

Meretoto/Ship Cove and Motuara Island inclusion as a Heritage Resource

Variation 3 to the Proposed Marlborough Environment Plan

An aerial photograph showing a coastal area. In the center, there is a long, narrow pier extending into the water. To the left of the pier, there is a small tent or structure on a grassy area. The water is a mix of light blue and green, and the land is covered in dense green vegetation. The overall scene is a natural coastal environment.

Background Information

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What is a heritage resource?

In the proposed Marlborough Environment Plan (PMEP), a Heritage Resource is an overarching term that defines *any type of historic heritage place or area. It may include a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.*

The inclusion of heritage resources in the PMEP gives effect to Section 6(f) of the Resource Management Act 1991 which directs persons exercising functions and powers under the Act to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The Resource Management Act 1991 defines historic heritage as:

- (a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
 - (i) *archaeological;*
 - (ii) *architectural;*
 - (iii) *cultural;*
 - (iv) *historic;*
 - (iv) *scientific;*
 - (v) *technological; and*

- (b) *includes—*
 - (i) *historic sites, structures, places, and areas; and*
 - (ii) *archaeological sites; and*
 - (iii) *sites of significance to Māori, including wāhi tapu; and*
 - (vi) *surroundings associated with the natural and physical resources*

Variation to include Meretoto/Ship Cove

The information below does not replace the formal documentation required by the Resource Management Act 1991 nor does it make up the information package for consideration when submitting on the variation.

What is being proposed?

Variation 3 to the proposed Marlborough Environment Plan proposes to include Meretoto/Ship Cove and the island of Motuara in Volume 3, Appendix 13: Register of Significant Heritage Resources and Notable Trees, as both a Schedule 1 and a Schedule 3 site. As the PMEP requires the consideration of sites listed on the Heritage New Zealand Pouhere Taonga - New Zealand Heritage List/Rāangi Kōrero for inclusion (more details about the list below), the variation is simply giving effect to the already existing current planning framework and therefore, no amendments to objective, policies, methods or rules are required.

Appendix 13 is a Register of Significant Heritage Resources and Notable Trees and divides the content as follows:

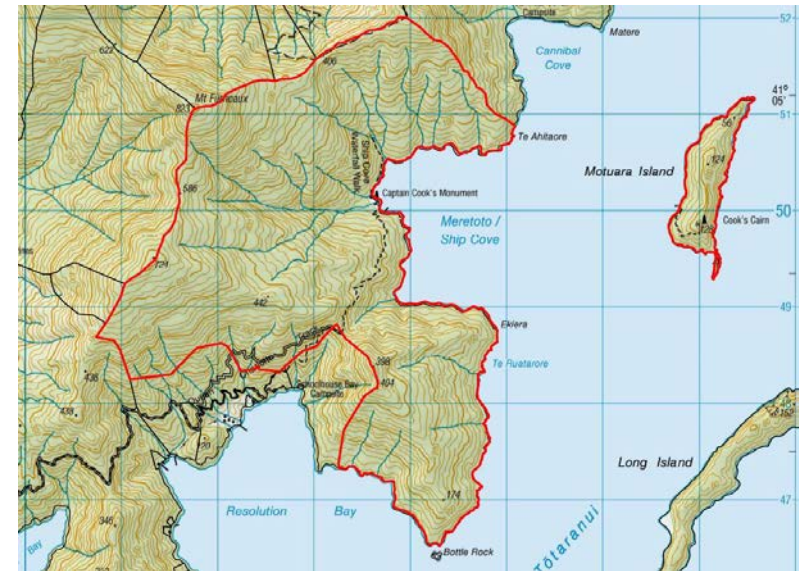
Schedule 1: Category A Heritage Resources

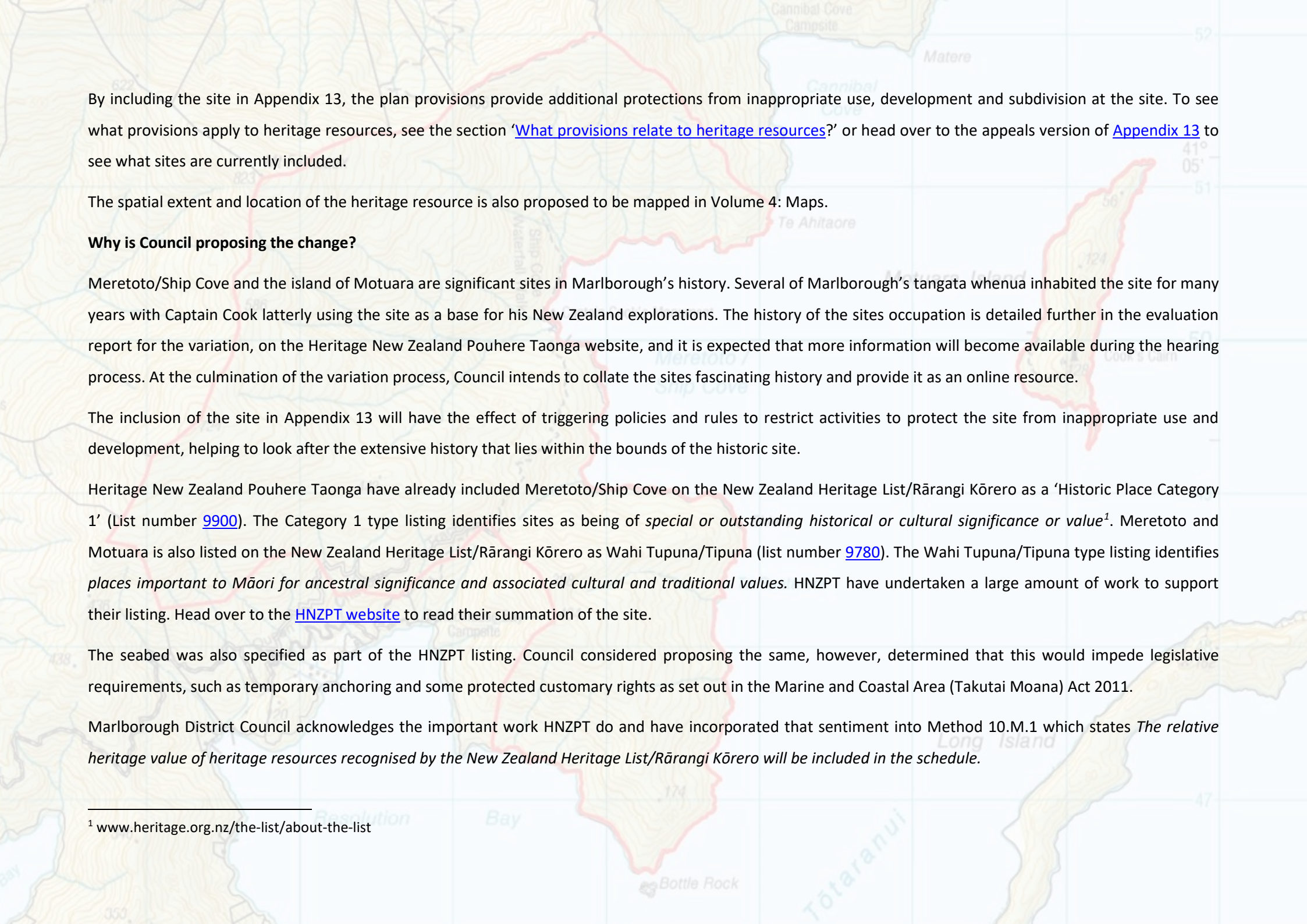
Schedule 2: Category B Heritage Resources

Schedule 3: Sites and Places of Significance to Marlborough's Tangata Whenua Iwi

Schedule 4: Notable Trees

Schedule 5: HNZTPA Archaeological Site Requirements





By including the site in Appendix 13, the plan provisions provide additional protections from inappropriate use, development and subdivision at the site. To see what provisions apply to heritage resources, see the section '[What provisions relate to heritage resources?](#)' or head over to the appeals version of [Appendix 13](#) to see what sites are currently included.

The spatial extent and location of the heritage resource is also proposed to be mapped in Volume 4: Maps.

Why is Council proposing the change?

Meretoto/Ship Cove and the island of Motuara are significant sites in Marlborough's history. Several of Marlborough's tangata whenua inhabited the site for many years with Captain Cook latterly using the site as a base for his New Zealand explorations. The history of the sites occupation is detailed further in the evaluation report for the variation, on the Heritage New Zealand Pouhere Taonga website, and it is expected that more information will become available during the hearing process. At the culmination of the variation process, Council intends to collate the sites fascinating history and provide it as an online resource.

The inclusion of the site in Appendix 13 will have the effect of triggering policies and rules to restrict activities to protect the site from inappropriate use and development, helping to look after the extensive history that lies within the bounds of the historic site.

Heritage New Zealand Pouhere Taonga have already included Meretoto/Ship Cove on the New Zealand Heritage List/Rārangi Kōrero as a 'Historic Place Category 1' (List number [9900](#)). The Category 1 type listing identifies sites as being of *special or outstanding historical or cultural significance or value*¹. Meretoto and Motuara is also listed on the New Zealand Heritage List/Rārangi Kōrero as Wahi Tupuna/Tipuna (list number [9780](#)). The Wahi Tupuna/Tipuna type listing identifies *places important to Māori for ancestral significance and associated cultural and traditional values*. HNZPT have undertaken a large amount of work to support their listing. Head over to the [HNZPT website](#) to read their summation of the site.

The seabed was also specified as part of the HNZPT listing. Council considered proposing the same, however, determined that this would impede legislative requirements, such as temporary anchoring and some protected customary rights as set out in the Marine and Coastal Area (Takutai Moana) Act 2011.

Marlborough District Council acknowledges the important work HNZPT do and have incorporated that sentiment into Method 10.M.1 which states *The relative heritage value of heritage resources recognised by the New Zealand Heritage List/Rārangi Kōrero will be included in the schedule*.

¹ www.heritage.org.nz/the-list/about-the-list

Protecting our heritage offers a significant number of benefits from providing a sense of community to offering tourism opportunities but, from a purely legislative stance, by incorporating a heritage resources in the PMEP, Council is achieving its obligation by giving effect to the overarching requirements of Section 6 of the Resource Management Act 1991 where it has identified historic heritage as a matter of national importance at (f), as stated below.

6. In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: ...

(f) the protection of historic heritage from inappropriate subdivision, use and development.

What provisions specifically relate to heritage resources?

When considering activities that can be undertaken on a site, consideration needs to be cast wider than the following provisions, but the list below provides an impression of the intended protections the PMEP provide specifically to heritage resources. (Please note, the PMEP is currently under appeal and provisions may change as appeal points are resolved.)

Volume 1 of the PMEP sets out the package of objectives, policies and methods. Chapter 10 provides the specific package for Heritage Resources and Notable Trees. It is worth noting that at the time the variation is being progressed, the PMEP is under appeal. See below for more details on what this means for the variation.

The introduction to Chapter 10 provides an overview on why it is so important to protect our sites of significant heritage in Marlborough, here is a snippet from that text:

Historic heritage are the natural and human made features of the landscape that combine to give people a sense of place and are valued for providing a connection with our past. Heritage resources include historic buildings, places and sites; heritage trees, places or sites of significance to Marlborough's tangata whenua iwi; and archaeological sites. These resources collectively contribute to environmental quality and community wellbeing in many ways. In addition, some trees may also contribute to amenity values.

Within Marlborough there are a variety of important heritage resources reflecting a rich and varied cultural history. This includes a long history of occupation by Māori and a legacy left by early exploration (e.g. Cook's visits), settlement and extractive industries, including agriculture, flax milling, logging, mining and whaling. What is exciting about Marlborough, in the heritage sense, is the number of New Zealand firsts and the diversity of heritage resources. While there may be more iconic heritage examples in other parts of New Zealand, Marlborough possibly contains the best overall combination of sites with historic heritage value. Some of Marlborough's heritage resources are nationally significant, such as the history of Māori occupation at the Wairau Bar or the ship Edwin Fox in Picton Harbour. Many other heritage resources are either significant for the district or for local communities. Sites of historical or cultural value are also becoming increasingly important as tourism in Marlborough grows, bringing with it the advantage of commercial support for the enhancement of historic heritage.

Most people wish to retain the heritage of the past, not only for themselves but also for those generations to come. Protection of heritage resources is one of the duties of stewardship that the Council accepts as being essential for the District.

[Click here to read all Volume 1, Chapter 10 \(Appeal Version\)](#)

Volume 2 sets out the rules and standards that need to be given effect to when considering what activities can be undertaken at any given site. For sites identified as heritage resources this restricts activities to general maintenance and safety matters. The rules are set out in Chapter 2 of Volume 2 under a specific section titled 'Heritage Resources' starting with the permitted activities at 2.24.

[Click here to read all Volume 2, Chapter 2 \(Appeal Version\)](#)

Volume 3 includes all appendices to the plan. Amongst these, Appendix 13 provides a Register of Significant Heritage Resources and Notable Trees and divides the content as follows:

Schedule 1: Category A Heritage Resources

This schedule includes all Heritage New Zealand Pouhere Taonga Category 1 Heritage Resources in Marlborough.

Schedule 2: Category B Heritage Resources

This schedule includes all Heritage New Zealand Category 2 Heritage Resources in Marlborough, as well as some Heritage Resources considered to be locally significant.

Schedule 3: Sites and Places of Significance to Marlborough's Tangata Whenua Iwi

This Schedule includes sites and places of significance to Marlborough's tangata whenua iwi

Schedule 4: Notable Trees

This Schedule includes all Notable Trees listed in Marlborough




Schedule 5: HNZTPA Archaeological Site Requirements

This Schedule sets out information to alert the public to their responsibilities regarding archaeological sites

[Click here to read all Volume 3, Appendix 13 \(Appeal Version\)](#)

Volume 4 houses the spatial allocation to illustrate zoning, overlays and other special features. Council uses SmartMaps, an online tool, as a more efficient method of displaying the spatial placements. To view Heritage Resources, use map 'Environmental Plan – Zoning' where heritage resources are identified as follows:

Heritage Resources

-  Schedule 1
-  Schedule 2
-  Schedule 3

[Click here to go to Environmental Plan – Zoning map \(Appeal Version\)](#)

PMEP under appeal

The pMEP was publicly notified on 19 May 2016. The hearings on the Plan were held between November 2017 and April 2019 and a decision released by the Hearing Panel on 21 February 2020. The Panel had delegated authority from Council to make this decision and therefore this decision is Council's decision. Appeals were then lodged with the Environment Court on Council's decision. Before any matters are heard in Court, the Environment Court run mediations for all appeal points and this is completed on a topic basis, reflective of the same topic structure that the hearings were run. At the time of this variation the mediation process was in full swing with the majority of topics, including heritage resources, having been through this process.

Being in the appeal phase does have its complications but as a rule of thumb, when there is an active appeal on a provision the weight given to that provision depends on where the appeal is in the process. In cases where full weighting cannot be applied, consideration needs to be given to the relevant operative plan.

PROPOSED

MARLBOROUGH ENVIRONMENT PLAN

Appeals Version

What is the process for a plan variation?

Before a plan is made operative, such as is the case with the PMEP, only Council can initiate a change to the plan content. These are referred to as 'variations' rather than 'plan changes'.

All variations, no matter the size or extent run through the same process. The Resource Management Act 1991 sets out the process in Schedule 1. Here is a brief overview of the process:

- ❖ A variation is approved for processing by Council Committee, normally the Planning, Finance and Community Committee, and that decision ratified by Full Council.
- ❖ Initial consultation occurs with select parties as set out in the RMA (including the Minister for the Environment, other relevant crown ministers, tangata whenua, any customary marine title group in the area, any affected local authorities). Council can choose to consult additional parties.
- ❖ Council draft an evaluation report of the options for the variation (pursuant to Section 32 of the RMA)
- ❖ Council draft the proposed changes to provisions
- ❖ The variation is notified. Full notification includes publishing information about the variation in newspapers and on Council's website. Council will also write to parties that could be affected (this includes ratepayers).
- ❖ Copies of the evaluation report and the proposed changes to provisions are made available for viewing online, at Council offices and all Marlborough district public libraries.
- ❖ When the variation is notified, the period for submissions commences.
- ❖ Submissions close
- ❖ Council summarise the submissions.
- ❖ The summaries are notified and the period for further submissions commences.
- ❖ Further submissions close.
- ❖ A hearing is held to hear from submitters and further submitters who wish to be heard
- ❖ The hearing panel deliberate and release their decision.
- ❖ Decisions can be appealed to the Environment Court.