



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 3 July 2017
To : Hearing Commissioners
From : Consultant Planner
Subject : **CHAPTER 14 HERITAGE - PLANNING REPORT**
File ID :

1. INTRODUCTION

My name is Ann Nicholas. I have a Bachelor of Town Planning and I am a member of the New Zealand Planning Institute. I am a principal of Sigma Consultants, Rotorua, and I have over 35 years experience. I have been engaged by the Ōpōtiki District Council to assist with the preparation of the draft district plan and the Proposed District Plan.

The scope of my report is to provide an evaluation of submission and further submissions received in relation to Chapter 14 Heritage. The data, information, facts and assumptions I have considered in forming my recommendations are set out in this report.

2. RELEVANT STATUTORY CONSIDERATIONS

The overall Section 42A report provides the statutory framework for the District Plan and the review process and any changes since the Plan was notified. The provisions in this chapter have been developed in accordance with the specific statutory requirements as set out in the Section 32 report prepared and made available at the time that the Plan was notified.

Section 74 of the RMA requires that the District Plan must give effect to the Operative RPS. The RPS identifies the requirement to recognise and provide for matters of national importance, including historic heritage and places of significance to Maori. In particular Objectives 13 and 18 and their policies give guidance to this Plan.

The New Zealand Archaeological Association (NZAA) maintains an inventory of recorded archaeological sites in the district and the Council holds a copy of this inventory. Under the Heritage New Zealand – Pouhere Taonga Act 2014, an application must be made to Heritage New Zealand – Pouhere Taonga

(HNZ) for authority to destroy, damage, or modify any archaeological site, whether or not they have been recorded.

HNZ maintains a register of heritage resources, the New Zealand Heritage List Rarangi Korero. HNZ can place a Heritage Order over any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons. Heritage Covenants can be taken out by HNZ on a negotiated basis with landowners under the Heritage New Zealand – Pouhere Taonga Act 2014. Council also has this power under the Local Government Act. The Council can make information available through Land Information Memoranda. Some sites are protected through the District Plan.

Given the statutory requirements and specific provisions of the Heritage New Zealand – Pouhere Taonga Act 2014, Council will work with HNZ to encourage awareness of archaeological sites and other sites of heritage value and will ensure that there is input from iwi and hapū in making decisions.

3. STRUCTURE AND SUMMARY OF THE CHAPTER

The structure of Chapter 14 Heritage comprises issues, objectives, policies, activity status, standards, assessment criteria, other methods and expected environmental results. Appendices provide a list of protected heritage items and notable trees and it is to these listed items only that the rules in Chapter 14 apply. This chapter is an existing chapter in the Operative District Plan and the listed items and rules have been largely carried over to maintain a similar policy and rule regime.

4. SUBMISSIONS

4.1 SUBMISSION OVERVIEW

11 submitters lodged submissions on this chapter with a further 9 parties lodging further submissions. The broad issues raised in submissions are as follows:

- The legislation has been amended and the correct references should be made
- Include waahi tapu as a separate item, as well as a separate appendix
- Provide for “alterations and additions” rather than “modification damage and destruction” of historic items
- Define and provide for “Maintenance and repair” of historic items ie not additions and alterations
- Network utility connections to be provided for as Permitted Activities
- Allow earthquake strengthening as a controlled activity.
- Tidy up references to appendices and the headings of the appendices
- Require any demolition, full or part, as a non-complying activity

- Provide for a significant archaeological study to be undertaken and rules include in the Plan by plan change
- Include “Hiwarau” as a wahi tapu Area, 149 Hiwarau Road Kutarere
- Include “Waiwhero” as a wahi tapu area at SH 36 Omaramutu
- Match addresses with HNZ database
- Include 14 buildings in Appendix 14.9.1 Historic Items and research 36 more historic items for inclusion..
- Include additional trees next to the gym on Wellington St and the Kahikitea tree near drain between Parauta Road and Gault Road

In general, the submissions are supported and clarification and changes are recommended to achieve the correct alignment of the rules framework with the objectives, policies and statutory requirements.

The key issue is that Heritage NZ has requested that 14 new historic items are included in the list of historic items in 14.9.1 and a further 36 are researched for future inclusion. While the Plan supports the protection and retention of historic items, the inclusion of these items in response to submissions is not considered to be sufficiently robust and has not allowed consultation with and input from affected parties. Some sites are not adequately identified to enable specific consideration of the site and its values. There are economic implications in relation to inclusion that need to be considered carefully through an appropriate statutory process. Therefore, the recommendation is not to include these items at this time. However, this should not indicate that a future plan change will not be considered and recommended to the Council in the future.

4.2 SUBMITTERS

The 11 submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
8	Eastern Bay of Plenty – Forest and Bird	14.2.1, 14.2.1.3, 14.3.5.2, 14.3.6.1.3
10	Hancock Forest Management	14.3.5.1.2
17	Bay of Plenty Regional Council	14.2.3.4, 14.4
18	Heritage NZ	14.1.1, 14.1.2, 14.1.4, 14.1.5, 14.1.6, 14.2.1, 14.2.1.1, 14.2.1.2, 14.2.1.4, 1.2.2, 14.2.2.1, 14.2.2.2, 14.2.2.3, 14.2.3, 14.2.3.1, 14.2.3.2, 14.2.3.3, 14.2.3.4, 14.3.2.1.1, 14.3.2.1.2, 14.3.3, 14.3.3.1.1, 14.3.3.1.2, 14.3.4.1.1, 14.3.5.1.1, 14.3.5.1.2, 14.3.5.1.3, 14.3.6.1.2, 14.4, 14.4.1.2.1, 14.4.1.2.2, 14.4.1.3.1, 14.4.1.3.2, 14.3.1.3.3, 14.3.1.3.4, 14.4.1.3.5, 14.4.1.4.1, 14.4.1.4.2, 14.4.1.4.3,

Submitter Number	Submitter Name	Provisions submitted on
		14.4.1.5.5, 14.5, 14,5,1, 14,6,1, 14.7, 14.8, 14.9.1
19	NZ Defence Force	14.3.2
24	Opotiki District Council	14, 14.2.1.1, 14.3.3.1, 14.3.4.1, 14.5.1.2, 14.3.5.1.3, 14.3.6.1, 14.3.6.1.2, 14.3.6.1.3, 14.10
32	Ngai Tama	14.10
39	Transpower NZ Ltd	14.3.2.1.3, 14.6.1.1
53	Vodafone	14.3.2
54	Chorus	14.3.2
55	Spark	14.3.2

4.3 Nine further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on	
		Number	Name
3.104	Bay of Plenty Regional Council	18.105	Heritage NZ
3.105	Bay of Plenty Regional Council	18.118	Heritage NZ
3.143	Bay of Plenty Regional Council	18.121	Heritage NZ
3.144	Bay of Plenty Regional Council	18.123	Heritage NZ
3.121	Bay of Plenty Regional Council	18.153	Heritage NZ
11.34	Federated Farmers of NZ	18.119	Heritage NZ
11.46	Federated Farmers of NZ	18.178	Heritage NZ
21.1	Mayona Connell	18.166	Heritage NZ
20.1	Neil Linley & Barbara Brown	18.167	Heritage NZ
20.2	Neil Linley & Barbara Brown	18.168	Heritage NZ
14.9	Whakatohea Maori Trust Board	24.77	Opotiki District Council
14.10	Whakatohea Maori Trust Board	18.122	Heritage NZ
14.11	Whakatohea Maori Trust Board	18.149	Heritage NZ
14.12	Whakatohea Maori Trust Board	18.150	Heritage NZ
23.1	Glenn Collins	18.165	Heritage NZ
22.1	Alison Cookson	18.160	Heritage NZ
19.102	Horticulture NZ	17.14	BOPRC
18.56	Heritage NZ	24.77	Ōpōtiki District Council
18.57	Heritage NZ	53.29	Vodafone
18.58	Heritage NZ	54.29	Chorus
18.59	Heritage NZ	55.29	Spark
18.60	Heritage NZ	10.26	Hancock Forest Management

5. CONCLUSION

The changes recommended as a result of the analysis of submissions in Appendix 1 are outlined in the Tracked Changes Version of the Chapter (Appendix 2).

Appendices

Appendix 1 - Chapter 14 – Submissions Analysis

Appendix 2 – Chapter 14 - Track Changes