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From: John Brown MA ACIFA

16/06/2025

Attention: Melissa Pearson; James Witham

REGARDING: Proposed Far North District Plan – Historic Heritage topic

Dear Melissa,

Please find following my technical commentary on the points raised during Hearing 12 – Historic Heritage.

Kind regards



John Brown

Director

Plan.Heritage Limited

1 Introduction

1. The purpose of this technical memo is to respond to the evidence of submitters that was pre-circulated and presented at Hearing 12 on the Proposed District Plan (PDP) in relation to Historic Heritage. I have been engaged on behalf of the Far North District Council as the Heritage Consultant reviewing the submissions evidence and statements (including verbal statements) relating to historic heritage, and particularly Heritage Area (HA) overlays. Submitters' points are summarised and my response to the matters raised through the hearing are provided below.
2. This report does not respond to evidence presented on either of the Sites and Areas of Significance to Māori or Notable trees topics, though I acknowledge a number of such sites are located within the HA overlays.
3. Several submitters generally support the recommendations in the section 42A reports for Historic Heritage, and many submitters raise common issues, mainly in relation to earthworks controls. I have grouped these matters into the following headings for consistency with the right of reply prepared by Ms Melissa Pearson, the reporting officer for the Historic Heritage topic:
 - a. Issue 1 – Dry-stone walls
 - b. Issue 2 – Non-statutory layers (Heritage Alert layer and ArchGIS layer)
 - c. Issue 3 – Pouerua Heritage Area overlay
 - d. Issue 4 – Paihia Heritage Area overlay
 - e. Issue 5 – Mangonui and Rangitoto Heritage Area overlay
 - f. Issue 6 – Kororāreka Russell Heritage Area overlay
 - g. Issue 7 – Spatial extent of other Heritage Area overlays
 - h. Issue 8 – Infrastructure
 - i. Issue 9 – Earthworks
 - j. Issue 10 – Other matters
4. For all other submissions not addressed in this report, I maintain my position as set out in my technical input to the section 42A report.

Issue 1: Dry-stone walls

5. In response to the evidence and written statements regarding dry-stone walls, I acknowledge that dry-stone walls are a traditional method of construction for creating field and property boundaries, including prior to the arrival of Europeans in New Zealand. I note that they are not unique to the Northland region. For example, I have undertaken archaeological analysis and recording of dry-stone walls on several occasions in the Auckland region. I do not however support the use of blanket controls applied to dry-stone walls across the entire Far North district for similar reasons to those noted by Mr Jack at the hearing. Principally:
 - a. Dry-stone walling involves the practice of interlocking stones without the use of mortar or other bonding material to fix the units in place, relying instead on the relationship of gravity and friction to maintain structure.
 - b. Because these walling techniques do not use materials which change over time, such as cement bonding, it is often difficult in practice to determine if a 'traditional' dry-stone wall has been constructed recently or if it is older and has heritage significance.
 - c. For example, HNZPT presented evidence of their own recent training exercise, where participants were shown how to construct a traditional stone wall that is typologically similar to 19th century walls.
 - d. From a practical consenting perspective, I consider that the HNZPT proposed definition of dry-stone walls (following the format used in the Whangarei District Plan) is overly broad to use as a basis for a policy and rule framework as it does not refer to a given period or area of significance. It would include any existing dry-stone wall, no matter how recently constructed, and any similar wall constructed the future, using dry-stone construction techniques.
6. I further note that, unlike subsurface archaeological sites where there is a higher risk of damage because they are not visible, dry-stone walls are visible but in addition they also continue to serve a relevant purpose, which is boundary control, and control of farming activities e.g. management of livestock and protection of agricultural or horticultural activities.
7. In which case, while I acknowledge that some structures may be lost, this is unlikely to be pandemic over the short to medium term, allowing for the

possibility of future engagement and research to identify significant dry-stone walls, as supported by the submission of Mr Jack.

Issue 2: Non-statutory layers (Heritage Alert layer and ArchGIS layer)

8. I acknowledge that alert layers are used elsewhere as non-statutory tools for managing risk to archaeological sites. In some cases, such as with Gisborne, they are referred to directly in the District Plan. Queenstown also uses archaeological alert layers. In other cases, such as with the Auckland Region, they are non-statutory and managed through a council GIS layer that is separate to the Auckland Unitary Plan provisions. However, there are some specific sites where an extent is spatially defined and where archaeological controls apply. I consider that there are both pros and cons in establishing a non-statutory alert layer in a district plan:

The Pros

- a. The non-statutory information layer may raise visibility and awareness of existing/recorded archaeological sites and any legal obligations under the HNZPTA with respect to these sites;
- b. Where recorded sites have been accurately spatially defined, this can be helpful for planning activities around those sites, or to help avoid them in any activities or new development;
- c. Where there are high concentrations of recorded sites, this may also indicate the presence of unrecorded sites; and,
- d. It is a tool to recognise areas that do have identified historic heritage values in terms of archaeological values, but which have not been included on a district plan schedule or within a heritage area.

The cons

- e. Most records as they appear on GIS relate to a particular NZTM grid square, rather than depicting a complete extent (though this is being upgraded, and generally any new sites will typically have GPS/satellite references);
- f. Where data is accurate, it is generally not possible to portray this on public versions of the NZAA ARCHGIS database – professional logins are required. Anyone reviewing the publicly accessible Archsite data

without access to the more detailed data may therefore inadvertently misinterpret this data;

- g. Additionally, the use of a non-statutory alert layer may influence consent staff as to what is actually legally required in terms of resource consent further information requirements, potentially resulting in higher costs to applicants;
 - h. The unmanaged use of a non-statutory alert layer may undermine other processes and engagement underway to protect historic heritage values, e.g. current work being undertaken in the Oruru Valley;
 - i. Additionally, culturally sensitive sites are typically not shown for obvious reasons, creating a risk that such sites may not be considered; and
 - j. At the broader level, an absence of evidence is not the same as evidence of absence.
9. I agree that the Oruru Valley, Kawakawa and Kaeo areas have archaeological and historic heritage values that may need careful management. However, identification on its own is only one management tool. Management of archaeological and historic heritage sites, especially to enable compatible ongoing use of land where these sites are located, also requires support from landowners, affected stakeholders and mana whenua. I do not think that these locations, and the other locations put forward by HNZPT, have been previously accurately spatially mapped as part of the notification process. I therefore do not think there has been sufficient opportunity for submissions to be made either for or against these locations at this stage.

Issue 3: Pouerua Heritage Area overlay

10. There was unanimous support for the removal of the southeastern portion of the Pouerua HA Overlay (that I had previously recommended in my supporting report) from Mr Alec Jack and Mr Kerry Ludbrook, as well as from their farming and cultural witnesses. However, these submitters also objected to the proposed extension of the Pouerua HA Overlay to the northwest. Further to this, when questioned during the hearing itself, HNZPT who had previously been in support of extending the area of the overlay to the northwest, indicated that they could also support the operative extent of the Pouerua Heritage

Precinct being retained, referring to additional reports also from the early 1990s by Sutton, which I have reviewed.¹

11. The archaeological reporting by Chalice indicated that visible features and earthworks were concentrated on the lava flow which forms the basis of the operative area extent. Submitters repeated the general assumption at this time (early 1990s) which is that occupation and gardening activity was limited to volcanic soils. However, the Sutton report (1993) recorded wider vegetation clearance and deforesting in preparation for agriculture at Pouerua², and a 2006 article on gardening also refers to these findings, noting extensive use of clay soils (mixing sand and/or lime and other materials to make clay soils more suitable for gardening is also recorded archaeologically)³. It cannot therefore be assumed that Māori land-forming, land management and gardening activities were limited specifically to the lava flow. While I acknowledge the earlier reports, they are written over 30 years ago.
12. Further, the Pouerua HA overlay, as initially notified, was also intended to identify the interrelationship between early farming and buildings associated with European settlers. This was seen as a point of heritage significance raised by the HNZPT submission.
13. However, having acknowledged this historical context, the clear message from Mr Tipene as a cultural witness was that, from a cultural perspective, the Pouerua HA overlay extent should remain as already established in the ODP.
14. Another clear message heard at the hearing was that the local community, who have long established links to the land, are happy to manage and care for the sites within the established ODP spatial extent as they have always done. Further expansion of the overlay would however affect their ability to manage the farmland. HNZPT also acknowledged that it was not the intention of their submission to 'alienate' these long-standing relationships.
15. On this basis, and acknowledging the strong korero around the cultural and social values attached to the Pouerua site presented by the submitters, I can

¹ Sutton D (Ed). 1993. The Archaeology of the Peripheral Pa at Pouerua, Northland, New Zealand. Auckland University Press.

² Ibid. 97

³ Furey L. 2006. Māori Gardening: An archaeological perspective. Science & Technical Publishing Department of Conservation, p11. P19.

support the spatial extent of the Pouerua HA overlay as notified being reduced, and the extent as defined in the ODP being re-established.

Issue 4: Paihia Heritage Area overlay

16. I acknowledge the Environment Court consent order that was raised by submitters from Paihia at the hearing. However, a previous Environment Court process does not preclude the matter of protecting historic heritage values being revisited as part of the regularly required reviews of the District Plan and further consideration of any matters of national importance established by the RMA. In fact, revisiting matters is a critical part of the process, to ensure district plans continue to provide for protection from inappropriate development and activity in relation to historic heritage.
17. The intention of the earthworks rule (that was the subject of the most concern to Paihia submitters) is to manage risk to archaeological features that have not yet been discovered, in an area where historical mapping and archaeological sites indicate high potential for these features to be found. Much of the Part B area of the Paihia HA overlay extends into what is currently zoned as open land and is forested. A significant pa site and a number of associated archaeological sites are recorded in this locality. These sites originally would have extended to the beach and, in conjunction with historically recorded settlements, indicate a high probability for archaeological potential.
18. In my experience, it is very common, even on already developed sites, for previously undisturbed archaeological features to be revealed during new construction. Partly this is because earlier construction practices were often not concerned with removing all previous traces of occupation, and there were no legal requirements to avoid or identify such features. This often leads to mapping bias for recorded sites. Therefore, there is reasonable cause to manage certain aspects of development in the Paihia HA overlay Part B and I do not support any changes to the spatial extent of Part B. I comment further on the earthworks rule in Issue 9 below.

Issue 5: Mangonui and Rangitoto Heritage Area overlay

19. Mr Palmer raised concerns with factual inaccuracies in Plan.Heritage reports, including misinterpretations of historical land use and incorrect assumptions about archaeological features. Mr Palmer referenced more recent archaeological work by Maxwell and Huebert, which identifies only two significant pa sites on the peninsula—both already known and scheduled. Mr Palmer also noted that key recommendations from the Plan.Heritage reports—

such as the need for sub-area-specific design guidance and management plans—were not implemented.

20. I acknowledge that there are some small errors in the initial draft reports, which have unfortunately carried over into the final published report. For example, Mr Palmer refers to the report sheet stating ‘too many sites to list individually. This was a working note relating to the design of the form, indicating that summaries should be included rather than full descriptions. Similarly, a reference to William Butler and American Whalers is missing a grammatical point, changing the meaning of the sentence and thus inferring William Butler was American. This is of course not the case. Reference to Kauri timber milling was meant in relation to the Mangonui portion of the HA overlay, not the Rangitoto Peninsula.
21. I also acknowledge the recent archaeological work undertaken by Maxwell and Huebert, which has determined the Cliff Pa O04/17 was originally incorrectly recorded.
22. Notwithstanding these reporting errors, there is clear and recorded evidence that the Rangitoto Peninsula was occupied extensively prior to 1900, and there remains the likelihood that previously unrecorded sites may be exposed by earthworks, even in areas that have been previously surveyed. Mr Palmer himself acknowledged through his oral and written submissions that the Rangitoto Peninsula contains historic and culturally significant sites.
23. Acknowledging the submission presented by Mr Palmer, and additional evidence, I consider that the headlands and ridgeline west of the paper road, including the two pa sites, the headland of Butlers Point, and the trading settlement form the key area of high potential for finding additional archaeological sites. I note that part of this area includes covenanted bush which Mr Palmer has indicated he has no objection to being included in the HA overlay. This area also includes the land parcel that the Butler house was established on, and I understand that there is no objection from the landowners to this parcel being included either.
24. I recommend that, in light of additional evidence presented by Mr Plamer, the overlay on the Rangitoto Peninsula is reduced to the historic reserve which contains Rangitoto Pa, and land up to the paper road alignment. A map showing the revised boundary is included in the section 42A officer’s right of reply.

Issue 6: Kororāreka Russell Heritage Area overlay and Kororāreka Russell Township zone

25. HNZPT were strongly supportive of the extension of the HA overlay to include Te Maiki (Flagstaff Hill) and the historic flagstaff. They presented evidence to demonstrate its historical significance to Kororāreka Russell. I note no submissions opposing this inclusion.
26. Mr Riddell's key concerns, as they relate to my area of expertise, are the treatment of Part D of the HA overlay and the use of design guidelines.
27. In my view, the evidence presented by HNZPT, which included several historical images of Kororāreka Russell, clearly demonstrated that the 'buffer' area contained within Part D is not historically distinct from the rest of the Town. In fact, towards the north and western edges, the area occupies the same streets as the 'Part C' overlay. I do not therefore consider subjecting Part D to different, and more permissive, controls effectively manages potential effects on the identified heritage values of the Kororāreka Russell HA overlay.
28. I discussed the use of Design Guidelines and statutory reference to them with the Panel at the hearing. In my view, while it can be helpful to refer to guidelines, in practice it is important to review such guidelines on a regular basis, to ensure they remain 'in-step' with changes to conservation-based thinking. Ideally this would be every five years, as this is a timeframe adopted by internally accepted practice for conservation plans. However, this would be too frequent for district plans (typically having a 10 year review timeframe), which results in district plans being stuck with references to outmoded documents or documents that were never intended to be used as the basis for district plan provisions. A common example of this is the reference in several operative district plans to applications made 'in accordance with' the International Council on Sites and Monuments (New Zealand) (ICOMOS NZ) principles, 2010, which, in my view, is not suitable for use as part of a district plan rule or standard. Therefore, in terms of such guidelines being useful for users, it may be better to keep them as non-statutory.

Issue 7: Spatial extents of other Heritage Area overlays

29. HNZPT are requesting a new 'Part C' to the Rāwene HA overlay to apply to the Rāwene hospital and cemetery sites. In his oral submission, Mr Bracey clarified that the requested extension of the Rāwene HA overlay does not require any controls or rules, rather it should just be present to provide recognition of the Hospital site's intangible values.

30. While I acknowledge there is a historical context to be considered for Rāwene Hospital, I do not consider that it relates directly to the establishment of the township. I also do not consider that the establishment of a HA overlay without any controls will effectively manage the risk to any identified heritage values associated with the site.

Issue 8: Infrastructure

31. At the hearing, an oral submission was provided by Top Energy staff which describes a 'best practice' environment for archaeological assessment, whereby the company engages archaeological consultants to assess planned works. A detailed induction process for staff was also described.
32. Having set out this process, Top Energy explained why they felt they could therefore rely on Accidental Discovery protocols alone. They then described scenarios where they might not be able to avoid archaeological sites, and how in these cases, the work was planned to mitigate effects as far as possible.
33. In my view, the process described by Top Energy is to be commended. It also very clearly highlights the purpose of the earthworks rule, which is to be able to provide for such a proactive response, before damage has occurred to a site, when it has been unexpectedly impacted.
34. I note that the infrastructure rule applies to more than one class of utilities, and to many service providers, who may not necessarily follow the same best practice approach as presented by Top Energy.
35. In my opinion, the provision of evidence by Top Energy reinforces the purpose of the HA overlay infrastructure rule, which I recommend be retained for this reason.

Issue 9: Earthworks

36. It was apparent during the oral submissions from Federated Farmers and others that on large rural sites, the 500mm control of earthworks rule might unfairly affect day-to-day farming practices. For example, fence posts would often need to be dug at greater depths, and the burial of dead livestock, required by law, would be impacted. This issue was also raised by submitters in urban settings, e.g. Paihia, with respect to fencing and planting/removing trees and tree roots.
37. The intention of the earthworks rule, as I understand it, was not to prevent day-to-day activities, including things such as gardening, minor landscaping or the

establishment of boundary fencing. I also note that cultivation is already excluded from the definition of earthworks and is therefore not captured by HA-R5.

38. I consider that the submitters raised valid concerns over the effect of the HA-R5 on boundary fencing and other day-to-day activities, and I can support amendments to the earthworks rule to acknowledge specific activities which may be of a lower magnitude of impact, such as the establishment of boundary fencing. I consider that these exemptions should apply to all HA overlays (both rural and urban). The reporting officer may wish to consider exemptions for the following activities:
- a. Boundary Fencing
 - b. Fencing for Livestock Control
 - c. Maintenance of existing farm irrigation
 - d. Burial of dead livestock and disease management in accordance with other legislation
 - e. Boreholes for stock and human drinking water
 - f. Planting of shelter belts and screening vegetation associated with horticultural structures.
 - g. Removal of gorse and invasive pest vegetation (e.g. self-seeded European pine).

Issue 10: Other matters

39. One matter that came up during discussions with submitters at the hearing is that the extension of controls on buildings and structures across an entire site which contains a scheduled Heritage Resource might unfairly affect development where the site is particularly extensive. I agree with the submitters that there are potential unintended consequences that need to be addressed in relation to these particular controls.
40. I can support the rules that control buildings and structures on sites containing a scheduled Heritage Resource being revised so that the rules only apply within 20m of the footprint of a scheduled Heritage Resource. This will manage more significant risks arising from extension or alteration of existing buildings or structures, and also the placement of new buildings or structures in the

immediate vicinity of scheduled places. Construction of other buildings or structures further away will generally have less risk of adversely impacting on scheduled Heritage Resources.

Additional Questions from the Hearing Panel

41. This section responds to questions raised by the Hearing Panel at the end of Hearing 12.
42. Two further questions were:
 - a. Was there a workable definition of a dry-stone wall?
 - b. What would a permitted paint chart look like?
43. I have discussed dry-stone walls in Issue 1 above and, as I do not support blanket rules for dry-stone wall protection, I do not consider that a definition of dry-stone walls is required for the PDP. If a definition were to be proposed, it would need to be time bound and likely only apply to particular spatial areas as opposed to being applicable across the district.
44. I provided an example paint chart in my S42A evidence and the reporting officer's right of reply has an attached appendix showing how this paint chart should be incorporated into the PDP.