

# Chapter 14

## Heritage



---

## 14. HERITAGE

---

### 14.1 RESOURCE MANAGEMENT ISSUES

1. There is insufficient information on **heritage resources** that require management and protection.
2. The effects of some land use activities have the potential to adversely affect heritage items, including excavation in, or in close proximity to, the **site**, and can affect the stability of the foundations of heritage structures.
3. Earth moving and excavation activities can affect the root systems of notable trees within the District.
4. The need to recognise and protect Māori heritage **sites** as a matter of national importance, whilst in many cases ensuring that the exact location of such **sites** is not disclosed.
5. Public **access** to many **sites** of cultural significance may compromise the character or values of the heritage **site**.
6. There are a large number of unrecorded **sites** which may be changed or destroyed where landowners are unaware of their existence.

### 14.2 OBJECTIVES AND POLICIES

#### 14.2.1 OBJECTIVE

**To recognise and protect the heritage values of resources, including buildings, objects, trees, and archaeological sites.**

#### POLICIES

- 14.2.1.1 Ensure that modification, damage or destruction of any **heritage resource** listed in Appendix 14.9.1 is undertaken in accordance with the Heritage NZ Pouhere Taonga Act 2014, so that alterations do not adversely affect the heritage values of the **site**.
- 14.2.1.2 Ensure **signs** on scheduled features or **sites** on which they are located do not adversely affect heritage values and avoid unnecessary or inappropriate signage.
- 14.2.1.3 Ensure notable trees are protected from the adverse effects of subdivision, use and development activities, including activities located close to identified trees.

14.2.1.4 Encourage and facilitate the strengthening of buildings included in the heritage appendix to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.

**14.2.2 OBJECTIVE**

**To improve public awareness of the heritage resources that exist in the District, and to improve community commitment to the recognition and protection of these resources.**

**POLICIES**

14.2.2.1 Identify the resources within the District that have heritage value.

14.2.2.2 Provide community and resource consent applicants information on **heritage resources**, so that a better understanding of potential effects can be obtained.

14.2.2.3 Recognise the role of, and work with, other agencies (and legislation) such as the New Zealand Historic Places Trust and New Zealand Archaeological Association.

**14.2.3 OBJECTIVE**

**To recognise and provide for sites of cultural significance identified in Iwi and Hapū resource management plans.**

**POLICIES**

14.2.3.1 Recognise that Iwi and Hapū have **sites** of special importance that they may not wish to publicly disclose and ensure that these **sites** are treated and protected in accordance with Iwi and Hapū wishes.

14.2.3.2 Encourage the development of Iwi and Hapū resource management plans that provide information about **sites** of cultural significance.

14.2.3.3 Ensure subdivision use and development does not depreciate the relationship tangata whenua has with its taonga.

14.2.3.4 Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, **sites**, waahi tapu and other taonga.

---

## 14.3 ACTIVITY STATUS

*The Rules in this Chapter apply only to heritage resource identified in Appendix 14.9.1. It should be noted that all pre 1900 sites, recorded or unrecorded, are protected under the Heritage New Zealand Pouhere Taonga Act and Heritage New Zealand should be consulted prior to proposed works to identify the need for an archaeological authority.*

Resource consent is required for all Controlled, Restricted Discretionary, Discretionary and Non-complying activities. Resource consent is not required for Permitted activities, provided all relevant standards in zones and other relevant Chapters are met.

14.3.1 Additional controls may apply under the following Chapters:

- Surface of Water Activities – refer Chapter 12
- Landscapes and Vegetation – refer Chapter 13
- Natural Hazards – refer Chapter 18

### 14.3.2 PERMITTED ACTIVITIES

14.3.2.1 The following activities are permitted in any zone in relation to a **heritage resource** identified in Appendix 14.9.1:

- 1 **Maintenance and repair** of scheduled items listed in Appendix 14.9.1.
- 2 One **sign** of no greater than 0.5m<sup>2</sup> on **buildings**, structures or **sites** listed in Appendix 14.9.1 that do not have existing signage shall be a Permitted Activity provided that:
  - (a) The **sign** denotes the name or purpose of the activity undertaken on the **site**.
  - (b) A freestanding **sign** has a maximum **height** of 2m.
  - (c) An attached **sign** is located on the ground floor level of the **building**.
  - (d) The **sign** is not internally illuminated or made of reflective material.
  - (e) The **sign** is not placed over features for which the **building** is noted, **building** names, plaster detailing or fretwork.
  - (f) The **sign** shall not cover a window or door.
  - (g) The **sign** does not protrude beyond the **building** body.
  - (h) The **sign** is attached by methods appropriate to the **building** structure, being chem-set anchors or similar product for concrete or brick **buildings** and by a support system for a wooden **building**.
- 3 Trimming an identified notable tree identified in Appendix 14.9.2 where authorised by a National Environmental Standard in relation to the **National grid**.

---

### 14.3.3 CONTROLLED ACTIVITIES

14.3.3.1 The following activities are controlled in any zone in relation to a **heritage resource** identified in Appendix 14.9.1. The activities require Land Use Consent from the **Council**:

- 1 The modification, but not structural modification, of any **heritage resource** in the same or similar materials and design as those originally used, or work relating to those parts which are not protected.
- 2 Trimming a notable tree listed in Appendix 14.9.2 for the purpose of maintaining the health or long term viability of the tree.

### 14.3.4 RESTRICTED DISCRETIONARY ACTIVITIES

14.3.4.1 The following activities are Restricted Discretionary Activities in any zone in relation to a **heritage resource** identified in Appendix 14.9.1. The activities require Land Use Consent from the **Council**:

1. An additional **sign** on features listed in Appendix 14.9.1 that have existing **signs**. Additional **signs** must not be greater than 0.25m<sup>2</sup> provided that:
  - (a) The **sign** denotes the name or purpose of the activity undertaken on the **site**.
  - (b) A freestanding **sign** has a maximum **height** of 2m.
  - (c) An attached **sign** is located on the ground floor level of the **building**.
  - (d) The **sign** is not internally illuminated or made of reflective material.
  - (e) The **sign** is not placed over features for which the **building** is noted, **building** names, plaster detailing or fretwork.
    - i. The **sign** shall not cover a window or door
    - ii. The **sign** does not protrude beyond the **building** body, and
    - iii. The **sign** is attached by methods appropriate to the **building** structure, being chem-set anchors or similar product for concrete or brick **buildings** and by a support system for a wooden **building**.

### 14.3.5 DISCRETIONARY ACTIVITIES

14.3.5.1 The **Council** may grant or refuse resource consent for a Discretionary Activity. The following activities may be established after Land Use Consent has been granted by **Council**:

1. **Signs** that do not comply with the standards for Permitted or Restricted Discretionary Activities.
2. Excavation or construction within a **site** that contains any feature listed in Appendix 14.9.1
3. The structural modification of any **heritage resource**, or part of any **heritage resource**, listed in Appendix 14.9.1

### 14.3.6 NON-COMPLYING ACTIVITIES

14.3.6.1 The following activities require Land Use Consent from the **Council** and consent may be granted or refused:

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity, unless otherwise stated.
2. The demolition or removal of any **heritage resource** identified in Appendix 14.9.1.
3. The removal or destruction of a notable tree identified in Appendix 14.9.1.

## 14.4 ASSESSMENT CRITERIA FOR CONTROLLED ACTIVITIES

14.4.1 The **Council** has reserved control over the following matters for all Controlled Activities and may impose conditions in relation to these matters:

### 14.4.1.1 Effects on notable trees

1. The trimming of any notable tree will be undertaken after receiving advice from a trained arborist.
2. That the structure and form of the tree will not be depreciated by the trimming or treatment.
3. That the root system of the tree will not be harmed from the trimming or treatment.
4. Trimming or treatment of any tree will not affect any adjoining trees.

### 14.4.1.2 The effects of the activity on Heritage values

1. The enhancement or depreciation of the resource's heritage values.
2. The heritage values of adjoining **sites** and **heritage resources**.

### 14.4.1.3 The effect of the Alteration to the resource

1. Structural deterioration of the **heritage resource**.
2. The degree to which any alteration will affect the character of the resource.
3. The use of materials and colours that will enhance the quality of the resource.
4. That the materials used are sympathetic to the surrounding environment.
5. Destabilisation of the **site, building**, place or area of the **heritage resource** from tunnelling, digging, vibration, or excavation activities.

14.4.1.4 The effects of the activity in relation to the Enhancement of the resource

1. Mechanisms implemented to protect and enhance heritage values.
2. Use of design criteria, including architecture, colour, materials, orientation, placement of **signs**, and location of **site access** to maintain and enhance heritage values.
3. Any fencing, screening, or other physical works that assist in enhancing values of the **heritage resource**.

14.4.1.5 General matters

1. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
2. The requirement for works to enable earthquake strengthening the **building**.
3. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological **sites**.
4. The significance of the **heritage resource**, its condition and the importance attached to the **site**.
5. The findings of any assessment carried out by qualified persons (eg. archaeologist in the case of historic **sites**). Such a report shall identify and provide assessment of effects and proposals for avoidance of mitigation of effects, where applicable.
6. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value, and;
7. Any conditions imposed in an authority issued under the Heritage New Zealand Pouhere Taonga **Act** 2014.

## 14.5 ASSESSMENT CRITERIA FOR RESTRICTED DISCRETIONARY ACTIVITIES

14.5.1 The **Council** has restricted discretion control over the following matters for the identified Restricted Discretionary activities. Consent may be granted or refused in relation to these matters and, if consent is granted, **Council** may impose conditions on these matters. The following are matters to which **Council** shall restrict its discretion in relation to **signs**:

1. The extent to which the location, size and colour of the **signs** detract from the recognised character and values of the heritage item.
2. The extent to which any **sign** including supporting structures, detracts from the heritage significance or values of a heritage **building**.
3. Whether any **sign** obscures or detracts from the architectural values of the **building/structure** including decorative detailing, structural divisions, windows or doorways.
4. Whether additional **signs** will detract from the heritage details of the **building/structure**.
5. The extent to which the design of the **sign** and the graphics and the colour are compatible with the **building/structure** or **site**.

6. Whether the means of fixing the **sign** to a scheduled **building** or structure including associated cabling or wiring for illuminated **signs** will adversely affect the heritage fabric and heritage values of the scheduled **building** or structure.
7. Whether the intensity of illumination will adversely affect the heritage values of the **building** or structure.

## 14.6 ASSESSMENT OF DISCRETIONARY ACTIVITIES

**14.6.1** The following are matters to which the **Council** will have regard to in considering whether to grant consent or impose conditions in respect of activities that are listed as a Discretionary Activity:

1. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities.
2. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological **sites**.
3. The significance of the **heritage resource**, its condition and the importance attached to the **site**, where the significance of the **site** will be assessed against those matters stated below.
4. The findings of any assessment carried out by qualified persons (eg. archaeologist in the case of historic **sites**). Such a report shall identify and provide assessment of effects and proposals for avoidance of, and mitigation of effects, where applicable.
5. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value.
6. Any conditions imposed in an authority issued under the Heritage NZ Pouhere Taonga Act 2014.
7. The significance of the **site** will be assessed against the following matters:
  - (a) The extent to which the place reflects important or representative aspects of New Zealand history.
  - (b) The association of the place with events, persons, or ideas of importance in New Zealand history.
  - (c) The potential of the place to provide knowledge of New Zealand history.
  - (d) The importance of the place to tangata whenua.
  - (e) The community association with, or public esteem for, the place.
  - (f) The potential of the place for public education.
  - (g) The technical accomplishment or value, or design of the place.
  - (h) The symbolic or commemorative value of the place.
  - (i) The importance of identifying historic places known to date from early periods of New Zealand settlement.
  - (j) The importance of identifying rare types of historic places.



- (k) The extent to which the place forms part of a wider historical and cultural complex or historical, cultural and local landscape.
- (l) Such additional criteria for registration of waahi tapu, waahi tapu areas, historic places, and historic areas of Māori interest as may be prescribed in regulations made under the Heritage NZ Pouhere Taonga Act 2014.

## 14.7 OTHER METHODS

**14.7.1** Other methods for achieving the objectives and policies of this section are:

1. **Council** development of a cultural heritage inventory for the District in consultation with the community. As funds allow this will be checked and updated particularly where there is a high density of **sites** and a significant potential demand for development.
2. Encouraging landowners to protect **heritage resources** by:
  - (a) Providing information about these resources including location, value, and mechanisms available for protection.
  - (b) Providing rates relief for voluntary protection of resources on private land where such protection is of benefit to the wider community and in keeping with **Council** policy.
3. The assessment of the townships within the Ōpōtiki District, and implementation of heritage plans to recognise and protect the distinct character of such townships.
4. Consultation with Iwi and Hapū to determine the most appropriate ways to protect and manage archaeological **sites** and waahi tapu where they are of concern for Māori heritage.

## 14.8 EXPECTED ENVIRONMENTAL RESULTS

Environmental outcomes anticipated from the implementation of the objectives, policies, and methods of this section are:

- A.** Protection of **heritage resources** and an increased public awareness of their values.
- B.** Increased number of **heritage resources** being protected for their values, or managed in a way that ensures their continued existence.

## 14.9 APPENDIX 1 – HISTORIC ITEMS

Sites of heritage value that are listed with the Heritage New Zealand Pouhere Taonga:

Register No.	Description	Locality	Category
7221	Tauranga Bridge	State Highway 2 Waioeka Gorge	I
3497	War Memorial	Road reserve in Elliot Street between Church Street and Potts Avenue intersections Ōpōtiki	II
3499	Ōpōtiki Hotel	130 Church Street, Pt Allots 31 32 Sec 1 Town of Ōpōtiki	II
3498	De Luxe Theatre (Former Regent Theatre)	127 Church Street, Lot 1 DP 2948, Lot 1 DP 9134 AK and Pt Allot 4 Sec 1 Town of Ōpōtiki	II
3503	Royal Hotel	102 Church Street, Pt Allots 27 28 Sec 2 Town of Ōpōtiki	II
3502	Ōpōtiki Courthouse	119 Church Street, Corner of Church Street and Elliot Street. Allot 447 Sec 2 Town of Ōpōtiki	II
142	Hiona St Stephens Church, Church of St Stephen the Martyr	Church Street Ōpōtiki	I
807	Shalfoon and Francis shop buildings	Church Street Ōpōtiki	II
3504	Rostgards building	King Street, 99 Church Street, Lot 2 DP 9130 Ōpōtiki	II
3500	Masonic Hotel	Potts Avenue and Church Street Ōpōtiki	II
808	Tōtara Estate Agassiz House	State Highway 2 and Matchetts Road Ōpōtiki	II
806	St Johns Union Church	St John Street Ōpōtiki	II
7197	Manganuku Bridge	State Highway 2 Waioeka Gorge	II
3471	Raukokore Anglican Church	State Highway 35 Raukokore	I
3505	St Pauls Church (Anglican)	State Highway 35 Church Road, Te Kaha	II
7764	Bridger's Ltd (Former	122 Church Street and Elliot Street, Ōpōtiki	II
7740	Salvation Army Barracks (Former)	13 King Street and Service Lane, Ōpōtiki	II
9313	Fraser Cameron	97a Church Street, Ōpōtiki	II
7765	Paterson's Buildings	104 Church Street, Ōpōtiki	II

HERITAGE

Register No.	Description	Locality	Category
6726	Mataruia Punawai waahi tapu	Postal Agency Te Kaha	Bay of Plenty
6726	Toka A Kuku Pa	Postal Agency Te Kaha	Bay of Plenty
	Owhainene Urupa and Repo	Torere	Bay of Plenty
9642	Waipae Urupa	2826 State Highway 35, Hawaii; Lot 1 DP 9365 Gisborne Land District	Bay of Plenty

Waahi tapu **sites** registered with Heritage New Zealand.

The New Zealand Archaeological Association holds information on known archaeological **sites** within the Ōpōtiki District; it is recommended that this information be consulted by consent applicants.

## 14.10 APPENDIX 2 – NOTABLE TREES

Type	Location	Rural/Urban	Valuation #	GPS
Puriri <i>Vitex lucens</i>	Hukutaia Domain between 501 & 515 Woodlands Rd	Rural	7520-254-00	none
Black Beech <i>Nothofagus solandri</i>	26A Hukutaia Rd	Urban	7530-024-00 Lot 2 DP 8551	2884574/ 6345097
Rimu <i>Dacrydium cupressinum</i>	33 Bridge Street	Urban	7570-093-00	
Box Elder <i>Acer negundo</i>	Forsyth St Reserve, cnr Bridge and Forsyth Streets, Opotiki	Urban	7570-028-00 Pt Allot 308A of Sec 2 Ōpōtiki Town Rec Reserve	2885372/ 6345544
Coastal Redwood & Kauri <i>Sequoia sempervirens &amp; Agathis australis</i>	Forsyth St Reserve, cnr Bridge and Forsyth Streets, Ōpōtiki	Urban	7570-028-00 Pt Allot 308A of Sec 2 Ōpōtiki Town Rec Reserve	2885323/ 6345511
Coastal Redwood <i>Sequoia sempervirens</i>	164 Wellington St	Urban	7570-452-00 Lot 2 DP 5987	2887223/ 6345213
Maidenhair Tree <i>Ginkgo biloba</i>	Rose Garden, 87 Ford St (tree is opposite 65 Church St)	Urban	7560-283-00 Sec 1 SO 3938	2886282/ 6345794
Pohutukawa <i>Metrosideros excelsa</i>	Waiōtahe Beach Rd / SH2 (opposite 1494 SH2)	Semi-rural		2881195/ 6348064
Pohutukawa <i>Metrosideros excelsa</i>	Waiōtahe Beach Rd / SH2 (opposite 7520-059-00, SH2)	Semi-rural		2881975/ 6348000

## HERITAGE

Type	Location	Rural/Urban	Valuation #	GPS
Poplar <i>Populus deltoides</i>	On St John St on river side after Princess St intersection	Urban	(roadside)	2886551/ 6346889
Poplar <i>Populus deltoides</i>	Outside 148 St John Street	Urban	(roadside)	2886551/ 6346889
Kkauri <i>Agathis australis</i>	74 Richard St	Urban	7560-290-00 Pt Allot 113 Sec 2 Town of Ōpōtiki	2886845/ 6346147
Oak <i>Quercus robur</i>	Forsyth St Reserve	Urban	7570-001-00 Pt Allot 308A Sec 2 Town of Ōpōtiki	2885340/ 6345622
Rimu <i>Dacrydium cupressinum</i>	Forsyth St Reserve	Urban	7570-028-00 Pt Allot 308A of Sec 2 Ōpōtiki Town Rec Reserve	2885319/ 6345549
Maidenhair Tree <i>Ginkgo biloba</i>	62 Buchanan Street	Urban	7560-584-00 Lot 4 SP 7751AK	2886944/ 6345754
Scarlet Oak	Ōpōtiki College, (on Buchanan St near intersection with Wellington Street)	Urban	7570-357-00 Lot 2 DP 3167	2886906/ 6345317
Totara <i>Podocarpus totara</i> Kauri <i>Agathis australis</i> Kahikatea Karaka	Ōpōtiki College, St John St/ SH2 (before intersection with Wellington St)	Urban	7570-357-00 Lot 2 DP 3167	none