

BEFORE THE TIMARU DISTRICT PLAN HEARINGS PANEL

UNDER **the Resource Management Act 1991**

AND

IN THE MATTER OF **Proposed Timaru District Plan – Historic
Heritage**

**STATEMENT OF EVIDENCE OF ARLENE RUTH BAIRD
ON BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA**

Historic Heritage

Dated 22 January 2025

1.0 INTRODUCTION

- 1.1 My full name is Arlene Ruth Baird.
- 1.2 I hold a Bachelor of Arts Degree (BA Hons) in Planning and a post graduate Bachelor of Town Planning degree (BTP) from the University West of England, and a post graduate certificate in Heritage Conservation (PGCert) from University College Dublin.
- 1.3 I am the Area Manager Canterbury/West Coast for Heritage New Zealand Pouhere Taonga (HNZPT) where I am responsible for the delivery of heritage advice within the Canterbury/West Coast region. I have held this position since April 2023. Prior to this I was Heritage Advisor Planning for HNZPT.
- 1.4 I have over 20 years' experience working in the heritage sector, initially in the UK where I specialised in the restoration and adaptive reuse of historic buildings, then in New Zealand where, prior to my roles for HNZPT, I provided extensive heritage planning and consultancy work for individuals, businesses and local authorities. I am an associate member of the New Zealand Planning Institute (NZPI) and an affiliate member of the International Council of Monuments and Sites (ICOMOS) New Zealand.
- 1.5 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 (the Code). I have complied with the Code in this evidence. I have not knowingly omitted to consider material facts known to me that might alter or detract from the opinions I express.

2.0 EXECUTIVE SUMMARY

- 2.1 Prior to notification of the Proposed Timaru District Plan (PTDP), HNZPT provided extensive heritage guidance and support to the PTDP team throughout the drafting stage, including the provision of information and attendance at heritage working group meetings.
- 2.2 HNZPT lodged a submission on the PTDP on 12 December 2022 and a further submission on 3 August 2023. I was involved in the preparation of each of these submissions.
- 2.3 On 22 October 2023 I attended a Teams meeting with Senior Policy Planner, Brigitte de Ronde to answer some queries relating to our submission. I also provided Ms de Ronde with information, upon request, prior to that meeting. Many of the issues discussed are reflected in the S42A report for the Historic Heritage chapter.

- 2.4 HNZPT is supportive of many aspects of the PTDP. The submissions lodged by HNZPT relate to areas of the PTDP where either a strengthening of the proposed provisions would result in better outcomes in the management and protection of historic heritage, or where clarity is required to avoid ambiguity or confusion for the plan-user, including the use of specific terms.

3.0 SCOPE OF EVIDENCE

- 3.1 The scope of my evidence addresses the following matters:

- a) HNZPT and its role in advocating for the protection of historic heritage
- b) The importance of heritage within Timaru district
- c) Submission points
 - Understanding archaeology
 - Terminology – site, compatibility
 - Relocation of a heritage item
 - Demolition of Category B heritage items
 - Official signs attached to a heritage item
 - SCHED3 – Schedule of Historic Heritage Items
 - Accidental Discovery Protocol

- 3.2 In preparing this evidence I have read the relevant submissions, further submissions, and the S42A reports prepared by Council staff and consultants. I agree with the majority of the S42A report author's recommendations, and I note that they recommend the acceptance of the majority of the changes that HNZPT requested in their submission.

- 3.3 My evidence therefore focuses on the submission points which have either been rejected or accepted in part within the S42A report, or occasions where I consider clarification or emphasis is required in order to adequately recognise and provide for the protection of historic heritage as a matter of national importance. These are mostly minor in scope, and I have not included section 32AA analysis for the minor changes.

4.0 THE ROLE OF HERITAGE NEW ZEALAND POUHERE TAONGA

- 4.1 HNZPT is an autonomous Crown entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation, and conservation of New Zealand's historic and cultural heritage.
- 4.2 HNZPT prepares and maintains the New Zealand Heritage List / Rārangī Kōrero (the List), which is primarily an identification and recognition tool for New

Zealand's significant and valued historical and cultural heritage places. The purposes of the List are:

- a) to inform members of the public about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas;
- b) to notify the owners of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas, as needed, for the purposes of the HNZPTA; and
- c) to be a source of information about historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas for the purposes of the Resource Management Act 1991 (RMA).

4.3 Inclusion on the List does not offer any form of protection, so statutory protection of historic heritage relies on provisions in RMA planning documents. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance, as set out in section 6 of the RMA. As such, HNZPT advocates for all entries on the List to be protected through scheduling within District Plans where appropriate.

4.4 The HNZPTA provides a process to regulate activities that may affect archaeological sites, defined as any place associated with human activity prior to 1900 that through investigation by archaeological method may provide evidence on the history of New Zealand. It is an offence under section 87 of the HNZPTA to modify or destroy an archaeological site without an authority from HNZPT irrespective of whether the works are permitted, or a consent has been issued under the RMA¹.

5.0 THE IMPORTANCE OF HERITAGE WITHIN TIMARU DISTRICT

5.1 Timaru has a rich and diverse historic and cultural heritage. Mana whenua connection with the land goes back over many generations and is told through numerous archaeological sites, rock art sites and other sites of significance to Māori. More recent European history is reflected in the town's CBD which features one of New Zealand's most significant collections of Edwardian buildings, and in the rural homesteads of early European settlers which are dotted around the district.

5.2 There are many areas and sites of historic significance which are important to the community, providing both identity and significant amenity values as well as encouraging intergenerational connection. Currently 127 historic places, spread across the wider Timaru district, are included on the List.

¹ Heritage New Zealand Pouhere Taonga Act 2014 at [Part 2,s87]

- 5.3 These heritage sites tell the story of our past and contribute to the unique history of this region. The identification and protection of these important historic heritage places can enhance the value and appreciation of this region to those who live and work there as well as to those who visit. Conversely, inappropriate subdivision, use and development can cause irreversible adverse effects on the district's significant historic items.

6.0 GENERAL COMMENT ON THE HERITAGE CHAPTER

- 6.1 The Historic Heritage chapter of the PTDP identifies buildings, monuments, structures and sites of particular historic heritage value to the district and seeks to provide objectives, policies and rules to protect these for the benefit of current and future generations.
- 6.2 The HNZPT submission recognises the efforts made by Council to assess the effectiveness and efficiency of the Operative Plan in relation to historic heritage, and to identify areas that could be improved. This has resulted in some key changes, including the independent assessment and recording of each heritage item, the protection of settings of heritage items, identification of some protected interiors, the identification of Historic Heritage Areas, and the general strengthening of objectives and policies to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. These measures, and their associated rules, generally provide what, in my view, is an appropriate balance between enabling appropriate activities, whilst strengthening the requirements for activities that may have potential to adversely affect heritage values.
- 6.3 I would take this opportunity to reiterate the HNZPT submission which commends Council on engaging a heritage expert to identify and assess items for inclusion within the Historic Heritage Schedules. I note that this has resulted in the inclusion of several historic places that are not currently scheduled in the Operative Plan.
- 6.4 The following sections of my evidence address specific HNZPT submission points. I have used the numbering referred to in the Summary of Submissions Requested table prepared by the Timaru District Council dated 4 March 2024.

7.0 UNDERSTANDING ARCHAEOLOGY (submission points 114.3, 114.14, 114.23, 114.33, 114.34 and 114.35)

- 7.1 The definition of historic heritage in the RMA specifically includes archaeological sites². Therefore, in order to give effect to Part 2 of the RMA, the PTDP must manage any adverse effects on historic heritage, including

² Resource Management Act 1991, section 2(1)

archaeology, that arise from the use of land. In my view, explanatory definitions, advice notes and overviews are highly beneficial in assisting owners to better understand their obligations in relation to archaeological sites.

- 7.2 HNZPT made a number of submission points relating to the better understanding of archaeology within the PTDP, including the distinction between 'site' and 'archaeological site' (submission points 114.3 and 114.14) and clarification as to the use of an Accidental Discovery Protocol versus the need for an Archaeological Authority (submission points 114.23, 114.33, 114.34 and 113.35). In my experience, many people do not understand what constitutes an archaeological site or what their responsibilities may be in relation to activities that may affect an archaeological site, so these submissions sought clarity and guidance for the plan-user.
- 7.3 The S42A author has considered these issues and made recommendations³ to accept HNZPT's submission points regarding the clear definition of an archaeology site and the amendment to policies and rules regarding Archaeological Authorities. I agree with this recommendation.

8.0 TERMINOLOGY – 'Site' (submission point 114.2, 114.5, 114.14 and 114.30) and 'Compatibility' (submission points 114.22, 114.28, 114.29)

'Site'

- 8.1 It is important for a District Plan to use accurate terminology to avoid ambiguity or misunderstanding by the plan-user. The HNZPT submission noted that there is a hyperlink to the definition of 'site' within the text of the description of the district, the definition of 'historic heritage', the introduction to the heritage chapter, and within the Sites and Areas of significance to Māori (SASM) chapter. This hyperlink leads to the NPS definition of 'site' which is inaccurate in relation to historic heritage or sites of significance to Māori and could be very misleading for the plan-user. A heritage site or SASM does not necessarily align with the limits of a title or legally defined allotment.
- 8.2 The S42A report acknowledges that the NPS definition is 'not a good fit'⁴. I agree with the S42A author's recommendation to accept HNZPT's submission points and delete the hyperlinks in the above-mentioned sections of the PTDP.

'Compatibility'

- 8.3 HNZPT submission points 114.22, 114.28 and 114.29 all relate to the use of the term 'compatibility' (in rules R3, R13 and R14) which, in my view, has the potential to be ambiguous. The matters of discretion within these rules require assessment of the compatibility of the form, scale, design and material with the

³ Proposed Timaru District Plan S42A Officer's Report Historic Heritage including [6.1.26] and [6.15.5]

⁴ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.5.6]

existing heritage item. The risk here, is that plan-users could take this to mean that the form, scale, design and materials need to match or be similar to the existing heritage item, when in fact, it is best practice in heritage conservation for new materials to be distinguishable, to ensure the evolution of the heritage item or its wider setting is clearly readable.

- 8.4 HNZPT seeks reference to 'compatibility' be removed from HH-R3, HH-R13 and HH14. The S42A report⁵ rejects HNZPT's submission and states that the matters of discretion should involve comparing the new structure to what is already on the site.
- 8.5 While I agree with this, in my view the wording proposed by HNZPT also allows for a wider scope of consideration, meaning that *everything* relating to the form, scale, design and materials of the new building or alterations could be considered; rather than just its comparison to the existing structure. For example, this could include aspects such as architectural merit, structural improvements leading to building longevity, sustainable measures or those to address climate change issues.
- 8.6 Therefore, while I am in agreement with the S42A officer in relation to the need for a matter of discretion, I do not agree that including the word compatibility is the most appropriate term to convey how the proposal needs to be assessed in order to mitigate any adverse effects on the heritage item.

9.0 RELOCATION OF A HERITAGE ITEM (submission point 114.19, 114.24)

- 9.1 The ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value 2010 (ICOMOS NZ Charter) provides a set of principles to guide the conservation of places of cultural heritage value in New Zealand.

- 9.2 Section 10 of the ICOMOS NZ Charter states:⁶

the on-going association of a structure or feature of heritage value with its location, site, curtilage and setting is essential to its authenticity and integrity. Therefore, the relocation of a heritage item from its original setting should be avoided.

.....

In exceptional circumstances, a structure of cultural heritage value may be relocated if its current site is in imminent danger, and if all other means of retaining the structure in its current location have been exhausted. In this event, the new location should provide a setting compatible with the cultural heritage value of the structure.

⁵ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.14.7]

⁶ ICOMOS NZ Charter at 4.

- 9.3 HNZPT submission point 114.19 supports policy HH-P6 but requests the removal of reference to greater public appreciation of heritage values, as this is not considered to be a justification for relocation. Indeed, greater public access can often have adverse effects on a heritage item.
- 9.4 The S42A author sought advice on this point from heritage expert⁷, Dr McEwan, who agreed that relocation is not a desirable outcome nor a conservation process and that the phrase ‘and the greater public appreciation of those values will result’ should be removed from this policy.
- 9.5 I agree with the S42A author’s recommendation⁸ to accept the HNZPT submission and remove the above section from policy HH-P6.
- 9.6 HNZPT submission point 114.24 discusses rule HH-R8 regarding the relocation of a heritage item within or outside a heritage setting. The submission point argued that the proposed status of discretionary activity may be appropriate for relocation within a site, but is not sufficiently protective for relocation to a new site. The S42A report has rejected this recommendation⁹, arguing that the relevant policy (HH-P6) only allows the relocation of a heritage item where specific policy tests can be achieved.
- 9.7 I have considered the S42A author’s comments. I have also referred back to other District Plan reviews that I have been involved with since this submission was lodged, in which the consensus was reached that the activity status should be descending based upon degree of potential impact, with relocation sitting as a discretionary activity because it is not considered to be as ‘inappropriate’ as demolition. I am therefore satisfied that the proposed status of discretionary activity is appropriate and would adequately implement the Objectives and Policies for the Historic Heritage Chapter.
- 9.8 As such, I agree with the S42A report recommendation to reject HNZPT submission point 114.24.

10.0 DEMOLITION OF CATEGORY B HERITAGE ITEMS (submission point 114.20)

- 10.1 HNZPT submission point 114.20 supports policy HH-P8 which seeks to protect heritage items from demolition except in clearly identified circumstances, but requests that clause 3 of the proposed policy be removed. This clause would allow demolition if it was demonstrated that the cost of remedying any disrepair or threat to life and/or to property is prohibitive.

⁷ Proposed Timaru District Plan S42A Officer’s Report Historic Heritage [6.9.5]

⁸ Proposed Timaru District Plan S42A Officer’s Report Historic Heritage [6.9.8]

⁹ Proposed Timaru District Plan S42A Officer’s Report Historic Heritage [6.18.5]

- 10.2 The S42A author sought advice from heritage expert, Dr McEwan, who agreed that disrepair arising out of neglect by the owner should not be validated and that clause 3 should be deleted¹⁰. The S42A author agreed with Dr McEwan but raised concern that the removal of clause 3 means there is no avenue to allow demolition even if there are no other reasonable options to conserve, adapt or relocate the heritage item. The S42A author has therefore made the recommendation to remove the current clause 3 and replace it with alternative wording 'there are no other reasonable options to conserve, adapt or relocate the item'¹¹.
- 10.3 As proposed, I had two issues with the inclusion of clause 3. Firstly, demolition by neglect is a major threat to our historic heritage, as there is no legal requirement for a heritage building owner to maintain their property. The inclusion of this clause would provide a clear pathway for owners to neglect a heritage item and then be able to demolish it when it reaches a derelict state. This should not be enabled by such a policy clause. Secondly, without further definition or guidance, the interpretation of what a prohibitive cost is, is both uncertain and could be applied to varying degrees.
- 10.4 In my view, successful heritage provisions must strike a balance between providing less stringency for those activities which provide for building safety, repair and maintenance whilst also ensuring control over those activities which have the potential to impact on the significance of heritage items. I also acknowledge that there are some scenarios where demolition may be provided for through the consenting route, after all other options have been considered.
- 10.5 Taking all of this into account, in my opinion the revised wording, recommended by the s42A author, provides a balanced approach that adequately protects heritage items whilst acknowledging that there may be exceptional circumstances where demolition is the only option.
- 10.6 I therefore agree with the revised wording as set out in the S42A report.

11.0 OFFICIAL SIGNS ATTACHED TO A HERITAGE ITEM (Further submission point 114.8FS)

- 11.1 Fonterra Limited, submitted that official signs attached to Category B heritage items should be permitted activities, and this rule should be amended to only apply to Category A heritage items.¹² HNZPT opposed this submission, in their further submission point 114.8FS, as attached signs have the potential to affect *all* categories of heritage items.

¹⁰ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.11.6]

¹¹ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.11.12]

¹² Submission point 165.73 relating to HH-R6

- 11.2 The S42A author considered and agreed in part with Fonterra Limited, stating that although a permitted activity status would not be appropriate, they considered that an adequate assessment could be made through a controlled activity consent process. The S42A author also sought the advice of heritage expert, Dr McEwan, on this subject who agreed that a permitted activity status would be unacceptable but that a controlled activity status would be appropriate.
- 11.3 The definition for official sign in the PTDP is 'all signs required or provided for under any statute or regulation or are otherwise related to aspects of public safety'¹³.
- 11.4 Having considered the comments of the S42A author and Dr McEwan, I agree that a controlled activity status for this activity would allow for the easier installation of official signs, while still providing sufficient measures to ensure that they do not detract from the heritage values of the scheduled item. I also agree that the proposed matters of control identified under 6.14.17 of the S42A report are appropriate.
- 12.0 SCHED3: SCHEDULE OF HISTORIC HERITAGE ITEMS (submission points 114.18, 114.39, 114.40, 114.47)**
- 12.1 HNZPT considers district plan heritage schedules to be one of the most significant tools for protection of heritage items and actively advocates for these schedules to be both comprehensive and defensible.
- 12.2 Throughout the plan preparation stage, HNZPT actively encouraged the preparation of assessments to justify the inclusion of items in SCHED3. This is both for the benefit of the owner to understand why their property is scheduled and what important features must be retained, and also for the benefit of the processing planner to understand more clearly how proposals must mitigate adverse impacts on the item's heritage values. The Council engaged Dr McEwan who has prepared Building Record Forms for each proposed heritage item.
- 12.3 Policy HH-P1 identifies the criteria against which the significance of each heritage item was assessed by Dr McEwan. HNZPT submission point 114.18 notes support for this policy but raises the issue that the values are not defined within the PTDP and without definition or explanation, it can prove difficult for plan-users to understand what these historic heritage values mean or include. HNZPT recommended the wording for definitions to be included in either the policy or the start of SCHED3.

¹³ Proposed Timaru District Plan, Definitions Chapter, Official Sign

- 12.4 The S42A author sought advice from Dr McEwan, who agreed that these definitions should be included.
- 12.5 The S42A author has recommended the HNZPT submission point be accepted but that the definitions be provided within the introduction to the heritage chapter, rather than within the policy or SCHED3. I agree that this is an appropriate location for the criteria and agree with this recommendation.
- 12.6 Also in relation to the Building Record Forms prepared by Dr McEwan, HNZPT made two submission points (114.39 and 114.40) requesting that the Building Record Forms for both the Historic Heritage Items and the Historic Heritage Areas should be hyperlinked to SCHED3 and SCHED4 respectively in order to promote greater understanding for owners and plan-users. I note that Appendix 2 of the S42A report recommended to 'Accept' these submission points; however at 6.24.33 of the S42A report, it is recommended that an advisory note is placed on SCHED3 instead stating 'the Heritage Record Forms for each HHI and HHA is available on Council's District Plan website'¹⁴.
- 12.7 Although I acknowledge that this does make the Building Record Forms available to the plan-user; it appears clumsy and not a user-friendly way of providing the information. The hyperlink from SCHED3, in my view is a simpler and more effective way of taking the plan-user directly to the correct report, without having to visit another site and then find the relevant property. Other recently reviewed District Plans have used this hyperlink successfully, with the proposed Waimakariri District Plan attaching the link to the HHI or HHA number, and the partially Operative Selwyn District Plan providing a dedicated Record Form column.
- 12.8 I therefore disagree with the S42A report recommendation and remain of the view, that a hyperlink to the Building Record Form directly from SCHED3 and SCHED4 would be beneficial and should be considered.
- 12.9 HNZPT submission point 114.47 states that in achieving the purpose of the RMA, Council is required to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development¹⁵. One of the purposes of the List is to provide a source of information about historic places for the purpose of the RMA¹⁶. HNZPT advocates for all Listed Historic Places to be included on District Plan schedules.

¹⁴ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.23.33]

¹⁵ Resource Management Act 1991, section 6(f)

¹⁶ Heritage New Zealand Pouhere Taonga Act 2014, section 65(3)¹⁷ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.24.22]

12.10 HNZPT submission point 114.47 identifies six Listed items which are not included on SCHED3 or SCHED4. The S42A author sought Dr McEwan's advice which I will provide my opinion on below:

Caroline Bay Memorial Wall (List # 9072)

12.11 The Caroline Bay Memorial Wall is included on the List as a Category 2 historic place but has not been scheduled in the PTDP. Dr McEwan advised that the Caroline Bay Memorial Wall has been identified in the Historic Heritage Area as a 'contributing historic feature' and that she believes this to be a sufficient level of protection¹⁷. I have considered the type and structure of this heritage item, along with the potentially low risk of threat to it and I conclude that although this level of scheduling may not provide the full weight of an individually scheduled Historic Heritage Item, it will still provide adequate protection.

12.12 I therefore agree with the S42A recommendation.

Cob Stable (List # 1978)

12.13 Dr McEwan advised that the Historic Heritage Item known to HNZPT as Cob Stable, has been included in SCHED3 under a different name, 'Former Gibson's Stable'.

12.14 I therefore agree that no change is required.

Finch House (former List # 3156)

12.15 Dr McEwan advised that Finch House had been assessed and, in her opinion, does not meet the criteria for scheduling. Since the HNZPT submission to the PTDP in 2022, the HNZPT Board has reviewed the inclusion of Finch House and has removed its entry from the List. The conclusion was that Finch House is one of a number of character-contributing Arts and Crafts/English Domestic Revival style buildings in this street, rather than being the strongest representative example.

12.16 As Finch House is no longer Listed, I therefore agree that no change is required.

Otumarama (List # 2068)

12.17 Dr McEwan advised that Otumarama had been assessed and, in her opinion, does not meet the criteria for inclusion on SCHED3. Otumarama homestead is included on the List as a Category 2 historic place with architectural and historical significance or value. However, after further consideration I acknowledge that the building has undergone a significant level of change throughout its lifetime, and although it still retains a significant degree of its original values and historical interest, I acknowledge that it may not meet the criteria that is now used to justify inclusion within the District Plan schedule. I

¹⁷ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.24.22]

therefore agree with the S42A recommendation to reject part of the HNZPT submission 114.47¹⁸.

Te Kāmaka o Arowhenua (List # 9825)

12.18 Te Kāmaka o Arowhenua is included on the List as a Wāhi Tūpuna. Dr McEwan notes that this War Memorial Archway is included in SCHED3 as HHI-2, but the HNZPT List number had been omitted.

12.19 I agree with the S42A author's recommendation to amend the SCHED3 table to include the HNZPT List entry number in the appropriate column at HHI-2¹⁹.

Tekapo Buildings (List # 3163)

12.20 The Tekapo Buildings is included on the List as a Category 2 historic place but has not been scheduled in the PTDP. Dr McEwan advised that Tekapo Buildings had been assessed and, in her opinion, does not meet the criteria for inclusion as an individually scheduled item. The building has, however, been identified as a 'contributing historic feature' within the Stafford Street Historic Heritage Area. Although I accept that this does not provide the same level of protection as individual scheduling, the HHA objectives, policies and rules do require resource consent for any alteration, demolition or subdivision, which provides an opportunity for the historic values of building to be considered and any potential adverse effects to be assessed.

12.21 Having considered the above, I agree that inclusion as a contributing building within the Stafford Street Historic Area provides this building with adequate protection.

13.0 ACCIDENTAL DISCOVERY PROTOCOL

13.1 HNZPT submission point 114.48 supports the principle of inclusion of an Accidental Discovery Protocol (ADP) in Appendix 4 but considers the wording does not cover all requirements and that the HNZPT ADP should be used instead. The S42A author states that they have compared the two ADPs and consider the wording to be similar²⁰.

13.2 I agree that the two ADPs are similar in content, and I also agree with the S42A author's comment that the proposed ADP refers specifically to Te Rūnanga o Arowhenua, which is more appropriate than the more general term 'appropriate iwi groups'. However, in my opinion, the HNZPT ADP has been prepared by archaeologists to create a best practice set of rules when there is

¹⁸ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.24.23]

¹⁹ Proposed Timaru District Plan S42A Officer's Report Historic Heritage [6.24.34]

²⁰ Proposed Timaru District Plan S42A Officer's Report SASM [8.10.8]

an accidental discovery of archaeological material. Further in my view, in order to protect an archaeological site from destruction, before the appropriate approval is in place (i.e. an archaeological authority) then it is appropriate to take a conservative approach, where necessary.

The key differences in the ADP documents are:

- Point 1. should clarify the extent of the area within which work must cease 'All work on the site will cease immediately **at that place and within 20m around the site**. The contractor/works supervisor will shut down all equipment and activity.'
- Point 5. is misleading as firstly the material could be confirmed by HNZPT **or a consultant archaeologist** as being archaeological; and secondly it states '...the landowner will ensure that an archaeological assessment is carried out by a qualified archaeologist' however this is inaccurate as an archaeological assessment may not always be required.
- Point 7. also states 'Works at the site will not commence until an archaeological assessment has been made...'. Again, this is inaccurate as an archaeological assessment may not always be required.
- The following paragraph should be added to the end of the ADP to ensure the reader is aware of legal obligations '**It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act**'.

13.3 I therefore disagree with the S42A author's recommendation. In my opinion the HNZPT ADP is more appropriate and should be adopted, or at the very least amendments should be made to address the above potentially problematic issues.

Arlene Baird
22 January 2025