

Planning Report

Plan Change 28 - Heritage - Archaeological Sites

1.0 Introduction

- 1.1** The purpose of this report is to provide recommendations on submissions and further submissions to Plan Change 28 – Heritage - Archaeological Sites.
- 1.2** Plan Change 28 proposes the addition of 20 Cultural Heritage Features and six Built Heritage Features and their site boundaries to Appendix 3 (Schedule of Identified Significant Historic Heritage Features) and to the Planning Maps. The list of additions to Appendix 3 is shown below. The need for this Plan Change originated from a submission made to the District Plan Review by the New Zealand Historic Places Trust (NZHPT).

Cultural Heritage

Item	Legal Description/Location	Significance
106 Ongare Point Pa U13/8	Pt Allot 5 SO 1765	A large fortified pa with ditch and bank defenses.
107 Tawhitinui Pa Gunfighter Pa U14/160	Lot 5 DPS 44151 Allot 44 SO 17268	Hill top pa surrounded by ditches and interconnected pits.
108 Te Irihanga Pa U14/328	Irihanga 2 ML 5321	Hill top pa with ring ditch fortification.
109 Bridge Embankment T13/341	Lot 198 DP 369442 Sec 4 SO 23764 Sec 4 SO 25382	Bridge embankment on former ECMT.
110 Te Wharo Pa U14/166	Lot 3 DPS 80763 Pt 2 Sec 5B ML12560	A ridge and headland pa site constructed along the rim of a volcanic crater.
111 Te Wharo Pa U14/167	Lot 1 DPS 90694	A ridge and headland pa site constructed along the rim of a volcanic crater.
112 Maungarangi Pa U14/234	Lot 3 DPS 86405	Headland pa with trench and parapet.
113 Te Inahi Pa U14/244	Lot 9 DP 367866	Small pa sheltered by surrounding hills comprising a defended knoll and ditch.
114 Papamoa Hills Regional Park	Lot 2 DP 345423 Lot 5 DP 309001 Sec 2 SO 315254 Sec 1 SO 315254	A continuous archaeological and cultural landscape of national significance as there are few examples of historical occupation of such complexity in such a relatively small area.
115 Owhara Pa Herekaki Pa V14/2 V14/10	Pt Maketu A 144 ML 15308 Pt Maketu A126 ML 15308 Maketu A 127 ML 15308 Sec 1 SO 32090	Owhara Pa - large pa site with large central platform with ditch and bank defenses. Herekaki Pa - small headland pa.
116 Pukemaire Pa	Maketu A121 MI 15308	Pa which was later converted to

Item	Legal Description/Location	Significance	
	Fort Colville V14/6	Maketu A131 ML 15308 Pt Maketu A144 ML 15308	redoubt under Major Colville during occupation of Maketu.
117	Pukepoto Pa V14/13	Maketu A151 ML 13508 Pt Maketu A51 Maketu A49 ML 15308	Pa with several terraces and two transverse ditches dividing pa into two main platforms.
118	Okurei Pa V14/22	Pt Maketu A144 ML 15308	Headland pa with ditch and bank system providing deep defensive trench.
119	Scarp/Pit V14/23	Pt Maketu A144 ML 15308	Possibly an outer defense for Okurei Pa.
120	Pa Site V14/24	Pt Maketu A144 ML 15308	Large pa extending along cliffs.
121	Tirotirowhetu Pa V14/25	Pt Maketu A144 ML 15308	Pa extending along cliffs connected to another pa by a scarp.
122	Pa Site V14/26	Pt Maketu A144 ML 15308	Pa with steep scarp, ditch and bank.
123	Pa Site V14/31	Pt Maketu A144 ML 15308	Pa located on cliffs with a bank and ditch surrounding a large platform divided into two.
124	Pukehina Pa/Redoubt V14/3	Pukehina M1B3 ML20373	Very large pa extending along the coastal cliffs south-east of Pukehina with defensive ditch.
125	Waehke Pa Karamurumu Pa V14/5	Pukehina M1B4 ML20373	Pa defended by an outer ditch. Rifle pits were dug when converted into a gunfighter pa.

Built Heritage

Item	Legal Description/Location	Significance	
60	Bridge (Category B) T13/339	SO 55808	Bridge on former ECMT.
61	Bridge (Category B) T13/340	Pt Allot 50 SO 25380	Bridge on former ECMT.
62	Bridge (Category B) T14/602	Lots 3 & 4 DPS 80226	Bridge on former ECMT.
63	Bridge (Category B) T14/633	Lot 4 DPS 88015	Bridge on former ECMT.
64	Bridge (Category B) T14/634	Lot 2 DP 378276	Bridge on former ECMT.
65	Bridge (Category B) U14/3100	Lot 2 DP 425497 Lot 1 DPS 80881	Bridge on former ECMT.

1.3 For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.

1.4 Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic 1: Cultural Heritage Features 106-113 and 115-125 and Built Heritage Features 60-65

2.1 Background

Cultural Heritage Features 106-113 and 115-125 and Built Heritage Features 60-65 are those archaeological sites "from areas/locations outside of the Papamoa Hills Regional Park" referred to in the Section 32 Report.

It is important to note that the site boundaries for these features often do not represent the full extent of the actual site as recorded by NZAA. Rather, the site boundaries represent the part of each site that NZHPT considers to be of the most significance and warranting protection under the District Plan. Many of the site boundaries were also reduced following consultation to limit impacts on landowners.

Submission Points

Two submission points supported the addition of all of the proposed features, while three submission points supported the addition of particular features (two of these subject to amendments). No submission points were in opposition. One further submission point was received.

The main submission points made by submitters are as follows:

All proposed heritage features

2.1.1 NZHPT and the Bay of Plenty Regional Council supported the addition of all of the proposed features.

Cultural Heritage Feature 109 (ECMT Bridge Embankment T13/328)

2.1.2 The New Zealand Transport Agency (NZTA) supported the addition but opposed the extent of the site boundary. They felt it was not supported by sufficient detail to confirm it only includes remnant features for which protection is appropriate, and that it would unreasonably impact on the State Highway Designation (Katikati Bypass). NZTA requested a further assessment of the site to identify remnant features. The proposed site boundary map and Planning Map relating to this feature is shown in **Attachment A** of this report.

2.1.3 NZHPT made a further submission opposing NZTA's submission in part and sought a further investigation regarding the extent of this site and that Council only modifies the extent of the site boundary subject to the approval of the NZHPT.

Cultural Heritage Feature 111 (Te Wharo Pa U14/166)

2.1.4 The Omarama Forestry Partnership supported the addition and its proposed site boundary. The proposed site boundary and

Planning Map relating to this feature is shown in **Attachment B** of this report.

Cultural Heritage Feature 116 (Pukemaire Pa/Fort Colville V14/6)

2.1.5 Tapuika Iwi Authority supported the addition but requested an alternative significance description to that proposed in Appendix 3, as follows:

“Pukemaire Pa site is a pa site the site is roughly triangular in shape with two sides along steep gullies and protected by a ditch on the third side. The Pa is located in a strategic location overlooking of the outlet of the Maketu Estuary”.

2.2 Discussion

All proposed heritage features

2.2.1 All proposed features (including Cultural Heritage Feature 111) have been supported so are to be retained as notified with the exception of Cultural Heritage Features 109 and 116 which are further discussed below.

Cultural Heritage Feature 109 (ECMT Bridge Embankment T13/328)

2.2.2 A further site visit was carried out involving NZTA, NZHPT and Council staff. This site visit identified the built aspects of the feature (piles on either side of the Uretara Stream) that hadn't previously been identified. It was also identified that the embankment covered a smaller area than first thought meaning that the site boundary could be reduced.

2.2.3 The identification of the piles also brought into question whether this feature should instead be a Built Heritage Feature (in full or in part). The reason for notifying it as a Cultural Heritage Feature was because no built aspect had been identified and it was appropriate to treat the embankment (a modified landform) in the same way that a pa would be treated under the cultural heritage rules.

2.2.4 It has since been agreed between the parties that the most appropriate way to classify the feature is to classify the built aspect (piles) as a Built Heritage Feature and the landform aspect (embankment) as a Cultural Heritage Feature. This way, any application to modify the piles beyond what is permitted as routine maintenance will be a controlled activity with matters of control limited to the built aspect, and any application to modify, carry out works or plant trees etc on the embankment will be a Discretionary Activity.

Cultural Heritage Feature 116 (Pukemaire Pa/Fort Colville V14/6)

2.2.5 The notified significance description in Appendix 3 does not provide any information on the pa itself other than its conversion to a redoubt. The alternative suggested by Tapuika provides this missing description of the pa (taken from NZHPT's assessment used in the Section 32 Report) and should be added but with slightly modified wording.

2.3 Recommendation

All proposed heritage features

2.3.1 That Cultural Heritage Features 106-113 and 115-125 and Built Heritage Features 60-65 are retained as notified, with the following exceptions.

Cultural Heritage Feature 109 (ECMT Bridge Embankment T13/328)

2.3.2 That the site boundary map for Cultural Heritage Feature 109 in Appendix 3 is amended as shown in **Attachment C**.

2.3.3 That a new Built Heritage Feature 66 is added to Appendix 3 to account for the built aspect (piles) of what was proposed as Cultural Heritage Feature 109, as shown below.

Built Heritage

Item	Legal Description/Location	Significance
66 Bridge T13/341	Sec 4 SO 23764	Bridge on former ECMT.

2.3.4 That a new site boundary map for Built Heritage Feature 66 is added to Appendix 3 as shown in **Attachment C**.

2.3.5 That Planning Map U44 is amended to show the revised site boundary of Cultural Heritage Feature 109 and the site boundary for new Built Heritage Feature 66, as shown in **Attachment C**.

Cultural Heritage Feature 116 (Pukemaire Pa/Fort Colville V14/6)

2.3.6 That the description for Cultural Heritage Feature 116 in Appendix 3 be amended as follows:

Item	Legal Description/Location	Significance
116 Pukemaire Pa Fort Colville V14/6	Maketu A121 MI 15308 Maketu A131 ML 15308 Pt Maketu A144 ML 15308	Pa site roughly triangular in shape with two sides along steep gullies and protected by a ditch on the third side. Located in a strategic location overlooking the Maketu Estuary. which was Converted to a redoubt under Major Colville during occupation of Maketu.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
26	1	Dawe, Chris (Omarama Forestry Partnership)
FS75	1	New Zealand Historic Places Trust
19	1	New Zealand Transport Agency
5	2	Tapuika Iwi Authority

Accepted in Part

Submission	Point Number	Name
12	1	Bay of Plenty Regional Council
16	2	New Zealand Historic Places Trust

2.4 Reason

All proposed heritage features

2.4.1 All proposed features have been supported (including Cultural Heritage Feature 111) so are to be retained as notified with the exception of amendments to Cultural Heritage Features 109 and 116.

Cultural Heritage Feature 109 (ECMT Bridge Embankment T13/328)

2.4.2 The site boundary for Cultural Heritage Feature 109 has been reduced because a site visit determined that the embankment covered a smaller area than what was first thought at notification.

2.4.3 A new Built Heritage Feature 66 has been added to separately account for the built aspect (piles) of what was proposed as Cultural Heritage Feature 109, having been identified at a site visit.

Cultural Heritage Feature 116 (Pukemaire Pa/Fort Colville V14/6)

2.4.4 The alternative significance description suggested by Tapuika for Cultural Heritage Feature 116 provides a description of the pa that was not included in Appendix 3 as notified.

3.0 Topic 2: Cultural Heritage Feature 114 – Papamoa Hills Regional Park

3.1 Background

Cultural Heritage Feature 114 (Papamoa Hills Regional Park) is proposed to be added as a Cultural Heritage Feature to recognise its significant archaeological and cultural values. The proposed site boundary map and proposed addition to the planning maps is shown in **Attachment D**.

However, it is not proposed that the Park be subject to the rules of Section 7 – Historic Heritage due to the Park already being protected by the Regional Council through other methods. The proposed exemption from the rules is shown below as well as the proposed addition to the “Other Methods” part of Section 7.

“7.3 Activity Lists

These rules apply to Identified Significant Historic Heritage Features (except the Papamoa Hills Regional Park). Refer to the Planning Maps for location and Appendix 3 for further details.”

“7.6 Other Methods

Papamoa Hills Regional Park

The Papamoa Hills Regional Park is recognised as an Identified Significant Historic Heritage Feature because of its significant archaeological and cultural heritage values. The Bay of Plenty Regional Council purchased this land and established the Park primarily because of these values and protects these through the implementation of the Papamoa Hills Regional Park Management Plan, Papamoa Hills Regional Park Conservation Plan and Papamoa Hills Regional Park Re-Vegetation Plan. The Papamoa Hills Advisory Committee also guides works within the Park and consists of representatives from hapu and the New Zealand Historic Places Trust.”

3.2 Submission Points

The main submission points made by submitters are as follows:

- 3.2.1** The Regional Council supported the proposed changes.
- 3.2.2** NZHPT supported the addition of the Park to Appendix 3 and the Planning Maps, however opposed the exemption from the Section 7 rules and the acknowledgement of the Park in the “Other Methods” part of Section 7.
- 3.2.3** Both submitters have also suggested an agreed alternative approach to what was proposed.

“That the following amendments are made to the District Plan:

Definitions section: new definition: minor public recreational facilities and activities:

In relation to public areas which are not held under the Reserves Act 1977 means:

- a) Maintenance of walking tracks (including resurfacing), steps and boardwalks where no subsurface disturbance occurs;
- b) Re-vegetation and vegetation removal including: removal/control of indigenous, exotic, noxious or nuisance

- plant species, weed control and tree and vegetation planting;
- c) Fencing, including re-placement fencing and signage attached to fencing;
- d) New interpretation and directional signage which does not require ground disturbance.
- e) Works to protect cultural/archaeological sites, that do not include surface disturbance, including soil erosion and slip protection;
- f) Maintenance and replacement of existing park furniture including: bollards, gates, stiles, seating, picnic tables and interpretative and of directional signs and binocular stand;
- g) Maintenance of public toilets, carparks and access roads;
- h) General maintenance of reserves and public open space areas for the use and enjoyment of the public.
- i) Farming activities including grazing and realigning fences;
- j) Animal pest control.

It does not include the following activities:

- a) New buildings (including farm buildings)
- b) Any activity which requires consent as a "Place of Assembly"
- c) Quarrying
- d) Exotic forestry harvesting

7.3.1 Permitted Activities (added to existing Rule)

- h) Minor public recreational facilities and activities (as defined above).
- i) Any works or activities for which an authority has been granted under the Historic Places Act 1993.

Explanatory note (to go under permitted activities)

Work affecting pre-1900 archaeological sites is subject to a consenting process under the Historic Places Act 1993. If any activity, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage."

3.3 Option 1 – As Proposed - Exempt the Park from the rules of Section 7 and instead acknowledge the existing protection for the feature in the "Other Methods" part of Section 7.

Advantages	<ul style="list-style-type: none"> ▪ The Regional Council will not be restricted by a continual requirement to apply for resource consents to assess heritage matters for the majority of activities within the Park, because of an exemption from the rules. ▪ Recognises that the Park's heritage values are already protected by methods other than rules. The RMA allows for other methods to be considered and
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	is not totally focused on rules to achieve outcomes.
Disadvantages	<ul style="list-style-type: none"> ▪ The Park’s Management Plan lacks the robustness of the District Plan rules including that it does not clearly define which activities are appropriate or inappropriate. For instance, Policy 2.2 says that no ground disturbance is permitted where work is “clearly outside of an archaeological site” or “to be undertaken on ground that has been significantly modified and where the work will not add significantly to the degree of modification”. This allows arguments surrounding interpretation. ▪ Unlike the District Plan, the Park’s Management Plan has no legal requirement for compliance. ▪ The Park might be sold in the future. ▪ May be seen as an inconsistent approach given that the District’s other Heritage Features are protected by rules. However, these have not been purchased nor are managed specifically for heritage purposes.

3.4 Option 2 – The alternative suggested by NZHPT and the Regional Council

Advantages	<p>Permitted activity status for minor public and recreational facilities and activities</p> <ul style="list-style-type: none"> ▪ The Regional Council will not be restricted by a continual requirement to apply for resource consents to assess heritage matters for the majority of activities within the Park, because the anticipated activities for the Park would be permitted under the definition of “minor public recreational facilities and activities”. ▪ Still partly recognises that the Park’s heritage values are already protected by methods other than rules by permitting the anticipated activities for the Park. ▪ Permitting the anticipated activities for the Park is consistent with how reserves under the Reserve Act 1977 are treated within Section 7. ▪ Addresses NZHPT’s concerns about the Park being exempted from a rules framework. Activities not within this definition will require resource consent. ▪ Is more consistent than Option 1 in terms of how the District’s other Heritage Features are protected. <p>Permitted activity status for works and activities with an NZHPT authority</p> <ul style="list-style-type: none"> ▪ Avoids the need to get approval from NZHPT and undertake consultation with the affected hapu under two separate processes. Note: An application for an authority must provide an assessment of any archaeological, Maori or other values and the effect of the proposal on those values, and a statement as to whether consultation with tangata whenua and
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	<p>any other person likely to be affected has taken place (with details on such needing to be provided).</p> <p>Explanatory note</p> <ul style="list-style-type: none"> ▪ Provides an explanation to plan users of what an NZHPT authority is and raises awareness of the need for these to be obtained even when an activity is permitted by a District Plan.
<p>Disadvantages</p>	<p>Permitted activity status for minor public and recreational facilities and activities</p> <ul style="list-style-type: none"> • The definition is suggested to apply to all public land which is not held under the Reserve Act 1977, however the submission points suggesting the definition have been made in respect to the Park only. The effect of this definition applying to all public areas not held under the Reserves Act 1977 is unknown and such a proposal falls outside of the narrow focus of the Plan Change on the addition of new Heritage Features. • Plan users will need to refer back to Section 3 – Definitions to determine the range of permitted activities. <p>Permitted activity status for works and activities with an NZHPT authority</p> <ul style="list-style-type: none"> ▪ The suggested rule is worded in a way which would make it apply District-wide and not only to the Park. The submission points suggesting this rule however have been made in respect to the Park only and there is not considered to be scope to apply this rule District-wide given the narrow focus of the Plan Change on the addition of new Heritage Features. ▪ Having such a rule apply District-wide may largely defeat the purpose of the District Plan rules as many Heritage Features would also require an NZHPT authority. ▪ Council also has its own assessment criteria and consultation protocol, therefore bypassing the need for resource consent because of an NZHPT authority could have unintended consequences. <p>Explanatory note</p> <ul style="list-style-type: none"> ▪ It is questionable whether such an explanatory note is required at the end of permitted activity list given the suggested permitted rule for works and activities with an NZHPT authority is only intended to apply to the Park and the Regional Council as the landowner is fully aware of this requirement. ▪ Similar wording is already contained within the “other methods” part of Section 7 advising plan users that archaeological sites are subject to this separate authority process under the Historic Places Act 1993 and warning them of the penalties for unauthorised destruction, damage and modification to any archaeological sites.

	<p>Other</p> <ul style="list-style-type: none"> ▪ Option 2 does not explicitly acknowledge in Section 7 that the Park is protected by other methods, which is the reason why a permitted rule framework has been suggested for the Park.
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3.5 Discussion

At notification, the Park was proposed to be added as a Cultural Heritage Feature but exempted from the rules because the Regional Council already protects the Park through a range of other methods and there was no clear reason why rules were required. The alternative option has the benefit of permitting the anticipated activities for the Park which gives the Regional Council certainty that the Park can be operated without unnecessary restrictions, whilst giving NZHPT certainty that any of the Park's activities which fall outside of "Minor Public Recreation Facilities and Activities" will require resource consent unless NZHPT have already given an authority.

In respect to the suggested definition of "Minor Public Recreation Facilities and Activities", it would be tidier to list these within the Section 7 Activity Lists, rather than referring plan users back to Section 3 – Definitions. The four excluded activities (buildings and farm buildings, activities that require resource consent as a Place of Assembly, quarrying, and exotic forestry harvesting) would not need to be specifically listed elsewhere. These fall under Discretionary Activity Rules 7.3.3 (c) and 7.3.3 (f) which respectively require resource consent for "excavation, alteration, or reconstruction of any scheduled historic heritage feature" and "excavation, construction, and any other work on or within a 20m radius of the scheduled feature".

It has been taken into account that the hapu associated with the Park are a part of the Park's Advisory Committee and will be consulted with in relation to all anticipated activities and any applications for an NZHPT authority.

The alternative option should only apply to the Park rather than District-wide because the submissions relate only to the Park. Any new District-wide rules may have unintended effects, which affected parties would not have anticipated through this Plan Change with it being limited in scope to the addition of new Heritage Features. For this reason, the explanatory note relating to obtaining an NZHPT authority is only relevant to the Park, however isn't considered necessary given the Regional Council as the landowner is fully aware of the requirement and NZHPT are a part of the Park's Advisory Committee.

It would also be beneficial if the proposed wording in the "other methods" part of Section 7 relating to the Park is retained as notified, as it would formally acknowledge the existing protection for the Park which is the reason why the Park is proposed to be treated differently to other Heritage Features.

3.6 Recommendation

- 3.6.1** That the proposed addition to the opening paragraph of 7.3 "Activity Lists" is deleted, as follows.

"These rules apply to Identified Significant Historic Heritage Features. ~~(except the Papamoa Hills Regional Park).~~ Refer to the Planning Maps for location and Appendix 3 for further details."

- 3.6.2** That the following new permitted activity is added to Section 7 – Activity Lists 7.3.1.

7.3.1 Permitted Activities

h) The following minor public recreational facilities and activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park);

- (i) Maintenance of walking tracks (including resurfacing), steps and boardwalks where no subsurface disturbance occurs;
- (ii) Re-vegetation and vegetation removal including: removal/control of indigenous, exotic, noxious or nuisance plant species, weed control and tree and vegetation planting;
- (iii) Fencing, including replacement fencing and signage attached to fencing;
- (iv) New interpretation and directional signage which does not require ground disturbance.
- (v) Soil erosion protection and slip protection works to protect cultural/archaeological sites, provided they do not include surface disturbance.
- (vi) Maintenance and replacement of existing park furniture including: bollards, gates, stiles, seating, picnic tables and interpretative and directional signs and binocular stands;
- (vii) Maintenance of public toilets, carparks and access roads;
- (viii) General maintenance of reserves and public open space areas for the use and enjoyment of the public.
- (ix) Farming activities including grazing and realigning fences;
- (x) Animal pest control.

- 3.6.3** That the following new permitted activity is added to Section 7 – Activity Lists 7.3.1.

7.3.1 Permitted Activities

i) Any works or activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park) for which an authority has

[been granted under the Historic Places Act 1993. \(See 7.6.2 "Archaeological Sites"\).](#)

3.6.4 That the suggested explanatory note is **not** added to the end of the permitted activities list.

3.6.5 That the proposed addition to the "other methods" part of Section 7 relating to Papamoa Hills Regional Park is retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
12	2, 4	Bay of Plenty Regional Council
16	3	New Zealand Historic Places Trust

Accepted in Part

Submission	Point Number	Name
12	5	Bay of Plenty Regional Council
16	4	New Zealand Historic Places Trust

Rejected

Submission	Point Number	Name
12	3	Bay of Plenty Regional Council
16	5	New Zealand Historic Places Trust

3.7 Reason

3.7.1 The Park no longer needs to be exempted from the Section 7 – Historic Heritage rules because an alternative option has been suggested by NZHPT and the Regional Council.

3.7.2 The alternative option suggested by NZHPT and the Regional Council is preferred over the notified option because it has the benefit of permitting the anticipated activities for the Park (through the list of "minor public recreational activities and facilities") which gives the Regional Council certainty that the Park can be operated without unnecessary restrictions, whilst giving NZHPT certainty that any of the Park's activities which fall outside the definition of "minor public recreation facilities and activities" will require resource consent unless NZHPT have already given an authority.

3.7.3 It would be tidier to list the activities from the suggested definition of "Minor Public Recreation Facilities and Activities" within the Section 7 Activity Lists, rather than referring plan users back to Section 3 – Definitions. The four excluded activities (buildings and farm buildings, activities that require resource consent as a Place of Assembly, quarrying, and exotic forestry harvesting) would not need to be specifically listed elsewhere. These fall under Discretionary Activity Rules 7.3.3 (c)

and 7.3.3 (f) which respectively require resource consent for “excavation, alteration, or reconstruction of any scheduled historic heritage feature” and “excavation, construction, and any other work on or within a 20m radius of the scheduled feature”.

- 3.7.4** The alternative option should only apply to the Park rather than District-wide because the submissions relate only to the Park. Any new District-wide rules may have unintended effects, which affected parties would not have anticipated through this Plan Change with it being limited in scope to the addition of new Heritage Features.
- 3.7.5** The explanatory note relating to NZHPT authority is not required as the suggested permitted rule relating to works and activities with an NZHPT authority is only relevant to the Park and isn't considered necessary given the Regional Council as the landowner is fully aware of the requirement and NZHPT are a part of the Park's Advisory Committee.
- 3.7.6** The proposed wording in the “other methods” part of Section 7 relating to the Park is recommended to be retained as notified, as it would formally acknowledge the existing protection for the Park which is the reason why the Park is treated differently to other Heritage Features.

4.0 Topic 3: Request for new cultural heritage features

4.1 Submission Points

Two submission points relate to the addition of further cultural heritage sites. No further submission points were received.

The main submission points made by submitters are as follows:

- 4.1.1** Tapuika Iwi Authority asked that Council will work and continue to work with them to identify and record the sites of significance to Tapuika and would notify and require participation and feedback from NZHPT for this Plan Change.
- 4.1.2** Waitaha Iwi's submission is about the protection and future use of Waitaha customary and historical sites from Pu Whenua to Wairakei – “the Mountains to the Sea”. There is no specific decision sought by the submitter.

4.2 Discussion

Plan Change 28 is limited to the consideration of archeological sites put forward by NZHPT in their submission to the District Plan Review. Council intends to prepare a separate Plan Change with the District's iwi and hapu (including Tapuika and Waitaha) to schedule cultural sites identified by them, and will include consultation with affected landowners.

Council have been awaiting the resolution of appeals against Significant Archaeological and Maori Sites in the Proposed Tauranga City Plan before beginning this separate Plan Change. While these appeals have not yet been resolved, the level of progress made on these appeals presents an opportunity for Council staff to liaise with Tauranga City Council staff to determine the level of information required to support any cultural sites proposed through a Plan Change process. Council staff will then work with Council's Te Komiti Maori to establish a strategy for preparing the list of cultural sites with the required information and to develop a work programme with specific timeframes in order to reach a notification target.

4.3 Recommendation

That no new cultural heritage features are added to Plan Change 28 in response to the submissions by Tapuika Iwi Authority and Waitaha Iwi.

That Council includes Tapuika and Waitaha in the preparation of the upcoming Plan Change relating to cultural sites.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
5	1	Tapuika Iwi Authority

Accepted in Part

Submission	Point Number	Name
7	1	Waitaha Iwi

4.4 Reason

Plan Change 28 is limited to the consideration of archeological sites put forward by NZHPT in their submission to the District Plan Review.

Council intends to prepare a separate Plan Change with the District's iwi and hapu (including Tapuika and Waitaha) to schedule cultural sites identified by them.

5.0 Topic 4: NZAA Site Numbers – Appendix 3

5.1 Background

All Cultural and Built Heritage Features in Appendix 3 (existing and proposed) are described by Council reference number, item name, legal description/location and significance. NZAA references e.g. U13/8 are not included as a part of that description. However, as a part of the notified Plan Change, those proposed features had the NZAA reference shown temporarily for context.

5.2 Submission Points

One submission point was in opposition to this. No further submission points were received.

The submission point made by the submitter is as follows:

5.2.1 NZHPT oppose the NZAA site numbers only being shown temporarily for context. While NZHPT acknowledge that in some instances the spatial extent of Council Heritage Features and NZAA recorded sites differs, they say that NZAA site numbers are a universal reference format for archaeological sites in New Zealand and these numbers would be required for any information required from organizations external to Council. NZHPT request the temporary references to be retained.

5.3 Option 1 – As Proposed – Do not include NZAA numbers in the description of Heritage Features in Appendix 3

Advantages	<ul style="list-style-type: none">▪ NZAA references and associated 100m square boxes may get confused with Council Heritage Features references and site boundaries.
Disadvantages	<ul style="list-style-type: none">▪ Loss of context.▪ Landowners are often familiar with the NZAA references and may find them helpful in identifying Council Heritage Features on their property.

5.4 Option 2 – Include NZAA numbers in the descriptions of Heritage Features in Appendix 3

Advantages	<ul style="list-style-type: none">▪ Provides context and a further description of the Heritage Features.▪ Landowners are often familiar with the NZAA references and it may help them identify Council Heritage Features on their property.
Disadvantages	<ul style="list-style-type: none">▪ NZAA references and associated 100m square boxes may get confused with Council Heritage Features references and site boundaries.

5.5 Discussion

NZAA numbers should be included in Appendix 3 as they provide context, add further description for the sites and are recognized by landowners.

5.6 Recommendation

That the NZAA are references are permanently included in Appendix 3.

The following submission is therefore:

Accepted

Submission	Point Number	Name
16	1	New Zealand Historic Places Trust

5.7 Reason

NZAA numbers should be included in Appendix 3 as they provide context, add further description for the sites and are recognized by landowners.

6.0 Topic 5: Exemption from 20m buffers under Discretionary Activities 7.3.3 (f) and (g)

6.1 Background

Because the site boundaries identified by NZHPT for all the proposed Cultural Heritage Features have had buffers incorporated, it was proposed that an exemption be provided for such features from the 20m buffer under Discretionary Activities 7.3.3 (f) and (g), as follows:

7.3.3 Discretionary Activities

- (f) Excavation, *construction* or any other work on or within a 20m radius of the scheduled feature including the use of heavy machinery and the planting of trees on or adjoining an archaeological site. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.

Note: This rule shall not apply to land within a 20m radius of cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

- (g) Subdivision of land on which exists any scheduled Historic Heritage Feature where the new *lot* boundary will come within 20m of that scheduled feature."

Note: This rule shall not apply to the subdivision of land where a new *lot* boundary comes within 20m of cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

6.2 Submission Points

One submission point was in support of this. No submission points were in opposition. No further submission points were received.

The submission point made by the submitter is as follows:

- 6.2.1** NZHPT supported the exemptions because the incorporation of the buffers into the site boundaries makes the 20m buffer requirements superfluous for those features.

6.3 Recommendation

That the exemptions for Cultural Heritage Features from the 20m buffers under Discretionary Activities 7.3.3 (f) and (g) are retained as notified.

The following submission is therefore:

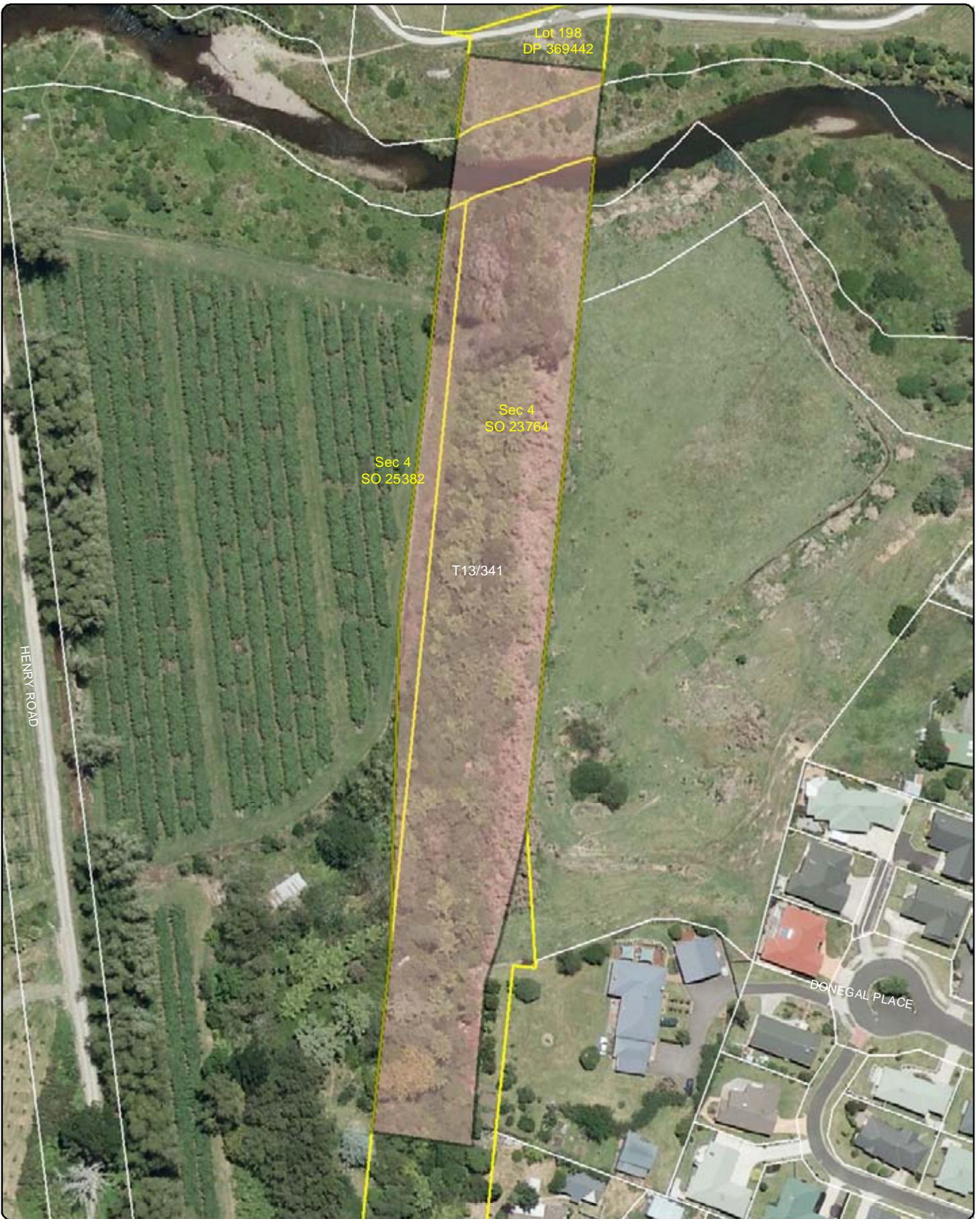
Accepted

Submission	Point Number	Name
16	6	New Zealand Historic Places Trust

6.4 Reason

NZHPT support the exemptions from the buffers and there are no submitters in opposition.

Attachments A, B, C and D follow:



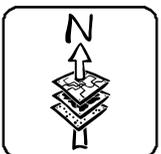
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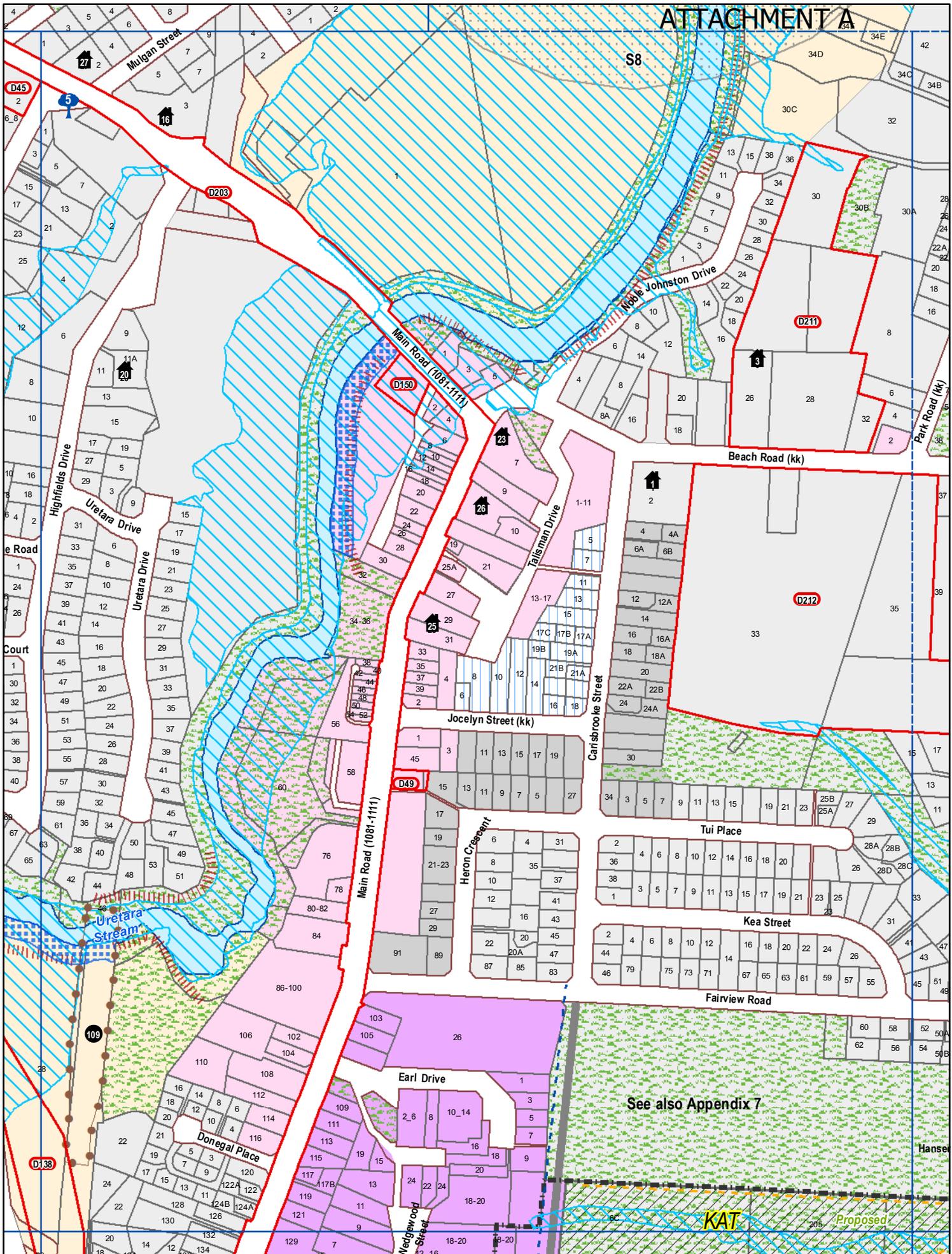
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DISTRICT PLAN
 CULTURAL HERITAGE FEATURE 109
 BRIDGE EMBANKMENT





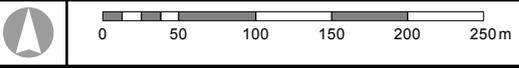
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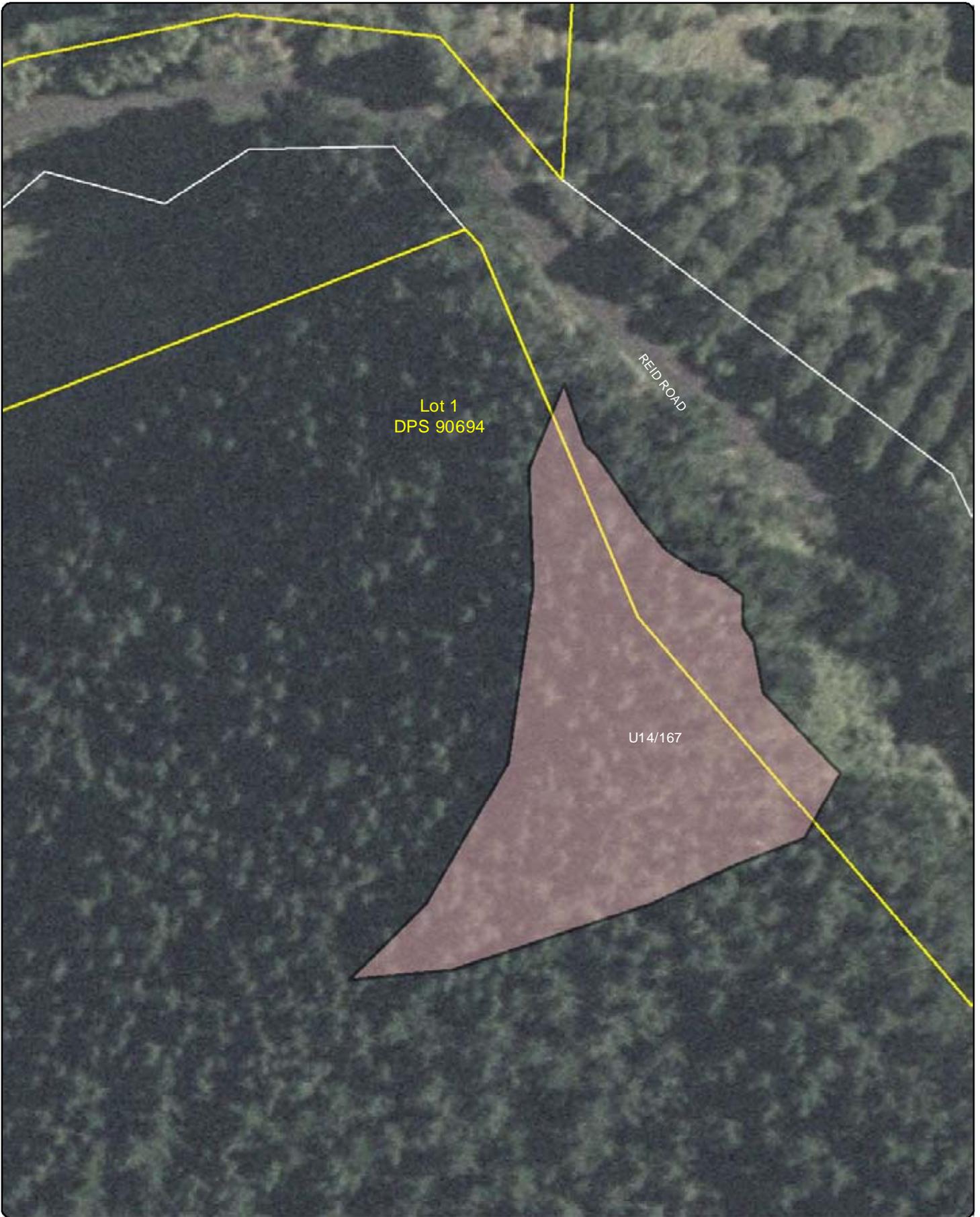


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Revision Date: 6 February 2013
PC 28-44: 9 Feb 2013 Notified

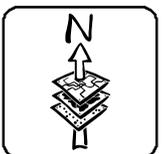


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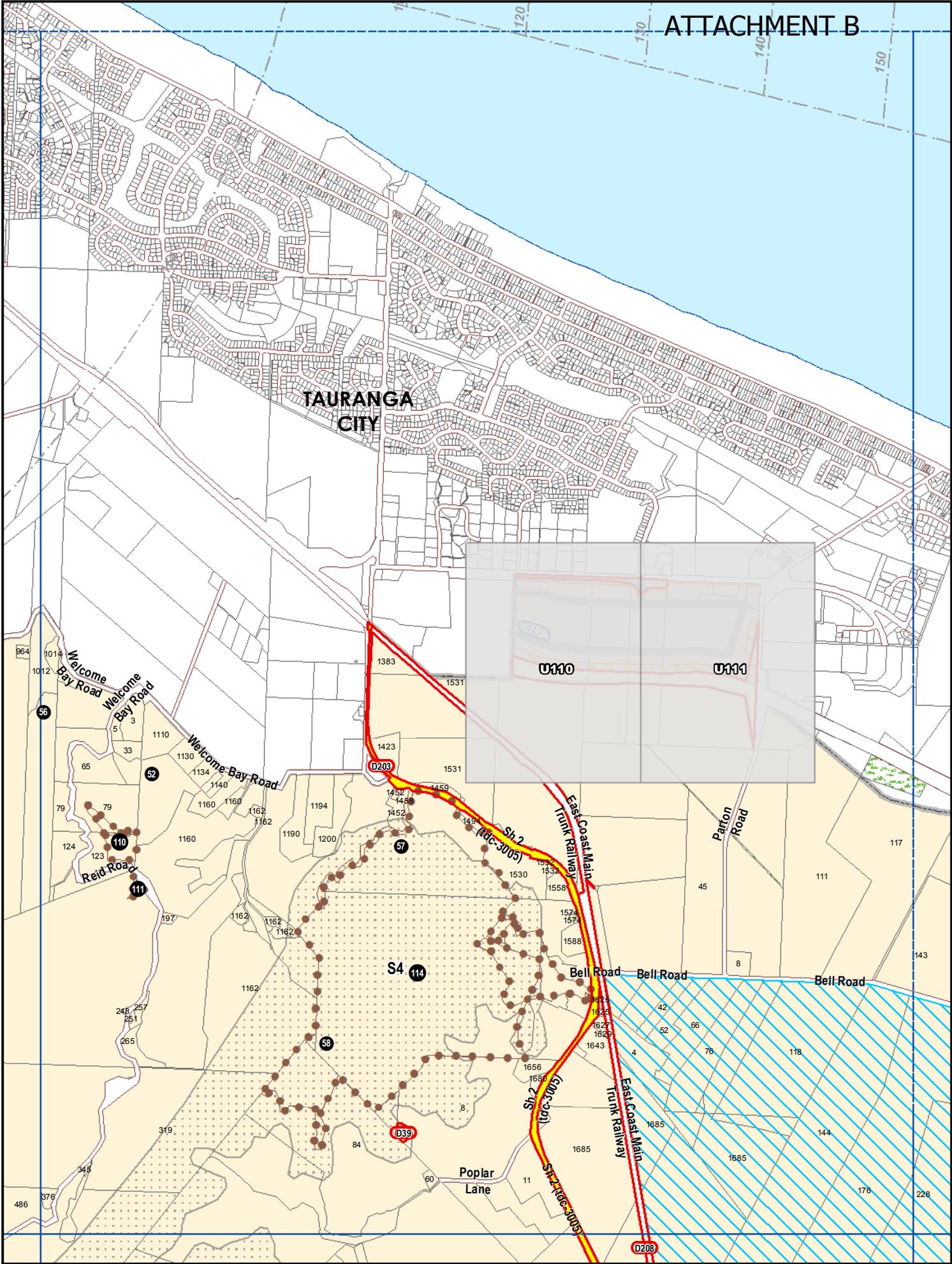
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DISTRICT PLAN
CULTURAL HERITAGE FEATURE 111
TE WHARO PA



TAURANGA CITY

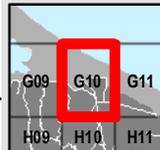


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G10 Rural Series



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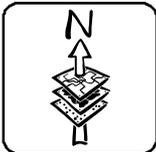


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**DISTRICT PLAN
 CULTURAL HERITAGE FEATURE 109
 BRIDGE EMBANKMENT**



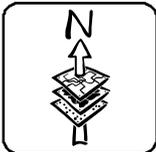


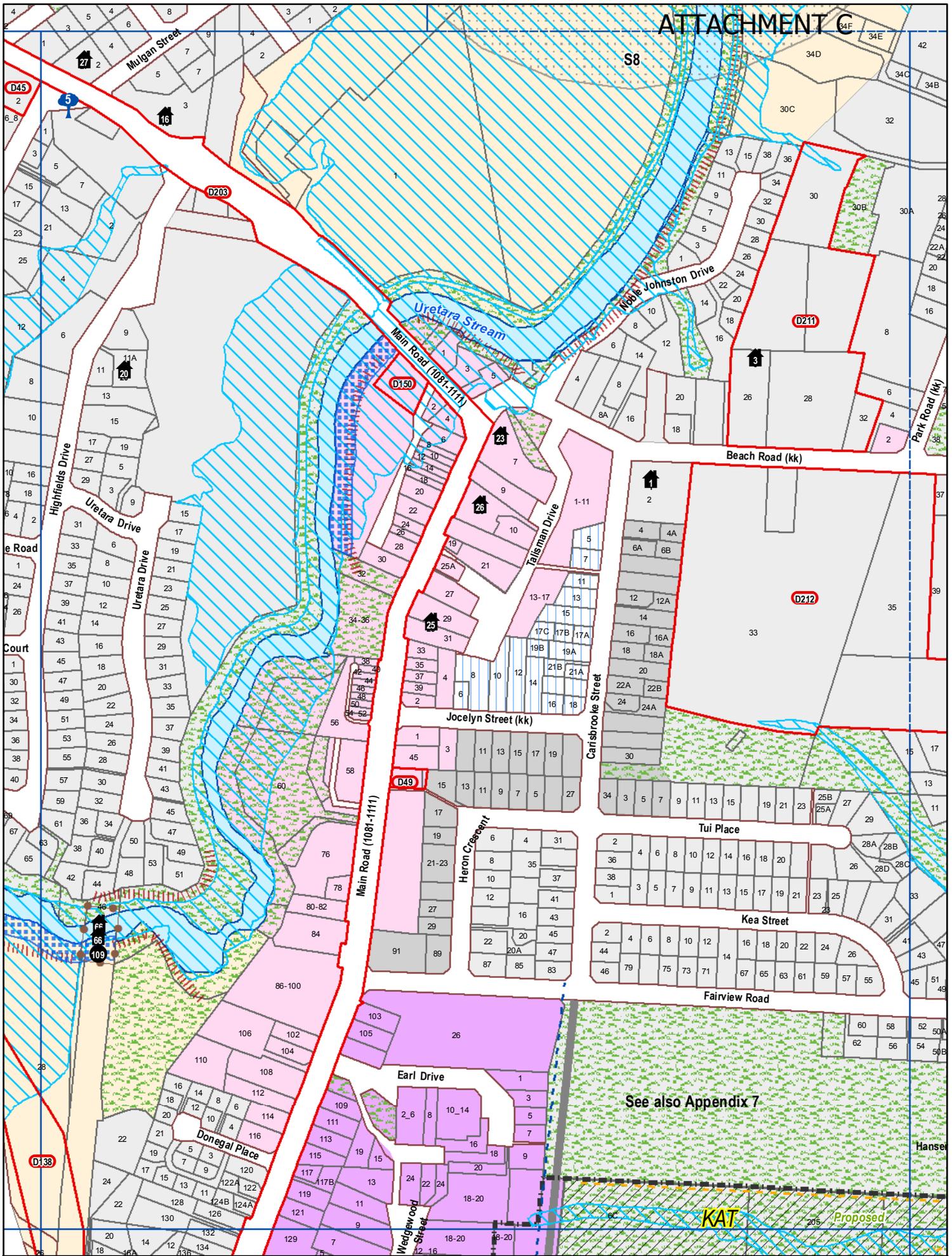
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**DISTRICT PLAN
 BUILT HERITAGE FEATURE 66
 BRIDGE (CATEGORY B)**





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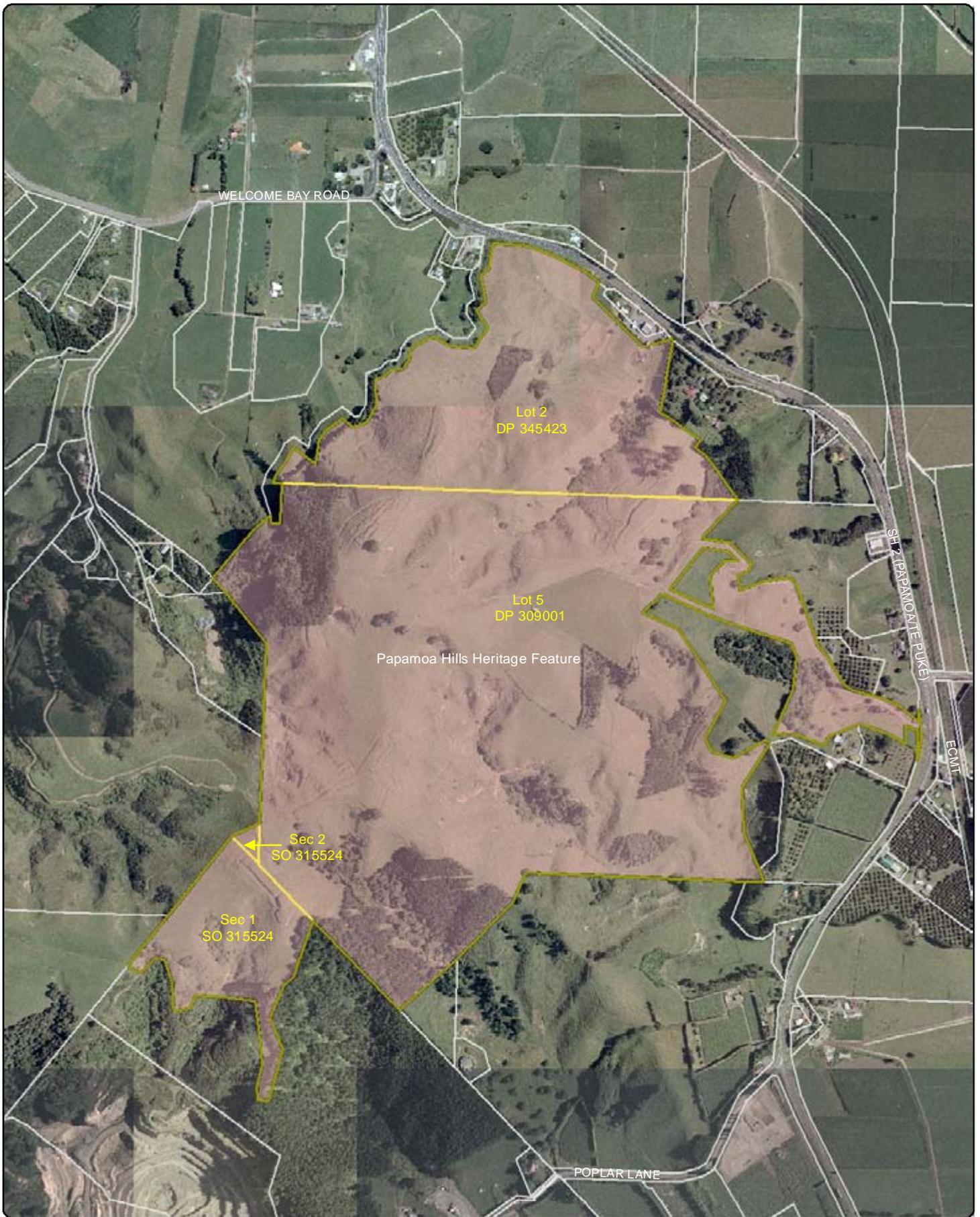


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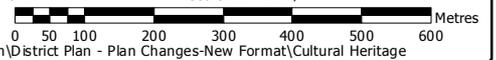
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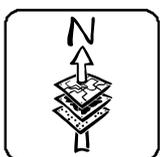
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Operator: mlb

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DISTRICT PLAN
 CULTURAL HERITAGE FEATURE 114
 PAPAMOIA HILLS REGIONAL PARK



7.0 Plan Change 28 - Recommended Changes to the District Plan First Review

- 7.1** The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 7.2** Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

Appendix 3 and Planning Maps

- 7.3** That the following sites be added to Appendix 3 as heritage features, as shown in the table below.
- 7.4** That site boundary maps for each of these sites are added to the back of Appendix 3 as shown in Attachment E.
- 7.5** That these sites are added to the Planning Maps as heritage features as shown in Attachment F.

Cultural Heritage

Item	Legal Description/Location	Significance
<u>106</u>	<u>Ongare Point Pa U13/8</u>	<u>Pt Allot 5 SO 1765</u> <u>A large fortified pa with ditch and bank defenses.</u>
<u>107</u>	<u>Tawhitinui Pa Gunfighter Pa U14/160</u>	<u>Lot 5 DPS 44151</u> <u>Allot 44 SO 17268</u> <u>Hill top pa surrounded by ditches and interconnected pits.</u>
<u>108</u>	<u>Te Irihanga Pa U14/328</u>	<u>Irihanga 2 ML 5321</u> <u>Hill top pa with ring ditch fortification.</u>
<u>109</u>	<u>Bridge Embankment T13/341</u>	<u>Lot 198 DP 369442</u> <u>Sec 4 SO 23764</u> <u>Sec 4 SO 25382</u> <u>Bridge embankment on former ECMT.</u>
<u>110</u>	<u>Te Wharo Pa U14/166</u>	<u>Lot 3 DPS 80763</u> <u>Pt 2 Sec 5B ML12560</u> <u>A ridge and headland pa site constructed along the rim of a volcanic crater.</u>
<u>111</u>	<u>Te Wharo Pa U14/167</u>	<u>Lot 1 DPS 90694</u> <u>A ridge and headland pa site constructed along the rim of a volcanic crater.</u>
<u>112</u>	<u>Maungarangi Pa U14/234</u>	<u>Lot 3 DPS 86405</u> <u>Headland pa with trench and parapet.</u>
<u>113</u>	<u>Te Inahi Pa U14/244</u>	<u>Lot 9 DP 367866</u> <u>Small pa sheltered by surrounding hills comprising a defended knoll and ditch.</u>
<u>114</u>	<u>Papamoa Hills Regional Park</u>	<u>Lot 2 DP 345423</u> <u>Lot 5 DP 309001</u> <u>Sec 2 SO 315254</u> <u>Sec 1 SO 315254</u> <u>A continuous archaeological and cultural landscape of national significance as there are few examples of historical occupation of such complexity in such a relatively small area.</u>
<u>115</u>	<u>Owhara Pa Herekaki Pa V14/2 V14/10</u>	<u>Pt Maketu A 144 ML 15308</u> <u>Pt Maketu A126 ML 15308</u> <u>Maketu A 127 ML</u> <u>Owhara Pa - large pa site with large central platform with ditch and bank defenses. Herekaki Pa - small headland pa.</u>

Item	Legal Description/Location	Significance	
	15308 Sec 1 SO 32090		
116	Pukemaire Pa Fort Colville V14/6	Maketu A121 ML 15308 Maketu A131 ML 15308 Pt Maketu A144 ML 15308	Pa site roughly triangular in shape with two sides along steep gullies and protected by a ditch on the third side. Located in a strategic location overlooking the Maketu Estuary, which was Converted to a redoubt under Major Colville during occupation of Maketu.
117	Pukepoto Pa V14/13	Maketu A151 ML 13508 Pt Maketu A51 Maketu A49 ML 15308	Pa with several terraces and two transverse ditches diving pa into two main platforms.
118	Okurei Pa V14/22	Pt Maketu A144 ML 15308	Headland pa with ditch and bank system providing deep defensive trench.
119	Scarp/Pit V14/23	Pt Maketu A144 ML 15308	Possibly an outer defense for Okurei Pa.
120	Pa Site V14/24	Pt Maketu A144 ML 15308	Large pa extending along cliffs.
121	Tirotirowhetu Pa V14/25	Pt Maketu A144 ML 15308	Pa extending along cliffs connected to another pa by a scarp.
122	Pa Site V14/26	Pt Maketu A144 ML 15308	Pa with steep scarp, ditch and bank.
123	Pa Site V14/31	Pt Maketu A144 ML 15308	Pa located on cliffs with a bank and ditch surrounding a large platform divided into two.
124	Pukehina Pa/Redoubt V14/3	Pukehina M1B3 ML20373	Very large pa extending along the coastal cliffs south-east of Pukehina with defensive ditch.
125	Waeheke Pa Karamurumu Pa V14/5	Pukehina M1B4 ML20373	Pa defended by an outer ditch. Rifle pits were dug when converted into a gunfighter pa.

Built Heritage

Item	Legal Description/Location	Significance
60	Bridge (Category B) T13/339	SO 55808 Bridge on former ECMT.
61	Bridge (Category B) T13/340	Pt Allot 50 SO 25380 Bridge on former ECMT.
62	Bridge (Category B) T14/602	Lots 3 & 4 DPS 80226 Bridge on former ECMT.
63	Bridge (Category B) T14/633	Lot 4 DPS 88015 Bridge on former ECMT.
64	Bridge (Category B) T14/634	Lot 2 DP 378276 Bridge on former ECMT.
65	Bridge (Category B) U14/3100	Lot 2 DP 425497 Lot 1 DPS 80881 Bridge on former ECMT.

Item	Legal Description/Location	Significance
66	Bridge T13/341	Bridge on former ECMT.

Section 7 – Historic Heritage

7.6 That the opening paragraph of Rule 7.3 Activity Lists is not amended as notified and therefore is retained as follows;

These rules apply to Identified Significant Historic Heritage Features (~~except the Papamoa Hills Regional Park H114~~). Refer to the Planning Maps for location and Appendix 3 for further details.

7.7 That the following new permitted activity is added to Section 7 – Activity Lists 7.3.1.

h) The following minor public recreational facilities and activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park):

- (xi) Maintenance of walking tracks (including resurfacing), steps and boardwalks where no subsurface disturbance occurs;
- (xii) Re-vegetation and vegetation removal including: removal/control of indigenous, exotic, noxious or nuisance plant species, weed control and tree and vegetation planting;
- (xiii) Fencing, including replacement fencing and signage attached to fencing;
- (xiv) New interpretation and directional signage which does not require ground disturbance.
- (xv) Soil erosion protection and slip protection works to protect cultural/archaeological sites, provided they do not include surface disturbance.
- (xvi) Maintenance and replacement of existing park furniture including: bollards, gates, stiles, seating, picnic tables and interpretative and directional signs and binocular stands;
- (xvii) Maintenance of public toilets, carparks and access roads;
- (xviii) General maintenance of reserves and public open space areas for the use and enjoyment of the public.
- (xix) Farming activities including grazing and realigning fences;
- (xx) Animal pest control.

7.8 That the following new permitted activity is added to Section 7 – Activity Lists 7.3.1.

i) Any works or activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park) for which an authority has been granted under the Historic Places Act 1993. (See 7.6.2 "Archaeological Sites").

7.9 That Rules 7.3.3 (f) and (g) are amended as follows;

- (f) Excavation, *construction* or any other work on or within a 20m radius of the scheduled feature including the use of heavy machinery and the planting of trees on or adjoining an archaeological site. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.

Note: This rule shall not apply to land within a 20m radius of cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

- (g) Subdivision of land on which exists any scheduled Historic Heritage Feature where the new lot boundary will come within 20m of that scheduled feature.

Note: This rule shall not apply to the subdivision of land where a new *lot* boundary comes within 20m of cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

7.10 That a new 'Other Method' be added to Rule 7.6 Other Methods as follows;

Papamoa Hills Regional Park

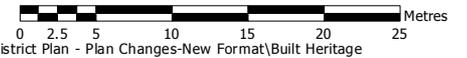
The Papamoa Hills Regional Park is recognised as an Identified Significant Historic Heritage Feature because of its significant archaeological and cultural heritage values. The Bay of Plenty Regional Council purchased this land and established the Park primarily because of these values and protects these through the implementation of the Papamoa Hills Regional Park Management Plan, Papamoa Hills Regional Park Conservation Plan and Papamoa Hills Regional Park Re-Vegetation Plan. The Papamoa Hills Advisory Committee also guides works within the Park and consists of representatives from hapu and the New Zealand Historic Places Trust.



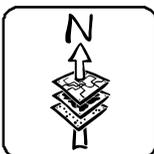
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DISTRICT PLAN
 BUILT HERITAGE FEATURE 60
 BRIDGE (CATEGORY B)



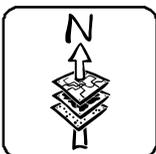


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 BRIDGE (CATEGORY B)



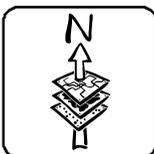


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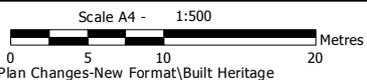
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 BRIDGE (CATEGORY B)



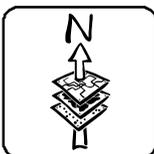


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 BRIDGE (CATEGORY B)





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 BRIDGE (CATEGORY B)





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BUILT HERITAGE FEATURE 65
BRIDGE (CATEGORY B)

