10</sup>; and amendment to ensure improved Plan administration in the Kororāreka Russell and Kerikeri Heritage Areas (# FS51.19)<sup>11</sup> should instead reference (# FS51.43). The reporting planner's recommendation to accept these HNZPT further submissions relating to Signs are supported.<sup>12</sup>
- 4.2 Reference is made by the reporting planner to HNZPT in relation to Permanent Signage that: *because Waitangi Estate is a Schedule 1 heritage site, on the Rārangī Kōrero (Heritage NZ List), HNZ provide comment on signage proposed at the site and visual*

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<sup>4</sup> S87, HNZPTA.

<sup>5</sup> Section 42A Report Earthworks Section 5.2.7, para 211. p.58. Appendix 2 – Officer's Recommended Decisions on Submissions (Earthworks) pp. 111-112.

<sup>6</sup> Section 42A Report Signs Section 5.2.1 pp.8, 12-13. Appendix 2 – Officer's Recommended Decisions on Submissions (Signs) pp. 1-2, 18.

<sup>7</sup> Section 42A Report Signs Section 5.2.1 Objective SIGN-O1 and Policy SIGN-P1 Clause 61. – 65. pp.12-13. Appendix 2 – Officer's Recommended Decisions on Submissions (Signs) pp.1-2, 18.

<sup>8</sup> Online Further Submission of Heritage New Zealand Pouhere Taonga to Proposed Far North District Plan 03/09/2023 - FS51.41.

<sup>9</sup> Section 42A Report Signs Section 5.2.1 Objective SIGN-O1 and Policy SIGN-P1 61. – 65. pp.12-13. Appendix 2 – Officer's Recommended Decisions on Submissions (Signs) p.2.

<sup>10</sup> Online Further Submission of Heritage New Zealand Pouhere Taonga to Proposed Far North District Plan 03/09/2023 - FS51.42.

<sup>11</sup> Section 42A Report Signs Section 5.2.1 Rule SIGN-R10 (Signs in the Kororāreka Russell and Kerikeri Heritage Areas) 74. – 78. p. 18. Appendix 2 – Officer's Recommended Decisions on Submissions (Signs) p.18.

<sup>12</sup> Online Further Submission of Heritage New Zealand Pouhere Taonga to Proposed Far North District Plan 03/09/2023 - FS51.43.

effects to ensure that any proposed signage is in keeping with historic heritage and cultural values.<sup>13</sup> Yet a HNZPT submission on this aspect was not specifically made on signage, albeit with regards to other Plan sections (e.g. Planning Maps) (# FS51.15) mention was made of Waitangi as follows: *Te Pitowhenua /Waitangi Treaty Grounds is the most symbolically important place in Aotearoa / New Zealand, being identified in 2019 as the first National Historic Landmark / Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu in accordance with the HNZPTA.*<sup>14</sup>

#### **4. Key Issue 2: Temporary Activities Rule Framework**<sup>15</sup>

- 5.1 The reporting planner's recommendation to amend the rules applying to the Waitangi Treaty Grounds to clarify when resource consent is required given its national significance, specifically the events leading up to and on Waitangi Day is supported.
- 5.2 HNZPT Submission point (# FS51.34) in supporting Waitangi Limited (# S503.050) reporting planner amendments are also supported for the same reasons of national significance.<sup>16</sup>

#### **5. Conclusions**

- 6.1 In my opinion, the HNZPT submissions, further submissions and s42A Planners recommendations that align with what we submitted, will achieve the purpose of the Act and more specifically will recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development within the scope of Hearing 6/7 General District-Wide Matters and GMOs provisions of the Proposed Far North District Plan (Earthworks, Signs, Temporary Activities) where the topics concern the HNZPT Submission Points.<sup>17</sup>
- 6.2 Clerical errors require correction for clarification purposes.
- 6.3 I am happy to answer any questions that you may have relating to this statement as are my colleagues.

#### **Mike Butler**

For Heritage New Zealand Pouhere Taonga

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<sup>13</sup> Section 42A Report Signs Section 5.2.5 Key Issue 6: Exemptions p.33.

<sup>14</sup> Online Further Submission of Heritage New Zealand Pouhere Taonga to Proposed Far North District Plan 03/09/2023 - FS51.15. Also, FS51.20 - Coastal Environment.

<sup>15</sup> Section 42A Report Temporary Activities Section 5.2.2 pp.12-16. Appendix 2 – Officer's Recommended Decisions on Submissions (Temporary activities) p.3.

<sup>16</sup> Section 42A Report Temporary Activities Section 5.2.2 pp.12-16. Online Further Submission of Heritage New Zealand Pouhere Taonga to Proposed Far North District Plan 03/09/2023 - FS51.34.

<sup>17</sup> Proposed District Plan: Notice for Hearing 6/7. 9 September 2024. Table 1 - Submissions with Submission points being considered as part of Hearing 6/7, p.6.