



STAFF REPORT

TO: Motueka Community Board

FROM: Sonya Leusink-Sladen, Policy Planner

DATE: 26 January 2009

REFERENCE: L206

SUBJECT: **Cultural Heritage Protection**

Purpose

The purpose of this report is to brief the Motueka Community Board on issues relating to Cultural Heritage Protection, and to seek feedback on options for protection in the District.

Staff will be encouraging feedback and discussion from the Board about cultural heritage, with particular regard to representative community of urban and rural landowners.

Introduction

Cultural Heritage protection is a current issue challenging Council.

The issue has come about as the result of three long-standing Environment Court Appeals between Council, and three local Iwi representative groups.

The absence of adequate TRMP protection measures of sites is of concern to these groups. To resolve the Appeals it has been agreed by both the iwi appellants and Council that Council prepare a new Plan Change to address the matter.

This “Cultural Heritage Plan Change” project has the objectives:

1. Sites of cultural-archaeological significance to Maori and Pakeha (“sites”) in the Tasman District have been identified and accurately mapped on the Tasman Resource Management Plan (TRMP) maps.
2. Appropriate regulatory methods to manage or protect sites have been provided in the TRMP.
3. Cost-effective non-regulatory methods to improve awareness and knowledge of sites, encourage sensitive landuse practices, and active protection have been provided in the TRMP

4. Iwi, landowners whose land is affected by an identified site or sites, and NZHPT have been involved in helping Council achieve the above objectives throughout the process.

Further detail is contained in the Project Brief, attached to this report (Attachment 1).

Community Board Assistance

So far in achieving the project objectives Council has: updated its database of information containing archaeological sites information; researched different approaches to heritage protection available to it; and, undertaken an initial scoping of options.

Some consultation with Iwi and landowner representative groups such as Federated Farmers and Horticulture New Zealand is already under way. Community Board feedback, as representative of local urban and rural landowner communities, is also being sought.

Staff are interested in discussing:

- i. How to meaningfully involve landowners in consultation, whose property may have a known site or sites of significance located on it;
- ii. Opinions on the range and appropriateness of methods of achieving regulatory protection, such as the use of TRMP standards that control activities on and around known sites (e.g. if building within a certain distance from a known site, a resource consent may be required);
- iii. How to achieve protection of sites from “ordinary” activities that do not require any Council regulated consenting or approval processes (e.g. minor earthworks activities that can be undertaken at anytime without Council involvement); and,
- iv. What and how, should non-regulatory methods such as landowner education and community awareness (which might help to achieve a better standard of protection), be implemented in a cost effective manner.

At the Community Board meeting on 10 February the Policy Officer will explain the issues and available management options in more detail.

Relatively informal discussion will be encouraged, the purpose being, to fully understand cultural heritage issues and to assist staff in addressing them appropriately.

Sonya Leusink-Sladen
Policy Officer

Project Outline – 15 December 2008

Cultural Heritage

Purpose

To identify, protect and manage, through appropriate regulatory and non-regulatory methods in the Tasman Resource Management Plan, sites of cultural and archaeological significance to Maori and Pakeha in the Tasman District.

Background

In 1996 the Proposed Tasman Resource Management was first notified, and contained a set of cultural heritage provisions, managing and protecting known archaeological sites. Due to public concerns about accuracy and the implications of the proposed regulatory protection on landuse activities, these were withdrawn as part of Variation 1. Submissions were received and these were heard. Some changes were made to policies, however decisions did not satisfy all submitters and they were appealed.

Appellants, the Department of Conservation and the New Zealand Historic Places Trust, withdrew their appeals through mediation, conditional on the Council undertaking a review and pursuing a new Plan Change for improved protection of historic sites.

Three remaining appeals are from iwi representatives, Ngati Tama Manawhenua kit e Tau Ihu Trust, Te Atiawa Manawhenua kit e Tau Ihu Trust and Ngato Rarua Iwi Trust. A memorandum of understanding has been signed between the parties regarding the scope of the aforementioned Plan Change. This project outline, scopes out the job that has the aim of fulfilling that memorandum of understanding (see attached).

The Council has considered both regulatory and non-regulatory policy options and has directed the preparation of a draft Plan change to incorporate both these methods of protective management.

Objectives

1. Sites of cultural-archaeological significance to Maori and Pakeha (“sites”) in the Tasman District have been identified and accurately mapped on the Tasman Resource Management Plan (TRMP) maps.
2. Appropriate regulatory methods to manage or protect sites have been articulated in the TRMP.
3. Cost-effective non-regulatory methods to improve awareness and knowledge of sites, encourage sensitive landuse practices, and active protection have been articulated in the TRMP
4. Iwi, landowners whose land is affected by an identified site or sites, and NZAA have been involved in helping Council achieve the above objectives throughout the process.

Process

Stage 1 – Complete Site Identification and Consultation

- ✓ Update GIS maps and create draft TRMP maps with all sites (NZAA and Mitchell report sites)
- ✓ Meet with Iwi and check-in that all sites of value to them have been identified.
- ✓ Meet and talk with Iwi to find out what *actual* physical or legal protection or management they have in mind – that is, active protection (e.g. fencing off, planting to control erosion), passive protection (e.g. not touching), landuse controls (e.g. no buildings on/over site, land disturbance regulation) etc.
- ✓ Discuss range of physical or legal protection methods appropriate to site significance with NZAA, NZHPT, DoC people.
- ✓ Contact all landowners who have sites on their property to let them know what is happening, and give them an opportunity to be involved in the process.

March 2008

Stage 2 – Draft Regulation

- ✓ Schedule hierarchy of significance and protection status for sites
- ✓ Draft range of protection mechanisms/methods within landuse, land disturbance, and subdivision sections of the TRMP – tabulate and discuss with Iwi
- ✓ Issues and options reporting to Council – based on Stephanie's issues and ops report to Council, a refinement of the thinking and draft Plan Variation.
- ✓ Consultation of Draft Plan change with Iwi and landowners

April 2008

Stage 3 – Plan Variation/Change

- ✓ Amend, refine and review draft with consultation feedback
- ✓ Report to Council
- ✓ Notify

June 2008

Resources and budget implications

Staff time (primarily Sonya)

Stationary (letters, flyers sent, consultation resources like laminated maps etc)

Travel for consultation and site visits

Project Leader – Sonya Leusink-Sladen

Team – Steve Markham
Pete Frew
Stephanie Trevena (external consultant)
Karen Greig (external consultant)
Consents Planner (in drafting of provisions)
Compliance and monitoring officer (in drafting of provisions)

Contacts -

Chris Hill (Manawhenua ki Mohua)
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