

Kelly Moulder

From: Carolyn McAlley [HAPlanningLN@historic.org.nz]
Sent: Wednesday, 27 November 2013 16:31
To: Patrick Clearwater
Subject: RE: NZHPT request for further information re performanace standards for flood works
Attachments: 20131127162502966.pdf

Hi Patrick

Please find attached the NZHPT sub to the Transport and Works and Utility Plan Changes-hard copy in the post today

I presume that you are summarising them before you leave ?

Regards

Carolyn

Carolyn McAlley
Heritage Advisor Planning
Kaiwhakatakoto Kaupapa

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New Zealand Historic Places Trust / Pouhere Taonga
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From: Patrick Clearwater [mailto:PClearwater@mpdc.govt.nz]
Sent: Friday, 22 November 2013 9:12 a.m.
To: Carolyn McAlley
Subject: RE: NZHPT request for further information re performanace standards for flood works

You're right it's not stated how long the opportunity for comment would be in 8.8.2(c). Therefore a presumption could be a 'reasonable' amount of time.

In terms of the plan change numbering – The objectives and policies, and sometimes the rules could relate to either transportation or works and network utilities, or both.

While some time ago the objectives and policies started to relate to both plan changes, a decision was made to retain the titling of both.

Your suggested method of heading up your submission table with both plan change numbers will be work.

Patrick Clearwater | Environmental Policy Planner
Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | f 07 884 8865 | w www.mpdc.govt.nz

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From: Carolyn McAlley [<mailto:HAPlanningLN@historic.org.nz>]
Sent: Friday, 22 November 2013 09:04
To: Patrick Clearwater
Subject: RE: NZHPT request for further information re performanace standards for flood works

Thanks Patrick

Re 8.8.2(c) would you have any idea of how much review time the parties would get –when would it be likely to be circulated ?

Also the plan change material does not seem to be allocated to one plan change or another-or maybe it is and I have not found that document yet ?-for example regionally significant infrastructure include roads so is this transportation plan change but obviously this flood works one would be network utilities plan change ? Can we head up our submission table with both plan change number and you can allocate when you receive it –maybe best to chat on the phone about this one ?

Regards

Carolyn

Carolyn McAlley
Heritage Advisor Planning
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From: Patrick Clearwater [<mailto:PClearwater@mpdc.govt.nz>]
Sent: Friday, 22 November 2013 8:28 a.m.
To: Carolyn McAlley
Subject: RE: NZHPT request for further information re performanace standards for flood works

This provision falls under the “regionally significant infrastructure” analysis beginning on page 72 of the plan change report.

Currently the Waikato Regional Council requires a resource consent from the Matamata-Piako District Council for carrying out maintenance of flood control works, vegetation clearance/maintenance, etc. They currently have a consent from the Hauraki District Council and Matamata-Piako District Council for this. The intention of the provisions in this section is to simplify the process for them.

The only detail on the process is described in 8.8.2(iii).

Let me know if you require any more detail.

Patrick Clearwater | Environmental Policy Planner
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From: Carolyn McAlley [<mailto:HAPanningLN@historic.org.nz>]
Sent: Thursday, 21 November 2013 16:12
To: Patrick Clearwater
Subject: NZHPT request for further information re performance standards for flood works

Hi Patrick

Re the above attached-just wanting to get an understanding of the background to this new performance standard and if you could outline the process and timings for the process

Thanks

Carolyn

Carolyn McAlley
Heritage Advisor Planning
Kaiwhakatakoto Kaupapa

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at Matamata-Piako District Council



27th November 2013

Matamata Piako District Council
P O Box 266
TE AROHA
3342

Attention: Ally van Kuijk

File no: LA041DP

Dear Ally

Submission of the New Zealand Historic Places Trust Pouhere Taonga to the Matamata Piako District Council, District Plan Review, being Plan Change 43-Transportation, and Plan Change 44- Works and Network Utilities

The New Zealand Historic Places Trust (NZHPT) operates under the Historic Places Act 1993. Included as the purpose of that Act is *"To promote the identification, protection, preservation, and conservation of the historic and cultural heritage of New Zealand."*

The Resource Management Act 1991 (RMA) identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance at section 6(f). The definition of historic heritage includes archaeological sites, sites of significance to Maori, land buildings and structures.

The NZHPT meets these purposes in a number of ways. This includes advocacy and active involvement in local government processes (including encouraging and assisting Councils in using their powers under the RMA) for the benefit of historic heritage, as well as advocating for heritage buildings.

Section 74(1) of the RMA requires that when preparing or changing its District Plan, a territorial authority must ensure that the Plan provisions are "in accordance with" Part 2 matters, which include section 6(f). The Plan must also give effect to the Operative Waikato Regional Policy Statement (RPS), which requires the protection of regionally significant historic heritage through Objectives 3.15.2 and 3.15.3. Similar provisions are contained within the proposed Waikato RPS (Objective 3.17 and related policies.)

The NZHPT generally supports the provisions of the plan changes, however the NZHPT does oppose and seek amendments to some aspects of the plan changes to ensure that pursuant to section 6(f) of the RMA, appropriate recognition is given to and provision is made for the protection of historic heritage from inappropriate subdivision, use and development.

Background

The Matamata Piako Council has chosen to undertake a rolling review of the MPDP, with individual matters i.e. transport, being addressed through discrete plan changes.

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The NZHPT has been advised that the timing of the plan change related to matters of historic heritage has not yet been decided, and as such the NZHPT will seek amendments on matters pertaining to historic heritage as relevant within this rural subdivision plan change.

The rural areas of the Matamata Piako district contain built items and Maori Cultural sites registered by the NZHPT and archaeological sites recorded by the New Zealand Archaeological Association (NZAA). The schedules of the MPDP contain the majority of the built items, and some of the archaeological and cultural sites, these being listed under Schedule 2, containing Waahi Tapu. However there are many recorded archaeological sites that are not listed within the schedules of the MPDP.

The NZHPT seeks to ensure that all historic heritage, recorded and unrecorded, registered or unregistered, is given regard to at the time of development to ensure its appropriate management and/or preservation.

The NZHPT's submission relates to:

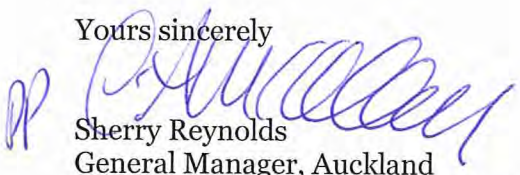
As contained within Appendix A to this letter, the NZHPT seeks greater recognition of historic heritage within the new proposed objectives of the Plan relating to; integrating land use and infrastructure, regionally significant infrastructure networks, and renewable electricity generation and any other consequential changes that may be required. The NZHPT seek further consultation in relation to the deletion of historic heritage policies and the flood control works programme.

The NZHPT's Position and Reasons for that Position:

The NZHPT seeks that there are further amendments to the transport and works and network utilities plan changes, to strengthen the provisions in relation to historic heritage. The NZHPT considers that these amendments will contribute further to the protection of historic heritage from inappropriate subdivision, use and development.

The NZHPT DOES wish to be heard in support of this submission.

Yours sincerely


Sherry Reynolds
General Manager, Auckland
New Zealand Historic Places Trust

Appendix A: Submission table of the NZHPT to MPDC Plan Changes 43-Transportation & 44 Works and Network Utilities

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Part A Introduction 1.1 Purpose of the Plan	Support	<p>The NZHPT supports the inclusion of s6(f) and (g) of the Resource Management Act; Matters of National Importance</p> <p><i>(f) "The protection of historic heritage from inappropriate subdivision, use and development." and</i></p> <p><i>(g) The protection of protected customary rights</i></p> <p>within the purpose section of the Plan, as being the most up to date version of the legislation.</p>	<p>That the proposed amendment to include s6 (f) and (g) of the Resource Management Act; Matters of National Importance, be retained.</p>
Part A Significant Resource Management Issues; 2.3.6- Integrating land use and Infrastructure (including transport), 2.3.7-Regionally significant Infrastructure networks	Support in part	<p>The NZHPT notes the inclusion of issues related to; Integrating land use and Infrastructure (including transport)(Part A-pg.2.6), Regionally significant Infrastructure networks (Part A-pg.2.7) and Renewable Electricity Generation, at (Part A-pg.2.9):</p> <p>The NZHPT notes at section 2.3.8 under the heading Renewable Electricity Generation, (part A-pg.2.9) the following matters are canvassed :</p> <p><i>"However, the natural resources from which renewable electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There are also potential conflicts with the relationship with Maori with their taonga and their role of kaitiaki. Often, the benefits of renewable energy manifest at the</i></p>	<p>That section 2.3.6 Integrating Land Use and Infrastructure (including transport) (Part A-pg.2.6), and Section 2.3.7-Regionally Significant Infrastructure Networks (Part A-pg.2.7) and Renewable Electricity Generation, are amended to include discussion of the retention and loss of historic heritage,</p> <p>And any consequential changes as required.</p>

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2.3.8- Renewable Electricity Generation		<p><i>national level, while adverse environmental effects tend to be felt at a local level"</i></p> <p>While the NZHPT does note that Tangata Whenua matters are raised as a separate issue at 2.3.3 of the same section the plan, the NZHPT notes that matters related to other elements of historic heritage could arise with the installation of regionally significant infrastructure networks and the integration of land use and infrastructure.</p> <p>Therefore the NZHPT seeks that the matter of historic heritage is raised within the other proposed issues sections of the Plan, being regionally significant infrastructure networks and the integration of land use and infrastructure.</p>	
<p>Part A Objectives</p> <p>6. Integrating land use and infrastructure, and related Policies P1-P6</p>	Support in part	<p>The NZHPT notes that Objective 01 states;</p> <p><i>"Landuse and infrastructure are planned in an integrated manner that:</i></p> <ul style="list-style-type: none"> <i>Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;</i> <i>Recognises the need for the provision of infrastructure and subdivision, land use and development to be co-ordinated; and</i> <i>Ensures the sustainable management of natural and physical resources while enabling people and their communities to provide for their economic, social and cultural wellbeing."</i> <p>While the NZHPT acknowledge that consideration of historic heritage could be achieved under the third bullet point of this objective, as part of the "sustainable management of natural and physical resources" the NZHPT is concerned that this has not been made more explicit within the policies for the objective, and</p>	<p>That Policy P1 is amended as follows :</p> <p><i>Rezoning, new development and expansion/intensification of existing development shall take place where:</i></p> <ul style="list-style-type: none"> <i>The operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure, is not compromised:</i> <i>There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and</i> <i>The networks have been designed to carry the</i>

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Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

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		<p>seek that the following amendment is introduced to Policy P1;</p> <p><i>"Rezoning, new development and expansion/intensification of existing development shall take place where:</i></p> <ul style="list-style-type: none"> <i>The operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure, is not compromised.</i> <i>There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and</i> <i>The networks have been designed to carry the type of service including the type and volume of traffic required to support development; and</i> <i><u>The historic heritage of the district is not significantly adversely affected</u></i> <p>or words to similar effect.</p>	<p>type of service including the type and volume of traffic required to support development; <u>and</u></p> <ul style="list-style-type: none"> <i><u>The Historic heritage of the district is not significantly adversely affected</u></i> <p>or words to similar effect.</p> <p>That a consequential amendment is included in Part B-Performance outcomes-Integrating land use infrastructure and other sections as required.</p>
<p>Part A</p> <p>Objectives</p> <p>7. Regionally significant infrastructure networks– Objective 02 and Policy P2</p>	Support in part	<p>The NZHPT notes that Objective 02 states:</p> <p><i>"Operation, maintenance, upgrading and development of regionally significant infrastructure is enabled , efficiency is promoted and the asset is protected to promote the economic, social and cultural wellbeing of national, regional and local communities, while avoiding, remedying and mitigating adverse effects of the environment to the greatest extent practicable"</i></p> <p>and related Policy P2 states;</p> <p><i>"Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the</i></p>	<p>The NZHPT seeks the following amendments to Objective 02 and Policy P2:</p> <p>Objective 02</p> <p><i>"Operation, maintenance, upgrading and development of regionally significant infrastructure is enabled, efficiency is promoted and the asset is protected to promote the economic, social and cultural wellbeing of national, regional and local communities, while avoiding, remedying and mitigating adverse effects of the environment, to the greatest extent practicable"</i></p>

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		<p><i>extent practicable on the ;</i></p> <ul style="list-style-type: none"> • <i>Health, safety and wellbeing of people</i> • <i>Visual and amenity values</i> • <i>Natural and Physical environment</i> • <i>Intrinsic values of scheduled sites; and</i> • <i>Existing sensitive activities</i> <p>While the NZHPT supports the recognition of the “environment” within the objective, and the “<i>Natural and Physical environment</i>” and “<i>intrinsic values of scheduled sites</i>”; within Policy P2, the NZHPT is concerned that the consideration of these matters is diluted within the Objective and policies with the use of the words “to the greatest extent practicable” and “to the extent practicable”.</p> <p>The NZHPT would also seek the specific mention of historic heritage as a matter of national importance.</p> <p>The NZHPT seek that these words, “to the greatest extent practicable” and “to the extent practicable” are deleted, respectively from the Objective and policy and historic heritage is included within the policy.</p>	<p>Policy 02</p> <p>“Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects ;to the extent practicable on the ;</p> <ul style="list-style-type: none"> • <i>Health, safety and wellbeing of people</i> • <i>Visual and amenity values</i> • <i>Natural and Physical environment,</i> • <i>Historic heritage and the intrinsic values of scheduled sites; and</i> • <i>Existing sensitive activities</i>”
<p>Part A</p> <p>Objectives</p> <p>8. Energy efficiency and renewable energy generation- Objective 02 and Policy P2</p>	Support in part	<p>The NZHPT notes that Policy P2 states;</p> <p><i>“ Investigation into, operation, maintenance, upgrading and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled managing:</i></p> <ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing land uses/natural and physical resources.</i> 	<p>That Policy P2 is amended as follows ;</p> <p><i>“ Investigation into, operation, maintenance, upgrading and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled <u>including managing the avoidance of:</u></i></p>

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		<p>The NZHPT supports the inclusion of the consideration of</p> <ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing landuses/natural and physical resources.</i> <p>as historic heritage can be considered, however consider that the policy does not provide direction in relation to these matters, and seeks the following amendments to avoid adverse effects on historic heritage :</p>	<ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing landuses/natural and physical resources.</i>
<p>Part A</p> <p>Objectives</p> <p>3.1.2 Natural Environment and heritage – Objective</p> <p>3.Heritage Policies SP1-SP6</p>	Oppose in part	<p>The NZHPT notes through the discussion in the planners report, at Pg. 15 that the MPDC has, as part of this plan change process, proposed the removal of various policies, considering then to be redundant due to changes in the Local Government Act, as outlined in the following excerpts from the report:</p> <p>“</p> <ul style="list-style-type: none"> • <i>Strategic objectives and policies</i> <p><i>The operative District Plan currently contains a number of so-called “strategic objectives and policies” (identified in the Plan with the prefix</i></p>	<p>The NZHPT seek further consultation in relation to the deletion of Policies SP1-SP6 in relation to Heritage.</p>

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		<p><i>"SO" and "SP" respectively. These are described in the Plan as "statements of Council's Management.....linked in the District Plan for consideration as part of some resource consent applications".</i></p> <p><i>Section 13 (Other Methods) of the District Plan states that:</i></p> <p><i>"13.3.1 Strategic plan</i> <i>The Council is to establish a strategic plan to provide strategies to meet the strategic needs of the District in the foreseeable future. Strategic policies are listed throughout the Issues, objectives, and policies section as a means of meeting the demands of future development.</i> <i>The strategic policies will be taken into account when assessing any resource consent application in the District."</i></p> <p><i>It is understood that the above mentioned "strategic plan" provision was inserted into the District Plan when it was notified in 1996, essentially as a pre-cursor to the then pending Local Government Act 2002 ("LGA") as a means to link the long-term plan (an LGA document) with the District Plan (an RMA document).</i></p> <p><i>The recent (2012) amendment to the LGA has deleted "the promotion of the social, economic, environmental, and cultural wellbeing of communities", from the purpose of local government. The amended LGA now has a narrower focus, and it is considered that the original District Plan's linkage back to the Council's strategic long-term plan produced under the LGA, is no longer of assistance as a non-regulatory method within the broader policy framework.</i></p> <p><i>Therefore, this plan change proposes to delete the Operative Plan's</i></p>	
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		<p><i>reference to Council's strategic plan and strategic objectives and policies".</i></p> <p>The NZHPT note that this includes the deletion of Policies SP1-SP6 from the Heritage group of policies, as itemised below;</p> <p><i>SP1 To support initiatives which seek to encourage alternative means of protection such as financial incentives or technical assistance.</i></p> <p><i>SP2 To encourage the refurbishment or use of historic resources while ensuring that their valued features are not impaired or destroyed.</i></p> <p><i>SP3 To consult with key agencies such as Iwi, NZHPT to develop a tourism strategy which is sensitive to tangata whenua requirements and the integrity of historic resources.</i></p> <p><i>SP4 Council may, where it considers it necessary, purchase important heritage resources. The primary responsibility and opportunities however rests with the owners or future owners(s).</i></p> <p><i>SP5 To increase public awareness of the value of historic resources through public education programmes and by setting a good example.</i></p> <p><i>SP 6 To develop a cultural heritage strategy.</i></p> <p>The NZHPT notes that some of the matters raised within these identified "SP" policies are also covered within the heritage policies that are proposed to remain within the Plan, for example the matters in "SP2" are covered within "P3", and the matters in "SP5" and "SP6" are covered within "P6",</p>	
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		<p>with P3 being <i>“Use or refurbishment of heritage resources will be encouraged provided it does not give rise to the damage or destruction of these resources or their valued features”</i> and P6 being <i>To facilitate greater public awareness and appreciation of heritage resources and the statutory protection afforded them and the limits of that statutory protection.</i></p> <p>The NZHPT appreciates the interest of MPDC to realign their plan as discussed in the planners report at pg. 15, however the NZHPT does consider that a District Plan can;</p> <ul style="list-style-type: none"> • discuss incentives within its policies-recognising that there are a range of statutory and non-statutory incentives to protect historic heritage, as outlined in SP1 • refer to the development of other methods that may contribute to the protection of historic heritage as outlined in SP3. <p>The NZHPT consider that the deletion of the “SP” policies does leave a policy gap in relation to the consideration of historic heritage, and seek further consultation with staff in relation to their proposed deletion as the NZHPT understand from discussions with Council staff that the rolling District Plan review will not cover heritage matters for several years.</p> <p>The NZHPT consider that the “SP” policies relating to historic heritage should be amended in the context of a District Plan Change in relation to Historic Heritage section.</p>	
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Part B 2 Activity table 2.1.2	Support	The NZHPT support the proposed inclusion of the consideration of "Natural Environment and Heritage " (section10) provisions, as matters of control.	That the amendment to include Natural Environment and Heritage (section10) provisions as matters of control is retained.
Part B 8.8 Flood Control Works 8.8.2(iii) Annual Works Programme	Support in part	<p>The NZHPT note in the inclusion in this new performance standard related to the annual works programme related to flood control, that NZHPT review is required of the annual works programme. The NZHPT understand, after consulting with Council staff that;</p> <p><i>"Currently the Waikato Regional Council requires a resource consent from the Matamata-Piako District Council for carrying out maintenance of flood control works, vegetation clearance/maintenance, etc. They currently have a consent from the Hauraki District Council and Matamata-Piako District Council for this. The intention of the provisions in this section is to simplify the process for them". (P Clearwater, by email, 22/11/2013)</i></p> <p>While the NZHPT supports such consultation as an additional method to protect historic heritage, they would like to understand a little more about this process, to understand its impact on resourcing. A the time of writing MPDC staff were not able to provide information on timings for this process, other than it would occur within "reasonable" timeframes.</p>	That the performance standards relating to Consultation with the NZHPT, Iwi and other parties, in relation to flood control works, is retained and the NZHPT are advised of likely timeframes.