

# **SECTION 42A REPORT**

Report on submissions and further submissions

## **Topic: Chapter 24 – Historic Heritage**

**Report prepared by: Alex Bell**

**Dated: 21 October 2024**

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## List of submitters and further submitters addressed in this report

<b>Submitter No</b>	<b>Submitter name</b>	<b>Abbreviation</b>
3	Heritage New Zealand Pouhere Taonga	HNZPT
46	Federated Farmers	FF
10	Waikato Regional Council	WRC
8	Manulife Forest Management New Zealand Ltd	MFMNZL
17	Waka Kotahi NZ Transport Agency	Waka Kotahi
19	PF Olsen	PFO
30	NZ Forest Managers	NZFM
FS22	Chorus, Spark, One NZ, Connexa and FortySouth	Telcos
FS03	Department of Conservation	DOC
FS19	PF Olsen	PF Olsen
FS20	Sheryl Paekau	Sheryl Paekau
FS23	Te Nehenehenui	TNN
FS05	Federated Farmers	FF
FS16	Heritage New Zealand Pouhere Taonga	HNZPT

# **1. Introduction**

## **1.1 Qualifications and Experience**

1. My name is Alex Bell. I am employed by the Waitomo District Council as the General Manager – Strategy and Environment.
2. I hold the qualifications of Bachelor of Laws, Graduate Diploma in Environmental Planning and am completing my Post Graduate Diploma in Environmental Planning from the University of Waikato.
3. I have been employed in legal and planning roles in private practice, central government and local government for approximately 10 years. I have been employed by Council as the General Manager – Strategy and Environment since June 2021. In this role I am responsible for the Proposed Waitomo District Plan proceeding through the process under Schedule 1 of the RMA and the administration of the Operative Waitomo District Plan.

## **1.2 Code of Conduct**

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

## **1.3 Conflict of Interest**

6. I confirm that I have no real or perceived conflicts of interest.

## **1.4 Preparation of this report**

7. I am the author of this report. The scope of evidence in this report relates to the evaluation of submissions and further submissions received in relation to the provisions related to Chapter 24 Historic Heritage, Schedule 1 – Heritage Buildings and Structures and Schedule 2 – Significant Archaeological Sites.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2. Scope of Report**

### **2.1 Matters addressed by this report**

9. The provisions of the Chapter 24 Historic Heritage, Schedule 1 – Heritage Buildings and Structures and Schedule 2 - Significant Archaeological Sites and associated definitions are covered by this report. The scope of my evidence relates to the evaluation of submissions and further submissions received in relation to the provisions related to the Chapter 24 Historic Heritage, Schedule 1 – Heritage Buildings and Structures and Schedule 2 - Significant Archaeological Sites.
10. This report is prepared in accordance with Section 42A of the Resource Management Act 1991. This report considers submissions and further submissions that were received by the Council in relation to the provisions of Chapter 24 Historic Heritage, Schedule 1 – Heritage Buildings and Structures and Schedule 2 - Significant Archaeological Sites within the Proposed Waitomo District Plan. Historic heritage is important as it provides a sense of identity and place for communities and a record of where we have come from. Other effects and activities are addressed in various Section 42A reports. The historic heritage chapter addresses the following issues:
  - Historic heritage needs to be recognised, and correctly identified before it can be protected
  - Recognition of the important contribution historic buildings and places make in the district is not adequately provided by the list of protected buildings and structures in the Operative District Plan.
  - There are some sites of high archaeological significance within the district that are not currently recognised and protected.
  - Subdivision, use or development of a site (including the placement of signs, modification of scheduled buildings or structures) can affect heritage values, resulting in a loss of knowledge and links to the past.
  - Listing of a building or structure places an administrative cost on landowners and occupiers.

### **2.2 Overview of the topic / chapter**

11. Overall, the Chapter and associated schedules seek to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development in accordance with RMA section 6(f). Historic heritage is defined in the RMA and includes sites, structures, places and areas, archaeological sites and sites of significance to Māori including wāhi tapu. Historic heritage is important as it provides a sense of identity and place for communities and a record of where we have come from. For mana whenua, sites and areas carry deep levels of meaning and association. The Chapter seeks to manage effects and requires resource consents where the scale and potential effect requires a more specific assessment. The Chapter applies across all zones. The historic heritage chapter addresses the following issues:

- Historic heritage needs to be recognised, and correctly identified before it can be protected.
- Recognition of the important contribution historic buildings and places make in the district is not adequately provided by the list of protected buildings and structures in the Operative District Plan.
- There are some sites of high archaeological significance within the district that are not currently recognised and protected.
- Subdivision, use or development of a site (including the placement of signs, modification of scheduled buildings or structures) can affect heritage values, resulting in a loss of knowledge and links to the past.
- Listing of a building or structure places an administrative cost on landowners and occupiers.

## **2.3 Statutory Requirements**

12. The PDP has been prepared in accordance with the Council's functions under the RMA, specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this Chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

## **2.4 Procedural matters**

13. At the time of writing this Section 42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

# **3. Consideration of submissions received**

## **3.1 Overview of submissions**

14. The table of submissions is contained in Appendix 1 of this report. 63 submission points and 40 further submission points were received on the historic heritage chapter, associated schedules and definitions.

## **3.2 Structure of this report**

15. The Section 42A report is structured by topic as follows:

Topic 1 - Buildings and structures  
 Topic 2 - Significant archaeological sites  
 Topic 3 - Schedules

## 4. Analysis and recommendations

### Topic 1: Buildings and structures

16. HH-O1 seeks to acknowledge and provide for the contribution that historic heritage makes to the Waitomo district and ensures that it is conserved for future generations. HNZPT have sought that HH-O1 be amended as follows. HNZPT requests that the objective refers to both conserving and protecting heritage features. The amendment would read: The contribution that historic heritage makes to Waitomo district and its communities is conserved and protected for future generations.
17. It is considered that the word “conserved” encompasses protection, and as such, the additional term is not required. It is preferred to keep the policy framework as succinct as possible. No change is recommended.
18. HH-P4 seeks to recognise the benefits certain changes to heritage features such as earthquake strengthening. As notified the policy reads:

**HH-P4.** Recognise benefits from earthquake strengthening, fire protection and accessibility upgrades whilst ensuring the appearance including views of and through windows, and external heritage features and values of the buildings and structures are not unduly compromised. Designs which consider complementary materials and detailing and do not screen architectural features are preferred.
19. HNZPT requests that HH-P4 is amended to remove the word ‘unduly’. It is considered that removal of the word “unduly” would make the policy too absolute. There will be circumstances where a compromise will need to be made to provide for peoples’ health and safety. In some circumstances, changes to make buildings safer are unavoidable. The main goal of the policy is to allow heritage features to be modified in a minor way so they remain viable structures and are able to be used and enjoyed by current and future generations. No change is recommended.
20. HH-P5 provides for additions and external alterations that are consistent with the cultural and heritage values of the feature and do not compromise the site or surroundings, including the contribution the heritage feature makes to the streetscape. Similar to the above paragraph, HNZPT have sought removal of the word ‘unduly’. For the same reasons as above, this change is not recommended. It is not the intention of the provisions to restrict external alterations that are sympathetic or protective of a feature’s heritage values.
21. HH-P7 enables interpretive signs that explain the stories and significance of the building or structure to the community and district. HNZPT request the following amendment: ‘Enable interpretive signs that explain the stories and significance of the building or structure to the community and district, providing such signs are not attached to a building and do not compromise the values of the scheduled building or structure by being of a size and scale commensurate to the context, setting and place’.

22. It is noted that HNZPT are responding to HH-R21 which requires a restricted discretionary activity consent for an interpretive sign to be attached to a building. HH-21 is rather a blunt instrument as there are plenty of examples of the use of interpretative signage on heritage buildings that have no effect on the values of the feature. However, it is also possible that ill-placed or large-scale signage could disturb the features and characteristics of a heritage item. The wording change for this policy support is not considered necessary. HH-R21 is directive and the matters of discretion are extensive. No change is recommended.
23. HH-P9 relates to new or relocated buildings or structures within the site or surroundings of a heritage building or structure. HNZPT request HH-P9 is amended to remove the requirement from the policy that the buildings or structures be located to the rear of the building. Interestingly, in this case the submitter is requesting a matter that is contained in a rule is removed from the policy. Shortening a policy is always preferable and HH-R10 makes clear provision that any relocated building proposing to locate in front of a heritage item or to be visible from a public place requires a restricted discretionary consent. The recommended amendment would read:
- HH-P9.** Ensure new or relocated buildings or structures located within the site or surroundings of a building or structure are of similar materials and detailing and do not obscure windows and architectural features. New or relocated buildings should be of a smaller scale ~~located to the rear of any building or structure.~~
24. Section 32AA: The recommended amendment removes part of a policy that is appropriately covered in the rule framework. It is not necessary to duplicate the provisions in the policy and the change shortens the provision, allowing for easier interpretation. A section 32AA evaluation is not required.
25. HH-P10 ensures the site or surroundings (as applicable) of any heritage building or structure is protected to the extent that it contributes to the heritage values. HNZPT request the words 'of the heritage place' are added to the end of the policy. The policy already refers to 'site or surroundings' so the additional wording is not considered necessary. No change is recommended.
26. HH-P12 is concerned with ensuring that heritage buildings or structures are not relocated unless there is conclusive reasoning for doing so. HNZPT request an amendment to the policy that requires the relocation to be within the same community and directs that development post relocation is completed within a reasonable timeframe. The amendment sought by HNZPT is as follows:

**HH-P12.** Buildings or structures should not be relocated unless:

1. Alternatives to relocation have been investigated, and
2. There is significant community benefit, and the building is restored; and/or
3. The building or structure has fallen into significant disrepair and will be restored on its new site because restoration is not economic on its existing site; and/or



4. Relocation of the building or structure allows for improved longevity or structural safety; and
  5. Relocation of buildings and structures within the same community, ~~and, occurs where possible.~~
  6. Development post relocation will be completed in a reasonable timeframe.
27. This policy responds to HH-R8. It is a non-complying activity to relocate a category 1 item and a discretionary activity to relocate a category 2 item. Relocation is effectively the last resort for a heritage building or structure. Generally, all other options for restoration have been exhausted. It is not appropriate to restrict relocation to within the same community particularly given the other likely option is demolition. As it is beneficial that the heritage item is restored whether that be within the same community or not, removing barriers (within reason) increases the likelihood of a heritage item being restored and its values retained.
28. In terms of the additional policy point 6 – this relates to reinstatement. The reinstatement of any relocated building would be covered by the provisions of this plan under RLB-Table 2. These performance standards require reinstatement works as part of a pre-inspection report and contain specific timeframes for completion. As this matter is covered by another chapter, no changes are recommended.
29. HH-R2 provides for internal alterations including earthquake strengthening, fire protection and accessibility upgrades as a permitted activity. HNZPT request the rule is amended to specify that upgrades do not obstruct views of and through windows. It is considered that this amendment is appropriate and provides some useful consistency with HH-R3 which provides for activities which do obstruct views of and through windows. The amendment would read:

<b>HH-R2.</b>	<b>Internal alterations including earthquake strengthening, fire protection and accessibility upgrades <u>that do not obstruct views of and through windows</u></b>
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30. Section 32AA: It is considered that given the scale and significance of the change recommended, a section 32AA evaluation is not required. The amendment to HH-R2 clarifies the rule as HH-R3 triggers a resource consent where views are obstructed. This amendment clarifies that they are otherwise permitted.
31. HH-R3 provides for external alterations for earthquake strengthening, fire protection and accessibility upgrades or internal alterations for earthquake strengthening, fire protection and accessibility upgrades that obstruct views of and through windows. It applies to both category 1 and 2 items as a controlled activity. HNZPT request the activity status is changed to restricted discretionary. It is considered that the matters of control are sufficient to ensure that any adverse effects on heritage values are avoided, remedied or mitigated. No change is recommended.
32. HH-R5 provides for external alterations not otherwise provided for. HH-R6 provides for additions to a building or structure. For these rules, it is a discretionary activity for category 1 items and restricted discretionary for

category 2 items. HNZPT request an additional matter of discretion for Category 2 buildings which would evaluate the extent to which the proposed addition or alteration is reversible. This is considered to be an appropriate amendment and a useful addition to the matters of discretion. The recommended change would read:

Category 2	Activity Status: RDIS	Activity status
	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>(a) Effects on the heritage values of the structure including whether the alteration or addition is compatible with the scale, form, proportions and materials of the structure, and whether any architectural features will be removed or obscured; and</li> <li>(b) Effects on the views of the scheduled structure from public spaces; and</li> <li>(c) The benefits obtained from the addition or alteration including increasing the sustainability, functionality and/or livability of the structure; and</li> <li>(d) The degree to which the structure has already been modified; and</li> <li>(e) Risks to the structure during the works; and</li> <li>(f) The outcome of any assessments or advice from a suitably qualified and experienced heritage expert; and</li> <li>(g) <u>the extent to which the proposed addition or alteration is reversible;</u> <u>and</u></li> <li>(h) The outcomes of consultation with HNZPT.</li> </ul>	<p><b>where compliance is not achieved:</b> <b>N/A</b></p>

33. Section 32AA: It is considered that given the scale and significance of the change recommended as a result of the above submission, a section 32AA evaluation is not required.
34. HH-R10 applies when it is proposed that a building is added to the site or surroundings of a heritage item. The activity status is permitted for small buildings no more than 15 m<sup>2</sup> in area and no more than 3 m high where these are located behind a heritage item and are not visible from a public place. Otherwise, for both category 1 and 2 items the status is restricted discretionary. HNZPT request the activity status is amended from permitted to restricted discretionary with an additional matter of discretion regarding the relationship of the historic heritage item with its extent of setting.
35. It is considered that this amendment is not appropriate, given the stringency of the performance standards. The current controls are considered sufficient to ensure that any adverse effects on heritage values are avoided, remedied or mitigated

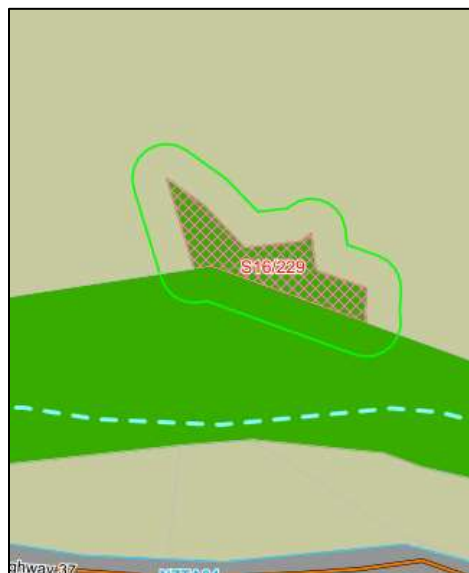
## Topic 2: Significant archaeological sites

36. The plan lists five Significant Archaeological in Schedule 2. Each of these sites are located on public land owned either by the Department of Conservation or Waitomo District Council. They are all accessible to the public. Rule HH-R18 and HH-R19 impose a 25m buffer around these sites

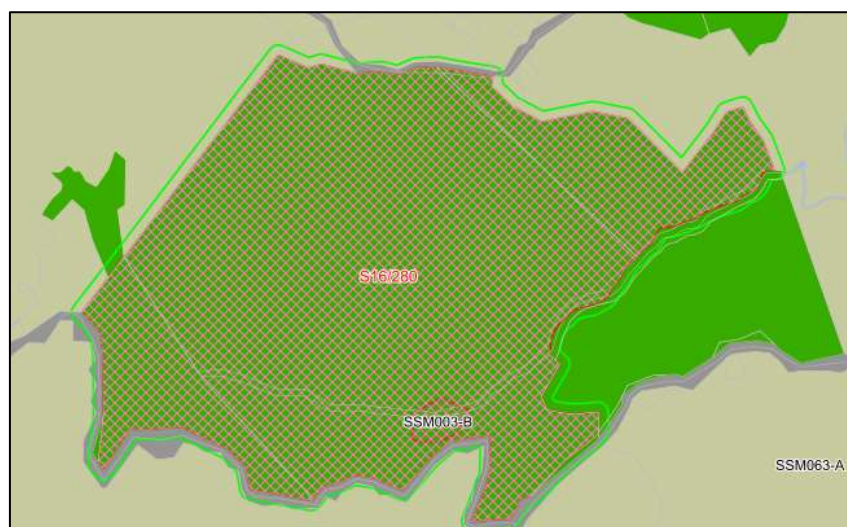
to manage the erection or relocation of buildings and structures. These sites are mapped with the buffer extent shown in green below.



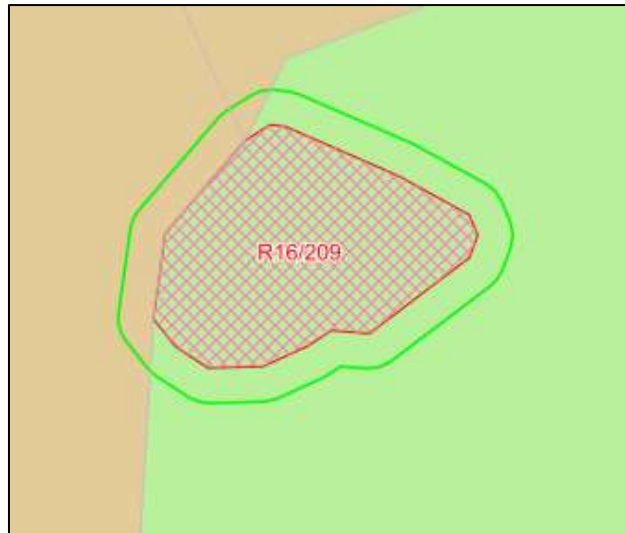
**Figure 1: R17/60 – Waikawau Pa and R17/87 Waikawau Tunnel**



**Figure 2: S16/229 – Opapaka Pa**



**Figure 3: S16/280 – Ruakuri Cave**



**Figure 4: S16/209 – Motakiora Pa**

37. HH-P17 provides policy support to help ensure activities on or adjoining Significant Archaeological Sites avoid adverse effects on the site in the first instance, and where avoidance is not possible, remedy or mitigate adverse effects, having regard to the matters listed in 1-5 of the policy.
38. HNZPT have requested that the majority of the policy is deleted so that HH-P17 would read: 'Ensure activities on or adjoining significant archaeological sites avoid adverse effects on the site'. HNZPT considers that this policy does not support the non-complying activity status that has been included in the activity table at HH-R16 for the destruction of an archaeological site. The submitter considers the non-complying activity status is a high threshold, which is appropriate for the destruction of a significant site.
39. Part of the problem with this policy is the application of its provisions to both the site itself and the surrounding area. While there is confidence in the HNZPT archaeological authority process, the provisions may need to be strengthened to manage the residual effects that are the responsibility of district plans. One way forward is to split the policy in two. This would allow stringency for the activities on significant archaeological sites and a more measured approach in the surrounding buffer areas. The recommended amendment would read:

**HH-P17.** Ensure activities on significant archaeological sites avoid adverse effects on the site.

**HH-PX.** Ensure activities located within 25m of the mapped extent of a significant archaeological site ~~on or adjoining significant archaeological sites~~ avoid adverse effects on the site in the first instance, and where avoidance is not possible, remedy or mitigate adverse effects, having regard to:

1. Protecting the cultural, and archaeological values present and their setting; and
2. Reducing the potential to lose or damage cultural and archaeological values; and
3. Providing the ability to interpret the place and its relationship with other scheduled features; and

4. The site's sensitivity to change or capacity to accommodate change without compromising any cultural and archaeological values; and
5. Any opportunities to enhance interpretation of the significant archaeological site.

40. Section 32AA: See Appendix 3

41. Federated Farmers request the addition of a policy. The new policy's intent is to provide a clear understanding that access to significant archaeological sites or sites and areas of significance to Māori identified on private land will only be enabled with the express consent of the private landowner and that potential adverse effects on private landowners must be avoided.

42. It is considered that this policy is not required. All significant archaeological sites identified in Schedule 2 are on public land and are accessible via public land. If sites were to be added to the plan in future, they would require a notified plan change process, which would give the opportunity for affected parties to participate in the process. Access to sites and areas of significance to Māori will be addressed in the section 42A Report on Chapter 25. No change is recommended.

43. HH-R11 relates to maintenance and or minor modification of land identified as a significant archaeological site in Schedule 2. HNZPT have requested one of the matters listed in the definition of maintenance and/or minor modification of a significant archaeological site is amended as follows:

means, in relation to any site listed in SCHED2 - significant archaeological sites, the following activities:

- (a) Vegetation management except for plantation forestry; and
- (b) Fencing; and
- (c) Removal of a building or structure not identified in SCHED2; and
- (d) Placement of approved or permitted signs; and
- ~~(e) Any work required to stabilize a site; and~~
- (f) Any maintenance associated with an existing track.

44. HNZPT have sought this amendment as they consider that permitted activity status has the potential for adverse effects on significant archaeological sites. However, it is considered that the activities provided for in the definition are activities with minor effects. The requirement for an archaeological authority remains in place on these sites. One option is to restrict the clause with additional wording. The recommended amendment would read.

means, in relation to any site listed in SCHED2 - significant archaeological sites, the following activities:

- (a) Vegetation management except for plantation forestry; and
- (b) Fencing; and
- (c) Removal of a building or structure not identified in SCHED2; and
- (d) Placement of approved or permitted signs; and
- (e) Any work required to stabilize a site where this is supervised by a suitably qualified and experienced archaeologist and in collaboration with mana whenua as required; and
- (f) Any maintenance associated with an existing track.

45. HH-R13 provides for earthworks as a discretionary activity on significant archaeological sites. HNZPT have sought that this activity status is retained, Manulife Forest Management New Zealand Ltd have sought that the rule be amended to restrict discretion to direct impacts only. NZ Forest Managers have sought the deletion of this rule. Federated Farmers request the activity status is amended to restricted discretionary rather than discretionary, and associated matters of discretion are added.
46. It is appropriate that earthworks on significant archaeological sites are discretionary activities. This is consistent with RMA section 6(f). It is not recommended that the rule is deleted, amended or the activity status reduced. No change is recommended.
47. HH-R14 and R15 require a discretionary consent for new buildings or structures or their removal or repositioning. Federated Farmers request the activity status is amended to restricted discretionary. As above, this relief is not appropriate. These sites are public land with significant archaeological values. Earthworks associated with adding, moving or removing structures could have a serious impact on these values. No change is recommended.
48. HH-R17 provides for plantation forestry on significant archaeological sites as a non-complying activity. Manulife Forest Management New Zealand Ltd request the rule is deleted or clarifies which aspects of plantation forestry are to be regulated and amends the status to restricted discretionary. PF Olsen and New Zealand Forest Managers request this provision is deleted. PF Olsen also request that if the rule is not deleted, it is amended to provide advice on the need to obtain an Authority from Heritage New Zealand and not require a consent as well. The other option offered is to apply the rule to all primary production.
49. It is agreed with Manulife that the aspects of plantation forestry affected by the rule should be clarified. The proposed amendment is shown below. Otherwise, no change is recommended. This rule applies to five significant archaeological sites on public land. Forestry is an inappropriate activity on these sites.

<b>HH-R17.</b>	<b>Plantation Forestry <a href="#">afforestation and harvesting</a></b>
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50. Section 32AA: This amendment clarifies the aspects of plantation forestry subject to the rule. It is a minor change to better identify the parameters of the rule. A section 32AA evaluation is not required.
51. HH-R18 and HH-R19 manage new and relocated buildings or structures within 25m of the mapped extent of a significant archaeological site. HNZPT have requested that a note in the header of HH-R18 and R19 and HH-R20-R22, advising that an archaeological authority may be required in addition to a resource consent. An advice note of this nature is already provided for at the end of the chapter although it may be prudent to include it above HH-Table 1. The recommended amendment would read:

*Advice note: Activities may also require an authority from Heritage New Zealand Pouhere Taonga (HNZPT).*



52. Section 32AA: The advice note signposts plan users to check whether an archaeological authority is required from HNZPT. It is already contained in the chapter and will be duplicated at this location. A section 32AA evaluation is not required.
53. HNZPT request an amendment to the advice notes for accidental discovery protocols as follows:
- The Heritage New Zealand Regional Archaeologist must be notified and an application made apply for the appropriate authority if required.
54. This amendment will provide useful clarity to plan users and it is recommended to be accepted.
55. Section 32AA: This amendment is a minor wording change to an advice note. A section 32AA evaluation is not required.
56. Federated Farmers request a new rule is added to Chapter 24 that provides permitted activity status for the erection, repair, maintenance and replacement of fences and the cultivation of land for primary production or protection purposes.
57. Fencing is provided for in the definition of maintenance and modification (of a significant archaeological site listed in SCHED2 – Significant Archaeological Sites). Also, the rules related to heritage buildings and structures will not trigger a resource consent for fencing (see HW-R7). It may be useful if the submitter could clarify at the hearing what their concern is regarding the maintenance and replacement of fencing.
58. In relation to cultivation, this is unlikely to occur on these significant archaeological sites. The rules do not restrict cultivation within the 25m buffer areas surrounding significant archaeological sites as set out in HH-R18 and HH-R19. No changes are recommended

### **Topic 3: Schedules**

59. HNZPT have requested that the extent of the following scheduled items is amended to be consistent with the HNZPT extents:
- HH05 - Te Kuiti Courthouse is amended to be consistent with the extent of #4454.
  - HH08 - Grand Central Lodge (Formerly known as the Hotel Grand Central), is amended to reflect the HNZPT listing #4446.
  - HH19 - Waitomo Caves Hotel, is amended to reflect the HNZPT listing #4176
60. In regard to these sites, the judgement in *Redmond Retail Ltd v Ashburton District Council*<sup>1</sup> (Redmond Retail) provides some useful clarity on the application of heritage values to sites. The Court in Redmond Retail held it is reasonable to expect the heritage listing to apply to the building / area or part thereof that has the heritage values. In this case the Council had

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<sup>1</sup> [2020] NZEnvC 078

applied the listing to the whole building when the heritage values were only present in the original part of the building.

61. Te Kuiti Courthouse - HNZPTs listing of #4454 includes Part Allot 11 Block XIV Te Kuiti Māori Township. This allotment has not been added to the listing in Schedule 1 and the associated planning map, as it is a service lane (outlined in red on the map below). The only structure on PT Allot 11 is half a skyline garage and a right of way access to the Waitomo District Council depot. It is considered that in applying the judgement in Redmond Retail, the heritage values only relate to the building on Part Allot 9 (Courthouse). Therefore, it is recommended that the extent as notified should not be amended.



**Figure 5: HH05 Te Kuiti Courthouse – Area in red is the addition requested**



**Figure 6: HH05 Te Kuiti Courthouse as notified**

62. Grand Central Hotel (former) - The listing by HNZPT also includes PT Allot 16. PT Allot 16 does not contain the Grand Central Hotel building (see area in red in the image below). PT Allotment 16 contains a carpark and a carport building and there are additions to the rear of the hotel. It is considered that applying the judgement in Redmond Retail, the listing and the mapped extent should only include the Grand Central Hotel building.





**Figure 7: HH08 Grand Central Hotel (former) - Area in red is the addition requested**



**Figure 8: HH08 Grand Central Hotel (former) as notified**

63. Waitomo Caves Hotel - The listing by HNZPT also includes Hauturu East 21. This allotment contains outbuildings associated with the Waitomo Caves Hotel (see area in red in the image below). The outbuildings do not have heritage values, as they do not form part of the Waitomo Caves Hotel. For this reason, it is considered that Hauturu East 21 should not be included within HH19 in SCHED 1.



**Figure 9: HH19 Waitomo Caves Hotel - Area in red is the addition requested**



**Figure 10: HH19 Waitomo Caves Hotel as notified**

64. HNZPT request the significant archaeological sites in Schedule 2 are subject to an archaeological inspection and survey. The mapped extent of these sites was completed by an archaeologist in consultation with mana whenua. The matters requested are not required as part of the district plan review process. No change is recommended.
65. Also, SAS05 Motakiora Pa was mapped after consultation and guidance was provided by mana whenua, and as such the boundaries are considered correct. If HNZPT wished for a survey to be completed, they should have completed this prior to notification of PDP, as we had given considerable notice to all stakeholders and residents of the District that we would be notifying the PDP in late 2022.
66. HNZPT request that the Te Kuiti Aerodrome and the Tainui Wetere Domain are added as significant archaeological sites. It is noted that the Te Kuiti Aerodrome is subject to a statutory acknowledgement. The Tainui Wetere Domain contains a site and area of significance to Māori (SSM018-A) located at the far western corner (see the map below). HNZPT may wish to provide some further clarification regarding these requests at the hearing. In the interim it is recommended that the submission point is rejected.



**Figure 11: Tainui Wetere Domain (SSM018-A)**

## **5. Conclusion**

67. Submissions have been received in support of, and in opposition to the notified provisions of the Proposed Waitomo District Plan. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, it is recommended that the proposed district plan should be amended as set out in Appendix 2 of this report.
68. For the reasons set out in the section 32AA evaluations included throughout this report and in Appendix 3, it is considered that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- Achieve the purpose of the Resource Management Act 1991 where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
  - Achieve the relevant objectives of the proposed district plan, in respect to the proposed provisions.

**APPENDIX 1 SUBMISSIONS TABLE**

## **APPENDIX 2 RECOMMENDED AMENDMENTS**

Strikethrough is shown as an addition or ~~deletion~~

## **APPENDIX 3 SECTION 32AA EVALUATION**

### **Section 32AA**

The evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken has been undertaken in accordance with section 32AA of the RMA.

The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the Historic Heritage chapter and associated schedules is contained within the assessment of the relief sought within this report, as required by section 32AA(1)(d)(ii).