Planning Committee

Notice of Meeting
A meeting of the Planning Committee will be held in the Council Chamber, Forum North, Whangarei on:

Wednesday
14 October 2015
10.00am

Committee
Councillor G C Innes (Chairperson)
Her Worship the Mayor
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr P R Halse
Cr C M Hermon
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson
Planning Committee
Terms of Reference

Chairperson
Councilor G C Innes

Members
Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority


Attendance at Meetings

The Chief Executive Officer, Group Managers, Department Managers and such other Council Officers as deemed necessary may attend committee meetings.

Quorum

A quorum for a meeting of this Committee shall be:

- half of the members if the number of members, including vacancies, is even or,
- a majority of members, including vacancies, if the number of members is odd.

Delegated Authority

1. Does not have the powers of Council to act in the following instances as specified by Clause (32) Schedule 7 of the Local Government Act 2002:

   a) the power to make a rate; or
   b) the power to make a bylaw; or
   c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or annual plan; or
   d) the power to adopt a long-term plan, annual plan, or annual report; or
   e) the power to appoint a chief executive; or
   f) the power to adopt policies required to be adopted and consulted on under this Act in association with the Long Term Plan or developed for the purpose of the local governance statement; or
   g) the power to adopt a remuneration and employment policy.

2. Does have the power of Council to enter into contracts up to a value of $3 million + GST, provided that such contracts are in accordance with the Long Term Plan and Annual Plan.

3. Does have the ability to appoint Sub-committees to deal with any matters of responsibility within the Committee’s terms of reference and areas of responsibility and to make recommendations to the Committee on such matters and provided that the Sub-committee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstances.
4. Does have the ability to make decisions in accordance with the Terms of Reference.

5. The powers and functions of council to act in respect of the following:
   - Health Act 1956 and Regulations
   - Hazardous Substances and New Organisms Act 1996
   - Dog Control Act 1996
   - Fencing of Swimming Pools Act 1987
   - Building Act 2004
   - Council Bylaws
   - Resource Management Act 1991
   - Food Act 1981
   - Such other legislation relevant to the committee's terms of reference.

Terms of Reference
The determination and implementation of policies in respect of the regulatory functions and responsibilities of Council.

The approval for public notification of proposed reviews, designations, removal of designations and changes to the District Plan.

To hear and determine objections, appeals and applications as required in respect of the regulatory functions and responsibilities of Council (sub-delegated to the Exemptions and Objections Committee).

Areas of Responsibility
- Environmental Health
- Building Control (including Property Information and Land Information Memoranda)
- Subdivision, Land Use and Development Control
- District Plan Changes
- District Plan Administration
- Village Planning
- General Bylaw Administration
- Animal (dog and stock control)
- Hazardous Substances and New Organisms Control
- Parking Enforcement
- Noise Control
- Food Act
- Submissions on relevant legislation
- Strategic Planning and Policy related to the issues listed above
- Community sector liaison and support
- Community Safety, City Safe, CCTV
- Community Funding
- Community Halls
- Museum/Art Museum liaison
- Heritage, Culture, Arts and Creative Industries sector liaison
- Such other functions as may be delegated by Council from time to time.
OPEN MEETING

APOLOGIES

CONFLICTS OF INTEREST
Members are reminded to indicate any items in which they might have a conflict of interest.

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Local Government Act 2002 Amendment Act 2012 – Decision making
Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.

Recommendations contained in this agenda may not be final decisions. Please refer to the minutes for resolutions.
1. **Minutes: Planning Committee**  
**Wednesday, 9 September 2015**

Minutes of a meeting of the Planning Committee of the Whangarei District Council held in the Council Chamber, Forum North on Wednesday 9 September 2015 at 10.00am

Present:  
Cr G C Innes (Chairperson)  
Her Worship the Mayor S L Mai, Crs S J Bell, C B Christie, P A Cutforth, S J Deeming, S M Glen, C M Hermon, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

Apologies:  
Cr S J Bretherton and P R Halse

Moved:  
Cr Innes  
Seconded:  
Cr Martin

“That the apologies be sustained.”  
CARRIED

Also present:  
Mark and Julia Willeman (Revive Hikurangi)

In Attendance:  
Chief Executive (R Forlong), Group Manager District Living (P Dell), Group Manager Positive Growth (J Thompson), Resource Consents Manager (A Hartstone), Policy and Monitoring Manager (P Waanders), Building Compliance Manager (P Cook), Senior Strategic Planner (T Horton), Environmental Trends Analyst (S Seutter), Executive Assistant (J Crocombe) and Senior Meeting Coordinator (C Brindle)

1. **Confirmation of Minutes of a Meeting of the Planning Committee held on 12 August 2015**

Moved:  
Cr Cutforth  
Seconded:  
Cr Morgan

“That the minutes of the meeting of the Planning Committee held on Wednesday 12 August 2015 including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”  
CARRIED

2. **District Living Group Monthly Report – August 2015**

Moved:  
Cr Williamson  
Seconded:  
Cr Cutforth

“That the report be received.”  
CARRIED

3. **PC112 Te Hape Village – Recommendations of the Hearing Panel**

Moved:  
Cr Williamson  
Seconded:  
Cr Christie

“1. That the report be received.

2. That the report and recommendation of the Hearing Commissioners on PC112 Te Hape

3. That the necessary notification of Council’s decision be given in terms of Clause 10 and 11 of Part 1 of Schedule 1 of the Resource Management Act 1991.

CARRIED

4. PC110 Noise and Vibration – Recommendation of the Hearing Panel

Moved: Cr Williamson
Seconded: Her Worship the Mayor

“1. That the report be received.


3. That the necessary notification of Council’s decision be given in terms of Clause 10 and 11 of Part 1 of Schedule 1 of the Resource Management Act 1991.

CARRIED

5. Hikurangi Village Plan

Mark Willemann presented the Village Plan on behalf of Revive Hikurangi.

Moved: Cr Christie
Seconded: Her Worship the Mayor

“1. That the report be received.

2. That Staff work with Revive Hikurangi on the detail of the projects.”

CARRIED

6. Socio Economic Profile of the Whangarei District

Moved: Cr Glen
Seconded: Cr Deeming

“That the Socio Economic Profile for the Whangarei District be received.”

CARRIED

7. Industrial Land Demand Report

Moved: Her Worship the Mayor
Seconded: Cr Cutforth

“1. That this report be received.

2. That the report along with learnings from this project be shared with both Kaipara and Far North District Councils.”

CARRIED

8. Kamo Village Plan

Moved: Cr Williamson
Seconded: Cr Cutforth

“1. That the report be received.
2. That the relevant Kamo based community organisation(s) be identified to establish a working
group to prioritise implementation projects.

3. That funds from the themed communities programme be made available for future
implementation projects that the Kamo community identifies.”

CARRIED

9. Annual Report of the Whangarei District Licensing Committee

Moved:  Cr Williamson
Seconded: Cr Deeming

“That Council receives the annual report of the Whangarei District Licensing Committee.”

CARRIED

The meeting closed at 11.30am

Confirmed this 14th day of October 2015

G C Innes (Chairperson)
2. Minutes: Community Funding Subcommittee
   Wednesday, 9 September 2015

Minutes of a meeting of the Community Funding Subcommittee of the Planning Committee held in the Council Chamber Forum North on Wednesday 9 September 2015 at 8.30am

Present:
Cr S J Deeming (Chairperson)
Her Worship the Mayor S L Mai, Crs S M Glen, G M Martin and B L McLachlan

Also present:
Crs G C Innes, C M Hermon (8.49am) and S L Morgan (8.53am)

In Attendance:
Group Manager District Living (P Dell), Community Services Manager (O Thomas), Community Funding Officer (B Kurtovich) and Senior Meeting Coordinator (C Brindle)

1. Community Funding – 2015-2016 Performing Arts Fund

   Moved    Cr Deeming
   Seconded Cr Martin

   “1. That the information be received.

   2. That grants from the 2015-2016 Performing Arts Fund be made to the following organisations:

   a) Manaia Health PHO Limited (for Company of Giants) $5,000
   b) Northland Pacific Island Charitable Trust $5,000
   c) Opera North Incorporated $3,000.”

On the motion being put Cr Deeming called for a division:

For the motion:  
Her Worship the Mayor, Crs Martin and Deeming (3)

Against the motion:  
Cr Glen

Abstained:  
Cr McLachlan

   CARRIED

2. Transition Fund Implementation 2015-2016

   Moved    Her Worship the Mayor
   Seconded Cr Deeming

   “That the information is received.”

   CARRIED

Cr Hermon joined the meeting at 8.49am during discussions on Item 2.
Cr Morgan joined the meeting at 8.53am during discussions on Item 2.
The meeting closed at 8.45am

Confirmed this 14th day of October 2015

S J Deeming (Chairperson)
3 District Living Group Monthly Report September 2015

Reporting officer  Paul Dell (Group Manager District Living)
Date  14 September 2015

Significance and Engagement

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website and Council News.

Resource Consents Manager

The number of consent applications being received continues to climb, noting that in conjunction with this we are receiving more applications that require either public or limited notification. That tends to place demands on staff across the business, noting there is a trend indicating that the volume of consents being issued is declining although the statutory requirement for issuing decisions within 20 working days is still being met at this time.

The application for the final stage of works on the State Highway 1 intersections within the city has been lodged by the New Zealand Transport Agency. A Notice of Requirement for works associated with the Tarewa Road and State Highway 1 intersection will be publicly notified in due course. In the meantime, the hearing on the Kensington Ave / Manse Street intersections with State Highway 1 and associated works was held on Thursday 10th September 2015. A recommendation on that matter will be forthcoming from the Commissioner.

One decision was issued by Hearings Commissioner Giles Bramwell, granting the establishment of a restaurant on a property located on the corner of Apirana Ave and Bank Street, Whangarei.

Policy and Monitoring Manager

The teams were working all month on the section 32 report for the Rural Plan Changes in preparation for the final Council workshop during the latter part of October.

Discussions were also held with public and Iwi on the latest additions to the Rural Plan changes and the outcomes will be discussed at the Council workshop.

The Strategic Planning initiatives are also progressing again with 20/20 Momentum going out to the public to inform interested parties of the vision for the future of the CBD and its surrounds and seeking comment.

The Village Plans and Themed Communities programmes are progressing.

Three hearings will be attended in October, Regional Policy Statement – Environment Court, Okara Plan Change – Environment Court, and Auckland Unitary Plan – Hearings Panel.

Building Compliance Manager

The month of September has seen 128 building consent applications received 98 building consents issued and 64 consents suspended. This activity shows a consolidation of activity at a higher level. The concern has to be around the level of building consents suspended at 64. This actually represents a reduction from last month and the September Industry meeting will have a discussion and presentation on the trends that are being seen in application shortfalls. The combined value of building work is $20,623,869.00 and is the second highest month for the year. The majority of building work issued is in the residential area and the split between residential and commercial building is at 88/12 this clearly shows the residential sector outstripping the commercial sector with the demand for housing aligning with the national trends.

The industry remains busy with 500 inspections performed and Council delivery within 48 hours of customer request is at 100%. It is expected to continue at this increased level as we head towards the Christmas period with high demand continuing.

The LIM area timeframe compliance is at 99% and with 137 Lims received and 140 issued this has seen a high level of activity that may relate to future business activity in the building sector. It is predicted that the LIM activity will remain high and the 10 day time frame compliance will come under pressure. Work is...
underway on electronic delivery of the LIM and customers that have requested this are now receiving electronic memoranda.

**Regulatory Services Manager**

The department continues to meet general auditing, inspection and complaint investigation targets across a wide range of statutes, although monitoring of resource consent conditions by the compliance team has fallen behind target because of staff illness and maternity leave. Staff are also heavily involved in work on the Local Alcohol Policy and on statements of proposals for the making on a Food Premises Grading Bylaw and setting of transitional fees under the Food Act 2014, an Alcohol Fees Bylaw and finally a Freedom Camping Bylaw all of which will be reported to the October meeting of Council.

**Community Services Manager**

This reporting period has been steady. A range of activity has occurred within the Community Funding area with two funds being considered, one fund open and a workshop held, new committee members inducted to the Creative Communities Committee and progress occurring on a number of funding decisions made through the Long Term Plan.

Community Safety has been comparatively quiet this month with all programs continuing to produce good results. Planning is well underway for Summer Safe Carparks 2015/2016 and conversations have been had with Volunteering Northland about supporting the program to widen the locations covered within our district.

A highlight would definitely be the installation of the outdoor exercise equipment on Hihiaua. This project has been able to add value to the hugely popular Hatea Loop Walkway and has been a fantastic example of collaboration. This project was made possible by the support of the Northland District Health Board and the Hatea Lions Club. This support included technical expertise, enthusiasm and the funding to procure and install the equipment. We are looking forward to the information on this activity coming out of survey material from the 2016 Jewel of the City Report.
Resource Consents

The Resource Consents Manager (A Hartstone) reports for September 2015

Volume of Resource Consents Received

Volume of Post Approval (S223/S224) Applications Received

Volume of Resource Consents Processed
Difference between Consents Received and Processed

Distribution of when a decision is made for Non-Notified Resource Consent and other Permission Applications

Performance Indicators

<table>
<thead>
<tr>
<th>Application</th>
<th>Timeframes</th>
<th>Volume</th>
<th>September 2015 (%)</th>
<th>Year’s average to date (%)</th>
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</thead>
<tbody>
<tr>
<td>Resource Consents</td>
<td>Non-notified consents processed within statutory timeframes</td>
<td>18</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Other Permissions</td>
<td>Processed within statutory timeframes</td>
<td>4</td>
<td>100</td>
<td>100</td>
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<tr>
<td>223 Issued</td>
<td>Within 10 working days</td>
<td>14</td>
<td>100</td>
<td>98</td>
</tr>
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<td>224 Issued</td>
<td>Within 10 working days</td>
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<td>100</td>
<td>97</td>
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Current Volume of Consent Applications

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<tr>
<th>Date received</th>
<th>Type</th>
<th>Agent</th>
<th>Reason</th>
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<tbody>
<tr>
<td>31/08/15</td>
<td>LU</td>
<td>N/A</td>
<td>No proposal, AEE, DP rules assess; elevation; confirm compliance against DP rules</td>
</tr>
<tr>
<td>15/09/15</td>
<td>LC</td>
<td>N/A</td>
<td>Proposed activity; patrons; parking; scaled plan; signage</td>
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Appeals and other Matters

The appeal related to the Panoho subdivision has not progressed to date. The Court reporting date has passed with no advice on progress from the appellant. Any future action depends on the advice from the Court.

The appeals lodged in relation to the camping ground application at Pataua North are still in their initial stages. Two formal appeals have been lodged, while two other parties have sought to join the appeals – one from a submitter and one from a local group representing iwi, both of which seek to support the appeal requesting that the consent be declined. It is expected that the Court will require the parties to mediate in the first instance.
Policy and Monitoring

The Policy and Monitoring Manager (P Waanders) reports for September 2015

District Plan

The District Plan rolling review is picking up momentum with plan changes sitting at preparation, notification, hearing and appeal stages.

Plan Changes

The following illustrates progress on the more significant plan changes presently being undertaken:

i) **Plan Changes 85 A – D Rural**
   Workshops to consider the proposed rural plan change package including; Rural Production, Strategic Rural Industry, Rural Living and Rural Village Environments have been scheduled in late October.

ii) **Plan Change 86 Rural Urban Interface**
   Non-statutory consultation opened on the 10 August and comments were received until 18 September. To date there has been a number of phone discussions, and 56 written comments have been received on the proposals. Meetings with Hapu and Te Huinga have been held and a further meeting is booked. All feedback will be presented to Council as part of the rural plan change workshops scheduled for October.

iii) **Plan Change 87 Coast**
   Non-statutory consultation opened on the 10 August and comments were received until 18 September. To date, a number of phone discussions and 13 written comments have been received on the proposals. Meetings with Hapu and Te Huinga have been held and a further meeting is booked. All feedback will be presented to Council as part of the rural plan change workshops scheduled for October.

iv) **Plan Change 94B Papakainga**
   The Te Ture Whenua Māori Bill is still anticipated to be presented to Parliament and Select Committee early next year. Council staff continue to monitor the outcomes of submissions and wider consultation on the Bill. Council staff also attend regular hui with NRC and FNDC staff for the “Whanaketa te whenua, kia ora ai te tangata - Developing the land to benefit the people” project. A key feature of this project is to develop a regionally consistent approach to Papakainga.

v) **Plan Change 100 – Sites of Significance to Maori**
   This month saw a drive to get the last Iwi group to be involved with the project and provide Council with the information required for the District Plan.

   **Te Parawhau** – Two members of Te Parawhau who were the original researchers for many of the scheduled Sites of Significance to Maori in the District Plan have been re-engaged in the project. There is however still Te Parawhau people opposed to taking part in this project and the consultant is therefore focussing to work with those who are supportive of the project and who have the historical knowledge. The process is to identify sites and areas on hard copy maps and fill in Site Record Forms for each and then Repo Consultancy will digitise the records into GIS so that we may complete the project more quickly. The workshop was scheduled for 28 September.

   **Ngati Hine** - Originally Ngati Hine had several shapefiles of relevance to the SoS project. More recently it was recommended that all hapu give just one shapefile to council that merges all shapefiles of relevance. Although Repo Consultancy thought that this process may cause complications the Ngati Hine shapefiles were merged and provided to WDC. There are over 8000 sites and areas on the shapefile.

   **Ngati Hau** – The person in charge of providing the information has an expert assisting him in consolidating their records. Currently the hapu have three GIS records which they are working on consolidating into one shapefile over the next few weeks. Once they have done that they will reassess the information and ensure they have included attributes such as levels of access, links to key documents etc. The person involved has excellent GIS capabilities and has assisted numerous hapu from around the region in the presentation of evidence to the Waitangi Tribunal.
Te Kahu o Torongare - Have shared their information with council and are currently working on a final report and gathering further documents to add stories to the existing information.

Te Waiariki/Ngati Korora - Have shared their information with council and are currently working on a final report and gathering further documents to add stories to the existing information.

Patuharakeke - Have shared their information and supporting documents with Council. Currently the Patuharakeke information is being examined by other hapu as the level of information to aspire to, including clear links to supporting documents, attributes etc. It is noted that Patuharakeke had four years to complete their research and handover.

Ngatiwai - Have completed the consolidation of their information and last month notified council that they are ready to hand over their information.

A meeting will be arranged in October for all hapu to come together to workshop on the information shared, symbology and council internal and external policies. It is proposed that each hapu will have a session with Information Systems to confirm the level of information shared, followed by a collective session to discuss future management.

vi) Plan Change 110 – Noise and Vibration
The commissioners’ recommendations and report were adopted by Council at the September Planning Committee. The appeal period of 30 working days opened on Tuesday 15 September 2015 and will close on Wednesday 28 October 2015.

vii) Plan Change 112 – Te Hape Village
The commissioners’ recommendations and report were adopted by Council at the September Planning Committee. The appeal period of 30 working days opened on Tuesday 15 September 2015 and will close on Wednesday 28 October 2015.

viii) Plan Change 113 – Ruakaka Racecourse
A further court appointed mediation was completed on 21 September 2015. Depending on the outcome the matter might either be resolved or will be set down for a hearing.

ix) Plan Change 130 - Okara Park Plan Change
The Environment Court has confirmed a hearing date during the week of 12 October 2015. Preparation has been completed and all documentation filed with the Environment Court.

x) Plan Change 131 - GMO
The Environment Court hearing on the RPS jurisdiction over GMOs found in favour of jurisdiction against Federated Farmers. This decision has now been appealed to the High Court by Federated Farmers. The High Court hearing is scheduled for February 2016. The District Plan Changes will be affected by the outcome of the RPS process. By that time the High Court appeal should be resolved. Evidence has been prepared by science and economic experts for the Auckland hearing in September that will also be used for the Whangarei and Far North joint hearing in mid-2016.

xi) Plan Change 124 - Built Heritage
Staff are finalising the proposed plan change documentation and section 32 evaluation with the aim of reporting PC124 to the Planning Committee in October for acceptance for notification. In terms of procurement requirements, no external consultants have been engaged to assist in drafting the plan change to date although it is anticipated that heritage expertise will be sought in assessing submissions as part of Council’s s42A hearings report.

xii) Plan Change 109 - Transport
Initial talks are underway with internal Council departments on the direction of the Transport plan change. After drafting, initial talks with key industries on proposals will begin (e.g. roading, airport, port, NZTA). Input into the NZTA Network Plan is ongoing with a draft document expected later this year. This should also contribute to the direction of the plan change.
xiii) Plan Change 132 – Hihiaua

Consultants from Beca (planning and urban design), Marshall Day Acoustics (noise and vibration), Traffic Design Group (traffic and parking), Market Economics (Economic Analysis), and Tonkin and Taylor (geotech) have been engaged to prepare the section 32 analysis and required technical input for PC132. In terms of procurement requirements, a variation to the procurement policy was approved on 28 August 2015 to engage these consultants. A site walkover and workshop was held with consultants, key internal staff and NRC staff on 7 September 2015 to discuss the key outcomes expressed in the Precinct Plan. A follow up workshop with consultants is scheduled for early October.
## District Plan Change Progress

**Plan Change #**

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<th>Rural Living Environments</th>
<th>Rural Urban Interface</th>
<th>Coastal</th>
<th>Papakāinga Housing</th>
<th>Site of Significance to Maori</th>
<th>Noise</th>
<th>Te Hape Road</th>
<th>Ruakāia Racecourse</th>
<th>Bull Hill Age</th>
<th>Okarora Park</th>
<th>GMO's</th>
<th>Hihiaua</th>
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<td>PC110</td>
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<td>PC130</td>
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</tbody>
</table>

### Operative

- Adopted by Council
- Appeals Resolved
- Mediation Court Hearing
- Appeal Period Commenced
- Council Decision
- Hearing Commenced
- Report
- Pre-Hearing
- Further Submissions Close
- Summary Notified
- Submissions Close
- Public Notification
- Accepted by Council
- Drafted
- s32 Report
- Consultation
- Council Workshop
- Outline of Proposal

### Timeline

- **Plan Change #**
  - 14 October 2015

### Summary

- **Planning Committee**
- **14 October 2015**
Plan Formulation

a) Implementing the Urban Growth Strategy

Implementation continues with the decision on PC112 Te Hape Village, and proposed PC86 RUIE together with the Hihiaua Plan Change. Scoping and technical reporting is underway for the Inner City Development Plan which is also a component of the Urban Growth Strategy Implementation.

b) Coastal Management Strategy

PC87 the Coastal Environment seeks to implement the Coastal Management Strategy, the New Zealand Coastal Policy Statement 2010 and the Proposed Regional Policy Statement. Proposed PC87 will be discussed at the rural plan change package workshops scheduled for late October.

c) Landscape

The Regional Council has adopted the Proposed Regional Policy Statement where areas have been identified as Outstanding Natural Landscapes, Outstanding Natural Features and Natural Character Areas through the Northland mapping project. The District Plan will ultimately have to be amended to give effect to the RPS in terms of sec 75(3)(c) of the RMA, when operative, and will prescribe the performance standards. All appeals in the Whangarei District have been settled and the provisions are now beyond challenge with the Court hearing being cancelled. Issues in Far North will be heard by the Court on 5/6 October 2015. The Outstanding Natural Features have been accepted but precise mapping of these continue. The three territorial authorities and the Regional Council will meet again to co-ordinate the performance methods in the Coastal Environment.

d) Urban Design

Our architect/urban design scholarship student has undertaken some projects during breaks and free time. Mentoring contracts with local architects will be established to assist the fresh graduate. Consultants have been contracted for any urban design work in the mean time.

e) Preparations for the Northland Regional Policy Statement (RPS)

Court Consent Orders are being issued in a continuous stream. The Regional Council opted not to make the RPS partially operative and will probably wait until all appeals have been settled. When the RPS becomes operative the territorial authorities have to do plan changes to the District Plan to give effect to the RPS ie the District Plan has to implement the RPS, not only having to be consistent. While the RPS is not operative it is a proposed plan to which the District Councils have to have regard to. Where provisions in the RPS are beyond challenge the planners use these to formulate the rolling District Plan changes.

The RPS will also trigger the revision of the regional plans such as the Water and Soil Plan, Air Quality Plan and the Coastal Plan – all of which will require further District Plan amendments as well. The District Plan can not be inconsistent, in terms of sec 75(4)(b) of the RMA, with these regional plans. Staff remain involved with the RPS, the various regional plans, and will ultimately incorporate these into the District Plan which is at the bottom of the hierarchy.

Strategic Planning

a) Sustainable Futures 30/50

Various actions from the Whangarei Growth Strategy Sustainable Futures 30/50 Implementation Plan are being implemented, including those mentioned below.

b) Central Whangarei Structure Plan

Drafting of the Inner City Development Plan (ICDP) continues. Consultants from Beca, Marshall Day, Market Economics, and Tonkin and Taylor have been engaged to prepare expert input to support the structure plan. Presentations were made to YAG, PAAG, and DAG in mid-September. In response to follow-up by staff, a meeting was held with Marina Fletcher on behalf of Te Parawhau on 14 September, and Taipari Munro on behalf of Te Huinga on 21 September. There is to be a working group meeting with 20/20 Inner City Revitalisation Committee on 6 October.

c) Whangarei 20/20 Momentum

At the Council Committee on the 26 August it was agreed to seek public feedback on the Whangarei 20/20 Momentum document. This document highlights the world class projects that have been
completed and projects and developments that are proposed for the future. A new webpage is being
developed for the document. Staff will be directly engaging with key community and business groups
as well as organising more informal consultation with the general public. The document will be open
for feedback on 29 September with an article in the Leader and the new webpage being launched.

d) Village Plans

The Hikurangi Village Plan has been finalised by the Revive Hikurangi Community Group and was
presented to Councillors at the 9th September Planning Committee meeting. The new rubbish bins and
shade sails for the playground are being installed this month. Improvements to the entrance to
Hikurangi from State Highway 1 are currently being discussed with landowners and NZTA.

The Otangarei Village Plan programme is still underway. The next major project will be the
construction of the new playground area. The design and logistics are still being worked through with
the community. The intention is get underway at the start of summer. The location of the new toilet
block is being finalised with community and will hopefully be installed before Christmas. The new
walkway is being well used, but concerns have been raised by the community about the dumping of
rubbish and the effectiveness of the new culvert. This is currently being investigated by staff who will
report back at the next community meeting.

The formal three year funding period for the Parua Bay Village Plan is nearing completion. The
community have achieved some great outcomes and want to keep the momentum going. They are
working on a proposed reserve next to the existing community centre and a new pedestrian link from
the shopping centre to the community centre. The new pedestrian link could be funded through the
remaining village plan budget for Parua Bay

The Kamo Village Plan programme was endorsed at the 9 September Planning Committee. Initial
scoping discussions are underway with the community, through the Kamo Community Inc group.

e) Catchment Reports

Harbour Catchment Groups

WHCG meets on a six weekly basis. A meeting was held on 15 September with the next meeting in
October. The Kaipara Harbour Catchment Group meets on a Quarterly basis. A meeting was held on
9 June

f) State of the Environment Monitoring and Reporting

Work is continuing on the Blue/Green Network (Emerald Necklace) Strategy. Presentations have been
given to the Disability, Youth and Positive Ageing advisory groups and the Walking and Cycling
Advocacy Group.

Staff are involved in a joint project with NRC looking at improving the water quality at the Whangarei
Falls. The next meeting of the project will take place on 24 September.

g) UNISA

Council has worked collaboratively with the Northland Regional Council to provided joint feedback on
the next major UNISA project on labour and skills demand. A Technical Working Party meeting on
18 September was attended by Council staff.

h) Kamo Village Street Design Project

Consultation is ongoing with Kamo Community Inc around the projects in the Street Design report, and
staff will follow up with attendance at a further KCI meeting when requested.

i) GMOs

Expert witness statements and rebuttal evidence for the hearings on the Auckland Unitary Plan and
the Whangarei and Far North District Plans have been completed. Hearings on the GMO provisions
are scheduled for the end of September 2015 in Auckland and mid-2016 in Whangarei and Far North.
WDC has been awarded costs of $5,000 from Federated Farmers of New Zealand arising from the
Environment Court case over jurisdiction to manage GMOs under the RMA.

j) Resource Consents Monitoring/Development Report 2014 Staff have completed a draft of the
annual Resource Consents Monitoring/Development Report and it is now being peer reviewed. It is
expected that the report will be presented to the Planning Committee by December.
Building Compliance

The Building Compliance Manager (P Cook) reports for September 2015

Building Inspection Numbers

Value of Building Consents
Lodged Issued Suspended

Performance Indicators

<table>
<thead>
<tr>
<th></th>
<th>September 2015 (%)</th>
<th>Year's average to date (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Consents</td>
<td>76.00%</td>
<td>83.00%</td>
</tr>
<tr>
<td>LIMs</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>LIMs (Statutory Requirement)</td>
<td>99.00%</td>
<td>98.00%</td>
</tr>
<tr>
<td>PIMs</td>
<td>11.00%</td>
<td>83.00%</td>
</tr>
<tr>
<td>Inspections</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
Building Consents Issued - Commercial and Residential Percentages

24 August 2015 - 18 September 2015

- Residential New Dwellings: $14,872,676 (41)
- Residential Value: $17,197,879 (47)
- Commercial Value: $4,256,500 (12)
The Regulatory Services Manager (G Couchman) reports for September 2015

Environmental Health

The following is a summary of inspections/samples/notifications addressed

<table>
<thead>
<tr>
<th>Item</th>
<th>September 2015</th>
<th>Year to date cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inspections carried out on food premises</td>
<td>61</td>
<td>226</td>
</tr>
<tr>
<td>New VIP exemptions granted</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Total number of VIP exemptions</td>
<td>241</td>
<td>241</td>
</tr>
<tr>
<td>Number of inspections carried out on other premises e.g. hairdressers, mobile shops, camping grounds</td>
<td>24</td>
<td>54</td>
</tr>
<tr>
<td>Number of water samples taken either at non-reticulated food premises or marine sampling/fresh water sampling</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>Number of Health Act nuisances e.g. odour, noise, dust, drainage, rodents, offal etc</td>
<td>8</td>
<td>24</td>
</tr>
<tr>
<td>Number of infectious diseases notified</td>
<td>28</td>
<td>62</td>
</tr>
<tr>
<td>AEE – Assessments of environmental effects including monitoring</td>
<td>5</td>
<td>16</td>
</tr>
</tbody>
</table>

Premises Inspection Grading

Each month inspections of food premises are undertaken prior to their annual registration

This annual registration inspection includes an assessment of the premises in terms of Council’s Food Premises Risk Evaluation System which assesses four areas of performance

1. Premises layout
2. Food hygiene conduct and practices
3. Cleaning and sanitising
4. Food handler training

A grade is allocated to the occupier of each premise from this assessment

Food premises gradings

<table>
<thead>
<tr>
<th>Grade A+</th>
<th>Shotguns Betty’s</th>
<th>37 Vine Street, Whangarei</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Whole Cake and Caboodle</td>
<td>2 Gillingham Road, Kamo, Whangarei</td>
</tr>
<tr>
<td></td>
<td>Judge House of Ale</td>
<td>59 Walton Street, Whangarei</td>
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<tr>
<td></td>
<td>Kingsgate Hotel Whangarei</td>
<td>9 Riverside Drive, Whangarei</td>
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<tr>
<td></td>
<td>Caketin Love</td>
<td>950 State Highway 1, Oakleigh, Whangarei</td>
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<tr>
<td></td>
<td>Onerahi Fish &amp; Takeaways</td>
<td>121 Onerahi Road, Onerahi, Whangarei</td>
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<tr>
<td></td>
<td>Riverside Bakery</td>
<td>121 Riverside Drive, Riverside, Whangarei</td>
</tr>
<tr>
<td></td>
<td>Stumpy's Takeaways</td>
<td>121 Riverside Drive, Riverside, Whangarei</td>
</tr>
<tr>
<td></td>
<td>Hukerenui Cafe &amp; Tavern</td>
<td>State Highway 1, Hukerenui, Whangarei</td>
</tr>
<tr>
<td></td>
<td>Tai Tong Restaurant</td>
<td>206 Bank Street, Whangarei</td>
</tr>
<tr>
<td></td>
<td>Pimarn Thai Restaurant</td>
<td>12 Rathbone Street, Whangarei</td>
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<tr>
<td>Essence</td>
<td>Bank Street, Whangarei</td>
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<tr>
<td>---------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>Whau Valley Takeaway</td>
<td>243 A Kamo Road, Whau Valley, Whangarei</td>
<td></td>
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<tr>
<td>Whau Valley Hot Bread Shop</td>
<td>243 B Kamo Road, Whau Valley, Whangarei</td>
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<tr>
<td>Country Bake</td>
<td>Ruakaka Shopping Centre, Ruakaka, Whangarei</td>
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<tr>
<td>Hardware Cafe</td>
<td>Bunnings Warehouse, Tauroa Street, Whangarei</td>
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<tr>
<td>Rynoz Bar &amp; Grill</td>
<td>79 Cameron Street, Whangarei</td>
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</tbody>
</table>

**Grade A**
- Aotea Macadamias: 322 Glenmohr Road, Waipu, Whangarei
- RD 1(now Farm Source): 18 Kioreora Road, Whangarei
- The Lettuce Patch: 413 Otaika Valley Road, Otaika Valley, Whangarei
- Pauline Yearbury Catering: 25 Matapouri Road, Ngunguru, Whangarei

**Grade B+**
- A’Courts: 88 Austin Road, Maunu, Whangarei
- Tui Crescent Takeaways: 3 Tui Crescent, Maunu, Whangarei

**Grade B**
- Magic Tasty Takeaways: 2/4 The Centre, Waipu, Whangarei

**Grade C**

**Food Premises Grades**

![Bar chart showing Food Premises Grades](chart.png)
Liquor Licensing Monthly Statistics

<table>
<thead>
<tr>
<th>Item</th>
<th>September 2015</th>
<th>Year to date cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of liquor licensing applications received</td>
<td>48</td>
<td>191</td>
</tr>
<tr>
<td>Number of premises inspections (routine)</td>
<td>16</td>
<td>55</td>
</tr>
<tr>
<td>Number of premises inspections (monitoring operations)</td>
<td>1</td>
<td>10</td>
</tr>
</tbody>
</table>

District Licensing Committee
During the month the committee determined the following applications under the Sale and Supply of Alcohol Act 2012.

<table>
<thead>
<tr>
<th>On the Papers</th>
<th>Last Month (September 2015)</th>
<th>September 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Licence applications</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td>On, off, club applications (new and renewals)</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>Manager’s certificate applications (new and renewals)</td>
<td>27</td>
<td>24</td>
</tr>
<tr>
<td>Temporary authority order applications</td>
<td>2</td>
<td>4</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Hearings</th>
<th>Last Month (September 2015)</th>
<th>September 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>One application for a temporary authority</td>
<td>0</td>
<td>1</td>
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</table>

Regulatory Compliance

<table>
<thead>
<tr>
<th>Complaints investigation</th>
<th>September 2015</th>
<th>Year to date cumulative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of complaints received</td>
<td>25</td>
<td>430</td>
</tr>
<tr>
<td>Number of Building Act 2004 complaints</td>
<td>20</td>
<td>261</td>
</tr>
<tr>
<td>Number of Resource Management Act 1991 complaints</td>
<td>5</td>
<td>150</td>
</tr>
<tr>
<td>Number of Fencing of Swimming Pools Act 1987 complaints</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>Number of complaints resolved during the month</td>
<td>24</td>
<td>394</td>
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<tr>
<td>Total number of complaints still under investigation</td>
<td>56</td>
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<thead>
<tr>
<th>Compliance inspections</th>
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<tbody>
<tr>
<td>Number of land use resource consent conditions monitored</td>
<td>3</td>
<td>402</td>
</tr>
<tr>
<td>Number of Fencing of Swimming Pools Act 1987 inspections</td>
<td>30</td>
<td>390</td>
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<table>
<thead>
<tr>
<th>Enforcement actions</th>
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<tbody>
<tr>
<td>Number of abatement notices issued</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Number of infringement notices issued</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of Building Act – Notices to fix</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Number of Building Act – warrants to alleviate immediate danger</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of Building Act – dangerous/insanitary buildings</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Number of prosecutions/other applications</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Resource Management Act/District Plan Complaints

![Graph showing monthly data, historical range, and 12 month trend for Resource Management Act/District Plan Complaints.]

Building Act Complaints Investigated

![Graph showing monthly data, historical range, and 12 month trend for Building Act Complaints Investigated.]

Environmental Northland

Excessive Noise Complaints

[Graph showing monthly data, historical range, monthly average, and 12 month trend for Excessive Noise Complaints over the period Sep-14 to Sep-15.]

Stock Complaints

[Graph showing monthly data, historical range, monthly average, and 12 month trend for Stock Complaints over the period Sep-14 to Sep-15.]
The Community Services Manager (O Thomas) reports for September 2015

**Funding**

The 2015-2016 Performing Arts Fund closed on 14 August. Three applications were received. The recommendation from staff was to fund two applications but not a third from Opera North. The Community Funding Subcommittee decided at its 9 September meeting to fund all three applications. All applicants have been sent letters advising the result of their applications.

Three new appointments to the Creative Communities Assessment Committee were made in September. Round 1 of the 2015-2016 Creative Communities Scheme closed on 28 August. 16 applications, requesting a total of $86,154 were received. Application packs were provided to the committee on 11 September for their consideration. The assessment meeting was held on 29 September. At the time this item was written the results of this meeting were not known.

Round 1 of the 2015-2016 Community Fund continues to be open for applications, with advertising in The Leader and application forms and guidance available at www.wdc.govt.nz and at Council’s Customer Services counters. A workshop was held on 17 September to support potential applicants, which was well attended. This funding round closes on 9 October, with decisions to be made by the Community Funding Subcommittee on 11 November.

Hihiaua Cultural Centre Trust was approved $500,000 grant in year 1 of the 2015-2025 Long Term Plan. It has been sent a letter advising what is required in order to get a funding agreement in place.

Whangarei Quarry Gardens Trust’s Community Loan application of $100,000 required further information, so the processing was delayed, and is presented as a separate agenda item to the October meeting of the Planning Committee. The grant agreement is now in place and the first installment of $139,000 has been paid out. The final $20,000 will be paid once the Code Compliance Certificate is finalized.

At its 9 September meeting the Community Funding Subcommittee was presented with the draft implementation plan for the 2015-2016 Transition Fund. The following items are being developed: a new webpage; an application form; and letters to those organisations that will be given the opportunity to apply. This part of the process will be completed by early October.
A separate agenda item has been prepared which summarizes all grant and concession activity across all Council departments for the 2014-2015 year. This will be presented to full Council.

The September quarter reports have been received from Annual Operating Grant recipients Whangarei Art Museum, Kiwi North and Creative Northland. These are presented with an analysis as a separate agenda item.

Safety

Reported activities to the City Safe Call Centre sit at the 6-monthly average and continue to remain at the lower reported levels for the past 13-month period. This reflects the downward trend of antisocial behaviour being reported in the city during the day, despite there being a slight increase in reported graffiti vandalism in the city.

Our day time City Safe Community Officers have noted the continued low levels of graffiti vandalism within the CBD area, which is about 66% down on what it was for this time last year. Our Community Officers are networking with the Police, Youth Space and other community stakeholders and this has contributed to the low levels of antisocial behaviour during the day. Unfortunately, truancy levels increased this period, with the end of the school term approaching and the senior exams being held.

Both the day and night City Safe Community Officer Patrols are networking with the CCTV volunteers and Police, which ensures that the best deployment of resources are allocated to where they are required most.

The CCTV volunteers have reported a significant decrease in both offences and incidents observed during this period, with noticeable decreases in observed liquor ban breaches and overall disorder offending. There was also a significant decrease in reported bikes in the mall and intoxicated people for this period. The CCTV Volunteers work closely with the Community Officer Patrols and through this partnership, they have been able to direct Police to diverse incidents of breaches of the liquor ban, disorder and other types of offending.
Graffiti vandalism has risen slightly again this period, but it continues to remain at the lower recorded levels for the 13-month period and is well below the mean (average) levels since the Stop Tags Database commenced in July 2013. This success is due to the continued identification of tags through the Stop Tags Database and reporting of recidivist offenders to Police, as well as, the great work being carried out by D’Tag and our other graffiti removal contractors and partners in the quick removal of graffiti vandalism from the shopping centres and main arterial routes.

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<tbody>
<tr>
<td>Bikes In Mall</td>
<td>8</td>
<td>10</td>
<td>11</td>
<td>13</td>
<td>2</td>
<td>20</td>
<td>9</td>
<td>15</td>
<td>26</td>
<td>17</td>
<td>12</td>
<td>26</td>
<td>14</td>
</tr>
<tr>
<td>Intoxicated</td>
<td>2</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>6</td>
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<td>8</td>
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<td>Skateboards</td>
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<td>0</td>
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</tbody>
</table>

StopTags Graffiti Database: Aug-Sep 2014 to Aug-Sep 2015

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<tr>
<td>Total Tags</td>
<td>3590</td>
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<td>2843</td>
<td>1887</td>
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<td>1831</td>
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<td>1411</td>
<td>1132</td>
<td>1435</td>
<td>1454</td>
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<tr>
<td>Sq. Metres</td>
<td>2211</td>
<td>2295</td>
<td>1632</td>
<td>1066</td>
<td>1072</td>
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<td>842</td>
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<td>Total Photographs</td>
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<td>888</td>
<td>1010</td>
<td>957</td>
<td>964</td>
<td>537</td>
<td>613</td>
<td>723</td>
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<td>Total Jobs</td>
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<td>591</td>
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<td>398</td>
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<td>476</td>
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<td>334</td>
<td>228</td>
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<td>5.2</td>
<td>4.7</td>
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<td>5.0</td>
<td>4.4</td>
<td>4.1</td>
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</tbody>
</table>
Advisory

The Youth Advisory Group (YAG) had a full agenda for their monthly meeting on 9 September. They heard from WDC’s Senior Roading Engineer about the Walking and Cycling Strategy and on the Whangarei Inner City Development Plan and the Blue/Green Network Strategy, presented by the project, Strategic Planner, and the State of the Environment Co-ordinator respectively. Eight University of Auckland social geography students joined the group to hear perspectives on a variety of Youth related research topics. The YAG is embarking on preparations for the 2015 Whangarei Youth Awards with nominations open from 7 September until 9 October. Members promoted the awards at the Library’s ‘Big Day In’ on 12 August.

Members of the Positive Ageing Advisory Group (PAAG) also heard from staff at the 11 September monthly meeting. They spoke with the group on the Inner City Development Plan, explained the overarching nature of this work and invited members to submit suggestions. Concern over our heritage buildings often having wellmaintained external facades, yet being poorly preserved inside was raised in response to one of the stated aims of the plan - ‘To Celebrate our Heritage’. The members recognised that most tenants of these buildings are not-for-profit groups unable to afford maintenance.

The State of the Environment Co-ordinator presented her work on the Blue/Green Network strategy. She illustrated her talk with images of local and international examples of Blue/Green projects that enhance and conserve the natural environment. The PAAG were enthusiastic about the project and its linkage with the Walking and Cycling Strategy. Three social geography students joined the meeting as part of their research projects into aspects of Positive Ageing in Whangarei.

At the monthly DAG meeting held on 15 September, members welcomed guests the new CE, and staff. Staff presentations (as above) were well received. Issues raised by the group concerned the need for clear signage indicating the degree of accessibility of various stages of the pathways and catering for recreational use as much as practicable. Members were particularly appreciative of the CE attending their meeting. They took the opportunity to reiterate their desire for a regular accessible tram loop from the Town Basin to the CBD and Okara park shopping precinct. This service could also meet the needs of seniors, youth and other residents reliant on public transport as well as providing a visitor attraction. DAG members were advised that a new seat was installed at the Aquatic Centre for patrons of the hydrotherapy pools waiting for taxi’s. A further agenda item was a report on a Total Mobility stakeholders meeting at NRC on 4 September. The meeting was called following mounting anecdotal evidence of poor service delivery from taxi companies. These concerns were communicated to parties concerned and it was agreed that meetings would now be held quarterly.

Arts Culture and Heritage

WAM

The Te Papa Wall will continue to exhibit “Still life: self-portrait” by the celebrated New Zealand painter Frances Hodgkins until 31 October. On 28 August, the “Kermadec – Lines in the Ocean” exhibition finished. This exhibition stimulated several public events at the gallery; a PechaKucha evening on 26 August followed by two theatre performances held from 27-29 August. For those who have not visited the art museum for some time a fresh appearance has been achieved by the curating and installation of pieces from the permanent collection on 4 September. On 6 September, two touring photographic exhibitions were opened to the public. The “Narrative of Shadow and Light” exhibition displays the work of five Taiwanese female photographers, and a second exhibition shows thought provoking contemporary Dutch portrait photography by Hendrik Kerstens and Erwin Olaf. The two exhibitions are open until 15 November. Friends of the WAM enjoyed a trip to the Auckland Art Gallery on 15 September.
Kiwi North

From the 29 August to 6 September, the KiwiNorth educator organised an exhibition of the projects submitted by the top local entrants of the Schools Science Fair 2015. The annual celebration of Fathers’ Day on 6 September was again a highly successful collaborative event with local organisations, Barnardos and SKIP. More than 1000 people attended the family day with all fathers given free entry to the event. The KiwiNorth site continues to be a popular venue for a variety of events such as conferences, club outings, workshops and private functions. The improvements to the museum are having a significant impact on the feel and look of the exhibition space and consequently enhancing the visitor experience.

Creative Northland

Over this last month, the Creative Northland team have promoted 14 Arts Heritage and Culture related events through their E-Newsletter and posting flyers on public carousels and sandwich boards. A recent project was collaborating with Hockey Northland on a mural installation for the National Hockey Championships from 12-24 September. The Currie Electrical dugout at Kensington Park was painted with local street artist Rikki Peters’ winning design.

Recommendation

That the report be received.
4. Annual Operating Fund - September 2015 Quarterly Reporting

**Reporting officer**  Bree Kurtovich (Community Funding Officer)

**Date of meeting**  14 October 2015

**Vision, mission and values**

This item is in accord with Council’s vision, mission and values statement as it supports the provision of grants to ensure public services and community facilities are able to operate and meet the needs of our district’s communities.

**Background**

Creative Northland, Whangarei Art Museum (WAM), and Whangarei Museum and Heritage Park (Kiwi North) each receive an Annual Operating grant of over $100,000. In order to increase public visibility of the activities supported by Council’s financial contribution to the activities and events co-ordinated by these groups, since April 2014 these three organisations have been required to report regularly to Whangarei District Council’s Community Services Department.

Monthly reporting of significant community events directly or indirectly supported by Whangarei District Council’s Annual Operating grants are included in the Community Services Department monthly report to the Planning Committee under the heading “Arts, Culture and Heritage”.

The quarterly reporting involves details of the last three months’ activities, a summary of the last three months, and details of the activities planned for the next three month period. Creative Northland is also required to report on stakeholder support provided, as this is an identified requirement in its Memorandum of Understanding (MOU) with Council.

Quarterly reporting is required by the 20th of September (for 20 June to 19 September); January (for 20 September to 19 December); March (for 20 December to 19 March) and June (for 20 March to 19 June).

Three sets of quarterly reporting have been presented to this committee to date. The reporting for the 20 June to 19 September 2015 period has now been received from all three organisations. A summary of the information provided in each follows. The full reports are attached.

**Significance and Engagement**

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via Agenda publication on the website.

**Creative Northland**

The Culture, Heritage and Arts Resource Trust (CHART) has recently changed its name to Creative Northland. Creative Northland both directly organises events, and supports other stakeholders in Whangarei District’s arts, culture and heritage sector. The full report is included as Attachment 1.

In the three month period to 19 September 2015 Creative Northland reported a total of 9600 direct contact and audience visitors/participants, up from 8426 in the previous quarter. This is comprised of Facebook, e-newsletter and direct contact.

It reported on seven activities in the September quarter, up from five in the June quarter.

Creative Northland has had funding from Foundation North and Northland Regional Council confirmed.

In this quarter, Creative Northland report that stakeholder support was provided to The Old Library, Northland Youth Theatre Trust, Channel North and people involved in the Camera Obscura project. It also provided professional development opportunities for a range of organisations at a reduced cost, and advertised events for 45 local artists and arts organisations.
Creative Northland advises that it has appointed a General Manager, and several other members of staff.

Activities planned for the next three months include the Stand Together restoration, a hockey mural dugout collaboration and screening of Youth Summit films.

**Whangarei Art Museum Trust (WAM)**

The full report is included as Attachment 2.

In the three month period to 19 September 2015 WAM reported a total of 2830 visitors/participants, up from both the June and March quarters (1765 and 1695 respectively).

In this quarter WAM reported on 19 activities; compared to ten and seven in the previous quarters respectively. This can mainly be attributed to a more comprehensive approach to reporting. These comprised of several ongoing exhibitions, venue hire and visits, a range of activities relating to the Kermadec Exhibition and Public Programme, and some operational activities.

In this quarter WAM advises it has sought funding from Pub Charities and Foundation North. It received funding from PEW Charitable Trust and Pub Charities for the Kermadec public programmes.

WAM advises that the Kermadec Public Programmes were very successful, with 612 people over four nights. It also advises of all exhibition openings going well, and generally increased collaboration.

WAM advises of issues/complaints about access and visibility of the museum from the street. A new door graphic has been installed on the entrance doors which has made a difference. WAM also advises that it has ongoing storage problems. Some solutions have been installed.

For the next quarter WAM advises it has three exhibitions, a local artist solo show, a fundraising event and the Town Basin 20th birthday.

**Whangarei Museum and Heritage Trust (Kiwi North)**

The full report is included as Attachment 3.

In the three month period to 19 September 2015 Kiwi North reported general visitor numbers of a total of 5016, comprised of 2390 visitors recorded through the point of sale system (POS), and a further 113 visiting due to venue hire, 1366 for education, and approximately 1150 through events. Visitor numbers on par with the previous quarter, with total figures of 5117 (2431 POS); and up on the approximately 4114 (1880 POS) in the March quarter.

Kiwi North reported on eight events including the Fathers Day 2015 free family day out, Matariki exhibition opening and the Rothbard Holocaust presentation, and several activities related to school aged children: the Top Art exhibition, the Science Fair exhibition and invitation evening, and Kiwi North’s school holiday programmes.

Kiwi North advised that it has sought funding from Northland Voluntary Welfare Trust, Oxford Sports Trust, NZ Lotteries Community, Foundation North and the Sir Logan Campbell Estate. It has received funding this quarter from COGS, Northland Voluntary Welfare Trust, Oxford Sports Trust, Foundation North and NZ Lotteries.

Kiwi North’s Stage 2 Accessibility Project continues with support from ASB and Lotteries. A $60,000 community loan from Council was approved to complete this project. Progress on this project is well underway, with expected completion in October. More information about this project is provided in the full report.

Kiwi North advises that the Rothbard presentation was very successful, and was a fantastic example of what can be done by a community museum. The Father’s Day event went well, and is expected to grow in future years. New NZTA signage has had a positive impact.

Kiwi North advises that a visit from the Pioneer Village Historic Society did not go well due to lack of disability access and pouring rain. This highlights the value of the Stage 2 project.

At the time this report was prepared, the activities planned for the next three months included school holiday programmes, a Gypsy fair, the Bernina Up Close 2015 exhibition and free entry for seniors on International Day of the Older Person.
Conclusion
This quarterly reporting continues to provide vastly improved information for Council about some of the arts, culture and heritage activities it contributes financially to in the district. Identified trends in reported activities at Creative Northland, Kiwi North and WAM are reported to this committee on a regular basis.

Recommendation
That the information be received.

Attachments
1. Creative Northland 20 June to 19 September 2015 reporting
2. WAM 20 June to 19 September 2015 reporting
3. Kiwi North 20 June to 19 September 2015 reporting
### Last three months – activity details

<table>
<thead>
<tr>
<th>Name of activity</th>
<th>Date/s of activity</th>
<th>Cost of the activity</th>
<th>Marketing approaches used</th>
<th>Customer satisfaction data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whanau Festival &amp; Maori Market</td>
<td>27 June</td>
<td>Staff time</td>
<td>Facebook, E-Newsletter &amp; Venues and Events Whangarei Marketing avenues</td>
<td>n/a</td>
</tr>
<tr>
<td>Matariki Festival: Seven Sisters Exhibition</td>
<td>17/7/15 - 8/8/15</td>
<td>Staff time &amp; signage fees $105</td>
<td>Facebook, E-Newsletter &amp; Venues and Events Whangarei Marketing avenues</td>
<td>no</td>
</tr>
<tr>
<td><strong>Northland Youth Summit 2015</strong></td>
<td>Event held 30 &amp; 31 July</td>
<td>$36,805</td>
<td>Facebook, Northland Youth Summit website and newspaper articles and presence</td>
<td>yes</td>
</tr>
<tr>
<td><strong>Cross-collaboration with many agencies:</strong> Channel North, NIF, Child and Family friendly cities, MSD, NHHT, NDH, Manaia PHO, even support from Auckland City Council</td>
<td>Ongoing</td>
<td>Anticipated cost of $3,000-$6,000</td>
<td>Establishing terms and conditions, no marketing required to date</td>
<td>n/a</td>
</tr>
<tr>
<td>Sculpture Symposium 2016</td>
<td>June 2015 - March 2016</td>
<td>Estimated at $65,000</td>
<td>Planning meetings with established committee underway</td>
<td>Planning underway to gather feedback around the event in 2016</td>
</tr>
<tr>
<td>Art Beat</td>
<td>planning until delivery in January 2016</td>
<td>Estimated Budget $15,000</td>
<td>Facebook, E-Newsletter &amp; Venues and Events Whangarei Marketing avenues</td>
<td>Planning underway to gather feedback around the event in 2016</td>
</tr>
<tr>
<td>Hockey North Mural Dugout Collaboration</td>
<td>07/09/2015 - 11/09/2015</td>
<td>Total budget $3,000 Hockey North cash &amp; in-kind contribution of $1,500</td>
<td>Mural installation at Hockey North, Kensington Park Grounds</td>
<td></td>
</tr>
<tr>
<td>David Parrish Workshop &amp; Masterclass</td>
<td>4 August 2015</td>
<td>$2,500</td>
<td>Facebook, E-Newsletter &amp; Venues and Events Whangarei Marketing avenues</td>
<td>yes</td>
</tr>
<tr>
<td>Old Library Midday Music</td>
<td>3 June &amp; 17 June</td>
<td>Staff time</td>
<td>Facebook, E-Newsletter &amp; Venues and Events Whangarei Marketing avenues</td>
<td>no</td>
</tr>
</tbody>
</table>
Last three months – stakeholder support provided (including specialist arts advice to Council and Council staff)

Note: Creative Northland’s MOU with WDC includes agreement to provide support to the following stakeholders as required: Old Library, Whangarei Art Museum, The Quarry Arts Centre, Reyburn House, The Papermill, Northland Youth Theatre, Hihiuwa Cultural Centre, Whangarei Youth Music, Te Kowhai Print Trust, The Packard and Pioneer Museum, Whangarei Museum and Kiwi North, Channel North, and Creative Northland.

<table>
<thead>
<tr>
<th>Organisation/group/individual supported</th>
<th>To do what?</th>
<th>Support provided by CHART</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old Library</td>
<td>Assist with initiatives, management, governance and budget and wind down</td>
<td>Working with our Board, Operations Manager and Executive Assistant</td>
</tr>
<tr>
<td>Northland Youth Theatre Trust</td>
<td>Governance</td>
<td>Operations Manager as Trustee</td>
</tr>
<tr>
<td>Channel North</td>
<td>Commissioned to film Northland Youth Summit</td>
<td>Earnings opportunities and awareness through Creative Northland marketing channels</td>
</tr>
<tr>
<td>Diane Stoppard, Trish Clarke, Felicity Christian</td>
<td>Camera Obscura project progression</td>
<td>Investment towards Architectural plans</td>
</tr>
<tr>
<td>WDC</td>
<td>ArtBeat, Sculpture Symposium, Stand Together restoration, Sculpted Steel,</td>
<td>Project planning to enhance Whangarei District &amp; community initiatives</td>
</tr>
<tr>
<td>45 Local artists and arts organisations</td>
<td>Advertise their events</td>
<td>Via poster placement and e-mail blasts via the Creative Northland Newsletter</td>
</tr>
</tbody>
</table>

Last three months – summary

<table>
<thead>
<tr>
<th>Total visitors/participants</th>
<th>Between Facebook, E-Newsletter and direct contact the average numbers per month the last three months were: 9600</th>
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<tbody>
<tr>
<td>Total number of events</td>
<td>7</td>
</tr>
<tr>
<td>Other funding sought</td>
<td>Funding plan under development for Sculpture Symposium and ArtBeat</td>
</tr>
<tr>
<td>Other funding received</td>
<td>Confirmation of $59,000 incontestable funding per annum for three years (1July 2015-30 June 2018) from Northland Regional Council. Confirmation of $50,000 from Foundation North for the 2015/16 Financial year</td>
</tr>
<tr>
<td>What has gone well?</td>
<td>Continuation of ongoing projects and relationship management with our stakeholders.</td>
</tr>
<tr>
<td>What has not gone well?</td>
<td>Continuation of ongoing projects and relationship management with our stakeholders.</td>
</tr>
<tr>
<td>Anything else you would like us to know about?</td>
<td>Creative Northland is pleased to announce our team with the appointment of Hinurewa te Hau as the General Manager, Andrea Gemmell as Executive Assistant, Laura Burns as Operations Manager, Lilly Morrow as Funding and Sponsorship Coordinator, and Emma Pearce as Events and Marketing Coordinator (Whangarei).</td>
</tr>
<tr>
<td>Name of activity planned</td>
<td>Planned date/s of activity</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Stand Together restoration</td>
<td>30/09/2015 to 15/12/2015</td>
</tr>
<tr>
<td>Hockey Mural Dugout Collaboration (walls 2 &amp; 3)</td>
<td>1/10/2015 to 15/12/2015</td>
</tr>
<tr>
<td>Screening in WDC of the Northland Youth Summit Films</td>
<td>Oct or Nov 2015/final dates to be confirmed</td>
</tr>
</tbody>
</table>
## Attachment 2: Whangarei Art Museum (WAM) 20 June to 19 September 2015 reporting

### Last three months – activity details

<table>
<thead>
<tr>
<th>Name of activity</th>
<th>Date/s of activity</th>
<th>Cost of the activity</th>
<th>Marketing approaches used</th>
<th>Customer satisfaction data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Te Papa Wall</td>
<td>29/9/14-20/15</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;Great Space&quot;,</td>
</tr>
<tr>
<td>Four Seasons Exhibition John Foster and Te Kowhai Print Trust</td>
<td>2/3/15-22/6/15</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;Well worth a look&quot; &quot;memorable and nostalgic&quot;</td>
</tr>
<tr>
<td>Billy Apple Exhibition</td>
<td>2/3/15-22/6/15</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;Always great, Billy Apple’s cool!&quot;</td>
</tr>
<tr>
<td>Permanent Exhibition Gallery</td>
<td>30/6/15-4/7/15</td>
<td>$300</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;fresh and clean, looking forward to seeing some works out&quot;</td>
</tr>
<tr>
<td>Kermadec Exhibition Opening and Artist Talk</td>
<td>5/7/15</td>
<td>Funded by PEW</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;Stunning photography&quot;</td>
</tr>
<tr>
<td>Kermadec</td>
<td>5/7/15-28/8/15</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB</td>
<td>&quot;delightful gallery&quot;</td>
</tr>
<tr>
<td>Drummond Archive Project</td>
<td>Ongoing</td>
<td>Funded</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Auckland Art Gallery Visit Friends of Auckland Art Gallery-Visit to WAM and Hundertwasser Centre</td>
<td>15/8/15</td>
<td>$20 pp</td>
<td>website / Mail Chimp / FB</td>
<td>&quot;Impressive&quot; &quot;who knew Whangarei had such a great gallery&quot;</td>
</tr>
<tr>
<td>Class Visits 5 Schools</td>
<td>June-Spe</td>
<td>$0</td>
<td>Education resource packs sent to each school</td>
<td>&quot;Woah it’s like we are in Auckland&quot;</td>
</tr>
<tr>
<td>PechaKucha (Kermadec Public Programme)</td>
<td>26/8/15</td>
<td>$5 pp</td>
<td>website / media / posters / FB / Mail Chimp</td>
<td>&quot;incredible space&quot; &quot;next level speakers&quot;</td>
</tr>
<tr>
<td>Rangitahua (Kermadec Public Programme)</td>
<td>27/8/15 28/8/25 and 29/8/15</td>
<td>$10pp</td>
<td>website / media / posters / FB / Mail Chimp</td>
<td>&quot;unbelievable&quot; &quot;innovative use of gallery” “perfectly suited to Kermadec exhibition”</td>
</tr>
<tr>
<td>Hatch (Kermadec Public Programme)</td>
<td>28th and 29th</td>
<td>$20 pp</td>
<td>website / media / posters / FB / Mail Chimp</td>
<td>&quot;top rate performance&quot;</td>
</tr>
<tr>
<td>Narrative of Shadow and Light (Taiwanese)</td>
<td>6 September – 15 November</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB / Mail Chimp</td>
<td>&quot;Family time lapse is amazing&quot;</td>
</tr>
<tr>
<td>Hendrik Kerstens + Erwin Olaf (Dutch)</td>
<td>6 September – 15 November</td>
<td>$0</td>
<td>Signs at i-site / website / media / posters / FB / Mail Chimp</td>
<td>&quot;Stunning images&quot;</td>
</tr>
<tr>
<td>Event Description</td>
<td>Date</td>
<td>Cost</td>
<td>Website/Media/FB/Mail Chimp</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>------------</td>
<td>------</td>
<td>------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Exhibition Opening</td>
<td>6/9/15</td>
<td>$0</td>
<td>website / media / posters / FB / Mail Chimp</td>
<td></td>
</tr>
<tr>
<td>Friends Trip to Auckland Art Gallery</td>
<td>15/9/15</td>
<td>$40</td>
<td>website / FB / Mail Chimp</td>
<td>“wonderful day”</td>
</tr>
<tr>
<td>Venue Hire- Northland Hair Dressing Association</td>
<td>11/9/15</td>
<td>N/A</td>
<td>website / FB / Mail Chimp</td>
<td>“We never knew this was here, it’s amazing!”</td>
</tr>
<tr>
<td>Collection store and loading bay furniture complete</td>
<td>Ongoing since March</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>WAM Permanent Collection exhibition installed</td>
<td>4/9/15</td>
<td>$0</td>
<td>N/A</td>
<td>“this is an awesome collection”</td>
</tr>
</tbody>
</table>

**Last three months – summary**

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total visitors/participants</td>
<td>2830</td>
</tr>
<tr>
<td>Total number of events</td>
<td>19</td>
</tr>
<tr>
<td>Other funding sought</td>
<td>Pub Charities, Foundation North</td>
</tr>
<tr>
<td>Other funding received</td>
<td>PEW Charitable Trust- Towards Kermadec Public Programme, Pub Charities- Kermadec public programme,</td>
</tr>
</tbody>
</table>

**What has gone well?**
- Kermadec Public Programmes were amazing- 612 people over 4 nights - PEW now funding the WAM public programme model to be used at other touring venues e.g. Rangitahua will perform in Gisborne.
- All exhibition openings went very well- (wine and cheese sponsorship Bank Street Social Club)
- Both WAM friends visit to AAG and AAGs Friend visit to WAM went well- Auckland Art Gallery friends really impressed with galleries
- Venue Hire- Great feedback about space and use as a venue- only complaint was “having to go through i-site to get to beautiful classy space”
- First ever meeting with Quarry Arts Centre to discuss ways to share/pool resources and support each other
- Collaborating with Company of Giants

**What has not gone well?**
- Ongoing storage problems
- Ongoing issues and complaints about access/visibility from street
- Having to use i-site as entry for events after hours

**Anything else you would like us to know about?**
- New door graphic installed on entrance doors- Has already made a considerable difference to visitor number/access and visibility once inside the i-site
- WAM permanent exhibition installed at back of Gallery 1.
- Collection store and loading bay shelving/storage installed
## Next three months – activity details

<table>
<thead>
<tr>
<th>Name of activity planned</th>
<th>Planned date/s of activity</th>
<th>Marketing approaches planned</th>
<th>Customer satisfaction collection planned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Basin 20th Birthday</td>
<td>30th September</td>
<td>Advocate, FB, mailchimp</td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
<tr>
<td>Te Papa Wall</td>
<td>ongoing</td>
<td>Signs at i-site / website / media / advert</td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
<tr>
<td>Fundraising Event</td>
<td>TBC</td>
<td></td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
<tr>
<td>WCBB- Simon Kerr Exhibition</td>
<td>November-February</td>
<td>Signs at i-site / website / media / advert</td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
<tr>
<td>Arboretum Exhibition</td>
<td>November-February</td>
<td>Signs at i-site / website / media / advert</td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
<tr>
<td>Local Artist Sole Show (Dave Beazley)</td>
<td>TBC February</td>
<td>Signs at i-site / website / media / advert</td>
<td>Visitor book – comments Website comments, FB comments</td>
</tr>
</tbody>
</table>
**Attachment 3: Whangarei Museum and Heritage Trust (Kiwi North) 20 June to 19 September 2015 reporting**

**Last three months – activity details**

<table>
<thead>
<tr>
<th>Name of activity</th>
<th>Date/s of activity</th>
<th>Cost of the activity</th>
<th>Marketing approaches used</th>
<th>Customer satisfaction data collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matariki Opening - 35</td>
<td>25\textsuperscript{th} June</td>
<td></td>
<td>Invitation</td>
<td></td>
</tr>
<tr>
<td>Rothbard Presentation Miraculous Holocaust Survival Frefda and Shmuel Rothbard &amp; Jewish Federation of NZ 75 attendees – sold out</td>
<td>4th July 15</td>
<td>$350.00</td>
<td>Website, Eventfinder, Facebook. Flyer by email drop, accommodation, I-sites, businesses, libraries, hospital. Community notices radio. Contacts in local Jewish community, WINGs, etc.</td>
<td>This was an excellent talk and very important. We in the audience felt privileged to hear Rothbard’s story. It was a fitting end to Auschwitz to Aotearoa exhibition. Well done and thank you to you, Stewart and the staff at Kiwi North for putting this on. Richard &amp; Hana Easton, Jewish Community</td>
</tr>
<tr>
<td>WW1 Exhibition ongoing with additions</td>
<td>Ongoing</td>
<td></td>
<td>Website, eventfinder, exhibition notices in papers, Channel North showing some of the interviews from exhibition.</td>
<td>Visitor book, customer survey, facebook</td>
</tr>
<tr>
<td>School holiday activities Tuatara Encounter 11.15am Set daily programme with KN educator 10 to 12, bookings essential. Rides Wednesday, Thursday and Friday.</td>
<td>6\textsuperscript{th} to 17\textsuperscript{th} July Mon, Wed, Friday</td>
<td></td>
<td>Schools &amp; preschools, social media and other advertising avenues of partnership organisations ie. WAM &amp; Claphams Clocks. Community notices mixed media, paid advertising Report, Leader, Advocate, Kaipara Lifestyler, posters, email, website, facebook, Eventfinder.</td>
<td>Visitor book, customer survey, facebook.</td>
</tr>
<tr>
<td>Top Art Exhibition: NCEA Year 12 &amp; 13 2014 artworks touring country</td>
<td>13\textsuperscript{th} to 24\textsuperscript{th} July</td>
<td></td>
<td>Schools &amp; preschools, social media and other advertising avenues of partnership organisations ie. WAM &amp; Claphams Clocks. Community notices mixed media, paid advertising Report, Leader, Advocate, Kaipara Lifestyler, posters, email, website, facebook, Eventfinder.</td>
<td>Visitor book, customer survey, facebook.</td>
</tr>
<tr>
<td>Super Wednesday</td>
<td>1 July, 5 Aug, 2Sept</td>
<td></td>
<td>Website, email, posters</td>
<td>Visitor book, customer survey, facebook.</td>
</tr>
</tbody>
</table>


Science Fair Exhibition
Displaying winners of Whangarei districts school science fair.

29 Aug to 6th Sept
Schools, website, facebook. Posters

Invitation evening for Science
fair exhibition contributors, family
and sponsors
4th September
Invitation

Father’s Day Event 2015
Funding sourced & coordinated
by Barnardos, in partnership with
Kiwi North, SKIP, and other
family support agencies.
Sponsorship by many
Whangarei businesses.
Estimated 1000 attendees.

6th September
Dads and children
FREE, other
donation appreciated.
Website, Eventfinder, Facebook. Flyer by email drop,
admission, I-sites, businesses, libraries, hospital.
Community notices radio. Barnardos and other family
support agencies networks. Stakeholders (e.g. The
Coffee Girl) and sponsors networks.

Visitor book, customer survey,
facebook
“Heaps of amazing info
learnt so much”
“Its awesome and kid
friendly”
“simply awesome!”

Last three months – summary

<table>
<thead>
<tr>
<th>Total visitors/participants</th>
<th>POS 2390, Venue hire 113, Events 1150 estimated including 50 volunteers, Education 1366</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of events</td>
<td>4 events – Matariki Exhibition Opening, Rothbard Presentation, Science Fair Invitation evening, Father’s Day 2015 free family day out.</td>
</tr>
</tbody>
</table>

Other funding sought

20 June to 19 sept
Northland Voluntary Welfare Trust $5k – towards lift install & certification costs stage 2 project
Oxford Sports Trust – 3 applications period June-August $15k - towards stage 2 costs – Datacom & CCTV.
Oxford Sports Trust – application Sept $10k towards stage 2 project costs – air conditioning & ventilation costs.
NZ Lottery Community - $50k - contribution to operating costs, salary, community engagement, volunteer costs.
Outcome mid October 2015.
Foundation North $100k - exhibitions $50k and operating costs $50k - Outcome mid October 2015.
Sir John Logan Campbell Estate - $3k towards archive conservation resources/ supplies - outcome Nov 2015

Other funding received
(amounts excl GST)

20 June to 19 Sept
Approved COGS $3k – received on 17/09.
WDC Operational Grant - $180965 – 6mths grant received July.
Northland Voluntary Welfare Trust – Approved $3k towards lift – stage 2 project.
Oxford Sports Trust $ 7k in total over 3 applications June-Aug towards stage 2 project costs Datacom & CCTV.
Foundation North (formerly ASB CT) – balance of grant release $39970 total - contributions towards stage 2 project capital costs electrical & fire protection, Datacom & CCTV infrastructure costs.
NZ Lottery E & H $150k – for stage 2 project costs (capital project 2nd funding release)
WDC Community Loan $60k – approved towards stage 2 project costs – net proceeds received 4/09.

<table>
<thead>
<tr>
<th>What has gone well?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rothbard Presentation 4 July – It was an absolute privilege to host these people and hear their story, and make it possible for others to hear and meet them. Perfectly timed with the closure of the very relevant Auschwitz to Aotearoa Exhibition. A fantastic example of what we can do as a community Museum.</td>
</tr>
<tr>
<td>Father’s Day 2015 – great event that will continue to grow. Great example of community partnerships working together with Barnardos for benefit of families. Fantastic use of our venue for a great cause.</td>
</tr>
<tr>
<td>Response to new NZTA directional signs for Kiwi North at SH1 and Maunu road intersection has been very positive with a 2% increase from norm of 5 or 6%, up to 8% in road signs quoted as visitor info source at end July, 3% increase to end August up to 9%.</td>
</tr>
<tr>
<td>Stage 2 project going well and on track for expected completion early October – continued good working relationship between staff, building project manager and contractors. Funders accountability milestones being met as due.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What has not gone well?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pioneer Village Historic Society visit - Due to lack of disability access and pouring rain staff had to drive some visitors from place to place in their own vehicles. Visitors were very happy and impressed by service, but this highlights perfectly the value of internal link access project currently underway.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Anything else you would like us to know about?</th>
</tr>
</thead>
<tbody>
<tr>
<td>In regard to our Stage 2 capital project progress:</td>
</tr>
<tr>
<td>• Construction works well underway, 65 -70 % complete, with lock up stage reached 4/09 for addition . Waiting on timber framing to dry out, to enable linings to start on internal walls. All prewire completed, and supporting infrastructure works underway.</td>
</tr>
<tr>
<td>• Lift installation complete.</td>
</tr>
<tr>
<td>Balance of funding being progressively drawn as main portion of project progresses, as per project funder’s terms &amp; conditions. Expected construction completion date early October 2015.</td>
</tr>
</tbody>
</table>

Next three months – activity details

<table>
<thead>
<tr>
<th>Name of activity planned</th>
<th>Planned date/s of activity</th>
<th>Marketing approaches planned</th>
<th>Customer satisfaction collection planned</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Holidays Sept 28th to October 9th</td>
<td>Morning programmes with KN educator, heritage park rides, tuatara encounter</td>
<td>Email drop to schools, pre-schools, businesses, I-Sites, etc. Posters, Website, event finder, facebook - use of partners social media. Community notices and paid newspaper advertising. Radio advertising via NZME contract</td>
<td>Facebook, customer survey, visitor book, Trip Advisor</td>
</tr>
<tr>
<td>Event</td>
<td>Details</td>
<td>Marketing/Advertising</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Gypsy Fair 26 and 27&lt;sup&gt;th&lt;/sup&gt;/9/15</td>
<td>Gypsy Fair on site Gate 1, discounted entry, mini trains running</td>
<td>Email drop to schools, pre-schools, businesses, I-Sites, etc. Posters, Website, event finder, facebook - use of partners social media. Community notices and paid newspaper advertising. Radio advertising via NZME contract</td>
<td></td>
</tr>
<tr>
<td>International Day of the Older Person 1/10/15</td>
<td>Free entry to all seniors. Club participation to be confirmed.</td>
<td>Email drop to clubs, community support agencies, businesses, I-Sites, etc. Posters, Website, event finder, facebook - use of partners social media. Community notices and paid newspaper advertising. Radio advertising via NZME contract</td>
<td></td>
</tr>
<tr>
<td>Bernina Up Close 2015 Exhibition 3&lt;sup&gt;rd&lt;/sup&gt; October to 15&lt;sup&gt;th&lt;/sup&gt; November 2015</td>
<td>Exhibiting place getters of the recent Bernina Fashion Awards. Promoting local talent.</td>
<td>Email drop to clubs, community support agencies, businesses, I-Sites, etc. Posters, Website, event finder, facebook - use of partners social media. Community notices and paid newspaper advertising. Radio advertising via NZME contract</td>
<td></td>
</tr>
<tr>
<td>Ceremony for now completed re-housing of North Auckland Mounted Rifles Colours</td>
<td>Date still to be confirmed with RSA</td>
<td>Facebook, customer survey, visitor book Feedback from participants</td>
<td></td>
</tr>
</tbody>
</table>
5. **Community Loan application - Whangarei Quarry Gardens Trust**

**Reporting officer**  Bree Kurtovich (Community Funding Officer)

**Date of meeting**  14 October 2015

**Vision, mission and values**

This item is in accord with Council’s vision, mission and values statement as it supports an organisation to provide increased recreational infrastructure for its community.

**Background**

Council supports loan applications for the development, improvement or maintenance of recreational facilities. Since the adoption of the Grants, Concessions and Loans Policy on 27 May 2015, “recreation” is defined by Council (for the purpose of community loans) as “activity done for enjoyment when one is not working”.

Community Loans are provided from two Funds:

- Community Development Fund 1 – Reserve Development: for developing community assets for recreation purposes on Council-owned land; and
- Community Development Fund 2 – Recreation Development: for developing community assets for recreation purposes on land that is not Council-owned.

There is no limit to the amount an applicant can request; however the interest free nature of the loans is generally reserved for the first $100,000. Council’s Grants, Concessions and Loans Policy outlines the funding conditions of these loans.

The Whangarei Quarry Gardens Trust ‘WQGT’ has received $250,000 from Council towards the development of its new visitor centre. This was agreed in the 2012-2012 Long Term Plan (LTP).

WQGT submitted to the 2015-2025 LTP, requesting an additional grant of $159,000 and a loan of $100,000 to help cover the cost escalations of its project. Council agreed to a grant of $159,000, and to enter into discussions regarding the loan request.

The grant agreement process is complete. WQGT has submitted an application for a $100,000 Community Loan. If approved this loan would be sourced from Community Development Fund 1.

**Significance and Engagement**

Having considered the Significance and Engagement Policy this decision is not considered significant, and the public will be informed via Agenda publication on the website.

**Applicant Details**

The Whangarei Quarry Garden Trust was established in 1999 to take on the role of the restoration of the Winstone Quarry site into a world class sub tropical garden.

As Support Services Group Manager Alan Adcock advised in his 6 May 2015 Council workshop, WQGT is a Council Organisation (CO).

In section 6 of the **Local Government Act 2002**, “council organisation” means—

(a) a company—

(i) in which equity securities carrying voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

(ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 1 or more of the directors (however described) of the company; or
(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

(i) control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or

(ii) the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.

The Whangarei Quarry Gardens is located off Russell Road, Kensington. The land is owned by the Whangarei District Council and leased to WQGT. The Deed of Lease (2001) is for a period of 25 years, and provides for the Trust to develop and maintain the Russell Road Quarry as a ‘public gardens’.

The site was originally gifted to the Council and was in a very poor state; it was used as a dump and had extensive noxious weed coverage. Since about 1998 volunteers and local contractors have worked away and have transformed the site. Today the Whangarei Quarry Gardens is a garden of significance and is a tourist destination.

Its facilities include:

- 24 hectares of land (Lot 1 DP 187969 & Lot 2 DP 206917)
- Volunteers shed and storage area
- Two bridges across the stream
- A temporary office building for the Garden Manager
- A nearly complete Visitor Centre.

As a recipient of an Annual Operating Grant, WQGT is required to report to Council on a yearly basis. From these reports, Council staff can advise that WQGT appears to be operating well, with generally good visitor numbers.

**Council contributions**

Council is a major financial contributor to the operations and development of this facility.

WQGT receives two annual grants from Council:

- Annual Operating Grant from Community Services department each year since 2002-2003 to support operations. This grant was $36,193 for 2015-2016.

- Capital grants of approximately $50,000 from the Parks and Recreation department each year since 2001-2002. These grants are confirmed until 2019. This grant was $56,000 for 2014-2015.

In the year ended 30 June 2014 these Council grants comprised 36% of WQGT’s total income, the balance being comprised of other grants, donations, subscriptions, fundraising and interest.

In 2004-05 WQGT had a loan with Council with an outstanding balance of $50,000. The loan was originally for $80,000 of which they had repaid $30,000. When their three year grant funding (replaced by the Annual Operating Grants) was awarded, Council resolved to write off the outstanding $50,000 loan debt (Community Funding and Liaison Committee Minutes of 16 September 2004, ratified at the October 2004 Council meeting).

The 2012 LTP states; “Provision was made in the Draft LTP for a grant of $150,000 to WQGT Trust to assist in the development of a visitor centre in anticipation of the gardens becoming an international camellia ‘garden of significance’. WQGT Trust submission requested additional funding for this project. Council resolved to include a further $100,000 (adjusted for inflation) as a grant in year two of the LTP to support the proposed development.” The grant of $250,000 was made available in 2013-2014.

The $159,000 grant agreed through year 1 of the 2015-2025 LTP has been processed, with the first $139,000 paid in mid September. The final $20,000 will be paid once a Code Compliance Certificate for the new facility has been issued.
Project Details
The project entails the construction of a new 230m$^2$ visitor centre and cafe/function centre at the Whangarei Quarry Gardens. The project commenced in 2012, and is nearing completion.

The new building will:
- Allow WQGT to open its doors to a much wider audience and host a far greater array of events
- Provide a focal point for locals, visitors and events
- Provide a meeting space for volunteers, local clubs
- Serve as an outdoor education hub for schools and tertiary institutions.

Costs
The total cost of the project is now expected to be $1,103,000. Costs to date have been $856,452 including current invoices (yet to be paid).

The majority of the cost of the project ($844,000) has been raised through grants and public donations:
- Whangarei District Council $250,000
- Lotteries Community Fund $234,000
- ASB Fund $100,000
- Public donations $220,000
- Own funds $40,000

This leaves a budget shortfall of $259,000. This has come about due to significant budget overruns occurring during the construction period, mainly due to large increases to the actual costs compared to estimates provided by Kerr Construction. There was no contract in place with Kerr Construction at that time. This has since occurred.

As discussed above, the additional $159,000 Council grant has been agreed to, leaving $100,000 as the final shortfall.

Security for the Loan
WQGT has offered security in the form of personal loan guarantees from five members of the Trust.

Financial Assessment
The request from WQGT is that the remainder of the total cost, $100,000, be made up by an interest free loan from Whangarei District Council.

The project is expected to be completed in October 2015, and this loan will form the final funds necessary to complete the project.

WQGT’s financial statements for the year ending 30 June 2014 show a net operating surplus of $190,849 (excluding depreciation), and current assets totalling $414,709.

WQGT expects its income to increase once the new facility is open.

The cash forecast provided by WQGT included income increases which were unexplained. Council requested more information from WQGT, which delayed the processing of this agenda item from September to October.

More information has now been provided, and Council is now clear that WQGT is expected to have sufficient revenue streams to cover the loan repayments of $12,500 per annum for the next eight years.

Attachment 1 shows the loan and the respective impacts on WQGT and Council.
Summary
WQGT is a provider of recreation opportunities. This project improves the existing facility and enables the provision of enhanced community facilities in the Whangarei District. WQGT requires a loan to help it to complete this large project. It has an extensive financial relationship with Council, and there is little risk, but much benefit to our district in providing this loan.

Recommendation
1. That the information be received.
2. That Whangarei Quarry Gardens Trust be approved a loan of $100,000 from the Whangarei District Council’s Community Development Fund subject to the following terms and conditions:
   a) The loan shall be interest free.
   b) The loan shall be for a period of 8 years.
   c) Loan repayments shall be made in equal quarterly instalments.
   d) Security is taken in the form of personal loan guarantees from five members of Whangarei Quarry Gardens Trust.
   e) Whangarei Quarry Gardens Trust meets all legal expenses in relation to the loan documentation throughout the term of the loan including its subsequent discharge.
   f) Whangarei Quarry Gardens Trust will undertake to provide to Whangarei District Council a copy of its audited financial accounts no later than five months after the end of its financial year throughout the term of the loan.

Attachment
Whangarei Quarry Gardens Trust Loan Financial Analysis (IFRS)
### Attachment 1: Whangarei Quarry Gardens Trust Loan Financial Analysis

<table>
<thead>
<tr>
<th>Name</th>
<th>Whangarei Quarry Gardens Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>$100,000</td>
</tr>
<tr>
<td>Term</td>
<td>8 Years</td>
</tr>
<tr>
<td>Payments PA</td>
<td>4</td>
</tr>
<tr>
<td>Interest rate</td>
<td>0%</td>
</tr>
<tr>
<td>Repayments</td>
<td>3,125.00</td>
</tr>
<tr>
<td>WACC</td>
<td>5.65%</td>
</tr>
<tr>
<td>Inflation for PV</td>
<td>1.6%</td>
</tr>
<tr>
<td>Annual Repayments</td>
<td>$12,500</td>
</tr>
<tr>
<td>PV of cash flows low interest</td>
<td>$117,101.51</td>
</tr>
<tr>
<td>PV of cash flows</td>
<td>$93,689.02</td>
</tr>
<tr>
<td><strong>IFRS loss on loan transaction</strong></td>
<td><strong>$23,412.48</strong></td>
</tr>
</tbody>
</table>

#### 2014

<table>
<thead>
<tr>
<th></th>
<th>190,849</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Net Surplus (Deficit)</td>
<td>190,849</td>
</tr>
<tr>
<td>Non cash (depreciation etc.)</td>
<td>19,217</td>
</tr>
<tr>
<td>Net Surplus (Deficit)</td>
<td>171,632</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>414,709</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Assets</td>
<td>414,709</td>
</tr>
<tr>
<td>Term Assets</td>
<td>521,755</td>
</tr>
<tr>
<td>Current Liabilities</td>
<td>(305,527)</td>
</tr>
<tr>
<td>Term Liabilities</td>
<td>0</td>
</tr>
<tr>
<td>Equity</td>
<td>630,937</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>340,675</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and Deposits</td>
<td>340,675</td>
</tr>
<tr>
<td>Debt</td>
<td>0</td>
</tr>
</tbody>
</table>

**Comments:**

WQGT’s ability to service this loan will be conditional on their ability to achieve their forecast grant income and cafe income.
6. Recognition of the Patuharakeke Hapu Environmental Management Plan (HEMP) 2014

Reporting officer  Paul Waanders (Policy and Monitoring Manager)
Date of meeting 14 October 2015

Vision, mission and values
The Patuharakeke Te Iwi Trust’s Environmental Management Plan 2014 aims to assist both the Public and Council to understand and take account of the Hapu’s perspective on resource management issues of the District, thus contributing to the creation of the ultimate living environment.

Significance and Engagement
Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via Agenda publication on the website.

Introduction
Patuharakeke Te Iwi Trust prepared a Hapu Environmental Management Plan in 2007 (Trim No 07/41935) which was recognised by Council under item 15 of its meeting of 6 June 2007. Separately, a Memorandum of Understanding between Patuharakeke Te Iwi Trust Board and the Whangarei District Council was signed by Councilors and office bearers of the Trust Board. This MOU states the way in which the two organisations will work together to achieve the issues, by objectives, policies and resolution of methods specified in the Hapu Management Plan. Patuharakeke has several of these MOUs with organisations operating in its Rohe.

Whangarei District Council has adopted a set of guidelines for the recognition of the Iwi and Hapu Environmental Management Plan in 2007 under item 12 of its meeting on 7 February 2007 (copy of Guidelines attached as Attachment 3 Trim No 07/3240)

Patuharakeke Te Iwi Trust Board Inc has now presented an updated and fully revised Hapu Environmental Management Plan 2014, at a Hui on 26 August 2015. The Northland Regional Council was the major funder of this revision but the document will affect all environmental planning actions within their Rohe. Due to Council meetings, Councilors could not attend and the HEMP was received by the Policy and Monitoring Manager on behalf of the Whangarei District Council.

Relevant provisions in the Resource Management Act 1991
For the purpose of clarity, extracts from section 74 and 75 are recorded to explain the hierarchy and role that outside documents play in developing a District Plan (Attachment 2 – Trim No 15/89847)

1. The District Plan has to be developed in accordance with certain requirements (sec74(1))
2. The District Plan has to give effect to certain documents (sec75(3))
3. The District Plan shall have regard to certain documents (sec74(2)) having a bearing on resource management issues.
4. The District Plan has to be consistent (sec72(2)(c)) or not inconsistent (sec75(4)) with certain documents.
5. The District Plan must take into account certain planning documents recognized by an iwi authority and lodged with the territorial authority to the extent that its content has a bearing on resource management issues (sec74(2A))

Taking “into account” still requires an assessment and a decision of what to do when a District Plan, Plan Change or resource consent are developed or processed. Similar requirements relate to the Regional Plan in terms of which the Resource Consent applications for infrastructure services are prepared.

The relevant provision in the Resource Management 1991 relating to Iwi planning documents is the following:

Section 74 Matters to be considered by a Territorial authority:

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
Notably the Resource Management Act 1991 does not prescribe what such document should contain, or how they should be prepared. Therefore Iwi Hapu management plans could certainly range in size, quality, and contents. In addition the District Plan contains the following policy which will need to be considered:

7.4.2 Sites of Significance to Maori
To ensure that land use, subdivision and development does not adversely affect Sites of Significance to Maori, or other taonga identified in the District Plan or Hapu Environmental Management Plans.

It was because of these elements that the Council participated in the development of the “Guidelines for Preparing and Taking into Account Iwi and Hapu Management Plans” to increase the quality and usability of the plans which will be lodged with Council.

The Patuharakeke Hapu Environmental Management Plan 2014
This plan is a vast improvement on the previous 2007 plan. Without repeating all the provisions in the HEMP (Attachment 1 Trim No 15/13763), the important aspects are highlighted.

The Mission statement is:
“To revitalise the mauri of our taonga tuku iho.”

The Rohe is clearly identified, although disputed by Te Parawhau Iwi. It is however accepted that the Rohe may overlap.

The structure of all the elements is to identify the Issues, develop objectives and policies and suggest methods of implementation. This is the structure of the District Plan as well and will therefore be useful to compare with each other.

The first element is that of relationship and how Patuharakeke and other authorities will work together to achieve the common good. Patuharakeke wishes to re-establish a Resource Management Unit with staff to assist in this relationship. The methods describe the consultation process in developing planning documents and processing of resource consents. The matter of co-management of assets is mentioned.

A separate MOU will deal specifically with the WDC relationship with Patuharakeke Te Iwi Trust Board Inc.

The resource issues describe the following:

- **Kaitiakitanga** – duty of care and the knowledge that Patuharakeke bring to the party. The Treaty claims are also briefly discussed and the Section 27B memorials over land. Patuharakeke has developed an assessment tool to assess the Cultural Health Index of activities (page 34).
- **Raninui (Air)** – air emitters and the effects of climate change are discussed.
- **Papatuanuku (Land)** – the effect of urbanisation in an original rural area is a threat to the Hapu as they feel they lose control and vast areas of land. All aspects of development such as rating, mineral extraction, subdivisions, vegetation clearance and infrastructure assets bring massive change to the area.
- **Wai Maori (Water)** – the quantity and quality / allocation is an issue.
- **Tane Mahuta** – trees and biodiversity is a fast developing area under attack.
- **Waahi Tapu me waatii Taonga** – Areas of Significance (Cultural landscapes) and Sites of Significance to the Hapu has been described and made available under the SoS Project.
- **Tangaroa** – Coastal quality on the land and in the sea with urbanisation and heavy industries as well as fisheries.

### Implementation

The planning document has been prepared by the Patuharakeke Te Iwi Trust Board Inc over several months following extensive consultation within its membership.

The contents have been perused and will have a bearing on resource management issues of the District.

The draft planning document was received by staff in December 2014 and was tested against the “Guidelines for Reporting and Taking into account Iwi and Hapu Environmental Management Plans” adopted by Council in 2007. It was found to comply with these guidelines and is a suitable document to be received and recognised by the Whangarei District Council.

The document is not “approved” or “adopted” as it remains the Hapu’s view, but it is “received” and “recognised” by Council as being a relevant planning document recognised by the Iwi Authority and lodged with the Territorial Authority. The HEMP content has a bearing on the resource management issues of the District.
Recommendation

1. That the report and attachments be received.

2. That Council receives and recognises the Patuharakeke Hapu Environmental Management Plan as being lodged with the Whangarei District Council.

3. That the Hapu Environmental Management Plan be taken into account with all resource management actions and;

4. That all departments be informed of this decision and that the Hapu Environmental Management Plan be included on the Council website for the public to be informed.

Attachments

1. Patuharakeke Hapu Environmental Management Plan 2014
2. Extracts from the Resource Management Act
3. Guidelines for Preparing and Taking into account Iwi and Hapu Environmental Management Plans
PATUHARAKEKE
HAPU ENVIRONMENTAL MANAGEMENT PLAN 2014
MIHIMIHIMIHIMIHIMIHIMIHIMI

Ehara taku toa i te toa takitahi, engari ko taku toa i te takitini ke. Heoi ano ra, anei nga tai mihi e pari ana. E kore rawa e timu te tai aroha. Ko tatou te waihotanga iho e takatu ana ao po, po ao o te hunga kua takahia te ara whanui a Tane ki tua o te Putahitanga o Rehua, ki te huhiuanga o Matariki, moe mai ra ki te wahi ngaro, ki nga ringa atawhai o te matua i te rangi.

Kia kake au ki runga i te manu tipua nei. Kia titiro ai ki te mana whenua, ki te mana moana, o tira, ki te mana tūpuna o Te Whangarei Terenga Paraoa. Ka hokioi te manu ra, a, ka tiu, ka hoka, ka whakatopatopata, kia rere ai. Ka tiro iho au ki te maunga tapu o Manaia ki tai, ki te mahinga kai nunui rawa atu o te motu nei ko Tawatawhiti tera, kei Parihaka ki uta, ki te ho te ao o nga awa e rere ana mai Te Ahi-pupu-a-Ihenga, ka rere ki te wahi tapu te pou herenga waka ki Hihiaua.

Ka rere ki te tai tapu, a, ki te tutakitanga o te tai ki nga paripari o te moutere o Matakohekohe me ana nei korero, ki a Motu-o-Taua, ki te kahui o nga tohora, te terenga o nga paraoa i haere mai ratou i runga i te hau o te marangai, ka rere nga ngaru.

Ka huri taku tirohanga ki nga ngaru hukahuka o Rahuikuri e whakangau ana te tai, ki Rehotahi, ki Poupo-whenua, a, ki te wai e karemre ki te wahapu o Whangarei Terenga Paraoa ki nga rekerekere o te maunga Manaia e tutei ana, e matai ana ki nga motu i waho ra, ki a Taranga, ki a Marotiri me a-raua nei tamariki, ko Maui Roto, ratou ko Maui Waho, ko Maui ki-te-Taha me Maui Tikitiki-a-Taranga.

Ka hoki taku tirohanga ki a Ruarangi, ka rere ki reira, ka tau iho nei, a, ka tatu mai i runga i te nohonga o Torongare. Kei kora ka titiro te kaumatua ra ki te wahapu o Terenga Paraoa ki nga rarangi o nga waka, a, ka matakite ia hei hoa, hei hoariri ranei. E mea ana te whakatauki o to matou tūpuna,

“Toa ana te riri i Ngatiti, tau ana te marino i te raki.”

Kati ra, e nga tini tūpuna e kore a muri e hokia, a tona wa ka whai atu matou i o koutou tapuwaie. Ko oku nui, ko oku iti, tena koutou, tena koutou, tena tatu katoa1.

---

1 Na to matou whanaunga, Te Ihi Tito te nuinga o tenei whakatauki e pa ana ki Whangarei Terenga Paraoa nei.
PATUHARAKEKE HAPU ENVIRONMENTAL MANAGEMENT PLAN 2014

Published in December 2014 by Patuharakeke Te Iwi Trust Board Inc

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or email admin@patuharakeke.maori.nz
ACKNOWLEDGEMENTS

Ko te tuatahi ki a koutou kua rongo i te karanga o o tatou tupuna, nga kuia, nga wahine ma, me nga whanau katoa hoki tenei te mihi atu ki a koutou.

This Hapu Environmental Management Plan is the embodiment of many years of work by our kaitiaki both within our hapu and the trust board. To those who responded to the urgency of this kaupapa in contemporary times, in particular our Kuia, our Whaea who arose to commence the mahi that started us on the pathway leading to this document, nga mihi aroha ki a koutou nga wahine toa. Many of our hapu have tirelessly advocated for the protection and health of our home, our maunga, moana, awa, whenua, our people, culture and way of life - and heard our tupuna. To all those who have contributed their shared learnings and experiences, this plan was made possible from your contribution and service. We could not have done this without you.

Special thanks go to the working party members, Juliane Chetham, Ani Pitman, Jared Pitman and Deborah Harding. Other whanau such as Auntie Zona Midwood, David Milner and Tamihana Paki have provided valuable advice, material and guidance.

The preparation and publication of this plan was achieved through funding contribution from Northland Regional Council. This support is also acknowledged with much gratitude.
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PEPEHA

Ko Manaia te Maunga
Ko Whangarei Terenga Paroa te Moana
Ko Takahiwai te Marae
Ko Rangiora te Whare Hui
Ko Patuharakeke te Hapu
Tihei mauri ora!
PART I: INTRODUCTION

1. Mana Whenua

This plan is written on behalf of hapu and whanau of Patuharakeke. Over the last two decades in particular, the hapu have been faced with increasing pressure to respond and have input into a variety of issues such as the increased industrialisation in our rohe, progression of treaty claims, resource management planning and customary fisheries issues. In recognition of the need to have a formalised strategy to deal with these matters this plan has been produced.

As outlined in the pepeha on the previous page, the whakapapa we give begins with Manaia as our maunga, Whangarei Terenga Paraoa as our moana, Rangiora as our whare tupuna, Takahiwai as our place where we stand and we the people are Patuharakeke.

We acknowledge that in various areas we share mana whenua with other hapu, however we provide below a summarized version of our wider rohe, which includes:

“...all the lands beginning at Otaika then west to Tangihua ranges. This includes Ruarangi. Then south through Waikiekie and on to Taipuha and then across to Wakatarariki (Bream Tail)... onwards to the northern point of Mangawhai harbour, then out to Te Hauturu o Toi to Aotea and up through the Mokohinu's to Tawhitirahi and Aorangi (the Poor Knights) and encompassing Marotiri, Ngatuturu and Taranga (the Hen and Chickens). This shared mana whenua and mana moana to these islands is acknowledged through Oneho the daughter of Te Taotahi, son of Motatau, and their ancient Ngati Manaia whakapapa.

“At the Northeastern side of the entrance to Whangarei Harbour, at Home Point, sits the pa of Hikurangi, then at Whangarei Heads (Te Whara) the pa of Te Whakaariki and at Tamaterau the small sentinel pa of Te Pirihi is situated. The boundary runs across the harbour to the south side up through Toetoe to Otaika (the point of commencement) and back down the harbour to take in Kopuawaiwaha, Mangapai,
Totara, Springfield, Mata, Mangawhati, Ngatiti, Takahiwai, One Tree Point, Poupouwhenua, Ruakaka, Waipu and Langs Beach to Wakatarariki (Bream Tail). A visual depiction of our current mainland rohe for the purposes of contemporary management is provided in Figure 1 below. All the lands and waters, including swamps, lakes and ranges encompassed in this territory have traditionally been the domain of Patuharakeke with occasional seasonal rights such as Patunga Kuaka, Parera, Kopua Mango, Manu Oi shared in common with other related hapu.

---

Figure 1: Patuharakeke Mainland Rohe for Contemporary Management Purposes

---

2 As described in Brief of Evidence of Paraire Pirahi, Te Paparahi o Te Raki Hearings October 2013
1.2 Te Timatanga – Patuharakeke
Patuharakeke is derived from Ngati Manaia, Ngai Tahuhu, Ngati Wharepaia, Ngati Ruangai and Te Parawhau and Ngati Tu. Prior to Patuharakeke taking the name Patuharakeke the hapu was more generally known as Ngati Tu with some elements identifying themselves as Te Akitai and Te Parawhau. All of these hapu have origins in Ngai Tahuhu and/or Ngati Manaia.
Patuharakeke are a composite hapu of descent from most major contemporary iwi groups in the north. These include Ngati Wai, Ngapuhi nui tonu, Ngati Whatua and Te Uri o Hau.

1.3 Purpose/ Kaupapa
This plan has been developed primarily for the following reasons:
- To ensure the appropriate engagement and participation of Patuharakeke in the planning and decision-making processes of councils, agencies, and developers with respect to our rohe.
- To assert our tino rangatiratanga and kaitiakitanga over our natural environment and all ancestral taonga; and
- To achieve the full intent of empowering legislative provisions such as those identified in section 1.7 below.
- To clearly identify the environmental management kaupapa of Patuharakeke.

1.4 Vision
“I nga ra e hi ika, he kupenga tatai awhai nuku”
“If you wish to catch fish, first you need to ensure your net is in good order”.

Hapu member Harry Maki Midwood shared this whakatauki that was created for Patuharakeke by Harry and Meto Hopa of Kawhia. Through a series of strategic planning hui that have been underway since 2011, whanau agreed this whakatauki covered all the threads of our various discussions and what our journey ahead represented. The “net” was a recurring theme, for example, symbolising concepts such as whakapapa, whanau, matauranga and so on.

This proverb provides an all-encompassing contemporary vision, relating not only to having a healthy environment in order to be able to sustain our physical, cultural, spiritual, social and economic wellbeings, but also ensuring our tribal activities, structures, management practices and operations are reflecting where we are today and where we want to get to. In doing so we also seek to re-engage with korero from our tupuna and our past. With these aspirations, we articulate our approach in this plan.

1.5 Mission
Our Mission is simple:
To revitalise the mauri of our taonga tuku iho.

1.6 The Cultural Framework
The manner in which Patuharakeke responds to resource management issues in our rohe is shaped by several factors:
- A body of knowledge about our land, water and resources built over many generations;
• An holistic worldview that sees people in a familial and symbiotic relationship with the other manifestations of nature around them rather than in domination of it;
• The desire to protect key cultural values and practices such as mauri, tikanga, rahui and waahi tapu that are central to our identity, sense of place and cultural well-being; and
• An historical context where the dispossession of land that followed colonial settlement and Te Tiriti o Waitangi and the confiscation of Poupouwhenua and acquisition of Ruakaka, Mata and Waipu via imperfect purchases had a profound effect on the spiritual, cultural and traditional relationship between Patuharakeke and the environment. As the physical landscape changed, so did the ability of tangata whenua to access and manage the resources upon which they depended (see historical context below in section 3.2).

1.6.1 Key Principles, Values and Practices

The following guiding values, principles or practices shape our view of on the environment and resource management. These are recurring themes throughout this plan and are also intended to guide us in the implementation of this plan:

<table>
<thead>
<tr>
<th>Whakapapa</th>
<th>The foundation of our framework for managing resources, this demonstrates the relationships between the various elements of the world around us, including human beings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kaitiakitanga</td>
<td>Our duty of care and responsibility toward our taonga tuku iho.</td>
</tr>
<tr>
<td>Whanaungatanga</td>
<td>Building ongoing positive relationships.</td>
</tr>
<tr>
<td>Manaakitanga</td>
<td>Our ability to care for and sustain our whanau and our manuhiri</td>
</tr>
<tr>
<td>Matauranga</td>
<td>To protect, revive, enrich and utilise our knowledge in our capacity as kaitiaki</td>
</tr>
<tr>
<td>Mana Whenua</td>
<td>Our right to exercise authority over our rohe and the resources therein.</td>
</tr>
<tr>
<td>Mauri</td>
<td>Protection of the 'life force' contained in all places, species, minerals, ecosystems in our rohe. It can also be understood as a measure of the health and vitality of those elements.</td>
</tr>
<tr>
<td>Tikanga</td>
<td>To retain the traditions of our tupuna in all our operations.</td>
</tr>
</tbody>
</table>
### 1.7 The Constitutional and Legislative Framework

<table>
<thead>
<tr>
<th>CONSTITUTIONAL FRAMEWORK</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Te Tiriti o Waitangi 1840 / the Treaty of Waitangi/ He Whakaputanga 1835</td>
<td>In our view He Whakaputanga o nga Rangatira o Niu Tïreni (The Declaration of Independence 1835) and Te Tiriti o Waitangi need to be read together. Hapu resource management for Patuharakeke is about maintaining the cultural and spiritual integrity of these founding documents. Through He Whakaputanga Maori sought and gained international support of an assertion of political, economic and social rights, acquired an international identity, national flag, and signed a declaration of independence. Te Tiriti o Waitangi further affirmed the protectorate principle and right to exist as a nation and people. Article II of the Te Tiriti confirms the right to exercise authority over natural resources: Maori Text “Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa…” Translation “The Queen of England agrees to protect the chiefs, the sub-tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures…”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LEGISLATIVE FRAMEWORK</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Management Act 1991 (RMA)</td>
<td>The purpose of the RMA is to promote the sustainable management of natural and physical resources. A number of sections in the RMA make specific reference to the need to recognise and include tangata whenua issues, interests and values, and therefore provide the basis for consultation, collaboration, participation, the development of iwi management plans, development and implementation of appropriate planning tools, and processes and systems for resource consent applications, planning and policy. In achieving this purpose, three main sections 6(e), 7(a) and 8, require</td>
</tr>
</tbody>
</table>
those exercising powers and functions under the Act to recognise and provide for iwi environmental interests and values.

Section 35A requires local authorities maintain records for each iwi and hapu within their area, including contact details and Iwi Management Plans.

Clause 3A and 3B of the First Schedule require local authorities to consult with the tangata whenua of the area (through iwi authorities) during the preparation of a proposed policy statement or plan, and set out the criteria for this.

Section 33 states that a local authority that has functions, powers, or duties under the Act may transfer any one or more of those functions, powers, or duties to another public authority, including an iwi authority; while Section 36B provides a framework for public authorities and iwi authorities to enter into joint management agreements about natural or physical resources.

Section 88 requires resource consent applicants to undertake an assessment of effects on the environment, including cultural effects.

Sections 61(2A), 66(2A) and 74(2A) state that regional councils and territorial authorities are required to take into account any relevant planning document recognised by an iwi authority, and lodged with the council, when preparing or changing a regional policy statement, or regional or district plan.

Section 104 also provides an opportunity for increased recognition of Iwi Management Plans in local authorities’ consideration of applications for resource consent.

| Historic Places Act 1993 (HPA) | The HPA is administered by the New Zealand Historic Places Trust/Pouhere Taonga. Its key function is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand (s.4 (1) of the Act).

Section 4 states that in achieving the purpose of this Act, all persons exercising functions and powers under it are to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

Any person wishing to undertake work that may damage, modify or destroy an archaeological site (as defined by the Act), or to investigate a site by
<table>
<thead>
<tr>
<th>Act</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Act 2002 (LGA)</td>
<td>Although Section 4 of the LGA clearly acknowledges that responsibility for the Treaty obligations lie with the Crown, Parts 2 and 6 of the Act are intended to facilitate participation of Maori in local government. Local government is charged with the responsibility to promote opportunities for Maori to contribute to its decision-making processes.</td>
</tr>
<tr>
<td>Environmental Protection Authority Act 2011 (EPA)</td>
<td>This Act establishes the EPA and provides for a range of regulatory functions such as assessing applications for major infrastructure projects, Hazardous Substances and New Organisms, under several environmental Acts (including the Resource Management Act, the Hazardous Substances and New Organisms Act, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act and the Climate Change Response Act).</td>
</tr>
<tr>
<td>Conservation Act 1987</td>
<td>The Department of Conversation Te Papa Atawhai is responsible for the protection of New Zealand's natural and historic heritage as mandated by the Conservation Act 1987. Section 4 of the Act states: “This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi”.</td>
</tr>
<tr>
<td>Treaty of Waitangi (Fisheries Claims) Settlement Act 1992</td>
<td>In addition to settling claims to commercial fishing, the TOWFSA clarified customary fishing rights. Regulations were developed to provide for the customary fishing rights of tangata whenua, the ability of tangata whenua to exercise rangatiratanga over traditional fisheries, and the relationship between tangata whenua and those places used for customary food gathering.</td>
</tr>
<tr>
<td></td>
<td>The Fisheries 1998 Kaimoana Customary Fishing Regulations allows iwi and hapu to demarcate a rohe moana (coastal marine area) over which they have mana moana status and select tangata kaitiaki whom the Minister of Fisheries (Primary Industries) then officially appoints as guardians. Tangata Kaitiaki can issue permits for customary fishing in the rohe moana.</td>
</tr>
<tr>
<td></td>
<td>Tangata kaitiaki can utilize customary management tools such as Mataaitai reserves and Taiapure - allowing for traditional fishing grounds to be protected as special management areas and either protecting them as reserves or establishing specific rules or bylaws for their management. They can also place a rahui over sites using s186A to strengthen the</td>
</tr>
</tbody>
</table>
customary closure process.

| The State Owned Enterprises Act 1986 (SOE) | This Act is of relevance as there are a significant number of land parcels in our rohe to which it applies. Section 27B provides for the resumption of land to Maori ownership on recommendation of Waitangi Tribunal. |
| Te Ture Whenua Maori Act 1993 (TTWMA) | TTWMA is administered by the Maori Land Court, the key function of which is to facilitate and promote the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants. |

1.8 Tangata Whenua Planning Tools
A number of tools are made use of by Patuharakeke in the contemporary exercise of kaitiakitanga. These assist with incorporating cultural values and objectives into RMA processes and assessing the cultural health of our rohe. These tools include:

- Cultural Impact Assessments (CIA’s)
- Cultural Values Assessments (CVA’s)
- Cultural Health Monitoring (see section 3 for a description of Cultural Health Indicator Monitoring Framework for Patuharakeke)
- Sites of Significance Mapping (see section 8 for more information on our mapping project).

1.9 Policy Development and Design

1.9.1 Development
This plan was developed using the following key steps:

- Formation of a hapu “working party” to lead the review and update of the HEMP;
- A Desktop review of existing plan, other HEMPs and identification of gaps;
- An initial workshop to form the working party and allocate tasks;
- One initial hui-a-hapu at the start of the work programme to seek hapu input on the vision and clarification/identify “resource” issues of significance to Patuharakeke;
- Four wananga/workshops with working party and other key hapu members to discuss draft provisions;
- Development of draft provisions (issues, objectives, policies and methods) for the HEMP;
- A “report back” hui-a-hapu seeking ratification of draft plan with presentation of the issues of significance, policy direction and draft provisions to the wider hapu through hui for comment and endorsement;
- Presentation and circulation of the full draft for feedback and editorial review;
- Presentation of the completed HEMP to Local Authorities and Agencies.
1.9.2 Design

The environmental policy contained in this document derives in part from a number of sources, principally the Ngati Hine Environmental Plan, Nga Ture mo Te Taiao o Ngati Hine 2008 and Te Roroa Iwi Environmental Policy (Ratified Version) 2009. These documents were based on earlier iterations of hapu and iwi plans such as those undertaken by Ngatiwai Trust Board and various Ngapuhi hapu, in particular the *Environmental Management Plan for Ngati Rehia, 2007* and the *Ngatiwai Environmental Principles*. We have also taken inspiration and guidance from the Mahaanui Iwi Management Plan 2013 jointly published several Papatipu Runanga of Ngai Tahu.

As with all the documents mentioned, a focal point of our Plan is on building and maintaining durable relationships. We recognise that implementation of our policies will be dependent on the strengths of our relationships with our own whanau and all others who interact within our rohe.

It is vital that Patuharakeke are acknowledged and recognised as kaitiaki and enabled to actively practise kaitiakitanga in regard to all resources within our rohe. Relationships and kaitiakitanga are relevant to all aspects of environmental management. Accordingly, we have prepared a general section on kaitiakitanga and placed this and the relationships section at the front of the document, thereby setting the scene for all natural resource policies that follow.
PART II - PARTICIPATION IN RESOURCE MANAGEMENT
PLANNING AND DECISION-MAKING

2. RELATIONSHIPS

Undoubtedly, the participation of Patuhaakeke in local government planning and
decision making processes was virtually non-existent prior to the enactment of the
RMA. This was due to the lack of recognition of tangata whenua and legislative
mechanisms that gave visibility to the relationship of tangata whenua with the
natural environment. As a result, previous generations had limited success
participating in the respective resource management regimes.

Over the last two decades Patuhaakeke have adopted various structures to better
enable their participation in policy and planning, such as the Patuhaakeke Te Iwi
Trust Board (PTB). PTB has been increasingly active over the last decade and a half
in regard to council and various agencies’ issues. PTB has developed a number of
policy documents such as Consultation Guidelines\(^3\) in an attempt to identify its
position on resource management and other issues clarify appropriate consultation
and engagement processes for the benefit of councils and other agencies to secure
Patuhaakeke’s appropriate input. In more recent times this has replaced the
previously common occurrence of hapu members being targeted directly in a
personal capacity to unwittingly provide consent to activities on behalf of
Patuhaakeke.

Despite having a number of relationships in place, a number of guidelines, policies
and an Environmental Management Plan, Patuhaakeke remain entrenched in a
primarily reactive mode, where agencies continually engage us as an after-thought
once designs are completed and decisions have effectively already been made.

\(^3\) see http://patuhaakeke.maori.nz/about-patuhaakeke/patuhaakeke-trust-board/policies/
In order to achieve our vision and mission, we will need to strengthen existing relationships and create new meaningful ones on a variety of levels. These relationships will be within our own hapu and whanau; our wider whanaunga hapu and iwi links in Tai Tokerau; the community; developers; and agencies with responsibilities in regard to the environment.

Some parties have legal requirements to engage with Patuharakeke either as Treaty Partners and/or under statute (such as the RMA or LGA) and with others it is recognised best practice or tikanga maori. PTB have entered into a number of Memoranda of Understandings with various agencies, industry and developers that have had varying levels of effectiveness. Ongoing collaboration will be required with the following parties, including but not limited to:

2.1 Mana Whenua
- Takahiwai Marae Trustees
- Takahiwai Marae Committee
- Patuharakeke Kainga at Takahiwai, Titahi, Mangapai, Otaika, Toetoe and Tamaterau
- Patuharakeke whanau whanui ie. those living away in other towns and cities in Aotearoa or abroad

2.2 Hapu and Iwi
- Ngapuhi
- Te Parawhau
- Ngatiwai
- Ngati Whatua
- Te Uri o Hau
- Te Waiariki, Ngati Korora, Ngati Taka
- Ngati Tu
- Ngati Kahu o Torongare
- Ngati Manuhiri
- Ngati Rehua
- Ngati Hine

2.3 Community
- Bream Bay Coastal Care Group
- Schools, Kohanga
- The Whitebait Connection Programme
- Ruakaka Economic Development Group, Ruakaka Ratepayers Association
- Marunui Trust
- Bream Head Trust
- Forest and Bird

2.4 Developers/Industry
- Refining NZ Ltd
- Northport Ltd
- Northland Port Corporation
- Carter Holt Harvey (LVL)
- Fonterra
- Dairy NZ
- Federated Farmers
- Mighty River Power
- Golden Bay Cement
2.5 **Government Agencies and Institutions**
- Northland Regional Council (NRC) & Whangarei District Council (WDC)
- Ministry of Primary Industries (MPI), Ministry for the Environment (MfE), Department of Conservation (DOC), Historic Places Trust (HPT), Environmental Protection Authority (EPA)
- Crown Research Institutes eg. NIWA, Cawthron
- Universities and Academic Institutes
- Northland District Health Board (NDHB)
- Maori Land Court (MLC)
- Te Puni Kokiri (TPK)
- Office of Treaty Settlements (OTS)
- Environmental Protection Authority (EPA)
- Northland Inc Ltd

2.6 **Issue**
Current relationships are limited in their provision for the full participation of Patuharakeke as equal partners in decision making processes affecting natural and physical resources in our rohe.

2.7 **Objectives**
- Patuharakeke will strengthen and establish ongoing meaningful relationships with our neighbours, community, developers and agencies to ensure we are appropriately acknowledged as kaitiaki of our rohe.
- Patuharakeke will have a partnership role in resource management planning and decision-making within our rohe.

2.8 **Policies**
- PTB will endeavour to keep hapu and whanau informed of all issues affecting the development and management of our natural, physical and heritage taonga. For significant issues, PTB will always advocate for these issues to be brought back to the marae for korero and hui, and will provide regular, open consultation through hui between PTB, and our hau kainga and whanau whanui.
- PTB will endeavour to ensure that Patuharakeke participate in the decision-making processes of government agencies that affect us and our resources and are engaged on all issues of concern to us.
- Patuharakeke will wananga and work collaboratively with other hapu and iwi to share skills, learning, knowledge, experiences and opportunities. Patuharakeke will consider invitations to participate in multi stakeholder working parties on a case by case basis.
- PTB will continue to advocate for the recognition of Patuharakeke as a Treaty partner in all multi-stakeholder processes involving the management and development of natural, physical and heritage resources within our rohe. Patuharakeke will consider all requests to join multi-stakeholder processes on a case by case basis.
- Patuharakeke will continue to work collaboratively and positively with all community groups and stakeholders whose policies and initiatives contribute to the sustainable management and enhancement of resources within our rohe. Patuharakeke will consider all requests to join multi-stakeholder
processes on a case-by-case basis.

f) PTB will establish a dedicated Resource Management Unit as a key method of providing for participation of mana whenua in the sustainable management of our rohe and protection of our taonga.

g) PTB will report annually to Patuharakeke hapu on all aspects of its involvement in the sustainable management of our rohe and its resources.

h) PTB will, to the best of our capacity, monitor all applications for development initiatives within our rohe.

i) PTB will direct developers to the appropriate point of contact for their proposal. PTB will enter into consultation with all developers to assist in ascertaining the actual or potential effects of the development proposals on Patuharakeke, our values and our environment. Where any development initiative has the potential to impact on our values or resources, PTB will request that the developers bring their initiatives to the marae for the consideration of the hau kainga.

j) PTB will ensure that adequate measures to avoid, remedy or mitigate any adverse effects on Patuharakeke, our values and our environment are identified for developers and council prior to development proceeding.

k) PTB will, to the best of our capacity, monitor all developments once commenced to ensure that they do not result in adverse effects and that they are completed in accordance with the conditions of their consent.

l) PTB will promote and enhance partnerships between Patuharakeke, central government and its agencies, and regional and district councils. The relationships with Patuharakeke, need to be cognisant of our status as tangata whenua, kaitiaki and Treaty partner.

m) PTB will actively participate in the decision-making processes of all agencies where those decisions affect Patuharakeke, our values or taonga. Patuharakeke will consider requests to participate in such processes in a collective forum of other tangata whenua on a case by case basis.

n) Patuharakeke will actively participate in the management of our taonga - our involvement should be sought at the commencement of all management, planning and monitoring processes.

o) Agencies and other parties should be cognisant of the lack of capacity and resources for PTB to participate in contemporary planning and policy processes. Where consultation or participation in agency processes involves a cost to Patuharakeke, these should be borne by the relevant agency. Where consultants or contractors undertake consultation on behalf of agencies, the contract for service should specify the need for the contractor to consult directly with Patuharakeke on a professional basis.

p) PTB will continue to build the capacity and capability of Patuharakeke to engage with local government, contribute to decision making and implement kaitiakitanga objectives and aspirations.

q) PTB will work with local authorities to develop appropriate methods and
processes to assist in building our capacity to contribute to decision making, consistent with local government obligations under the Local Government Act 2002. This includes:

i. The provision of meaningful opportunities to contribute to decision making processes;
ii. The provision of training opportunities on RMA 1991 issues; and
iii. Ensuring that tangata whenua contributions to planning processes are appropriately resourced;
iv. Carrying out cultural inductions for local government, agencies, and other parties and stakeholders.

2.9 Methods

Relationships with Hapu and Iwi

a) Patuharakeke will continue to seek to maintain close communication with other Taitokerau kaitiaki. This includes sharing of skills, learning, information, knowledge and experience and providing support for the kaupapa of other units where this is complementary to our policies and methods. Patuharakeke will consider all requests to join multi stakeholder working parties on a project by project or issue by issue basis.

b) Patuharakeke will actively pursue the wider kaitiakitanga interests of the Iwi of the Taitokerau and consider:

i. collaboration in practical work, technical, training and information systems with other iwi and hapu-based kaitiakitanga units;
ii. developing processes for facilitating the transfer of information between Iwi, based on best practice for kaitiakitanga, eg. the development of tribal GIS systems and collaborative support systems and groups in this area.
iii. coordinating environmental monitoring (eg. kaitiaki/cultural health monitoring) with other iwi and hapu of Te Taitokerau;
iv. collaborating with other Taitokerau Iwi and hapu to prepare generic responses to central and local government policy initiatives.
v. Where feasible, Patuharakeke will network with other Iwi and hapu to investigate whether there are shared activities, learnings and leverage opportunities with local governments; national government and international indigenous arenas.

Relationships with Community Groups

c) Patuharakeke will continue to engage with all community groups involved in the sustainable management and enhancement of our rohe and its resources. Such engagement will be on the clear understanding that Patuharakeke are tangata whenua and as such are mana whenua and kaitiaki within our rohe and, as such, not just another stakeholder.

d) Patuharakeke will remain open to approaches from community groups seeking support or assistance with sustainable management or development initiatives within our rohe. PTB will consider requests to enter into partnerships with community groups for specific projects or initiatives on a case by case basis.
Relationships with Developers

e) PTB will establish a Patuharakeke RMU to work with all responsible developers in our rohe and to facilitate dialogue and engagement with our marae community, hapu and land owners.

f) PTB will continue to advocate that all potential developers should seek to enter into direct engagement with us in regard to their proposals at the earliest possible stage of the development.

g) PTB will enter into agreements with responsible developers to clearly specify the involvement of Patuharakeke in the development process. Where this involvement includes a cost to the marae or hapu, PTB will insist that all reasonable costs are borne by the developer.

h) Patuharakeke will develop protocols covering protection of all waahi tapu and other heritage sites and values in regard to development initiatives and will seek to have these protocols adopted as standard consent conditions for all consents granted within our rohe.

Relationships with Science and Research Organisations

i) Patuharakeke will enhance the exercise of kaitiakitanga through establishing relationships and recognizing collaborative opportunities with Crown Research Institutes, universities and other research organisations through research partnerships.

Information

j) All agencies need to provide adequate and timely information on all activities and programmes affecting Patuharakeke, our values and our taonga to Patuharakeke. In particular, information should be supplied regarding:
   i. resource consents (notified and non-notified), permit and concession applications, including previous staff reports and monitoring/compliance records in the case of consent renewal applications;
   ii. Plan and policy preparation, monitoring and review, for example Long Term Plans, District Plans, Regional Policy Statement and Plans, Conservation Management Strategies and Plans; and
   iii. Work plans and projected projects that could potentially affect Patuharakeke, our heritage, culture and taonga at the commencement of the planning or business cycle.

iv. Any agencies undertaking scientific research within our rohe should consult with PTB before research commences to determine how their programmes can best co-ordinate with the needs and priorities of Patuharakeke. If the work impacts on taonga of Patuharakeke appropriate protocols must be formally agreed with the kaitiaki from the outset of the research and conditions for the work determined by mana whenua must be respected. Such protocols will include agreed understanding of indigenous intellectual property rights. Additionally, where kaumatua and kuia consider it appropriate, tikanga will be observed in the course of the research; and Patuharakeke should have the opportunity to work beside the researchers, in a paid capacity. Finally, any publications arising from research involving ourselves and our taonga, Patuharakeke shall be invited to review findings and append our own comments to the published information and will be appropriately acknowledged in the publication.
Resource Consents / Concessions / Permits

k) Patuharakeke request that the agencies:
   i. Require all applicants for consents/concessions/permits to demonstrate that they have ascertained whether their proposal has any effects, major or minor, on Patuharakeke values and resources. Where effects, actual or potential, are evident, applicants should be required to provide evidence that Patuharakeke have been adequately consulted and engaged. Where such evidence is not supplied the application should not be accepted;
   ii. Place conditions on consents that provide for the avoidance of effects on matters of significance to Patuharakeke and provide for the involvement of Patuharakeke in the monitoring and review of resource consents. This should include development of agreed protocols governing any activity allowed by consent or permit that can affect waahi tapu or other heritage matters;
   iii. Include in all council reports on resource consent applications or policy development within the rohe of Patuharakeke, the results of consultation or negotiations held with Patuharakeke;
   iv. Hold hearings, pre-hearings and preliminary meetings on marae where Patuharakeke taonga, values or heritage may suffer adverse effects from the proposal;
   v. Not be involved in decisions pertaining to Patuharakeke resources, values or heritage without full prior discussion with Patuharakeke;
   vi. Develop and implement appropriate processes for informing Patuharakeke of all notified and non-notified applications for resource consent, permits, and so forth of interest to Patuharakeke;
   vii. Develop mutually-agreed processes and timeframes to allow us to conduct site visits and assessments of all proposed activities before final decisions are made;
   viii. Require all prospective applicants at the earliest possible stage of their proposal to agree to the process by which Patuharakeke will consider and monitor the development if requested. This will include allowance for conducting site visits and assessments of all proposed activities prior to lodging resource consent applications and reasonable access for kaitiaki to monitor the development once consent is granted where Patuharakeke consider this necessary; and develop best-practice standards and guidelines for development processes and outcomes within our rohe.

Decision Making

l) All agencies need to engage regularly with Patuharakeke to ensure adequate and timely participation of Patuharakeke in development and implementation of agencies’ decision-making and management processes. Agencies should actively consider developing Agreements or Memoranda of Understanding to umbrella their relationships with Patuharakeke and to provide clarity and certainty for both partners.

Joint Management

m) All Crown assets within the rohe of Patuharakeke are subject to actual or potential Waitangi Tribunal claims. This is particularly relevant to WDC reserves and the conservation estate or ‘public conservation lands’. All decisions over current acquisition, transfer, disposal and management of
Crown asset must include Patuharakeke from the outset of those processes.

n) The Department of Conservation is obliged by statute to give effect to the principles of the Treaty of Waitangi, and should do so by entering into binding memoranda of agreement with Patuharakeke. These memoranda will include collaborative or co-management agreements for specific localities within the Crown’s conservation estate, as well as agreements whereby Patuharakeke have effective input into all aspects of the Department’s management processes that affect us, our values, or our taonga.

o) Local authorities have the ability to transfer powers and functions under the RMA and Reserves Act 1977 and the ability under the RMA and the LGA to enter into joint management agreements with Patuharakeke. Opportunities for any of these mechanisms should be identified and incrementally implemented. For example, management of Council owned reserves and similar areas, especially where these contain waahi tapu; present a prime opportunity for this. Patuharakeke will negotiate a schedule for developing joint management agreements over key reserves within our rohe that have high cultural value.

p) In addition to the above, WDC and NRC should:
   i. Provide for the active participation of Patuharakeke in the development, implementation, monitoring and review of all council plans and policies and all decision-making processes that affect us, our values and taonga;
   ii. Recognise Patuharakeke as an affected party to all plan and policy development and all resource consent and permit applications that impact or affect our resources, culture and/or heritage;
   iii. Take into account this Environmental Management Plan in the preparation or review of all statutory and non-statutory instruments (strategies, policy statements and plans) that affect our rohe as the initial step in involving Patuharakeke;
   iv. Where, for whatever reason, there has not been Patuharakeke input into statutory planning processes, such silence is not to be interpreted as agreement or acceptance of any such plan or policy; and
   v. Ensure that an adequate pool of independent maori commissioners approved by or acceptable to Patuharakeke is available for all relevant hearings (resource consent, plan and policy development) where Patuharakeke interests are involved.
PART III: RESOURCE ISSUES

3. KAITIAKITANGA

Kaitiakitanga is fundamental to the relationship between Patuharakeke and the environment. As Kaitiaki, Patuharakeke are responsible for both the knowledge (matauranga) and the practice (tikanga) of kaitiakitanga in relation to resources. This relationship is an intergenerational responsibility rather than a right – a duty we are bound by culture, tradition and whakapapa to maintain. These duties are based upon the ultimate aim of protecting mauri; and secondly, the obligation to ensure the legacy we leave to our mokopuna is a healthy environment.

There has been a large historical loss of knowledge of kaitiakitanga – both the “whys” and “hows” – as a result of colonisation, our virtual landlessness and the progressive introduction of increasing layers of government control over resources and their management.

Te Tiriti o Waitangi guarantees tangata whenua the right to fulfil their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, waahi tapu and biodiversity within our rohe. However, there are important questions about the ability of current laws and policies to effectively support these kaitiaki relationships to the degree required by the Treaty. As tangata whenua who hold manawhenua in our rohe, Patuharakeke interests in resource management extend beyond stakeholder or community interests. The articles and principles of Te Tiriti o Waitangi are the underlying mutual obligations and responsibilities that Te Tiriti places on both Patuharakeke and government agencies and local authorities, and reflect the intention of Te Tiriti as a whole.

This Patuharakeke HEMP is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to our values, knowledge and practices. This section provides an overarching policy statement on kaitiakitanga, and is relevant to all other sections of the Plan.
3.1 Recognition of Kaitiakitanga

3.1.1 Issues

a) Local authorities have not been successful in providing effective recognition of kaitiakitanga in natural resource management and governance processes.

b) There is a lack of direct and effective Patuharakeke involvement, as the kaitiaki, in the sustainable management of our ancestral taonga, including water, soil, minerals, air, indigenous flora and fauna and our heritage.

3.1.2 Objectives

a) Patuharakeke are acknowledged as the kaitiaki of all resources within our rohe and are actively involved in the decision-making, management, monitoring and enhancement of those resources including water, soils, mineral, air, flora and fauna and heritage.

b) The relationship of Patuharakeke and our culture and traditions with our ancestral taonga is recognised and provided for as a matter of national importance by Councils and other statutory agencies.

c) Matauranga Patuharakeke or traditional Patuharakeke environmental knowledge is acknowledged, protected and utilised.

3.1.3 Policies

a) Patuharakeke are recognised as the kaitiaki of all resources, including water bodies, energy, soils, minerals, air, flora, fauna and heritage, in our rohe.

b) Local authorities shall ensure that they have the institutional capability to appropriately recognise and provide for the principle of kaitiakitanga.

c) Elected or appointed members (councillors or commissioners) and senior management must provide leadership and support for their staff regarding engagement with Patuharakeke.

a) Use will be made of relevant Matauranga Patuharakeke/traditional Patuharakeke environmental knowledge and practice in management and decision-making associated with all resources, including water bodies, soils, minerals, air, flora, fauna, energy and heritage. The intellectual property rights associated with that knowledge will be respected and protected.

b) PTB are an interested and potentially affected party to any notified and non-notified resource consent application within our rohe concerning or potentially affecting any resource because of our special relationship with these taonga. When PTB is involved in setting conditions for a consent, the applicant or council will resource PTB to regularly monitor and review those conditions.

c) Local authorities will recognize and take into account this Patuharakeke HEMP as "...a relevant planning document recognised by an iwi authority and lodged with the council" in accordance with section 61(2)(a) of the RMA.

3.1.4 Methods

a) PTB requests that all statutory agencies with responsibility for management of all resources recognise Patuharakeke as kaitiaki within our rohe. PTB will monitor all agencies’ current and proposed policies to ensure that this happens. PTB also request that all relevant statutory agencies:

i. Actively promote engagement with tangata whenua as being best practice to resource consent or permit applicants pre-application;
ii. Require that all resource consent or permit applications concerning or potentially affecting all resources, including water bodies, soils, minerals, air, flora, fauna and heritage, be lodged with a PTB Cultural Impact Assessment approved by Patuharakeke as the relevant tangata whenua. Suggested consent conditions should be included in the assessment;

iii. Notify PTB of any resource consent or permit application concerning or potentially affecting all resources, including water bodies, soils, minerals, air, flora, fauna and heritage and provide adequate time and resourcing for PTB to respond in an informed manner;

iv. Provide PTB with copies of any infringement or abatement notices or details of Environment Court proceedings within our rohe.

b) PTB, councils and other agencies and stakeholders will work together to ensure there is ongoing provision of opportunities to instil traditional values and knowledge in our rangatahi through involvement in restoration projects and customary mahinga kai practices.

3.2 Te Tiriti o Waitangi

PTB is the kaitiaki of claim number 745, the blanket claim over our rohe on behalf of Patuharakeke, to the Waitangi Tribunal. There are various other claims within Patuharakeke that have been filed with the Waitangi Tribunal such as Wai 504, Wai 1038 and Wai 1040. In October 2013 these claims were heard before the Waitangi Tribunal as part of Te Paparahi o te Raki inquiry. Box 1 below provides a background to the Patuharakeke Claims. PTB are working to expedite an outcome as soon as possible given the immense development pressure and push by crown entities and local government to sell remaining crown/surplus assets in our rohe. Resolution of Treaty claims is likely to have significant impact on management of resources within our rohe.

In the interim, the precautionary approach would strongly suggest that significant management decisions should not exacerbate or undermine existing claims. In any dispute as to which version of the Treaty has mana, Patuharakeke policy is that the Maori version has preference. The RMA 1991 requires all persons exercising functions under that act to take into account the principles of the Treaty of Waitangi. The Local Government Act 2002 requires local authorities provide opportunities for Maori to participate in decision-making processes in recognition of the Crown’s responsibility to take appropriate account of the principles of the Treaty. The Conservation Act 1987 must be interpreted and administered as to give effect to the principles of the Treaty. The Reserves Act 1977, gives effect to the Treaty of Waitangi as recognised in the Conservation Act. The Fisheries Settlement legislation and Kaimoana regulations provide for Maori rights in fisheries management as guaranteed by the Treaty. Other legislation such as the Hazardous Substances and New Organisms Act 1996, and the Historic Places Act 1993 also place responsibilities on local authorities to recognise the Treaty.

The lack of understanding of Treaty issues by government agencies and local authorities and their inadequate policy and processes to address Treaty obligations, are key concerns for Patuharakeke. The very fact that the RMA hierarchy directs decision makers to ‘take [the Treaty] into account’, rather than ‘recognise and provide for’, or ‘give effect to’, trivializes the status of Te Tiriti.

In our view, it is not sufficient to merely ‘take into account’ the principles of the
Treaty of Waitangi. Instead, Te Tiriti/the Treaty should define the relationship between Patuharakeke and the Crown, and also local government. It is through giving effect to the Treaty that local government can meet their other obligations under the Act such as S6(e) of the RMA to recognise and provide for the relationship of Maori with natural resources as a matter of national importance, and that manawhenua can fully exercise kaitiakitanga rights and responsibilities.

**Box 1: Background To Patuharakeke Statement of Claim**

Patuharakeke have several claims before the Waitangi Tribunal, including key claims Wai 745 and Wai 1308. 15 years of tireless work and research by our Claims Progression Committee culminated in the presentation of our briefs of evidence before the Waitangi Tribunal in October 2013. While this momentous occasion finally provided the opportunity to relate our experiences and losses as Patuharakeke, the journey is of course far from over, and we will continue in our quest for fair and just recognition of our Treaty grievances.

The key causes of action to which our Statement of Claim relate include undermining the Tino Rangatiratanga of Patuharakeke through nineteenth century land alienation. The alienation and confiscation of land in Patuharakeke’s rohe through actions of the Crown and/or their agents has resulted in less than two percent of land remaining in Patuharakeke ownership. From approximately 100,000 acres including coastal lands stretching from One Tree Point to Mangawhai of around 78,000 acres along the eastern seaboard, now only around 5 acres (2.02 hectares) are held communally by Patuharakeke. This includes Patuharakeke’s marae complex, urupa, Kaumatua flats and the old Takahiwi Native School grounds.

**Confiscation:**

- The 5000 acre Poupouwhenua block (which includes most of Marsden Point and One Tree Point and is shown in Figure 2 below) was confiscated by the Crown in late in 1844. This was in compensation for a settler’s house that was burnt down in Matakana earlier that year by a group that included a chief from Patuharakeke owing to a dispute about the imperfect acquisition of the land by the settler. The Auckland Provincial Governor was later quoted in the Southern Cross Newspaper that following an investigation he was satisfied that the events in Matakana had been exaggerated - but the land was still taken.

- The underlying purpose of the ‘confiscation’ was to provide land for settlers.

**Alienation through Corrupt Crown Purchases:**

- An excessively low price paid, then would on sell to settlers shortly after at a massive profit margin (eg. Waipu and Ruakaka Blocks)

The failure to survey boundaries, then taking land in lieu of survey charges

- The failure to provide reserves and breach of promise to ensure 10% of future proceeds would go to Patuharakeke (eg. Waiwarawara block)

- Public works takings right up until the 1960’s (eg. Pukekauri Block)

- Busby purchased a large area at Ruakaka and Waipu in December 1839 - he paid 40 pounds and some other items including 60 blankets for an area of about 100,000 acres. This purchase was not recognised as valid by the
Crown following further investigations in 1841 and 1842. Historians have shown clearly that Maori who agreed to sell land in the 1840s and 1850s thought they were only selling use rights for the buyer to utilise the land, and that the contract was based on a mutual benefit, and not that the land was given up in perpetuity. Busby had been “British Resident” in NZ based in Russell, carried a lot of influence and his purchase was probably NZ’s first case of “insider trading“- he would have been aware that he was purchasing only 6 weeks ahead of the signing of the Treaty of Waitangi and would have been aware of the Crown plans to stop Maori from selling land to anyone except the Crown once the Treaty was still signed.4

Twentieth Century Breaches:

Twentieth century breaches that are highlighted in our Statement of Claim emphasise environmental issues, such as the industrialisation of Poupouwhenua and the failure of the Crown to protect natural resources such as freshwater resources, Whangarei Terenga Paraoa and other natural resources and heritage within our rohe. These issues are substantively discussed in Part III of this HEMP. Unfortunately the Crown and government agencies persist in undermining our rangatiratanga to the present day. Some current examples that have forced PTB to take legal action to protect our rights include:

Mighty River Power MRP/ “Section 27B Memorials”:

- The State-Owned Enterprises Act 1986 corporatised a number of government agencies (SOEs) through government’s restructuring of the public sector in the 1980s. On corporatisation, SOEs sold off assets (lands and buildings) deemed ‘surplus to requirements’. Much of this estate had been constructed on lands, or were lands taken from Maori under the Public Works Act. This resulted in court action for lack of Treaty provisions in the disposition of these surplus assets.

- The New Zealand Maori Council sued the Crown over the lack of Treaty provision and the 27B amendment of the SOE Act 1986 was the result.

- s27B provides for ‘remedies’ lands to be returned to original owners/claimants to Waitangi Tribunal if they find in claimants’ favour, claimants would get first right to purchase back the land...

- The Electricity department which ran the Power Station at Ruakaka became ‘Electricorp’ and eventually after number of iterations, the current Mighty River Power Ltd (MRP);

- In 2013 the government sells more of Patuharakeke’s potential treaty claims - 49% of MRP on the share market in ‘Government Share Offer’ under the Mixed Ownership Model and claim that Iwi were offered opportunity to purchase shares in their Treaty Settlement negotiations;

- In April 2014 MRP places 11 titles (166ha) on the open international market. PTB (with whom they have a Memorandum of Understanding) was given one days notice of the sale.

- Patuharakeke litigates through the High Court to stop the sale and seeks an

4 BOE Guy Gudex
urgency hearing before the Waitangi Tribunal.

Ruakaka Racecourse:

- Questionable purchase by Whangarei Racing Club in 1990 for a price well below government valuation prior to any requirement for consultation with tangata whenua on lands that were to be set aside for treaty settlements.

- Whangarei Racing Club has applied to put zoning in place to develop an equine centre, hotel facilities and 350 residential units through a ‘Private’ Plan Change funded by WDC/ratepayers.

- The land is subject to S27B of the Stated Owned Enterprises Act 1986 (SOE Act)

- PTB had to lobby the council to commission a Cultural Impact Assessment and have since put in several submissions in opposition

- The Plan Change has since been approved by WDC and Environment Court Appeals were lodged by PTB and DOC. Court directed mediation is presently underway.

Figure 2: Poupouwhenua Block

3.2.1 Issue
a) There is a lack of proper recognition of and provision for, Te Tiriti o Waitangi as the basis for the relationship between Patuharakeke and local government.
3.2.2 **Objective**
   
a) Te Tiriti o Waitangi forms the basis of the relationship between Patuharakeke and local government.

3.2.3 **Policies**
   
a) Te Tiriti o Waitangi is an agreement between Patuharakeke tupuna and the Crown, but in contemporary times Treaty obligations also sit with local government in addition to central government agencies.

b) The articles of Te Tiriti o Waitangi should be given effect to in accordance with the significance of the treaty to Maori as the founding document of the nation.

c) In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tangata whenua who hold manawhenua in our rohe, Patuharakeke interests in resource management extend beyond ‘generic’ stakeholder or community interests.

3.2.4 **Methods**
Approaches for achieving these objectives and policies are can be found throughout the various sections of this plan, however methods of particular relevance can be found in section 2.9 regarding (i) relationships; (j) provision of information; (k) protocols for consenting, concession and permitting processes; (n-q) decision-making and joint management.

3.3 **Kaitiaki Monitoring Tools**
As kaitiaki and mana whenua, Patuharakeke must be involved in the monitoring of all aspects of the health of our rohe. For this to happen there needs to be:

- increased integration of monitoring across agencies
- increased reliance and use on community level and community-based monitoring
- increased recognition and use of cultural indicators
- resourcing of kaitiaki

A cultural monitoring framework for our health and wellbeing needs to recognise that:

- Patuharakeke traditional, economic and subsistence foods and practices, and traditional cultural activities are interrelated, as well as mutually supportive and interdependent.
- The overall health and cultural wellbeing of Patuharakeke whanau and hapu is directly related to our ability to manage, harvest, prepare and eat our traditional foods and continue our traditional practices.
- Patuharakeke have the traditional knowledge and maintain practices that will, with proper technical support and resourcing, help to meet our economic and environmental needs and ensure our wellbeing.
- It is important for us as a hapu to determine methods to measure the current state, changes and rates of change (decline, destruction, improvement or revitalisation) of our environment. This must be done with full and effective participation of our taumata and resource management practitioners.
We fully expect our cultural monitoring framework to develop over time in step with our participation. To date, Patuharakeke have developed and utilised indicators primarily in the realm of Tangaroa. We are currently developing an overarching Cultural Health Index (‘CHI’) methodology framework that will include indicators for monitoring the cultural health of Papatuanuku, Tane Mahuta and of course Wai Maori/freshwater resources.

Tangaroa CHI were developed as part of a Ministry for the Environment project "A Coastal Cultural Health Index for Tai Tokerau"\(^5\) (CCHI) in which Patuharakeke whanau and PTB took part in 2010. The CCHI is based on the calculation of a takutai health measure and mahinga kai measure. We anticipate modifying and adding to this index as part of our overall CHI Framework.

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Unhealthy</th>
<th>Healthy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Catchment land use</td>
<td>1. Land heavily modified (eg. bush, wetlands etc lost)</td>
<td>2 3 4 5. Appears unmodified</td>
</tr>
<tr>
<td>2. Adjacent vegetation (MHWS plus 100m)</td>
<td>1. Little or no vegetation – neither exotic or indigenous</td>
<td>2 3 4 5. Complete cover of vegetation – mostly indigenous</td>
</tr>
<tr>
<td>3. Adjacent land use (MHWS plus 100m)</td>
<td>1. Margins heavily modified</td>
<td>2 3 4 5. Margins unmodified</td>
</tr>
<tr>
<td>5. Changes to takutai</td>
<td>1. Evidence of modification (e.g. dredging, structures, erosion, reclamation)</td>
<td>2 3 4 5. Appears unmodified</td>
</tr>
<tr>
<td>6. Water quality</td>
<td>1. Appears polluted (eg. foams oils, slime, marine pests etc)</td>
<td>2 3 4 5. No pollution evident</td>
</tr>
<tr>
<td>7. Water clarity</td>
<td>1. Water badly discoloured</td>
<td>2 3 4 5. Water is clear</td>
</tr>
</tbody>
</table>

How would you describe the overall health of the takutai at this site?
1. Very unhealthy | 2 3 4 5. Very healthy |

Comment

8. Mahinga Kai Measure

Abundance
While in the field a collated list of plant, bird and fish species is prepared for each site. A score of 1–5 is then made, depending on the total number of species present.

Can also use catch per unit effort measure for specific species (eg how long does it take to fill a sack with pipi?) useful for comparison over time.

Also note size of individuals eg. to evaluate whether there is a range of

\(^5\) see Chetham and Shortland, 2010
<table>
<thead>
<tr>
<th>Change</th>
<th>Comparison of species present today and mahinga kai species historically sourced from the site. Score 1-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility of the site</td>
<td>A score of either 1, 3 or 5 is given based on the legal and physical access tangata whenua have to the site:</td>
</tr>
<tr>
<td></td>
<td>1 No access to the site.</td>
</tr>
<tr>
<td></td>
<td>3 Either physical or legal barriers make access difficult.</td>
</tr>
<tr>
<td></td>
<td>5 Unimpeded easy access to the site.</td>
</tr>
</tbody>
</table>

Figure 3: Patuharakeke Coastal Cultural Health Indicators
4. RANGINUI

4.1 Discharges to Air

While air quality in Tai Tokerau generally remains high, Patuharakeke are in a unique, sensitive location owing to the industry clustered at Poupouwhenua/Marsden Point. The oil refinery at Poupouwhenua is a significant emitter of discharges to air, and others in the vicinity such as Northport, the Carter Holt Harvey LVL Plant, and a solvent recovery plant, also contribute to emissions. As such, the Northland Regional Council has developed a specific Marsden Point Air Quality Strategy that came into effect in 2008 and has been included in the Regional Air Quality Plan. This strategy must be taken into account when decisions are made on air quality in the Marsden Point Area.

Discharges to air have the potential to adversely affect local ecology, amenity values and the health of our whanau living and working within this ‘airshed’. While the industries over the years have provided employment for hapu members, many of us feel that our statistics around lower life expectancy and poor health statistics have been influenced in some way as a result of industries’ location and density in our rohe. According to Northland District Health Board, no health impact assessments associated with industry at Marsden Point have ever been undertaken.  

PTB have developed a robust working relationship with Refining NZ, the oil refining company, over the last decade in particular, and are provided monitoring results on a regular basis. The refinery has updated technology in recent times to ensure they are performing within consent limits, and strive to take a best practice approach. However, with the existing zoning and projected growth of future industry in our rohe it will be important to remain vigilant and have ongoing input into any future policy development and monitoring on air quality and discharge permit applications.

4.1.1 Issue:

a) The discharge of contaminants-to-air can have adverse effects on Patuharakeke values such as mauri, mahinga kai, waahi tapu, and marae, and the health of our people and communities.

4.1.2 Objectives:

a) To protect the mauri of air from adverse effects related to the discharge of contaminants to air.

b) Patuharakeke are involved in regional decision making on air quality issues.

c) PTB maintain close relationships and dialogue with the air polluting industries in our rohe.

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6 Medical Officer of Health, Dr Jonathan Jarman, pers. comm. 12/12/2012.
4.1.3 Policies:
   a) To protect the mauri of air from adverse effects associated with discharge to air activities.
   b) To require that the regional council recognise and provide for the relationship of Patuharakeke with air, and the specific cultural considerations for air quality, including the effects of discharge to air activities on sites and resources of significance to tāngata whenua and the protection of cultural amenity values.
   c) To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air.

4.1.4 Methods:
   a) PTB require input into any resource consent applications seeking to discharge contaminants to air within our rohe.
   b) PTB will work with industry to develop cultural monitoring methodologies to complement the existing monitoring regime relating to discharges to air.
   c) PTB to work with industry and other relevant stakeholders to consider funding research on the impacts of air discharges at Poupouwhenua to human health.
   d) PTB will work with industry and other relevant stakeholders, academic institutions and other interested parties, to fund research to assess the health impacts of activities on Patuharakeke whanau.

4.2 Climate Change
Climate change is a fact and the latest projections from the 5th Assessment Report of the Intergovernmental Panel on Climate Change  make alarming reading. According to this publication, some impacts are now irreversible and the adaptation they will demand will present new challenges (as well as opportunities) for tāngata whenua. For tāngata whenua, the effects of climate change have serious implications, with a lack of information or planning being a major issue. All international evidence to date points to the fact that poor, youth, women and remote communities are disproportionately impacted by climate change. Maori figure highly in all these categories. Climate change is therefore likely to exacerbate many of the inequities already faced by Maori. The adverse effects are potentially wide-ranging and extremely serious. Most modelling sees our rohe with increasing average temperatures, increasing annual rainfall, increased severe weather events and significant sea level rise.

A reaffirmation of traditional ways and knowledge as well as new and untested strategies will therefore be important for ensuring the long-term social, ecological, cultural and economic sustainability of our community in the context of a changing climate. If we consider and plan early for the future impacts of climate variability and change we will be more resilient in the face of that change.

4.2.1 Issues

   a) Climate Change will impact the cultural, economic, social, and environmental wellbeing of Patuharakeke.

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7 http://ipcc.ch
8 See https://www.niwa.co.nz/climate/information-and-resources/climate-and-maori-society
b) The magnitude, nature and timing of these effects on Patuharakeke and our taonga tuku iho have not been assessed.

c) There is a failure by NRC to proactively lead mitigation of carbon emissions within Northland.

d) There is a lack of preparedness planning for adaptation to the effects of climate change within Tai Tokerau and Aotearoa as a whole.

4.2.2 Objectives

a) Our Patuharakeke hapu and whanau community have sufficient information to allow us to plan for the effects of climate change.

b) The potential impacts of climate change on Takahiwai marae, papakainga, and other sites of significance are identified and Patuharakeke are enabled to proactively develop responses and strategies for adapting to or accommodating those changes.

c) Our hapu and whanau community is resilient and capable of being self-sufficient in times of events such as flooding, severe storms, tsunami, and droughts.

d) Our hapu and whanau community is enabled to make the most of any opportunities that a changing climate might bring.

e) Climate change is an integral part of community-based integrated catchment management planning led by tangata whenua.

f) Northland’s energy needs are met predominantly from community owned renewable energy resources, generated within the region.

4.2.3 Policies

a) PTB will work collaboratively with our neighbouring hapu and iwi to contribute the views of tangata whenua to regional and national climate change policies and processes.

b) PTB require that the relevant local authorities and agencies recognise and provide for the potential effects of climate change on resources and values of importance to Patuharakeke, for example:

i. effects of sea level rise on our coastal marae and waahi tapu, including urupa;

ii. increased salination of rivers and estuaries, affecting mahinga kai resources and customary use;

iii. warming of oceans and effects on marine ecosystems, including those on the sea floor;

iv. changes to the amount of rainfall, and effects on aquifer recharge;

v. changes to the habitats of indigenous flora and fauna, including taonga species;

vi. increased pressure on already failing infrastructure;

vii. changes in tourism (especially eco-tourism markets);

viii. increased transportation costs and energy costs (the end of cheap oil and security of supply);

ix. health impacts (eg. tropical diseases)

c) PTB support the reduction of emissions as a response to climate change, including but not limited to:
i. Urban planning to reduce transport emissions;
ii. Use of solar water heating and similar measures to reduce energy use; and
iii. Improved farming practices to reduce emissions.

d) Central and local government climate change policy associated with forests and carbon credits should promote, encourage and reward the protection and restoration of indigenous forest.

e) Restoration planning for wetlands and lagoons must take into account the potential for future sea level rise associated with climate change.

f) Local authorities must discontinue their current practice of enabling and promoting beachfront development in our rohe, whether it be industrial or residential.

g) Local authorities must recognise and provide for collaborative catchment management, led by tangata whenua that incorporates responses to impending changes in climatic conditions.

h) NRC should take a proactive response and take action now, rather than adopting the cynical “head in the sand” or hands off privatised model (i.e community must challenge development rather than baseline activities being articulated for public welfare) mentality currently afflicting and influencing central government.

4.2.4 Methods

a) Patuharakeke will work proactively with all agencies and individuals who are seeking positive and pragmatic solutions and responses to climate change.

b) PTB will seek funding and support from appropriate agencies and stakeholders to examine the risks climate change poses, our vulnerability and adaptive strategies we can take to protect our community, values and taonga tuku iho.

c) PTB will not support to any development proposals in the coastal environment where climate change poses an undue risk.

d) Patuharakeke will investigate ways to improve our “carbon footprint” including improving our energy efficiency and investigating opportunities for renewable energy generation and use in our rohe.

e) PTB strongly recommend that Northland Health and local government consider the potential health and social effects of climate change on Patuharakeke in their strategic planning.
5. PAPATUANUKU

Patuharakeke consider all land within our rohe to be ancestral land. Since colonial settlement pre-1840 all but a fraction of our land has been alienated. Now it is mostly privately owned (general title) with small amounts held by the Crown (mainly conservation estate) or councils (e.g. recreation and road reserves).

Fragments of multiply-owned Maori land, Maori reserves and small blocks of General Land owned by Patuharakeke makes up just 1% of the original tribal estate that was held by the hapu. Increasing numbers of beneficial owners (many overseas) and fragmentation of shares makes management decisions complicated. Generally, Maori land cannot be used as security for raising capital for establishing, maintaining and/or expanding either economic use or social equity (housing, kainga, marae, etc).

Changing land use (forest clearances, conversion to farmland and exotic forestry, coastal subdivision and industrial development, etc) has increased pressure on our land and water resources. The attributes that attract residents today are those that our tupuna valued. Development threatens the remainder of intact pa, kainga, waahi tapu and mahinga kai as lifestyle choices come into conflict with cultural values. While councils are responsible for ensuring that development does not result in adverse effects, lax controls on subdivision, development and land use and a "development above all else" mentality has resulted in inappropriate development, inadequate infrastructure and degradation of our cultural landscape, amenity and natural resources.

5.1 General Matters

5.1.1 Issues

a) Patuharakeke are tangata whenua. Our relationship to this land is central to our being. We consider all land within our rohe as ancestral land.

b) Differences in how land held in Maori title compared to land in general title are treated. This is poorly recognised and provided for.

c) Development places increasing pressure on our land and water resources.
5.1.2 Objectives

a) To have all Patuharakeke ancestral land currently held in crown title in hapu ownership.

b) Maximum protection of our ancestral land from adverse effects of development.

c) True costs of development are carried by those profiting from the development.

5.1.3 Policies

a) No further alienation of Maori land. Long term sustainable use of Maori land should be adopted where it is economically viable.

b) Development of land resources in our rohe should not be at the expense of our relationship with that land, culture and heritage or at the expense of the environment.

c) Development should be preceded by proper infrastructure planning.

5.1.4 Methods

a) PTB will support and encourage, where possible, research into long-term sustainable land uses on Maori land, e.g. permanent cover commercial indigenous forestry.

b) PTB will request MLC and TPK to urgently investigate issues of succession of Maori land shares and the adequacy of current processes for managing this.

5.2 Marae and Kainga

Our marae at Takahiwai remains the centre of hapu life in our rohe. We wish to enhance its status to ensure that in future our marae is a vital living centre of a vibrant hapu community. Our marae has always played an integral and important role as community centre and provides direct benefit to the community (e.g. in times of natural disaster, hosting sporting teams, schools and so forth). This community benefit should be recognised in all policies affecting the rating of such land.

Development of papakainga allows our whanau the opportunity to establish affordable housing. Papakainga cannot be compared to subdivision or housing development on general title land.

5.2.1 Issues

a) Our Takahiwai marae is the cultural heart of our hapu.

b) Our kainga, those that remain in Maori ownership, are the obvious sites for the re-establishment of hapu communities.

c) The right to reside on, use and develop Maori land is constrained by land zoning rules, housing density rules, provision of infrastructure and services, and multiple ownership.

d) Returning settlement assets will provide future opportunity for re-establishment of kainga and marae on that land.

5.2.2 Objectives

a) Our marae is the vital living centre of a vibrant hapu community.
b) Whanau are able to return and live on their whenua.

5.2.3 Policies

a) Our marae is a heritage icon in its own right and should be recognised as such.
b) PTB will encourage and support our Marae Committee and whanau to develop our marae.
c) Papakainga developments initiated by whanau will be supported to facilitate the resettlement and re-association of tangata and whenua. Council control of papakainga should be confined to matters of health and safety and should not require ‘reserve’ contributions of land.

5.2.4 Methods

a) PTB will advocate that agencies recognise and provide for the policies in this section.
b) PTB will support and assist the marae committee and whanau within our rohe to further develop our marae and kainga on a sustainable basis. In particular support will be given to the marae to develop as a cultural centre of our people and tikanga. Any future development of the marae and papakainga should consider energy efficient building design, methods and materials, environmentally sustainable energy, sewerage, waste and water systems.

5.3 Maori Land Rating

Historically much land has been lost to inequitable rating policies of local government. Patuharakeke consider there has never been full consideration given to the differences between Maori land and land held in general title or the unique situation the owners of Maori land face. We acknowledge the challenges for WDC and NRC in addressing this problem and recent policy initiatives to provide temporary relief for rating on Maori land in some circumstances. However, finding a durable and sustainable solution requires the active attention of central, regional and local government. We consider that MLC has a significant role to play. Because valuation of Maori land is tied to that of general title, we are increasingly seeing a situation where the rate burden on Maori land is increasing because of its proximity to general title land, even though the circumstances of the Maori land has not changed. Further, the notion of valuing Maori land on its saleable value on the open market is unrealistic given the multi-shareholding nature of Maori land tenure and our duties to retain land within our whanau and its connection to our tupuna.

5.3.1 Issues

a) The rating of Maori land is a contentious issue for Patuharakeke and is inaccurately assessed.
b) The intensified housing market in our coastal rohe in recent years has seen a dramatic increase in the rateable value of those properties and therefore increased costs on our local community.

5.3.2 Objective

a) Fair Maori land rating policies.
5.3.3 Policies

a) Maori owned land should not be subjected to the same valuation process as that which applies to land held in general title.

b) Valuation and rating of Maori land should not be affected by escalating property values caused by development and intensification of adjoining or neighbouring general title land. Where such development does result in increased rateable values for Maori land this should be recognised and mitigated through development levies.

c) Local authorities should review their Maori land rating policies and in particular consider the long-term effects of current remittance and postponement policies. Local authorities should seek the full participation of PTB, TPK and the MLC in these reviews.

d) Local authorities in Tai Tokerau should develop a single consistent policy and approach to Maori land rating issues.

5.3.4 Methods

a) PTB will make submissions to all relevant council processes requesting review of Maori land rating policies and processes. This includes insisting that staff involved in setting and processing rating policy receive adequate training in Maori land and rating issues.

b) Where development of general title land causes increases in rating of Maori land, PTB request that the consent authorities negotiate agreements with each developer to ensure that the developer makes adequate long term provisions to mitigate this effect on Maori land owners.

5.4 Soils and Minerals
Minerals are by their very nature limited. Soils are a finite resource and their use must be managed to ensure no adverse effect on the environment and that sufficient mineral and soil resources are retained for future generations. Inappropriate land uses can cause erosion; and sedimentation is one of the major causes of poor water quality in our waterways.

5.4.1 Issues

a) Extractive industries and inappropriate land use and management have the potential to diminish or destroy the mauri of mineral and soil resources in our rohe and there are potential adverse environmental, cultural and social effects.

b) Mineral and topsoil resources are finite.

c) Prospecting, exploration and mining activities can adversely affect areas significant to Patuharakeke including waahi tapu, waterways, mahinga kai and our cultural landscapes.

d) Soil erosion resulting from inappropriate land uses and management.

e) Earthworks activities need to be managed to avoid damaging or destroying sites of significance, and to avoid or minimise erosion and sedimentation.

5.4.2 Objectives

a) The mauri of mineral and soil resources is protected and enhanced in ways that enable Patuharakeke to provide for our social, economic and cultural wellbeing; and that of generations to come.
b) The sustainable use and management of mineral and soil resources without adverse impacts.

5.4.3 Policies

a) Prospecting, exploration and mining activities are not permitted in areas significant to Patuharakeke.

b) Patuharakeke promote innovative, sustainable management practices for mining and quarrying operations, including rehabilitation.

c) Earthworks provided for as a permitted activity in council plans must meet stringent environmental performance standards.

d) Integrated earthworks management plans are required for earthworks consent applications detailing how erosion, sediment control, possible archaeological or cultural sites and rehabilitation are to be managed, and how risks will be identified and minimised.

e) Patuharakeke are involved in decision-making regarding any contaminated land in our rohe.

5.4.4 Methods

a) PTB will advocate for the enhancement of our soils and careful handling of our minerals. In particular we request the relevant statutory authorities ensure that:

i. Crown Minerals Act and RMA processes are better integrated;

ii. activities are not permitted in areas we identify as significant;

iii. permit holders are required to prepare and implement a mine or quarry closure and rehabilitation plan;

iv. effective erosion and sediment control measures are implemented while soil is exposed and 80% vegetated ground cover is achieved within 3 months of earthworks being complete.

v. earthworks provided for as a permitted activity require notification of council and PTB, no less than 1 week prior to any work;

vi. payment of a bond is a mandatory condition for any earthworks;

vii. Land use is matched with land capability (eg soil type; slope, elevation);

viii. Encouragement and support for organic farming and growing methods

b) PTB will work with permit holders to plan and implement rehabilitation programmes, costs being met by permit holders.

c) A royalty will be payable to PTB where the extraction of a mineral resource from lands within our rohe has been agreed to.

5.5 Vegetation Clearance and Commercial Forestry

Vegetation is usually cleared for land management purposes, such as the creation or maintenance of pasture or in the creation of residential subdivisions. When land is denuded for long periods, erosion and sedimentation into waterways occurs. There is an associated loss of nutrients and carbon from the soil, and the water holding capacity of the catchment is altered (eg. storm water runs off rather than absorbs). Vegetation clearance also leads to fragmentation and loss of remnant native bush and habitat, loss of opportunities for regeneration, and diminishing of cultural landscape and natural character values.
5.5.1 **Issues**

a) Vegetation clearance can have adverse effects on waterways, sites of significance, indigenous biodiversity, cultural landscapes and amenity values.

b) Commercial forestry operations can have adverse effects on waterways, sites of significance, indigenous biodiversity, cultural landscapes and amenity values.

5.5.2 **Objectives**

a) Native vegetation clearance is avoided in our rohe.

b) Sound land management practices become the norm in our rohe with waterways, sites of significance, indigenous biodiversity and cultural landscapes protected from the adverse effects of vegetation clearance and commercial forestry operations.

5.5.3 **Policies**

a) PTB and Councils will promote land use and land use management that avoids undue soil disturbance and vegetation clearance.

b) PTB will oppose vegetation clearance in areas that are identified as high risk for soil erosion, areas of significant indigenous biodiversity, and culturally significant sites.

c) PTB and Councils will promote the establishment of native forestry operations in the rohe alongside other commercial operations with the ultimate view of phasing out exotic forestry and replacing it with natives.

5.5.4 **Methods**

a) PTB will assess applications to undertake vegetation clearance in our rohe (eg. the applicant commissions a CIA).

b) PTB will assess proposals for commercial forestry and activities associated with the replanting of existing plantations in our rohe (eg. produce a CIA resourced by the forestry company).

c) PTB will continue to advocate for the protection and enhancement of indigenous forests in our rohe (eg. by way of submissions to National and Regional policy and planning documents etc).

5.6 **Subdivision and Development**

The last decade and a half has seen a proliferation of unfettered coastal subdivision and industrial and commercial estates in our rohe. This has taken place with little regard to infrastructure requirements and has had negative consequences for fresh and coastal water quality, natural character and our cultural landscapes and seascapes. Decision makers have allowed subdivision development to physically encroach upon high value sites such as the Ruakaka Dune Lake – adjacent to the Ruakaka Racecourse it is the only dune lake in Waipu Ecological District, and in fact the whole Eastern Northland Ecological Region. The Marsden Cove subdivision and marina allowed for modification and damage to residual cockle beds and increased the likelihood of pest species arriving in on the hulls of yachts, as confirmed by the recent infestation of the invasive Sea Squirt “Styela” at that location9. The entire southern end of Langs Beach looks like an extremely affluent Auckland suburb and the cultural landscape at this location has been forever altered.

PTB believe coastal subdivision in Ruakaka, One Tree Point, Waipu Cove and Langs Beach has reached saturation point. There is currently a massive oversupply of sections, yet the councils are actively supporting further growth and expansion of subdivisions through private plan change mechanisms and a permissive planning approach. There appears to be little regard for the concerns consistently raised by Patuharakeke through our responses to consent processes and submissions to such plans as the Marsden Point Ruakaka Structure plan and other planning and policy documents. PTB will continue to maintain a precautionary approach and oppose inappropriate coastal development (especially that which contravenes the NZCPS and impacts our cultural landscapes, seascapes and the natural environment).

While subdivision and residential land development activities can have adverse effects on cultural values, there are some examples where cultural benefits can be gained, including opportunities to reaffirm connections between tangata and whenua. For example, the use of Patuharakeke names and cultural interpretation in developments or roading can re-establish a Patuharakeke presence on these modified landscapes. Acting to ensure developments have ‘light footprints’ in relation to building design, water, waste and energy also provides cultural visibility and is consistent with achieving the objectives of this Plan. Again, effective engagement and relationships between applicants and tangata whenua are required from the design phase right through to consent being granted and beyond (eg. ongoing monitoring) in order for these positive outcomes to be realized.

Tangata whenua policy in this document is aimed at avoiding sporadic, uncontrolled development in our rohe, and remedying or mitigating impacts of development on our cultural landscapes and seascapes. Coastal land development must be cohesive with the landscape rather than deviate from it, and enhance existing values rather than degrading them.

5.6.1 Issues

a) Subdivision and development can have significant effects on tangata whenua values, including sense of place, cultural identity, indigenous biodiversity, mahinga kai, and waahi tapu.

5.6.2 Objectives

a) Coastal cultural landscapes and seascapes are protected from inappropriate use and development.

b) Patuharakeke has a prominent and influential role in urban planning and development in our rohe.

c) When subdivision and development activities occur, they are based on low impact, innovative and sustainable design.

5.6.3 Policies

a) Councils and agencies will ensure that the cumulative impacts of subdivision and development on the natural and cultural landscape values of our ancestral whenua and coastal areas are recognised and avoided, including:

i. Effects of incremental development; and

ii. Ensuring that existing modification of the landscape is not used to justify further change where it is inappropriate to allow further coastal development.
b) Councils and agencies will not allow private ownership (or what is effectively private ownership) of the foreshore as a result of coastal subdivision activities.

c) Local authorities are required to recognise and provide for tangata whenua values in coastal land development activities, such as:
   i. The protection of coastal headlands and skylines;
   ii. The protection of coastal indigenous biodiversity, including remnant forest and endemic species;
   iii. The protection of waahi tapu and sites of significance;
   iv. The protection of view shafts to significant natural features and landmarks;
   v. Access to coastal areas for customary use;
   vi. Patuharakeke aspirations for coastal areas, such as the establishment of mataita reserves;
   vii. The potential for sedimentation and contamination of fresh and coastal waters; and
   viii. The increased stress on existing water resources and community infrastructure.

d) Local authorities and agencies must take a precautionary approach towards applications where potential effects on the coastal environment are uncertain, unknown or poorly understood.

5.6.4 Methods

a) Councils will work with PTB to implement a consistent approach to the identification and analysis of Patuharakeke interests in subdivision and development activities including:
   i. Encouraging developers to engage with PTB from the outset of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports (CIA’s);
   ii. Requiring engagement with PTB at the Plan Change stage.
   iii. Requiring that resource consent applications assess actual and potential cultural, social, environmental and economic effects of the proposal on Patuharakeke; and
   iv. Ensuring that effects on our cultural values are avoided, remedied or mitigated using culturally appropriate methods as recommended by PTB.

b) PTB will develop a set of basic principles and design guidelines, along with assessment criteria for subdivision and development.

5.7 Utilities, Amenities and Infrastructure

In the past the design, building and maintenance of major infrastructure has followed not preceded development, leaving infrastructure in continual “catch-up”. Settlements now have old and worn systems struggling to keep up with demand. Developers have not contributed to the true cost of providing infrastructure and services for new development leaving the existing communities to carry the shortfall. There have been occasions where the infrastructure provided as part of large scale developments has been substandard (for example Marsden City roading and stormwater systems have failed), and other times where the council has deliberately pursued a solution which we find unacceptable (eg. an ocean outfall as part of the Ruakaka Long Term Wastewater Treatment Plant Consent). When adequate services

10 see also section 2.9 of this plan.
for new development are provided, it is often at the expense of providing modern services for existing communities.

Historically Patuharakeke, as kaitiaki and tangata whenua, have not been able to participate fully in decision-making over these assets. Maori land tends to be poorly serviced compared with other parts of the district. We have had decades of experience where Maori land has been taken under various Acts, such as the Public Works Act, to allow for infrastructure. The Pukekauri Lake/Dam is an example of this. Unfortunately, such acquisition has not been accompanied by the resources for their sustainable management.

5.7.1 Issues

a) Increased development and population pressure brings with it increased demand and need for all types of infrastructure, roads, water supply, sewerage systems, storm water, reserves and parks, libraries, museums and information centres.

b) Councils and agencies such as DoC and WDC have acquired large areas of land for public reserves and other infrastructure.

5.7.2 Objectives

a) Patuharakeke participate fully in all decision-making processes of agencies over planning for, development and management of utilities, amenities and infrastructure within our rohe.

5.7.3 Policies

a) Patuharakeke will participate fully in all decision-making processes of agencies over planning for, development and management of utilities, amenities and infrastructure within our rohe. Such participation should commence at the outset of any planning or business cycle.

b) Innovative means of providing for infrastructure should be encouraged, e.g. farming of algae for bio-fuels on sewerage treatment ponds, effluent disposal to support indigenous forestry.

c) New developments should be levied to pay the full and true cost of infrastructure.

d) Provision of public services to green field developments should not be at the expense of the needs of existing communities.

e) Public reserves management should be adequately resourced to ensure that these areas are sustainably managed.

f) Agencies should negotiate a schedule of reserves with PTB for transfer to joint or sole management regimes that include full participation of ahi kaa and kaitiaki.

5.7.4 Methods

a) Patuharakeke will continue to advocate that agencies recognise and provide for these policies.

b) PTB will request that a schedule and process for negotiating joint management agreements over public reserve lands be investigated and
5.8 Public Access
Access has long been a significant issue for Patuharakeke for three principle reasons:
- Kaitiaki require access to all waahi tapu and sites of cultural significance. With the alienation of most ancestral lands from Maori title many of these sites are now on either private or public land. Many of our sites have already been damaged or modified beyond recognition and we have serious concerns about the ability of agencies to ensure our sites are not further compromised.
- Access to customary fisheries, mahinga kai and customary resources. Many of these customary areas are now only accessible across public or private land which raises issues for Patuharakeke and landowners.
- The current Crown policy of providing access for all to and along all parts of our waterways and coastline raises significant issues.

Patuharakeke wish to be fully involved in the preparation of any public access policies or plans by any agency from the outset of the planning process.

5.8.1 Issues
a) Alienation of ancestral land from Patuharakeke ownership restricts our access to many sites of significance to us, including waahi tapu and cultural harvest areas.

b) There is a conflict between public access, protection of sites and resources of importance to Patuharakeke.

5.8.2 Objectives
a) Sites and resources of importance to Patuharakeke and customary access to them, is protected and enhanced.

5.8.3 Policies
a) Policies and plans prepared by statutory agencies must recognise the rights of access that Patuharakeke have:
   i. to all waahi tapu,
   ii. for the harvesting and collection of kai,
   iii. to taonga prized for traditional, customary and cultural uses, and
   iv. for the purposes of kaitiaki/cultural health monitoring.

b) Public access rights should not be given precedence over spiritual and customary values and sites.

5.8.4 Methods
a) Patuharakeke will continue to advocate that agencies recognise and provide for these policies.

b) PTB will work closely with all agencies involved in public access policies and ensure Patuharakeke participate fully in such decision-making processes.

c) Councils issuing consents that could affect customary access will include consent conditions to protect and enhance customary access and cultural monitoring of such sites.

5.9 Overseas Investment and Purchase of Land
Patuharakeke are attempting to restore cultural and traditional associations with the land, including the gathering of knowledge of places, the protection of waahi tapu
and the regaining of access to sites of significance. The sale of land to overseas investors can be inconsistent with these aims; and lead to further disenfranchisement. Overseas investors are unlikely to be aware of the cultural importance of the land they are purchasing, and therefore sites, places and relationships may be at risk. In considering applications for the purchase of land under the Overseas Investment Act, the Overseas Investment Office (OIO) needs to formally recognise tangata whenua values associated with the land, in addition to the values that make land sensitive under section 10(1)(a) of the Act.

On the other hand, overseas investment can occasionally foster opportunities to recognise and provide for tangata whenua associations with a specific area, including the protection of and access to sites of particular importance. However, any cultural benefit to be realised from overseas investment will depend on the establishment of formal processes to ensure such rights and interests are sufficiently regarded in the decision-making.

5.9.1 Issue
   a) Overseas investments and purchases of property can affect the relationship of tangata whenua with our ancestral lands, water, sites, wahi tapu and other taonga.

5.9.2 Objectives
   a) Overseas investors are aware of the cultural importance of any sites they purchase in our rohe and recognize and provide for protection of and access to, sites of significance to Patuharakeke.

5.9.3 Policies
   a) In the context of the OIO, Patuharakeke support the retention of New Zealand land in New Zealand ownership. Furthermore, Patuharakeke support the retention of ancestral land in Maori ownership, ensuring domestic ownership.

   b) To require that the OIO formally recognise and provide for Patuharakeke interests for all overseas investment applications, in particular:
      i. Patuharakeke historical, cultural, traditional and spiritual relationship with the land;
      ii. The protection of cultural values associated with the land; and
      iii. Patuharakeke access to sites and places of cultural importance.

5.9.4 Methods
   a) The OIO will support PTB to engage directly with potential investors to secure an enduring first right of refusal agreement to any lands purchased within our rohe.
   b) The OIO in conjunction with councils and other relevant agencies, will require the preparation of Cultural Value Reports by PTB to identify values, risk and desired outcomes for any potential purchases in our rohe.
   c) Councils and relevant agencies will ensure that cultural information is placed on LIMs, PIMs and titles.
   d) Councils and agencies will work with PTB to set appropriate consent conditions for the conservation (including maintenance and restoration) of cultural and historical heritage and provisions for access when development occurs on these properties.
5.10 Waste Management

We now live in a throwaway society that has only recently and after-the-fact begun to adopt sustainable practices to waste management and disposal. Other coastal urban communities such as Raglan, Kaitaia and Kaikoura have clearly demonstrated that it is possible to greatly reduce waste to landfill volumes (by 70%) via community based management and resulting in a reduced overall cost to the community. Those communities have also demonstrated that responsible waste management can be an attractive community business and employer. A Waste minimisation approach to waste management is consistent with protecting cultural values and achieving outcomes sought in this plan. Reducing the volume of solid waste and wastewater produced in our rohe will reduce pressure on existing infrastructure, and on environmental and cultural values.

5.10.1 Issue

a) The excessive volume of waste in our society is not sustainable.

5.10.2 Objectives

a) A zero-waste rohe for our mokopuna.
b) Patuharakeke will prioritize transitioning to zero-waste marae, kohanga and kainga.

5.10.3 Policies

a) Local authorities and agencies will pursue a waste minimisation approach to waste management in our rohe.

5.10.4 Methods

a) Patuharakeke will advocate that councils and agencies pursue zero waste policies covering our rohe.
b) Patuharakeke will lead by example by investigating and implementing programmes to achieve zero waste for our marae, kohanga, kura and papakainga (eg. reduction of waste produced, and the use of composting and recycling programmes).
c) PTB will support well planned initiatives by tangata whenua and the community to establish sustainable waste management businesses.
d) Local authorities and tangata whenua will maintain dialogue with industry and keep abreast of technological advances to find innovative solutions in waste management (eg. using waste to generate electricity; using treated effluent to irrigate forestry and non-food crops etc).

5.11 Genetic Engineering

Whatever decisions are made regarding genetic engineering (GE) in this generation will have far reaching and irreversible effects for our environment, our flora and fauna, the food we eat and the world our mokopuna inherit. Until it is adequately proven to us that the benefits of genetic engineering do not endanger our environment and our mokopuna, we will take a precautionary approach to ensure we do not place our rohe at risk.

If there is GE contamination it will easily cross into or out of our rohe. As such, it should be controlled at a national level. However, the current management regime does not adequately provide for the potentially adverse effects of genetic engineering on mauri and the cultural, social, economic, and environmental
wellbeing of hapu. The use and development of GE is not supported due to their potential to corrupt or interfere with species’ whakapapa. Both the mauri and wairua of living things are sacred. As such responsibility lies with kaitiaki to protect the legacy of future generations including protecting the sanctity of whakapapa. Our concerns range from the potential impact on crops, food supply, biodiversity and taonga species, cultural and intellectual property, and the commodification of taonga Maori.

Given the widespread opposition by Maori and much of the broader community to GE in the region, the Whangarei District Council (‘WDC’) has had the foresight to advocate for a ban all Genetically Modified Organism (‘GMO’) releases and make any Environment Protection Agency (EPA) approved outdoor GE field trials a discretionary activity in the District plan. The Northland Regional Council (‘NRC’), however, seems reluctant to take a stand on this issue and have argued that it is not an issue for the Regional Policy Statement as it is addressed through the HSNO Act administered centrally by the EPA. Patuharakeke have representation on the Maori National Network (‘MNN’ or Te Herenga) for the EPA (formerly ERMA) for the last 8 years. In our experience the tangata whenua consultation and engagement process for applications under the EPA is markedly inferior than what occurs under RMA processes and we remain of the view that a precautionary approach must be taken until more knowledge is available and tangata whenua are adequately involved in decision making on these issues.

5.11.1 Issue
a) Genetic Engineering is culturally offensive to Tangata Whenua and the current management regime does not adequately provide for the potentially adverse effects of genetic engineering on the mauri of species and the cultural, social, economic, and environmental wellbeing of Patuharakeke.

5.11.2 Objective
a) The cultural values of Tangata Whenua with respect to GE/GMO’s are respected and Te Tai Tokerau is declared GE Free.

5.11.3 Policies
a) Patuharakeke oppose the introduction of genetically modified organisms, or products produced from such organisms, on the basis that it is contrary to whakapapa, it represents untested dangers, and is not in any way essential to human wellbeing.

b) Patuharakeke support a GE free rohe.

c) Patuharakeke considers that control of GE is a central government issue. Pending review of the national legislation, release of GMOs should be prohibited locally.

d) Any variation to national policy or practice which allows the introduction of genetically modified organisms or material within our rohe, the responsible agency or business must advise PTB.

5.11.4 Methods
a) Patuharakeke will request that NRC and WDC ensure that release of GMOs is prohibited at a regional level until there is an adequate review of national legislation.
6. **WAI MAORI**

Fresh water is a most precious taonga for Patuharakeke and the quality and quantity of this resource is a key management issue and therefore huge responsibility for us. Our focal waterways include the Waipu, Ruakaka, Takahiwai and Mangapai Rivers, while Skull Creek/Mangawhati and other tributaries such as Pukekauri, and Rauriri (Blacksmiths Creek) also have immense cultural significance. The hapu continue to advocate for improvement in water quality in the area with our strong commitment to our lands and waters stemming from our duty as kaitiaki to preserve the resource for generations to come. Without appropriate management of water the legacy for our mokopuna does not bear thinking about. The clearance of the majority of our native forests for pastoral use and ongoing poor land management practices, have systematically ravaged our freshwater resources. As a consequence, tuna, inanga and koura now seldom appear on any whanau tables, and certainly are not in adequate supply to serve at marae events. Watercress was formerly a dietary staple but farm effluent and industrial discharges in our waterways have rendered it unsafe to eat.

Northland Regional Council monitoring data results indicate that habitat quality in the Ruakaka River catchment has declined from sub-optimal to marginal in the last five years and water quality is generally very poor. The site was ranked worst for water quality out of 35 rivers monitored in 2008-09. These results were corroborated by our own cultural health monitoring programme undertaken in 2010 as part of a Ministry for the Environment-funded project. In our assessment of mahinga kai the Ruakaka River mouth location was found to be virtually unusable for gathering kaimoana (Chetham & Shortland, 2010). This kai source not only provided

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sustenance for Patuharakeke and the local community but is a food source for the many native and migratory birds that inhabit the Ruakaka estuary.

Water allocation in the rohe is also a major issue for mana whenua. Indicative allocation levels calculated using the proposed National Environmental Standards on ecological Flows and Water Levels shows much of the Whangarei Harbour catchment is highly allocated\textsuperscript{12}. Water permits are effectively treated as property rights and the resource managed as though it is infinite. The alienation of tribal lands and waters along with a history of Crown agency assumption of water rights has meant that Patuharakeke have lost control and management of principal water bodies that have since been exploited by successive agencies for the economic benefit of others. Pukekauri Dam is a prime example, having been acquired under the Public Works Act in the mid 1960’s to supply water for the Marsden Point Oil Refinery. Some years ago WDC decided it was surplus to requirements but negotiations for its return have had little progress.

Crown management of our waterways is spread over agencies e.g. Fish and Game, DOC and NRC, added to this are the numerous stakeholders with interests e.g. environmental groups, farmers, industry and recreational groups. There is a lack of coordination and common approach between these agencies and stakeholders. The tendency is to deal with problems in a reactive fashion, rather than addressing the source of the issue. The recent initiative by a sector of the community to remove Mangroves in the Ruakaka Estuary is an example of this. This project was primarily for aesthetic reasons and was actively supported by NRC through their mangrove management fund.

To date, there have been virtually no opportunities for the active involvement of tangata whenua in decision-making, policy development and monitoring in relation to the management of the quality and quantity of water. There has been minimal utilisation of tikanga, matauranga Maori and cultural indicators in the management of water resources to ensure that adverse impacts on culture and traditions are avoided.

Recent initiatives such as the Whangarei Harbour Catchment Group and Ruakaka River Liaison Committee are positive steps forward but have largely only come about because of the requirements of the National Policy Statement for Freshwater Management\textsuperscript{13}. While PTB are participating in both these groups, it has become evident that resourcing is limited and we are yet to see how much weight any policy developed will be given in planning documents. Further, we agree with the viewpoint espoused by Fish and Game, that is: “Despite the overwhelming number of submissions, advice from the Land and Water Forum and scientific and multi-sectoral working groups and detailed consideration of these issues in legal cases which set higher standards including the Horizons One Plan and the Ruataniwha, the changes announced will not require regional councils to provide swimmable, fishable waters which are safe for food gathering”\textsuperscript{14}. The onus will be on regional councils to set the bar higher than the minimum standards required by the NPS.

\subsection{6.1 Issues}

\begin{itemize}
  \item \textsuperscript{12} Justin Murfitt (Policy Programme Manager NRC) pers. comm.
  \item \textsuperscript{13} See \url{http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html}
  \item \textsuperscript{14} \url{http://www.fishandgame.org.nz/national-policy-statement-freshwater}
\end{itemize}
a) Water is perceived as a public utility and infinite resource rather than a taonga tuku iho.
b) The Mauri of water is in serious decline and needs enhancing and protection.
c) Mana whenua are increasingly unable to feed their whanau and our mana is being eroded through inability to manaaki manuhiri due to degradation of mahinga kai in our waterways.
d) Mana whenua access to clean drinking water and access to safe sanitation is at risk due to over allocation and the pollution of water resources in their rohe.
e) Mana Whenua are increasingly unable to carry out cultural and traditional activities on, within and around water resources.
f) Patuharakeke are not represented in decision-making over water management in Te Taitokerau.
g) Patuharakeke have never ceded sovereignty over our water resources and do not accept that it is a “common resource”.
h) Patuharakeke have not shared any of the economic benefits derived from commercial use of our water for infrastructure or commercial purposes.

6.2 Objectives

d) Water is valued as a precious resource essential to all life and is respected for its taonga value above all other values.
e) The mauri of water is enhanced in ways which enable Patuharakeke to provide for our physical, social, economic and cultural wellbeing.
f) Sustainable management of water in Te Tai Tokerau occurs on an integrated catchment basis and is led by tangata whenua.
g) All mahinga kai sites in waterways in our rohe are managed, monitored and enhanced by Patuharakeke.
h) Water quality standards relevant to Patuharakeke are developed and implemented by agencies and monitored by kaitiaki.
i) Water quality is such that future generations will not have to drink treated water.
j) Healthy riparian margins for all the waterbodies in the rohe.
k) Patuharakeke are fully involved in decision-making over water allocation in our rohe.
l) The underlying titles of which the Pukekauri Dam area is comprised, taken under Public Works and later declared surplus to requirement, is in Patuharakeke ownership.

6.3 Policies

a) The right of access to clean water is a basic human right.
b) Patuharakeke have never transferred our customary ownership of our water resources.
c) Patuharakeke will participate fully in any decision-making over water management and allocation within our rohe.
d) Decision-makers will ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of poor water quality.
e) To discharge human effluent, treated or untreated, directly to water is culturally repugnant. All direct discharges of pollutants or contaminants should be put to land treatment processes and not discharged into waterways. A timetable should be set for the elimination of any existing discharges to natural waterbodies.
f) NRC will provide an integrated, catchment-management planning and implementation programme that progressively includes all waterbodies in our rohe and is based on intergenerational outcomes.

g) NRC will develop stringent and enforceable controls on the following activities given the risk to water quality:

i. Intensive rural land use;
ii. Subdivision and development adjacent to waterways; and
iii. Discharge to land activities associated with industry

h) Activities potentially affecting waterbodies will be managed on an integrated catchment basis.

i) All aquifers will be protected from contamination and over-allocation.

j) All puna and repo will be protected from inappropriate use and development.

k) Councils and other relevant agencies will recognize and support the use of cultural monitoring and assessment tools by Patuharakeke to compile baseline data and assess the state of freshwater resources, including but not limited to:

i. Cultural Audits
ii. GIS Mapping of waterways and mahinga kai
iii. Cultural Health Index; and
iv. the use of customary management tools for protecting freshwater values.

6.4 Methods

Water Quality

a) Councils and Patuharakeke will jointly develop integrated catchment management strategies including mechanisms for allocating water and monitoring for all waterbodies in our rohe.

b) PTB will continue to participate in initiatives such as the Whangarei Harbour Catchment Group and Ruakaka River Liaison Committee.

c) PTB will take positive action to enhance waterbodies and will develop and implement a monitoring programme using cultural health indicators and other assessment tools as needed.

d) PTB will advocate for the enhancement of all our waterbodies and will work with any party promoting or implementing positive actions to improve water quality. PTB request statutory authorities to:

i. ensure that water quality standards in our rohe are set based on the elevated standard we want to achieve rather than establishing a minimum lower standard that we can degrade to.

ii. ensure that when water quality issues arise, the source of the problem must be addressed rather than adopting “band aid” solutions (eg. find new ways to treat water, mangrove removal in estuaries as opposed to addressing sedimentation and pollution in the upper catchment etc).

iii. promote and provide incentives for the rehabilitation, enhancement and protection of waterbodies and margins;

iv. ensure that appropriately sited, purpose-built wetlands are used for sewage systems. We object to the use of repo of any size being used for sewage systems;
v. prohibit drainage of naturally wet areas or wetlands including draining adjacent land;
vi. ensure that no chemical pesticides, fertilisers or contaminants are used where they can potentially affect any waterbody;
vii. ensure that no liquid waste (e.g. stormwater, sewage and farm effluent) is discharged into a waterbody;
viii. ensure that unrestricted stock access to waterbodies is prevented and nitrogen caps are imposed on farms;
ix. ensure that resource consents for works stipulate regular cultural health monitoring by resourced kaitiaki as part of compliance monitoring. Where data shows that there is an adverse effect on water quality then activities must cease;
x. ensure that riparian margins are as wide as possible and planted in locally sourced indigenous plants;
xii. ensure that when structures are placed in waterbodies, provision is made for indigenous migratory species; and

provide free riparian management plans for farms (NRC).

Water Quantity/Allocation

e) PTB will advocate for appropriate water allocation strategies and request NRC ensure that water permits are granted for a maximum 15-year duration. In addition, permits must include consent conditions that take into account the following matters:

i. the level of existing knowledge about the resource;
ii. the risk to the resource;
iii. the type of the activity supported by the take and use of water; and
iv. justification for volume applied for.

f) PTB will oppose the granting of water permits to take and use water from waterways where there is insufficient information about flows, including flow volume and variability (e.g. small tributaries).
g) PTB will advocate for monitoring, reporting and effective and enforceable penalties for non-compliance, including revoking resource consents and enforced environmental remediation.
h) The underlying land titles of which the Pukekauri Dam area is comprised (taken under Public Works and later declared surplus to requirement) be returned to Patuharakeke ownership promptly.
7. TANE MAHUTA

Patuharakeke are the kaitiaki of the Atua Tane Mahuta. The forests and their inhabitants are the cloak that covers Papatuanuku. Prior to colonisation, Kauri, Rimu, Totara and Puriri forests dominated the Takahiwai, Ruakaka and Waipu ranges. Indeed, the Pukekauri block and lake in the Takahiwai ranges can be literally translated as, “hill ensconced in kauri”. This place is referred to in our tribal pepeha and illustrates the importance of these places and their biodiversity to our cultural identity. These forests and the river tributaries within them were home to a number of species now threatened, endangered or extinct in our rohe. These include Brown kiwi; long fin tuna; koura; kokopu; Hotchsetters frogs; Kukupa and many more species. Today’s secondary remnants are primarily kanuka and manuka forests infested with possums, wild goats, pigs and weed plant species.

Dense lowland forests of species such as totara, kahikatea, kowhai, rewarewa, titoki, puriri, karaka, pukatea, and nikau once flanked our awa. All that remains now are slivers 50–100 m wide, with an under-storey often grazed by cattle and infested with riparian weeds. These include such weed species as Chinese privet, creeping, jasmine, Jerusalem cherry, inkweed, woolly nightshade and crack willow15. Extensive wetlands and dune lakes throughout Mata, Ruakaka and Waipu were once teeming with tuna, kokopu, ducks, shags, crakes and rails. They were not only significant sources of kai for Patuharakeke, but sites for gathering rongoa species, weaving and building materials, and repositories for cultural and spiritual artefacts for the hapu. Wetlands are now almost completely drained and the last remaining and regionally significant Dune Lake is at risk from unfettered subdivision developments.

Indigenous plants and animals are the result of countless generations of whakapapa from nga Atua. Our tupuna interacted with these flora and fauna, their very survival depended on these taonga and therefore their sustainable management. Maori had

no concept of “conservation” where resources or areas were locked away for “natural”, “aesthetic” or “amenity” values. Indigenous flora and fauna are part of an holistic and interdependent association that are bound to all the other deities and their offspring, including humans. They are indicators of the health of our environment.

During the past 160 years or more, since the Crown has assumed responsibility for managing our native plants and animals, we have seen significant and devastating loss of biodiversity through poor management, deforestation and pest and disease incursions. Since 1850, 80% of Te Taitokerau’s indigenous vegetation has been destroyed\(^\text{16}\).

Mature indigenous trees are extremely vulnerable to damage during building development where they are regarded as expendable if in the way of a potential house site or access, or impede a spectacular view. Wetlands are equally considered expendable and continue to be drained for agriculture, while at the same time cattle are allowed to roam on river banks and in pockets of remnant bush. What little natural bush remains requires protection and enhancement to the best of our ability.

Patuharakeke have an extensive history of working collaboratively on the ground with a range of parties including DOC, WDC, NRC, schools, conservation and community groups such as the Whitebait Connection. Biodiversity isn’t just about the land, but also waterways and their interconnectedness and interdependence. Healthy kai needs a healthy home. Customary fishing and food gathering sustains our people and enables manaakitanga and takoha. Additionally, there are potential economic benefits from sustainably managed ecosystems including employment in sustainable forestry and conservation management and eco-tourism.

7.1 Issues

a) The mauri of indigenous flora and fauna is being negatively impacted by land use, development, disease and pest incursions leading to biodiversity losses.

b) All indigenous flora and fauna are taonga tuku iho to Patuharakeke.

c) Decline in key species (eg. tuna, kukupa, kauri) has significant adverse cultural, social, health and economic effects on Patuharakeke.

d) Matauranga Maori in relation to indigenous biodiversity is at risk due to loss of access to sites and other taonga and the ability to practice kaitiakitanga.

e) Weed and pest control is critical to the protection and restoration of indigenous biodiversity.

f) The current regime fails to protect the kaitiaki relationship of tangata whenua with indigenous flora and fauna with regard to the commercial use of indigenous species.

7.2 Objectives

a) The mauri of indigenous ecosystems is protected and enhanced enabling Patuharakeke to provide for our physical, social, economic and cultural wellbeing.

b) A pest free rohe for our mokopuna.

c) Restoration and expansion of both natural and managed indigenous forestry within our rohe.

\(^{16}\) Te Roroa HEMP
d) An abundance of kai and cultural materials from sustainably managed ecosystems.

e) Healthy mahinga kai enabling Patuharakeke to harvest key species for sustenance, commercial and customary needs. Confidence that the use of our resources is being sustainably managed with Patuharakeke as decision makers and managers within our rohe.

f) Patuharakeke grow and encourage the use of Matauranga Maori in the sustainable management of our biodiversity.

7.3 Policies

a) Patuharakeke will honour their responsibility as kaitiaki of the Atua Tane Mahuta through practical and positive expression of kaitiakitanga.

b) PTB will consider all positive initiatives that benefit indigenous biodiversity in our rohe and will participate on a case-by-case basis, particularly supporting those which:

i. Articulate clear strategies of eradication, as opposed to control or management;

ii. Use a range of tools and methods, rather than relying on a ‘magic bullet’ approach;

iii. Occur across agencies to align and co-ordinate efforts to maximise success;

iv. Minimise the use of hazardous substances, and favour natural solutions;

v. Employ schedules and techniques that avoid or limit the impact of operations on mahinga kai and other cultural values;

vi. Value cultural, environmental and community costs in equal proportion to economic cost when designing pest control operations; and

vii. Where the impacts or risks associated with a specific method of pest control are uncertain, then the precautionary principle is to be adhered to.

c) Proposed activities which involve modification of existing indigenous flora or habitats of indigenous fauna are to be preceded by thorough biological audits to identify indigenous species and potential impacts.

d) Patuharakeke will only withdraw our objection to any negative impacts on our indigenous flora and fauna after effective engagement and agreed remediation or mitigation are identified, and a timetable for implementation is agreed.

e) PTB will actively seek opportunities to get kaitiaki actively involved in weed and pest management.

f) Patuharakeke will not compromise the retention of our customary harvest and use rights to meet Crown policies or objectives.

g) Crown agencies and local authorities must provide active protection of the kaitiaki relationship of tangata whenua with indigenous flora and fauna and matauranga o Patuharakeke as guaranteed by Te Tiriti o Waitangi.

**Commercial Use Of Indigenous Flora And Fauna**

h) Researchers and bio-prospectors cannot use matauranga o Patuharakeke without consent of Patuharakeke.
i) The use of taonga species or matauranga for commercial gain must include benefits to tangata whenua.

7.4 Methods

**Indigenous Biodiversity and weed and pest management**

a) Patuharakeke will promote a pest free rohe and will actively work with others to control predators and pests within our rohe.

b) Patuharakeke will promote the use of locally sourced seeds and plants for revegetation /landscaping.

c) PTB will advocate for the enhancement of all our indigenous flora and fauna as a high priority and will work with any party promoting or implementing positive actions to improve habitat.

d) PTB request statutory authorities to provide for the following:
   
i. incentives for land owners who actively protect and enhance indigenous biodiversity;
   
ii. all new subdivision and land use consents include legally enforceable conditions that protect and enhance indigenous biodiversity e.g. limiting planting of vegetation in gardens, etc to locally sourced seeds and plants only, protecting wildlife corridors;
   
iii. pest control programmes are co-ordinated and targeted at a community level to ensure maximum efficiency;
   
iv. where indigenous trees are felled, or fall as a consequence of natural events, they are to be provided to Patuharakeke to be used for customary purposes, e.g. carving.

e) Patuharakeke will continue with, and grow our cultural health monitoring programme, undertaking the following actions:
   
i. Ongoing audits of our waterways, ngahere, mahinga kai and other sites to provide a baseline to assist in our role as Kaitiaki; and against which to monitor habitat improvement initiatives;
   
ii. Identification of innovative ways to improving habitats;
   
iii. Utilisation of Matauranga Maori and cultural indicators or tohu whenever possible;
   
v. Other education, and training opportunities that will benefit our Kaitiaki in terms of carrying out the monitoring programme; and
   
vi. PTB will continue to keep a watching brief on national and regional biosecurity programmes of relevance to our rohe, eg. Kauri Dieback Joint Agency Response.

f) PTB will identify ways our customary practices can be reinforced by planning and sustainable management practices.

g) PTB will seek management and decision making authority over key biological resources and their habitat over time via mechanisms such as s.33 transfers under the RMA and relevant sections such as s2, Chapter 2 and 6 of the Reserves Act 1977.
8. WAAHI TAPU ME WAAHI TAONGA

This section covers issues associated with our cultural heritage: sites, resources, traditions, knowledge, and landscapes of significance to Patuharakeke. This includes waahi tapu, mahinga kai and other sites of significance, and the traditional and contemporary landscapes in which they occur.

Waahi tapu and sites of significance are considered to be a most precious taonga to Patuharakeke. These sites place Patuharakeke in our rohe over a long period of time. As such, the destruction of any site of significance is of great concern to our hapu. These historical “footprints” become increasingly important and sacred and confirm the korero that has been passed down over generations. Through colonisation and land alienation, large scale physical destruction of waahi tapu and other sites of significance occurred. Together with the loss of access to them and thereby knowledge of them (in many cases) has had far reaching impacts on Patuharakeke.

While the wholesale destruction of waahi tapu that occurred prior to introduction of the RMA and Historic Places Act 1993 (HPA) no longer occurs, in our view there is still a long way to go before waahi tapu and cultural landscapes are afforded appropriate status. Patuharakeke assert that they should correctly have the same status as ‘natural’ or ‘built’ heritage status in the planning regime. Typically, agencies continue to take a narrow interpretation of our heritage, focussing largely on archaeological sites. Mechanisms in the HPA, when they are effectively implemented, actually only result in the protection of a singular site. Moreover, emphasis is generally placed on the expertise of archaeologists or landscape architects rather than kaitiaki and tangata whenua holding ahi kaa. In our view this undermines our knowledge and fails to capture the wider cultural landscape setting or context. It also precludes many sites of significance from protection. Nevertheless, we recognise that some development has the potential to enhance and improve cultural landscape values and access to sites of significance which can be supported on a case-by-case basis.
Our tupuna knew all of our rohe – homes, gardens, trails, ceremonial areas, landing sites, fishing sites, battle sites, urupa, places where whenua were always buried; tupapaku washed; and where taonga are secreted away. All these places were named by our tupuna and in naming them they tied those places to our culture and our heritage forever.

The naming of sites was and is bound by tapu. As with any example of colonisation, the new settlers have written over many of our original names. In some instances, our names were wrongly recorded, abbreviated, changed or omitted completely. A key example in our rohe, is Poupouwhenua, now known by the majority of the local population as Marsden Point.

It is important to Patuharakeke and the legacy we leave for the future that these historical inaccuracies be corrected and the proper names recorded. However, traditional place names, tupuna names and other cultural interpretation or tikanga, can only be used after proper consultation and approval from Patuharakeke.

8.1 Issues
a) Ongoing damage, destruction and mismanagement of waahi tapu and areas or sites of significance that contribute to, or are a part of, our cultural landscape and seascape.

b) Areas or sites of customary value are often limited to western definitions, such as “archaeological”.

c) There is a need for a comprehensive and accurate source of maps and data on sites of significance within our rohe.

d) Changes in land ownership and use have often denied Patuharakeke access to sites of significance and waahi tapu.

e) To date Patuharakeke have rarely been engaged in any discussion over the naming of places within our rohe.

f) The use and interpretation of Maori cultural traditions, tikanga, values, language and symbols in the rohe of Patuharakeke.

8.2 Objectives
a) The protection and enhancement of areas or sites of customary value.

b) All councils implement more appropriate provisions for cultural landscapes under their cultural and heritage responsibilities, such as the development and implementation of cultural landscape strategies.

c) Councils, DOC and HPT work collaboratively to afford protection and management of waahi tapu, sites of significance and cultural landscapes in partnership with Patuharakeke as a priority for policy development, action and resourcing.

d) The Patuharakeke sites of significance mapping project is completed and used by Patuharakeke in conjunction with local agencies to effectively protect and manage waahi tapu in a manner consistent with our tikanga.

e) Patuharakeke have access to sites of cultural significance in our rohe.
f) Robust forms of linkage mechanisms are established between the Building Act and the RMA by all councils, so our cultural landscapes are not accidentally damaged, destroyed or modified.

Figure 4: Patuharakeke Sites of Significance Overlay
8.3 Policies

a) The recording of our cultural landscapes and seascapes, will be supported by Councils.

b) Councils must take responsibility for advocating and educating landowners and developers about areas or sites of customary value, in consultation with PTB RMU.

c) Our cultural landscapes and seascapes should be afforded at least as high a priority as other landscape values when being considered as part of any process under the RMA, the Conservation Act, the Reserves Act or the LGA.

d) Preparation of landscape assessments for resource consent applications and similar processes should be done in conjunction with PTB RMU to ensure that the cultural aspects of the landscape are given full recognition alongside other values such as natural character and amenity values.

e) Monitoring of effects on cultural landscapes and waahi tapu (including marine cultural heritage) within our rohe is the responsibility of the ahi kaa and kaitiaki. This should be reflected in all relevant consent conditions. This function should be formally transferred to PTB RMU as mana whenua and resourced appropriately.

f) Any areas and sites of customary value that contribute to, or are a part of our cultural landscape must be defined by Patuharakeke.

g) Councils and PTB RMU will jointly develop customary value, cultural landscape and or cultural heritage strategies in respect of our rohe.

h) The original names of all parts of our rohe as named by our tupuna should be used in all maps, charts, plans and other records.

i) The advice and input of Patuharakeke should be sought and observed in the naming of any new places or features within our rohe.

j) PTB, in conjunction with agencies and stakeholders, will encourage the use and representation of Maori culture (e.g. tikanga, markers, symbols, names, design) in public open space and the built environment when appropriate, including but not limited to:

   a. (a) Markers and designs as deemed appropriate.

   b. (b) Naming of features, roads, reserves, or buildings.

k) To support the use of interpretation as a tool to recognise and provide for the relationship of Patuharakeke to particular places, and to incorporate Patuharakeke culture and values into landscape design.
l) The interpretation of our values and history is best provided by Patuharakeke, and PTB RMU should be commissioned and resourced to provide this service.

m) PTB will ensure any use of names, and other cultural interpretation in such instances will require internal discussion with the relevant whanau and the Patuharakeke taumata prior to any decision being made.

8.4 Methods

Cultural Landscapes and Seascapes
a) PTB RMU will request that councils and other relevant agencies afford cultural landscape and seascape values at least as high a priority as other landscape values when preparing plans and policies and when considering landscape values during resource consent processes.

Patuharakeke Sites of Significance Mapping
a) PTB RMU will complete the mapping of the cultural landscapes and waahi tapu (including marine cultural heritage) within our rohe through the Sites of Significance mapping project (SOSM). Once this exercise is completed, we require councils to adopt this overlay on their own planning maps and to work with PTB RMU to develop adequate policy for the protection and management of these landscape and heritage values.

Waahi Tapu
a) Where a proposal has the potential to affect a site identified in the SOSM overlay as a level 2 or 3 site or has been assessed by PTB RMU as having the potential to affect waahi tapu, PTB RMU require that all relevant agencies ensure that one or more of the following directives occur:

   ii. Cultural Impact Assessment or Cultural Values Assessment (CIA/CVA);
   iii. Site visit;
   iv. Archaeological assessment, by a suitably qualified tangata whenua RMU representative and a qualified archaeologist, recognised by the NZHPT under s.17 of the Historic Places Act;
   v. Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;
   vi. Inductions for contractors undertaking earthworks;
   vii. Accidental discovery protocol agreements (ADP); and/or
   viii. Archaeological Authority from the New Zealand Historic Places Trust.

b) PTB RMU requests that all agencies require that when any of the following situations arise, including:

   i. previously unrecorded subsurface archaeological sites are discovered during earthworks; or
   ii. koiwi are exposed; or
   iii. there is a death on site of a build/development project;

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17 There are three levels of significance in the Draft Patuharakeke SOSM framework, level 1 being the lowest and level 3 the highest. These levels have an associated protocol to determine how much information is shared (if any) with the public, councils etc.
that all relevant project operations in the area of the event must cease immediately.

The contractor or the person monitoring the earthworks will immediately advise the site manager and PTB RMU and take steps to secure the area to ensure that it remains undisturbed. The site manager will advise the NZHPT (and the Police if appropriate). The site manager will ensure that staff or representatives are available to meet and guide the appropriate Patuharakeke representatives to the site, and assist them with any reasonable requests they may make.

In the case of discovery of human remains, mana whenua and the property owner / developer will jointly seek any necessary approval of the Police or NZHPT so that the remains can be appropriately recovered, assessed, and buried at a site nominated by Patuharakeke representatives. All relevant construction operations or work will remain halted until such measures are decided. All representatives involved in the situation will ensure that they act in a respectful manner, being careful to involve no unnecessary parties or publicity at any time.

c) Any application for an Archaeological Authority to damage, destroy or modify a waahi tapu site must involve engagement with PTB RMU.

d) PTB RMU have the right to identify sites that are of high importance and sensitivity and are not under any circumstances to be modified, damaged or destroyed. This would thereby ensure that an Authority is not granted.

e) Should an Archaeological Authority be granted, PTB RMU must be involved in the setting of conditions on the authority, including:

i. Cultural monitoring provisions;
ii. Induction training for contractors undertaking earthworks; and
iii. Tikanga issues surrounding accidental discoveries.

f) PTB RMU will investigate and prioritise becoming certified as a registered collector of artefacts under the Protected Objects Act 1975. Any museum that knowingly accepts unearthed taonga tuturu (such as adzes, sinkers or carvings) discovered within our rohe must pass such taonga to PTB once registration has occurred and ownership is finalised.

Access to Sites of Significance

g) Patuharakeke must have unrestricted access to waahi tapu and other places of cultural significance on Crown land within our rohe.

h) PTB, in conjunction with the relevant agencies will aim to increase the ability of tangata whenua to access sites of significance on private land. This will be done by exploring such options as:

i. Engaging landowners to develop access arrangements;
ii. Engaging landowners to develop management plans to protect sites;
iii. Opposing development that creates situations where places are ‘land locked’;
iv. Registering sites or places with the NZHPT;
v. Caveats on land titles;
vi. Creation of reserves; and
vii. Use of covenants.

**Ingoa Waahi**

i) PTB RMU will request any agency or individual selecting new names for places or features within our rohe to consult with Patuharakeke in order to select appropriate names.

**Patuharakeke Tikanga Tuturu**

j) To require that the use and representation of Maori culture as per Policy 8.3 (h-m) above, involves and is endorsed by, Patuharakeke as the tangata whenua when it occurs within our rohe.

k) To require that any interpretation or information relating to Patuharakeke history, values, traditions or place names is agreed to and approved by PTB RMU.
9. TANGAROA

9.1 Coastal Water Quality

Patuharakeke lament the ongoing deterioration of the health of our water systems and in particular, the impact that this is having on our kaimoana and mahinga kai in the Whangarei Harbour and Bream Bay areas. Despite numerous statutory requirements and undertakings, the role of Patuharakeke as kaitiaki, tangata whenua and Treaty Partner in the management of these taonga remains tokenistic and diminished.

The status of our food basket has become critical. Our once pristine waterways are now clogged and suffocated by the silt of uninterrupted urban and rural development with their associated nutrient, pesticide, herbicide and industrial pollutants. Dumping of dredge spoil and cement fines discharged from the Portland cement works during the latter half of last century destroyed extensive seagrass beds in the harbour. These beds provided essential habitat for shellfish and finfish species. Widespread encroachment of mud and mangroves has displaced oyster beds and degraded the formerly white sandy beaches of Takahiwai and Ruakaka and Waipu estuaries. Pipi, kutai, cockle/tuangi, pupu and scallops/tipa were among the taonga species that were casualties of this mismanagement (Chetham, 2013).

Sewerage discharges have also been an historic stressor on the health of the harbour and continue to the present day. This means that even species just beginning to replenish in the harbour are unable to be harvested on a regular basis. In our view the cumulative impacts of discharges from industries such as Northport and the Refinery have not been adequately quantified.
Recent initiatives such as the Whangarei Harbour Catchment Group and Ruakaka River Liaison Committee are positive steps forward but have largely only come about because of the requirements of the proposed National Policy Statement for freshwater. While PTB are participating in both these groups, it has become clear that resourcing is limited and we are yet to see how much weight any policy developed will be given in planning documents.

9.1.1 Issues

a) The cultural health of Whangarei Terenga Paraoa, Bream Bay and our estuaries is adversely affected by:
   i. Direct discharges of contaminants, including wastewater and stormwater;
   ii. Sedimentation
   iii. Diffuse pollution from rural, urban and industrial land use;
   iv. Reclamation, drainage and degradation of coastal wetlands; and
   v. The cumulative effects of activities.

b) Patuharakeke are not represented in decision-making over the management of coastal waters in our rohe.

9.1.2 Objectives

a) Whangarei Terenga Paraoa, Bream Bay and our estuaries are precious taonga and the home of myriad species and are respected for their taonga value above all else.

b) The mauri and cultural health of the harbour, Bream Bay and our estuaries is protected and enhanced in ways that enable Patuharakeke to provide for our physical, social, economic and cultural wellbeing.

c) Patuharakeke have a leading role in managing, monitoring and enhancing coastal water quality in our rohe.

d) The management of coastal water quality in Te Tai Tokerau occurs on an integrated catchment basis and is led by tangata whenua.

e) Coastal water quality standards relevant to Patuharakeke are developed and implemented by agencies and monitored by kaitiaki.

9.1.3 Policies

a) Coastal water quality is required to be consistent with protecting and enhancing customary fisheries, and with enabling Patuharakeke to exercise their customary rights and safely harvest kaimoana.

b) Patuharakeke will participate fully in any decision-making over the management of coastal waters in our rohe.

c) Decision-makers will ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of degrading coastal water quality.

d) The discharge of human effluent, treated or untreated, directly to coastal waters is culturally repugnant. All direct discharges of pollutants or contaminants (wastewater, industrial, storm water and agricultural) to coastal waters should be avoided and existing discharges ultimately eliminated.

e) PTB will oppose any new consent applications seeking the direct discharge of contaminants to coastal water, or where contaminants may enter coastal waters.
f) NRC will provide an integrated catchment management planning and implementation programme that progressively includes all waterbodies in our rohe and focuses on intergenerational outcomes.

g) NRC will implement rigorous controls restricting the ability of boats to discharge sewage, bilge water and rubbish in our harbour, estuaries and coastal waters.

h) Councils and other relevant agencies will recognize and support the use of cultural monitoring and assessment tools by Patuharakeke to compile baseline data and assess the state of coastal water resources, including but not limited to:
   v. Cultural Audits;
   vi. GIS Mapping of harbour, estuaries and mahinga kai;
   vii. Cultural Health Index; and
   viii. the use of customary management tools for protecting freshwater values.

9.1.4 Methods

a) Councils and Patuharakeke will together jointly develop integrated catchment management strategies including mechanisms for allocating water and monitoring for all waterbodies in our rohe.

b) PTB will continue to participate in initiatives such as the Whangarei Harbour Catchment Group and Ruakaka River Liaison Committee.

c) PTB will take positive action to enhance our coastal water quality and will develop and implement a monitoring programme using cultural health indicators and other assessment tools as needed.

d) PTB will advocate for the enhancement of coastal water quality and will work with any party promoting or implementing positive actions in this regard.

PTB request statutory authorities to:

i. ensure that coastal water quality standards in our rohe are set based on the elevated standard of water quality we want to achieve, as opposed to establishing a minimum lower standard that we can degrade to;

ii. promote and provide incentives for the rehabilitation, enhancement and protection of estuarine areas and coastal margins;

iii. develop a strategy to deal with sedimentation by identifying the key sources and activities; implementing effective controls on those activities; and promoting indigenous reforestation, riparian margin enhancement and soil conservation as measures to address sedimentation in our harbour and estuaries;

iv. prevent the discharge of liquid waste (e.g. stormwater, sewage and farm effluent) to coastal waters;

v. unrestricted stock access to coastal margins is prevented;

vi. Where data shows that there is an adverse effect on coastal water quality then activities must cease; and

vii. resource consents for works stipulate regular cultural health monitoring by appropriately resourced kaitiaki as part of compliance monitoring.

e) PTB, councils and other agencies with responsibilities in the coastal marine area will formalise a programme of cultural health monitoring of the health of the Whangarei Harbour, Bream Bay and Estuaries in our rohe. The programme will be carried out by katiaki and focus on matters such as:

i. Quality of mahinga kai habitat;

ii. Species diversity and abundance;
iii. Water quality; and  
iv. Suitability of traditional mahi kai areas for customary use.

9.2 Foreshore and Seabed

Patuharakeke has manawhenua, manamoana, mana takutaimoana over the foreshore and seabed in the south of Whangarei harbour and through Bream Bay. This inalienable right has been ignored by successive local governments; a stance which was legitimised by the The Marine and Coastal Area (Takutai Moana) Act 2011. This has been to the detriment of the health of our foreshore, seabed, harbour and waterways - and all people who seek to enjoy these areas. It has impacted on our duties and obligations as tangata whenua holding mana over that area to undertake our duties as Kaitiaki. Loss of control over these sites has allowed some of our most significant kaimoana beds, bird roosting sites, tauranga waka, waahi tapu, and nohoanga sites to be lost forever to industrialisation and reclamations.

While the replacement Takutai Moana Act 2011 differs from the original Foreshore and Seabed Act of 2004 in a number of ways, it is still severely lacking in adequate recognition of the longstanding rights and interests of Patuharakeke in relation to our foreshore and seabed. In our opinion we remain the owners of the foreshore and seabed within our rohe as we were prior to and on the 6th of February 1840. We have never relinquished this title. The government contends that the mechanisms in the Act for recognition of our management role (e.g. taking into account hapu or iwi management plans, specifying roles and responsibilities in legislation, recognising customary interests through awards) will result in real or effective partnerships in governance or management of the Foreshore and Seabed. In reality, the existence of such tools in existing legislation (e.g. RMA 1991, LGA 2004) has not resulted in any real partnership roles or responsibilities and has not proved viable in practice.

The concept of ‘public domain’ is merely thinly disguised de facto Crown ownership. The Crown still essentially controls and manages it, which equates to ownership. Meanwhile, areas already in private ownership remain excluded, most of which are non-Maori. Moreover, while the right to access the High Court to claim customary title has been reinstated, tangata whenua should not have to prove their rights exist. As the foreshore and seabed is inherently Maori, the onus and burden should be on the Crown to prove its claim to the contrary. Further, the tests to prove non-territorial nor territorial interest are too onerous as in most instances our “exclusive use and occupancy” has been disturbed due to breaches of the Te Tiriti o Waitangi (Chetham & Pitman, 2010).

Vesting

Patuharakeke vehemently opposed the application by Northland Port Corporation (‘NPC’) to construct a timber port (Northport) in the late 1990's. The port facility opened in 2002 and the area of reclamation administered by the Minister of Conservation under section 9A(1) of the Foreshore and Seabed Endowment Revesting Act 1991 (Revesting Act) and leased to NPC. Following the outcome of the resource consent process both NPC and Patuharakeke applied for vesting of the fee simple title of the reclamations under section 355 of the RMA. At present DOC’s position is that the Minister of Conservation will delay vesting the land in either party until treaty claims pertaining to the area are settled.
9.2.1 Issues
a) The historical loss of our foreshore and seabed rights has resulted in adverse cultural, environmental, social and economic impacts on Patuharakeke. These are perpetuated in the contemporary context by the lack of appropriate statutory recognition of our customary rights over the foreshore and seabed.
b) Patuharakeke have specific interests in Port and reclamation activities that require addressing.

9.2.2 Objective
a) Recognition of, and appropriate provision for the longstanding rights and interests of Patuharakeke in relation to the foreshore and seabed.
b) A partnership regime with respect to port and reclamation activities in our takutai moana.

9.2.3 Policies
a) Patuharakeke will continue to seek just outcomes through our Waitangi claims processes (and other mechanisms) and advocate for an equitable partnership stake in port activities that will allow us to reaffirm our kaitiaki status and allow us to properly discharge our responsibilities. This would provide income to assist us to appropriately look after and manage our foreshore and seabed.
b) Patuharakeke will continue to seek ways to express our customary rights and interests over particular sites and areas within our takutai moana (e.g., see policies in section 9.8.3 of this plan).

9.2.4 Methods
a) PTB’s Treaty of Waitangi claims progression committee will continue to pursue these matters as set out in our amended statement of claim inter alia before the Waitangi Tribunal.
b) PTB will continue to engage with Northport, NPC and NRC to build and maintain robust working relationships to address cultural issues and achieve positive cultural, environmental and economic outcomes.
c) PTB and NPC will investigate the feasibility of having a Patuharakeke representative appointed to the NPC Board of Directors.

9.3 Access to the Coastal Environment

Over the last 170 years Patuharakeke access to the coastal environment for gathering mahinga kai and carrying out kaitiaki responsibilities has been significantly reduced and impacted by the degradation of sites, loss of mahinga kai resources, restrictions to physical access and competing uses. Customary access is a customary right, which means that tangata whenua must have unencumbered physical access to the coastal marine area.

There are multiple reasons to restrict public access to sensitive areas to protect habitat and breeding grounds for indigenous species. Vehicle access can adversely impact on our sensitive estuarine and dune habitats, whilst creating safety issues for beach users. We are also of the view that vehicle access has contributed to the depletion of kaimoana resources in the area. Horses are exercised with little restriction along Ruakaka beach. This compromises ecological values and conflicts
with other beach users. Kite boarders, walkers and uncontrolled pets have disrupted breeding shorebirds in our wildlife refuges. Landowners adjacent to the beach often form their own illegal access and further degrade the dune and beach environment. Some sectors of the community hold the view that the beach is “their road”, “their playground” etc and they can do whatever they like.

A disconnect between agencies with responsibilities in regard to the coastal marine area (eg. DoC, WDC, NRC, MPI, the Police) means it is difficult to create cohesive policy, set bylaws and police them. Effective collaborative management between these agencies and Patuharakeke along with community involvement and support will be required to protect our coastal resources, natural character and landscape values and public amenity.

Nevertheless, while coastal access must be managed to protect indigenous biodiversity and cultural heritage values, it cannot unduly restrict customary access. Patuharakeke access to sites and resources in the coastal environment for customary and kaitiaki purposes must be recognised and provided for independently from general public access. Further, purchasers of land adjacent to the coast cannot be allowed to own (either literally or illusory) the foreshore, therefore further impeding access.

9.3.1 Issues
   a) Patuharakeke access to the coastal marine area and customary resources has been reduced and degraded over time.
   b) Unrestricted access to the coast by the public, vehicles and horses can have adverse effects on kaimoana, taonga species, waahi tapu, public safety and amenity values.

9.3.2 Objectives
   a) Healthy dune and beach ecology, safety for beach goers, and protection of sites of significance, natural character and amenity through collaborative management between Patuharakeke and the respective agencies.
   b) Customary access is protected and enhanced.
   c) Vehicular access to the beach is limited to the following purposes:
      i. Customary management and kaitiaki monitoring eg. of mahinga kai (including policing of any bylaws) by Patuharakeke;
      ii. Emergency and lifeguard services;
      iii. Scientific or ecological research or monitoring in conjunction with Patuharakeke.

9.3.3 Policies
   a) Customary access to the coastal environment is a customary right, not a privilege, and must be recognised and provided for independently from general public access.
   b) Policies and plans prepared by statutory agencies must recognise the rights of access that Patuharakeke have:
      v. to all waahi tapu:
      vi. for the harvesting and collection of kai;
      vii. to taonga prized for traditional, customary and cultural uses; and
      viii. for the purposes of kaitiaki/cultural health monitoring.
   c) PTB will continue to work collaboratively as a partner with the various agencies to find solutions to issues with public access to the coast in our
d) PTB will oppose coastal land use and development that results in the further loss of customary access to the coastal marine area, including any activity that will result in the private ownership of the foreshore.

9.3.4 Methods

a) Patuharakeke will continue to advocate that agencies recognise and provide for these policies.
b) PTB will work closely with all agencies involved in public access policies and ensure Patuharakeke participate fully in such decision-making processes.
c) Patuharakeke will take opportunities to educate the community about our cultural values in relation to the coast and encourage attitudinal change.
d) Councils issuing consents that could affect customary access will include consent conditions to protect and enhance customary access.
e) PTB will continue to lobby our agency partners and local business and industry to seek funding for a kaitiaki monitor to patrol Ruakaka beach and other important areas on a fulltime basis. We envisage a kaitiaki monitor would undertake the following types of activities:
   i. Monitoring of kaimoana beds and adherence to any fishing restrictions;
   ii. Coastal cultural health surveys;
   iii. Monitoring of sites of cultural significance;
   iv. Monitoring of wildlife;
   v. Observation of any dog or horse bylaws;
   vi. Education and advocacy with general public.

9.4 Offshore Oil Exploration and Mining

Our century of reliance on oil is at a turning point. The BP Deepwater Horizon oil spill in the Gulf of Mexico in 2010 has highlighted the far-reaching consequences that our dependence on oil is having on the natural world and on the climate. Now they have depleted most easily accessible oil, companies are pushing into areas previously considered too remote, expensive or risky to exploit. Our precious coastlines here in Aotearoa are now in their sights and our government appears set on doing all they can to accommodate these large oil and mining interests.

The current regulatory regime provided by the Crown Minerals Act 1991 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act (“EEZ Act”) is confusing, difficult for hapu to engage in and weak. Prospecting and exploration for petroleum and minerals are classified as “permitted activities”. While drilling requires a permit, decisions by the EPA to date have been made in spite of a glaring lack of information, particularly in regard to oil spill modelling and emergency responses. In order to feel confident about these activities taking place in our waters we would need the world’s most sound, best practice environment standards, full liability cover and clean up capacity. This is not the case in Aotearoa at present. Moreover, the government has recently legislated to deny the right to voice opposition at sea, further impinging on our civil rights and our tino rangatiratanga. Patuharakeke therefore support the stance of Te Whanau a Apanui:

“We are resolute in our defence of our ancestral lands and waters from the destructive practice of deep sea oil drilling. This is an issue for all peoples of New
Zealand and we call on those who support our opposition to stand with us in defence of what we all treasure."18

9.4.1 Issue
a) There is a lack of appropriate environmental policy in place to protect the realm of Tangaroa from the potential harmful effects of offshore petroleum exploration and mining.

9.4.2 Objective
a) Offshore petroleum exploration and mining is not permitted within the boundaries of our gazetted rohe moana (see 5 below), and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand’s Exclusive Economic Zone (‘EEZ’).

9.4.3 Policies
a) Patuharakeke will oppose any offshore petroleum exploration and mining proposals within the boundaries of our gazetted rohe moana, and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand’s EEZ.

b) The Crown and petroleum and mining companies are required to engage in early, and good faith consultation with Patuharakeke should any proposed prospecting, exploration or drilling licences be sought within the boundaries of our gazetted rohe moana, and extending in an easterly direction from Patuharakeke landward coastal boundaries to the limit of New Zealand’s Exclusive Economic Zone.

9.4.4 Methods
a) PTB will work collaboratively with hapu and iwi to continue to oppose these activities and seek statutory change to protect our coastline from these destructive practices.

b) PTB will investigate utilization of Section 15(3) of the Crown Minerals Act 1991 (CMA) and the Minerals Programme for Petroleum (2005) provisions to protect areas of historical and cultural significance from inclusion in an offshore exploration permit block or minerals programme.

9.5 Oil Spill Risk

Because New Zealand’s only oil refinery is located at Poupouwhenua, at the entrance to Whangarei Terenga Paraoa, there is a high risk of a marine oil spill in our rohe. Large oil tankers bring crude oil from overseas to be discharged from the tankers to the refinery where it is then refined and transformed into various petroleum-based products. These are then either transported to Auckland via pipeline or transported by coastal tankers to other ports around the country, for distribution to consumers. Along with our Bream Bay Coast and harbour, islands of great significance to Patuharakeke such as Tawhitirahi and Aorangi (the Poor Knights Islands) and Marotiri, Ngatuturu and Taranga (the Hen and Chicken Islands) are in close proximity to shipping navigation routes. Some incidences of minor spills and ships running aground have occurred in the past and resulted in requirements to avoid ships greater than 45m in length traversing the area between the Poor Knights and

18Dayle Takitimu, Te Whanau a Apanui [Greenpeace press release, March 2011]
the Mainland and smaller oil tankers (Aframax – 750,000 barrel capacity) entering 
the Whangarei Harbour. At this point in time Refining NZ is exploring the possibility 
of once again bringing Suezmax ships (1 Million barrel capacity) to their jetty. 
In addition to tankers coming into the refinery, there are also a substantial number 
of cargo, container, and log and woodchip ships loading and unloading at the 
Northport facility at Poupouwhenua. These ships then travel to and from the main 
ports of Auckland and Tauranga and Northport. Given the desire to expand all of 
these ports in the near future, considerable increases in shipping movements are 
likely.

While NRC has a Marine Oil Spill Contingency Plan and Oil Spill Response Team that 
could deal with minor spills, the recent example of the Rena running aground off 
Tauranga illustrated New Zealand’s general lack of preparedness for major oil spills.

9.5.1 Issue

a) The location of the oil refinery, Northport and busy shipping routes in our 
rohe moana and coastal waters places our marine environment at risk of oil spill.

b) A significant oil spill would have devastating consequences for our kaimoana, 
taonga species, amenity and recreational values and the cultural health of our 
rohe moana.

9.5.2 Objectives

a) Patuharakeke are informed and able to participate in any oil spill response.

9.5.3 Policies

a) NRC, Refining NZ and Northport will immediately advise PTB of any oil spills 
within our rohe moana and coastal waters.

b) NRC will consult on their Oil Spill Response Plan with Patuharakeke and to 
our satisfaction. This must also include a contingency fund for remediation 
and recovery.

9.5.4 Methods

a) PTB will work collaboratively with NRC, the Refinery and Northport on 
education and training initiatives and exercises with regard to oil spills.

b) Patuharakeke will take part in any oil spill response within our rohe moana 
and coastal waters. These exercises will be funded by the various industry 
and local government parties giving consent to the activities.

9.6 Industrial Activities at Poupouwhenua

Te Poupouwhenua Block compromised some 5000 acres and is the name for the land 
area and foreshore now known as Marsden Point and included much of One Tree 
Point (see Figure 2). This land was obtained illegally by the Settler government from 
Patuharakeke through confiscation for a land dispute at Matakana. The incident was 
misreported by the infringing settler at Matakana and reported to Settler authorities 
and was used as a mechanism by the Crown to acquire Poupouwhenua. It is a key 
focus of our Statement of Claim to the Waitangi Tribunal. The site was an important 
tauranga waka (canoe landing site) and was utilised frequently by various waka 
taua/war parties stopping there to prepare for battles further south.

19 Currently under review
Seasonal migrations during the summer months were common for Patuharakeke along with other Whangarei and inland hapu. These were primarily for harvesting the varied and abundant kaimoana at this location, although waterfowl from wetlands such as Rauriri/Blacksmiths Creek, and plants such as pingao from the fore dune were also utilised. Much of the area along the foreshore and dunes between the now Marsden Point Wharf and Refinery Jetty was regularly used as a nohoanga (camping site for harvesting kai) by Patuharakeke and other whanaunga from the Whangarei area up until the 1960s development of the site began and consequently restricted this practice.

The Northland Harbour Board recognised the natural attributes of Poupouwhenua for port development and began acquiring land at Marsden Point in the early 1960’s. A few years earlier, Royal Dutch Shell had surveyed the site and found it suitable for the construction of an oil refinery which commenced operating in 1964. At the time, there was little knowledge of the effect industrialisation was going to have on the cultural health of the harbour. The local community were assured that growth would provide economic benefits, and this perception has driven industrial expansion in the area ever since, although in our view benefits to tangata whenua have never been realised.

Instead, refinery construction activities wiped out extensive mussel beds and flattened the dune systems. During 1966-69, a major dredging programme was undertaken to deepen the main channel and 754,000 m³ of sediment was removed and pumped on to Snake Bank and the Takahiwai shoreline. The reclamation of seabed at Poupouwhenua for the construction of the Timber Port in 2002 resulted in the destruction of arguably the largest remaining (and readily accessible by foot) pipi bed and shorebird roosting sites (Chetham, 2013).

A specific condition of the coastal permits and consents created a mitigation fund administered by NRC. A kaitiaki roopu was established to work with the consent holder NorthPort to select projects to enable improvements to the health of the Whangarei Harbour, and the study and/or mitigation of the effects of the port development on waahi tapu, taonga, and other features of special interest to tangata whenua. While some valuable work has been undertaken as a result of the Whangarei Harbour Kaitiaki group’s establishment, the genuine hope of tangata whenua that the environmental mitigation fund would assist in building our capacity as kaitiaki and promoting our participation in the management of our harbour did not eventuate.

Given that this Fund is tied to a specific consent condition and its timeframe is coming to an end, we believe it is time for industry, tangata whenua, the community and stakeholders to explore a new mechanism going forward to improve the cultural and environmental health of the harbour. PTB have an MOU with Refining NZ and the relationships and understanding have improved markedly over recent years. PTB and Northport are also working on building a better rapport with one another. As such, this aim should be achievable.

The siting of these activities in our rohe has increased the likelihood of pest species arriving in ballast water and on the hulls of ships. The long term and cumulative effects of stormwater discharges from the port and refinery has not been quantified in our view. As tangata whenua we have grave concerns about their impacts on our now scarce kaimoana resources and the mauri of Whangarei Terenga Paraoa. These
vast industrial complexes have forever distorted and impacted on our cultural landscape and seascape.

9.6.1 Issues

a) Industrial activities at Poupouwhenua have had adverse impacts on the mauri and cultural health of Whangarei Terenga Paraoa and cultural landscapes and seascapes.
b) There is a need to work closely with NRC, NPC, Northport and Refining NZ to manage effects of industrial activities on the mauri and cultural health of the harbour and the relationship of tangata whenua to it.

9.6.2 Objectives

a) The mauri and cultural health of Whangarei Terenga Paraoa and cultural landscapes and seascapes are not further compromised by industrial activities at Poupouwhenua.
b) Patuharakeke maintain robust and effective relationships with Northport and Refining NZ and the relevant statutory authorities.

9.6.3 Policies

a) NRC will require that Northport and Refining NZ recognise and provide for the relationship of Patuharakeke to Poupouwhenua and the harbour and our aspirations to manage the harbour as mahinga kai, by:
i. Ensuring that port activities at all times seek to avoid or minimise pollution in the harbour;
ii. ensuring that consents for works or discharges stipulate regular cultural health monitoring by resourced kaitiaki as part of compliance monitoring;
iii. Where data shows that there is an adverse effect on water quality then activities must cease;
iv. Providing appropriate mitigation and/or compensation where cultural and environmental effects cannot be avoided, (i.e. such funds as for restoration projects);
b) Major dredging programmes will be avoided and CIA’s will be mandatory for any dredging proposal in our rohe moana or coastal waters; and
c) PTB, NRC, Northport and Refining NZ will work collaboratively to develop a research program to investigate and address how dredging, reclamation, sedimentation and discharges in the harbour are affecting mahinga kai.

9.6.4 Methods

a) NRC implement effective marine rules to protect the harbour from the effects of point discharges and those associated with ballast, bilge and sewage from ships and boats, including biosecurity risks.
b) PTB will oppose any new land or foreshore reclamations in our rohe moana and coastal waters.
c) PTB will continue to participate on the Whangarei Harbour Kaitiaki Roopu for as long as it continues to function.
d) PTB, NRC, Northport, Refining NZ and other tangata whenua groups/hapu and stakeholders will investigate an appropriate mechanism to implement a long term Whangarei Harbour Improvement fund or strategy going forward.

9.7 Marine Mammals
Whangarei Terenga Paraoa translates as “the meeting place of the whales”. Whales have a special place in Patuharakeke tradition, they are seen as a kaitiaki or guardians and tribal korero states our tupuna named and called to known and favoured sea mammals and also chanted them back out to safety during strandings. After being hunted to the point of collapse last century they have recovered only to be at risk from marine pollution (heavy metals, toxins, plastics etc), noise pollution, boat strike, harassment from some tourist operators and boat operators, set nets and other commercial fishing practices, plummeting food resources, and the effects of sonar to name a few.

There are a number of theories as to why marine mammals strand, but it seems likely to be at least partially due to the increasing human-induced pressure their habitat is under. Our affinity and spiritual connection with whales and dolphins means Patuharakeke as kaitiaki have a foremost responsibility to advocate for the protection of these intelligent and majestic creatures. Whilst whale strandings are a sad occasion for Patuharakeke, they provide us with a valuable opportunity to revive matauranga associated with the preparation of whalebones for carving and obtaining other resources such as oil/ spermaceti. The Department of Conservation holds statutory responsibility for marine mammals under the Marine Mammals Protection Act 1978 and the Conservation Act 1987. We are fortunate that Ngatiwai developed the first protocol with DOC for the management of whale strandings. This provides for the recovery of bone and teeth by tangata whenua and the provision of scientific samples.

To date we have built our capability in this area through collaboration with Ngatiwai and have developed Patuharakeke Whale Stranding Guidelines to guide the process and communications with DOC. A mass stranding of Pilot whales in Bream Bay in 2006 provided an opportunity for Patuharakeke to host a national tohora wananga. The wananga was a great success and allowed the building of more connections with hapu and iwi with knowledge and/or interest in whales and the recovery of resources from beached whales. Tikanga around flensing, boning out, burial, naming and gifting of bone and so forth were shared and developed. Patuharakeke have since demarcated and named the site where the whales were buried (for later uplifting and cleansing) as a waahi tapu (the “Tahuna Tohora”).

9.7.1 Issues
   a) The habitat of marine mammals is facing immense human-induced pressures.
   b) Patuharakeke have developed a formal process around Marine mammal strandings and their cultural harvest. However we do not yet have the appropriate holding permits in place for taonga such as whalebone. Presently DOC requires that we get permission from Ngatiwai Trust Board to utilise their holding permit.

9.7.2 Objectives
   a) Increased numbers of healthy whales and dolphins inhabiting and migrating through our coastal waters and harbour.

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20 see Patuharakeke Whale Stranding Guideline (http://patuharakeke.maori.nz/about-patuharakeke/patuharakeke-trust-board/policies/)
21 see Patuharakeke Tohora Taonga Committee Tuku Taonga Process Guideline (http://patuharakeke.maori.nz/about-patuharakeke/patuharakeke-trust-board/policies/)
22 shown on Figure 4 Sites of Significance Overlay
b) A strong partnership between DOC and Patuharakeke with regard to the management of marine mammal strandings and cultural harvest in our rohe.

c) Revival of matauranga and tikanga associated with marine mammal strandings and cultural use.

9.7.3 Policies

a) The cultural, spiritual, historic and traditional association of Patuharakeke with marine mammals, and the rights to exercise rangatiratanga and kaitiakitanga over marine mammals is guaranteed by Te Tiriti o Waitangi.

b) The relationship between Patuharakeke and DOC for the recovery, disposal, storage and distribution of beached marine mammals shall be guided by the principles of partnership.

c) To require that a standard procedure be introduced that Patuharakeke are involved in the determination of burial sites for beached whales that do not survive, and that burial locations are retained as waahi taonga and therefore protected from inappropriate use and development.

9.7.4 Methods

a) Patuharakeke will continue to advocate for a clean and healthy marine environment for marine life, including dolphins and whales.

b) Patuharakeke will continue to utilise and update the Patuharakeke Whale Stranding Guideline as necessary.

c) Patuharakeke will apply for a holding permit for whale bone and other taonga through DOC as a priority.

d) Patuharakeke will continue to work collaboratively with Ngatiwai and other hapu and iwi to build knowledge and understanding with regard to the cultural harvest of stranded marine mammals.

e) Patuhakeke will work with NGO’s (eg. Project Jonah) to build our capability in marine mammal rescue techniques.

9.8 Customary Fisheries

The waters of Whangarei Terenga Paraoa, Bream Bay and our estuaries are a taonga gifted by our tupuna. We as kaitiaki have a duty to conserve and protect this taonga for our mokopuna. These waters once teemed with kaimoana such as kuku, tipa, kina, paua, tuatua, kokota, huwai, pipi, pupu, papaka, kumukumu, pioke, kahawai, tuna, kanae, wheke, whai, tamure, aua, patiki, and parore. However, more than a century of poor management practices has seen an immense decline in marine species as a result of degraded water quality, habitat loss and unsustainable harvest. The decline of kaimoana species, is accompanied by a decline in traditional knowledge in regard to those species, their uses and management practices. This impacts on our duty as Kaitiaki and displaces an important role and function for our tamariki and mokopuna.

Our mana as tangata whenua, is further diminished by our inability to practise manakitanga to gather kai moana for the table both for our families and manuhiri (something we were formerly renowned for). Not only does this impact on our cultural wellbeing, but it has economic consequences, as we are unable to put kaimoana on whanau dinner tables, a practice that has always supplemented low incomes and our diet.
The current fisheries model has not successfully protected or sustained our mahinga kai and taonga species. While the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (TOWFSA) was intended to remedy Treaty breaches, none of the purported benefits have “trickled down” from the Mandated Iwi Organisations (“MIO”s) formed under the TOWFSA to Patuharakeke. Accordingly our participation in fisheries is limited to customary management and the recreational take we use to feed our whanau. Further, the mismanagement and pollution of the environment; water quality; privatised fishing property rights to certain fish species; over-fishing caused through by-catch, and over-allocation of fishing rights; the state of our kaimoana resources has left customary harvest virtually untenable. Only a handful of permits for customary take have been granted, let alone requested, by our Rohe Moana Committee in the past five years as Kaimoana is in such short supply.

Taiapure and Mataitai Reserves are the only fisheries management opportunities for Maori arising from fisheries settlement in relation to customary harvesting and management practices. However, relatively few have been established in the north island. This is a reflection of the onerous process and information requirements, serious time delays, and lack of access to technical support.23

Moreover, the fragmented nature of current fisheries management does not reflect our holistic view of coastal ecosystems. At present, the disconnect between managing the fish species and their habitat is a major issue. Having the best fisheries management tools in place would be pointless if the habitats that support the fishery (including adjacent land and waterways) are degraded.

Our rohe moana and tangata kaitiaki were gazetted in May 2009 under the Kaimoana Fisheries Regulations 1998. Figure 5 below shows our gazetted rohe moana although our traditional interests extend far further than depicted by the map. Limited capacity and resources have not allowed us to reach our goal of creating mataitai reserve for parts of our customary fishery. However, our committee have been active in monitoring our mahinga kai, using cultural health indicators and also through joint surveys with research organisations such as NIWA.

Our concern over depletion of pipi stocks at Marsden Bank led us to petition the Minister of Fisheries for a rahui (s186A closure) under the Fisheries Act 1996 in February 2011 to allow stocks to recover. Due to a lack of its recovery PTB have since extended the closure period for a further two years. The adjacent Mair Bank is now under threat and we are currently exploring options with MPI, NRC and Industry stakeholders as to how we can arrest this decline. What has become clear is that harvesting pressure is not the only factor affecting pipi at these sites and further research is required to identify the causes.

Overall, the relationship with the Crown with respect to our fisheries is a challenging one. We find it extremely hard to get any traction, with the responsible government departments. This has been particularly difficult over the past several years with the ongoing restructuring within Ministry of Fisheries and the now Ministry of Primary Industries. This has meant that staff and policy seemed to constantly change. It has become increasingly difficult to get support and information and we have seen Ministry capacity diverted away from customary fisheries.

23 http://www.edsconference.com/content/docs/2012_papers/Stephenson%20%26%20Kirikiri.pdf
\textbf{9.8.1 Issues}

a) Increasing pressure on the kaimoana resources in our rohe as a result of:
   i. Discharges to the coastal marine area and harbour, and impacts on coastal water quality;
   ii. Harvesting pressure;
   iii. Lack of awareness among visitors of the importance of our harbour, bays and estuaries as mahinga kai;
   iv. industrial activities; and
   v. Biosecurity risk.

b) There is a need to implement appropriate tikanga-based management tools for protecting and enhancing the marine environment and customary fisheries.

\textbf{9.8.2 Objectives}

a) That there is diversity and abundance of mahinga kai in our rohe moana, the resources are uncontaminated and healthy, and Patuharakeke have unimpeded access to them.

b) The role of Patuharakeke as kaitiaki of the coastal environment and sea is recognised and provided for in coastal and marine management.

c) Traditional and contemporary mahinga kai sites and species within our rohe moana, and access to those sites and species, are protected and enhanced.

d) Our rohe moana is protected through tikanga-based management of fisheries.

e) Te rohe moana o Patuharakeke is managed as a mahinga kai and mataitai, first and foremost.
9.8.3 Policies
a) Agencies and stakeholders will support the protection and enhancement of our rohe moana through tikanga-based customary fisheries management tools, and supported by matauranga Maori and western science, including:
   i. Mataitai;
   ii. Rahui; and
   iii. Tangata tiaki/kaitiaki.

b) Agencies and stakeholders will support the development of an ongoing monitoring scheme by Patuharakeke using Cultural Health Indicators ('CHI') to assess the health of our rohe moana.

c) To continue to jointly investigate and implement kaimoana reseeding projects in the rohe moana where traditional stocks are degraded either through the Whangarei Harbour Health Improvement Fund/Kaitiaki Roopu or another mechanism.

d) PTB will continue to develop and establish sound research partnerships with NRC, Crown Research Institutes, government departments, universities and other organisations to address issues of importance to tangata whenua regarding the management of our rohe moana.

e) NRC will require protection or restoration mechanisms such as bonds, levies and mitigation funds as consent conditions for any application with the potential to adversely impact our rohe moana.

f) NRC will require that water quality in the harbour, our bays and estuaries is such that Patuharakeke can exercise customary rights to safely harvest kaimoana.

g) PTB will continue to work with local authorities to develop appropriate policies and rules to implement and enforce measures to improve coastal water quality (for example as set out in policies 9.1.3 and 9.6.3 of this plan).

h) PTB will work with MPI and other stakeholders to improve compliance with fisheries regulations through the following measures:
   i. Education of the wider community regarding the harbour, bay and estuaries as mahinga kai;
   ii. Continued support for kaitiaki to monitor the rohe moana area, including the rahui on Marsden Bank pipi bed; and
   i) PTB will work with MPI and other stakeholders to continue to initiate and support research projects on kaimoana health, abundance and diversity in our rohe moana.

9.8.4 Methods
a) PTB will prioritise finalisation of our Draft Rohe Moana Management Plan.

b) PTB will prioritise the development of a mataiatai reserve application under the Customary Fishing Regulations 1999 to establish mataitai reserves on particular areas of Whangarei Harbour and Bream Bay and seek the support of MPI and other agencies and stakeholders to advance it.

c) PTB will investigate making an application to MPI to extend our rohe moana boundaries to reflect their traditional extent (ie. East of Bream Bay to the 12 mile limit).

9.9 Aquaculture
Tangata whenua have been practicing forms of aquaculture for centuries. Shellfish seeding is a traditional form of aquaculture still practiced today. Other methods of cultivating kaimoana involved the storage of kaimoana in rock pools, or under piles
of rocks for “on growing” or until they were required. Rocks were placed to create structures for oysters in particular in specific locations for easy retrieval. Many traditional customary activities are now classed as aquaculture and are unable to be carried out without a permit. Patuharakeke have aspirations in this area and wish to explore mechanisms for developing marae-based or customary aquaculture (eg. for non-commercial purposes such as to enhance, support, restore and supplement existing or depleted kaimoana beds).

The last decade has seen multiple legislative changes for the aquaculture planning regime. Reforms in 2004 saw a requirement for regional councils to establish Aquaculture Management Areas (“AMA’s”). This coincided with the passing of the Maori Commercial Aquaculture Claims Settlement 2004 (“MCACSA”) entitling Iwi with a coastal rohe (essentially existing Mandated Iwi Organisations with fishing quota) to be entitled to 20% of any new space created in AMA’s. The assets were to be held in the Takutai Trust and administered by Te Ohu Kai Moana until they were transferred to Iwi. Establishment of AMA’s proved to be a lengthy and complex process. NRC’s Plan Change 4 became stalled in the appeals process before effectively becoming redundant after further reforms in 2011 scrapped the AMAs in favour of a return to managing applications for marine farming space on a ‘first come, first served’ basis.

The 2011 amendments to the MCACSA presented the Maori entitlement to 20% of new space (or the equivalent) but introduced new mechanisms for delivery of that entitlement, focused primarily on a ‘regional agreements’ model. Regional agreements may include, space, cash or anything else that is agreed between the Crown and iwi with coastal interests in the relevant region and may be based on anticipated new aquaculture development, not just ‘new space’ that has already been created.

At present marine farming in our rohe is restricted to small oyster farms in Parua Bay. Development of aquaculture initiatives is currently led by Northland Inc. Northland Inc instigated the formation of the Northland Aquaculture Development Group (‘NADG’) in order to collaboratively to develop the ‘Northland Aquaculture Development Strategy’. The strategy was officially launched at NIWA’s Bream Bay Aquaculture Park in November 2012 and aims to see aquaculture in Northland developed into a $300 million industry employing more than 700 extra workers in less than two decades24.

The group is made up of five working groups; Finfish, Oyster, Greenshell Mussel, Freshwater and Paua with a collective membership that includes the local aquaculture industry, iwi, and scientists. A shore and sea based farmed kingfish industry is being heavily promoted as one of the potential highlights of the North’s future aquaculture industry and much of the initial work to develop this resource is being done out of the Bream Bay Aquaculture Park. The NADG also wants to significantly grow the Greenshell mussel industry, and aims to double the earnings of the oyster and paua industries. Due to a lack of capacity and resourcing Patuharakeke have had limited involvement in this collective to date.

NIWA operates the Bream Bay Aquaculture Park at the site of the old Marsden Power Station on land leased from Mighty River Power. This land has s27B SOE Act Memorials on the title and forms part of our Waitangi Claim. PTB also has an MOU with NIWA that requires both parties to act in good faith, communicate openly, and

24 see www.northlandinc.co.nz/tell-me-about-aquaculture-strategic-plan-test
regard each other as equal partners, and includes other matters such as joint initiatives and shared environmental and scientific endeavours.

Patuharakeke need to have a say in how and where aquaculture occurs in our rohe. Inappropriate aquaculture locations and unsustainable practices have the potential to compromise values and resources important to Patuharakeke. Sustainable aquaculture, on the other hand, has the potential to contribute to the cultural, social and economic well-being of Patuharakeke and the wider community. Aquaculture and marine farming proposals need be considered on a case-by-case basis. Patuharakeke may identify areas that are inappropriate for aquaculture, based on the specific values located there, for example if the area is a traditional mahinga kai.

9.9.1 Issues
   a) Patuharakeke have specific rights and interests associated with where and how aquaculture takes place.
   b) Aquaculture can have adverse impacts on values of importance to Patuharakeke, such as cultural landscapes and seascapes, mahinga kai and other taonga species.
   c) Sustainable aquaculture has the potential to contribute to the cultural, social and economic well-being of Patuharakeke and the wider community.
   d) Patuharakeke have a specific interest in the title on which the Bream Bay Aquaculture Park is located that requires addressing.

9.9.2 Objectives
   a) The specific rights and interests of Patuharakeke in aquaculture are recognised and provided for in our rohe moana and coastal waters, and including in any shore based aquaculture in our rohe.

9.9.3 Policies
   a) Responsible agencies must ensure that Patuharakeke have an explicit and influential role in decision-making regarding the allocation and use of coastal space for aquaculture in our rohe moana and coastal waters and including shore based facilities in our rohe.
   b) To require that all applicants, including Mandated Iwi Organisations, initiate early and effective engagement with Patuharakeke when considering marine farming ventures in our rohe moana and coastal waters;
   c) When any sustainable aquaculture ventures are agreed to within our rohe moana, Patuharakeke will share tangible economic benefits.
   d) No new commercial aquaculture is to be located within the Whangarei Harbour.
   e) Agencies and stakeholders will work collaboratively with PTB to explore ways of developing marae-based or customary aquaculture (eg. for non-commercial purposes such as to support, enhance, restore and supplement existing/depleted mahinga kai).

9.9.4 Methods
   a) Councils will require a Patuharakeke CIA to be produced for any aquaculture proposals in our rohe, rohe moana and coastal waters.
   b) PTB will continue to engage in the NADG and other collectives as deemed appropriate by the hapu.
   c) PTB will assess all aquaculture proposals in our rohe, rohe moana and coastal
waters on a case by case basis with reference to:

i. Location and size, species to be farmed;
ii. Consistency with Patuharakeke aspirations for the site/area;
iii. Effects on natural character, seascape and marine cultural heritage values;
iv. Visual impact from land and water;
v. Effects on customary fishery resources;
vi. Monitoring provisions;
vii. Cumulative and long term effects;
viii. Impact on local biodiversity (introducing species from outside the area); and
ix. Impacts on off-site species.
PART IV: REVIEW AND EVALUATION SECTION

This HEMP has been prepared by PTB. It will be distributed to Patuharakeke via the website, e-mail circulation and a number of printed copies will be made available to the various Patuharakeke committees and potentially kohanga and schools within the rohe. The PTB website can be found at www.patuharakeke.maori.nz. The plan will also be made available to our whanaunga in neighbouring hapu and iwi and stakeholders and interested parties by way of this website. The plan will be formally lodged with WDC and NRC by October 2014.

The establishment of the PTB RMU is still to be initiated. A primary function of the unit will be stewardship of this plan including establishing a monitoring and review framework in collaboration with the hapu. Over time, further issues may arise or become more important necessitating new or additional policy to be formulated or the amendment of existing policy. Therefore, PTB will formally review this plan at least every five years. The plan will be treated as a “living document” however, and rolling reviews will occur as necessary.

As such, hapu requests for review, change or additions to this plan can be made in writing to PTB. All requests will be received on a case-by-case basis and considered by PTB at their monthly meetings. Unless advised otherwise by PTB, policy contained in this document may be modified, deleted, changed or enhanced by formal resolution of the PTB.
REFERENCES


Websites:

http://ipcc.ch

https://www.niwa.co.nz/climate/information-and-resources/climate-and-māori-society


http/www.northlandinc.co.nz/tell-me-about-aquaculture-strategic-plan-test

http://www.edsconference.com/content/docs/2012_papers/Stephenson%20%26%20Kirikiri.pdf

http://www.patuhareake.maori.nz
Extracts from the Resource Management Act 1991
Matters to be considered by territorial authority

(1) A territorial authority must prepare and change its district plan in accordance with—
   (a) its functions under section 31; and
   (b) the provisions of Part 2; and
   (c) a direction given under section 25A(2); and
   (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
   (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
   (f) any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
   (a) any—
      (i) proposed regional policy statement; or
      (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
   (b) any—
      (i) management plans and strategies prepared under other Acts; and
      (ii) [Repeated]}
      (iiia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
      (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to tāiaura, mahinga mātaia, or other non-commercial Māori customary fishing),—
         to the extent that their content has a bearing on resource management issues of the district; and
   (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.
75 Contents of district plans

(1) A district plan must state—
   (a) the objectives for the district; and
   (b) the policies to implement the objectives; and
   (c) the rules (if any) to implement the policies.

(2) A district plan may state—
   (a) the significant resource management issues for the district; and
   (b) the methods, other than rules, for implementing the policies for the dis-
       trict; and
   (c) the principal reasons for adopting the policies and methods; and
   (d) the environmental results expected from the policies and methods; and
   (e) the procedures for monitoring the efficiency and effectiveness of the poli-
       cies and methods; and
   (f) the processes for dealing with issues that cross territorial authority bound-
       aries; and
   (g) the information to be included with an application for a resource con-
       sent; and
   (h) any other information required for the purpose of the territorial authori-
       ty’s functions, powers, and duties under this Act.

(3) A district plan must give effect to—
   (a) any national policy statement; and
   (b) any New Zealand coastal policy statement; and
   (c) any regional policy statement.

(4) A district plan must not be inconsistent with—
   (a) a water conservation order; or
   (b) a regional plan for any matter specified in section 30(1).

(5) A district plan may incorporate material by reference under Part 3 of Schedule
    1.
Guidelines for Preparing and Taking into Account Iwi and Hapu Environmental Management Plans

September 2006
Introduction

This policy was initiated in compliance with an Environment Court consent order signed between Ngatiwai Trust Board and Whangarei District Council to finalise an appeal on the Whangarei Proposed District Plan.

It recognises Council’s duty under the Resource Management Act 1991 to “take into account” any relevant planning documents prepared by iwi or hapu, and lodged with Council, when preparing resource management plans, e.g. changes to the Whangarei District Plan. Taking into account means that the iwi/hapu environmental management plan must be shown to have input into the planning process and to have been incorporated into Council’s decision making.

The policy aims to give guidance for iwi and hapu throughout the Whangarei District in the preparation of environmental planning documents and guidance for Council in taking them into account.

This policy has two parts:

§ Part I - Guidelines for preparing iwi/hapu management plans

§ Part II - Guidelines for how Whangarei District Council will take into account iwi/hapu environmental management plans

The policy also includes information on who to contact for advice on preparing iwi/hapu environmental management plans and a list of useful documents and websites (Part Ia).

In addition, the policy specifies the process which Council will follow on receiving an iwi/hapu environmental planning document (Part IIa).

Recognition is given that there is currently not a level playing field between Council and tangata whenua, and within tangata whenua groups. Rather there are a range of capabilities and capacity and tangata whenua do not have the same level of resources available as Council.

The policy has been developed with representatives from iwi and hapu and Council staff. Publications from the Ministry for the Environment have been used, as well as examples of finalised iwi/hapu planning documents. All these publications are available to be borrowed from Council’s Iwi Liaison Office.

The policy will be reviewed as deemed necessary by representatives from iwi and hapu or Council staff.
Part I Guidelines for preparing iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. Consider the purpose(s) of the iwi/hapu environmental management plan and the audience(s) it is intended for, e.g. hapu, iwi authority, district/regional council, developers, and government agencies.

2. The language used in the plans will be that considered appropriate by the iwi/hapu, and could include te reo, tikanga, Resource Management Act terms, diagrams and pictures. Council will respect the language of the plan and the way it is written.

3. The content of the plans will be that considered appropriate by the iwi/hapu and could be very broad (e.g. include health, education and environmental issues) or could be narrow (e.g. focused on one issue such as earthworks).

4. Recognition is given that the plan could be critical of Whangarei District Council and other agency's processes.

5. It would be helpful to Council if the content included:
   - Indicative rohe areas (ahi kaa, mana whenua, whakapapa, history) covered by the Plan
   - Recognition from the relevant iwi authority e.g. supporting letter from iwi trustees
   - A statement of how and when the iwi/hapu want to be consulted
   - A statement of issues/themes/concerns/problems
   - Outcomes or actions sought from the council or other agencies.

6. It is acknowledged that there will be reviews and updates of the iwi/hapu environmental management plans; these will be prepared as considered necessary by the iwi/hapu and as resources permit.

7. It is noted that the iwi/hapu environmental management plan is a starting point for discussions and in itself does not count as consultation.

8. The plan should state who is actually responsible for administering the plan and their contact details.
Part Ia Contacts and Resources for Preparing Iwi/Hapu Environmental Management Plans

In the first instance contact your local runanga or trust board.

These could include:

Ngatiwai Trust Board PO Box 1332 Whangarei
Te Runanga A Iwi O Ngapuhi PO Box 263 Kaikohe
Te Runanga O Ngati Whatua PO Box 1784 Whangarei
Te Runanga O Ngatihine PO Box 36 Kawakawa

Council staff may also be able to help point you in the right direction for further help.

Resources to help you prepare your hapu/iwi environmental management plan include:

Publications


Websites

Ministry for the Environment - www.mfe.govt.nz
Quality Planning - www.qualityplanning.org.nz
Parliamentary Commissioner for the Environment - www.pce.govt.nz
Te Punī Kokiri - www.tpk.co.nz
Part II  Guidelines for how Whangarei District Council will take into account iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. Once Council receives an iwi/hapu environmental management plan, discussions with the iwi/hapu will take place regarding whether the document is a public document which can be made available to the general public, or whether there are restrictions on it.

   For example:
   - Copies could be made available at customer services to the public and circulated to council staff
   - Copies (with certain sections blocked out or removed) could be made available at customer services to the public and circulated to staff
   - Copies could be only circulated to restricted council staff with clear statements of confidentiality
   - Copies could only be obtained from the relevant iwi/hapu.

2. The procedure for how Council formally receives the document will be discussed with the iwi/hapu and appropriate arrangements made.

   For example:
   - A formal ceremony held on the Marae
   - A formal ceremony held at Council Chambers
   - A presentation to a Council or Committee meeting.

3. How Council takes into account the iwi/hapu environmental management plan needs to be a clear, transparent and open process for all parties. The suggested process that Council will follow on receiving an iwi/hapu environmental management plan is outlined on the following page (Part IIa). The stages in the process can be amended to suit the different needs of iwi/hapu, however it is considered that the overall process will be followed.

4. Council will consider initiating a plan change to address issues arising from iwi/hapu management plans. Council will fund such a plan change, if one is agreed to be necessary.

5. Where Council receives more than one iwi/hapu environmental management plan for an area, Council will ask the iwi/hapu concerned to advise whether the documents should be taken into account separately or whether the documents should be taken into account jointly.

6. It is recognised that iwi/hapu management plans are living documents and there will be changes made to these documents. Changes to, or updated iwi/hapu management plans, received by Council will go through the same process (as outlined on the following page, Part IIa) as the original documents.
Part IIa Council process for receiving and taking into account iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. Planning document (formally recognised by relevant iwi first) received from iwi/hapu.

2. Discussions undertaken regarding confidentiality of the document and the appropriate formality for receiving the document, with the iwi/hapu concerned.

3. Document formally received by Council and made available in a jointly agreed upon appropriate manner.

4. Council officers review the document (it is recommended that as part of undertaking this review the table on the following page be used - this table has been adapted from Table 1 in the Ministry for the Environment's publication Whakamau ki Nga Kaupapa) and undertake discussions with the iwi/hapu regarding the content of the document and how it can be taken into account, including actions and timeframes.

5. Any application for transfer of powers (section 33) or joint management agreement (section 36A) will be assessed in accordance with the relevant provisions in the Resource Management Act 1991.

6. The suggested actions and timeframes are presented to the elected members of Council for discussion at a workshop and then for formal adoption at a Council Committee meeting.

7. The adopted actions are incorporated into Council’s work programme (including the provision of appropriate budgets) and included in documents such as the Long Term Council Community Plan.

8. Progress on the adopted timeframes, priorities and methods is monitored 6 monthly and reported to iwi/hapu and Council. Non compliance is identified and explanation sought.
## Iwi/Hapu Management Plan

<table>
<thead>
<tr>
<th>IMP Section</th>
<th>IMP Subsection</th>
<th>Summary of Issue</th>
<th>Which RMA Section</th>
<th>Which District Plan Section</th>
<th>Which Council Division</th>
<th>Other Government Institutions</th>
<th>Action/Timeframe</th>
<th>Comments</th>
</tr>
</thead>
</table>

File can be accessed on M:\NEW CLASSIFICATION STRUCTURE\URBAN DESIGN & PLANNING\District Plan development\Project management\Project implementation\GuidelinesforPreparingandTakingintoAccountIwiandHapuEnvironmentalManagementPlans
7. Proposed Plan Change 124: Built Heritage

Reporting officer  Heather McNeal (Senior Specialist (Policy))
Date of meeting  14 October 2015

Vision, mission and values
This item is in accord with Council’s vision, mission and values statement as the Built Heritage Plan Change facilitates the sustainable management of historic heritage in accordance with statutory requirements, and supports ‘sense of place’ within the District.

Significance and Engagement
Having considered the Significance and Engagement Policy this proposal is not considered significant and the public will be informed via the statutory notification process applicable to Plan Changes, including the website and Council News.

Introduction
As part of Council’s District Plan’s rolling review, Plan Change 124: Built Heritage (‘PC124’) has been prepared for public notification. A new district-wide chapter (Chapter HH: Historic Heritage) and a revised Schedule of Built Heritage items replace District Plan Chapters 13 & 58 and Appendix 3.

Background
On 8 May 2013 (under Item 6) Council formally resolved to adopt a ‘minimalist approach’ to the scheduling of built heritage items for protection under the District Plan as its preferred option for progressing PC124, with priority given to historic heritage already listed by the New Zealand Historic Places Trust, now known as Heritage New Zealand Pouhere Taonga (‘HNZ’). The resolution stated:

- That Council endorse, as its preferred option for progressing Plan Change 124 District Plan based on the addition of items registered by the New Zealand Historic Places Trust but currently awaiting inclusion in the District Plan, and the correction of any minor inaccuracies in Appendix 3.
- That increased reliance on the New Zealand Historic Places Trust for identification and assessment of built heritage items of significance shall be supplemented by continued recognition of heritage at a more local level including implementation of non-statutory methods such as structure planning and sense of place initiatives.

This direction has been taken into account in the drafting of the plan change.

Discussion and options
‘Historic heritage’ is defined in the Resource Management Act 1991 (‘RMA’) as ‘the natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, including archaeological, architectural, cultural, historic, scientific and technological qualities’.

Under section 6(f) of the RMA ‘the protection of historic heritage from inappropriate subdivision, use and development’ is classed as a matter of national importance.

Closely linked to the RMA is the Heritage New Zealand Pouhere Taonga Act 2014, with Heritage New Zealand (‘HNZ’) having overarching statutory responsibility in New Zealand for the protection of archaeological sites, whether listed or unlisted. However the HNZPT Act does not protect other heritage resources, with the onus placed on local authorities to implement District Plan policies and rules that protect these features. This typically involves the identification and scheduling of significant built heritage resources.

In 2011 Council’s five-yearly Efficiency and Effectiveness Report noted the lack of any heritage items added to the District Plan heritage schedules since the District Plan became operative in 2007, and none have been added since 2011. The need to review and update Council’s heritage provisions has been further reinforced.
by changes to heritage-related legislation, and national, regional and local policies during this period, including:

- Recent decisions on the Northland Regional Council’s Proposed Regional Policy Statement including direction on assessing, identifying and recording historic heritage, and methods of maintaining the integrity of heritage resources, which the District Plan has to give effect to.
- Council’s District Growth Strategy Sustainable Futures 30/50 (‘30/50’) and associated Implementation Plan with implications on the timing and funding of heritage initiatives.
- Earthquake-prone buildings legislation introduced since the 2010-2011 Christchurch earthquakes.
- Responses to Council pre-consultation undertaken in early 2015.

**Section 32 Evaluation Report**

The Section 32 Evaluation Report, included as Attachment 3 to this agenda item addresses the relevant issues, constraints and options considered in drafting the proposed plan change. As part of this process, three options were assessed:

**Option 1:** Status quo/no change – simply retaining and re-notifying Whangarei District Plan (‘WDP’) heritage provisions.

**Option 2:** Plan Change as proposed - retaining, amending and updating WDP heritage provisions.

**Option 3:** A comprehensive review of WDP heritage provisions including use of heritage experts to research and identify additional significant historic heritage items for scheduling in the WDP.

Of the above options, **Option 1** was assessed as inappropriate since it did not align with recent changes to legislation and policies; failed to recognise all items currently listed by HNZ; was out-dated in terms of information and format; and did not adopt Council’s current policy-led approach to plan formulation. **Option 3** was discounted due to resourcing constraints and the lack of an overarching Heritage Strategy for the District, with its priority and timing dictated by the 30/50 Implementation Plan. In the absence of a specific Heritage Strategy for the District, **Option 2** was seen as representing the most appropriate way forward at this time.

**Summary of Key Features of the Proposed Plan Change**

A copy of the text of the proposed plan change is included in this agenda item as Attachment 1. Key features include:

i. **A new District-wide Historic Heritage Chapter (HH)** consisting of an overarching Historic Heritage section and a Built Heritage sub-section focused on built heritage. The chapter also incorporates provisions on dry stone walls and signage transferred from the Environment and Subdivision chapters, enabling consolidation of all heritage provisions within one district-wide chapter. Scope is included within the new chapter framework for the future integration of additional provisions on archaeological sites and sites of significance to Maori arising from proposed Plan Change 100 (SSM).

ii. **A revised Schedule of Built Heritage** replacing existing Appendix 3, with the existing 71 scheduled items to be supplemented by the following five additions listed by HNZ, but not currently protected under the District Plan:

   - The former Whangarei Railway Station, Railway Road, Whangarei, with the site owned by Council but the building purchased by a local community group (‘The Men’s Shed’) in 2014.
The above five items are described in more detail in the attached Section 32 Report, together with related HNZ reports. Although two potential historic areas (Portland and the Upper Hatea River) were recommended by HNZ for addition to the Schedule, these areas have yet to be formally considered by the HNZ Board and therefore inclusion in the District Plan is not proposed at this stage.

iii. An expanded series of objectives and policies relating to historic heritage generally and built heritage more specifically, in line with Council’s current policy-led approach to formulation of the District Plan.

iv. Revised rules based largely on current WDP provisions. These apply to works on (or in proximity to) scheduled built heritage items and are aimed at controlling effects of inappropriate subdivision, use and development on heritage values and fabric. The rules primarily relate to:

- Demolition, destruction, or relocation (on-site or off-site) of built heritage resources.
- Internal or external additions, alterations or repairs (other than maintenance).
- Structural upgrading for seismic reasons.
- Construction or alteration of buildings (including accessory buildings) within the site/surrounds of a scheduled built heritage item or within specified setbacks, or located between a built heritage item and the street/road or other public place.
- Construction or alteration of buildings (including accessory buildings) on sites immediately adjoining a site on which a scheduled built heritage item is located, if specified setbacks are not met.
- Blanket protection of dry stone walls.
- Control of signage and utilities affecting heritage values.

v. Support for non statutory methods of promoting and celebrating heritage within the District in conjunction with statutory requirements, including the identification (in BH.1.10) of a range of implementation methods, while also recognising that these may be dependent on priorities and timeframes established by 30/50 and availability of funding under Council’s Long Term and Annual Plans.
Process from here

Following Council’s endorsement of proposed Plan Change 124, the plan change is required to be publicly notified for submissions in accordance with Clause 5 of the First Schedule to the Resource Management Act 1991. Since the plan change relates to historic heritage matters it is subject to section 86B (3) of the RMA which requires that any rules in the plan change which ‘protect’ historic heritage will have immediate legal effect upon notification of the plan change.

Recommendations

1. That the report and attachments be received.


3. That pursuant to Section 86B(3) of the Resource Management Act 1991, Whangarei District Council resolves that all the Rules in Plan Change 124 that protect historic heritage shall have immediate legal effect upon notification of the plan change.

Attachments

(PC124 Built Heritage):
Attachment A – Section 32 Evaluation Report (15/92431)
Attachment 1: Proposed Plan Change 124: Built Heritage (15/92941)
Attachment 2: Proposed consequential changes to Whangarei District Plan (text and Resource Area maps) (15/92939)

Under separate cover (available on request – contact Senior Meeting Co ordinator)
Attachment 2a – Map 2R (15/92958)
Attachment 2b – Map 12R (15/92959)
Attachment 2c – Map 37R (15/92960)
Attachment 2d – Map 38R (15/92961)
Attachment 2e – Map 38R_with_Hist_area (15/92963)
Attachment 2f – Map 39R (15/92964)
Attachment 2g – Map 43R (15/92967)
Attachment 3: Extract from Minutes: District Living Committee Wednesday, 8 May 2013 (15/92938)
Attachment 4: Details of proposed amendments to Schedule of Built Heritage including copies of Heritage New Zealand Registration/Listing Reports (15/92936)

Attachment 4a – Butter Factory (15/87001)
Attachment 4b – 4 Railway Terrace (15/92654)
Attachment 4c – 6 Railway Terrace (15/92655)
Attachment 4d – Former Railway Station (15/92650)

Attachment 5: Table comparing operative and proposed District Plan built heritage provisions (15/92934)
Attachment 6: Pre-consultation booklet (15/92931)
Attachment 7: Summary of pre-consultation feedback (15/92928)
Attachment 8: Copies of Council’s ‘Arts, Culture & Heritage Policy’ and ‘Dangerous, Insanitary & Earthquake Prone Policy.’ (15/92927)
Plan Change 124: Built Heritage

Section 32 Evaluation Report

Prior to Notification
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   • Why review the District Plan heritage provisions?
3 WDP heritage provisions
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   • Provisions relating to Sites of Significance to Maori
4 Current Issues facing historic heritage
   • Built Heritage
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7 Statutory Framework for Assessment of Plan Change 124
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   • Local Planning framework
8 Policy Framework for Assessment of Plan Change 124
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   • Regional Policy documents
   • Local Planning framework

Part Three: Attachments
Part One

1 Introduction

This evaluation report provides an assessment of Proposed Plan Change 124 (Built Heritage) and has been undertaken in accordance with Section 32 of the Resource Management Act 1991 (RMA).

PC124 proposes the introduction of a new Historic Heritage chapter, revising and consolidating existing heritage provisions within the Operative District Plan (WDP). Emphasis is mainly on the issue of built heritage at this stage, with scope for further cultural heritage provisions to be incorporated into the chapter’s structure as Plan Change 100 (Sites and Areas of Significance to Maori) progresses.

The WDP became operative on 3 May 2007. As part of its current District Plan rolling review process, Council has been reviewing its WDP provisions, including those relating to heritage issues within the district.

This report has been prepared in accordance with the First Schedule of the Resource Management Act 1991 (RMA) which sets out requirements applicable to the preparation, change and review of policy statements and plans. Section 32 of the RMA requires Whangarei District Council (WDC) to examine the proposed heritage-related plan change objectives, associated policies, and other provisions, and to assess the anticipated environmental, economic, social, and cultural effects, benefits and costs of implementing the plan change.

Since section 32 evaluations represent an on-going process, this report constitutes the initial evaluation, with further revisions expected throughout the plan change process in response to submissions received following notification of the plan change.

This report is in three parts, with Part One addressing WDP heritage provisions and reasons for PC124 together with an evaluation of proposed provisions. Part Two outlines statutory and policy considerations applicable to PC124.

Part Three comprises attachments to the report, including the proposed PC124 text (Attachment 1) and consequential amendments to the WDP, including Resource Area Maps (Attachment 2). Heritage terms applicable to PC124 are included in Attachment 1 (HH.1.4 Historic Heritage Terminology).

In the drafting of this report desktop research has been undertaken, including reviews of other local authority approaches to heritage and ‘good practice’ guidelines.

Abbreviations commonly used in this report include:

- WDC/Council: Whangarei District Council
- WDP: Whangarei District Plan
- RMA: Resource Management Act 1991
- HPT: Historic Places Trust (now HNZ)
- HPA: Historic Places Act (repealed 2014)
- HNZ: Heritage New Zealand Pouhere Taonga
- HNZPT Act: Heritage New Zealand Pouhere Taonga Act (2014)
- NRC: Northland Regional Council
- RPS: Regional Policy Statement (1999)
- HH: Historic Heritage Chapter
- BH: Built Heritage subsection of Historic Heritage Chapter
- SSM: Sites of Significance to Maori
- 30/50: Whangarei District Growth Strategy Sustainable Futures 30/50
2 Background to Plan Change 124: Built Heritage.

What is Historic Heritage?

‘Historic heritage’ is defined in the RMA as comprising the natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, including archaeological, architectural, cultural, historic, scientific and technological qualities. Individually and collectively these resources are significant in terms of the settlement and growth of communities. In addition, they contribute culturally, aesthetically and economically to the District and to character and landscape values.

Under section 6(f) of the RMA ‘the protection of historic heritage from inappropriate subdivision, use and development’ is classed as a matter of national importance. In addition, section 6 identifies the protection of outstanding landscapes from inappropriate subdivision, use and development, and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. These requirements assist in achieving the overall purpose of the RMA to promote sustainable management of natural and physical resources.

While historic heritage resources are important to the community in contributing to cultural awareness, local character and sense of place, they are finite and can be susceptible to adverse effects of subdivision and development including alterations to existing landforms or the removal of existing vegetation. Archaeological sites and waahi tapu are at risk from land disturbance, development and natural hazards, particularly in coastal and urban fringe areas, while built heritage, especially buildings of wooden construction, may be prone to decay and on-going maintenance costs.

Plan Change 124 seeks to reinforce Council’s statutory obligations relating to historic heritage identification and protection supplemented by additional (non-statutory) means of recognising, recounting and celebrating the stories of the past.

Why review the District Plan heritage provisions?

The WDP became operative on 3 May 2007. Section 79 of the RMA requires that a local authority commence a review of the district plan provisions which have not been a subject of a plan change during the previous 10 years. Under this provision, the opportunity exists for Councils to undertake ‘rolling reviews’ of District Plan provisions which allow for the review of provisions on a topic by topic or zone by zone basis. Councils must complete a review of all District Plan provisions within any 10 year time period.

In terms of section 79 (2), if after a review of the provisions the local authority considers that the provisions require alteration, it must undertake a plan change. Should the local authority consider that no alteration is required it must still publicly notify the provision as if it were a change.

In 2011 Council adopted a rolling review method of reviewing the District Plan. This has enabled an evolving District Plan structure, with adjustments to chapter format possible throughout the process in order to be more consistent with how the provisions are applied in practice. The procedure for rolling review is outlined in Chapter 2 of the WDP, which sets the expectations for future Council-initiated and private plan change applications, with the key outcomes sought being:

- District Plan shall be streamlined and simplified.
- Policy and rules shall direct consenting process to provide certainty.
- Comprehensive policy and objectives shall reflect the sustainable management outcomes sought for the respective District Plan Environments and Policy Areas.
• District Plan shall address resource management matters only and will cross reference to external legislation as required.
• Some methods shall only be utilised where expressly stated in the relevant Environment Rules Chapter.

The WDP objectives and policies are separated into chapters based around resource management issues. The new District Plan structure, implemented by Plan Change 106, is designed to provide for a hierarchy of objectives and policies, providing opportunity for policy at a district wide, geographical, locality or neighbourhood context. The proposed PC124 heritage provisions apply district wide.

Circumstances listed in Chapter 2 for seeking changes to the WDP include:

• When plan effectiveness monitoring identifies the need to enhance progress toward achieving anticipated environmental results as a result of significant amendments to the Act.
• The adoption of national policy statements or national environmental standards.
• As a result of new scientific work.

A five-yearly efficiency and effectiveness report was produced by Council’s Policy section in 2011. While it did not indicate any WDP heritage objectives, policies or rules operating inefficiently or ineffectively, it did emphasise the lack of any heritage items (trees, buildings, sites, objects, or sites of significance to Maori) added to the WDP heritage schedules since the WDP became operative in 2007. No items have been added subsequent to 2011, although five items included in the HNZ List but not currently scheduled in the WDP are recommended for inclusion under PC124.

The need to review and update Council’s heritage provisions has been further strengthened by changes in heritage-related legislation; national, regional and local policies including the introduction of the HNZ Act; the NZCPS 2010; 30/50; the 2010-2011 Canterbury earthquakes and subsequent earthquake legislation; decisions on the PRPS; and recent pre-consultation feedback.

3 Operative District Plan Heritage Provisions

Heritage-related issues, objectives, policies, rules and other methods are currently largely contained within the following policy and rule chapters and appendices (schedules) in the WDP (2007):

- **Heritage Buildings, Sites and Objects:**
  Chapters 13 (Policies), 58 (Rules), and Appendix 3 (listed heritage buildings, sites and objects).
- **Heritage Trees:**
  Chapters 14 (Policies), 59 (Rules), and Appendix 2 (listed heritage trees).
- **Tangata whenua:**
  Chapter 7 (Policies).
- **Sites of Significance to Maori:**
  Chapter 60 (Rules) and Appendix 4 (listed Sites of Significance to Maori.)

A comparison of WDP Chapters 13 and 58 provisions and proposed PC124 amendments is included as Attachment 5. Since the majority of trees scheduled in Appendix 2 of the WDP are notable for reasons other than heritage values, a separate review of the topic is to be undertaken independently as part of the rolling review process and will focus on the contribution of trees to the district’s amenity, biodiversity and open space.

**Heritage Buildings, Sites and Objects**

As outlined below, the current WDP approach to the identification and scheduling of heritage buildings, sites and objects is to classify items of heritage value to the community within two
groups assessed in terms of seven specified criteria, with items listed in a Schedule (Appendix 3). Specific objectives, policies, rules and other methods apply to scheduled items.

The sole objective in Chapter 13 **Heritage Buildings, Sites & Objects** (13.3.1) is: *The protection and enhancement of buildings, sites and objects that make a significant contribution to heritage and amenity values.*

Nine policies in Chapter 13 focus on:

- identification of heritage items
- protection of interiors or exteriors of Group I buildings and exteriors of Group II buildings
- avoidance of adverse effects of subdivision, use and development on heritage buildings
- protection of stone walls
- identification and management of heritage areas of significance to Maori
- protection of archaeological sites
- protection of significant heritage values
- protection and enhancement of heritage resources

Six rules in Chapter 58 detail the activity status of works affecting heritage buildings and criteria to be met, with demolition or relocation (especially Group I items) being the most restrictive. In addition to resource consent requirements for works on heritage items, consent is also required for works on sites within a specified distance from an adjoining heritage site boundary, in terms of rule 58.2.6.

In addition to Chapters 13 and 58, a number of built heritage-related Environment rules and restrictive discretionary activity criteria (including ‘effects on heritage values’) are dispersed throughout the WDP applying to:

- dish antenna
- setbacks from water bodies
- network utilities
- signs
- Scheduled Activities
- Future Environments Comprehensive Development Plans
- Open Space setbacks

Specific land use rules in Living and Countryside Environments apply to the removal of stone walls for access purposes only (36.3.9 and 38.3.8). Rule 36.4.1(f) refers to a residential unit within the Living 1, 2 and 3 Environments being a discretionary activity where it is within a site or area of significance to tangata whenua or disturbs an archaeological site but no similar provision applies in the Countryside Environments. Subdivision rules 71.3.7 (Living Environments) and 73.3.13 (Countryside Environments) also apply to removal of stone walls for access purposes.

The various ‘methods’ advocated in Chapter 13 include:

- Regulatory Methods such as identification on planning maps; Environment, Resource Area and subdivision rules; resource consent conditions; Heritage Orders and Covenants.
- Other Plans & Legislation such as Historic Places Act 1993
- Information, Education and Advocacy including liaison with DOC, HNZ, tangata whenua and Iwi, owners and users of heritage buildings; promotion of voluntary protection (eg HNZ Covenants), guidelines, archaeological surveys, and Council staff advice.
- Economic instruments such as funding under Annual Plan; possible resource consent application fee reductions, financial contribution reductions, and rates relief.

**Appendix 3** - Heritage Buildings, Sites and Objects provides limited details of 71 scheduled built heritage items, with five currently classed as Group I and a further 66 items as Group II. Schedule 13A lists 7 criteria intended as the basis for regulatory protection measures, with the first 3 factors receiving the highest weighting when distinguishing between the two groups. There is no
supporting statutory or non-statutory inventory that details reasons for scheduling, the history and features of the items concerned, the extent of surrounds protected (if any) and HNZ List status (if any.) The locations of items listed in Appendix 3 are also indicated on WDP Resource Area maps.

Approximately half of the Appendix 3 scheduled items are houses, while reminders of the district’s agricultural, industrial, mining and transport past are under-represented, as are more contemporary examples of historic heritage. Two-thirds of the items are confined to the following areas:

- **Waipu:** 6 items
- **Central Whangarei /CBD:** 8 items
- **Regent/Kensington vicinity:** 21 items
- **Hikurangi:** 12 items

Five scheduled buildings (former Town Hall, former Public Library, former Cafler Park art museum, Reyburn House art gallery, and Kensington Park grandstand) are located on land owned by WDC.

Formal recognition and scheduling of heritage items within Whangarei date back to August 1980 (prior to amalgamation of Whangarei City and Whangarei County) when a Historic Buildings and Objects Committee was established to prepare the city’s first schedule of historic buildings and objects and associated controls. 24 city items were formally adopted in 1993, with items for Whangarei County and Hikurangi also incorporated. No heritage items have been added to the Schedule (or deleted from it) since the WDP became operative in 2007. A request to amend the classification of one heritage building (‘Moehau’) from Group II to Group I in 2012 did not proceed to a plan change for reasons that included the costs of upgrading to Group I status, lack of support from HNZ, and lack of perceived significant benefit to the public at large.

**Sites of Significance to Maori (SSM)**

Chapter 7 Tangata Whenua (7.2 Overview) acknowledges that the inclusion of Chapter 7 in the WDP ‘establishes a framework and starting point from which the Council and iwi and hapu in the District can develop and maintain a working relationship in resource management matters.’

The chapter is supported by three objectives and six policies, including Policy 7.4.2 Sites of Significance to Maori: ‘To ensure that land use, subdivision and development does not adversely affect Sites of Significance to Maori, or other taonga identified in the WDP or Hapu Environmental Plans.’

‘Protection of Sites of Significance to Maori’ is included as an issue in Chapter 7 while Anticipated Environmental Results listed of relevance to PC124 include:

- Sites of significance to Maori are identified, assessed and shown on the planning maps in the District Plan. The adverse effects of subdivision, use and development on Sites of Significance to Maori are avoided, remedied or mitigated in accordance with tangata whenua protocol.

Chapter 60 contains two rules applying to land uses on SSM, (works on specifically identified sites, and aerial and aerial support structures) while separate subdivision rules elsewhere in the WDP control subdivision involving SSM.

It is intended that revised provisions relating to the protection of SSM will be integrated into the Historic Heritage framework, once a review of the SSM database has been completed. The SSM project, initiated by Council in 2009 in partnership with iwi, is expected to result in:

- a register of stories provided by hapu
- allocation of levels of significance
- recording of findings in Council’s GIS system, (accessible and silent files)
- updating of the WDP through Plan Change 100.
Draft Plan Change 100 Sites of Significance to Maori\(^1\) is currently on-hold pending finalization of the above project.

‘Papakainga’, as referred to in Chapter 7, is a topic also being separately reviewed, with papakainga provisions being developed in two phases. Phase One (operative 28 April 2011) set out the objectives and policies, while Phase Two includes the development of guidelines and standards for the Papakainga Development Plan process and is expected to be introduced by way of a plan change in 2015/16. Other aspects of Chapter 7 are expected to be reviewed as the rolling review progresses.

4 Current issues facing built heritage.

Significant issues affecting built heritage (heritage buildings, sites and objects), as identified in the WDP (13.1) are:

- The removal, modification or alteration of buildings, sites and objects of heritage significance can adversely affect their heritage and amenity values.
- Inappropriate development and redevelopment in close proximity to heritage buildings, sites and objects can have potential adverse effects on heritage values and surrounding amenity.
- The lack of public knowledge of some archaeological sites could lead to inappropriate development.

The same issues still remain applicable and thus serve as a relevant basis for the revised objectives and policies within proposed Chapter HH and subsection BH. However, they do not fully acknowledge the finite nature of built heritage resources or the implications on owners of heritage properties. Additional built heritage issues currently faced include:

- The challenges in meeting responsibilities associated with the management and protection of built heritage. In particular these include on-going costs, as addressed below, faced by heritage property owners and Council (including in its joint roles of regulatory authority and owner of various scheduled heritage properties).
- The range of statutory organisations involved in heritage management, warranting a consistent, collaborative approach to its identification and protection throughout the District and the need for regularly maintained and accessible information.
- Recent changes to HNZ legislation resulting in a number of refinements to improve efficiency, reduce costs, and improve alignment with the RMA. However, questions still remain as to who should deal with post-1900 archaeology (such as World War II army camps), and whether it is efficient to lodge applications (resource consents and Applications to Modify) with two different agencies (Councils and HNZ).
- Changes to legislation, including the need for certain forms of built heritage to meet health and safety requirements, including upgrading for seismic purposes.
- The importance of adaptive reuse of historic heritage for its retention and protection, while ensuring this is undertaken in a manner compatible with its heritage values.
- The need for criteria and terminology relating to the protection of historic heritage to be clear, consistent and easily understood.

Cost implications of heritage protection

As noted above, challenges facing owners of private built heritage properties and Council include costs associated with funding of heritage protection. As noted in the Environment Court case

\(^1\) The title of PC100 (SSM) may be amended later to also reflect ‘areas’ of significance to Maori.
reference below the value of historic heritage is a subjective matter. This section of this report focuses on statutory plan change and resource consent cost implications.

Funding and resources associated with heritage protection at local authority level, (particularly for identification and assessment of potential items for scheduling), include staff costs, expert heritage advice, research, and funding of non-regulatory initiatives for affected landowners (such as incentives, rates relief, waiver of consent fees). Council purchase and/or on-going maintenance of heritage items (e.g the former central Library) is another means of funding heritage and 'leading by example.’ The sale of some Council properties (e.g the former railway station) for a nominal price but subject to conditions of sale such as compliance with a Conservation Plan is another method utilized by Council to ensure on-going maintenance and management of such resources.

Research and assessment costs

Research and assessment costs associated with identification of built heritage items can form a large proportion of any heritage budget, particularly where a proactive approach is adopted. Given HNZ’s recognized heritage expertise and standard of registration reports, there are cost benefits to Council in adopting the HNZ List as the primary means of determining and defending items of significance for retention or inclusion in the WDP. However, the capacity of the HNZ to undertake such research may be more limited in the future with the likelihood that it may be required to give greater priority to places of greatest importance to NZ.

HNZ was contacted in 2011 regarding advice on typical costs associated with heritage research generally, given that no heritage experts are based in Whangarei. As an example, HNZ provided details of costs associated with the Hastings CBD Heritage Inventory Project involving a partnership with local authorities and the community. Research costs for the assessment of 19 Hastings heritage places for deficient registration proposal reports (2 page reports similar to the heritage inventory process) amounted to an average of $600 per site (ex GST) or $11,263.33 in total plus disbursements. Average costs for the inventory project were based on a thematic basis (generally geographic with some subthemes) with research funding met largely by the local authorities concerned together with some additional input of grants from local community groups.

By comparison, HNZ advised that the usual cost range for an individual place full registration report varies from $3,500 to $10,000, depending on factors such as the complexity of the place and the hourly rate of individual contractors which can vary from $40 to $125. If WDC was to engage its own independent heritage consultants to research new proposals for the district plan individual s32 reports (similar to the NZHPT reports produced for the two Morningside railway houses) could be in the vicinity of $6,000 to $15,000 each plus GST.

Plan Change costs

There is no guidance in the WDP as to the most appropriate means of introducing changes to it in relation to heritage matters (e.g plan change, private plan change, private plan change adopted by

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2 AA McFarlane Family Trust v NZHPT & Christchurch City Council Env Decn No:C46/99 (re evidence of economic consultant): ‘Mr Donnelly also said that while public funding of most public goods e.g. law and order and street lighting is taken for granted the public good characteristics of heritage buildings are often overlooked for several reasons. First, the heritage value is subjective and therefore there may not be universal agreement as to the need for protection. Secondly, unlike other public goods they frequently start as private goods and only through age gain heritage status. That is they are not dependent on public funding to be established. Thirdly, it is less costly to protect individual buildings than to provide most public goods. Therefore it is not always necessary for local or central Government to fund the protection. Depending on circumstances other funding may be possible or desirable for example, heritage trusts donations or bequests. Fourthly, heritage buildings are frequently in private ownership. Public funding of private assets is viewed by many people as an enigma.’
Council or deferral until heritage provisions are reviewed as part of a district plan rolling review. PC124 proposes a policy (HH.1.3) giving priority to historic heritage resources and areas identified by Heritage NZ and items identified in collaboration with NRC. Guidance on requirements for items nominated by individuals or community groups is included in Policy HH.1.3.1(c).

Council has the delegation to accept, reject or adopt a private request for a plan change. Costs for initiating a standard plan change are generally upwards of $30,000 plus the costs of experts, but this can vary depending on notification and advertising costs. Based on these figures a private individual would be unlikely to initiate a private heritage plan change, unless adopted by Council, especially in the absence of any obvious economic advantage to the applicant.

**Current heritage funding**

Funding to meet Council’s WDP heritage requirements is limited, with Council funding (other than staff input) currently only allocated to the Sites of Significance to Maori project, (Plan Change 100). This has amounted to $264,000 over a five year period. Recent funding associated with ‘sense of place’ initiatives has included the erection of 8 ‘heritage plinths’ (or ‘sign boards’) within the Town Basin at a cost of approx. $64,000 (inclusive of research costs but exclusive of costs of surrounding ground treatment.), and the re-location of the (unscheduled) War Memorial from Rose Street to a new landscaped site in Laurie Hall Park at a cost of approximately $500,000, with partial funding by the Lottery Grants Board.

**Non-regulatory methods for supporting heritage protection**

The Ministry for the Environment’s Quality Planning website has acknowledged the value of incentives in encouraging good management practice:

_incentives are generally needed to encourage good management practice by owners of heritage places. Relatively modest incentives, such as architectural advice, waiver of consent fees, funds to assist private owners, and publicity, can generate changes in the attitude of communities towards heritage and in the practice of heritage management. Incentives complement plan regulation and they tend to sit outside the district plan._

Owners of heritage items within this District are generally responsible for meeting the costs of resource consent applications affecting their properties, although s36 (5) of the Resource Management Act 1991 allows for a local authority ‘in any particular case and in its absolute discretion’ to remit the whole or any part of any charge of the kind payable under s36. There is no reference in Council’s Fees and Charges document to the waiving of applicants’ costs associated with heritage resource consents, unlike the practice of some other local authorities.

HNZ’s Sustainable Management of Historic Heritage Guidance Series ‘Incentives for Historic Heritage Toolkit’ advises in terms of fee waivers:

_the resource consent fee waiver should provide an incentive to undertake changes to historic heritage and a disincentive to inappropriate changes such as relocation and demolition. The fee waiver should be designed, therefore, to apply to activities such as:_

- Repair and maintenance when this work requires a resource consent.
- Earthquake strengthening.
- Works to comply with the Building Act such as physical access and fire safety.
- Creation of conservation lots by subdivision.
- Works that comply with the provisions of a relevant conservation plan.
- Alterations that are appropriate (including adaptive reuse) as assessed by a heritage professional.

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3 Refer photo example in Pre-Consultation Booklet (Attachment 6).
In addition to a fee waiver, an increased fee could be charged for consents that involve demolition or destruction of listed historic items as a disincentive.

The limited number of built heritage resource consents issued by WDC since the WDP became operative in 2007 suggests that formally dispensing with resource consent fees for heritage items (in whole or part) based on the above criteria would not result in significant costs needing to be absorbed by Council. At the same time, such action would reflect positively on Council, while recognizing (rather than penalizing) the contribution of owners of heritage properties as custodians of the past.

The NRC’s PRPS (Method 4.7.5) advocates the use of non-regulatory mechanisms, with 7 possible options listed for regionally and nationally significant heritage:

a. Funding assistance for restoration projects (for example, the environment fund);
b. Purchase of land (for example, use of development contributions);
c. Development / design guidelines;
d. Rates relief;
e. Education and advice;
f. Assistance with investigations for heritage protection orders or marine protection initiatives; and
g. Waiver or reduction of processing fees.

The associated Explanation states: ‘This policy identifies other means for councils to achieve the objectives for outstanding natural features and landscapes, natural character and heritage features but does not direct their use as these are Local Government Act 2002 decisions. Particular consideration should be given to these measures where development pressure is low and development incentives are likely to be less effective.’ (Emphasis added).

HNZ’s ‘Incentives for Historic Heritage Toolkit’ provides a range of methods available to local authorities and appendices provide details of methods adopted throughout New Zealand, including:

- district plan regulatory incentives (excluding consent fee waivers)
- resource consent fee waivers for historic heritage
- local authority heritage-related grants
- local authority rates relief for historic heritage

While the use of non-statutory instruments is advocated at all levels as methods for supporting heritage protection, as indicated below, there is little evidence of their adoption by WDC to date. Council’s WDP currently includes (in 13.5) a number of methods aligned to heritage policies. As part of this, 13.5.4 Economic Instruments lists various methods including:

- Funding for non-regulatory measures under the Annual Plan
- Possible resource consent application reduction;
- Possible financial contribution reduction; and
- Possible rates relief.

Council’s Long Term Plan does not specifically address the issue of heritage and heritage protection and associated funding, with emphasis instead on sense of place initiatives. However, 30/50⁴, addresses heritage issues affecting the District, the number and type of heritage items, and mechanisms for protection (notably the District Plan). Council’s draft Rural Development Strategy 2012 similarly suggested that consideration be given by Council to the option of financial incentives such as heritage grants, subsidies, rates relief, waiving of consent fees, or use of development contributions to supplement regulatory approaches.

Although heritage items are listed and mapped in the WDP there is limited information available to Council staff or the public generally on the background and features of the items concerned and

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⁴ Refer Part B; Sustainable District 4.2 Historic/Cultural Heritage p90 – 92
the reasons for scheduling. A regularly updated non-statutory document/inventory incorporating such information would assist in increasing public awareness of the district’s heritage and Council’s recognition of its value in achieving its ‘sense of place’ goals.

4 Purpose and Description of Plan Change 124

The purpose of PC124 is to review and update the WDP heritage provisions in response to changes in legislation, policies, and practices since 2007 and to consolidate all reviewed heritage provisions within one district plan chapter, based on a policy-driven format consistent with current WDC practice.

Within the above framework, two subchapters are proposed, reflecting differences in approach to the identification and protection of historic heritage:

- built heritage (heritage buildings, sites, objects and associated surroundings)
- archaeological sites and sites and areas of significance to Maori

The focus of PC124 is primarily on built heritage. However, it is anticipated that additional cultural heritage provisions will be integrated into the chapter on finalisation of draft PC100 (Sites of Significance to Maori).

The review of built heritage has been influenced by Council’s confirmed preferred ‘minimalist’ approach to the scheduling of built heritage items for protection, supplemented by continued recognition of heritage at a more local level including implementation of non-statutory methods such as structure planning and sense of place initiatives. In view of this direction and timeframes established under 30/50 and associated Implementation Plan, no comprehensive research programme seeking and evaluating potential additional items for scheduling in the WDP has been initiated to date. Instead, priority has been placed on items in the HNZ List that are not as yet protected by the WDP.

What Does Plan Change 124 Propose?

In summary, PC124 proposes:

- A new ‘Historic Heritage’ (HH) chapter that acts as a framework (or ‘umbrella’) for consideration of the range of heritage resources and values that collectively contribute to historic heritage, as defined in the RMA. Individual sections (BH & SSM) will focus on ‘Built Heritage’ and ‘Archaeological Sites and Sites and Areas of Significance to Maori’ respectively, with more directed objectives, policies and activity types applied to those forms of historic heritage. There is scope within this structure for future integration of additional cultural heritage provisions arising from PC100.
- A new Schedule of Built Heritage replacing existing Appendix 3.
- Emphasis on working collaboratively with HNZ, DOC, NRC, and tangata whenua, in consultation with affected landowners and local communities, in the identification of historic heritage and inclusion in the WDP, while giving priority (in terms of built heritage) to items listed by HNZ or identified in collaboration with NRC.
- Inclusion of five additional buildings listed by HNZ but not currently protected by the WDP:
  - Whangarei Railway Station (former) Railway Road Whangarei
  - Railway House (former) 4 Railway Terrace, Morningside, Whangarei
  - Railway House (former) 6 Railway Terrace, Morningside, Whangarei
  - Hukerenui Hotel 2450 State Highway 1 Hukerenui
  - Butter Factory (former) 84-88 Bank Street Whangarei.

The above five items are described in more detail in Attachment 4 of this report, together with related Heritage NZ reports. The Butter Factory item is a recent listing by the HNZ Board, effective from 2 October 2015.
• Retention of the existing WDP ‘Group I and II’ significance categories for built heritage but renamed ‘Group A & Group B’ to avoid confusion with HNZ’s new terms.

• Expansion of the existing criteria in Schedule 13A (Buildings, Sites and Objects) in line with Policy 4.5.3 of the NRC’s PRPS (including an additional criteria (h) Identity), as recommended by HNZ in its pre-consultation response.

• Transfer to Chapter HH provisions relating to protected dry stone walls and signage, currently dispersed throughout the Environment and Subdivision chapters of the WDP.

• Inclusion of provisions addressing the issue of earthquake prone heritage buildings, taking into account the Building Act 2004, Council’s 2011 Earthquake Prone Buildings Policy, and current legislation changes.

• Increased recognition of historic areas providing scope for district-wide themes (e.g. maritime, industrial and commercial) or connections linking historic heritage items.

• Support for non-statutory methods for recognising and celebrating heritage at a more local and less formal level including through structure planning and sense of place initiatives.

• Reconsideration of use of economic instruments, including possible rates reductions, grants or fee waivers for resource consents, in recognition of the obligations of owners of heritage buildings in meeting on-going maintenance needs and statutory requirements.

• Inclusion in Chapter HH of a glossary of common heritage terms used in the chapter, supplementing the addition of the statutory definition of ‘Historic Heritage’ in WDP Chapter 2 Meanings of words.

• Consequential amendments to the WDP to update changes to legislation and to delete provisions relating to issues such as stone walls, transferred to Chapter HH.

Alternatives to the above proposed approach to the review of District Plan heritage provisions are evaluated in section 6 of this report.

Consultation

In addition to several in-house workshop sessions with Councillors over the past three years, consultation undertaken in relation to PC124 has included on-going liaison with HNZ at both staff and Councillor levels. This has involved discussion on a range of issues related to heritage buildings owned by Council, heritage items within Council reserves, processing of building and resource consents involving heritage items, national changes to heritage legislation and practice, and more localised initiatives such as heritage inventory sheets prepared by HNZ for Portland, Bank Street/ CBD and upper Hatea River areas.

On 8 May 2013, following an in-house workshop on heritage issues, Council formally resolved to adopt a ‘minimalist approach’ to the scheduling of built heritage items for protection under the WDP as its preferred option for progressing PC124, resolving:

• That Council endorse, as its preferred option for progressing Plan Change 124 (PC124), a minimalist approach to the scheduling of built heritage items for protection under the District Plan based on the addition of items registered by the New Zealand Historic Places Trust but currently awaiting inclusion in the District Plan and the correction of any minor inaccuracies in Appendix 3.

• That increased reliance on the New Zealand Historic Places Trust for identification and assessment of built heritage items of significance shall be supplemented by continued recognition of heritage at a more local level including implementation of non-statutory methods such as structure planning and sense of place initiatives.

The resolution was re-endorsed at further Council workshops held on 10 September 2014 and 21 April 2015, following discussion on pre-consultation feedback.
Pre-consultation feedback

On 16 December 2014 public pre-notification consultation (‘pre-consultation’) commenced with an article in the Leader newspaper and information on Council’s website. A booklet entitled ‘Providing for Built Heritage in the WDP: Heritage – Just a Thing of the Past?’ was distributed to approximately 400 individuals and organisations including:

- Owners of all 71 built heritage items scheduled in the WDP (including those also listed by Heritage NZ) and owners of four additional buildings listed by Heritage NZ but not yet scheduled in the WDP).
- Statutory authorities, especially those with an interest or involvement in heritage issues (e.g. HNZ, NZTA, DOC, NRC).
- Holders of the WDP, local practitioners, local iwi, and community organisations.
- Additional persons and/or organizations (known or recommended) with an interest in heritage issues.
- WDC departments involved in heritage issues and/or responsible for maintenance of Council owned heritage assets.

An A4 version of the pre-consultation booklet and a summary of responses are included as Attachments 6 & 7 to this report.

Feedback requested focused on four questions related to:

- aspects of the district’s history, heritage and traditions valued by the community
- informal ways of celebrating heritage
- heritage funding in the district
- WDP provisions warranting change

Recommendations for additional items to be scheduled in the District Plan were not specifically requested and none were received although one owner of a heritage building (also listed by HNZ) requested its deletion from the WDP Schedule having maintained the building for over 20 years with no Council assistance. Responses from other owners of buildings currently scheduled in the WDP (or proposed to be scheduled) were generally favourable, although some indicated that Council should be providing some financial assistance.

HNZ response

While indicating support for a number of Council’s proposed actions, HNZ’s response also stressed the need to undertake the identification of historic heritage ‘in a systematic manner’ and expressed concern at Council’s preferred ‘minimalist approach’ to the scheduling of built heritage items for protection, claiming:

While there is a requirement for territorial authorities to have regard to any relevant entry in the Heritage New Zealand List, there are other management plans and strategies prepared under other legislation that require consideration, such as the PRPS objectives and policies for the identification of heritage.

In terms of scheduling, HNZ indicated support for the addition of the four HNZ Listed buildings awaiting scheduling at that time and also recommended three areas (Portland, Upper Hatea River, and Marsden Place) to be classified as ‘historic areas’.

NRC response

The NRC response focused on the NZCPS (2010) and its relationship to the PRPS and identification of sites of significance to tangata whenua and archaeological sites. Details were provided of the current review of NRC regional plans, required to give effect to Policy 17 of the NZCPS, Policy 4.5.3 and Method 4.5.4 of the PRPS, and NRC’s proposed 2015 identification of historic sites and areas in the Coastal Marine Area (CMA) and freshwater.
A lack of archaeological sites in WDC’s schedule or maps was noted by the NRC. While acknowledging that all archaeological sites are protected by HNZ, NRC suggested that this protection could be complemented by the WDP through identifying significant archaeological sites and areas and controlling land use around them.

6 Section 32 Evaluation

Section 32 of the RMA requires an evaluation of alternatives, benefits and costs undertaken prior to public notification, and a further evaluation by the local authority before making a decision on the plan change. Both evaluations are required to examine the appropriateness of each objective in achieving the statutory purpose of the Act, and the efficiency and effectiveness of policies, rules or other methods in achieving these objectives.

The following discussion addresses each of the requirements applicable to section 32.

Objectives Evaluation – s32(1)(a)

The WDP currently contains only one objective (13.3.1) in Chapter 13 relating to ‘Heritage Buildings, Sites and Objects’ - ‘The protection and enhancement of buildings, sites and objects that make a significant contribution to heritage and amenity values.’

PC124 has identified two sets of objectives, replacing objective 13.3.1:

- Objectives applicable to the range of historic heritage generally (encompassing all forms of historic heritage covered by the RMA definition) and providing an overarching framework for the proposed Built Heritage section and a future Archaeological/Sites and Areas of Significance to Maori section, and
- Additional objectives applying to built heritage as an important component of historic heritage, with emphasis on scheduled built heritage, (i.e those built heritage items specifically identified and listed for protection in the WDP.)

<table>
<thead>
<tr>
<th>Overarching Historic Heritage objectives proposed for PC124:</th>
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</thead>
<tbody>
<tr>
<td>1. The diverse historic heritage resources that reflect the District’s historical and cultural heritage values are identified, assessed, and protected for the well-being of existing communities and future generations.</td>
</tr>
<tr>
<td>2. The relationships of tangata whenua with sites and areas of spiritual, cultural or historical significance are recognised and provided for.</td>
</tr>
<tr>
<td>3. Identification and protection of historic heritage is undertaken in consultation with statutory organisations with heritage interests, affected landowners, local communities and tangata whenua, while recognising:</td>
</tr>
<tr>
<td>a. Heritage New Zealand’s advisory functions and overarching responsibility for the protection of archaeological sites within New Zealand.</td>
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<tr>
<td>b. Northland Regional Council policies and procedures relating to historic heritage in the coastal environment.</td>
</tr>
<tr>
<td>c. The role and obligations of owners of historic heritage and tangata whenua, as guardians (or kaitiaki) of the past.</td>
</tr>
<tr>
<td>4. The integrity of the District's historic heritage resources is protected from effects of inappropriate on-site and off-site activities, and (where possible) from natural hazards.</td>
</tr>
<tr>
<td>5. Historic heritage information held by Council is regularly maintained, reviewed, updated, and accessible to the public except where disclosure could be prejudicial to privacy or the protection of</td>
</tr>
</tbody>
</table>

Appendix 4: Sites of Significance to Maori contains 86 listed SSM, many of which are also archaeological sites.

Refer details in section 7 of this report.
the historic heritage resource.

6. Community awareness, appreciation and celebration of historic heritage and ‘sense of place’ within the District is fostered and enhanced through a combination of regulatory and non-statutory initiatives.

<table>
<thead>
<tr>
<th>Proposed additional objectives, specific to Built Heritage:</th>
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<tbody>
<tr>
<td>1. Examples of built heritage items or areas that individually or collectively represent the District’s significant historic heritage values or themes, are identified, assessed, classified and scheduled for protection in the District Plan.</td>
</tr>
<tr>
<td>2. The vulnerability of scheduled built heritage resources to physical damage, neglect, unsympathetic additions or alterations, and on-going maintenance costs is recognised and appropriately managed.</td>
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<tr>
<td>3. Dry stone walls of historic, cultural, amenity and landscape value to the community are protected throughout the District.</td>
</tr>
<tr>
<td>4. Adaptive re-use and alternative management of built heritage resources are encouraged where these do not detract from their heritage values or significantly affect the adjacent environment.</td>
</tr>
<tr>
<td>5. Formal protection of built heritage is complemented by non-regulatory measures such as local sense of place initiatives.</td>
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</tbody>
</table>

Common themes reflected in the above objectives relate to:

- Identifying, assessing and scheduling historic heritage.
- Consultation/collaboration in the above process.
- Protecting scheduled historic heritage from internal and external sources or influences.
- Information and advice to assist in meeting statutory requirements and increase public awareness of historic heritage.
- Achieving a balance between regulatory and non-regulatory means of celebrating heritage within the District.

The objectives should be considered in conjunction with each other (i.e holistically), since they collectively contribute towards meeting the sustainable management purpose of the RMA and other relevant Part 2 requirements, as set out in Part Two of this report.

The proposed suite of objectives identified above is considered appropriate in achieving the sustainable management purpose of the RMA (section 5) for the following reasons:

- The protection of historic heritage resources provides for the needs of current and future generations in terms of social and cultural well-being. The process of identification and assessment of significant historic heritage is a precursor to formal protection by way of scheduling in the District Plan.
- ‘Current and future generations’, as referred to in section 5(2)(a), has been determined by case law to constitute a minimum of 2 generations, (i.e beyond the statutory 10 year period for a District Plan), with scope for further flexibility upwards of this. Given the nature and age of many historic heritage resources, long-term protection of such resources is central to fulfilling the foreseeable needs of future generations. Historic heritage, however, is not confined to ‘old’ items, with on-going recognition and protection required to reflect changes to heritage values over time.
- Proposed Objective BH.1.4.1 in referring to ‘examples’ recognises that it is not possible to protect all built heritage resources. Accordingly, in order to provide for social, economic, and cultural well-being, there is a need for a transparent, informed and cost-effective approach to statutory protection, rather than scheduling items on an ad hoc basis. In giving effect to Objective BH.1.4.1 subsequent provisions in PC124 rely on a process and criteria determined in response to HNZ and NRC input and best practice.
Providing for people and communities' requires consideration of the needs of both, including owners of historic heritage resources, those living adjacent, and the community in general. While 'community' is broadly defined in the Long Term Plan as the people of the district, the term can also apply to a wide range of differing communities of interest.

Providing for health and safety (section 5(2)) depends on maintaining built heritage to a standard where health and safety is not compromised, and avoiding 'demolition by neglect.' Means of encouraging this includes allowing routine maintenance as a permitted activity and encouraging adaptive re-use of built heritage where heritage values are not compromised. Incentives to heritage property owners to upgrade properties can also have a positive flow-on effect within the neighbourhood. Regular monitoring of the state of scheduled items, particularly where accessibility to the public is provided, is also necessary to ensure public health and safety is maintained. Increased recognition of the need for upgrading earthquake-prone buildings or improving services is also consistent with the statutory requirement to provide for health and safety.

Restricting inappropriate subdivision, use and development of historic heritage resources (or in their immediate vicinity) in accordance with section 5(2)(c) will assist in ensuring that adverse effects on these resources are appropriately avoided, remedied or mitigated. Where development inadvertently uncovers previously unknown items (e.g unrecorded archaeological sites), appropriate mechanisms are needed to mitigate adverse effects. Objective HH.3 in particular, recognises the range of parties with important roles in supporting and protecting historic heritage in the District.

The balancing of statutory and non statutory, informal methods of promoting heritage within the district, as proposed in Objectives HH.1.2.6 and BH.1.4.5, represents managing the use, development, and protection of natural and physical resources in a way, or at a rate that enables well-being (section 5(2)). This is also consistent with NRC’s PRPS Policy 4.5.3 of leaving additional (non scheduled) items for recognition to the discretion of local authorities.

The objectives appropriately recognise and provide for the matters of national importance set out in Sections 6 (e) and (f) of the RMA because:

- Objective HH.1.2.2 gives consideration to the protection of wāhi tapu, taonga and sites of significant heritage value to tangata whenua while the need for consultation and collaboration is envisaged by Objective HH.1.2.3.

- The protection of historic heritage from inappropriate subdivision, use and development from both internal and external sources is the prime focus of the suite of objectives.

The objectives give particular regard to Sections 7(b)(c)(f) (g) and (i) of the RMA because:

- They encourage and enhance the appropriate use of existing built heritage, and thus the efficient use of these physical resources. Less tangible historic heritage resources valued by tangata whenua are recognised by Objective HH.1.2.2 in particular.

- Objectives HH.1.2.6 and BH.1.4.5 recognise the distinction between 'historic heritage' and 'amenity/sense of place' while recognising their contributions collectively to the District.

- Amenity values associated with dry stone walls characteristic of the District’s volcanic areas will be maintained in conjunction with their heritage and landscape values through blanket protection from inappropriate subdivision and development.

- The identification and protection of built historic heritage items, (particularly from destruction, damage and significant modification), recognise the finite nature of built heritage and its vulnerability to both internal and external influences. Different approaches to the protection of archaeological sites apply, however, due to overarching responsibility for this aspect of historic heritage resting with HNZ. Links between ‘consultation’ and
'protection' (Objective HH.1.2.3) are therefore important in ensuring a consistent approach to identification and protection of historic heritage throughout the District.

- Objective HH.1.2.4 recognises risks to historic heritage from natural hazards, including potential effects of climate change, sea level rise and erosion (particularly to archaeological sites within the coastal environment). This is an issue of particular significance to this District given its extensive eastern coastline and harbours. Although Northland is classed as a low risk area for possible seismic activity, required upgrading of buildings has implications in terms of a number of built heritage items within the District.

In terms of Section 8 of the RMA (Treaty of Waitangi) Objectives HH.1.2.2, HH.1.2.3 take into account the principles of the Treaty of Waitangi through recognition of the need to protect sites of significance to Maori and to engage in consultation with iwi/hapu. Council’s statutory section 8 obligations are currently outlined in policy 7.2.2 of Chapter 7 Tangata Whenua which notes that the treaty recognises the ability and needs of hapu and iwi to develop their resources in a manner which achieves the purposes of the RMA. It is anticipated that additional objectives and policies relevant to this issue will be incorporated into the revised District Plan Chapter in conjunction with proposed PC100, taking into account the consultation that has taken place with iwi over the past 5 years.

The overarching Historic Heritage Objectives and their links to the proposed Built Heritage Objectives, Policies and Methods are indicated in the following table:

Table 1: Proposed overarching Historic Heritage Objectives and links to proposed provisions

<table>
<thead>
<tr>
<th>HH Objective (summarized)</th>
<th>HH Policies &amp; BH Objectives/Policies</th>
<th>Proposed Built Heritage Rules/Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>District’s diverse historic heritage is identified/ assessed/ protected. [HH.1.2.1]</td>
<td>HH.1.3.1 HH.1.3.2(c) HH.1.3.4 BH.1.4.1 BH.1.5.1 BH.1.5.2</td>
<td>HH.1.5 Historic Heritage Terminology BH.1.2 Eligibility Rules BH.1.3 Notification Rules BH.1.7 BH.1.8 BH.1.9 Built Heritage Discretionary Activity Criteria. BH.1.11 Schedule of Built Heritage Items</td>
</tr>
<tr>
<td>Tangata whenua cultural relationships with HH recognized &amp; provided for. [HH.1.2.2]</td>
<td>HH.1.3.1 (a) HH.1.3.2 (d)</td>
<td>To be incorporated as part of PC100</td>
</tr>
<tr>
<td>Consultation/collaboration recognizing affected owners, local communities, HNZ, NRC, tangata whenua [HH.1.2.3]</td>
<td>HH.1.3.1</td>
<td>HH.1.4 Historic Heritage Terminology</td>
</tr>
<tr>
<td>Protection of HH from inappropriate on-site and off-site activities, and natural hazards. [HH.1.2.4]</td>
<td>HH.1.3.2 HH.1.3.3 HH.1.3.4 BH.1.4.2 BH.1.4.3 BH.1.5. (3-12)</td>
<td>HH.1.4 Historic Heritage Terminology BH.1.2 Eligibility Rules BH.1.3 Notification Rules BH.1.6 BH.1.7 BH.1.8 (1-4) BH.1.9 Built Heritage Discretionary Activity Criteria. BH.1.10 Built Heritage Implementation Methods</td>
</tr>
</tbody>
</table>
Historic heritage information is regularly maintained, updated and accessible except where disclosure prejudicial to privacy or protection. [HH.1.2.5]  

<table>
<thead>
<tr>
<th>Historic Heritage Terminology</th>
<th>HH.1.3.1</th>
<th>HH.1.4 Historic Heritage Terminology</th>
</tr>
</thead>
<tbody>
<tr>
<td>BH.1.10 Built Heritage</td>
<td></td>
<td>BH.1.10 Built Heritage Implementation Methods</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community awareness, appreciation &amp; celebration of historic heritage fostered/enhanced through regulatory &amp; non regulatory initiatives. [HH.1.2.6]</th>
<th>BH.1.3.5</th>
<th>BH.1.4.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>BH.1.5.10</td>
<td></td>
<td>BH.1.5.11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historic Heritage Terminology</th>
<th>BH.1.5.10</th>
<th>BH.1.5.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>BH.1.10 Built Heritage</td>
<td></td>
<td>BH.1.10 Built Heritage Implementation Methods</td>
</tr>
</tbody>
</table>

Identification of other reasonably practical options s32 (1)(b)(i)

In considering the most appropriate way to achieve the objectives identified above, the following were considered reasonably practical options for the proposed scope of PC124.

**Option 1**: Status quo/ no change – simply retaining and re-notifying WDP heritage provisions.

**Option 2**: Plan Change as proposed - retaining, amending and updating WDP heritage provisions.

**Option 3**: Comprehensive review of WDP heritage provisions including use of heritage experts to research and identify additional significant historic heritage items for scheduling in the WDP.

The 3 options are addressed below.

**Table 2: Evaluation of other reasonably practical options**

<table>
<thead>
<tr>
<th>Option</th>
<th>Status quo/no change</th>
<th>Benefits</th>
<th>Costs</th>
<th>Efficiency</th>
<th>Effectiveness</th>
<th>Opportunities for</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Leaving the WDP heritage provisions as they are and simply re-notifying them for public submissions.</td>
<td>• Some reduction in Plan Change costs likely due to reduced complexity and lack of need for professional input.</td>
<td>• Fails to recognise Council’s statutory obligations under sections 6 &amp; 31 RMA. • Fails to have regard to entries in HNZ List as required by section 74 RMA. • Fails to recognise and give effect to NRC’s PRPS decisions. • A roll-over of existing provisions and no additional items for scheduling could be perceived as a lack of interest by Council in protecting heritage. • Costs associated with resource consent applications.</td>
<td>• Retains existing objectives/policies/methods approach rather than new policy-led approach adopted by Council in 2011.</td>
<td>• Does not effectively recognise the elevation of historic heritage to a matter of national importance in 2003. (The current Plan provisions pre-dated this due to notification of the ProposedWDP in September 1998). • Would not constitute an updated regulatory framework recognising changes in national legislation – e.g RMA (s6), repeal of Historic Places Act and replacement by HNZ Act, current &amp; proposed earthquake legislation etc. • Does not take into account changes in national, regional or district policies including NZCPS 2010, Growth Strategy 30/50. • Relies on dated information. • Less effective than Council’s preferred ‘minimalist’ approach as does not attempt to balance statutory and non-statutory methods of recognising heritage.</td>
<td>Resource and building consent costs. Option 1 includes no reference to pending</td>
</tr>
<tr>
<td>Economic growth and employment</td>
<td>Earthquake-Prone Building legislation or Council Policy.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------------------------------------</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Risk of acting/not acting if uncertain or insufficient information</td>
<td>There is sufficient information available to initiate a more detailed review of WDP provisions at this time. Risks to Council if it fails to have regard to items listed by Heritage NZ, or to give effect to recent NRC RPS policies.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriateness</td>
<td>This option is inappropriate since it does not align with changes in legislation and national, regional and district policies; fails to recognise items listed by HNZ; is outdated in terms of information and format; and does not adopt Council’s current policy-led approach to Plan Change drafting.</td>
<td></td>
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</tbody>
</table>

Option 2: Plan Change 124 as proposed

Retaining, amending and updating WDP heritage provisions. (This option includes the changes summarised in section 4 of this report.)

- Most of the WDP heritage provisions retained, but updated, amended or re-worded where appropriate to reflect changes to legislation since 2007.
- Schedule of historic heritage updated, but additional items limited to those listed by HNZ, with scope for inclusion of future items when identified in collaboration with the NRC.
- Adopts a plan format consistent with revised Council practice, while allowing for future integration of additional provisions resulting from PC100.
- Increased emphasis on less formal, non-statutory methods of recognising and celebrating heritage.

Benefits

- Recognises that the WDP heritage framework is generally meeting expectations and anticipated environmental results of the WDP, suggesting that significant changes to content are not warranted.
- Provides opportunity to update provisions in response to changes in legislation and policies (HNZ Act 2014 and NZCPS 2010.)
- Provides opportunity for streamlining and simplifying the WDP in line with expectations and outcomes of the rolling review process, including use of policy-led approach.
- Clarifies the need for ongoing identification of historic heritage (albeit on a limited scale).
- Satisfies requirement of s74 to have regard to items on HNZ List.
- Clarifies costs to applicants/nominators of built heritage items for scheduling, including Council’s Private Plan Change exceptions policy.
- Allows for integration of additional related provisions within new Historic Heritage Chapter framework once Sites of Significance project finalised and results of NRC studies into historic heritage within CMA known.
- Consistent with Council’s resolution to adopt a ‘minimalist’ approach to scheduling of heritage items and preference for alternative ways of ‘telling the story’ rather than providing increased funding and incentives to maintain historic heritage.
- Consistent with Council functions in terms of s31 RMA, with Council remaining primarily responsible for collating all information to justify listings.
- Amends the policy framework to give recognition to seismic upgrading provisions applying to earthquake prone heritage buildings.
- Amends the policy framework to include reference to adaptive re-use considerations and to encourage alternative methods of ownership, management, or sponsorship of built heritage.
- Limited need for in-house or contracted research costs.
- No significant increase in numbers of owners of built heritage items, therefore little additional demand for financial assistance anticipated.

Costs

- Reactive rather than proactive approach to scheduling, if items only included when listed by HNZ. (No additional heritage items scheduled in WDP since becoming operative in 2007.)
- Ad hoc process, due to lack of overarching heritage strategy, therefore not necessarily reflecting full range of heritage items within District warranting protection.
- Costs to heritage landowners remain, except if reduced by way of incentives, waiving of resource consent fees or rates relief etc. (No current financial assistance benefits to private property owners.)
- Costs to Council minimal in short-term, with potential to rise when 30/50
Implementation Report is given effect to (e.g. through preparation of a Heritage Strategy.)
- Costs to applicants/nominators of built heritage items for scheduling, except where Private Plan Change costs met by Council’s Private Plan Change exceptions policy (although no relief specifically identified in that policy for owners of heritage properties.)

### Efficiency
Option 2 represents an efficient response to the protection and management of historic heritage by recommending minor changes to both the regulatory framework and the Schedule of built heritage. At the same time, it allows for the integration of cultural aspects relating to Sites of Significance at a later stage. The approach reflects the following considerations:
- The lack of evidence within the 5 yearly Efficiency and Effectiveness Report that the existing provisions were not inefficient or ineffective, apart from a lack of additional scheduled items in the WDP since becoming operative in 2007.
- No formal requests for additional heritage items to be included in WDP during this period, although 2 modification requests were received. (One sought a change from Group II to Group I status but did not proceed to a Plan Change, while the 2nd sought deletion of a heritage building from the schedule during pre-consultation.)
- No marked pressure on existing historic heritage stock, based on the number and type of consents granted. Only one resource consent issued for demolition within this period and no resource consents notified.
- As many of the items requiring resource consent were also listed by HNZ, written comments from HNZ were taken into account in assessments.
- Community reaction to heritage issues since 2007 limited and confined primarily to 2 issues - the perceived threat to ownership of the scheduled McLeods Bay Church (since purchased by the local community), and the unscheduled former Harbour Board building, (subsequently confirmed, by referendum, as the site for the Hundertwasser Art Gallery.)

### Effectiveness
Option 2 emphasises the need for protection of historic heritage as a matter of national importance. In addition, the approach incorporates a number of refinements aimed at improving effectiveness and ‘workability’ of the WDP provisions.

### Opportunities for economic growth and employment
Option 2 has negligible impact in terms of economic growth and employment except if additional funding is used to subsidise and ‘market’ the benefits of heritage protection in conjunction with alternative means of celebrating the stories of the past within the District. Some built heritage may be affected by requirements imposed by pending Earthquake Prone Buildings legislation.

### Risk of acting/not acting if uncertain or insufficient information
There is sufficient information available to act as proposed.

### Appropriateness
Option 2 seeks to offer a balance between traditional statutory heritage protection and less formal, non-statutory methods of celebrating the District’s heritage by proposing a minimalist approach to the scheduling of additional historic heritage items in the WDP. In the absence of a specific Heritage Strategy for the District, Option 2 represents the most appropriate way forward at this stage.

### Option 3: Comprehensive review of Operative District Plan heritage provisions including use of heritage experts to research and identify additional significant historic heritage items for scheduling in the District Plan.

### Benefits
- Consistent with statutory requirements, including s6(f) of the RMA and NZCPS (2010)
- In line with NRC’s proposed collaborative approach to scheduling.
- Proactive rather than reactive approach.
- Enables a fresh approach to identification as no substantive review has been undertaken of the district’s heritage stock since the original City list was initiated in 1980, supplemented in July 1994 by Whangarei County and Hikurangi items.
- Would potentially result in a better understanding of the number and range of heritage items of value in the district, through engagement with the community.
- Consistent with 30/50 which advocates a comprehensive approach to
management of the District’s historic heritage.

- Provides opportunity for streamlining and simplifying the WDP in line with expectations and outcomes of the rolling review process, including use of policy-led approach.

**Costs**

- Contrary to Council’s resolution to adopt a ‘minimalist’ approach to scheduling of heritage items and preference for alternative ways of ‘telling the story’ rather than providing increased funding and incentives to maintain historic heritage.
- Longer timeframe necessary, (particularly if a Heritage Strategy is undertaken prior to notification of PC 124) due to 30/50 priorities.
- Potential delays associated with incorporation of PC100 outcomes
- Any associated delays in progressing plan change could prejudice protection of existing HNZ items waiting to be scheduled.
- Potentially affected by NRC PRPS proposals requiring joint identification of significant heritage features in accordance with specified criteria. There is an expectation that WDC will fund costs of identification of significant items on landward side of CMA.
- Financial and resourcing costs, particularly the high cost of researching and assessing individual items for scheduling, especially if numerous items are nominated and identified.
- Current lack of in-house heritage expertise, requiring external assistance in heritage research and assessment. No funding currently available for such purposes.
- Depending on manner in which suggestions for items are sought, process could be seen as unnecessarily intrusive or confrontational.
- Less confrontational alternatives may exist for assessment of heritage at community level (e.g identification of historic themes rather than isolated items, or through structure plans).
- May potentially result in an increased number of property owners facing costs and responsibilities associated with ownership of scheduled properties and additional demands on Council funding.

**Efficiency**

Option 3 requires a further delay to the Plan Change process in order to undertake a comprehensive review of potential additions to the heritage Schedule and incorporate the results of PC100 project, as opposed to a more staged input as reflected in Option 2.

**Effectiveness**

The effectiveness of Option 3 is dependent on Council resourcing and an extended timeframe for the research programme, as well as being subject to the priorities and timeframes set down in 30/50.

**Opportunities for economic growth and employment**

Option 3 has the potential to contribute to economic growth and employment, (e.g through increased opportunities for heritage tourism and sense of place initiatives) subject to appropriate funding and marketing.

**Risk of acting/not acting if uncertain or insufficient information**

Option 3 is dependent upon the costs and ability of Council to play an increased advocacy role and to fund non-regulatory incentives, therefore some level of uncertainty exists.

** Appropriateness**

While Option 3 might ultimately result in the identification and protection of additional historic heritage items, its level of appropriateness is largely dependent upon an overarching Heritage Strategy being in place, with timeframes subject to the 30/50 Implementation Plan.

**Conclusion**

Of the above options, **Option 1** is considered inappropriate since it does not align with recent changes in legislation and national, regional and district policies; fails to recognise all items currently listed by HNZ; is out-dated in terms of information and format; and does not adopt Council’s current policy-led approach to Plan Change formulation.

**Option 2**, (‘retain and improve’) has been assessed as the most appropriate of the three options - at least as an interim measure pending possible adoption of an overarching district-wide Heritage Strategy. Option 2 is based on an established, best-practice model, while including a limited
number of refinements aimed at providing greater clarity and certainty and better protection of heritage values.

**Option 3**, a comprehensive review process involving in-depth research into potential additions or changes to the Schedule of built heritage items, has been discounted due to resourcing constraints associated with the degree of heritage expertise required and the current lack of funding allocated to statutory heritage protection. In addition, there is no overarching Heritage Schedule for the district, with the priority/timing for its preparation, (as determined by the Growth Strategy Implementation Plan), being beyond the standard 10 year District Plan period.

In the absence of a specific Heritage Strategy for the District, **Option 2** represents the most appropriate way forward at this stage.

**Assessment of Provisions (Policies, Rules and other Methods) s32 (1)(b)(ii)**

The plan change objectives have been assessed as the most appropriate way of achieving the purpose of the Act. The following section considers whether, having regard to their efficiency and effectiveness, the proposed provisions are the most appropriate way to achieve the objectives. Some policies relate to more than one objective.

Proposed PC124 provisions include policies, rules and other methods, with each provision related to a topic, and grouped and discussed as per the following comments and tables. The listed discretionary activities essentially constitute the rules framework affecting historic heritage. The notification rules represent the basis for determining whether a proposal requires notification and set out the status of HNZ as an ‘affected person’.

The following sections provide an assessment and summary of the reasons for deciding on the policies/provisions. The assessment of their efficiency and effectiveness is based on the assessment of costs and benefits, risk and any other relevant matter identified.

- Identifying, assessing and scheduling historic heritage for protection.
- Protection of historic heritage from adverse internal and external effects, including natural hazards.
- Achieving a balance between regulatory and non-regulatory means of celebrating heritage within the District.

Aspects of consultation, collaboration, information and advice are integral to the above sections and are not addressed in detail separately.

**Process of Identifying and Scheduling Historic Heritage**

The protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance under section 6 of the RMA. Central to the protection of historic heritage is the process of identifying heritage items of significance to the community and scheduling (listing) details of such items in the District Plan, together with annotated maps indicating their location. With a few exceptions (e.g. archaeological sites protected by other legislation) heritage items or areas that are not scheduled do not generally enjoy the same protection under the RMA. Provisions which refer to ‘scheduled’ historic/built heritage within PC124 apply to items that have been through a formal identification process. While the District’s dry stone walls are not individually ‘scheduled’ they are subject to blanket protection across the District.

Policy HH.1.3.1a acknowledges the different process involved in identifying sites and areas of significance to Maori through procedures and criteria established in conjunction with iwi/hapu.

The following table lists the provisions (policies, rules and other methods) proposed by PC124 in terms of identifying and scheduling historic heritage, particularly built heritage.
**Applicable Objectives**

The diverse historic heritage resources that reflect the District’s historical and cultural heritage values are identified, assessed, and protected for the well-being of existing communities and future generations. Identification and protection of historic heritage is undertaken in consultation with statutory organisations with heritage interests, affected landowners, local communities and tangata whenua, ........ Examples of built heritage items that individually or collectively represent the District’s significant historic heritage values or themes, are identified and scheduled for protection in the WDP.

**Applicable Policies**

To adopt a consistent, transparent, and balanced approach to the identification, assessment and scheduling of historic heritage in the District Plan by:

- **a.** Identifying sites and areas of significance to Maori in accordance with procedures and criteria established in conjunction with iwi/hapu.
- **b.** Giving priority to historic heritage resources and historic areas listed by Heritage New Zealand and items identified in collaboration with the Northland Regional Council when scheduling built heritage items.
- **c.** Enabling informed public input into District Plan Historic Heritage Schedules through the statutory plan change process where recommendations from individuals or community groups are supported by:
  - i. Statements of significance prepared by a recognised heritage expert or archaeologist, as appropriate.
  - ii. Approval of the property owner.
  - iii. Evidence of any consultation with Heritage New Zealand.
  - iv. Any required plan change fees/deposits.

To identify and schedule in the District Plan, built heritage items and historic areas of significance to the District in terms of listed criteria, while distinguishing between two levels of significance:

- **a.** **Group A:** Comprising items considered the most significant examples of their type in the District.
- **b.** **Group B:** Comprising items representing important visual reminders of the District’s history.

To adopt a consistent and informed approach to sustainably managing built heritage within the District by satisfying at least one of the following criteria when identifying, assessing, and scheduling built heritage....

*Note: 18 listed criteria: Archaeology, Architecture, Technology, Scientific, Rarity, Representativeness, Integrity, Context, Vulnerability, People, Events, Patterns, Identity, Public Esteem, Commemorative, Education, Tangata whenua, Statutory. [Refer full copy of proposed criteria and explanations, included in Attachment 1.]*

To give priority to built heritage items and historic areas listed by Heritage New Zealand and any identified in collaboration with the Northland Regional Council when reviewing or updating the District Plan Schedule of Built Heritage.

To enable informed public input into the scheduling process through private plan change requests from individuals or community groups supported by:

- a. Statements of significance prepared by a recognised heritage expert.
- b. Approval of the property owner.
- c. Details of any consultation with Heritage New Zealand.
- d. Any additional RMA information requirements.
- e. Consideration in terms of Council’s policy on private plan changes.
- f. Any required plan change fees/deposits.

**Comment**

The primary method of giving effect to the above provisions is proposed Schedule BH.1.11 (Schedule of Built Heritage Items). PC124 proposes to transfer the current WDP Appendix 3 to
Chapter HH and to update its contents through the addition of five buildings listed by HNZ but as yet not scheduled for protection under the WDP.

The criteria for assessing items for inclusion are based on recent NRC RPS provisions with minor amendments recommended by HNZ. The ‘Group’ classifications (A & B) reflect the WDP provisions (Groups I & II) but the terminology has been changed as recommended by HNZ to avoid confusion with new HNZ terms.

Policy HH.1.3.1 clarifies the process regarding future additions to the Schedule, with priority to be given to built heritage items listed by HNZ and any identified in conjunction with the NRC, in order to meet Council’s statutory requirements. Policy HH.1.3.1(c) addresses the process affecting future nominations for scheduling from individuals or community groups. There is also further scope for public (or Council) involvement in nominating items through applications to Heritage New Zealand for inclusion in its List, subject to HNZ criteria and timeframes.

No comprehensive research into possible additions to the Built Heritage Schedule has been undertaken by Council in connection with PC124. Additional built heritage items are thus limited to five at this stage, consistent with Council’s expressed preference for a ‘minimalist’ approach towards scheduling.

Amendments to the structure and contents of the current Schedule (Appendix 3) proposed by PC124 are detailed in Attachment 4. The option of ‘rolling over’ the WDP Schedule was discounted since it would fail to take into account current HNZ Listings as required by the RMA, would conflict with Council’s agreed approach to scheduling and would fail to amend minor corrections required to update existing references in the Schedule.

**Table 3: Evaluation of identification and scheduling provisions**

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary of costs</strong></td>
<td>Private Plan Change costs applicable to applicants/nominators of items,</td>
</tr>
<tr>
<td></td>
<td>including supporting information, expert advice and Private Plan Change fees.</td>
</tr>
<tr>
<td></td>
<td>Reliance on HNZ listed items means some reduction in costs and resources to WDC (e.g engagement of heritage expertise) since research costs have already been met by HNZ.</td>
</tr>
<tr>
<td></td>
<td>Future costs to WDC anticipated in researching historic heritage items landward of the CMA to give effect to the NRC RPS and NZCPS (2010).</td>
</tr>
<tr>
<td></td>
<td>Costs to owners of scheduled heritage properties (including WDC) associated with maintenance, resource consent fees and possible loss of development potential in some cases, although other provisions (BH.1.4.4, BH.1.5.9-11) support adaptive re-use where appropriate. Possibility of financial assistance subject to processes beyond the District Plan (e.g Annual &amp; Long Term Plans, Heritage Strategy.)</td>
</tr>
<tr>
<td><strong>Summary of benefits</strong></td>
<td>Scheduling process and criteria (largely based on NRC RPS provisions) represents a traditional, transparent, consistent process, in line with current practice within NZ.</td>
</tr>
<tr>
<td></td>
<td>Public (&amp; Council) still able to make applications/recommendations to HNZ for inclusion in HNZ List. (Refer HNZ website.)</td>
</tr>
</tbody>
</table>
### Effectiveness
The use of a schedule of heritage items and associated rules requiring resource consent for alterations, additions, relocation and demolition is an established method within NZ and advocated by HNZ & MFE’s Quality Planning website.

Schedule provides a basic source of information, (together with WDP maps), on location of built heritage items of importance to District. Would be more effective if accompanied by a regularly updated inventory (refer suggested non statutory guidance in BH.1.10.1.)

Limited number of additional items proposed to be scheduled means less likelihood of achieving and maintaining an optimum range of items.

### Efficiency
Some efficiencies gained by use of HNZ resources, expertise and advice, although future items could be subject to HNZ changes in policies and priorities, including a change in emphasis from ‘assistance’ to ‘advice.’

### Risks
Proposed ‘minimalist’ approach to scheduling items means that some significant heritage items may be overlooked or lost.

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## Protection of historic heritage from adverse internal and external effects, including natural hazards

For the purposes of section 32, provisions relating to the various types of influence on the protection of historic heritage resources are addressed under the following headings:

(a) Protection of historic heritage from external sources, including natural hazards.
(b) Protection of historic heritage from internal (on-site) activities (i.e effects on built heritage fabric and context.)

PC124 Objectives HH.1.2.4, BH.1.4.2 & BH1.4.3 recognise that historic heritage is susceptible to adverse effects resulting from a number of sources, both internal (e.g unsympathetic works to heritage buildings or within associated site surrounds), and external (e.g associated with inappropriate development, use or subdivision on adjoining sites.) In addition, historic heritage (particularly archaeological sites) can be subject to risks from natural hazards (e.g sea level rise, erosion or seismic activity.)

The following diagram depicts three sources of potential effects on built heritage, as identified in Policy BH.1.5.3:

To avoid, remedy or mitigate potential adverse effects on scheduled built heritage items from:
- a. Incompatible physical works to scheduled built heritage items.
- b. Inappropriate subdivision, use or development within the surrounds of a scheduled built heritage item or scheduled historic area.
- c. Inappropriate subdivision or development on adjacent sites in proximity to scheduled built heritage.

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![Diagram showing three sources of potential effects on built heritage.](image-url)
### Applicable Objectives

The District’s scheduled historic heritage resources are protected from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards.

The vulnerability of scheduled built heritage resources to physical damage, unsympathetic additions or alterations, and on-going maintenance costs is recognized and appropriately managed.

### Applicable Policies

To protect historic heritage from adverse physical and visual effects of adjacent subdivision, land use and earthworks particularly where:

a. Proposals are in proximity to scheduled built heritage items, known archaeological sites, or sites of significance to Maori.

b. The presence of archaeological sites is likely, particularly adjacent to the coast, rivers and streams.

c. Subdivision or development would result in the loss, damage, fragmentation or separation of historic heritage resources.

d. Public views of the historic heritage resource would be lost or obstructed.

To avoid, remedy or mitigate or control potential adverse effects on scheduled built heritage items from:

a. Incompatible physical works to scheduled built heritage items.

b. Inappropriate subdivision, use or development within the surrounds of a scheduled built heritage item or scheduled historic area.

c. Inappropriate subdivision or development of adjoining sites in close proximity.

### Related discretionary activities:

Construction or alteration of any building (including accessory buildings) on a site immediately adjoining the site on which a scheduled built heritage item is located, where:

a. The proposed works exceed bulk and location controls of the underlying Environment relating to height, height in relation to boundary, maximum coverage or density.

b. The proposed works (in a Living or Business Environment) are set back less than 5m from the common boundary except where a minimum separation distance of 20m is maintained between the proposed works and the scheduled built heritage item.

c. The proposed works are set back less than 20m from the built heritage item in any Environment (excluding a Living or Business Environment.)

Structural upgrading of a scheduled Group A built heritage item for seismic reasons where works involve internal or external alterations.

Structural upgrading of a scheduled Group B built heritage item for seismic reasons where works involve external alterations visible from a street/road or other public place.

#### Subdivision

Subdivision of a site adjoining a site containing a scheduled built heritage item where proposed building platforms are:

a. Set back less than 5m from the common boundary (in Living or Business Environments) other than where a minimum distance of 20m is maintained between the building platforms and the scheduled built heritage item.

b. Set back less than 20m from the built heritage item (in all other Environments).

### Comment
The WDP includes a land use rule (58.2.6 - Construction or Alteration of a Building on Adjoining Sites) which specifies required setbacks or buffers from boundaries of sites occupied by heritage buildings, sites or objects.

Despite Council GIS data indicating numerous sites within 30m of an adjoining site containing a scheduled built heritage item, Council records indicate few resource consent applications having been processed for infringements of rule 58.2.6. This suggests several possibilities — a lack of development within sites adjoining scheduled sites, infringements associated with a more detailed resource consent application, the rule not being applied, or recording issues.

One example (LU1300102) concerned a minor infringement of the required 5m setback from the boundary of a site containing a heritage building in the Living 1 Environment in Reotahi. However the heritage building was itself located a distance of approx. 150m away – well separated from the infringing portion of building or the common boundary. Amendment of the rule to avoid the need for resource consent in such circumstances is therefore proposed in PC124 (BH.1.7.7).

Greater emphasis on aspects of adjacent development with potential to impact on built heritage items and surrounds, (e.g. scale, height, coverage or density) is also addressed in BH.1.7.7(a), consistent with the definition of ‘inappropriate subdivision, use & development’ in Chapter 8 of the WDP. The requirement is essentially a reverse sensitivity type control, as imposed in other sections of the WDP.

Minor provisions relating to issues of natural hazards, (including seismic activity, erosion, and sea-level rise) are proposed by PC124. However, archaeological sites are potentially the historic heritage most at risk from coastal processes within the District. Given HNZ’s overarching statutory responsibility for the protection of archaeological sites and Council’s intention not to review the issue of archaeological sites in depth as part of PC124, consideration of these issues will form part of a later review.

**Table 4: Evaluation of provisions relating to protection from external sources**

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary of costs</strong></td>
<td>Resource consent costs associated with development in proximity to sites containing scheduled built heritage.</td>
</tr>
<tr>
<td></td>
<td>Where adjoining developments infringe bulk and location controls controls, need for assessment of heritage effects would be triggered.</td>
</tr>
<tr>
<td></td>
<td>Potential costs associated with loss of heritage items due to natural hazards. Historic heritage most at risk from coastal hazards are archaeological sites under jurisdiction of HNZ with possible Authority to Modify requirements under HNZ Act.</td>
</tr>
<tr>
<td><strong>Summary of benefits</strong></td>
<td>Process has applied under WDP although few records of such applications. Provides opportunity for consideration of scale and appropriateness of new development adjacent to built heritage features.</td>
</tr>
</tbody>
</table>
Effectiveness & Efficiency

Limited information on infringements of WDP rule 58.2.6 may be indicative of lack of development within sites adjoining scheduled sites, infringements forming part of more detailed resource consent application, the rule not being correctly applied, or recording issues. Need to ensure applicants aware of the location of built heritage items on adjacent sites, including through LIMs & PIMs. Supports need for maintaining effective GIS systems.

Proposed amendments will correct anomaly encountered in LU1300102.

Allows opportunity for heritage implications to be assessed when development infringing certain District Plan bulk and location controls is proposed on an adjoining site.

Essentially represents a reverse sensitivity type control as applied elsewhere in the WDP.

Risks

Potential risks if adjoining neighbours/potential applicants not aware of the location or status of a built heritage item on an adjoining site, reinforcing need for good records and advice to public.

Potential risks associated with loss of heritage items due to natural hazards. (Refer above.)

(b) Protection of built heritage fabric and context.

Provisions relating to built heritage fabric and context (i.e on-site issues of particular relevance to owners of heritage properties) are addressed below in terms of the following components:

- Demolition/destruction/relocation/significant change
- Additions and alterations
- Repairs and maintenance
- Seismic upgrading (see (a) above also)
- Signage
- Aerials and dish antenna

PC124 proposes a series of definitions applicable to heritage terminology to ensure consistency in interpretation and avoidance of ambiguity. ‘Fabric’ and ‘integrity’ as applied to historic heritage have the following meanings for the purposes of Chapter HH:

‘Fabric means all the physical material associated with a built heritage item, including structures, interior and exterior surfaces, fixtures and fittings, gardens and plantings.’

‘Integrity is a term applied to heritage resources that retain a high proportion of their original characteristics or fabric’. 7

Applicable Objectives

The District’s historic heritage resources are protected from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards.

The vulnerability of built heritage resources to physical damage, unsympathetic additions or alterations, and on-going maintenance costs is recognised and appropriately managed.

Applicable Policies

To protect the integrity and context of scheduled historic heritage resources by:

a. Requiring careful design and location of subdivision, use and development in order to retain physical elements of historic heritage, and where practical enhance public use and access.

b. Restricting the demolition and relocation of built heritage items and inappropriate modifications, additions or alterations.

c. Recognising the collective value of groups of heritage buildings, structures and/or places, (including scheduled historic areas and landscapes) particularly where these are representative

7 As defined in NRC PRPS provisions.
of the District’s historic settlements, architecture, periods in history, or district-wide heritage themes.

To restrict on-site activities likely to result in the demolition, destruction or significant change to:
  a. The interiors of scheduled Group A built heritage items.
  b. The exteriors of scheduled Group A and B built heritage items.
  c. The surroundings of scheduled Group A and B built heritage items, particularly where surroundings are specifically scheduled in the District Plan.

To enhance the sustainability of scheduled built heritage items and recognise ‘living heritage’ by encouraging and enabling repairs and maintenance.

To encourage and enable seismic upgrading of earthquake-prone built heritage items that assists building conservation and enhances public safety without detracting from recognised heritage values.

To avoid adverse visual and physical effects of signage on scheduled built heritage items or within their surroundings, by restricting unnecessary, unsympathetic, large-scale, or inappropriate signage.

To minimize the visual impact of dish antenna and aerial structures on heritage fabric and values by limiting such features to those of a scale, function and appearance common to Living Environments. Where possible, such features should be positioned to avoid visibility from the road/street or other public place.

**Related discretionary activities:**

Demolition, destruction, or relocation (on-site or off-site) of a Group B built heritage item.

Internal or external additions, alterations or repairs (other than routine maintenance) to a Group A built heritage item.

External additions or alterations (other than repairs or maintenance) to a Group B built heritage item.

Structural upgrading of a scheduled Group A built heritage item for seismic reasons where works involve internal or external alterations.

Structural upgrading of a scheduled Group B built heritage item for seismic reasons where works involve external alterations visible from a street/road or other public place.

Signs, including supporting structures, on any scheduled built heritage item or within its surrounds (other than discrete information signage directly related to the item’s heritage value) where:
  a. Signs will damage, dominate, obscure or detract from the built heritage items or surrounds.
  b. Signs include illuminated, flashing or moving elements.
  c. Signs will be visible from a street or other public space.
  d. Total signage will exceed an area of 0.25m² in Living Environments.
  e. Total signage will exceed an area of 2.5m² in Business Environments.
  f. Total signage will exceed an area of 1.5m² in all other Environments.

Any dish antenna exceeding a diameter of 0.9m on a scheduled built heritage item or within its surrounds that is visible from a street or other public place.

**Subdivision**

Subdivision of any site containing a scheduled built heritage item.

Subdivision within a scheduled historic area.

**Comment**

**Destruction/demolition/relocation**

The WDP includes two policies (13.4.2 and 13.4.3) which emphasise the need to ensure subdivision, use or development does not result in the ‘destruction or significant modification’ of the interiors and/or exteriors of scheduled items. Rules 58.2.1 to 58.2.4 address demolition, destruction, relocation, additions/alterations/repairs/maintenance and painting. Permitted activity standards and restricted discretionary activity criteria apply.

PC124 proposes similar categories of activity although with discretionary activity status (in place of restricted discretionary activities under the WDP) in line with Council’s current approach described in section 8 of this report. The detailed list of restricted discretionary activity heritage-related criteria in Chapter 58 of the WDP has been reviewed, with the majority forming the basis for proposed criteria for listed built heritage discretionary activities in BH.1.9.
It is proposed to retain the same activity status for demolition/destruction. Non complying activity status reflects the greater importance of Group I (Group A) items, although only five currently classed ‘A’. One resource consent for demolition (Group II) has been issued since the WDP became operative.

Relocation of a Group I (A) built heritage item is proposed to be changed from a non complying activity to a discretionary activity since two of the five currently classed as Group I (A) (i.e. Kensington Park Grandstand and Reyburn House) have already been relocated (although within the same general locations.) While the number of Group A items could increase in the future, it is considered that the proposed discretionary approach is appropriate for the nature of the activity.

Altering the relocation of Group II (B) buildings (from restricted discretionary to (unrestricted) discretionary activities), as proposed, is consistent with Council’s current practice of dispensing with restricted discretionary activities. PC124 proposes some amendment and extension to the current list of restricted discretionary criteria, with the majority forming the basis for assessment criteria for discretionary activities, as listed in BH.1.9.

**Additions/alterations**

No guidance is provided in the WDP as to what constitutes ‘additions, repairs, maintenance and painting’. It is therefore unclear when resource consent is required. PC124 therefore proposes to include a glossary of terms common to heritage restoration and conservation to more clearly distinguish between levels and types of activity for the benefit of owners considering works. Inclusion of a glossary is in line with HNZ and MFE Quality Planning Guidelines and is a practice adopted by other disciplines (e.g. Urban Design) where technical terms apply.

PC124 recognizes the value to the public of the visibility of scheduled items from road/street or other public place, particularly in respect of privately-owned built heritage items where physical access may be limited for reasons of privacy.

The term ‘notional boundary’ was defined in WDP in Part B Meaning of words as ‘a line 20 metres from the façade of any residential unit, or the legal boundary, where this is within 20m of the residential unit.’ However, proposed PC120 (Noise) has altered the definition to refer to noise sensitive activities and it is therefore no longer relevant to heritage issues. A modified version of the rule is proposed to more clearly reflect when resource consent is required for additional buildings within the site of a built heritage item. The definition of ‘building’ as referred to in PC124 glossary is that contained in Part B.

**Signage and utilities**

Signage affecting heritage buildings is presently controlled within different Environments. It is intended that such signage rules be transferred to Chapter HH, with the maximum size (m$^2$) of signage in Living Environments to correspond with that for home occupations as introduced in the Kamo Walkability Environment. A greater allowance is proposed for the Business and other Environments, taking into account provisions currently applied. Some possible relaxation is envisaged where adaptive re-use of a heritage building for alternative purposes is proposed.

Public utilities including aerials and dish antenna for TV reception are common throughout the District and tend to be less visually obtrusive than in the past. A recent inspection of 8 scheduled heritage buildings in the Kensington/Regent area indicated two with dish antenna visible from the street. In order not to unduly disadvantage owners of residential heritage properties, PC124 does not propose a control on such features where they are of a residential nature and scale, such as a ‘Sky’ dish not exceeding a diameter of 0.9m. (Refer Policy BH.1.5.8 and Discretionary Activity BH.1.7.9.)

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8 Refer : HH.1.3.3(d), HH.1.3.4(d), BH.1.5.6, BH.1.7.8, BH.1.7.11, BH.1.7.12, BH.1.9(c)
Table 5: Evaluation of provisions relating to protection of built heritage fabric and context.

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary of costs</strong></td>
<td>Resource consent application costs for owners of built heritage seeking to demolish, relocate or significantly modify built heritage items or to construct buildings within the surrounds of such items.</td>
</tr>
</tbody>
</table>
| **Summary of benefits**       | Adopts (in HH.1.3.3) provisions recommended in NRC PRPS re: design and location of subdivision and development, restrictions on demolition and relocation of built heritage and collective benefits of groups of items and areas.  
                             | *Repairs and routine maintenance* (as defined) to scheduled buildings and aerials and dish antenna of a residential type and scale will be exempt from resource consent.  
                             | Proposed glossary of heritage terminology (HH.1.4) and non statutory Built Heritage Implementation Methods (BH.1.10.1) if implemented will supplement provisions related to built heritage fabric and context, providing guidance to applicants. |
| **Effectiveness & Efficiency**| Provisions recognize and promote visibility/views of built heritage from street, with particular relevance to privately-owned built heritage where public access may not be available. |
| **Risks**                     | Possible risks associated with interpreting requirements for resource consent (differentiating between permitted activities *(minor repairs and routine maintenance)* and *additions and alterations* requiring consent.) |

**Historic Areas**

‘Historic areas’ are referred to in the RMA definition of historic heritage and are defined in the HNZ Act as:

*historic area means an area of land that—*  
(a) contains an inter-related group of historic places; and  
(b) forms part of the historical and cultural heritage of New Zealand; and  
(c) lies within the territorial limits of New Zealand

For the purpose of Chapter HH, PC124 adopts the HNZ definition.

<table>
<thead>
<tr>
<th><strong>Applicable Objectives</strong></th>
<th>The District’s historic heritage resources are protected from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicable Policies</strong></td>
<td>The vulnerability of built heritage resources to physical damage, unsympathetic additions or alterations, and on-going maintenance costs is recognised and appropriately managed.</td>
</tr>
</tbody>
</table>
|                              | To protect the integrity and context of scheduled historic heritage resources by:  
  a. Requiring careful design and location of subdivision, use and development in order to retain physical elements of historic heritage, and where practical enhance public use and access.  
  b. Restricting the demolition and relocation of built heritage items and inappropriate modifications, additions or alterations.  
  c. Recognising the collective value of groups of heritage buildings, structures and/or places, (including scheduled historic areas and landscapes) particularly where these are representative of the District’s historic settlements, architecture, periods in history, or district-wide heritage themes. |
To acknowledge the relationships between different forms of historic heritage within scheduled historic areas by requiring that future subdivision and development within such areas consider:

- a. Individual and cumulative effects on historic heritage values.
- b. Themes or connections linking historic heritage items.
- c. The character, scale, form and intensity of existing and proposed built development.
- d. Effects on the surrounding environment including landscapes and streetscapes.

**Related discretionary activities:**

Refer provisions under ‘Protection of historic heritage from adverse internal and external effects, including natural hazards’ above.

**Comments:**

Under the WDP only one historic area (Marsden Place) has been scheduled, with this having been listed by HNZ since 1984. PC124 proposes reinstatement of Marsden Place as an historic area to correct a current anomaly in the Schedule. No further historic areas are contemplated as part of PC124. Although HNZ has recommended consideration of Portland and the upper Hatea River as historic areas, these areas have not yet been formally listed by HNZ and would therefore be contrary to Council’s stated preference for the scheduling of items already listed by HNZ. Any inclusion of additional historic areas would therefore require further plan change/s. Additional discussion on this issue is included in Attachment 4 to this report.

The only reference to heritage ‘areas’ in the WDP is Policy 13.4.8 Protection of Significant Heritage Values which states: To ensure that where areas have significant heritage values, those values are not compromised by inappropriate subdivision, use and development.

Due to the lack of specific provisions relating to historic areas in the WDP, the option of rolling-over WDP provisions is not relevant. PC124 therefore proposes the provisions listed in the above table (including HH.1.3.2c based on NRC PRPS policies) as a framework for consideration of future historic areas. Detailed consideration of ‘heritage landscapes’ has been deferred at this time due to this issue being beyond the scope of PC124 and requiring specialist input.

**Table 6: Evaluation of provisions relating to historic areas**

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of costs</td>
<td>Costs to Council of identifying and scheduling additional heritage areas, although costs reduced where such areas listed by HNZ. Heritage expertise/costs particularly if large historic areas (or heritage landscapes) contemplated in the future. Identiﬁcation of appropriate historic areas could be dependent on co-operation of a number of landowners and statutory organizations. Costs to landowners within scheduled heritage areas where resource consent required.</td>
</tr>
<tr>
<td>Summary of beneﬁts</td>
<td>Collective value (as identiﬁed by NRC) associated with ‘groups of heritage buildings, structures and/or places, (including scheduled historic areas and landscapes) particularly where these are representative of the District’s historic settlements, architecture, periods in history, or district-wide heritage themes’: (HH.1.3.3.) Potential beneﬁts (e.g. heritage tourism) especially when combined with non statutory methods of celebrating heritage/sense of place.</td>
</tr>
<tr>
<td>Effectiveness &amp; Efficiency</td>
<td>Proposed provisions effective to the extent that they introduce the concept of historic areas to the District Plan- i.e ‘set the scene’ for considering historic heritage as comprising more than isolated, unconnected examples. Future historic areas beyond the scope of PC124.</td>
</tr>
</tbody>
</table>
Adaptive re-use and alternative ownership or management of built heritage

PC124 proposes (in terms of Chapter HH) the following definition of ‘adaptive re-use’:

"Adaptive re-use is a process that adapts buildings for new uses while retaining their historic features.

Applicable Objectives

Adaptive re-use and alternative management of built heritage resources are encouraged where these do not detract from their heritage values or significantly affect the adjacent environment.

Applicable Policies

To encourage and facilitate on-going use or adaptive re-use of built heritage items, including through possible relaxation of underlying development controls such as parking requirements, where this will secure their long-term viability, conservation or protection without leading to significant adverse effects on the surrounding environment.

To encourage alternative methods of management, ownership, guardianship, or sponsorship of built heritage resources, including public buildings, where:

a. Heritage values will not be compromised.

b. The long-term viability, protection or conservation of the heritage resource will be secured or enhanced.

c. Benefits such as improved access to funding can be achieved.

To acknowledge the role of owners of scheduled built heritage items as guardians of the past, and to support their efforts to conserve, maintain and enhance their heritage assets, including through possible use of financial instruments or incentives such as conservation grants, rates relief and waiver of resource consent fees.

Related discretionary activities:

Adaptive re-use of built heritage items involving infringements to underlying Environment development controls.

Comment:

There are numerous examples of built heritage items within the District having been successfully adapted over time from their original purposes. Notable examples include: Reyburn House, an original residence since converted to an art gallery managed under a Trust, and the former Public Library now utilised for community activities. Heritage buildings in private ownership that have been successfully converted from original functions include restaurants (e.g. ground floor of former Public Trust Offices).

While changes of use can enable better access to (and utilisation of) heritage buildings, and increase economic viability and longevity, the WDP has not previously focussed on this aspect. Positive initiatives to encourage adaptive re-use can include waiving compliance with certain WDP controls such as parking or signage.

Alternative forms of management, ownership or sponsorship are feasible and currently evident within the District, particularly where public buildings are affected, and may have benefits in gaining funding that may not be available to local authorities. Sponsorship of external upgrading/re-painting of built heritage, particularly by paint firms, is now more common throughout New Zealand, (e.g. as evidenced by sponsorship of DOC mountain huts).
Table 7: Evaluation of provisions relating to adaptive re-use/management of built heritage

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary of costs</strong></td>
<td>Costs to owners of built heritage wishing to convert to alternative uses, including building requirements and resource consent costs. May be some environmental effects associated with waiving certain development controls.</td>
</tr>
<tr>
<td><strong>Summary of benefits</strong></td>
<td>Can increase public use and access to built heritage items and enhance awareness of heritage values. ‘Heritage’ status and themes can be a draw card for alternative uses (particularly of a commercial or tourist nature, e.g. restaurants, B&amp;B’s.) May be financial benefits from upgrading premises for such purposes. Access to alternative funding that is not available to Council may be possible through alternative ownership/management arrangements for Council assets – eg sale of former Railway Station to the Men’s Shed at a nominal cost but with conservation conditions imposed. Sponsorship of exterior upgrading (especially re-painting by paint companies) now common throughout NZ. Requiring discretionary activity consent for adaptive re-use of built heritage enables weight to be placed on heritage issues.</td>
</tr>
<tr>
<td><strong>Effectiveness &amp; Efficiency</strong></td>
<td>Increases possibilities for ‘at risk’ built heritage, with potential to increase sustainability, economic viability and longevity of the resource. Can be an effective means of opening-up resource to the public. Improved from status quo as WDP did not focus on adaptive re-use.</td>
</tr>
<tr>
<td><strong>Risks</strong></td>
<td>May be some risk of unsympathetic conversions to alternative uses.</td>
</tr>
</tbody>
</table>

**Protection of dry stone walls**

Dry stone boundary walls, common in the Three Mile Bush, Glenbervie, Maunu, Maungakaramea and Maungatapere areas are of historical, cultural, archaeological, landscape and amenity significance to the District.

**Applicable Objectives**

- The District’s historic heritage resources are protected from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards.
- The vulnerability of built heritage resources to physical damage, unsympathetic additions or alterations, and on-going maintenance costs is recognised and appropriately managed.
- Dry stone walls of historic, cultural, archaeological, amenity and landscape value to the District are maintained and protected throughout the District.

**Applicable Policies**

To protect dry stone walls of historical, cultural and amenity value to the community through:

a. Blanket protection of dry stone walls throughout the District.
b. Providing information and advice to the public, including GIS information on the location of protected dry stone walls.

c. Recommending consultation with Heritage New Zealand where dry stone walls are estimated to have been constructed prior to 1900, or their age is in doubt.

d. Limiting works affecting existing stone walls, other than:
   i. Minor repairs or maintenance *in situ* using traditional methods, design and materials.
   ii. Removal of up to a maximum of 6m length of wall per site for access purposes only, where no alternative access exists.

**Related discretionary activities**
Works to existing dry stone walls in any Environment except for:

a. Repairs or maintenance *in situ* using traditional methods, design and materials.

b. Removal of up to a total 6m length of wall per site for access purposes only, where no alternative access exists.

Subdivision of any site (including allotments used for utility, road, reserve, or access purposes) where removal of dry stone walls is proposed.

**Comment:**

Under the WDP, the protection of stone walls has been subject to land use\(^9\) and/or subdivision\(^10\) resource consent (as a restricted discretionary activity) where the maximum length of removal is 6m and such removal is for access purposes only. In the UTE zone, any removal of stone walls has required discretionary activity resource consent. In the Kamo Walkability Environment (KWE) discretionary activity consent has been required for any activity that would damage, modify, remove or relocate any stone wall in two precincts.

Protection of the above features owes its origins to a dry stone wall project initiated by Council prior to the WDP becoming operative. In July 2004 a questionnaire was sent to areas within the District identified as having dry stone walls. 1600 responses were received, indicating the importance placed on these resources by the community. It is recommended that this brochure be updated when PC124 becomes operative, in line with BH.1.9 Built Heritage Information Methods.

The location of recorded walls for LIMs and PIMs purposes is indicated on a Council GIS alert layer. Since 2006 the number of resource consents issued for removal of parts of stone walls equated approximately half of the total of heritage-related resource consents granted by Council. These included resource consents where removal of walls was required by NZTA or WDC for roading works. In such cases, re-instatement of walls was offered by applicants or imposed as conditions of consent.

The WDP meaning of ‘stone wall’ as per Chapter 2 is:

**Stone Wall**

*means a wall that has been constructed by hand, from locally sourced rocks, as opposed to man-made construction materials.*

In view of some past difficulties in interpreting the above definition, PC124 proposes to replace it with a new definition in HH.1.4.2(g) applying to *dry* stone walls, to read:

**Dry Stone Wall**

*means a wall that has been constructed by hand, without mortar, from locally sourced volcanic rocks, as opposed to man-made construction materials. Located primarily within the areas of Maungatapere, Maunu, Glenbervie, Three Mile Bush and Maungakaramea, the walls were constructed from the 1850’s to the 1920’s. Pre-1900 dry stone walls are also classed as ‘archaeological sites’."

Other proposed amendments to the WDP stone wall provisions include the deletion, amendment or transfer of related provisions from the WDP Subdivision and Environment chapters, including: UTE.3.2.12; UTE.2.1.h; KMP.1.5.6; and KLP.1.5.10.

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\(^9\) Refer rules 36.3.9 and 38.3.8 examples

\(^10\) Refer rules 71.3.7 and 73.3.13 examples
Table 8: Evaluation of provisions relating to dry stone walls

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of costs</td>
<td>Resource consent application costs where removal or alteration of dry stone walls proposed; or in reinstatement of walls where offered or required as conditions of consent.</td>
</tr>
<tr>
<td></td>
<td>Potential cumulative effects on amenity if incremental removal of walls.</td>
</tr>
<tr>
<td>Summary of benefits</td>
<td>Retention of the stone walls has benefits in terms of sustainable management of local resources and avoids the need for construction of alternative boundary fencing.</td>
</tr>
<tr>
<td></td>
<td>Focus on retaining and maintaining dry stone walls has local benefits in terms of heritage, early pastoral farming practices, and volcanic origins. Walls collectively contribute to the sense of place of the areas of Three Mile Bush, Glenbervie, Maunu, Maungatapere and Maungakaramea.</td>
</tr>
<tr>
<td></td>
<td>PC124 proposes, as a permitted activity, (i.e not requiring resource consent). 'Repairs or maintenance in situ using traditional methods, design and materials.' (Relevant definitions included in HH.1.4.2).</td>
</tr>
<tr>
<td></td>
<td>As ‘community assets’ (as evidenced by input into Dry Stone Wall Project) these resources are generally self-monitoring within the areas concerned.</td>
</tr>
<tr>
<td></td>
<td>Where also classed as ‘archaeological sites’ (i.e pre-1900) HNZ input also required, providing technical expertise and advice.</td>
</tr>
<tr>
<td>Effectiveness &amp; Efficiency</td>
<td>Blanket protection of dry stone walls under the OPD has been successful to date, as indicated by the number and type of applications and associated reinstatement conditions in some cases.</td>
</tr>
<tr>
<td></td>
<td>Blanket protection is supported by Council GIS records. Opportunity exists for the updating of the ‘Dry Stone Wall Project’ brochure to cover proposed changes, and to address maintenance issues including vegetation effects in proximity to walls.</td>
</tr>
<tr>
<td></td>
<td>Dry stone walls can be monitored and reinstatement required if unauthorized activity undertaken.</td>
</tr>
<tr>
<td>Risks</td>
<td>No issues of risk identified in amended dry stone wall provisions which are largely based on WDP provisions.</td>
</tr>
</tbody>
</table>

Alternative methods, additional to formal protection

Formal protection of historic heritage items within the WDP is achieved by:

- Identification of historic heritage using specified criteria and classifications.
- Scheduling of historic heritage as the basis for protecting heritage resources of significance to the District.
- Inclusion of policies and rules detailing matters requiring resource consent.
- Council ownership or management of certain scheduled built heritage items.
- Council monitoring and plan change functions
- Council responsibilities in maintaining sound procedures and access to information, including for LIM’s and PIM’s and resource consent applications.

Additional (non statutory) methods of giving effect to PC124 objectives and policies include those listed in BH.1.10 Built Heritage Implementation Methods.

Applicable Objectives

- Community awareness, appreciation and celebration of historic heritage and sense of place within the District is fostered and enhanced through a combination of regulatory and non-statutory initiatives.
- Formal protection of built heritage is complemented by non-regulatory measures such as local sense of place initiatives.

Applicable methods

- BH.1.9 Built Heritage Implementation Methods
In addition to the preceding rules and assessment criteria, Council may also implement the following non statutory methods in giving effect to the objectives and policies comprised in Chapter HH.

1. Non statutory guidance to supplement statutory information requirements detailed in HH.1.3.5, such as:
   a. An overarching, district-wide Heritage Strategy consolidating statutory and non-statutory heritage issues and actions, and Council heritage policies, priorities and timeframes.
   b. A comprehensive non-statutory inventory of information on scheduled heritage items to supplement the details in the WDP Historic Heritage Schedules.
   c. Guidelines for the public on the location, significance and history of scheduled historic heritage, including historic areas.
   d. Guidelines for owners of heritage properties on repair, maintenance and painting (including appropriate colour schemes) of built heritage items.
   e. Guidelines on dry stone walls, including maintenance advice.
   f. Guidelines on obtaining access to heritage funding (internal and external sources).
   g. Advice on the sourcing of additional heritage information held by Council including library literary, photographic and genealogical services and collections, cemetery records, museums and art galleries.

2. Adoption of less formal, non-regulatory approaches to recounting the District’s stories of the past, in conjunction with traditional heritage protection, including:
   a. Design and funding of sense of place initiatives (such as plaques, sign boards, heritage walks or trails, commemorative structures, and events).
   b. Promoting the Town Basin as a cultural/heritage precinct.
   c. Exploring and promoting the benefits of heritage tourism to the District.
   d. Supporting community groups managing and/or maintaining built heritage items, including public buildings.
   e. Encouraging sponsorship of historic heritage where this does not adversely impact on heritage or amenity values.
   f. Identifying areas, items or themes of heritage interest through community engagement in structure plans.

3. Possible use of financial incentives reflecting the role and demands of owners of historic heritage resources in conserving historic heritage for public benefit, such as:
   a. Heritage funding (such as maintenance grants).
   b. Resource consent fee reductions or waivers, particularly where consent is required solely for remedial or conservation works to historic heritage.
   c. Rates relief.

Note: The adoption of non-statutory implementation methods may be dependent on the priorities and timeframes of the Whangarei District Growth Strategy 30/50 Implementation Plan and availability of funding under Council’s Long Term and Annual Plans.

Comment:

Built Heritage Implementation Methods (BH.1.10) provides a range of non statutory methods to supplement formal heritage protection, including information, more modern methods of telling the stories of the past, and possible economic instruments. As outlined in section 4 of this report, economic instruments such as incentives can be valuable in encouraging good management practices, with modest incentives able to generate changes in community attitudes towards heritage. Incentives are seen as complementing plan regulation while tending to sit outside the district plan.

Owners of heritage items within this District are generally responsible for meeting the costs of resource consent applications affecting their properties, although s36 (5) of the Resource Management Act 1991 allows for a local authority to remit the whole or any part of such charges. Resource consent fee waivers can be useful in providing an incentive to undertake improvements to historic heritage and a disincentive to inappropriate changes such as relocation and demolition.

The limited number of built heritage resource consents issued annually since the WDP became operative in 2007 suggests that formally dispensing with resource consent fees for heritage items (in whole or part) based on appropriate criteria would not result in significant costs needing to be absorbed by Council. However, while the NRC PRPS (Method 4.7.5) lists a number of possible
non regulatory mechanisms for heritage management, it also states that the policy ‘does not direct their use as these are Local Government Act 2002 decisions.’ Adoption of many of the suggested non regulatory methods listed in the above table would therefore be dependent upon the priorities/timeframes of the 30/50 Implementation Plan, other Council policies, and funding allocation under the Long Term and Annual Plans.

Table 9: Evaluation of provisions relating to alternative methods, additional to formal protection

<table>
<thead>
<tr>
<th>Matter</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary of costs</strong></td>
<td>Potential costs arising from adoption of non statutory methods fall primarily on Council and are largely reliant upon funding resources, priorities and timeframes of the 30/50 Implementation Plan, and funding allocation under the Long Term and Annual Plans.</td>
</tr>
<tr>
<td></td>
<td>Costs to Council associated with updating information &amp; guidelines, establishing heritage walks, arranging events etc.</td>
</tr>
<tr>
<td></td>
<td>Costs to Council associated with heritage conservation grants, waiving of resource consent fees, rates relief etc. However, relatively few resource consent applications annually therefore absorbing resource consent costs in certain circumstances (e.g where resource consent is required solely for heritage reasons) warrants further consideration.</td>
</tr>
<tr>
<td><strong>Summary of benefits</strong></td>
<td>Increased public exposure to other (less formal) forms of celebrating the District’s heritage. May appeal to a wider section of the community. More emphasis on ‘telling the stories of the past’ and increased public participation in heritage issues.</td>
</tr>
<tr>
<td></td>
<td>Use of subsidies for recognizing and maintaining scheduled items can signal to heritage property owners and the community that historic heritage and the role of owners, as guardians of the past, are valued.</td>
</tr>
<tr>
<td><strong>Effectiveness &amp; Efficiency</strong></td>
<td>Effectiveness and efficiency of joint approach in the long term may be dependent on an overarching Council heritage policy framework including a Heritage Strategy.</td>
</tr>
<tr>
<td><strong>Risks</strong></td>
<td>Could be risk of Council not meeting statutory obligations if insufficient recognition given to scheduled historic heritage.</td>
</tr>
</tbody>
</table>

Summary of Environmental, Economic, Social and Cultural Effects

Section 32(2)(a) states that an environmental, economic, social and cultural effects assessment be undertaken in relation to the proposed provisions, including economic growth and employment opportunities provided or reduced.

The RMA definition of ‘environment’ includes—

(a) ecosystems and their constituent parts, including people and communities; and
(b) all natural and physical resources; and
(c) amenity values; and
(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

The following table summarises the overall effects of PC124.
### Table 10: Evaluation of overall effects of PC124

<table>
<thead>
<tr>
<th>Type of Effect</th>
<th>Positive</th>
<th>Adverse</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental</strong></td>
<td>Restrictions on inappropriate subdivision, use and development incorporated, particularly in relation to subdivision or development on adjoining sites in proximity to built heritage resources. Provisions promote visibility/views of built heritage from streets and other public places, with particular relevance to privately-owned built heritage where public access may not be available. Amenity and heritage values of district’s stone walls recognized and protected via blanket controls.</td>
<td>Limited number (5) of proposed additional built heritage items, with some forms of built heritage remaining under-represented in the WDP.</td>
</tr>
<tr>
<td><strong>Social</strong></td>
<td>Recognises the need to provide for people and communities with differing views, understanding and values on heritage. Aims at balancing statutory heritage protection with non regulatory means of celebrating the stories of the past. Need for consultation or collaboration of various parties encouraged. A wide range of implementation methods is advocated to increase public awareness and appreciation of heritage issues. Adaptive re-use of built heritage represents a method of encouraging increased public exposure, participation and interest in heritage.</td>
<td>A number of non regulatory methods of protecting and promoting heritage within the district are dependent on provisions, including funding, outside the WDP (e.g Heritage Strategy, Long Term and Annual Plans.)</td>
</tr>
<tr>
<td><strong>Cultural</strong></td>
<td>Structure and purpose of PC124 allows for integration of issues relating to tangata whenua and Sites and Areas of Significance to Maori.</td>
<td>Integration of tangata whenua and SSM issues within Chapter HH currently on hold.</td>
</tr>
<tr>
<td><strong>Economic</strong></td>
<td>Potential for economic benefits associated with sense of place initiatives, or adaptive re-use of built heritage. Clarification of exceptions from resource consent requirements (repairs and routine maintenance) reduces compliance costs for owners of heritage properties. Costs associated with the scheduling of built heritage items by Council rationalized through reliance on items already listed by Heritage NZ or determined in conjunction with NRC. Process of individual and community group involvement in the process also clarified.</td>
<td>Difficulties in quantifying value and costs of heritage to the community or individuals, leading to differences in priorities. Resource consent costs fees remain a potential adverse effect to owners of heritage properties and a deterrent to upgrading of resources unless appropriately subsidized.</td>
</tr>
</tbody>
</table>
Conclusion (Section 32 Evaluation)

This s32 evaluation report has been written to support Plan Change 124 Built Heritage which proposes a new chapter (Chapter HH Historic Heritage) addressing, updating and amending the WDP provisions relating to heritage buildings, sites and objects (‘built heritage’). The chapter also serves as a basis for future integration of additional provisions applying more specifically to archaeological sites and Sites and Areas of Significance to Maori currently under review (PC100.)

PC124 establishes objectives and policies for Historic Heritage generally, and further objectives, policies, rules and other methods directed more specifically at Built Heritage. Five built heritage items listed by HNZ are to be added to the Schedule of Built Heritage for protection under the WDP. Consequential amendments include the updating of Resource Area Maps to recognise changes to the Schedule, deletion of Chapters 13 and 58 of the WDP and the updating of a number of plan references.

In accordance with s32 of the Act, this report has examined whether the proposed objectives are appropriate in achieving the purpose of the Act and whether the proposed provisions are appropriate in achieving the objectives. It was not considered practicable to quantify the costs and benefits of the proposal in detail, due to the subjective nature of heritage issues generally.
PART TWO:
This part of the Section 32 Evaluation Report comprises:

The Statutory Framework for Assessment of Plan Change 124
- Resource Management Act 1991
- Other legislation of relevance to historic heritage

The Policy Framework for Assessment of Plan Change 124
- National Policy documents
- Regional Policy documents
- Local Planning framework

7 The Statutory Framework for Assessment of PC124

Resource Management Act 1991

The RMA requires District Plans and any changes to District Plans, whether private or Council initiated, to meet the purpose and principles of the Act. Section 5 clarifies the purpose of the Act as being: ‘to promote the sustainable management of natural and physical resources’; with sustainable management meaning managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The purpose of the Act involves two elements - one enabling and the other regulatory. The enabling component provides for the management of resources in a way that allows for communities and people to look after their social, economic, and cultural well-being, while the regulatory component sets the terms of these management matters which are further refined in Sections 6, 7, and 8 of the Act.

Section 6 of the Act sets out ‘matters of national importance’ that must be recognised and provided for when exercising functions and powers under the Act.

a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

f) the protection of historic heritage from inappropriate subdivision, use, and development:

g) the protection of recognised customary activities.

Sub-sections 6e) and 6f) are of particular relevance to the review of District Plan heritage provisions.
Section 2 defines ‘historic heritage’ as referred to in section 6(f) as follows:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:

i. archaeological:
ii. architectural:
iii. cultural:
iv. historic:
v. scientific:
vi. technological; and

(b) includes

i. historic sites, structures, places, and areas; and
ii. archaeological sites; and
iii. sites of significance to Māori, including wāhi tapu; and
iv. surroundings associated with the natural and physical resources

Section 7 of the RMA sets outs the specific matters that those exercising functions and powers under the RMA shall have particular regard to. In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

a) kaitiakitanga:
   aa) the ethic of stewardship:

b) the efficient use and development of natural and physical resources:
   ba) the efficiency of the end use of energy:

c) the maintenance and enhancement of amenity values:

d) intrinsic values of ecosystems:

e) [Repealed]

f) maintenance and enhancement of the quality of the environment:

g) any finite characteristics of natural and physical resources:

h) the protection of the habitat of trout and salmon:

i) the effects of climate change:

j) the benefits to be derived from the use and development of renewable energy.

Section 8 of the Act requires that all persons exercising functions and powers under the Act take into account the principles of the Treaty of Waitangi.

Section 31 requires that the functions of all territorial authorities must include:

(a) the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.

Section 32 Requirements for preparing and publishing evaluation reports\(^\text{11}\) states:

(1) An evaluation report required under this Act must –

a. examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

b. examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
   i. identifying other reasonably practicable options for achieving the objectives; and
   ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
   iii. summarising the reasons for deciding on the provisions; and

c. contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the

\(^{11}\) Refer to Part One of this report for evaluation undertaken in terms of Section 32 RMA.
implementation of the proposal.

(2) **An assessment under subsection (1)(b)(ii) must** -
   a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for -
      (i) economic growth that are anticipated to be provided or reduced; and
      (ii) employment that are anticipated to be provided or reduced; and
   b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
   c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

(3) **If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to** -
   a) the provisions and objectives of the amending proposal; and
   b) the objectives of the existing proposal to the extent that those objectives—
      (i) are relevant to the objectives of the amending proposal; and
      (ii) would remain if the amending proposal were to take effect.

Section 32(4) refers to prohibitions or restrictions greater than those to which a national environment standard applies, which is not applicable to PC124. Section 32(5) refers to the need for an evaluation report to be made available for public inspection at the same time the proposal is publicly notified. Section 32(6) defines the terms ‘objectives’, ‘proposal’, and ‘provisions’, with the latter meaning the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change.

The mandatory RMA requirements and different statutory tests for district plans or plan changes under section 32 have been reinforced in case law, notably Long Bay-Okura Great Park Society Incorporated v North Shore City Council Decision No. A 078/2008.

**Section 35(2)(b)** requires a local authority to monitor, ‘the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan’ at intervals of not more than 5 years and make available to the public a review of its monitoring results. This has been satisfied by the Efficiency & Effectiveness Report prepared by WDC in 2011.

**Section 42** sets out a process for the protection of sensitive information, specifying that local authorities may make an order to determine the need to protect the confidential nature of the information, when weighed against the public interest in making the information available. Examples of where this could apply include burial grounds, artefacts, wahi tapu, ancestral lands, and personal information.

**Section 55** requires local authorities to recognise national policy statements. The NZCPS 2010 is the only national policy statement considered relevant to PC124. Since many of the District’s known archaeological sites are located within the coastal environment, these resources in particular are subject to the NZCPS, while heritage resources straddling the NRC/WDC boundaries are also subject to NRC provisions.

**Section 74** outlines matters to be considered by a territorial authority, including preparing and changing its District Plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

In addition to the requirements of section 75(3) and (4) when preparing or changing a district plan, a territorial authority is required to have regard to any relevant entry in the HNZ List. In the WDP approximately half the currently scheduled built heritage items are also listed by HNZ.

Account must also be taken of any relevant planning document recognised by an iwi authority and lodged with the territorial authority, ‘to the extent that its content has a bearing on the resource management issues of the district.’
Councils must not have regard to trade competition or the effects of trade competition in terms of s74(3) and clause 29(1B). Trade competition issues are not seen as applicable to this plan change.

Section 86B states the circumstances when a rule in a proposed plan takes effect, with ‘immediate effect’ including where a rule (d) protects historic heritage.

Sections 187-198 provide for heritage protection authorities (HPAs) and heritage orders. HPAs are able to issue heritage orders, which restrict the use or subdivision of land that might affect the order without the consent of the HPA. All activities that may nullify the effect of the heritage order require prior written consent from the relevant HPA. Heritage New Zealand is a heritage authority.

Other legislation of relevance to historic heritage

Historic heritage is somewhat unique in terms of the close affinity between the RMA and the HNZPT Act, particularly in relation to archaeological sites. There are also close links between the HNZPT Act and the Building Act 2004 regarding the provision of heritage information when issuing land use information memoranda (PIMs and LIMs), building consents and implementing requirements in terms of earthquake-prone buildings.

Heritage New Zealand Pouhere Taonga Act 2014

HNZ (formerly known as the HPT) is an autonomous Crown Entity with statutory responsibility under the HNZPT Act which came into force in May 2014 and was designed to rectify various weaknesses in the previous legislative regime - the HPT Act 1993. The purpose of the HNZPT Act is the same as that of the previous HPT Act – i.e. ‘to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand’. HNZ also has the status of a heritage protection authority under the RMA, and can issue a requirement for a Heritage Order if necessary.

The HNZPT Act established the HNZ Board and retained the Maori Heritage Council, with both bodies responsible for supplying and maintaining the New Zealand Heritage List. The List is largely comprised of buildings and structures with heritage value, divided into two categories:

- Category 1 containing those features with the highest heritage value; and
- Category 2 containing those of lesser value.

Although local authorities are required under section 74(b)(iiia) of the RMA, to have regard to the List when preparing their plans and / or policy statements, there is no obligation to give effect to it. However, PC124 proposes to give priority to historic heritage items included in the List when scheduling additional items in the WDP. The advantages of this include the nationally recognised status of such items, the research and consultation already undertaken, and reduced costs to Council.

In terms of the protection of archaeological sites, HNZ has overarching statutory responsibility in New Zealand for this function, with many of these having particular significance to tangata whenua. The HNZPT Act protects archaeological sites, whether listed or unlisted, making it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of HNZ.

The HNZPT Act does not protect other heritage sites, relying on local authorities to implement WDP policies and rules that protect these features. This typically involves the identification and scheduling of significant built heritage items, together with known significant archaeological sites warranting protection by way of specified controls.

The Conservation Act 1987 empowers the Department of Conservation (DOC) to advocate for the conservation of historic places and areas and to promote their benefits, while still regarding
HNZ as the leading advocate for historic heritage outside public conservation land and requiring HNZ approval for works affecting archaeological sites on such land. DOC currently manages 46 sites within Northland for heritage purposes, including small sites or large areas such as the Mimiwhangata Coastal Park. Compliance with District Plan rules to protect heritage is not required where the land is within the Conservation Estate and has an approved Conservation Management Plan.

The Reserves Act 1977 is also relevant, particularly in relation to the establishment and protection of historic reserves.

Local Government Act 2002

Sustainable development approaches are also incorporated in local government and building legislation. The purpose of local government is defined in section 10 of the Local Government Act 2002 (LGA) as being:

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.

The LGA thus enables regional and local authorities to develop their own provisions to address local issues and to include requirements for consultation to ensure plans reflect community-based objectives. As part of this process, councils are required to prepare Long Term Plans that detail council activities and priorities and explain how these will progress community outcomes over a 10 year period, setting a plan for decision-making and co-ordination of Council resources.

Building Act 2004

Building Act requirements of particular relevance to PC124 include sections 124 & 131 (regarding earthquake- prone or insanitary buildings) and sections 35 and 39 (applying to the issue of PIMs).

Section 124 of the Building Act 2004 lists powers of territorial authorities in respect of dangerous earthquake- prone or insanitary buildings, while section 131 requires councils to adopt a policy on such buildings. Council's current policy was adopted in December 2011. A copy is included in Attachment 8 to this report. The Policy approach includes reference to heritage buildings being assessed in a manner consistent with other potentially dangerous or insanitary buildings, while recognizing the importance that in strengthening, upgrading and/altering such buildings, heritage buildings and their protection are not overlooked.

For the purpose of the current Policy, the definition of 'heritage building' refers to earthquake-prone buildings as comprising 'any buildings with the exception of buildings that are wholly or mainly for residential purposes unless the building comprises 2 or more storeys and contains 3 or more household units'. Of the built heritage items scheduled in the WDP, the majority of buildings (being primarily single-storey residences) would not be subject to the earthquake-prone building definition, while commercial / non-residential buildings would be affected. Heritage buildings are currently permitted an extended timeframe (10 Years) in which to give effect to upgrading requirements.

The Earthquake Prone Buildings Amendment Bill 2013 currently before Parliament proposes a revised system for managing earthquake-prone buildings, intended to strike a balance between protecting people from harm in an earthquake and managing the costs of strengthening or removing buildings. Provision is included for an extended period of time to meet seismic upgrade requirements and the introduction of three categories of risk based on geographical areas within New Zealand, with Northland (including Whangarei District) coming within the lowest risk category.

Once the new law is enacted, Council's existing Earthquake-Prone Buildings Policy will require updating or replacement.

**Project Information Memoranda (PIM) requirements, Building Act 2004**

PIMs are issued under section 34 of the Building Act 2004.

- Section 35 sets out the content of PIMs.
- Section 35 (1)(a) requires councils to identify the heritage status of a building and any special features of the land.
- Section 39 requires councils to notify HNZ in certain circumstances related to heritage issues.

The PIM process makes no assessment of the effect of the building work on the building/site and is concerned only with notification.

**Local Government Official Information and Meetings Act 1987 (‘LGOIMA’)**

LIMs are issued under Section 44a of the Local Government Official Information and Meetings Act 1987. Section 44 (a)(2) requires councils to include information about ‘special features’ of the land. In the case of WDC this has been taken to include heritage sites. The only requirement is to include information in a LIM, not to notify other persons/parties.

Section 44A (2)(a) states:

(2) The matters which shall be included in that memorandum are—
(a) information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
(i) is known to the territorial authority; but
(ii) is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:

Section 44A (3) states:

In addition to the information provided for under subsection (2), a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

A LIM, therefore, is not strictly required to include details of information or features (e.g heritage notations) applying to sites beyond the property for which the LIM has been sought. This can result in a lack of awareness of the significance of this, (particularly in the case of rules which require a minimum setback from heritage features on an adjacent site.)

**8 Policy Framework**

The District Plan forms part of a layered policy structure incorporating the NZCPS (2010), National Environmental Standards (‘NES’), Regional Plans, Growth Strategy, Council Long Term Plans (‘LTP’), and Structure Plans. The policy documents and plans require differing levels of consideration. A summary of the relevant policy documents follows.

**National Policy documents**

Section 55 of the RMA requires local authorities to amend their district plans to give effect to the objectives and policies of national policy statements. Examples of national policy statements to have taken effect over recent years include those relating to Electricity Transmission, Renewable Electricity Generation, Indigenous Biodiversity, and Coastal Policy. The NZCPS 2010 is the only national policy statement directly relevant to historic heritage.
New Zealand Coastal Policy Statement (2010)

Councils must give effect to the NZCPS which recognises 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.

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. When the NZCPS took effect in 2010, regional policy statements, regional plans and district plans were required to give effect to the NZCPS ‘as soon as practicable.’

Policy 17 (Historic heritage identification and protection) of the NZCPS specifically relates to heritage protection in the coastal environment from ‘inappropriate subdivision, use, and development’ by way of a number of listed methods:

- 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.

As the NRC and WDC must give effect to the NZCPS (2010), both authorities have taken into account the above policy and associated methods, particularly in respect of integrated management; recognising that protection of historic heritage may require conservation; and (in the case of WDC) consideration of possible opportunities for owners to conserve historic heritage (e.g through grants or rates relief).

While (c) refers to ‘historic landscapes’, this term is not defined in the RMA. However, PC124 introduces provision for ‘historic areas’ as defined by HNZ which could be extended in the future to include areas such as Bream Head where a range of agencies currently share joint responsibility for historic heritage.

The coastal environment, particularly Whangarei’s extensive coastline and harbours, contains rich historic heritage due to the prevalence of early coastal settlements. The protection of archaeological sites in areas sensitive to development such as dunes and harbour margins, is a recognised issue in the district. While some wahi tapu within the coastal environment (such as registered NZAA archaeological sites) are known, tangible and easy to identify, many heritage resources may be intangible in nature or in undisclosed locations.

As many coastal heritage sites and structures (e.g wharves) cross mean high water springs, both regional councils and territorial authorities are responsible for their protection, warranting integrated management of coastal heritage. No wharves are currently scheduled in the WDP.

National Environmental Standards

National Environmental Standards are regulations issued under the RMA that prescribe technical standards, methods and other requirements for environmental matters. Under section 74 local and regional councils must enforce these standards (or if the standards allow, councils can enforce
stricter standards). This is to ensure that consistent minimum standards are maintained throughout New Zealand.

No national environment standards apply specifically to historic heritage. However, Heritage NZ, in its advocacy role, has produced a series of ‘best practice’ guidelines for use in the preparation and implementation of heritage-related policies and documents.

**Regional Policy Documents**

**Northland Regional Plans**

Regional plans for Northland developed under the RMA include the Regional Water and Soil Plan, Air Quality Plan and the Northland Regional Coastal Plan 2004 with the latter covering the region’s coastal marine area (CMA). This represents the area from mean high water springs (MHWS) to the 12 nautical mile limit of New Zealand’s territorial seas.

Subdivision and development on the landward side of the coastal environment is managed through the WDP but must not be inconsistent with the Regional Coastal Plan in terms of the maintenance and enhancement of water quality and ecosystems in water bodies and coastal waters.

The above Regional Plans do not contain any lists of historic heritage or archaeological sites. However, permitted land use activity must not destroy any sites known to the local iwi which are of spiritual or cultural significance to Maori and which have been identified to the NRC. Damaging of historic heritage is not allowed, unless expressly permitted by a rule in a Regional Plan.

**Operative Regional Policy Statement (RPS) & Proposed Regional Policy Statement (PRPS)**

The PRPS was notified in September 2012, with decisions released in September 2013. All relevant outstanding appeals have been finalised. WDC is required to have regard to the PRPS.

‘Historic heritage’ is included in the PRPS as Issue 2.8 under the heading of **Natural character, features/landscapes and historic heritage**. This issue is addressed by **Objective 3.14** of the PRPS:

<table>
<thead>
<tr>
<th>Objective 3.14:</th>
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</thead>
<tbody>
<tr>
<td>Identify and protect the integrity of:</td>
</tr>
<tr>
<td>(a) The natural character of the coastal environment, and the natural character of freshwater bodies and their margins:</td>
</tr>
<tr>
<td>(b) Outstanding natural features and outstanding natural landscapes:</td>
</tr>
<tr>
<td>(c) Historic heritage</td>
</tr>
</tbody>
</table>

**Policy 4.5.3 Assessing, identifying and recording historic heritage** is relevant to the issue of NRC collaboration with territorial authorities in developing heritage-related policies and methods. The policy and associated methods reflect the process required to be met by WDC in fulfilling its statutory obligations under the RMA and RPS. Some minor amendments to the NRC assessment criteria have since been recommended by HNZ for adoption by WDC and these have also been incorporated in the scheduling criteria relating to PC124.

The explanation for Policy 4.5.3 states that Historic Heritage resources meeting the criteria under the Policy warrant protection and identification in regional and district plans. In terms of additional (i.e non scheduled items): ‘The decision on which other heritage features (that do not meet the criteria in this policy) to include in plans is left to individual councils.’
This provides the opportunity for councils to use additional, non regulatory methods (such as sense of place initiatives) in recognising the value of heritage at a more local, less formal level within the District, as proposed by PC124.

Policy 4.5.3 Assessing, identifying and recording historic heritage

Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:13

(a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;
(b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;
(c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;
(d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;
(e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;
(f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;
(g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and / or is associated with locally, regionally or nationally significant historic events;
(h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;
(i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and
(j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.

Method 4.5.4(3) Statutory plans and strategies sets out the timeframe, ‘(as soon as practicable after the RPS becomes operative’), for the regional and district councils (in collaboration with the DOC, tangata whenua, and HNZ, and in consultation with affected landowners (and where relevant, local communities) to identify historic heritage in accordance with the criteria in Policy 4.5.3. This ‘multi-agency/council approach’ (collaboration/consultation theme) has been applied to the proposed PC124 objectives and is recognised in the proposed provisions as a means of greater efficiency and consistency in the use of the criteria.

Method 4.5.4 Statutory plans and strategies

(3) As soon as practicable after this Regional Policy Statement becoming operative the regional and district councils (in collaboration with the Department of Conservation, tangata whenua, and New Zealand Historic Places Trust, and in consultation with

13 The PRPS criteria are more extensive than the 7 criteria currently listed in the WDC WDP.
affected landowners (and where relevant, local communities) will identify historic heritage in accordance with the criteria in Policy 4.5.3. Once identified, the historic heritage that meets the criteria in Policy 4.5.3 will be included within the relevant regional and district plans by way of maps and/or schedules or alert layers where appropriate. Where a heritage area, site, building or other feature spans a council jurisdictional boundary (for example, the coastal marine area) it will be recorded in the schedules and/or maps of both relevant plans.

Policy 4.6.2 Maintaining the integrity of heritage resources emphasises the importance of protecting the ‘integrity’ of historic heritage resources by ‘avoiding significant adverse effects of subdivision, use and development’ in line with section 6 of the RMA. The term ‘integrity’ is also listed as a criteria in Policy 4.5.3:

**Integrity:** the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region.

**Policy 4.6.2 Maintaining the integrity of heritage resources**

Protect the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(2):

a) By avoiding significant adverse effects of subdivision, use and development and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) on historic heritage in the following way:

i. Requiring careful design and location of subdivision, use and development to retain heritage buildings and other physical elements of historic heritage and where practical enhance public use and access;

ii. Restricting the demolition/relocation of and/or inappropriate modifications, additions or alterations to physical elements of historic heritage;

iii. Recognising that the integrity of many historic heritage resources relies on context and maintain these relationships in the design and location of subdivision, use and development;

iv. Recognising the collective value of groups of heritage buildings, structures and/or places, particularly where these are representative of Northland’s historic settlements, architecture or periods in history and maintain the wider character of such areas; and

v. Restricting activities that compromise important spiritual or cultural values held by Maori/Mana Whenua and/or the wider community in association with particular heritage places or features.

In giving effect to the above policy, PC124 proposes the inclusion of the above provisions (i) to (v) within proposed policy HH.1.3.2, although (v) above may be subject to further provisions relating to PC100. A definition of ‘integrity’ based on the meaning applied by NRC is also proposed (HH.1.4.)

**4.6.3 Method – Statutory plans and strategies** (2) requires regional and district plans to be amended to include objectives, policies and methods (and rules where necessary) to give effect to 4.6.2. Methods in district plans are required to include control of: (iv) The disturbance, demolition or alteration of physical elements and/or structures of historic heritage that meet Policy 4.5.3 (outside the coastal marine area and beds of lakes and rivers.)

These requirements have been taken into account in proposed PC124 which includes controls on destruction, demolition, internal/external additions, alterations or repairs, structural upgrading for seismic purposes, buildings within the site of a scheduled built heritage item or on an adjoining site, signage and utilities, dry stone walls, subdivision of a site containing a scheduled heritage built item or within a scheduled historic area, and subdivision involving building platforms within specified setbacks or where removal of dry stone walls is proposed.

Suggested RPS methods include those listed in 4.6.3 (3) below, with the Explanation stating that ‘control does not necessarily mean a resource consent is required.’
4.6.3 Method – Statutory plans and strategies

(3) Methods (as relevant to council functions) may include:

(i) Assessment criteria, development standards and/or thresholds to control the scale, intensity, form and location of activities and (including for the purposes of controlling cumulative adverse effects);

(ii) The control of the character, scale, form and appearance of new built development in areas of historic heritage identified in plans;

(iii) A requirement for qualified heritage or cultural impact assessments where activities have the potential to adversely affect historic heritage;

(iv) Use of alert layers to advise of sensitive historic heritage or cultural sites without disclosure in plans; and

(v) Conditions on consents to provide buffers and/or setbacks between historic heritage and other incompatible activity.

Methods proposed by PC124 that are based on the above methods (i) to (v) include:

- Discretionary activity assessment criteria (BH.1.9), development standards/rules (e.g. signage).
- Control of character, scale, form and appearance of new development on sites containing or adjoining a scheduled built heritage item (BH.1.7).
- Requirements for qualified heritage or cultural impact assessments when identifying and scheduling built heritage items (HH.1.3) and referred to in discretionary activity assessment criteria.
- Use of alert layers to advise of sensitive heritage without disclosure in plans, particularly in relation to SSM (HH.1.5).
- Use of buffers and/or setbacks from incompatible activities (BH.1.7).

Method 4.7.5 Statutory Plans & Strategies, addressed in more detail in section 9 of this report, advocates the use of non regulatory mechanisms, while acknowledging that ‘the NRC does not direct their use as these are Local Government Act 2002 decisions.’

NRC project on identification and assessment of historic heritage

In correspondence received from the NRC in relation to PC124 pre-consultation, the NRC noted its intention to undertake an exercise this year (2015) to identify and assess historic sites and areas in the CMA and in freshwater, based on identification criteria in the NZCPS and the RPS Policy 4.5.3, and including maps, policy and rules, as part of a new draft regional plan.

In terms of identifying ‘significant’ archaeological sites, NRC has advised that care needs to be taken not to duplicate processes under the HNZPT Act since archaeological sites already have statutory protection. NRC therefore anticipates that the project will not cover every individual site (such as middens) but may include more significant sites – for example a shipwreck or a burial site or areas where there is a concentration of archaeological activity. Determining significant sites/areas is expected to be a professional judgment for the consultant engaged, based on criteria in the NZCPS and RPS.

The above approach is in line with advice contained in the MFE Quality Planning advice note on Heritage, as noted below:

‘Importantly, care is required about the protection of archaeological sites under the RMA in a manner that avoids regulatory duplication with the Heritage NZ Pouhere Taonga Act 2014. Generally district plan rules for archaeology should be limited to archaeological sites of high significance having multiple values and ensuring sufficient information is provided to the

http://www.qualityplanning.org.nz/index.php/planningtools/heritage#regional_and_district_plan_heritage_section
public (ie, archaeological advice notices) about the archaeological authority process under the Heritage NZ Pouhere Taonga Act 2014. (Emphasis added.)

While archaeological sites (including previously unrecorded sites) are managed under the Heritage NZ Pouhere Taonga Act 2014, district plans have a role in protecting the most significant archaeological sites (including groups of significant archaeological sites).”

Iwi and Hapu Management Plans

Section 74(2A) requires councils to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.

Three Iwi Management Plans prepared for the area (Patuharakeke Te Iwi Trust Board Environmental Management Plan 2014, Te Iwi O Ngatiwai Management Plan 2007 and Ngati Hine Iwi Environmental Management Plan 2008) are of relevance, particularly in terms of their role in ‘knowledge sharing’ with WDC and guidelines relating to the use of natural resources.

Iwi Management Plans and relationships established between Iwi and Council have been of particular relevance to the on-going Sites of Significance project (PC100), with results and recommendations of that project expected to be integrated into Chapter HH once finalised.

Local policy framework

Council’s current policy framework is largely based on 30/50, adopted by Council on 22 September 2010. This is aimed at managing projected growth sustainably over a 30 to 50 year timeframe and provides an overarching framework for a suite of planning documents required in terms of a range of local authority functions, with varied timeframes, including:

- Coastal Management Strategy (20 years)
- Urban Growth Strategy (20 years)
- Urban Form and Development Report (20 years)
- Rural Development Strategy (basis for current rural plan changes)
- 20/20 Plus Central City Development Plan (20 years)
- Various Structure Plans produced for the coast and urban fringe (20 years)
- Long Term Plan (10 years)
- District Plan (10 years)
30/50

30/50, released in September 2010, is Council’s strategic spatial planning document, formulated in response to significant growth in the district over the period 2001-2008. Based on a sustainable development approach it is aimed at providing a long term strategic planning framework for the district over the next 50 years. The 30-50 year timeframe was considered appropriate in responding to longer-term natural cycles such as climate change and changing land use patterns, while the 30 year timeframe was seen as enabling efficient infrastructure planning. An Implementation Plan for 30/50 was adopted in 2013 and has timing implications for certain heritage initiatives.

In terms of heritage issues, 30/50 acknowledges the district as having ‘a long and distinctive historic and cultural heritage from both Maori and European colonization which, when combined with the district’s natural attributes, form a unique and compelling ‘sense of place’. Further elements contributing to ‘sense of place’ are described in section 3.6 while section 4.2 addresses the importance of historic/cultural heritage to the district.

The ‘Whangarei District Council 2009 Historic/Cultural Heritage Report’ which informed 30/50 recommended the following options for consideration by Council in order to better recognise and protect historic heritage as a matter of national importance.

- A comprehensive review of heritage within the district, including archaeological sites, and historic features and places, sites of significance to Maori, and heritage trees, as a possible basis for formulating a Heritage Strategy.
- Inclusion of identified heritage items in the WDP schedules and on the planning maps (except if tangata whenua wish this information to remain confidential) and ensure Schedules are updated on a regular basis.
- Review effectiveness of existing WDP provisions in relation to the protection and enhancement of historic and cultural heritage to assess whether existing activity rules are too permissive or too restrictive.
- Include archaeological sites in the WDP to reduce the risk of accidental destruction or potential delays for landowners unaware of their presence or significance.
- Consider the appropriateness of ‘historic’ or ‘cultural landscapes’ as a concept for addressing heritage.
- The use of heritage orders to protect historic heritage where heritage values are under threat, (e.g demolition).
- The use of heritage covenants for long term historic heritage protection, involving permanent agreements between HNZ and property owners, with such covenants registered against the titles of properties and conditions or restrictions placed on their use.
- Possible use of conservation covenants for protecting heritage items, with most covenants currently aimed at protecting natural heritage within the district.
- Non-regulatory approaches, such as information, education and advocacy and the use of both economic instruments and non-financial incentives need to be considered. Financial incentives, heritage grants, subsidies, rates relief, waiving of consent fees, or use of development contributions all have the potential to supplement regulatory approaches.
- The use of information, education and advocacy to encourage voluntary protection together with improved practice in protective processes in general, (e.g Council could encourage the community to liaise with HNZ regarding protection of heritage items). Information on how to carry out maintenance in a manner that is sensitive to the values of the heritage resource could be provided by suitably qualified persons facilitated by council.

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15 Executive Summary, p7.
The timeframe and priorities for implementing 30/50 historic/cultural heritage actions are summarised below, based on details included in the subsequent Implementation Plan.

**Timeframe & priorities for implementing Growth Strategy historic/cultural heritage actions**

<table>
<thead>
<tr>
<th>Action ref.</th>
<th>Priority / timing</th>
<th>Growth Strategy Implementation Plan - Historic/Cultural Heritage actions</th>
</tr>
</thead>
</table>
| 1.1         | 1               | During the current review of the Regional Policy Statement for Northland (RPS), provide input to ensure the RPS sets the direction for historic and cultural heritage protection and management in the Northland Region.  
*Comment: WDC made submissions to the PRPS on historic heritage issues.* |
| 1.2         | on-going        | During future reviews of the Regional Coastal Plan (RCP), provide input to ensure that the RCP identifies historic and cultural heritage in the coastal environment and provides objectives, policies, rules and other methods to project heritage.  
*Comment: NRC advised WDC of proposed intentions including research into Historic Heritage in CMA.* |
| 2.1         | 4               | Develop a Historic and Cultural Heritage Strategy for the Whangarei District that undertakes a comprehensive re-evaluation of historic and cultural heritage and how it is managed in the district. A heritage inventory, describing the heritage resources of the district, should be included.  
*Comment: In the short-term Council has endorsed a ‘minimalist’ approach to scheduling heritage in the WDP.* |
| 2.2         | 1 on-going      | Incorporate existing historic and cultural heritage into structure plans, development plans, urban design plans, and community village plans, and ensure that historic and cultural themes are utilized in all plans to maintain and enhance sense of place.  
*Comment: Issue currently being reviewed as part of proposed CBD Structure Plan.* |
| 3.1         | 2               | Review the effectiveness of existing WDP provisions in relation to the protection and enhancement of historic and cultural heritage, and improve existing provisions where necessary. The use of cultural or heritage landscapes should be investigated.  
*Comment: Currently under review (PC124 and PC100).* |
| 3.2         | 2               | Ensure all heritage items are contained in the WDP schedules and on the planning maps (except if tangata whenua wish this information to remain confidential).  
*Comment: Currently under review (PC124 and PC100).* |
| 3.3         | 4               | Investigate the use of heritage protection orders, heritage covenants and conservation covenants for protecting historic and cultural heritage through provisions in the WDP.  
*Comment: currently under review (PC124 and PC100).* |
| 4.1         | 3               | Investigate the use of financial incentives such as heritage grants, subsidies, rates relief, waving of consent fees, or use of financial contributions to supplement regulatory approaches to protecting heritage. |
| 5.1         | on-going        | Include protection and enhancement of historic and cultural heritage in asset/activity management plans and future Long Term Plans (LTPs) when appropriate, along with budgetary commitments and funding sources. |
| 6.1         | on-going        | Provide information to, liaise with, and collaborate when required with external bodies and stakeholders on the protection and enhancement of historic and cultural heritage, including individuals, developers, business associations, chamber of commerce, ratepayer/community groups, environment groups, Department of Conservation, HPT, NRC and the public generally.  
*Comment: Pre-consultation undertaken re PC124. Also on-going liaison with iwi re PC100.* |
| 7.1         | on-going        | Consult with, and facilitate participation of, local iwi and hapu in initiatives relating to the protection and enhancement of historic and cultural heritage.  
*Comment: On-going liaison with iwi re PC100.* |

The key to priorities/timing for the above actions is provided below. All heritage actions listed come within the first 4 priority groups and/or are classed as ‘on-going’.
<table>
<thead>
<tr>
<th>Priority</th>
<th>Years</th>
<th>LTP</th>
<th>10 year period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1-3</td>
<td>2012-2015</td>
<td>2022</td>
</tr>
<tr>
<td>2</td>
<td>4-6</td>
<td>2015-2018</td>
<td>2025</td>
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<tr>
<td>3</td>
<td>7-9</td>
<td>2018-2012</td>
<td>2028</td>
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<tr>
<td>4</td>
<td>10-12</td>
<td>2021-2024</td>
<td>2031</td>
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<tr>
<td>5+</td>
<td></td>
<td>Refer to Implementation Plan.</td>
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It is noted that the priority/timeframe assigned to the review of the WDP heritage provisions (actions 3.1 and 3.2) is 2, whereas investigation of financial incentives is 3, while the development of a Historic and Cultural Heritage Strategy (action 2.1) is 4.

**WDC Urban Growth Strategy**

The Urban Growth Strategy (UGS) was created to provide a vision for the future urban areas of Whangarei, with the entire urban area divided into 10 sections for assessment. Extensive consultation was undertaken to guide the identification of potential areas suitable for future development.

As part of the UGS, expert heritage assessments were undertaken for the various areas, with heritage characteristics and values identified. In some cases (e.g. the Kensington assessment) recommendations were provided on future development ‘in character areas’ including ensuring that new development in character areas ‘harmonise with or complement neighbouring buildings in scale, proportion and material.’ To date, no character areas have been defined, although this is a possibility under the urban plan change provisions currently under review.

The final UGS Report was adopted by Council in October 2003. Implementation of the UGS was focused on areas known as Structure Plan Study Areas. Council adopted the final documents for the first five Structure Plans in February 2009. As non-statutory documents, implementation of the urban structure plans is reliant upon changes to the WDP. Structure plans have been taken into account in the subsequent Urban Transitional Environment (‘UTE’) and Kamo Walkability Environment (‘KWE’) and proposed rural plan changes.

PC124 anticipates that structure plans and associated consultation could result in identification of some ‘character areas’ in the future, where character is derived from a number of characteristics such as heritage, amenity, and accessibility.

**Urban Design Protocol and urban design/sense of place initiatives.**

In October 2008 Whangarei District Council became a signatory of the Ministry for the Environment’s Urban Design Protocol, thereby endorsing a commitment to creating quality urban design outcomes, formalized in the Urban Design Strategy for Whangarei.

**Council’s Urban Design Strategy**

Council’s Urban Design Strategy (‘Making great places to shape our future, an urban design strategy for Whangarei’) was adopted on 9 March 2011. It aims at providing on-going high-level direction for the design and development of the urban environment in a manner that helps contribute to the sustainable future and success of the whole District. Policies are also promoted for improving the quality and appeal of the urban environment that impact on quality of life, help attract investment and lead to greater economic vitality.

The Strategy sets out a vision for high quality urban design in Whangarei that is compact, connected, distinctive, diverse, attractive, appropriate, sustainable and safe and is intended as the first step towards Council’s commitment to the Urban Design Protocol. As a medium priority the Strategy includes a recommendation on the use of incentives to encourage individuals and developers to adopt high quality urban design principles, such as:
‘giving subsidies to heritage building owners or developers in the form of reduced or delayed payment of development contributions, consents discounts, and rates holiday, and for giving bonuses in terms of relief from planning rules such as minimum floor area and height.’

The adoption in August 2011 of WDP Chapter 6 Built Form and Development further signalled ‘a focus on good quality urban design and attractive streetscapes’ as forming an integral part of Council’s vision to promote high amenity.

**Council’s Long Term Plan (‘LTP’)**

The current LTP (adopted June 2015) covers the period 2015-2025 and is reviewed every 3 years, supplemented by Annual Plans. It remains current until the next LTP is adopted in 2018. As stated in the LTP, everything that WDC does is guided by five Community Outcomes:

- Easy and safe to move around
- A growing, resilient economy
- Clean, healthy and valued environment
- Vibrant and healthy communities
- Well managed growth

Of relevance to the issue of heritage is ‘Clean, healthy and valued environment’ which is qualified by the following statement: ‘As our District grows, our natural and created environment is protected, maintained and enhanced to reflect our Sense of Place, mauri and identity.’

The LTP noted that a substantial number of submissions had been received on the topic of ‘Sense of Place’, predominantly requesting beautification, revitalisation and signage. It stated: ‘Council continues to place importance on Sense of Place initiatives and has allocated a further $20,000 per year for the purpose of beautification, revitalisation and signage. Council will engage with the Bank Street revitalisation group.’

In terms of assets and services, the LTP notes that Council will provide and maintain a range of reserves, including built facilities, to meet the recreational and leisure needs of the community as well as protecting and enhancing the natural environment for its intrinsic value, with one of the performance measures being ‘Residents’ satisfaction with neighbourhood, civic space, cultural heritage, public gardens, and recreational and ecological linkages parks.’

**Council’s Arts, Culture & Heritage Policy**

In April 2009 Council adopted the above policy, the stated philosophy of which is:

- to have a vibrant, innovative and active Arts, Culture and Heritage sector in Whangarei District
- to create opportunities for Whangarei residents, communities, visitors and tourists to participate in a wide variety of arts, cultural and heritage activities
- to support and develop a healthy and flourishing arts, culture and heritage sector in the Whangarei District
- to achieve a profile nationally and internationally as a centre for the arts
- for the arts sector to be a key driver for tourism and economic development

Goals 1 and 2 of the Policy support the Town Basin as a ‘heritage and culture experience precinct’, acknowledging that there are benefits in locating similar activities in close proximity to each other. The proposed Hundertwasser Museum, Clapham’s Clock Museum and heritage scheduled Reyburn House are recognised in the Policy as adding a significant component to the overall experience.

The WDP (Chapter 43 and Appendix 7) similarly recognises the importance of the Town Basin to both residents and visitors. Sense of Place initiatives with a heritage component that have taken place in recent years (such as story boards and heritage trails) have been concentrated in this location and along the Loop Walkway extending from it.
A copy of the above Policy is included in Attachment 8 to this report.

**Council subsidy for the painting of building facades in CBD**

Since 2002 a Council subsidy has been available for the painting of commercial and community use building facades in selected areas in colours approved by Council, based on the length of street frontage. The policy was based on criteria used by Napier City Council and Gisborne District council.

There were two phases of applications for consideration –

- **1st phase:** up to June 2003 – only applications for buildings on Bank Street.
- **2nd phase:** other buildings between Bank Street, Walton Street and Dent Street in the CBD.

Funding initially came from a special Inner City Development fund that has long since expired. There is no budget currently set aside for this and any requests now get funded from the Roading section’s footpath maintenance account. The process has been described as ‘fairly dormant and not overly well publicised.’

**Council’s Property Policy (Policy 0078)**

This Policy (amended/adopted March 2014) sets out Council’s philosophy in making decisions on its property assets and in defining the management and decision making framework. Of particular relevance to its heritage building assets are sections 2.6 Special Purposes and 2.7 Other property.

The latter section states:

2.7 **Other property**

This category includes various landholdings accumulated over the years that are no longer used to provide Council services e.g. Whangarei Railway Station, abandoned quarries. It should be managed on the same basis as Special Purposes properties as noted above, with particular regard for the orderly disposal of these properties.

**Further Considerations – Heritage Buildings**

The Old Library, The Old Municipal Building and the Railway Station are heritage buildings presently owned by Council.

A system of “threat analysis” will be conducted for identified heritage properties not presently owned by Council. Where it is determined that there is a sufficiently urgent case for intervention, having regard to the financial consequences for Council, acquisition or other measures may be instigated.

Action will be taken periodically to analyse the status of any Council-owned heritage properties to identify whether ongoing ownership is the best or only means of protecting these properties. Where practicable, properties will be sold with adequate safeguards (e.g. covenants) in place, thereby freeing up funds for the purchase of other heritage properties under threat.

No ‘heritage properties under threat’ have been purchased by WDC since the WDP became operative.

**Council’s Policy on Variations and Plan Changes (Policy 0053)**

This policy, adopted 11 March 2015, sets out the provisions applicable under Part 1 of the First Schedule of the RMA for a local authority to undertake plan changes, and procedures for private plan change requests (under Part 2 of the First Schedule.)

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16 The former Railway Station building was sold in December 2014 to the Men’s Shed, with ownership of the land retained by WDC.
Clause 1.3 of the Policy lists (but is not limited to) the circumstances under which Council might justify it ‘taking over’ a privately initiated variation; or adopting a private plan change request; or initiating a plan change itself:

- i. The proposed plan change will have a significant benefit to the public at large e.g. provision of commercial land for economic development.
- ii. The proposed plan change will assist in resolving an appeal.
- iii. The proposed plan change will resolve a demonstrable problem where no other remedy or opportunity is available (for example where there are a number of private plan change applications from adjacent lands). Council might take the opportunity to integrate development where public infrastructure will be required, not only for the land involved, but for the general area in the future.
- iv. The proposed plan change will resolve conflict between Policy and Environmental Standards.
- v. The proposed plan change will address an omission or error in the current District Plan;
- vi. The proposed plan change will give effect to Strategic Council Policy documents such as the Whangarei Growth Strategy: Sustainable Futures 30/50, Development Strategies and Structure Plans.
- vii. The proposed plan change will incorporate the urban design principles of transition, infill, contiguous development, and choice.
- viii. The proposed plan change should only be considered when a certain percentage (say 60%) of land in a particular land use zone is taken up and developed. At any one time there must be equilibrium between land supply and demand of all land use zones including some oversupply to cater for market fluctuations.
- ix. The proposed plan change will take into consideration the population projection of the area and the rate of growth or anticipated growth with a ten year lead in for the provision of services and the LTP time frame.
- x. The proposed plan change will address any other relevant matter considered of strategic importance by the Council.

The above policy makes no specific reference to the role of Council in adopting private plan changes that seek additions to the WDP Heritage Schedules. This means, therefore, that private individuals or community groups may be reluctant to lodge private plan change applications due to the processing costs involved.

Whangarei District Plan

The structure of the WDP includes a series of Environments (zones), Resource Areas (areas or topics requiring special management such as natural hazards and heritage), and a set of overlying objectives, policies and anticipated environmental results (AERs) on a range of topics such as amenity values, subdivision and development, the coast, landscape and tangata whenua, and methods of implementation (which are not necessarily rules.) Collectively these provisions seek to ensure the maintenance and possible enhancement of amenity values and the sustainable management of natural and physical resources while avoiding, remedying or mitigating adverse effects on the environment, in line with principles of the RMA.

District Plan prescriptive policy and discretionary activity approach to plan formulation

Section 75 of the Act specifies that a District Plan must state objectives for the district, policies to implement the objectives, and the rules (if any) to implement the policies. This section envisages that rules are not always required to achieve the stated objectives, and such a case is entirely possible when the policies themselves are sufficiently prescriptive.

Until the October 2009 amendments to the RMA, rules in District Plans relating to the notification or non-notification of activities were limited to controlled and restricted discretionary activities. Post-amendment no such limitations apply, with Section 77D providing for both notification and non-notification rules without any activity status prerequisites.

Controlled activities under the RMA are typically allowed on a non-notified basis without the need for written approval where proposals are consistent with (or give effect to) the objectives and
policies of the plan. By applying the same reasoning to discretionary activities, proposals may be contemplated on a non-notified basis without written approvals. Where effects are minor, or ‘acceptable’, then proposals may be contemplated on a non-notified basis without written approvals.

In terms of current WDP practice introduced through PC106 District wide topics are contained within individual chapters to avoid repetition of methods throughout the plan. Emphasis has been placed on the re-introduction of the ‘zone statement’ or ‘description and expectations’ concept which sets out the expectations of Council (and others) at the start of the chapter. These are seen as taking the place of the ‘Issues’ and ‘Anticipated Environmental Results’ statements that have existed in other chapters of the WDP.

The process for considering and determining resource consent applications is prescribed by the RMA, with the degree of assessment directly linked to the application activity status prescribed by a district plan. The WDP presently contains permitted activity thresholds that require controlled activity or restricted discretionary activity consents when triggered, which are in turn evaluated against matters for control or discretion with accompanying assessment criteria.

Under the conventional activity status hierarchy adopted in the WDP there has been a tendency for the ‘minimum’ standards to become the ‘normal’ standards largely due to economic (cost) considerations. Due to the need in the past for procedural certainty, non-notified consent processes have traditionally resulted in subdivision and development proposals being designed to fit within the rules rather than site attributes. The absence of third party (submitter) involvement is therefore frequently seen as a significant factor when considering proposals requiring resource consent, with the notification process rather than the activity status taking precedence.

Conclusion

The above Part Two of the PC124 Section 32 Evaluation Report summarises the statutory and policy frameworks applicable to plan formulation generally and the Whangarei District Plan and PC124 more specifically. It should be considered in conjunction with Part One of this report and associated attachments included in Part Three, particularly the proposed PC124 text.
Part Three: Attachments

1. Proposed Plan Change 124: Built Heritage
2. Proposed consequential changes to Whangarei District Plan (text and Resource Area maps)
3. Extract from Minutes: District Living Committee Wednesday, 8 May 2013.
4. Details of proposed amendments to Schedule of Built Heritage including copies of Heritage New Zealand Registration/Listing Reports.
5. Table comparing operative and proposed District Plan built heritage provisions.
6. Pre-consultation booklet.
7. Summary of pre-consultation feedback.
Proposed Plan Change 124: Built Heritage

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HH.1 Historic Heritage

HH.1.1 Description and Expectations

Our historical and cultural heritage not only represents our legacy from the past but also forms an essential part of our existing environment, identity and sense of place. It has different connotations for different people and different sectors of the community, with heritage values derived from a range of places, features, customs, traditions and changes over time.

*Historic heritage* is broadly defined in the Resource Management Act (RMA) as ‘natural and physical resources that contribute to an understanding and appreciation of New Zealand’s social history and cultures’. Historic heritage values are diverse, and may result from a range of qualities, including archaeological, cultural, historic, and natural factors. Included are historic sites, structures, places and areas, archaeological sites, sites of significance to Maori (including waahi tapu), and associated surroundings.

Historic heritage is required to be identified and protected from inappropriate subdivision, use and development as a matter of national importance under the RMA, with statutory protection the responsibility of Regional and District Plans. In addition, *Heritage New Zealand Pouhere Taonga* has an important advocacy role in promoting the conservation of New Zealand’s national heritage and administering the *Heritage New Zealand Pouhere Taonga Act 2014*, including overarching statutory responsibility for archaeological sites (places generally associated with pre-1900 human activity).

Collectively, *historic heritage* resources provide:

- a sense of place, identity and continuity, contributing to the overall amenity or character of an area
- a pleasant, interesting and meaningful environment for people’s activities
- a basis for community well-being and understanding
- connections between past, present and future as an area progresses, so that recognised heritage values can ‘live on’
- reminders of the past (including persons of note and significant events)
- a source of information on styles and technologies of the past
- interest for visitors, including associated economic opportunities.

Safeguarding historic heritage for future generations requires an appreciation of historic heritage values. The degree of relevance and significance of particular places, features, customs or traditions to local and wider community sectors determines their appropriate level of protection. Ensuring that historic heritage remains well-maintained, structurally sound, and protected against natural hazards assists in sustainably managing the on-going needs of the District’s present and future generations.

Issues or challenges currently facing the District’s historic heritage include:

- The susceptibility of historic heritage (particularly built heritage of wooden construction) to physical damage or decay, unsympathetic additions or alterations, and impacts on original surroundings, identity and values.
- Physical effects of development and coastal hazards on archaeological sites adjacent to the District’s extensive coastline.
- Enhancing public awareness and appreciation of historic heritage, while also limiting access to information where unrestricted release of sensitive information on location or significance could be prejudicial to their protection.
- Costs associated with statutory identification and protection procedures and on-going maintenance of built heritage (both public and private).
- Balancing regulatory and non-regulatory approaches to celebrating heritage.

Whangarei District possesses a range of natural and built heritage resources of varying scale, levels of significance and forms of ownership or management (private and public) that help define the District’s identity, as well as providing scientific, tourism, recreational and ecological benefits. These resources may comprise individual items or combinations of features including landscapes, harbours, landforms, indigenous ecosystems, and evidence of early settlement and development of both Maori and European origins.

A prime example of historic heritage evident on a large scale is the entrance to Whangarei Harbour.
prominently defined by the iconic Bream Head, Taurikura Ridge and Mt Manaia landforms, with the area’s visual landscape (including many hills and islands) having been modified over time as pa sites, sanctuaries and gardens. Various agencies including the Department of Conservation, Northland Regional Council, Queen Elizabeth II Trust, Heritage NZ and Whangarei District Council have shared responsibility for protecting heritage in this location.

At a more local level, reminders of the District’s pioneers, past events and early rural farming, residential, social and industrial activities are still evident in street signs, local museums, literary and photographic collections and war memorials. One example is the settlement of Waipu which thrives on its Scottish heritage, with the early Nova Scotian settlers’ influence also extending to other areas including Whangarei Heads. In addition to maintaining a number of scheduled buildings and monuments, the Waipu community also actively celebrates its past through a range of events and facilities including a museum, an early cemetery, a heritage walk, artworks and signage, pageants and the annual Caledonian Games.

In identifying historic heritage for protection within the District, Council’s current emphasis is primarily on historic heritage already listed by Heritage New Zealand; sites and areas of significance to Maori identified by iwi/hapu; and items identified in conjunction with the Northland Regional Council. However, Council also envisages this formal process being off-set by additional, more modern approaches to recording, relating and celebrating the stories and events of the past, including non-statutory methods such as heritage trails and information plaques that have proved successful in Whangarei’s Town Basin.

Note: Chapter HH (Historic Heritage) is designed to serve as a framework/overview for historic heritage issues generally, with subsection Built Heritage (BH) addressing specific provisions associated with built heritage (buildings, sites, objects and related surroundings.). It is intended that a further subsection (Archaeological Sites and Sites and Areas of Significance to Maori) will be integrated into the chapter as the rolling review of the District Plan (including PC100) progresses.

Most trees classed as ‘Heritage Trees’ in the District Plan are regarded as notable more for their amenity or botanical values than heritage significance. Any review of those provisions (beyond those specifically assessed as being integral to the surrounds of a scheduled heritage building) are likely to concentrate on their contribution to the District’s amenity, biodiversity and open space values and will not form part of the Historic Heritage chapter.

It is expected that this advisory note will be deleted from the District Plan once all sub-sections of this chapter are operative.
HH.1.2 Historic Heritage Objectives

1. The diverse historic heritage resources that reflect the District’s historical and cultural heritage values are identified, assessed, and protected for the well-being of existing communities and future generations.

2. The relationships of tangata whenua with sites and areas of spiritual, cultural or historical significance are recognised and provided for.

3. Identification and protection of historic heritage is undertaken in consultation with statutory organisations with heritage interests, affected landowners, local communities and tangata whenua, while recognising:
   a. Heritage New Zealand’s advisory functions and overarching responsibility for the protection of archaeological sites within New Zealand.
   b. Northland Regional Council policies and procedures relating to historic heritage in the coastal environment.
   c. The role and obligations of owners of historic heritage and tangata whenua, as guardians (or kaitiaki) of the past.

4. The District’s historic heritage resources are protected from adverse effects of subdivision, use and development including damage, destruction, decay, neglect, and unsympathetic additions or alterations, and (where possible) from natural hazards.

5. Historic heritage information held by Council is regularly maintained, reviewed, updated, and accessible to the public except where disclosure could be prejudicial to privacy or the protection of the historic heritage resource.

6. Community awareness, appreciation and celebration of historic heritage and sense of place within the District is fostered and enhanced through a combination of regulatory and non-statutory initiatives.

HH.1.3 Historic Heritage Policies

Identification/assessment/scheduling of built heritage items

1. To adopt a consistent, transparent and balanced approach to the identification, assessment and scheduling of historic heritage in the District Plan by:
   a. Identifying sites and areas of significance to Maori in accordance with procedures and criteria established in conjunction with iwi/hapu.
   b. Giving priority to historic heritage resources and historic areas listed by Heritage New Zealand and items identified in collaboration with the Northland Regional Council when scheduling built heritage items.
   c. Enabling informed public input into District Plan Historic Heritage Schedules through the statutory plan change process where recommendations from individuals or community groups are supported by:
      i. Statements of significance prepared by a recognised heritage expert or archaeologist, as appropriate.
      ii. Approval of the property owner.
      iii. Evidence of any consultation with Heritage New Zealand.
      iv. Any additional RMA information requirements.
      v. Any required plan change fees/deposits.

Protection of historic heritage from internal and external influences

2. To protect the context and integrity of historic heritage resources scheduled in the District Plan by:
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a. Requiring careful design and location of subdivision, use and development in order to retain physical elements of historic heritage, and where practical enhance public use, visibility and access.

b. Restricting the demolition and relocation of built heritage resources and inappropriate modifications, additions or alterations.

c. Recognising the collective value of groups of heritage buildings, structures and/or places, (including scheduled historic areas and landscapes) particularly where these are representative of the District’s historic settlements, architecture, periods in history, or District-wide heritage themes.

d. Restricting activities that compromise important spiritual or cultural values held by Maori/Mana Whenua and/or the wider community associated with particular historic heritage places or features.

3. To protect historic heritage from adverse physical and visual effects of internal and adjacent subdivision, land use and earthworks particularly where:

a. Proposals are in proximity to scheduled built heritage resources, known archaeological sites, or sites of significance to Maori.

b. The presence of archaeological sites is likely, particularly adjacent to the coast, rivers and streams.

c. Subdivision or development would result in the loss, damage, fragmentation or separation of historic heritage resources.

d. Public views of the historic heritage resource would be lost or obstructed.

4. To acknowledge the relationships between different forms of historic heritage within scheduled historic areas by requiring that future subdivision and development within such areas consider:

a. Individual and cumulative effects on historic heritage values.

b. Themes or connections linking historic heritage resources.

c. The character, scale, form and intensity of existing and proposed built development.

d. Effects on the surrounding environment including landscapes and streetscapes.

5. To increase public awareness of the nature and location of historic heritage resources by ensuring regularly updated information maintained by Council is accessible to the public, including through means such as:

a. District Plan Heritage Schedules and Resource Area maps.


c. GIS mapping information based on data provided by Heritage New Zealand and the NZ Archaeological Association to satisfy statutory requirements associated with the issuing of Land Use Information Memoranda (LIMs) and Project Information Memoranda (PIMs), and in the assessment and monitoring of resource consent applications.

d. Conditions of resource consent.

e. Use of alert files, where disclosure of sensitive information could prejudice privacy or protection of the heritage resource.


Note: In giving effect to the above objectives and policies the additional regulatory and non regulatory provisions (specified in the following Built Heritage and/or Archaeological Sites/Sites of Significance to Maori sections of Chapter HH) shall also apply.

HH.1.4 Historic Heritage Terminology

For the purposes of Chapter HH the following meanings of words shall apply:

1. General

a. **Historic heritage** has the same meaning as in section 2 of the RMA and Chapter 2 (Meaning of Words) of the District Plan:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
(i) archaeological:
(ii) architectural:
(iii) cultural:
(iv) historic:
(v) scientific:
(vi) technological; and

(b) includes—
(i) historic sites, structures, places, and areas; and
(ii) archaeological sites; and
(iii) sites of significance to Māori, including wāhi tapu; and
(iv) surroundings associated with the natural and physical resources

b. Historical and cultural heritage as referred to in the Heritage NZ Pouhere Taonga Act 2014 is similar in meaning to the RMA definition of historic heritage.

c. Historic heritage resources means heritage items, features or components, (including archaeological features, buildings, objects or structures) that contribute to historic heritage as defined in the RMA and as adopted in the Proposed Regional Policy Statement.

d. Archaeological site, in terms of section 6 of the Heritage NZ Pouhere Taonga Act 2014, means any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. Modifications to archaeological sites as defined above require consent from Heritage New Zealand. Note: Under the RMA definition of ‘historic heritage’ the term ‘archaeological site’ is not limited to pre-1900 activity and may also include sites of later activity of heritage interest (e.g. former World War II army camps.)

e. Sense of Place generally means the attachments of people and communities to their land or special places, developed through experience and knowledge of an area. Sense of place may be experienced at an individual or personal level or by a group of people. It comprises two essential elements - the ‘community’ or those people who feel attachment or a sense of belonging to a particular place, and the physical, cultural and intangible elements of a place that contribute to its special character, familiarity, or sense of belonging.

2. Additional meanings applicable to built heritage

a. Built heritage means physical or built forms of historic heritage predominantly comprising historic sites, structures, places, areas and associated settings/surroundings.

b. Scheduled built heritage means built heritage resources included in the Schedule of Built Heritage Items (BH.1.10).

c. Scheduled historic area means an area of land containing an inter-related group of historic heritage resources included in the Schedule of Built Heritage Items (BH.1.10).

d. Additions and alterations means any work to existing scheduled built heritage resources which involves the addition, change, removal or replacement of walls, windows or features resulting in changes to external appearance or an increase in gross floor area or building coverage.

e. Adaptive re-use is a process that adapts buildings for new uses while retaining their historic heritage features.

f. Conservation means all of the processes of understanding and caring for a built heritage item so as to safeguard its historic heritage values.

g. Dry Stone Wall means a wall that has been constructed by hand, without mortar, from locally sourced volcanic rocks, as opposed to man-made construction materials. Located primarily within the areas of Maungatapere, Maunu, Glenbervie, Three Mile Bush and Maungakaramea, these walls were generally constructed between the 1850's and World War II. Pre-1900 dry stone walls are also classed as ‘archaeological sites’.
h. **Demolition or destruction** means any activity that destroys, damages or modifies in whole or in part the fabric of a historic heritage item and adversely affects the heritage values that contribute to its significance.

i. **Fabric** means all the physical material associated with a built heritage item, including structures, interior and exterior surfaces, fixtures and fittings.

j. **'Inappropriate' subdivision, use and development** includes inappropriate intensity, scale, character and design and inappropriate location.

k. **Integrity** is a term applied to heritage resources that retain a high proportion of their original characteristics or fabric.

l. **Maintenance** means regular and ongoing protective care of a built heritage item to prevent deterioration and to retain its historic heritage value.

m. **Repair/s** means making good decayed or damaged material using the same or similar materials, colour, texture, form and design.

n. **Seismic upgrading** means structural works required to meet relevant earthquake-prone buildings legislation and related Council Policy.

o. **Site surrounds** means all the curtilage (including trees, gardens, buildings and structures) associated with a scheduled built heritage item that contributes to its significance, the removal of which would detract from the item's inherent heritage significance and value. Unless otherwise specified in the Schedule of Built Heritage, 'site surrounds' includes all land within the title boundary.

p. **Statement of significance** means a report from a recognised heritage expert, describing the heritage values of an historic heritage item, based on District Plan scheduling criteria.

3. **Additional meanings applicable to Archaeological Sites/ Sites of Significance to Maori items:**

   [To be incorporated as part of PC100]
BH.1  Built Heritage

BH.1.1  Description and Expectations

Built heritage comprises physical or built forms of historic heritage of significance to the District, with examples having been formally recognised by Council since the mid 1980s. The majority of built heritage items currently protected under the District Plan relate primarily to European settlement and are largely residential in nature, although a number of churches and commercial or municipal buildings are also protected, some having been successfully adapted to alternative uses such as offices, restaurants or art galleries. A number of scheduled built heritage items occupy land or reserves in Council ownership, although the majority of these are used, owned, leased and/or managed by community groups. Dry stone walls of historic and amenity value located within volcanic areas on the fringe of Whangarei’s urban area are not individually scheduled but are subject to blanket protection under the District Plan.

Built heritage (particularly buildings of wooden construction) can be susceptible to damage, decay, neglect, natural hazards, and unsympathetic additions or alterations. More intensive subdivision of heritage sites or in close proximity to them can also adversely impact on original heritage values, features, and surroundings. However, due to lower urban growth rates than much of New Zealand, the District’s built heritage is less at risk from demolition or relocation for development purposes.

In addition to District Plan restrictions on demolishing or relocating scheduled built heritage items, controls apply to on-site works to interiors, exteriors and additional buildings, as well as focusing on managing potential effects from adjacent subdivision or development.

Issues that can affect owners of scheduled built heritage include on-going maintenance costs, limited recognition or financial support for their role as custodians of the past, and the foregoing of development potential in some cases. On the other hand, the sustainable management of heritage resources can result in economic benefits, particularly where heritage buildings are sympathetically adapted to alternative uses. Increased emphasis on maintaining the commercial viability of built heritage is therefore promoted in the District Plan.

Overall, it is anticipated that pending the adoption of an overarching Heritage Strategy for the District, a conservative approach to statutory identification and protection of built heritage will continue to be undertaken, supported by non statutory means of celebrating our heritage.

Note: The following Chapter HH provisions form the basis of assessment for resource consent applications relating to scheduled built heritage throughout the District:

a. The overarching Historic Heritage objectives (HH.1.2.)
b. The overarching Historic Heritage policies (HH.1.3.)
c. The Built Heritage objectives and policies listed in BH.1.4 and BH.1.5.
d. Activity status listed in BH.1.6 to BH.1.8.
e. Assessment criteria for discretionary activities specified in BH.1.8.
f. Implementation methods detailed in BH.1.9

BH.1.2  Eligibility Rules

1. Activities not requiring consent as a non-complying activity or a discretionary activity shall be a permitted activity.

BH.1.3  Notification Rules

1. Land use proposals that are non complying activities must be publicly notified.
2. All other land use and subdivision proposals requiring consent shall be subject to the notification tests of the RMA.
3. For the purposes of section 95E of the RMA, Heritage New Zealand shall be considered an affected person in relation to resource consent applications affecting:
   a. Built heritage items scheduled in the District Plan where these are also listed by Heritage New Zealand.
   b. Pre-1900 archaeological sites.
BH.1.4 Objectives

1. Examples of built heritage items or areas that individually or collectively represent the District’s significant historic heritage values or themes, are identified, assessed and scheduled for protection in the District Plan.

2. The vulnerability of scheduled built heritage resources to physical damage, unsympathetic additions or alterations and on-going maintenance costs is recognised and appropriately managed.

3. Dry stone walls of historic, cultural, amenity and landscape value to the community are maintained and protected throughout the District.

4. Adaptive re-use and alternative management of built heritage resources are encouraged where these do not detract from their heritage values or significantly affect the adjacent environment.

5. Formal protection of built heritage is complemented by non-regulatory measures such as local ‘sense of place’ initiatives.

BH.1.5 Policies

Identification/ assessment/ scheduling of built heritage items

1. To identify and schedule in the District Plan built heritage items and historic areas of significance to the District in terms of listed criteria, while distinguishing between two levels of significance:

   a. **Group A**: Comprising items considered the most significant examples of their type in the District.
   b. **Group B**: Comprising items representing important visual reminders of the District’s history.

2. To adopt a consistent and informed approach to sustainably managing built heritage within the District by satisfying at least one of the following criteria when identifying, assessing, and scheduling built heritage:

   a. **Archaeology**: The resource contributes significantly to our understanding of human history or archaeological research.
   b. **Architecture**: The resource is significant due to design, form, scale, materials, style, ornamentation, period, craftsmanship or other architectural elements.
   c. **Technology**: The resource demonstrates innovative or important methods of design, construction materials or techniques, or has potential to contribute information on technical history.
   d. **Scientific**: The resource has the potential to provide scientific information about the history of the District.
   e. **Rarity**: The resource is unique, uncommon or rare at a district, regional or national level.
   f. **Representativeness**: The resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic.
   g. **Integrity**: The resource retains a high proportion of its original characteristics and integrity compared with other examples in the District.
   h. **Context**: The resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale.
   i. **Vulnerability**: The resource is vulnerable to deterioration or destruction or is threatened by land use activities.
   j. **People**: The resource is directly associated with the life or work of a well-known or important individual, group or organisation.
   k. **Events**: The resource is associated with locally, regionally or nationally significant historic events.
   l. **Patterns**: The resource is associated with important aspects, processes, themes or patterns of local, regional or national history.
   m. **Identity**: The resource provides, or significantly contributes to, a sense of place, community identity or cultural or historical continuity.
   n. **Public esteem**: The resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other cultural sentiment.
o. **Commemorative**: The resource has symbolic or commemorative significance to users or descendants, resulting from its special interest, character, landmark, amenity or visual appeal.

p. **Education**: The resource contributes, through public education, to peoples’s awareness, understanding and appreciation of New Zealand’s history and cultures.

q. **Tangata whenua**: The resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons (with criteria for Sites of Significance to Maori to be determined by hapu).

r. **Statutory**: The resource is recognised nationally or internationally, including:
   i. World Heritage Site status under the World Heritage Convention 1972.
   ii. Listing under the Heritage New Zealand Pouhere Taonga Act 2014.
   iii. Recognition as having significant heritage value under a statutory acknowledgement *(statement in Treaty of Waitangi settlements recognising the mana of tangata whenua groups in relation to identified sites and areas)* or other legislation.

**Protection of scheduled built heritage items from internal and/or external influences**

3. To avoid, remedy or mitigate potential adverse effects on built heritage resources and associated heritage values arising from:
   a. Incompatible physical works to scheduled built heritage items.
   b. Inappropriate subdivision, use or development within the surrounds of a scheduled built heritage item or scheduled historic area.
   c. Inappropriate subdivision or development on adjacent sites in proximity to scheduled built heritage.

**Demolition, destruction or significant change to scheduled built heritage items**

4. To restrict activities within sites containing scheduled built heritage items that would result in the demolition, destruction or significant change to:
   a. The interiors of scheduled Group A built heritage items.
   b. The exteriors of scheduled Group A and B built heritage items.
   c. The surroundings of scheduled Group A and B built heritage items, particularly where surroundings are specifically scheduled in the District Plan.

**Repairs and maintenance**

5. To enhance the sustainability of scheduled built heritage items and recognise ‘living heritage’ by encouraging and enabling repairs and maintenance.

**Additions and alterations**

6. To preserve the integrity of scheduled heritage items and values when undertaking additions and alterations, particularly external works, by:
   a. Retaining the predominant style, design and character features.
   b. Recognising age, scale, character and locational context.
   c. Maintaining compatibility in terms of form, materials and colour.
   d. Minimising structural modifications or increases in building coverage.
   e. Focusing on the repair of features rather than replacement.
   f. Avoiding alterations to street frontage façades.
   g. Avoiding constructing and locating buildings (including accessory buildings) between the listed heritage item and the street/road or other public place.
   h. Limiting the size, location and visibility of dish antenna and aerial structures.

**Seismic upgrading**

7. To encourage and enable seismic upgrading of earthquake-prone built heritage items that assists building conservation and enhances public safety, while not detracting from recognised heritage values.

**Signage**

8. To avoid adverse visual and physical effects of signage on scheduled built heritage items or within their surroundings by restricting unnecessary, unsympathetic, large-scale or inappropriate signage.

**Dish antenna and aerial structures**
9. To minimize the visual impact of dish antenna and aerial structures on heritage fabric and values by limiting such features to those of a scale, function and appearance common to Living Environments. Where possible, such features should be positioned to avoid visibility from the road/street or other public place.

Adaptive re-use and alternative ownership/management of built heritage

10. To encourage and facilitate on-going use or adaptive re-use of built heritage items (including through possible relaxation of underlying development controls such as parking requirements) where this will secure their long-term viability, conservation or protection without leading to significant adverse effects on the surrounding environment.

11. To encourage alternative methods of management, ownership, guardianship, or sponsorship of built heritage resources, including public buildings, where:
   a. Heritage values will not be compromised.
   b. The long-term viability, protection or conservation of the heritage resource will be secured or enhanced.
   c. Benefits such as improved access to funding can be achieved.

12. To acknowledge the role of owners of scheduled built heritage resources as guardians of the past, and to support their efforts to conserve, maintain and enhance their heritage assets, including through possible use of financial instruments such as rates relief, grants, and waiver of resource consent fees.

Dry stone walls

13. To protect dry stone walls of historical, cultural and amenity value to the community through:
   a. Blanket protection of dry stone walls throughout the District.
   b. Providing information and advice to the public, including GIS information on the location of protected dry stone walls.
   c. Recommending consultation with Heritage New Zealand where dry stone walls are estimated to have been constructed prior to 1900 or their age is in doubt.
   d. Limiting works affecting existing dry stone walls, other than:
      i. Repairs or maintenance in situ using traditional methods, design and materials.
      ii. Removal of up to 6m length of wall for access purposes only, where no alternative access exists.

BH.1.6 Non Complying Activities (Land Use)

1. Demolition, destruction, or relocation (on-site or off-site) of a scheduled Group A built heritage item.

BH.1.7 Discretionary Activities (Land Use)

Works to scheduled built heritage items

1. Demolition, destruction, or relocation (on-site or off-site) of a scheduled Group B built heritage item.

2. Internal or external additions or alterations (other than repairs or maintenance) to a scheduled Group A built heritage item.

3. External additions or alterations (other than repairs or maintenance) to a scheduled Group B built heritage item.

4. Structural upgrading of a scheduled Group A built heritage item for seismic reasons where works involve internal or external alterations.

5. Structural upgrading of a scheduled Group B built heritage item for seismic reasons where works involve external alterations visible from a street/road or other public place.
Construction or alterations to buildings on a site in which a scheduled built heritage item is located

6. Construction or alteration of any building (including accessory buildings) within a site on which a scheduled built heritage item is located where:
   a. The site is in a Living or Business Environment.
   b. The proposed works are within 20m of a built heritage item in any Environment (excluding a Living or Business Environment.)
   c. Accessory buildings are located between a scheduled built heritage item and the street/road or other public place.

Construction or alterations of buildings on sites adjoining the site of a scheduled built heritage item.

7. Construction or alteration of any building (including accessory buildings) on a site immediately adjoining the site on which a scheduled built heritage item is located, where:
   a. The proposed works exceed bulk and location controls of the underlying Environment relating to height, height in relation to boundary, maximum coverage or density.
   b. The proposed works (in a Living or Business Environment) are set back less than 5m from the common boundary except where a minimum separation of 20m is maintained between the proposed works and the scheduled built heritage item.
   c. The proposed works are set back less than 20m from the built heritage item in any Environment (excluding a Living or Business Environment.)

Signage and utilities

8. Signs, including supporting structures, on any scheduled built heritage item or within its surrounds (other than information signage directly related to the item’s heritage value) where:
   a. Signs will damage, dominate, obscure or detract from the built heritage items or surrounds.
   b. Signs include illuminated, flashing or moving elements.
   c. Signs will be visible from a street or other public space.
   d. Total signage will exceed an area of $0.25m^2$ in Living Environments.
   e. Total signage will exceed an area of $2.5m^2$ in Business Environments.
   f. Total signage will exceed an area of $1.5m^2$ in all other Environments.

9. Any dish antenna exceeding a diameter of 0.9m on a scheduled built heritage item or within its surrounds that is visible from a street or other public place.

Adaptive re-use of scheduled built heritage items

10. Adaptive re-use of built heritage items infringing underlying Environment development controls.

Dry stone walls

11. Works to existing dry stone walls in any Environment except for:
   a. Repairs or maintenance in situ using traditional methods, design and materials.
   b. Removal of up to a total 6m length of wall per site for access purposes only, where no alternative access exists.

BH.1.8 Discretionary Activities (Subdivision)

1. Subdivision of any site containing a scheduled built heritage item.

2. Subdivision within a scheduled historic area.

3. Subdivision of a site adjoining a site containing a scheduled built heritage item where proposed building platforms are:
   a. Set back less than 5m from the common boundary (in Living or Business Environments) other than where a minimum separation distance of 20m is maintained between the building platforms and the scheduled built heritage item.
   b. Set back less than 20m from the scheduled built heritage item (in all other Environments).

4. Subdivision of any site (including allotments used for utility, road, reserve, or access purposes) where removal of dry stone walls is proposed.
BH.1.9  Built Heritage Discretionary Activity Assessment Criteria

When assessing discretionary activities the assessment should address (but is not limited to) the following criteria, where relevant:

a. The significance of heritage values associated with the built heritage item and surroundings.
b. The extent to which the activity may adversely affect heritage values.
c. The effects of the activity on the locality and streetscape, including any loss or obstruction of visibility from the street or other public space.
d. The degree to which (i) the donor site contributes to the value of the built heritage item where relocation is sought, and (ii) the recipient site contains any heritage values of relevance.
e. The extent to which relocation is the only (or most sustainable) means of saving the built heritage item.
f. The extent to which all feasible options and alternatives to demolition or destruction have been explored.
g. The degree to which the heritage item or site contributes to ‘sense of place’ initiatives or district-wide heritage themes.
h. The importance attributed to the heritage item by the wider community, including tangata whenua.
i. Whether the scheduled built heritage item is included on the Heritage New Zealand Pouhere Taonga List and if so, the reasons for listing.
j. The results of consultation with Heritage New Zealand and any other recognised party in heritage conservation issues, including any statements of significance, archaeological or cultural assessments, recommendations or approvals (particularly where an item is listed by Heritage New Zealand and/or is an archaeological site requiring an ‘Authority to Modify’).
k. Whether the activity meets the policies of any conservation plan and heritage inventory relating to the built heritage item.
l. The extent to which the activity accords with the general principles of the International Council on Monuments and Sites (ICOMOS) New Zealand Charter (revised 2010.)

BH.1.10  Built Heritage Implementation Methods

In addition to the preceding rules and assessment criteria, Council may also implement the following non-statutory methods in giving effect to the objectives and policies comprised in Chapter HH.

1. Non statutory guidance to supplement statutory information requirements detailed in HH.1.3.5, such as:
   a. An overarching, district-wide Heritage Strategy consolidating statutory and non-statutory heritage issues and actions, and Council heritage policies, priorities and timeframes.
   b. A comprehensive non-statutory inventory of information on scheduled heritage items to supplement the details in the District Plan Historic Heritage Schedules.
   c. Guidelines for the public on the location, significance and history of scheduled historic heritage, including historic areas.
   d. Guidelines for owners of heritage properties on repair, maintenance and painting (including appropriate colour schemes) of scheduled built heritage items.
   e. Guidelines on obtaining access to heritage funding (internal and external sources).
   f. Advice on the sourcing of additional heritage information held by Council including library literary, photographic and genealogical services and collections, cemetery records, museums and art galleries.

2. Adoption of less formal, non-regulatory approaches to recounting the District’s stories of the past, in conjunction with traditional heritage protection, including:
   a. Design and funding of ‘sense of place’ initiatives (such as plaques, sign boards, heritage walks or trails, commemorative structures, and events).
   b. Promoting the Town Basin as a cultural/heritage precinct.
   c. Exploring and promoting the benefits of heritage tourism to the District.
d. Supporting community groups managing and/or maintaining built heritage items, including public buildings.
e. Encouraging sponsorship of historic heritage where this does not adversely impact on heritage or amenity values.
f. Identifying areas, items or themes of heritage interest through community engagement in structure plans.

3. Possible use of economic instruments reflecting the role and demands of owners of historic heritage resources in conserving historic heritage for public benefit, such as:
   a. Heritage funding (such as maintenance grants).
   b. Resource consent fee reductions or waivers, particularly where consent is required solely for remedial or conservation works to historic heritage.
   c. Rates relief.

*Note: The adoption of non-statutory implementation methods may be dependent on the priorities and timeframes of the Whangarei District Growth Strategy 30/50 Implementation Plan and availability of funding under Council’s Long Term and Annual Plans.*
Note (for PC124 notification information purposes): With the exception of proposed additional items 167-170 in Group B, the items listed below have been transferred from the Operative District Plan Appendix 3 – Heritage Buildings, Sites And Objects.

HB.1.11 Schedule of Built Heritage Items

The Schedule below contains details of Built Heritage Items (buildings, sites and objects) and historic areas indicated on the District Plan Resource Area maps. Works to items included in this Schedule as well as subdivision or development proposals in proximity to these items, (including adjacent sites), may be subject to the objectives, policies, rules and other provisions detailed in this Chapter.

Where individual built heritage items are also collectively scheduled as historic areas, these are recorded in (iii) Scheduled Historic Areas below.

The second column in the Schedule provides reference numbers of items also included in the New Zealand Heritage List (Rārangi Kōrero) administered by Heritage New Zealand. Applicants seeking to undertake works affecting items listed by both Heritage New Zealand and Whangarei District Council are encouraged to seek advice from Heritage New Zealand prior to seeking resource consent from Whangarei District Council (if required.)

(i) GROUP A Scheduled Built Heritage items

<table>
<thead>
<tr>
<th>District Plan No.</th>
<th>HNZ List no.</th>
<th>Built heritage item</th>
<th>Address</th>
<th>Map No.</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3921</td>
<td>Glanville House</td>
<td>25 Manse Street</td>
<td>37</td>
<td>Pt Lot 5 DP 23531</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Hanlon's House</td>
<td>46 Kamo Road Kamo</td>
<td>38</td>
<td>Lot 4 DP 53575</td>
</tr>
<tr>
<td>3</td>
<td>3829</td>
<td>Kensington Park Grandstand</td>
<td>Park Ave</td>
<td>35</td>
<td>Pt Lot 16 DEEDS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Lot 1 DP 174191</td>
</tr>
<tr>
<td>4</td>
<td>480</td>
<td>Reyburn House</td>
<td>Reyburn House Lane</td>
<td>38/39</td>
<td>Lot 2 DP 109637</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>Home Point Battery</td>
<td>Bream Head Scenic Reserve</td>
<td>16</td>
<td>Lot 1 ALLOT 16 PSH OF Manaia</td>
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</tbody>
</table>

(ii) GROUP B Scheduled Built Heritage items

<table>
<thead>
<tr>
<th>District Plan No.</th>
<th>HNZ List no.</th>
<th>Built heritage item</th>
<th>Address</th>
<th>Map No.</th>
<th>Legal Description</th>
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<tbody>
<tr>
<td>100</td>
<td>2588</td>
<td>Aubrey House</td>
<td>Norfolk Avenue McLeod Bay</td>
<td>53</td>
<td>Lot 2 DP 75389 Blk IV Ruakaka SD</td>
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<tr>
<td>101</td>
<td>3924</td>
<td>Barn-two storey, wooden</td>
<td>Ngunguru Road Glenbervie</td>
<td>12</td>
<td>Pt Huanui Blk V</td>
</tr>
<tr>
<td>102</td>
<td></td>
<td>BNZ Building</td>
<td>7 King Street Hikurangi</td>
<td>28</td>
<td>All DP 18252</td>
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<tr>
<td>103</td>
<td></td>
<td>Carruth House</td>
<td>142 Puriri Park Road Maunu</td>
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<td>Lot 1 DP 351492</td>
</tr>
<tr>
<td>104</td>
<td></td>
<td>Christ Church, Anglican</td>
<td>OrmandyRoad Mangapai</td>
<td>62</td>
<td>Pt Lot 1 Section 3 Parish of Mangapai</td>
</tr>
<tr>
<td>Lot</td>
<td>Address</td>
<td>Suburb</td>
<td>Description</td>
<td>Parcel or Reference</td>
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<tr>
<td>105</td>
<td>Church</td>
<td>Apotu Road Kaurihohore</td>
<td>7</td>
<td>Lot 23B Whangarei Parish Blk V</td>
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<td>106</td>
<td>Church</td>
<td>Stuart Road McLeod Bay</td>
<td>53</td>
<td>Pt Lot 6 DEEDS W 34 &amp; Allotment 153 PSH OF Manai</td>
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<tr>
<td>107</td>
<td>Clarke Homestead</td>
<td>State Highway 14 Maunu</td>
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<tr>
<td>108</td>
<td>Colonial House</td>
<td>4 Domain Road Onerahi</td>
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<td>26 Kensington Ave</td>
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<td>Cubitt’s House</td>
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<td>Dalhousie (house)</td>
<td>113 Hatea Drive</td>
<td>38</td>
<td>Lots 59-60 Deeds W47/2</td>
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<td>112</td>
<td>Dobbies Fruit Tunnel</td>
<td>Wairere Avenue</td>
<td>38</td>
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<tr>
<td>113</td>
<td>Douglas Stone Barn</td>
<td>264 Ngunguru Road, RD3</td>
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<td>Eureka (house)</td>
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<tr>
<td>115</td>
<td>Hutchinson Farmhouse(Former)</td>
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<td>Pt Huanui Blk V</td>
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<tr>
<td>116</td>
<td>Gorrie House</td>
<td>15 Cross Street</td>
<td>37</td>
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<td>Hatea (house)</td>
<td>52 Hatea Drive</td>
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<tr>
<td>118</td>
<td>Hikurangi Courthouse / Lockup</td>
<td>18 George Street Hikurangi</td>
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<td>Lot 1 DP 152623</td>
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<tr>
<td>119</td>
<td>Hikurangi Hotel</td>
<td>16-18 King St Hikurangi</td>
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<td>Lot 22 DP 17558</td>
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<td>120</td>
<td>Hikurangi Library</td>
<td>10 King Street Hikurangi</td>
<td></td>
<td>Lot 1 DP 123685</td>
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<td>121</td>
<td>House</td>
<td>1 View Road Hikurangi</td>
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<td>Lot 1DP 84534</td>
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<td>House</td>
<td>12 Aubrey Street</td>
<td>37</td>
<td>Lot 1 DP 101542</td>
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<td>123</td>
<td>House</td>
<td>12 Cross Street</td>
<td>37</td>
<td>Pt Allot 1 Whangarei Parish</td>
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<td>124</td>
<td>House</td>
<td>13 Manse Street</td>
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<td>Lot 1 DP 31204</td>
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<td>125</td>
<td>House</td>
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<td>House</td>
<td>19 Aubrey Street</td>
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<tr>
<td>127</td>
<td>House</td>
<td>16 Waro Drive Hikurangi</td>
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<td>Hikurangi</td>
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<td>Hikurangi</td>
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<td>130</td>
<td>House</td>
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<td>Hikurangi</td>
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<td>131</td>
<td>House</td>
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<td>Hikurangi</td>
<td>Lot 32 DEEDS C 108</td>
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<tr>
<td>132</td>
<td>House</td>
<td>35 King Street</td>
<td>Hikurangi</td>
<td>Pt Lot 10 Deeds W 42/1</td>
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<tr>
<td>133</td>
<td>Keyte's Barn</td>
<td>19 Aubrey Street</td>
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<td>Pt Lot 1 Whangarei Parish</td>
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<tr>
<td>134</td>
<td>King Street Bakeries</td>
<td>45 King Street</td>
<td>Hikurangi</td>
<td>Lot 8 DP W 42 Sheet 1</td>
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<td>135</td>
<td>Library</td>
<td>7 Rust Avenue</td>
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<td>Lot 1 DP 95384</td>
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<tr>
<td>136</td>
<td>Lupton House</td>
<td>Ngunguru Road</td>
<td>Kiripaka</td>
<td>Lot 2 DP 95907 Blk II Whangarei SD</td>
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<td>137</td>
<td>Mair's Blacksmith's Shop</td>
<td>Mair Street</td>
<td></td>
<td>Lot 3 DP 107859</td>
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<tr>
<td>138</td>
<td>Marsden Place Number 2 House</td>
<td>2 Marsden Place</td>
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<td>Lot 21 DP 45979</td>
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<tr>
<td>139</td>
<td>McDonald House</td>
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<td>Lot 5 Pukenui Parish Blk XIII Purua SD</td>
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<tr>
<td>141</td>
<td>Moehau (house)</td>
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<td>Kamo</td>
<td>Lot 5 Pt 4 DP 44343</td>
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<td>142</td>
<td>MWD Area Office Building</td>
<td>69 Bank Street</td>
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<td>Pt Allot 1 Parish of Whangarei, Lot 3 DP 16453</td>
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<tr>
<td>143</td>
<td>National Bank (former)</td>
<td>2 Nova Scotia Drive</td>
<td>Waipu</td>
<td>Lot 1 DP 46683 Lot 2 DP 26498 Blk III Waipu SD</td>
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<td>144</td>
<td>Nova Scotian Settlers Memorial</td>
<td>The Centre Waipu</td>
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<td>The road beside DP 23072</td>
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<td>Offices</td>
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<td>Lot 1 DP 89147</td>
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<tr>
<td>146</td>
<td>Offices</td>
<td>142 Bank Street</td>
<td></td>
<td>Lot 6 DP 23815</td>
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</tr>
<tr>
<td>147</td>
<td>Old Flour Mill &amp; Brewery</td>
<td>Millers Lane</td>
<td></td>
<td>Pt 2 DP 4903</td>
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<tr>
<td>148</td>
<td>Old Municipal Chambers</td>
<td>Bank Street</td>
<td></td>
<td>Lot 2 DP 16453</td>
<td></td>
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<tr>
<td>149</td>
<td>Old Onerahi Post Office</td>
<td>9 Domain Road</td>
<td></td>
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<tr>
<td>150</td>
<td>Old School House</td>
<td>23 Station Road</td>
<td>Kamo</td>
<td>Allotment 136 TN of Kamo</td>
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</table>
| No. | Reference | Name | Address | Lot | Deeds
|-----|-----------|------|--------|-----|--------
| 151 | 3291 | Ornate Villa | 17 Mair Street | 38 | Lot 3 DP 49981
| 152 | 3291 | Oruaiti Chapel | Northland Regional Museum SH 14, Maunu | 41 | Pt Lot 3 DP 13587
| 153 | 3930 | Cell Block | The Centre, Waipu | 58 | Lot 1 DP 42345 Lot 9 DP 17815
| 154 | 3933 | Fraser/McKenzie House | Glenmohr Road The Braigh Waipu | 20 | Lot 1 DP 125679
| 155 | 3932 | Springhead (House) | 55 Russell Road | 37 | Lot 1 DP 126790
| 156 | 3930 | Stone Bridge | Tuatara Drive Kamo | 35 | Lots 59, 60 DP 44008
| 157 | 3932 | Stone Stable & Implement Shed | Ngunguru Road Glenbervie | 12 | Pt Huanui Blk V
| 158 | 3932 | Stuart House | Stuart Road McLeods Bay | 53 | Lot 3 DP 320872
| 159 | 3934 | Whangarei Art Museum Plunket Rooms (former) | Cafier Park | 37/39 | Lot 11 DP 10925
| 160 | 3934 | World War One Memorial | The Centre Waipu | 58 | Lot 10 DP 17815 Lot II DP 23072 Blk III Waipu SD
| 162 | 3930 | Police Station (Former) | 4-10 Cove Road, Waipu | 58 | Lot 1 DP 172235
| 163 | 7473 | Harding Army Hall | 98-102 Walton Street, Whangarei | 39 | Lots 1 and 2 DP199490; Lot 5 Deeds W22 & Pt Allotment 1 Parish of Whangarei
| 164 | 7003 | Marsden Place House Number 4 | 4 Marsden Place | 38 | Lot 20 DP 38123
| 165 | 7003 | Marsden Place House Number 6 | 6 Marsden Place | 38 | Lot 19 DP 53676
| 166 | 7003 | Marsden Place House Number 8 | 8 Marsden Place | 38 | Lot 18 DP 53676
| 167 | 7646 | Whangarei Railway Station (former) | Railway Road, Whangarei | 39/43 | Lot 1 DP 169438
| 168 | 7744 | Railway House (former) | 4 Railway Terrace, Morningside | 43 | Lot 16 DP 135362
| 169 | 7745 | Railway House (former) | 6 Railway Terrace, Morningside | 43 | Lot 17 DP 135362
| 170 | 407 | Hukerenui Hotel | 2450 State Highway 1 Hukerenui | 2 | Lot 2 DP 424024
| 171 | 9671 | Butter Factory (former) | 84-88 Bank Street, Whangarei | 37/38/39 | Lot 3 DP 22980 and Pt Lot 2 DP22980
(iii) Scheduled Historic Areas

<table>
<thead>
<tr>
<th>District Plan No.</th>
<th>HNZ List no.</th>
<th>Historic Area</th>
<th>Address/Location</th>
<th>Map No.</th>
<th>Legal Description</th>
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<tbody>
<tr>
<td>HA/1</td>
<td>7003</td>
<td>Marsden Place Historic Area</td>
<td>2-8 Marsden Place, Mairtown</td>
<td>38</td>
<td>Refer below</td>
</tr>
<tr>
<td>138</td>
<td>7003</td>
<td>2 Marsden Place</td>
<td>38</td>
<td>Lot 21 DP 45979</td>
<td></td>
</tr>
<tr>
<td>164</td>
<td>7003</td>
<td>4 Marsden Place</td>
<td>38</td>
<td>Lot 20 DP 38123</td>
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</tr>
<tr>
<td>165</td>
<td>7003</td>
<td>6 Marsden Place</td>
<td>38</td>
<td>Lot 19 DP 53676</td>
<td></td>
</tr>
<tr>
<td>166</td>
<td>7003</td>
<td>8 Marsden Place</td>
<td>38</td>
<td>Lot 18 DP 53676</td>
<td></td>
</tr>
</tbody>
</table>
Proposed consequential changes to Whangarei District Plan (text and Resource Area maps)

Blue = Additions
Red = Deletions

6 Built Form and Development

6.4.14 Policy – Natural and Heritage Resources

To identify and protect resources and areas of high amenity value and environmental quality that contribute to a diverse sense of place (including notable view shafts, notable trees, heritage buildings, sites of significance native flora and fauna, to Maori, native flora and fauna, outstanding natural features and landscapes).

Explanation and Reasons: This policy seeks to discourage, except where provided for in the District Plan, urban development which may adversely affect outstanding landscape values and features, sites of ecological significance, sites of significance to Maori, cultural and historic heritage features, the margins of waterways or the coastline. Much of the Western Hills, the coastline, and river margins in the District have high landscape and ecological values and these natural features are a key aspect of the District's identity. Consequently development which may create visual detraction, impede public access, result in the loss of ecological habitats, loss of vegetation, or a decline in water quality would not be favoured.

7 Tangata Whenua

7.2 Overview

The Resource Management Act 1991 requires District plans among other things to:

- Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance (section 6(e) Resource Management Act 1991);
- To have particular regard to kaitiakitanga (section 7(a), Resource Management Act 1991);
- Take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8 Resource Management Act 1991);
- To have regard to recognised relevant iwi planning documents, the New Zealand Historic Places Trust Register New Zealand Heritage List/Rārangi Kōrero and regulations relating to taipure and mahinga maitai (section 74(2)(b) Resource Management Act 1991).

7.4.2 Sites of Significance to Maori

Paragraph 6

In addition to specific places of significance, archaeological sites may include signs of Maori occupation within the District, such as middens, ovens and caves. Archaeological sites are a connection to past generations and are a source of information on their activities. The Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014 requires an archaeological authority to be granted for any destruction, damage or modification of an archaeological site. As archaeological sites are defined under the Historic Places Act 1993 Heritage New Zea...
Zealand Pouhere Taonga Act 2014 in terms of human activity prior to 1900, many will be of significance to tangata whenua. Tangata whenua should be consulted regarding any proposal to modify, damage or destroy such sites.

7.5 Method

7.5.2 Other Plans and legislation

- The Northland Regional Policy Statement and Regional Plans (Policy 7.4.5).
- The Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014 contains provisions for all archaeological sites, whether recorded or not. To modify or destroy a site requires consent from the Historic Places Trust Heritage New Zealand Pouhere Taonga (Policy 7.4.2).
- Iwi Management Plans and Hapu Environmental Management Plans (Policy 7.4.6).

Information, Education and Advocacy

Bullet point 3

- Liaison with other organisations involved in resource management, for example the Historic Places Trust Heritage New Zealand Pouhere Taonga (Policy 7.4.1).

11 Riparian and Coastal Margins

11.1 Significant Issues

Subdivision, use and development, within the coastal environment and alongside rivers, may result in adverse effects on, Significant Ecological Areas, Heritage Buildings, Sites and Objects, Built Heritage Sites of Significance to Maori and Outstanding Landscapes and Natural Features.

Lack of adequate and safe public access to water bodies and the coast for recreation and cultural purposes.

Subdivision, use and development near the coast and rivers can worsen the effects of natural hazards.

11.3 Objectives

11.3.2 Protection of Significant Ecological Areas, Heritage Buildings, Sites and Objects, Built Heritage, Sites of Significance to Maori, riparian habitats and Outstanding Landscapes and natural features, within the coastal environment and alongside rivers and streams.

13 Heritage Buildings, Sites and Objects

Chapter replaced by Chapter HH.

13.1 Significant Issues

The removal, modification or alteration of buildings, sites and objects of heritage significance can adversely affect their heritage and amenity values.

Inappropriate development and redevelopment in close proximity to heritage buildings, sites and objects can have potential adverse effects on heritage values and surrounding amenity.

The lack of public knowledge of some archaeological sites could lead to inappropriate development.
13.2 Overview

The District contains a number of buildings, sites and objects which have stood the test of time and have special historic, architectural, cultural and community value. These heritage buildings, sites and objects contribute to the distinctive character of the District by serving as reminders of the past. They are examples of the different stages of our growth as a District and make a significant contribution to the heritage, cultural and amenity values of the District.

As the built environment changes, the value of heritage buildings, sites and objects as links to the past and aesthetic contrasts to modern development increases. While the values of archaeological sites can be well defined, and relies on the recording and analysis of scientific investigation, the value of cultural sites may only be understood based on a traditional understanding of history that is passed down from generation to generation. These historic links need to be identified and retained so that the physical legacy of our cultural past is not lost. The growth of a District and subsequent development often means that heritage buildings, sites and objects can be lost through demolition, or their special features may be compromised through additions and alterations. The amenity of the surrounding area and the whole District is immediately reduced by such activity.

There are more than a thousand known archaeological sites in the Whangarei District. It is thought that there are many more. These sites are of significance to both Maori (refer to Chapter 7: Tangata Whenua) and other cultures. The provisions of the Historic Places Act 1993 applies to every archaeological site, whether the site is recorded or not. Archaeological sites that are not on the Historic Places Trust Register, or are not recorded by the New Zealand Archaeological Association, are vulnerable to destruction, damage or modification by developers who are unaware of their existence or extent. The Plan can identify some archaeological sites and therefore help to protect them. Additionally, Iwi/Hapu Environmental Management Plans will identify historic and cultural sites of significance to Maori. Pre-European heritage features include many coastal and inland pa, waka landing places and cultural areas.

A unique heritage feature in the District is the stone walls which exist in the rural areas on the fringe of the Whangarei urban area. These walls were made from volcanic rocks that were collected and cleared from the land to allow farming, with the earliest walls dating back to 1850. Many of these stone walls were built by the Dalmatians during World War I and the Depression, when work ran out on the gum fields. Areas in the District where these walls are a significant feature include Glenbervie, Maungakaramea, Maungatapere, Maunu and Three Mile Bush.

The processes used to achieve the protection of these valuable resources must consider the implications for both the community and individual owners. Securing viable uses for buildings, sites and objects, or voluntary preservation options, are therefore important elements in ensuring the safekeeping of heritage buildings, sites and objects for future generations to enjoy and study.

13.3 Objectives

13.3.1 The protection and enhancement of buildings, sites and objects that make a significant contribution to heritage and amenity values.

Explanation and Reasons: Heritage Buildings, Sites and Objects, including Archaeological Sites, contribute to the identity and heritage and amenity values of the District. People's willingness to protect heritage resources varies over time according to current attitudes and development pressures, and therefore there is no long-term certainty as to their continued existence.
13.4 Policies

13.4.1 Identification

To identify in the Plan, according to the criteria set out in Schedule 13A, Heritage Buildings, Sites And Objects of heritage value to the community, classified into the following categories:

- Group I: Heritage Buildings, Sites and Objects
- Group II: Heritage Buildings, Sites and Objects

Heritage areas which are waahi tapu and/or have specific significance for Maori will not be subject to the grouping classification.

Explanation and Reasons: This policy will identify and protect buildings, sites and objects within the District that are of heritage value to the community. Identifying buildings, sites and objects that are significant by listing them in a schedule and identifying them on the Planning Maps will assist in their management and protection. Rules will regulate activities around or involving these listed Heritage Buildings, Sites Or Objects. Group I Heritage Buildings, Sites and Objects are considered to be special and outstanding, whilst Group II Heritage Buildings Sites and Objects have these particular qualities, but to a lesser extent. The Heritage Buildings, Sites And Objects belonging to both groups are listed in Appendix 3 of this Plan.

Policy 13.4.6 also specifically refers to heritage areas of significance to Maori.

13.4.2 Group I - Interior or Exterior

To ensure that subdivision, use or development does not result in the destruction or significant modification of the interiors or exteriors of Group I Heritage Buildings, Sites and Objects.

Explanation and Reasons: Group I Heritage Buildings, Sites and Objects are the most significant representatives of their type in the District. Protection in their entirety is a high priority, in order to maintain the integrity of the building, site or object, and their contribution to the character of the District.

13.4.3 Group II - Exterior

To ensure that subdivision, use or development does not result in the destruction or significant modification of the exteriors of Group II Heritage Buildings, Sites and Objects.

Explanation and Reasons: Group II Heritage Buildings, Sites and Objects are visual reminders of the history of the District, and therefore maintaining and enhancing the exteriors of these buildings, sites and objects is highly desirable.

13.4.4 Subdivision, Use and Development

To avoid, where practicable, the potential of adverse effects of subdivision, use and development on the heritage values of Historic Buildings, Sites and Objects, including archaeological sites. Where such use or development can not avoid the damage, destruction or modification of any known archaeological site, the authority of the New Zealand Historic Places Trust shall be obtained. Should archaeological remains or features be uncovered, the activity shall cease and the New Zealand Historic Places Trust shall be notified as soon as is practicable. The activity shall not be recommenced without the approval of the New Zealand Historic Places Trust.

If there are archaeological sites in existence which might be disturbed by development, application must be made to the New Zealand Historic Places Trust for an Authority to Modify an Archaeological Sites, pursuant to sections 10-20 of the Historic Places Act 1993.

Explanation and Reasons: Before land development plans proceed, the records of the New Zealand Archaeological Association should be checked to ensure that any recorded archaeological sites are identified and located. These records are...
available at the offices of the Department of Conservation. The New Zealand Archaeological Association records are subject to on-going research to add to the list of recorded sites. The Department of Conservation should be consulted to determine whether there are any recorded archaeological sites in an area, or whether it is an area where research shows that there is a high probability of there being archaeological sites in existence. Where it is obvious that there is a high probability of there being unrecorded archaeological sites in existence, it is important that an archaeological site survey is undertaken by an appropriately qualified archaeologist.

This complements the duties and obligations imposed on all persons by the Historic Places Act 1993 in respect of archaeological sites.

13.4.5 Stone Walls

To protect stone walls of heritage and amenity value to the community.

Explanation and Reasons: The volcanic stone walls which exist on the periphery of the urban area are an important aspect of the heritage and amenity values of the District. This policy will be implemented mainly by encouraging voluntary management by the land owners where the stone walls are situated. The rules that have been included relate to subdivision and land use activities around these walls.

13.4.6 Heritage Areas of Significance to Maori

To identify and manage heritage areas of significance to Maori in a manner which will ensure that they are respected and protected.

Explanation and Reasons: Section 6(e) of the Resource Management Act 1991 requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga be recognised and provided for as a matter of national importance. Sites of Significance to Maori will be identified in the Plan and also in Iwi/Hapu Environmental Management Plans.

13.4.7 Protection of Archaeological Sites

To monitor and control subdivision and new land use activities, including associated earthworks, which may adversely affect archaeological sites (whether recorded or not) in order to enable any adverse effects or modification to be assessed.

13.4.8 Protection of Significant Heritage Values

To ensure that where areas have significant heritage values, those values are not compromised by inappropriate subdivision use and development.

13.4.9 Protection and enhancement of Heritage Resources

To encourage land owners to protect and enhance heritage resources located on their land through information and incentives.

13.5 Methods

13.5.1 Regulatory methods

- Identification of Heritage Buildings, Sites and Objects on the Planning Maps (Policy 13.4.1).
- Environment rules relating to the removal of stone walls (Policies 13.4.4 and 13.4.5).
- Subdivision rules relating to the provision of access to subdivisions through stone walls, and the location of lot boundaries (Policies 13.4.4 and 13.4.5).
Resource Area rules relating to demolition, alteration or relocation of Heritage Buildings, Sites and Objects, repairs, maintenance and painting of Heritage Buildings, Sites and Objects (Policies 13.4.2, 13.4.3 and 13.4.4).

Resource consent conditions (Policies 13.4.1 to 13.4.6).

Heritage Orders (Policies 13.4.1.1 to 13.4.6).

Covenants (Policies 13.4.1 to 13.4.6).

13.5.2 Other Plans and Legislation

The Historic Places Act 1993, including the "Authority to Destroy, Damage or Modify" archaeological sites (Policies 13.4.1 to 13.4.6).

Identification of Sites of Significance to Maori in Iwi/Hapu Environmental Management Plans (Policy 13.4.6).

13.5.3 Information, Education and Advocacy

Liaison with the Department of Conservation (Policies 13.4.1 to 13.4.6).

Liaison with other organisations involved in resource management, for example: Transit New Zealand and the New Zealand Historic Places Trust (Policies 13.4.1 to 13.4.6).

Liaison with iwi authorities and tangata whenua (Policy 13.4.6).

Educate and inform owners and users of Heritage Buildings, Sites and Objects (Policy 13.4.1).

Promote voluntary protection of Heritage Buildings, Sites and Objects through the use of protective covenants under the Historic Places Act 1993 (Policies 13.4.1 to 13.4.6).

Provide guidelines on the repair, maintenance and painting of Heritage Buildings, Sites and Objects (Policies 13.4.2 to 13.4.4).

Archaeological surveys (Policy 13.4.1).

Advice from Council staff (Policies 13.4.2 to 13.4.6).

13.5.4 Economic Instruments

Funding for non-regulatory measures under the Annual Plan (Policies 13.4.2 to 13.4.6).

Possible resource consent application fee reduction (Policies 13.4.2 to 13.4.6).

Potential financial contribution reduction (Policies 13.4.2 to 13.4.6).

Possible rates relief (Policies 13.4.2 to 13.4.6).

13.5.5 Anticipated Environmental Results

The following results are expected to be achieved by the foregoing Objectives, Policies and Methods. The means of monitoring whether the Plan achieves the expected outcomes are set out in the Whangarei District Council Monitoring Strategy.

The recognition and identification of heritage buildings, sites and objects of significance to the District.

The protection of heritage buildings, sites and objects to a level appropriate to their significance to the District.

Nearby land use and development that is cognisant of, and sympathetic to, recognised heritage buildings, sites and objects.

The recognition, identification and protection of archaeological sites and heritage areas of significance to Maori.
Schedule 13A – Criteria for Heritage Buildings, Sites and Objects Classification
To provide a basis for regulatory measures to protect Heritage Buildings, Sites and Objects, and to enhance public awareness of them. Selection and listing of Heritage Buildings, Sites and Objects in this Plan has taken into account the following factors:

1. **Historical and Social Significance:**
The heritage item has historical significance or values associated with a notable person, event, time period or activity. The building, site or object represents an important reflection of the social patterns of its time.

2. **Cultural and Spiritual Significance:**
The heritage item contributes to the distinguishing characteristics of a way of life, religion, philosophy, custom, practice or other belief. A group or community holds the building, site or object in a high esteem.

3. **Architectural Significance:**
The heritage building, site or object is a significant example of a particular style or time period.

4. **Group or Setting Significance:**
The heritage building, site or object has a degree of unity in relationship to its environment or surrounding buildings in terms of scale, space, structure, form, materials, texture and colour.

5. **Landmark Significance:**
The heritage building, site or object is an important landscape feature of a particular area and in the community consciousness.

6. **Archaeological Significance:**
The heritage building, site or object provides, or has the potential to reveal, important archaeological information and physical evidence of pre-1900 human activities.

7. **Technological and Scientific Significance:**
The heritage building, site or object has important technological and scientific interest through its rarity and educational value and has the potential to provide further information through research.

**Note:**
The first three factors, being historical and social significance, cultural and spiritual significance, and architectural significance, receive the greatest weighting when distinguishing between Group I and Group II Heritage Buildings, Sites and Objects.

Criteria for Sites of Significance to Maori will be determined by hapu.

Group I and Group II Heritage Buildings, Sites and Objects are listed in Appendix 3 of this Plan.

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**Appendix 3 – Heritage Buildings, Sites and Objects**

Appendix 3 superseded by HB.1.11 Schedule of Built Heritage Items

This Appendix contains details of Heritage Buildings, Sites and Objects indicated on the Planning Maps. These Heritage Buildings, Sites and Objects have been identified in accordance with the criteria in Chapter 13. Rules relating to Heritage Buildings, Sites and Objects are in Chapter 58.

<table>
<thead>
<tr>
<th>No.</th>
<th>Building-Site or Object</th>
<th>Address</th>
<th>Map No.</th>
<th>Legal Description</th>
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<tr>
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<td>25 Manse Street</td>
<td>37</td>
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<td>3</td>
<td>Kensington Park Grandstand</td>
<td>Park Ave</td>
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<td>Pt-Lot-16-DEEDS-532 Lot-1-DEEDS-174191</td>
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<td>Reyburn House</td>
<td>Reyburn House Lane</td>
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<td>5</td>
<td>Home Point Battery</td>
<td>Bream Head Scenic Reserve</td>
<td>16</td>
<td>Lot-1-ALLOT-16-PSH-OF Manaia</td>
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<td>53</td>
<td>Lot-2-DEEDS-75389-Blk-IV Ruakaka-SD</td>
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<td>101</td>
<td>Barn - two storey, wooden</td>
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<td>103</td>
<td>Carruth House</td>
<td>142 Puriri Park Road Maunu</td>
<td>42</td>
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<td>104</td>
<td>Christ-Church, Anglican</td>
<td>Ormandy Road Mangapai</td>
<td>62</td>
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<td>105</td>
<td>Church</td>
<td>Apetu Road Kaurihohore</td>
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<td>Lot-238-Whangarei Parish Blk-V</td>
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<td>111</td>
<td>Dalhousie (house)</td>
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<td>Dobbies Fruit Tunnel</td>
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<td>Eureka (house)</td>
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<td>Hikurangi-Library</td>
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<td>House</td>
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<td>National Bank</td>
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<td>Nova Scotian Settlers Memorial</td>
<td>The Centre Waipu</td>
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<td>The road beside DP 23072</td>
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<td>Offices</td>
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<td>Old Onerahi Post Office</td>
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<td>Old School House</td>
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<td>Cell Block</td>
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<td>Stone Bridge</td>
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<td>Lots 59-60 DP 44008</td>
</tr>
<tr>
<td>157</td>
<td>Stone Stable &amp; Implement Shed</td>
<td>Ngunguru Road Glenbervie</td>
<td>32</td>
<td>Pt Huanui Blk V</td>
</tr>
<tr>
<td>158</td>
<td>Stuart House</td>
<td>Stuart Road McLeods Bay</td>
<td>53</td>
<td>Lot 3 DP 320872</td>
</tr>
<tr>
<td>159</td>
<td>Whangarei Art Museum</td>
<td>Cafler Park</td>
<td>37/39</td>
<td>Lot 11 DP 10925</td>
</tr>
<tr>
<td>160</td>
<td>World War One Memorial</td>
<td>The Centre Waipu</td>
<td>58</td>
<td>Lot 10 DP 17815 Lot 11 DP 23072 Blk III Waipu SD</td>
</tr>
<tr>
<td>161</td>
<td>Police Station (Former)</td>
<td>4-10 Cove Road, Waipu</td>
<td>58</td>
<td>Lot 1 DP 172235</td>
</tr>
<tr>
<td>162</td>
<td>Harding Army Hall</td>
<td>98-102 Walton Street, Whangarei</td>
<td>39</td>
<td>Lots 1 and 2 DP 193490 Lot 5 Deeds W22 C Pt Allotment 1 Parish of Whangarei</td>
</tr>
<tr>
<td>163</td>
<td>Marsden Place House Number 4</td>
<td>4 Marsden Place</td>
<td>38</td>
<td>Lot 20 DP 38123</td>
</tr>
<tr>
<td>164</td>
<td>Marsden Place House Number 6</td>
<td>6 Marsden Place</td>
<td>38</td>
<td>Lot 19 DP 53676</td>
</tr>
<tr>
<td>165</td>
<td>Marsden Place House Number 8</td>
<td>8 Marsden Place</td>
<td>38</td>
<td>Lot 18 DP 53676</td>
</tr>
</tbody>
</table>
*Note:*
The above list may not be exhaustive and there may be other buildings, sites or objects of heritage significance that are also protected under the Historic Places Act.

14 Heritage Trees

14.5 Methods

14.5.3 Information, Education and Advocacy

- Liaison with other organisations involved in resource management, for example: Transit New Zealand, the Historic Places Trust Heritage New Zealand Pouhere Taonga (Policy 14.4.1).
- Liaison with iwi authorities and tangata whenua (Policy 14.4.3).
- Educate and inform owners and the public about the trees (Policy 14.4.1).
- Provide guidelines on trimming and care of Heritage Trees (Policy 14.4.4).

15 Open Space

15.5 Methods

15.5.3 Information, Education and Advocacy

Bullet point 3

- Promote voluntary protection of open space areas through the use of protective covenants under the following statutes: (Policies 15.4.2 to 15.4.4 and 15.4.6)
  - The Conservation Act 1987;
  - The Queen Elizabeth II National Trust Act 1977;
  - The Reserves Act 1977;
  - The Wildlife Act 1953;
  - The Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014;
  - The Maori Land Act 1993 (Te Ture Whenua Act).

18 Minerals

18.5 Methods

18.5.2 Other Plans and Legislation

- The Regional Policy Statement for Northland and Northland Regional Plans (Policies 18.4.1 to 18.4.3).
- Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014 (Policies 18.4.1 to 18.4.3).
- Iwi/Hapu Environmental Management Plans (Policies 18.4.1 to 18.4.3).

18.5.3 Information, Education and Advocacy

- Liaison with the Northland Regional Council (Policies 18.4.1 to 18.4.3).
• Liaison with other organisations involved in resource management, such as the Department of Conservation, the New Zealand Historic Places Trust Register New Zealand Heritage List/Rārangi Kōrero and industry and interest groups (Policies 18.4.1 to 18.4.3).

23 Network Utility Operations

23.5.3 Information, Education and Advocacy

Bullet point 4

• Liaise with other organisations with specific resource management and/or environmental concerns in the District, for example, the Department of Conservation, New Zealand Historic Places Trust Heritage New Zealand Pouhere Taonga, Ministry of Agriculture and Forestry (Policies 23.4.1 to 23.4.6).

27 Local Authority Cross Boundary Issues

27.5 Methods

27.5.3 Information, Education and Advocacy

Bullet point 4

• Liaison with other organisations involved in resource management, for example: Transit New Zealand, The New Zealand Historic Places Trust Heritage New Zealand Pouhere Taonga, Transpower, Department of Conservation, Ministry of Agriculture and Forestry, Ministry of Fisheries (Policy 27.4.2).

36 Living 1, 2 and 3 Environment Rules

36.5 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are a permitted activity if:</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) There are no more than 5 aerials and/or aerial support structures per site, or independent residential unit, where more than one independent residential unit exists on-site; and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>b) Aerials and/or aerial support structures have a maximum height of 12.0m;</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>c) There are no more than 2 dish aerials per site; and</td>
<td>iii. Site location and layout;</td>
</tr>
<tr>
<td>d) No dish aerial exceeds a diameter of 2.4m; and</td>
<td>iv. Amenity effects, including visual effect and glare;</td>
</tr>
<tr>
<td>e) All aerials and/or aerial support structures comply with the building setback and daylight angle requirements for the Environment within which they are located; and,</td>
<td>v. Construction materials;</td>
</tr>
<tr>
<td>f) Between a height of 8.0m and 9.5m any aerial and/or aerial support structure shall not exceed 1.1 in width; and</td>
<td>vi. The effects on a heritage item or heritage values.</td>
</tr>
</tbody>
</table>
36.5 Principal Reasons for Rules / Explanations

Bullet point 18

**Aerials and Aerial Support Structures**

The number of aerials and aerial support structures in the Living Environments is limited to prevent a proliferation of aerials and aerial support structures upon any one site, while allowing for the needs of the community to receive television and radio signals. The size of dish aerials is limited, as these tend to be more visually intrusive than other aerials. Due to the visual intrusion or dominance that aerials and aerial support structures can have, their location is also controlled. The Plan recognises that many parts of the District have poor television and radio reception and therefore makes allowance for aerials and aerial support structures, other than dish aerials, to be higher than the maximum height of buildings in the Living Environments. Chapter H H of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects, requiring them to be located so they cannot be seen from public places.

38 Countryside and Coastal Countryside Environment Rules

38.3.17 Aerials and Aerial Support Structures

Point g) Aerials and/or aerial support structures are a permitted activity if:

\[ g) \text{ Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.} \]

38.5 Principal Reasons for Rules / Explanations

Points 9 & 16

**Stone Walls**

Stone walls are a significant heritage feature of the District. Complete destruction of stone walls would significantly affect the heritage and amenity values associated with them. This rule allows minor modifications to provide for changing land uses.

**Aerials and Aerial Support Structures**

The number of aerials and aerial support structures in the Countryside and Coastal Countryside Environments is limited to prevent a proliferation of aerials and aerial support structures upon any one site, while allowing for the needs of the community to receive television and radio signals. The size of dish aerials is limited, as these tend to be more visually intrusive than other aerials. Due to the visual intrusion or dominance that aerials and aerial support structures can have, their location is also controlled. The Plan recognises that many parts of the District have poor television and radio reception and therefore makes allowance for aerials and aerial support structures, other than dish aerials, to be higher than the maximum height of buildings in the Countryside and Coastal Countryside Environments. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures
have on Heritage Buildings and Objects—Built Heritage by requiring them to be located so they cannot be seen from public places.

39 Business 1 Environment Rules

39.3.13 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are a permitted activity if:</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No dish aerial exceeds a diameter of 2.4m; and</td>
<td><strong>Discretion is restricted to:</strong></td>
</tr>
<tr>
<td>b) No aerial and/or aerial support structure exceeds a height of 24.0m; and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located; and</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>d) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</td>
<td>iii. Site location and layout;</td>
</tr>
</tbody>
</table>

39.5 Principal Reasons for Rules / Explanations

**Bullet point 11**

Aerials and Aerial Support Structures

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects—Built Heritage by requiring them to be located so they cannot be seen from public places.

40 Business 2 Environment Rules

40.3 Business 2 Environment - Activity Rule Table

40.3.14 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are a permitted activity if:</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No dish aerial exceeds a diameter of 2.4m; and</td>
<td><strong>Discretion is restricted to:</strong></td>
</tr>
<tr>
<td>b) No aerial and/or aerial support structure exceeds a height of 19.0m; and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located; and</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>d) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</td>
<td>iii. Site location and layout;</td>
</tr>
</tbody>
</table>

40.05 Principal Reasons for Rules / Explanations

**Bullet point 12**

Aerials and Aerial Support Structures

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects—Built Heritage by requiring them to be located so they cannot be seen from public places.
Aerials and Aerial Support Structures
The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects—Built Heritage, by requiring them to be located so they cannot be seen from public places.

41 Business 3 Environment Rules

41.3 Business 3 Environment - Activity Rule Table

41.3.16 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are permitted if:</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No dish aerial exceeds a diameter of 2.4m; and</td>
<td>Discretion is restricted to:</td>
</tr>
<tr>
<td>b) No aerial and/or aerial support structure exceeds a height of 15.0m except for a dish aerial, the height of which is not to exceed 11.0m; and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located; and</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>d) Above a height of 11.0m any aerial and/or aerial support structure is to be unguyed; and</td>
<td>iii. Site location and layout;</td>
</tr>
<tr>
<td>e) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</td>
<td>iv. Amenity effects including visual effect and glare;</td>
</tr>
</tbody>
</table>

41.5 Principal Reasons for Rules / Explanations

Bullet point 14

Aerials and Aerial Support Structures
The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects—Built Heritage, by requiring them to be located so they cannot be seen from public places.

42 Business 4 Environment Rules

42.3 Business 4 Environment - Activity Rule Table

42.3.14 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are a permitted activity if:</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No aerial or aerial support structure exceeds a diameter of 2.4m.</td>
<td>Discretion is restricted to:</td>
</tr>
<tr>
<td>b) No aerial and/or aerial support structure exceeds a height of 39.0m and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>c) All aerials and/or aerial support structures comply with the relevant</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
</tbody>
</table>
building setback and daylight angle requirements for the Environment within which they are located, and
d) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.

### 42.5 Principal Reasons for Rules / Explanations

**Aerials and Aerial Support Structures**

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects—Built Heritage—by requiring them to be located so they cannot be seen from public places.

### 43 Town Basin Environment

#### 43.3 Whangarei Town Basin Environment – Activity Rule Table

#### 43.3.15 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures are a permitted activity if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) No dish exceeds a diameter of 2m; and</td>
<td><strong>Discretion is restricted to:</strong></td>
</tr>
<tr>
<td>b) No aerial (except for a dish aerial) exceeds a height of more than 4m above a building; and</td>
<td>i. Effects on the amenity of the Town Basin Environments surrounding the site;</td>
</tr>
<tr>
<td>c) No dish aerial exceeds the height of the building; and</td>
<td>ii. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>d) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Town Basin Environment (or sub-environment);</td>
<td>iii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>e) Any dish antenna located on any site of any listed Heritage Building or Object (refer Appendix 3) is not visible from any public place.</td>
<td>iv. Site location and layout;</td>
</tr>
</tbody>
</table>

#### 43.6 Principal Reasons for Rules / Explanations

**Aerials and Aerial Support Structures**

Aerials and aerial support structures have the potential to have an adverse visual impact, particularly in an area that is recognised as having special heritage and amenity values. The maximum height of aerials and aerial support structures is limited to a scale generally considered appropriate, to ensure that the amenity values of the Town Basin are protected.
### 44 Marsden Point Port Environment Rules

#### 44.3 Marsden Point Port Environment - Activity Rule Table

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures</th>
<th>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>44.3.15 Aerials and Aerial Support Structures</strong></td>
<td><strong>Discretion is restricted to:</strong></td>
</tr>
<tr>
<td>a) No dish aerial exceeds a diameter of 2.4m; and</td>
<td>i. The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>b) No aerial and/or aerial support structure exceeds a height of 39.0m; and</td>
<td>ii. Landscape treatment and screening;</td>
</tr>
<tr>
<td>c) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located; and</td>
<td>iii. Site location and layout;</td>
</tr>
<tr>
<td>d) Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</td>
<td>iv. Amenity effects, including visual effect and glare;</td>
</tr>
<tr>
<td></td>
<td>v. Construction materials;</td>
</tr>
<tr>
<td></td>
<td>vi. The effects on a Heritage item or Heritage values.</td>
</tr>
</tbody>
</table>

#### 44.5 Principal Reasons for Rules / Explanations

**Bullet point 13**

**Aerials and Aerial Support Structures**

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the **The Plan** also seeks to control the visual impact that aerials and aerial support structures have on **Heritage Buildings and Objects** **Built Heritage** by requiring them to be located so they cannot be seen from public places.

### 45 Airport Environment Rules

#### 45.3 Airport - Activity Rule Table

<table>
<thead>
<tr>
<th>Aerials and/or aerial support structures</th>
<th>Aerials and/or aerial support structures that do not comply with a condition for a permitted activity are a <strong>discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>45.3.12 Aerials and Aerial Support Structures</strong></td>
<td><strong>Aerials and/or aerial support structures that do not comply with a condition for a permitted activity are a <strong>discretionary</strong> activity.</strong></td>
</tr>
<tr>
<td>a) No aerial and/or aerial support structure exceeds a height of 14.25m, except for a dish aerial, the height of which is not to exceed 10.25m; and</td>
<td></td>
</tr>
<tr>
<td>b) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment in which they are located; and</td>
<td></td>
</tr>
<tr>
<td>c) Above a height of 10.25m the components that make up an aerials and/or aerial support structure are to be no greater than 80.0mm in diameter, or, have a rectangular section with sides no greater than 80.0mm except for a anemometer or similar weather measuring device (excluding a weather balloon), where such a</td>
<td></td>
</tr>
</tbody>
</table>
device has a cross arm dimension not exceeding 1.1m; and
d) *Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.*

**Note:** Height of any structures or vegetation in the airport environment must comply with the restrictions set out in the Airspace designation, to provide for the safe and efficient operation of aircraft on takeoff/landing or approach and circling Whangarei Airport.

### 45.5 Principal Reasons for Rules / Explanations

**Bullet point 13**

**Aerials and Aerial Support Structures**
The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures have on Heritage Buildings and Objects-Built Heritage, by requiring them to be located so they cannot be seen from public places. Aerials and aerial support structures associated with aircraft operations are authorised separately, in terms of the aerodrome designation on the land. Height of any structure in the Airport Environment is subject to the Airspace designation, to provide for the safe and efficient operation of aircraft on approach/takeoff and circling the Whangarei Airport.

### 46 Open Space Environment Rules

#### 46.3 Open Space Environment - Activity Rule Table

#### 46.3.11 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Permitted Activity</th>
<th>Discretionary Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The highest point of any aerial and/or aerial support structure is to be no more than 12.0m above ground level in the Open Space Environment, except for a dish aerial, the highest point of which is to be no more than 8.0m above ground level in the Open Space Environment; and</td>
<td>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a discretionary activity.</td>
</tr>
<tr>
<td>b) All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located; and</td>
<td></td>
</tr>
<tr>
<td>c) Above the height of 8.0m, any aerial and/or aerial support structure is to be unguyed; and</td>
<td></td>
</tr>
<tr>
<td>d) Above the height of 8.0m, the components that make up an aerial and/or aerial support structure are to be no greater than 80.0mm in diameter, or have a rectangular section with sides no greater than 80.0mm; and</td>
<td></td>
</tr>
<tr>
<td>e) <em>Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</em></td>
<td></td>
</tr>
</tbody>
</table>

#### 46.5 Principal Reasons for Rules / Explanations
Aerials and Aerial Support Structures

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. The Plan makes allowance for aerials and aerial support structures to reach a height of 4.0m above the maximum height limit for the Environment. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures can have on Heritage Buildings and Objects Built Heritage by requiring them to be located so they cannot be seen from public places.

50 Port Nikau Environment

50.7 Port Nikau Environment – Activity Rule Table

50.7.13 Aerials and Aerial Support Structures

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>No aerial or aerial support structure exceeds a diameter of 2.4m.</td>
</tr>
<tr>
<td>b)</td>
<td>No aerial and/or aerial support structure exceeds a height of 39.0m and</td>
</tr>
<tr>
<td>c)</td>
<td>All aerials and/or aerial support structures comply with the relevant building setback and daylight angle requirements for the Environment within which they are located, and</td>
</tr>
<tr>
<td>d)</td>
<td>Any dish antenna located on a site of any listed Heritage Building or Object (refer to Appendix 3) is not visible from any public place.</td>
</tr>
<tr>
<td></td>
<td>Any aerial and/or aerial support structure that does not comply with a condition for a permitted activity is a restricted discretionary activity.</td>
</tr>
<tr>
<td>Discretion is restricted to:</td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>The design and external appearance of buildings and structures;</td>
</tr>
<tr>
<td>ii.</td>
<td>Landscape treatment and screening;</td>
</tr>
<tr>
<td>iii.</td>
<td>Site location and layout;</td>
</tr>
<tr>
<td>iv.</td>
<td>Amenity effects including visual effect and glare;</td>
</tr>
<tr>
<td>v.</td>
<td>Construction materials:</td>
</tr>
<tr>
<td>vi.</td>
<td>The effects on a heritage item or heritage values.</td>
</tr>
</tbody>
</table>

50.9 Principal Reasons for Rules / Explanations

Bullet point 11

Aerials and Aerial Support Structures

The size and location of aerials and aerial support structures is controlled due to the visual intrusion or dominance that aerials and aerial support structures can have. Chapter HH of the Plan also seeks to control the visual impact that aerials and aerial support structures can have on Heritage Buildings and Objects Built Heritage by requiring them to be located so they cannot be seen from public places.

58 Heritage Buildings, Sites and Objects

Complete chapter being replaced by Chapter HH

58.1 Introduction

This Chapter contains rules relating to land uses that affect Heritage Buildings, Sites and Objects. The Heritage Buildings, Sites and Objects that are listed in the Plan meet the assessment criteria in Schedule 13A of the Plan. The provisions of the
Historic Places Act 1993 apply to every archaeological site, whether the site is recorded or not. These Heritage Buildings, Sites and Objects, which include cultural and archaeological site and Sites of Significance to Maori, are shown by symbols on the Resource Area Maps. These rules apply in addition to any other rules in this Plan applicable to the same areas or sites. See Appendix 3 for a list of Heritage Buildings, Sites and Objects, and their classification.

58.2 Heritage Buildings, Sites and Objects Rule Table

<table>
<thead>
<tr>
<th>Demolition or Destruction of Heritage Buildings, Sites and Objects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The demolition or destruction of a building, site or object</strong></td>
</tr>
<tr>
<td><strong>is a permitted activity in terms of this rule if:</strong></td>
</tr>
<tr>
<td>a) It is not the demolition or destruction of a Group I or Group II Heritage Building, Site or Object listed in Appendix 3 of this Plan.</td>
</tr>
<tr>
<td>Demolition or destruction of a Group I Heritage Building, Site or Object is a non-complying activity.</td>
</tr>
<tr>
<td>Demolition or destruction of a Group II Heritage Building, Site or Object is a discretionary activity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relocation of Heritage Buildings and Objects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The relocation of a building or object is a permitted activity in terms of this rule if:</strong></td>
</tr>
<tr>
<td>a) It is not the relocation of a Group I or Group II Heritage Building or Object listed in Appendix 3 of this Plan.</td>
</tr>
<tr>
<td>Relocation of a Group I Heritage Building or Object is a non-complying activity.</td>
</tr>
<tr>
<td>Relocation of a Group II Heritage Building or Object is a restricted discretionary activity.</td>
</tr>
</tbody>
</table>

**Discretion is restricted to:**

i. The degree to which the site is of associated value;

ii. Whether relocation is the only means of saving the heritage feature;

iii. Whether the proposed relocation provides continuity of cultural heritage value (i.e. resiting on the section may retain heritage value, relocation to another region will not);

iv. Where the proposed shifting is approved, in principle, the new site would provide a setting that is compatible to the cultural heritage values of the listed heritage feature.
Additions, alterations, repairs, maintenance and painting of a Group I Heritage Building, Site or Object is permitted if:

a) Exterior work does not detract from the original style and character, and does not materially change the appearance or modify the structure of the Heritage Building, Site or Object; and

b) Interior work does not detract from the original style and character, and does not materially change the appearance or modify the structure of the Heritage Building, Site or Object; and

c) The material used in the repairs is the same material, colour, texture, form and design.

Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity. Discretion is restricted to:

i. Whether an assessment by a qualified archaeologist has been carried out;

ii. Whether the tangata whenua for the site have been consulted;

iii. Whether the New Zealand Historic Places Trust or Department of Conservation (the holder of the New Zealand Archaeological Association Files in Northland) have been consulted, and whether an 'Authority to Modify' has been obtained;

iv. Any Iwi or Hapu Management Plan relating to the area;

v. The extent to which the activity may adversely affect the external design and appearance of the structure;

vi. The extent to which the activity may adversely affect cultural and spiritual values;

vii. The effect of the proposed activity on the integrity of heritage values associated with the resource;

viii. The significance of heritage values associated with the site;

ix. The registration (if applicable), and the reasons for this registration, of the heritage resource under the Historic Places Act 1993;

x. The purpose of the proposed activity and whether there are other means of achieving the same or similar ends;

xi. The policies of any conservation plan and heritage inventory relating to the heritage resource;

xii. The importance (if any) of land surrounding the heritage resource;

xiii. The importance attributed to the heritage resource by the wider community;

xiv. The recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues; and

### 58.2.4 Additions, Alterations, Repairs, Maintenance and Painting – Group II Heritage Buildings Sites or Objects

<table>
<thead>
<tr>
<th>Additions, alterations, repairs, maintenance and painting of a Group II Heritage Building, Site or Object is permitted if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exterior work does not detract from the original style and character, and does not materially change the appearance or modify the structure of the Heritage Building, Site or Object; and</td>
<td><em>Discretion is restricted to:</em></td>
</tr>
<tr>
<td>b) The material used in the repairs is the same material, colour, texture, form and design.</td>
<td>i. The matters listed in Rule 58.2.3 above.</td>
</tr>
</tbody>
</table>

### 58.2.5 Construction or Alteration of a Building On-Site

<table>
<thead>
<tr>
<th>The construction or alteration of a building is permitted on the site of a Heritage Building, Site or Object if:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The site is not within a Living or Business Environment; and</td>
<td><em>Discretion is restricted to:</em></td>
</tr>
<tr>
<td>b) The building is not within the notional boundary of a Heritage Building, Site or Object; and</td>
<td>i. The matters listed in Rule 58.2.3 above.</td>
</tr>
<tr>
<td>c) Accessory buildings are not located between the Heritage Building, Site or Object and the road or public reserve.</td>
<td></td>
</tr>
</tbody>
</table>

### 58.2.6 Construction or Alteration of a Building on Adjoining Sites

<table>
<thead>
<tr>
<th>The construction or alteration of a building on a site adjoining the site of a Heritage Building, Site or Object is permitted if the building is set back at least:</th>
<th>Any activity that does not comply with a condition for a permitted activity is a <strong>restricted discretionary</strong> activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 5.0m from the boundary of the site containing a Heritage Building, Site or Object that is located within a Living or Business Environment; and</td>
<td><em>Discretion is restricted to:</em></td>
</tr>
<tr>
<td>b) For sites located in all other Environments:</td>
<td>i. The matters listed in Rule 58.2.3 above.</td>
</tr>
<tr>
<td>i. 20.0m from the Heritage Building, Site or Object; or</td>
<td></td>
</tr>
<tr>
<td>ii. The distance required by the building setback rule in the Environment in which the building development is located, whichever is the greater.</td>
<td></td>
</tr>
</tbody>
</table>
58.3 Reasons for Rules / Explanations

Demolition, Destruction or Relocation
These rules provide more protection to Group I Heritage Buildings, Sites or Objects because they have a higher heritage value than Group II Heritage Buildings, Sites or Objects. A resource consent is required for activities that could significantly alter the appearance and character of a Heritage Building. Demolition, destruction or relocation of a Group I Heritage Building is a non-complying activity.

Additions, Alterations, Repairs, Maintenance and Painting
The rules allow minor repair work to be undertaken, thereby not interfering with day-to-day activities. These permitted repairs allow the heritage item to remain as 'living heritage'. Alterations to the interiors of Group I Heritage Buildings are not a permitted activity because the interiors of these buildings comprise an important part of the heritage values of these structures.

Construction or Alteration of Buildings on the Same, and Adjoining Sites
Construction or alteration of buildings on the same, and sites adjoining Heritage Buildings, Sites and Objects can detract from the heritage values of these items, therefore a setback has been imposed to protect them.

60 Sites of Significance to Maori

60.1 Sites of Significance to Maori - Rule Table

60.1.1 Works on Specifically Identified Sites

<table>
<thead>
<tr>
<th>Condition</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) The activity does not result in any physical disturbance or modification of the site.</td>
<td>Any activity that does not comply with a condition for a permitted activity is a restricted discretionary activity.</td>
</tr>
<tr>
<td>b) The works (excluding modification of any part of the site) will protect or enhance the cultural and spiritual values of the site.</td>
<td>Discretion is restricted to:</td>
</tr>
</tbody>
</table>

- i. Effects on Sites of Significance to Maori;
- ii. Where an entire site is identified as a Site of Significance to Maori, the extent to which individual elements are affected;
- iii. Measures to protect the Sites of Significance to Maori, having regard to the customs and values of tangata whenua and the advice of the Kaitiaki;
- iv. Measures to restore any Site of Significance to Maori to its former state following completion of the work; having regard to tikanga Maori and the advice of the Kaitiaki.

Note:
Any destruction, damage or modification of any archaeological site whether recorded or unrecorded requires the consent of the New Zealand Historic Places Trust, Heritage New Zealand Pouhere Taonga under the Historic Places Act 1993 Heritage New Zealand Pouhere Taonga Act 2014.

70 Introduction to Subdivision Rules

70.8 Significant Natural and Heritage Features - Affected Parties
Where a subdivision application for a restricted discretionary, discretionary or non-complying activity application involves significant natural or heritage features set out in Rules 57 to and 59, ‘affected party’ status will be accorded to the New Zealand Historic Places Trust for any Heritage Building, Site or Object, and the Department of Conservation for any Significant Ecological Area.

71 Subdivision Rules - Living 1, 2 and 3 Environments

71.3 Rule Table - Subdivision in Living 1, 2 and 3 Environments

71.3.7 Stone Walls

Subdivision is a controlled activity if:

- The removal of stone walls is to provide access, where no other access is available, and the maximum length of wall to be removed is 6.0m; and

- Allotment boundaries follow the stone walls.

Control is reserved over:

- The effects of demolition of a wall on the integrity of the remaining stone walls;
- The additional matters listed in Chapter 70.3

Discretion is restricted to:

- The matters over which control is reserved;
- The heritage, landscape and amenity values of stone walls;
- Alternative location of allotment boundaries.

71.4 Principal Reasons for Rules / Explanations

Bullet point 6

Stone Walls

Land use rules limit the destruction of stone walls. This rule aims to protect the integrity of the walls when subdivision accesses are created through them. The amenity and heritage values of the walls are protected by requiring allotment boundaries to follow the walls where practicable.

Conditions of DTNZ 1.19

5 Archaeological

The Requiring Authority shall notify tangata whenua, the New Zealand Historic Places Trust, Heritage New Zealand Pouhere Taonga and the Whangarei District Council (and in the case of human remains, the New Zealand Police) as soon as practicable that an archaeological site has been exposed so that appropriate action can be taken. Works shall not recommence in the immediate vicinity of the archaeological site until any approval required from the New Zealand Historic Places Trust Heritage New Zealand Pouhere Taonga is obtained.

7 Archaeology

If any archaeological sites, including human remains are exposed during site works then the following procedures shall apply:

- Immediately after it becomes apparent that an archaeological site has been exposed, all site works in the immediate vicinity shall cease;

- The Requiring Authority shall immediately secure the area so that any artefacts or remains are untouched; and

- The Requiring Authority shall notify tangata whenua, the New Zealand Historic Places Trust, Heritage New Zealand Pouhere Taonga and the Whangarei District Council (and in the case of human remains, the New Zealand Police) as soon as
practicable that an archaeological site has been exposed so that appropriate action can be taken. Works shall not recommence in the immediate vicinity of the archaeological site until any approval required from New Zealand Historic Places Trust Heritage New Zealand Pouhere Taonga is obtained.

This condition shall not apply where the Requiring Authority holds all relevant approvals under the Historic Places Act 1993, Heritage New Zealand Pouhere Taonga Act 2014, apart from the requirement to contact the New Zealand Police in the event of discovery of human remains.

Urban Transition Environment (UTE)

UTE 2.1 Discretionary Activities

Any activity that will damage, modify, or remove any heritage building, site or object, stone wall or cultural Site of Significance identified in the District Plan.

UTE 2.3 Policies

14. Cultural and Heritage Values

To preserve cultural and heritage values by indentifying, protecting and avoiding any adverse effects on recognised features and sites.

Kamo Walkability Environment (KWE)

KMP.1.5 Discretionary Activities

6. Any activity that will damage, modify, remove or relocate any stone wall.

KLP.1.5 Discretionary Activities

10. Any activity that will damage, modify, remove or relocate any stone wall.

Resource Area Maps (refer attached)

Amended Resource Area Maps:

Numbers: 2, 12, 37, 38 (x2), 39, 43.
RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1. The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. (Section 7(2)(c)).

2. To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. (Section 7(2)(i)).

3. To protect the privacy of natural persons. (Section 7(2)(a)).

4. Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. (Section 48(1)(b)).

5. To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. (Section 7(2)(c)(i)).

6. In order to maintain legal professional privilege. (Section 2(g)).

7. To enable the council to carry on without prejudice or disadvantage, negotiations (Section 7(2)(i)).

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

“**That ______________________ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item ______________________. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because ______________________.”

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.