

Chapter 14

Heritage



14. HERITAGE

ADVICE NOTE:

All pre 1900 sites, recorded or unrecorded, are protected under the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority may be required for earthworks or works to buildings and structures. Heritage New Zealand Pouhere Taonga should be consulted before undertaking proposed works. This requirement applies in addition to the rules in this Plan.

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 historic places and waahi tapu, including excavation in or in close proximity to the site and can affect the stability of the foundations.
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 (or *heritage resources*) which may be changed or destroyed where landowners are unaware of their existence.

14.2 OBJECTIVES AND POLICIES

14.2.1 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

- 14.2.1.1 Identify the resources within the District that have heritage value.
- 14.2.1.2 Provide community and resource consent applicants information on *heritage resources*, so that a better understanding of potential effects can be obtained.

14.2.1.3 Recognise the role of, and work with, other agencies (and legislation) such as Heritage New Zealand Pouhere Taonga and the New Zealand Archaeological Association.

14.2.2 OBJECTIVE

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

POLICIES

14.2.2.1 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.

14.2.2.2 Encourage the development of Iwi and Hapū resource management plans that provide information about sites of cultural significance and information about external processes that may impact on cultural resources, such as under the Resource Management Act 1991 and through Heritage New Zealand and the Department of Conservation.

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

14.2.2.4 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.

14.2.3 OBJECTIVE

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

POLICIES

14.2.3.1 Destruction, demolition, partial demolition or removal of historic items listed in Appendix 14.10.1 should be avoided.

14.2.3.2 Ensure that alterations and additions to any *heritage items* listed in Appendix 14.9.1 are undertaken in such a manner that the alterations or additions do not adversely affect the heritage values of the historic item.

14.2.3.3 Ensure *signs* on heritage items listed in Appendix 14.9.1 and on the sites on which they are

located do not adversely affect heritage values and avoid unnecessary or inappropriate signage.

14.2.3.4 Ensure notable trees are protected from the adverse effects of subdivision, use and development activities, including activities located close to identified trees.

14.2.3.5 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.

14.2.4 OBJECTIVE

To recognise and protect the heritage values of waahi tapu sites and areas.

POLICY

14.2.4.1 Protect waahi tapu sites and areas listed in Appendix 14.10.2 from inappropriate activities including building or excavation in or on the site.

14.3 ACTIVITY STATUS

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 are met. Additional controls may apply in the Zone and other chapters.

14.3.2 PERMITTED ACTIVITIES

14.3.2.1 Subject to compliance with the relevant Standards the following activities in relation to a *heritage resource* identified in Appendix 14.9.1 may be established without resource consent from *Council*.

- 1 *Maintenance and repair* of historic items listed in Appendix 14.9.1.
- 2 One *sign on buildings*, structures or sites listed in Appendix 14.9.1 or Appendix 14.9.2 subject to compliance with 14.7.1.

14.3.3 CONTROLLED ACTIVITIES

14.3.3.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may impose conditions only in relation to the matters over which it has reserved control in section 14.4. The activities must comply with the relevant Standards.

- 1 Works on an historic item listed in Appendix 14.9.1 for the purposes of earthquake strengthening.
- 2 Trimming a notable tree listed in Appendix 14.9.3 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 activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent and impose conditions only in relation to the matters over which it has restricted its discretion in 14.5. The activities must comply with the relevant Standards.

1. *Additions and alterations* to any *heritage resource* listed in Appendix 14.9.1.
2. An additional *sign* on *buildings*, structures or sites listed in Appendix 14.9.1 subject to compliance with 14.7.2.

14.3.5 DISCRETIONARY ACTIVITIES

14.3.5.1 The activities listed below may only be established after resource consent has been granted by *Council*. The *Council* may refuse consent or grant consent subject to conditions. The standards in 14.6 will be used as a guideline when assessing the application.

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 *buildings*, structures or sites listed in Appendix 14.10.1, waahi tapu sites and areas listed in Appendix 14.10.2 or a notable tree listed in Appendix 14.9.3.

14.3.6 NON-COMPLYING ACTIVITIES

14.3.6.1 The activities listed below may only be established if resource consent has been granted by *Council*. The *Council* may refuse or grant consent for a non-complying activity. The standards will be used as a guideline when assessing the application.

1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity, unless otherwise stated.
2. The *demolition, partial demolition, removal* or destruction of any *heritage resource* identified in Appendix 14.9.1.
3. The removal or destruction of a notable tree identified in Appendix 14.9.3.

14.4 CONTROLLED ACTIVITIES: MATTERS OVER WHICH CONTROL IS RESERVED

14.4.1 The *Council* has reserved control over the following matters:

14.4.1.1 Effects on notable trees

1. The trimming of any notable tree will be undertaken only 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 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 extent to which the earthquake strengthening reserves the recognised heritage values of the historic item.
4. The nature, form and extent of the activity and the likelihood of damage, modification or destruction of archaeological sites.
5. The significance of the *heritage resource*, its condition and the importance attached to the site.
6. Whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Place of Cultural Heritage Value.
7. Any conditions imposed in an authority issued under the Heritage New Zealand Pouhere Taonga Act 2014.

14.5 RESTRICTED DISCRETIONARY ACTIVITIES: MATTERS OVER WHICH DISCRETION IS RESTRICTED

14.5.1 Council has restricted its discretion over the following matters:

14.5.1.1 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.

14.5.1.2 **Additions and alterations to any heritage resource**

1. The conservation or depreciation of the resource's heritage values.
2. Structural deterioration of the *heritage resource*.
3. The degree to which any alteration or addition will affect the heritage values of the resource.
4. The use of materials and colours is consistent with the identified heritage values.
5. That the materials used are sympathetic to heritage values of the surrounding environment.
6. Destabilisation of the *site*, building, place or area of the *heritage resource* from tunnelling, digging, vibration, or excavation activities.

14.5.1.3 The effects of the alteration or addition in relation to the conservation of the resource

1. Mechanisms implemented to protect and conserve heritage values.
2. Use of design criteria including scale, design, form, style, bulk, height, colour, materials, orientation, placement of *signs* and location of site access to conserve heritage values.
3. Any fencing, screening or other physical works that assist in conserving values of the *heritage resource*.
4. The effect on the heritage values of adjoining *sites* and *heritage resources*.

14.5.1.4 The findings of any assessment carried out by qualified persons (eg. archaeologist in the case of historic sites). Such a report shall identify the heritage values of the heritage site or resource and provide an assessment of effects and proposals for avoidance or mitigation of effects, where applicable.

14.6 ASSESSMENT CRITERIA FOR DISCRETIONARY ACTIVITIES

14.6.1 The *Council* will have regard to but is not limited to the following matters when considering whether to grant or refuse consent or impose conditions:

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 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.

8. In relation to new buildings to be constructed within a site listed in Appendix 14.9.1, the extent to which the location, bulk, scale and design of the new building detracts from the recognised heritage values of the historic item in Appendix 14.9.1 will be considered.

14.7 STANDARDS

These Standards apply to permitted, controlled and restricted discretionary activities, unless otherwise stated. They will be used as a guideline when assessing applications for discretionary and non-complying activities.

14.7.1 One *sign* of no greater than 0.5m² on *buildings*, structures or *sites* listed in Appendix 14.9.1 14.7.1 or Appendix 14.9.2 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*.

14.7.2 An additional *sign* on features listed in Appendix 14.9.1 that have existing *signs* shall be a Restricted Discretionary Activity, subject to compliance with the following conditions:

- (a) Additional *signs* shall not be greater than 0.25m² in area provided that:
- (b) The *sign* denotes the name or purpose of the activity undertaken on the *site*.
- (c) A freestanding *sign* has a maximum *height* of 2m.
- (d) An attached *sign* is located on the ground floor level of the *building*.
- (e) The *sign* is not internally illuminated or made of reflective material.
- (f) 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* shall not protrude beyond the *building* body, and
 - iii. The *sign* shall be 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*.

14.8 OTHER METHODS

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

1. *Council* development of a Plan Change for a cultural heritage inventory and protective rule framework for the District in consultation with the community. The Plan Change would be based on a cultural heritage study to identify, assess and select for scheduling waahi tapu and sites of significance to Maori. 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 Plan Changes to recognise and protect the distinct heritage character of the townships. The Matthews and Matthews Ōpōtiki Town Centre Historic Heritage Study 2006 would be used as a background for the plan change with regard to the Ōpōtiki town centre.
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.
5. A Significant Archaeological Study to be undertaken for the District, with its outcomes being included for recognition and protection and appropriate rule framework within the District Plan. A Plan Change could then be developed for significant archaeological sites and related protective rules for the District in consultation with the community and Heritage New Zealand.

14.9 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 in the District Plan for their values or managed in a way that ensures their continued existence.

14.10 APPENDICES

14.10.1 HERITAGE ITEMS

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

Register No.	Description	Locality	Category
7221	Tauranga Bridge	Waioeka Road (State Highway 2) Waioeka Gorge Okiore	I
3497	War Memorial	Road reserve in Elliott 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	Courthouse	119 Church Street, Corner of Church Street and Elliott Street. Allot 447 Sec 2 Town of Ōpōtiki	II
142	Hiona St Stephens Church, Church of St Stephen the Martyr	128 Church Street Ōpōtiki	I
807	Shalfoon Brothers Shop Buildings (Former)	129 Church Street and Kelly Street and Potts Avenue Ōpōtiki	I
3504	Rostgard's Building	King Street, 99 Church Street, Lot 2 DP 9130 Ōpōtiki	II
3500	Masonic Hotel	121 Church Street, Elliott Street and Potts Avenue Ōpōtiki	II
808	Agassiz House	State Highway 2 and Matchetts Road Ōpōtiki	II
806	St John's Church	102 St John Street Ōpōtiki	II
7197	Manganuku Bridge	Waioeka Road (State Highway 2) Waioeka Gorge Wairata	II
3471	Christ Church	State Highway 35 Raukokore	I
3505	St Paul's Church	Te Kaha Church Road, Te Kaha	II
7764	Bridger's Ltd (Former)	122 Church Street and Elliott Street, Ōpōtiki	II
7740	Salvation Army Barracks (Former)	13 King Street and Service Lane, Ōpōtiki	II

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Register No.	Description	Locality	Category
9313	Fraser Cameron Limited	97a Church Street, Ōpōtiki	II
7765	Patterson's Buildings	104 Church Street, Ōpōtiki	II

The New Zealand Archaeological Association holds information on known archaeological **sites** within the Ōpōtiki District. It is recommended that this information be considered by consent applicants and that they seek advice where appropriate from an archaeological consultant. A list can be found at nzarchaeology.org.

14.10.2 WAAHI TAPU SITES AND AREAS

Waahi Tapu Sites and Areas that are listed with the Heritage New Zealand Pouhere Taonga:

Register No.	Description	Locality	Category
6726	Mataruia Punawai	Te Kaha Roadway and Stare Highway 35 Te Kaha	Waahi Tapu
6727	Toka A Kuku	Te Kaha Church Road Te Kaha	Waahi Tapu
9636	Owhainene Urupa and Repo	Torere	Waahi Tapu
9642	Waipae Urupa	2826 State Highway 35, Hawai; Lot 1 DP 9365 Gisborne Land District	Waahi Tapu
7455	Hiwarau	149 Hiwarau Road, Kutarere	Waahi Tapu
7463	Waiwhero	State Highway 35, Omaramutu, Ōpōtiki	Waahi Tapu Area

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 considered by consent applicants and that they seek advice where appropriate from an archaeological consultant. A list can be found at nzarchaeology.org.

14.9.3 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	
Coastal Redwood & Kauri <i>Sequoia sempervirens</i> & <i>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
Poplar <i>Populus deltoides</i>	On St John St on river side after Princess St intersection	Urban	(roadside)	2886551/ 6346889

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Type	Location	Rural/Urban	Valuation #	GPS
Kauri <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