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## 4. HERITAGE

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### 4.1 SECTION INTRODUCTION

4.1.1 The Opotiki district has a vast heritage resource that comprises land, trees, objects, buildings, structures, and sites that are associated with the past. The Act requires as a matter of national importance that Council shall have particular regard to the recognition and protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. In addition Council shall recognise and protect the heritage values of sites, buildings, or areas. The heritage resources of the district are important as they connect the past with the present, and contribute to the character of the district. Heritage resources can be a determinant of the future use of a site.

4.1.2 Many heritage resources and values are sensitive to change. Archaeological sites are particularly vulnerable because they are not often recorded nor easily identified without the assistance of archaeologists and people with local knowledge. Over the years there has been a loss of the heritage resources of the district. This has resulted from a number of factors, including:

- Lack of understanding by the community that heritage management is about conserving and protecting, not about locking up resources.
- Lack of access to information on the heritage resources.
- No comprehensive identification of the district's heritage resources.
- Ignorance of the effects of land use activities on heritage resources.
- Deficiencies in information held on the heritage resources of the district.
- Public perception that where a resource classified as having heritage status its monetary value decreases.

4.1.3 Heritage management needs to be consistent across the entire district, and needs to be robust and able to cope with change. The management of the district's heritage resources needs to be dynamic as registers are constantly changing, new items are being unearthed, and some items may lose their heritage value. **Appendix 4** contains those resources of heritage values within the district which are registered with the New Zealand Historic Place Trust (NZHPT).

- 4.1.4 Proposed land use activities should ensure that waahi tapu, ancestral lands, water, historic sites and buildings, and notable individual trees, are protected. The New Zealand Archaeological Association (NZAA) maintains an inventory of recorded archaeological sites in the district. The Council holds a copy of this inventory. The Council is also preparing an inventory of resources and places of heritage value. This information will be made available through Land Information Memoranda and some sites will be protected through this plan. Under the Historic Places Act an application must be made to the NZHPT for authority to destroy, damage, or modify any archaeological site. This includes sites whether or not they have been recorded.
- 4.1.5 The NZHPT and other heritage protection authorities including Council and Bay of Plenty Regional Council, have power under the Act to require 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 NZHPT on a negotiated basis with landowners under the Historic Places Act 1993. Council also has this power under the Local Government Act. Given the statutory requirements and specific provisions of the Historic Places Act, Council will work with NZHPT to encourage awareness of archaeological sites and other sites of heritage value and will ensure that there is input from Iwi and Hapu in making decisions.

***A Plan change may be initiated to include in Appendix 4 those sites identified as being resources or places of heritage value.***

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## 4.2 RESOURCE MANAGEMENT STRATEGY

### 4.2.1 *Resource management issues*

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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 through 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 Maori 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.

### 4.2.2 *Objectives and policies*

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| Objective | 1. <b>The recognition and protection of the heritage value of resources, including buildings, objects, trees, and archaeological sites.</b>  |
| Policies  | <ol style="list-style-type: none"> <li>1.1 Ensure that modification, damage or destruction of any heritage resource is undertaken in accordance with Section 11 of the Historic Places Act 1993 and <b>Appendix 4</b> of the Plan so that alterations do not adversely affect the heritage values of the site.</li> <li>1.2 Manage those works undertaken on heritage resources where such works may adversely affect the values of the resource.</li> <li>1.3 Ensure that notable trees within the district are protected from the adverse effects of land use activities.</li> </ol> |
| Objective | 2. <b>Improved public awareness of the heritage resources that exist in the district, and a community commitment to the recognition and protection of these resources.</b>   |
| Policies  | <ol style="list-style-type: none"> <li>2.1 Quantify those resource within the district that have heritage value.</li> <li>2.2 Provide community and resource consent applicants information on heritage resources, so that a better understanding of potential effects can be obtained.</li> </ol>   |

- 2.3 Recognise that Iwi and Hapu 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 Hapu wishes.
- 2.4 Recognise the role of, and work with, other agencies (and legislation) such as the New Zealand Historic Places Trust and New Zealand Archaeological Association.

#### 4.2.3 *Methods of implementation*

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The objectives and policies of this section will be implemented by the following methods:

- 1. Rules
- 2. Other methods

## 4.3 RULES

The following rules provide for permitted activities, controlled activities, and discretionary activities and non-complying activities.

### 4.3.1 *Permitted activities*

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The following activities are permitted in any Zone in relation to a heritage resource identified in **Appendix 4**.

1. The removal of a notable tree listed in **Appendix 4** in emergency situations where the tree may threaten the safety of the community or the land transport network.

### 4.3.2 *Controlled activities*

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The following activities are controlled activities in any Zone in relation to a heritage resource identified in **Appendix 4**. The activities may be established after a land use consent has been granted by 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 or surgically treating a notable tree listed in **Appendix 4** where the effects on the form of the tree are minor.

Council has reserved control over the following matters:

#### Effects on notable trees

- i. The trimming of any notable tree will be undertaken after receiving advice from a trained arborist.
- ii. That the structure and form of the tree will not be depreciated by the trimming or treatment.
- iii. That the root system of the tree will not be harmed from the trimming or treatment.
- iv. Trimming or treatment of any tree will not affect any adjoining trees.

#### Heritage values

The effects of the activity on:

- i. The enhancement or depreciation of the resource's heritage values.
- ii. The heritage values of adjoining sites and heritage resources.

Alteration to the resource

The effect of the activity on:

- i. Structural deterioration of the heritage resource.
- ii. The degree to which any alteration will affect the character of the resource.
- iii. The use of materials and colours that will enhance the quality of the resource.
- iv. That the materials used are sympathetic to the surrounding environment.
- v. Destabilisation of the site, building, place or area of the heritage resource from tunnelling, digging, vibration, or excavation activities.

Enhancement of the resource

The effect of the activity on:

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

Council may impose conditions on a resource consent for a controlled activity only in relation to those matters stated above.

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 which may modify, damage or destroy heritage resources that are included in the Plan:

That such matters include:

- The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities;
- The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological sites;
- The significance of the heritage resource, its condition and the importance attached to the site;
- The findings of any assessment carried out by qualified persons (e.g. archaeologist in the case of historic sites). Such a report shall identify and provide assessment of effects and proposals for avoidance or mitigation of effects, where applicable;
- Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value, and;
- Any conditions imposed in an authority issued under the Historic Places Act 1993.

### 4.3.3 *Discretionary activities*

The Council may grant or refuse a resource consent for a discretionary activity. The following activities may be established after a land use consent has been granted by Council.

1. Modification of buildings or structures not complying with 4.3.1
2. Trimming or surgically treating a notable tree listed in **Appendix 4** where the form of the tree are more than minor effects.
3. Excavation or construction adjacent to or on an identified resource, or within the dripline of a notable tree. Where this shall include excavations or construction within 100m of a NZAA identified archaeological site.
4. The structural modification, or removal of any heritage resource, or part of any heritage resource, listed in **Appendix 4**.

**4.3.3.1** 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 which may modify, damage or destroy heritage resources that are included in the Plan:

- i. The necessity for the activity and alternative methods and locations available for applicants to carry out the works or activities,
- ii. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological sites,
- iii. 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.
- iv. The findings of any assessment carried out by qualified persons (e.g. 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,
- v. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value.
- vi. Any conditions imposed in an authority issued under the Historic Places Act 1993.

Where the significance of the site will be assessed against the following matters:

- i. The extent to which the place reflects important or representative aspects of New Zealand history.
- ii. The association of the place with events, persons, or ideas of importance in New Zealand history.
- iii. The potential of the place to provide knowledge of New Zealand history.
- iv. The importance of the place to tangata whenua.
- v. The community association with, or public esteem for, the place.
- vi. The potential of the place for public education.
- vii. The technical accomplishment or value, or design of the place.
- viii. The symbolic or commemorative value of the place.
- ix. The importance of identifying historic places known to date from early periods of New Zealand settlement.

- x. The importance of identifying rare types of historic places.
- xi. The extent to which the place forms part of a wider historical and cultural complex or historical, cultural and local landscape.
- xii. Such additional criteria for registration of waahi tapu, waahi tapu areas, historic places, and historic areas of Maori interest as may be prescribed in regulations made under the Historic Place Act 1994.

#### **4.3.4 Non-complying activities**

The Council may grant or refuse a resource consent for a non-complying activity. The following activity may be established after a land use consent has been granted by Council.

- 4.3.4.1 The demolition, or removal from the site of any heritage resource identified in **Appendix 4**.

### **4.4 STANDARDS**

See Zone Standards in **Section 12** to **Section 19** for each Zone of the district.

### **4.5 SUBDIVISION**

See **Section 10** and the subdivision standards in the Zone Sections of the District Plan.

### **4.6 OTHER METHODS**

- 4.6.1 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 land owners to protect heritage resources by:
    - i. Providing information about these resources including location, value, and mechanisms available for protection.
    - ii. 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 Opotiki District, and implementation of heritage plans to recognise and protect the distinct character of such townships.
4. Consultation with Iwi and Hapu to determine the most appropriate ways to protect and manage archaeological sites and waahi tapu where they are of concern for Maori heritage.
5. A Plan change may be initiated to include in **Appendix 4** those sites identified as being resources or places of heritage value

## 4.7 EXPLANATION

4.7.1 The reasons for the foregoing objectives, policies, and methods are stated below.

4.7.2 The Resource Management Act 1991 and the Historic Places Act 1994 place responsibilities on Council and on the general public to ensure that archaeological sites and other heritage resources of value to the community are protected. The development of a register at the District level will complement the small number of registered sites protected by the Historic Places Trust. The development of this register is presently being undertaken by the Council and will be reviewed on a regular basis.

4.7.3 The policies of this section have been implemented to ensure that the heritage resources of the district are quantified and protected. The policies assist in ensuring that heritage resources, and their values, are either managed or protected in a manner that provides for their continued existence. The heritage policies reflect Councils legislative responsibilities for heritage pursuant to Part II of the Act. They allow alteration to heritage resources, where the alteration is in keeping with the heritage values of the resource.

4.7.4 Rules have been the primary method of implementation employed for this section. Rules ensure compliance and enforceability. Heritage resources are important and rules are a method to ensure compliance with legislation. The rules of this section when used in conjunction with the Heritage Order provisions of the Act, and the provisions of the Historic Places Act 1994, will ensure the continued existence and protection of heritage resources within the Opotiki district.

4.8 **ANTICIPATED ENVIRONMENTAL OUTCOMES**

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

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