

## SECTION 11 - HERITAGE PROTECTION

### Introduction

Many places, buildings, features and trees within the District have cultural, historic, spiritual, scientific or other special interest to residents, both Maori and non-Maori, and to visitors to these areas. These items which include archaeological sites, historic buildings and waahi tapu sites and areas (sacred places of special significance to the takata whenua) all combine to give people a sense of place and belonging and are a connection to the past which most people wish to retain. They also create a special character for the District that is attractive to visitors who increasingly are interested to rediscover "the past". In addition, many of these features add to the amenity of areas within the District.

### Issues

The following is the resource management issue relevant to protection of heritage items in Mackenzie District. The objectives and policies which address this issue are then referred to. Finally where the Council intends to implement the objectives and policies by means outside of the District Plan these means are listed:

### Issue - Protection of Heritage Resources

#### Description

The people of the District and the Council want to see historic and special places and buildings protected in a way which permits them to be maintained for residents, visitors and future generations to enjoy. In addition, Section 6 of the Act requires the Council to "recognise and provide for" outstanding natural features and the relationship of Maori with sites, waahi tapu, and other taonga (treasures). However many people have an expectation of being able to carry out normal economic, domestic and recreational activities in buildings and areas without regulation as to how they carry out that activity. This is particularly so for items such as houses and woolsheds which are still in use.

It is clear that the Council has a role in identifying and providing a level of protection for heritage resources. In determining the appropriate level, the views of the owner, the community and recognised experts on heritage matters need to be considered. This is particularly so for items in private ownership where owners have needs and requirements that do not coincide with full protection of the heritage item from all damage or alteration. Council will support property owners who wish to alter buildings by assisting with information on how alterations can be done in a sensitive way.

While the Historic Places Act 1993 provides a framework for the identification and listing of historic places and areas and wahi tapu sites and areas, it does not in itself provide protection for heritage items other than archaeological sites. Section 10 of the Historic Places Act prohibits the destruction or modification of any archaeological site, which is defined as any site associated with human activity prior to 1900 and is able to provide evidence relating to the history of New Zealand. Such protection of archaeological sites is only possible if both the occupier or user of land is aware of the site and the Historic Places Trust is in a position to monitor all sites. Due to a lack of resources many archaeological sites within the District may not even be identified let alone be generally known by landowners.

There is therefore a need for protection to be provided for all heritage items known to be of

significance. Because of the past involvement of the District Plan in protection of these items and because of its central role in controlling land use, the District Plan is the obvious protection mechanism for heritage items. The identification and classification of many items by the Historic Places Trust in terms of their priority for protection gives the Council much needed information on which to base any protection controls. Archaeological sites, however, are protected by provisions of the Historic Places Act. Therefore it is considered that rules to protect these sites are not required in the District Plan, however it is recognised that the District Plan can assist in the identification of sites.

### **Relevant Objectives and Policies**

- Heritage Protection: Objective 1, Policy 1A, 1B 1C and 1D

## **Heritage Protection - Objectives And Policies**

### ***Objective 1 - Conservation Of Heritage Resources***

*Conservation and enhancement of the heritage resources of the District, including historic places and areas, wahi tapu sites and areas and archaeological sites, in order that the character and history of the District and its people can be preserved.*

#### **Reasons**

- The Act requires the Council to recognise and provide for "outstanding natural features and the relationship of Maori with sites, waahi tapu and other taonga" (Treasures)
- The Act requires the Council to have particular regard to the recognition and protection of the heritage values of sites, buildings, places and areas.
- The people of the district and visitors expect and appreciate the conservation of heritage items which give the past significance
- An appreciation of the past gives future generations a much greater sense of identity and gives a focus for future development.

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#### ***Policy 1A - District Plan Protection***

*To identify and protect important heritage buildings, objects, properties and places of special interest by scheduling them (in one of three Categories: X, Y or Z) in the District Plan and affording them differing levels of support and protection, according to their significance.*

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#### **Explanation and Reasons**

- Identification of important heritage items assists the public to become aware of these resources and encourages greater consideration of their value.
- Because historic resources have differing significance and because protection of these resources under the District Plan inevitably results in restrictions on the use and alteration of these resources it is appropriate that the significance of heritage items is matched with varying degrees of protection

- The Register of the Historic Places Trust provides a useful basis for determining the historic or other significance of some of the District's heritage resources, with all items in the register being subject to the District Plan's protection rules.
- To determine the historic or other significance of a building, object, property or place and its worthiness of protection in the Plan, any proposed heritage item is assessed and evaluated against the following criteria:

#### Historical & Social Significance

- The item is associated with the life and activities of a person, group, iwi, organisation or institution that has made a significant contribution to, or is recognised for its significant association with the local community, district or nation.
- The item is associated with an event or events that has made a significant contribution to, or is significant in the history of the local community, district or nation.
- The item is associated with broad patterns of cultural, social, political, educational, economic, military, recreational, religious, technological or industrial history.

#### Cultural Significance

- The item is associated with or commemorative of a way of life, philosophy, religion, custom, practice or other belief.
- The item is held in high esteem by a particular group or community.
- The item has special significance to takata whenua.

#### Physical Characteristics and Architecture

- The item is of a style, construction method or materials which is notable, rare, unique or an early example of a particular style, method of construction or use of material.
- The item retains a high proportion of its original fabric and character and is substantially unmodified.
- The item was designed or built by a person who has made a significant design contribution to the community, district or nation.

#### Environment and Setting

- The item is located on its original site.
- The item is a particularly important visual landmark or feature in the streetscape.
- The item contributes to the continuity and character of the street or neighbourhood.

#### Archaeological Significance

- The item provides or has the potential to reveal important archaeological information and physical evidence of early human activities.

#### Technological Significance

- The item is an example of technical accomplishment.

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### **Policy 1B**

*To actively protect historic items by supporting owners with properties listed in the Plan through the mitigation of costs.*

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### **Explanation and Reasons**

- Council recognise that there can be financial costs involved in obtaining professional advice on heritage matters and in maintaining and enhancing heritage items.

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### **Policy 1C - Wahi Tapu Sites And Areas And Archaeological Sites**

*To protect archaeological sites that are known through notifying the Historic Places Trust of activities which could adversely affect archaeological sites. To protect wahi tapu sites to the extent desired by the tangata whenua i.e. through informal processes.*

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#### **Explanation and Reasons**

- Due to the nature of archaeological sites it is not possible to identify all sites or areas. However, where sites are known, people can be alerted of their existence. The diverse nature of these heritage resources also makes it impossible to categorise them, as has been done for historic buildings, objects, properties and places of special interest.
- Ngai Tahu are concerned that public recognition of wahi tapu sites may lead to decimation or disturbance of these - something which has been avoided in the past where knowledge of these is retained by certain individuals within an iwi. Through the confidential sharing of this information with appropriate Council officers, people can be advised to discuss proposals with the tangata whenua if these might impact on wahi tapu.

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### **Policy 1D - Trees**

*To identify and provide protection for heritage trees and notable specimens or groups of trees.*

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#### **Explanation and Reasons**

- Trees can have important ecological, environmental, heritage and cultural values as well as endowing the landscape with distinctive environmental quality and character. The people of the District expect these values to be protected where they are significant.

#### **Implementation Methods for Policies 1A, 1B, 1C and 1D**

##### **Non-Regulatory**

The Council's policy is:

- To encourage public participation in the identification and protection of heritage resources through education and increased public awareness.
- To promote public awareness and appreciation of the importance of heritage resources, through the provision of information and advice to residents and visitors to the District.
- To encourage the use of protected buildings while ensuring that their valued features are not impaired or destroyed.
- To liaise with the takata whenua regarding informal procedures to preserve wahi tapu.
- Forwarding information to Historic Places Trust through Land Information

Memorandums, Project Information Memorandums and the resource consent process regarding proposed activities that may affect known archaeological sites.

- Advising people if they are proposing activities within areas known to have wahi tapu values, and referring them to the takata whenua.
- Make provisions in the Annual Plan for monies to be made available for the enhancement and protection of heritage items.

### **Regulatory**

- Category X rules
- Category Y rules
- Category Z rules
- Protected Trees

### **Environmental Results Anticipated for Polices 1A, 1B, 1C and 1D**

- Preservation of the heritage values of the most significant heritage resources within the District.
- Alterations to historic places of importance in the District which are in keeping with the heritage character of these items.
- A record of heritage items of local importance prior to any alteration, damage or removal and preservation of some of these items where initiatives are taken by the public.
- Encouragement for owners of heritage resources to restore and refurbish these items in keeping with the original form and value.
- Greater awareness of archaeological sites and the reasons for their significance
- Improved protection and preservation of wahi tapu sites and areas and archaeological sites
- Protection of trees listed in the District Plan

# HERITAGE PROTECTION RULES

## Introduction

All heritage items known to the Council to be worthy of protection have been identified on the Planning Maps by a special notation. These items are also listed in Schedule A to these rules which is part of the Heritage Protection Rules. The heritage items include historic buildings, objects and properties, places of special interest, and archaeological sites. All heritage items have been categorised as follows:

**Category X:** The item warrants permanent preservation because it is of exceptional significance to the District. Category X includes all places of special or outstanding historical or cultural heritage significance included in Category 1 of the Historic Places Register (of "special outstanding historical or cultural heritage significance or value"). Normally only minor alterations would be provided for by the District Plan rules.

**Category Y:** Preservation of these heritage items is important but not as significant as Category X items. Category Y includes all places of special or outstanding historical or cultural significance that are included in Category 11 of the Historic Places Register (of "historical or cultural heritage significance or value"). The District Plan rules permit some flexibility with respect to significant alterations to these items.

**Category Z:** These items are of District or local importance. While their preservation is encouraged by providing an opportunity for public initiatives preservation is not provided for by the District Plan rules, rather an opportunity is given for recording the items required prior to alteration or demolition.

**Archaeological Sites:** Sites identified by the Historic Places Trust as being of archaeological significance and deserving of protection from alteration or damage.

## 1 General Rules

- 1.a Alterations to heritage buildings, objects, properties or places of special interest shall be deemed to exclude necessary maintenance, which involves replacement with materials that are the same or similar as the original materials.
- 1.b The provisions of Section 193 of the Resource Management Act 1991 apply to any heritage resource identified as subject to a heritage order.

## 2 Category X Item Rules

- 2.a Any alteration or addition to a building, object, property, or place of special interest, identified as Category X in Schedule A to these rules and noted on the Planning Maps, shall be a Discretionary Activity.
- 2.b Any demolition or removal of a building, object, property, or place of special interest, identified as Category X in Schedule A to these Rules and noted on the Planning Maps, shall be a Non-complying Activity.

### 3 Category Y Item Rules

- 3.a Any demolition, removal, alteration or addition to a heritage building, object, property or place of special interest identified as Category Y in Schedule A to these Rules and noted on the Planning Maps, shall be a Discretionary Activity.

### 4 Category Z Item Rules

- 4.a Any demolition or removal of a heritage building, object, property or place of special interest identified as Category Z in Schedule A to these Rules and noted on the Planning Maps shall be a Permitted Activity, subject to written notice being given to the Council, followed by a three month period during which no work shall be undertaken by or on behalf of the owner or occupier, and;
- i the owner and/or occupier shall provide satisfactory photographs or other information held by them to the Council, of the building, place or object, and;
  - ii the Council may negotiate with the owner and/or occupier or other parties to explore options for the preservation of the building, place or object in whole or in part or may make the public aware of the proposal or action to be undertaken.
- 4.b Any alteration or addition to a building, object, property, or place of special interest identified as Category Z in Schedule A to these Rules and noted on the Planning Maps, shall be a Controlled Activity.

### 5 Rules For Waahi Tapu Sites And Areas

Any alteration to any waahi tapu site or area, listed in Schedule A to these Rules, shall be a Discretionary Activity.

Alteration shall mean excavation, physical investigations, damage and alteration, and includes the removal of soil, structures or trees, the reconstruction of any feature, or any other activity, use or work in the vicinity of the scheduled feature which endangers, damages or destroys the scheduled feature, but does not include routine maintenance and repair.

### 6 Rules For Protected Trees

- 6.a Any work involving a tree or group of trees listed in Schedule A to these Rules and identified on the Planning Maps including:
- i removal of any protected tree; or
  - ii significant trimming of any protected tree; or
  - iii the construction of any building or laying of overhead or underground services within 5m of the base of any protected tree, whether on the site or not; or
  - iv paving within 0.5m of the base of any protected tree.
- shall be a Discretionary Activity.

This rule shall not apply to works carried out in accordance with an approved management plan.



## ASSESSMENT MATTERS

### 7 Assessment Matters - Resource Consents

#### 7.a Discretionary Activities, Historic Place and Areas – Category X and Y

In considering any application to demolish, remove, alter or make additions to any heritage building, object, property or place of special interest listed as category X or Y in Schedule A the Council shall, in considering whether or not to impose conditions or decline consent, have regard to the following assessment criteria:

- i that any immediate or cumulative effects of the loss, removal, alteration or addition to the heritage building, object, property or place of special interest on local and District-wide heritage (with regard to the reasons for its listing) be taken into account;
- ii where a building is part of a group of similar buildings, any adverse effect on the integrity of building character in the vicinity be considered;
- iii any ability by the applicant to retain important features of the building, place or object, if it is not feasible to retain the whole building, place or object;
- iv any ability of the applicant to develop the site without altering, removing or demolishing the heritage building, object, property or place of special interest including where possible and appropriate or relocating the listed building, place or object elsewhere on site or to another site;
- v the extent to which any alteration or addition is in sympathy with the original design and materials;
- vi any incentives available to the applicant to retain the building, place or object;
- vii in the case of any place of cultural and spiritual significance to takata whenua, the adequacy of consultation and the response to that consultation;
- viii whether it would be appropriate to impose a restriction on any work involving major alterations, additions, removal or demolition for a specified time period to explore options to retain the building, object, property or place and/or its key features;
- ix in the case of major additions, alterations, removal or demolition, the provisions by the applicant of photographs or other information relating to the building, object, property or place prior to work commencing.

#### 7.b Controlled Activities, Historic Places and Areas - Category Z

In considering any application to demolish, remove, alter, or make additions to any heritage building, object, property or place of special interest listed as Category Z in Schedule A to these rules the Council shall, in considering whether or not to impose conditions, have regard to the following assessment criteria:

- i that any immediate or cumulative effects of the proposed work on local and District wide heritage with regard to the reasons for listing, be taken into account;

#### 7.c *Controlled Activities, Historic Places and Areas - Category Z continued ...*

- i the extent to which any alteration or addition is in sympathy with the original design and materials and does not adversely affect its special characteristics;
- ii any appropriate conditions which may:
  - enable part of the heritage building, object, property or place of special interest to be retained where relevant or appropriate;
  - any ability to redevelop the site while retaining all or part of the heritage building, object, property or place of special interest;
  - any incentives available to the applicant to retain the building, place or object;
- iii whether it would be appropriate to impose a restriction on any work involving major alterations or additions for a specified time to explore options to retain original heritage features of the building, object, property or place;
- iv the provision by the applicant of photographs or other information relating to the building, object property or place prior to work commencing.

#### 7.d **Assessment of Discretionary Activities Relating to Protected Trees**

When considering any application for work affecting a heritage tree or notable tree, the Council shall, in deciding whether or not to impose conditions, have regard to the following assessment criteria:

- i whether the applicant has the ability to undertake a permitted activity without removal or any major trimming of the tree;
- ii the condition of the tree including any potential hazard;
- iii the effect of any trimming, or disturbance of the root system, of the tree on its appearance or health;
- iv the effect of any building on the visibility of the tree from a road or public place;
- v whether the tree or trees are currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned;
- vi the provisions of Section 129(c) of the Property Law Act;
- vii whether the tree or trees seriously restrict the development;
- viii any substitute or compensating tree planting or landscaping proposed.

## 8 **Non-Notified Consents**

The following resource consents do not need to be publicly notified:

- Controlled Activity: 4b Addition or alteration to Category Z item.