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# Historic Heritage

## 7. Historic Heritage

### Explanatory Statement

The history of pre and post European settlement within the *District* has provided a rich legacy of trees, buildings, objects and sites of historic heritage value to both Maori and non-Maori. Examples range from residential and commercial buildings of architectural and/or historic value through to trees of historic or botanical value and sites of sacred and cultural value to tangata whenua.

The identification and conservation of these identifiable elements of the *District's* historic heritage therefore is a primary means by which their distinct values can be safeguarded from disturbance, unsympathetic use or *development*, or outright destruction.

The District Plan includes a Schedule of Identified Significant Historic Heritage Features and *Council* may also implement Heritage Protection Orders. The latter type of protection is likely to be provided to items of national significance. In addition, *Council* has further information stored on the Geographical Information System (GIS) and other records. This information is available to the public and may be referred to for resource and building consents. The information will also be available for use in public brochures.

The list of items has been prepared in consultation with iwi, Heritage New Zealand and the community generally. *Council* aims to work with the wider community to identify additional sites and objects of cultural and natural significance. Additional trees can also be considered for addition to the District Plan.

*Council* wishes to encourage the continued reasonable use of scheduled buildings as a means of ensuring the ongoing preservation of the structure to the public's benefit. Reasonable and often alternative use of scheduled buildings is acceptable provided that there are no adverse effects and all interested persons and groups consent to the *development*.

*Council* will also be supportive of historic heritage protection and preservation using methods outside of the District Plan.

*Council* recognises the contribution of iwi management plans to its planning processes. *Council* wishes to work jointly with tangata whenua to encourage the continued identification, assessment and inclusion of historic heritage items within the District Plan.

For the avoidance of doubt, the provisions of this section apply to all 'historic heritage items' which are defined by the Heritage New Zealand Pouhere Taonga Act 2014 as any type of historic place or area.

It may include a historic building, historic site (including archaeological site), a place/area of significance to Maori, or heritage landscape and can also refer to any item within the schedule in Appendix 3.

## 7.1 Significant Issues

1. Many historic heritage features are under threat of destruction or deterioration, placing them at risk to irreversible loss to the wider community.
2. Interference with wahi tapu (sacred sites), wahi tupuna (ancestral sites) and other sites of importance to tangata whenua.
3. Provision of public access to historic heritage items can compromise their integrity.
4. There is a potential conflict between encouraging the use of heritage buildings, having regard to the owner's objectives and having regard to objectives relating to the *development* of the *District's* town centres.
5. There is a lack of public funding for the purchase and protection of Significant Historic Heritage Features particularly where the rights of individual property owners are unreasonably limited.
6. Each urban community within the *District* has prepared a community development plan that reflects the character of their area. Recognition needs to be given to the role historic heritage sites, buildings, items and features play in defining the unique character of the *District's* communities and the outcomes sought by these community development plans.

## 7.2 Objectives and Policies

### 7.2.1 Objectives

1. Protection and preservation of a unique or representative range of historic heritage items of value to the community and to the nation.
2. The protection and conservation of buildings and objects of historic heritage value to the *District*.
3. That the Kaitiakitanga of tangata whenua in relation to sites and objects of cultural and natural heritage is respected.

4. To identify and provide for the retention and protection of scheduled trees within the *District*.

### 7.2.2 Policies

1. Public awareness and appreciation of historic heritage resources should be increased so as to minimise adverse effects on the historic heritage feature or on the spirituality associated with the site or feature.
2. Public access to historic heritage sites should not jeopardise the integrity of the item, nor the reasonable operation of activities on the parent property.
3. The demolition of scheduled buildings and objects should be discouraged.
4. The effects of activities and *development* which could damage or destroy the historic heritage values associated with scheduled buildings and objects should be minimised.
5. The continued use or reuse of scheduled buildings while ensuring that their valued features are not damaged or destroyed should be encouraged.
6. Identified sites and objects of significant cultural and natural heritage value to tangata whenua should be protected.
7. Tangata whenua should be consulted regarding the identification, protection and management of sites and objects considered to be of cultural and natural heritage value.
8. Ensure scheduled trees are removed only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.
9. Ensure that the health, vigour and function of scheduled trees are not compromised by any *development* or activity.
10. Provide for the ongoing care and maintenance of scheduled trees.

## 7.3 Activity Lists

These rules apply to Identified Significant Historic Heritage Features. Refer to the Planning Maps for location and Appendix 3 for further details.

### 7.3.1 Permitted Activities

- (a) Routine maintenance, restoration or repair to the exterior of any scheduled building or object to the same design as and using the same or equivalent materials and appearance to those originally used.

**Note:** "Repair" of a building means restoration of the scheduled building, or part of the scheduled building to good or sound condition. "Maintenance" means the protective care of the scheduled building. Any repair and maintenance work on a historic heritage scheduled building shall be guided by the Best Practice Guidelines of Heritage New Zealand.

- (b) Internal alteration of any scheduled building, excluding those listed in Appendix 3 as having a significant interior.
- (c) Removal of broken branches, deadwood or diseased vegetation, or minor trimming or maintenance of any scheduled tree or group of trees in order to maintain their state of health.

**Note:** Responsibility for the cost of such works associated with electricity utilities shall be guided by the Electricity (Hazards from Trees) Regulations 2003.

- (d) The removal of branches interfering with buildings, structures, overhead wires and electrical lines or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with those overhead wires or utility networks.

**Note:** Responsibility for the cost of such works associated with electricity utilities shall be guided by the Electricity (Hazards from Trees) Regulations 2003.

- (e) Destruction or removal of any scheduled tree by the *Council* or a recognised utility operator where this is required:
- (i) As an emergency work to maintain or restore existing power or telecommunication links; or
  - (ii) For the purpose of containing the spread of disease.
- (f) Any activity within the dripline of a scheduled tree except for:
- (i) The destruction, removal or partial removal of the scheduled tree;
  - (ii) The alteration of existing *ground levels* by excavation or deposition of soil including thrust boring and directional drilling;

- (iii) The covering of the ground by erection of any scheduled building or structure or the storage of goods, including the parking of vehicles;
  - (iv) The laying of any impervious surface;
  - (v) The discharge of any toxic substance unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected;
  - (vi) *Any earthworks.*
- (g) Activities on reserves as provided for in the Reserves Act 1977.
- (h) The following minor public recreational facilities and activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park);
- (i) Maintenance of walking tracks (including resurfacing), steps and boardwalks where no subsurface disturbance occurs;
  - (ii) Re-vegetation and vegetation removal including: removal/control of indigenous, exotic, noxious or nuisance plant species, weed control and tree and vegetation planting;
  - (iii) Fencing, including replacement fencing and *signage* attached to fencing;
  - (iv) New interpretation and directional *signage* which does not require ground disturbance.
  - (v) Soil erosion protection and slip protection works to protect cultural/archaeological sites, provided they do not include surface disturbance.
  - (vi) Maintenance and replacement of existing park furniture including: bollards, gates, stiles, seating, picnic tables and interpretative and directional *signs* and binocular stands;
  - (vii) Maintenance of public toilets, carparks and access roads;
  - (viii) General maintenance of reserves and public open space areas for the use and enjoyment of the public.
  - (ix) *Farming* activities including grazing and realigning fences;

- (x) Animal pest control.
- (i) Any works or activities within Cultural Heritage Feature 114 (Papamoa Hills Regional Park) for which an authority has been granted under the Heritage New Zealand Pouhere Taonga Act 2014. (See 7.6.2 "Archaeological Sites").

### **7.3.2 Controlled Activities**

- (a) External alterations and additions to Category B scheduled buildings not complying with 7.3.1(a).
- (b) Internal alteration of any scheduled building listed in Appendix 3 as having a significant interior.

### **7.3.3 Discretionary Activities**

- (a) Relocation of scheduled buildings and objects (not including scheduled trees).
- (b) External alterations and additions to Category A scheduled buildings not complying with 7.3.1(a).
- (c) Destruction or removal, in whole or in part, of any scheduled tree.
- (d) Within the dripline of a scheduled tree:
  - (i) The destruction, removal or partial removal of the scheduled tree;
  - (ii) The alteration of existing ground levels by excavation or deposition of soil including thrust boring and directional drilling;
  - (iii) The covering of the ground by erection of any scheduled building or structure or the storage of goods, including the parking of vehicles;
  - (iv) The laying of any impervious surface;
  - (v) The discharge of any toxic substance unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected;
  - (vi) Any *earthworks*.

- (e) Alteration or reconstruction of any scheduled cultural heritage feature or excavation, *construction*, or any other work on or within a 20m radius of any scheduled cultural heritage feature including the use of heavy machinery and the planting of trees on or adjoining any scheduled cultural heritage feature. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.

**Note:** This rule shall not apply to land within a 20m radius of scheduled cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

- (f) Subdivision of land on which exists any scheduled Historic Heritage Feature where the new *lot* boundary will come within 20m of that scheduled feature.

**Note:** This rule shall not apply to land within a 20m radius of scheduled cultural heritage features that are identified on the Planning Maps and/or in Appendix 3 with specific boundaries.

- (g) Alteration, reconstruction or removal of, or excavation, *construction* or any other work on, any part of a built heritage feature which is not a *building/structure* or similar but which has been identified as contributing to the significance of that feature.

**Note:** This includes but is not limited to items such as trees, graves, subsurface remains, bridge embankments and land within domains and reserves.

#### 7.3.4 Non Complying Activities

The demolition or destruction of any scheduled historic heritage feature.

## 7.4 Matters of Control - Controlled Activities

### 7.4.1 External alterations and additions to Category B Scheduled Buildings not complying with 7.3.1(a)

Matters over which *Council* will exercise control are limited to those relating to external design and appearance, including the following:

- (a) Whether the works are compatible with the original historic heritage fabric of the scheduled building, but visually distinct enough to be recognised as new work.
- (b) Whether the alterations and additions reflect the architectural style and character of the scheduled building.
- (c) Whether the alterations or additions respect the scale of the scheduled building and will not be visually dominant.
- (d) Whether alterations to street elevations are minimised.



## **7.4.2 Internal alteration of any schedule building listed in Appendix 3 as having a significant interior**

Matters over which *Council* will exercise control are limited to those relating to internal design and appearance, as follows:

- (a) That the work does not alter, obscure or remove significant historic heritage fabric and fixtures;
- (b) That modern services such as smoke detectors and sprinkler heads are installed using concealed methods;
- (c) That engineering work is discretely installed, for example seismic bracing should not be visible through prominent windows.

## **7.5 Matters of Discretion**

### **7.5.1 General Assessment Criteria for all Discretionary Activities**

In considering an application for any Discretionary Activity, *Council* shall have regard to but not be limited to considering the following matters:

- (a) The nature of the item and the reasons why the item is scheduled.
- (b) The nature, form, character and extent of the alteration, addition, reconstruction, excavation, *construction* or work.
- (c) The effect of the proposed activity on the character and integrity of the scheduled item.
- (d) The removal, significant pruning or inappropriate planting of trees or vegetation associated with and on the site of a scheduled item will generally be discouraged.
- (e) The reasons why the activity is necessary.
- (f) Comments and recommendations from tangata whenua (for features which are significant to them) and Heritage New Zealand.
- (g) The conservation principles contained within the ICOMOS New Zealand Charter (1993) and any amendments or additions for the conservation of places of historic heritage value.
- (h) Any relevant objectives and policies of the District Plan.

- (i) In addition to the foregoing, *Council* may consent to the redevelopment of scheduled historic heritage items (except trees) not in conformity with the District Plan's performance standards but consistent with the objectives and policies for the zone in the following circumstances:
  - (i) Where conformity with the zone standards and terms would change the intrinsic value and character of the historic heritage item; and
  - (ii) The proposed activity will positively encourage the protection and preservation of the scheduled item.

### **7.5.2 Discretionary Activity Criteria for External Alterations and Additions to Category A Scheduled Building**

- (a) Whether the external alterations and additions will be compatible with the original fabric of the scheduled building, but visually distinct enough to be recognised as new work.
- (b) Whether any alterations and additions reflect the architectural style and character of the scheduled building.
- (c) Whether any alterations and additions respect the scale of the scheduled building and are not visually dominant.
- (d) Whether alterations to street elevations are minimised.
- (e) Whether any alteration or additions will respect the setting in which the scheduled building is located.
- (f) Any other relevant assessment criteria covered in 7.5.1.

### **7.5.3 Discretionary Activity Criteria for the Relocation of Scheduled Buildings and Objects**

- (a) Whether relocation is the only means of saving the scheduled building.
- (b) Whether the new site will provide a setting compatible with the significance of the scheduled building or object.
- (c) Whether the relocation will enable the continuation and appreciation of the historic heritage values associated with the scheduled building or object.
- (d) A conservation plan prepared by a historic heritage professional, should inform and guide any proposal that involves relocation.

- (e) Any scheduled building that will be removed should be fully recorded and documented both prior to, and during the removal process.
- (f) Any other relevant assessment criteria covered in 7.5.1.

**Explanatory Note:**

With regard to the relocation of any pre-1900 *building*, the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014 may be relevant.

#### **7.5.4 Discretionary Activity Criteria for Scheduled Trees**

- (a) The extent that the proposed works will affect the root system of the scheduled tree.
- (b) The extent that the proposed activity will affect the longevity, health, vigour and stability of the scheduled tree.
- (c) Whether the proposed activity or works can occur in an alternative location that will reduce any actual or potential effects on the scheduled item.
- (d) The extent to which any proposed substitute or compensating tree planting or landscaping will mitigate the loss of the amenity or character.
- (e) Any other relevant assessment criteria covered in 7.5.1.

## **7.6 Other Methods**

### **7.6.1 Council Fees and Advice**

- (a) Application fees shall be waived for resource consents for works on scheduled historic heritage items including applications to trim, poll or surgically treat any scheduled tree and *Council* shall apply a 50% reduction on building and other fees associated with preservation works on scheduled historic heritage sites.
- (b) *Council* shall provide technical advice on the maintenance of scheduled trees.

### **7.6.2 Archaeological Sites**

Archaeological sites are subject to a separate consent process under the Historic Places Act 1993. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand.

This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 also provides for substantial penalties for unauthorised destruction, damage or modification.

### **7.6.3 Papamoa Hills Regional Park**

The Papamoa Hills Regional Park is recognised as an Identified Significant Historic Heritage Feature because of its significant archaeological and cultural heritage values. The Bay of Plenty Regional Council purchased this land and established the Park primarily because of these values and protects these through the implementation of the Papamoa Hills Regional Park Management Plan, Papamoa Hills Regional Park Conservation Plan and Papamoa Hills Regional Park Re-Vegetation Plan. The Papamoa Hills Advisory Committee also guides works within the Park and consists of representatives from hapu and Heritage New Zealand.

### **7.6.4 Building Act Flexibility**

*Council* may consider more creative solutions to building consent issues through Section 47 of the Building Act.

### **7.6.5 Education and Information**

- (a) In addition to those features identified on the Planning Maps, other features that have been identified and documented are contained on *Council's* Geographic Information System. This database will be maintained and referred to for resource consents, monitoring, and land information systems.
- (b) *Council* in conjunction with agencies may produce and distribute pamphlets on the *District's* historic heritage.
- (c) *Council* shall provide information plaques in conjunction with Heritage New Zealand for all Registered Historic Heritage Items.