

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

the Proposed Regional Plan for Northland

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LEGAL SUBMISSIONS OF HERITAGE NEW ZEALAND POUHERE TAONGA  
IN RESPONSE TO MINUTE AND REQUEST OF THE HEARING PANEL

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1. These legal submissions are made on behalf of Heritage New Zealand Pouhere Taonga in relation to the Minute and Request of the Hearing Panel: Minute 3 on the Proposed Regional Plan for Northland (PRPFN).

#### *Introduction*

2. Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead agency for heritage protection.
3. HNZPT submitted on the PRPFN as Northland is an area which has played a pivotal role in New Zealand's history. As outlined in HNZPT's submission, the region's extensive harbours, shorelines and waterways are especially important for their role in Northland's history. From first human arrival waterways, shorelines and harbours are the places from which connections were made with the rest of the world and other parts of New Zealand. They have historically been major places of settlement, resource gathering and commerce.

#### *Historic Heritage in the Regional Plan*

4. Historic heritage is a matter of national importance under Part 2 of the Resource Management Act 1991 (RMA) and relevant for the consideration of all plans under s 66(1)(b). While Northland Regional Council may be constrained from establishing a rule framework for historic heritage under s 65(1), it does have an obligation under s 30(1)(a) and (b) to prepare objectives, policies and methods in relation to the integrated management of natural and physical resources, which includes historic heritage.
5. Northland Regional Council is also required to ensure that the PRPFN gives effect to the objectives and policies and the Operative Regional Policy Statement for Northland (RPS). The RPS places a strong focus on the management of cross-boundary issues as part of the integrated management of Northland's physical and natural resources. Policy 6.1.1 of the RPS outlines the requirements for regional and district plans to follow the clear policy direction of the RPS at a regional and local level to reduce cross-boundary issues.
6. It is important as part of the PRPFN that there be a strong objective and policy framework to ensure that the direction for historic heritage within the regional setting is clearly in line with the RPS and to ensure that Northland Regional Council can meet its obligations to historic heritage under Part 2 when considering resource consents under section 104.
7. HNZPT would suggest that some kind of cross-boundary protocol be included as an advice note within the PRPFN to provide guidance for consenting purposes when dual consents could be required in situations affecting historic heritage. In Northland many

significant historic heritage sites (such as wharves) can sit both inside and outside of the CMA. Including a cross-boundary protocol would help clarify the consenting process and considerations in such situations. A protocol would also ensure that the PRPN follows the policy framework for management of cross-boundary issues outlined as a priority within the RPS.



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