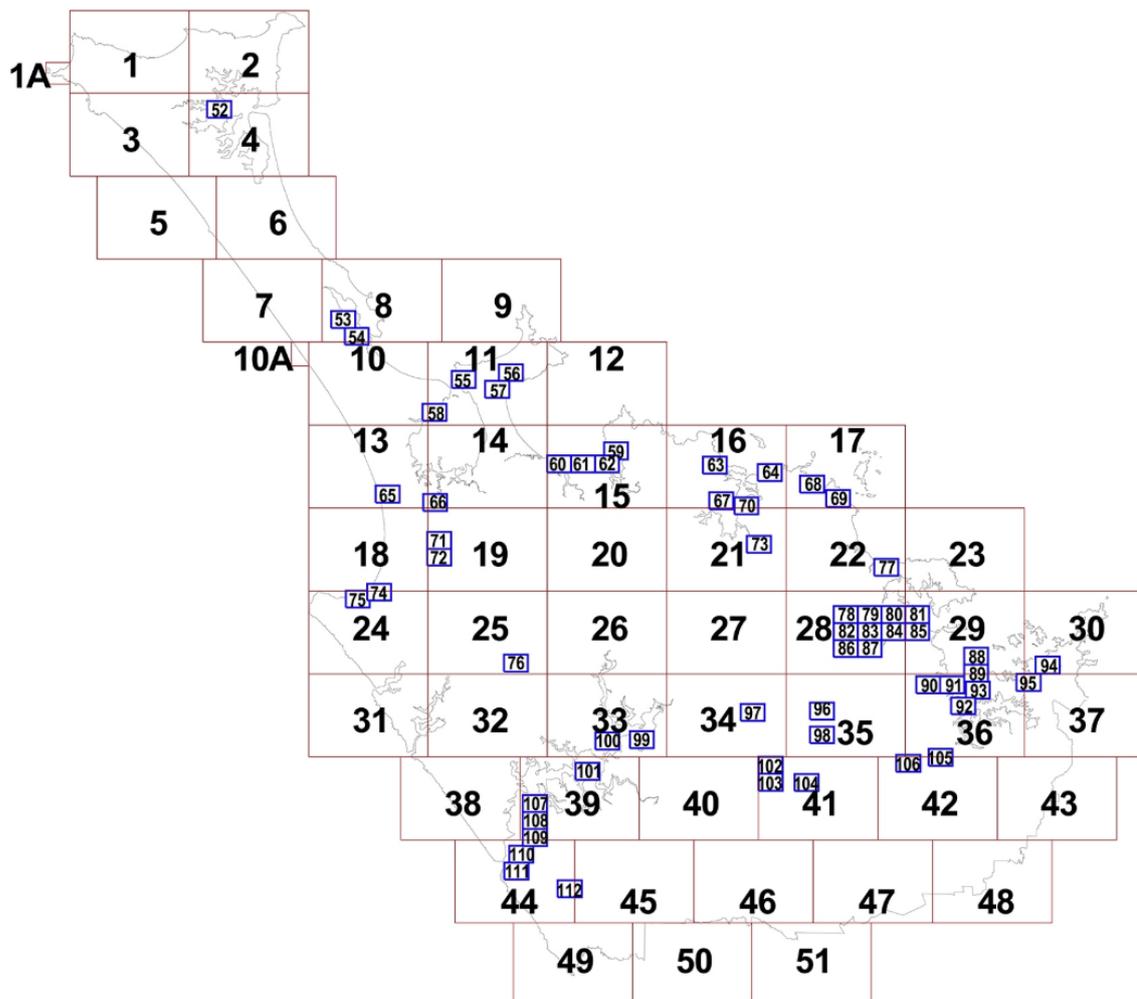


FAR NORTH DISTRICT PLAN REVIEW  
HISTORIC HERITAGE  
STAGE ONE BACKGROUND RESEARCH  
PREPARED FOR FAR NORTH DISTRICT COUNCIL  
JUNE 2020



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CONTROLLED DOCUMENT

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## EXECUTIVE SUMMARY

Far North District Council is reviewing the 2009 District Plan and as part of this process has commissioned Plan.Heritage Ltd to undertake a review of 'Historic Heritage Areas' in the District, comprising the Heritage Precincts, Heritage Areas and the Waimate North Special Zone.

This *Historic Heritage: Stage One Background Research report* presents the findings on the existing planning policy provisions and baseline information for Historic Heritage Areas in the District. It recommends that the current Historic Heritage Areas are looked at entirely afresh. This is both in policy terms, to improve the effectiveness of the planning provisions and also on the ground, to improve the evidence upon which these provisions should be based.

Specifically this report covers:

1. The planning policy framework – nationally and regionally- in which the district plan must operate and achieve co-ordination of policies across District Council boundaries, in order to promote sustainable development;
2. A review of the Far North District Plan (2009) – which for Historic Heritage Areas is currently highly fragmented, lacking in data, complex and difficult to implement;
3. A detailed discussion on key considerations for the Historic Heritage Area provisions to improve their effectiveness, which particular regard to the National Planning Statement (updated November 2019); and,
4. finally, the key preliminary recommendations for the new Historic Heritage Area provisions, acknowledging that further research, fieldwork, discussion with Council staff and consultation with external stakeholders is required.

The approach taken has been to understand the range of historic heritage values attached to existing historic heritage areas, and the landscape attributes that support these values. This is set out in the accompanying document '*Far North District Plan Review: Historic Heritage Stage Two Assessment Reports*'. This has been carried out in tandem with a thorough desk-top review, set out in this report.

Good planning in this context, is about the process of managing change to historic heritage areas in ways that will best sustain historic heritage values, whilst also recognising opportunities to enhance or reinforce those values for present and future generations. Well-managed change can bring with it the investment and care necessary to keep places in good condition. Poor management can result in neglect and decline, increasing the risk that places of great historic heritage importance will be lost forever.

A logical approach for bringing together, simplifying and streamlining the Historic Heritage Areas provisions in the Far North District Council Plan is set out in this report. This should offer clear guidance on the direction and role The Council can take in historic heritage areas. However, there is much work to be done and many gaps in our knowledge, particularly the value placed on areas by communities and mana whenua, and how we can strengthen their key role in maintaining and regenerating local areas.

## INTRODUCTION

### Background

Far North District Council is reviewing the District Plan. This *Historic Heritage: Stage One Background Research report* has been commissioned by the Far North District Council (Figure 1) to inform the new planning provisions for the District's Historic Heritage Areas.

The Operative Far North District Plan 2009 is a planning document that manages land use and subdivision in the district. The District Plan review process is a once-in-a decade opportunity to improve outcomes for historic heritage and the communities that value these places. Historic heritage is central to the Far North's sense of identity and is a resource that should be sustained for the benefit of present and future generations.

As part of this plan making process Plan.Heritage Ltd has undertaken a review of existing planning policy provisions and baseline information for historic heritage in the District. In particular with a focus on the Heritage Precinct, Heritage Areas and the Waimate North Special Zone provisions of the Operative District Plan ('Historic Heritage Areas').

This is a living document and will be updated as the Project progresses.

### Purpose

The purpose of this *Historic Heritage: Stage One Background Research report* is to provide an understanding of the existing planning provisions and evidence base for management of the District's Historic Heritage Areas. This is intended to inform decision-making around gathering evidence base; structuring/ organising the historic heritage sections of the plan; writing provisions for the plan; consultation for plan development; and, the Section 32 report.

In brief, this Stage One Background Research report:

- sets out the existing planning policy framework for historic heritage;
- provides a summary of the existing historic heritage sections/structure and provisions of the FNDP;
- analyses the potential issues with the historic heritage provisions that need to be addressed in the new FNDP plan;
- identifies possible methods for further assessment of Historic Heritage Areas (fieldwork and stakeholder engagement); and,
- sets out recommendations for increasing the policy effectiveness of the historic heritage provisions of the FNDP.

The scope of the commission is focused on Historic Heritage Areas, however consideration of the more general Heritage provisions and other sections, was necessary to determine policy compatibility across the plan. This report does not specifically consider notable trees or moveable objects.

## Methodology

The following main sources of information were examined, which relate to planning policy provisions and baseline information in the district:

- Northland Regional Policy Statement;
- Northland Regional Plan;
- Northland Regional Coastal Plan;
- Far North District Plan (FNDP);
- Heritage New Zealand List;
- NZAA ArchSite database;
- Historical aerial photography;
- Historical plans and maps;
- Historical imagery and histories from digital archives; and,
- Site visits undertaken in September 2019

## Constraints

The report is a review of existing Historic Heritage Areas in the FNDP only. In this report the term 'Historic Heritage Areas' is used as a catch all phrase for Heritage Precinct, Heritage Areas and the Waimate North Special Zone. It is acknowledged that in the existing FNDP there are differences between these types of areas in the plan provisions.

This was primarily a desk-top exercise. This report is based on the information available at the time of writing. It is important to note that this is a 'snapshot' - additional research and consultation may yield new information.

Further discussion with Far North District Council staff and elected Members, analysis of case studies, testing and monitoring data is required to ground truth the recommendations in this report. Consultation with key stakeholders, such as Heritage New Zealand, Department of Conservation, Iwi representatives, affected landowners, heritage special interest groups/ societies and businesses/ communities within the Historic Heritage Areas is needed to gain a deeper understanding of the issues and solutions around management of historic heritage in the District.

This report does not represent the views of iwi regarding the significance of the place to them. Cultural significance of the place to iwi can only be assessed by tangata whenua. Notable trees and natural heritage is outside the scope of this report, although it is acknowledged that these values may be closely linked with historic heritage values also.

## Acknowledgements

This report has been prepared with the assistance of a number of stakeholders concerned with the long-term management of historic heritage in the Far North. In particular, we would like to acknowledge the assistance of:

- Tammy Wooster (Senior Policy Planner, Far North District Council);
- Theresa Burkhardt (Policy Planner, Far North District Council); and,
- Bill Edwards (Area Manager Northland, Heritage New Zealand Pouhere Taonga 'HNZPT').

[to be updated following consultation].

## Definitions for this report

The FNDP is under review at present, so agreed definitions were not available at the time of writing this report.

The term 'Historic Heritage Areas' is used as a catch all phrase for Heritage Precincts, Heritage Areas and the Waimate North Special Zone, as currently set out in the FNDP.

The term 'Historic Heritage Place' is a particular location, of any scale, that meets the definition for Historic Heritage as defined in the S2 of the Resource Management Act (set out in pg. 85 of this report).

For example, a Historic Heritage Place would include those items scheduled in the FNDP as Historic Sites, Buildings and Objects; Registered Archaeological Sites; Heritage Precincts; Heritage Areas; and Sites of Cultural Significance to Māori.



Figure 1. Plan showing the districts and regions of New Zealand, with the Far North arrowed (accessed 17/11/2019 [https://en.wikipedia.org/wiki/Districts\\_of\\_New\\_Zealand#/media/File:NZ\\_Regional\\_Councils\\_and\\_Territorial\\_Authorities\\_2017.svg](https://en.wikipedia.org/wiki/Districts_of_New_Zealand#/media/File:NZ_Regional_Councils_and_Territorial_Authorities_2017.svg))

## HISTORIC HERITAGE PLANNING POLICY FRAMEWORK

### National Direction Instruments

National direction instruments include National Policy Statements, National Environmental Standards and Regulations.

National Policy Statements and the New Zealand Coastal Policy Statement form part of the Resource Management Act's 1991 (RMA) policy framework and are prepared by central government to address nationally significant matters<sup>1</sup>. These contain objectives, policies and methods that must be given effect to by decision makers when drafting plans and policy statements. Furthermore, these must also be given regard by consent authorities when making decisions on resource consent applications, alongside other considerations.

National environmental standards provide a consistent approach to decision-making process throughout the whole country or specific area<sup>2</sup>. These are prepared by central government and can prescribe technical standards, methods (including rules) or other requirements for environmental matters. If an activity doesn't comply with a national environmental standard, it requires a resource consent. These standards are enforced by local authorities.

The regulations manage how certain activities can be carried out under the RMA excluding the national environmental standards (as well as other regulations)<sup>3</sup>. All regulations are available on the Legislation New Zealand Website.

There are no specific National Policy Statements, National Environmental Standards or Regulations on Historic Heritage.

National Planning Standards (NPS) were developed to provide greater consistency of RMA plans and policy statements developed in New Zealand<sup>4</sup>. Some changes have been made since the standards were initially published in April 2019. These are dated November 2019. There are specific planning standards that applies to district plans. This standard prescribes the name and order of key parts, chapters and sections of district plans<sup>5</sup>. The standards allows councils to add locally derived sections if required. Local authority plans must be compliant with the relevant planning standards set out in the NPS 2019<sup>6</sup>.

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<sup>1</sup> Paragraph taken from Ministry for the Environment. June 2018. Draft National Planning Standards.

<sup>2</sup> Paragraph taken from Ministry for the Environment. June 2018. Draft National Planning Standards.

<sup>3</sup> Paragraph taken from Ministry for the Environment. June 2018. Draft National Planning Standards.

<sup>4</sup> Ministry for the Environment 2018: 14

<sup>5</sup> Ibid.

<sup>6</sup> As set out in Chapter 17. Implementation Standard (NPS 2019)

## Resource Management Act 1991

Section 6 of the Resource Management Act (RMA) recognises as matters of national importance: *'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'* (S6(e)); and *'the protection of historic heritage from inappropriate subdivision, use, and development'* (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when *'managing the use, development and protection of natural and physical resources'*. Historic heritage sites are resources that should be sustainably managed by *'Avoiding, remedying, or mitigating any adverse effects of activities on the environment'* (Section 5(2)(c)).

Historic heritage is defined (S2) as:

those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological'. Historic heritage includes: '(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori, including wahi tapu; (iv) surroundings associated with the natural and physical resources.

Regional, district and local plans contain sections that help to identify, protect and manage historic heritage sites. The plans are prepared under the rules of the RMA.

Under Section 7 the RMA also requires particular regard to 'Other Matters', including some that can closely relate to historic heritage, depending on the nature of the place:

- kaitiakitanga <sup>7</sup>
- the efficient use and development of natural and physical resources
- the maintenance and enhancement of amenity values
- maintenance and enhancement of the quality of the environment
- any finite characteristics of natural and physical resources
- the effects of climate change

Section 8 of the RMA on the Treaty of Waitangi states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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<sup>7</sup> guardianship or management

## Heritage New Zealand Pouhere Taonga Act 2014

In addition to any requirements under the RMA, the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by HNZPT (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

archaeological site means, subject to section 42(3),–

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Māori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hāpu and are subject to the recommendations of the Māori Heritage Council of HNZPT. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

For the purposes of policy and plan preparation, the RMA requires local authorities to have regard to any relevant entry in the New Zealand Heritage List/Rārangi Kōrero established under the HNZPTA<sup>8</sup>. Further, local authorities are required to have particular regard to any recommendations from HNZPT concerning the conservation and protection of a historic area or wāhi tapu area.

Scheduled Historic Heritage Sites and Areas may also be archaeological sites under the HNZPTA, as well as any recorded archaeological sites on the NZAA Archsite database, or 'accidental discoveries' of unrecorded sites. Depending on the activity, the proposal may require a separate authority application process under the HNZPTA. Heritage NZ is also an affected party when processing resource consent applications for Heritage NZ listed properties.

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<sup>8</sup> The List is an information tool - it identifies and provides information on significant heritage places throughout New Zealand. Entry on the List does not equal automatic protection so many Councils will schedule these places on the District Plan

One of the drivers behind the HNZPTA was to improve collaboration between agencies and improve integration with the RMA. For example, it is intended that information required for a resource consent application under the RMA could also be used for applications for archaeological authorities under the HNZPTA.

Importantly, care is required about the protection of archaeological sites under the RMA in a manner that avoids regulatory duplication with the HNZPTA. A clear understanding of the different roles between Council and HNZPT, as well as the differences in the legislation, will help to ensure district plan rules (and the conditions these enable) as not *ultra vires*. For example it is not within the power of the Council to grant an archaeological Authority, so Council rules or conditions requiring an Authority as part of a resource consent application, is *ultra vires* as it is beyond the legal power of the Council. Generally district plan rules for archaeology should be limited to archaeological sites of high significance, having multiple values, and ensuring sufficient information is provided to the public about the archaeological authority process under the HNZPTA and the need to consult HNZPT (e.g. use of archaeological advice notices and accidental discovery protocols).

### New Zealand Heritage List/Rārangī Kōrero

The List is divided into five parts:

1. Historic Places - such as archaeological sites, buildings, memorials
  - a. Category 1 historic places are of special or outstanding historical or cultural significance or value
  - b. Category 2 historic places are of historical or cultural significance or value
2. Historic Areas - groups of related historic places such as a geographical area with a number of properties or sites, a heritage precinct or a historical and cultural area
3. Wāhi Tūpuna - places important to Māori for ancestral significance and associated cultural and traditional values
4. Wāhi Tapu - places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense such as maunga tapu, urupā, funerary sites and punawai
5. Wāhi Tapu Areas - areas that contain one or more wāhi tapu

The category of historic place is assessed under section 66(3) of the HNZPTA having regard to the following criteria:

- 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, 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 an early period 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 area

### Protected Objects Act 1975

The purpose of this Act is to provide for better protection of certain objects from export and import. A protected New Zealand object is defined as an '*object forming part of the movable cultural heritage of New Zealand*', which:

- (a) is of importance to New Zealand, or to a part of New Zealand, for aesthetic, archaeological, architectural, artistic, cultural, historical, literary, scientific, social, spiritual, technological, or traditional reasons; and
- (b) falls within 1 or more of the categories of protected objects set out in Schedule 4

Should cultural artefacts be discovered at an archaeological site for instance, this Act may be of relevance in establishing and recording the ownership of ngā taonga tūturu (1Af). This is outlined in Section 2 of the Act and taonga tūturu is defined as an object that:

- (a) relates to Māori culture, history, or society; and
- (b) was, or appears to have been,—
  - (i) manufactured or modified in New Zealand by Māori; or
  - (ii) brought into New Zealand by Māori; or
  - (iii) used by Māori; and
- (c) is more than 50 years old

Objects generally not (now) fixed to or incorporated within the structure of a place and does not meet the definition above, can be difficult to control in RMA terms, even if historically associated with a place.

### Building Act 2004

The Building Act 2004 controls all matters relating to building construction. This is to safeguard the health, safety, and amenity of people, facilitate efficient energy use, and to protect property from damage. The key regulatory tool is the Building Regulations 1992 which contains the mandatory New Zealand Building Code.

It is the role of the Council to grant or refuse an application for a building consent, based largely on compliance with the building code. The Act states that the territorial authority shall have due regard to any special historical or cultural value of a building.

The Building Act also contains provisions relating to managing dangerous or insanitary buildings, which may require owners of a heritage building to strengthen their building or remove any danger.

For information purposes the following can be of relevance when considering repairs, maintenance and alterations to historic buildings:

- Repair and Maintenance (schedule 1 exempt building work);
- Principles to be Applied (section 4 sub-section d, l and n);
- Historic Places (section 4 for a listed building);
- Building Consents (section 40-41);
- Compliance Schedule and Warrant of Fitness (sections 100 – 111);
- Alterations to Existing Buildings (section 112);
- Change of Use (section 115);
- Access (sections 117 – 120 when accessible to members of the public); and,
- Dangerous, Earthquake-prone and Insanitary Buildings (Sections 121 – 132).

### **Regional Policy Statement for Northland 2016**

The Regional Policy Statement (RPS) for Northland covers the management of natural and physical resources in the Northland Region, from Kaiwaka in the south, to Cape Reinga in the north, and out to the 12 nautical mile (22.2 km) limit.

The RPS includes criteria to assist councils to identify historic heritage (giving effect to coastal policy statement Policy 17)<sup>9</sup>. Methods in the RPS give direction to apply this policy through the mapping or scheduling of historic heritage where it meets the criteria<sup>10</sup>. A general direction is included to avoid significant adverse effects on historic heritage. The RPS directs district councils to manage historic heritage on land and the regional council to manage assets within the Coastal Marine Area (CMA) and in the beds of lakes and rivers<sup>11</sup>. The most relevant historic heritage provisions are set out below, which councils should aim to give effect to in their District plans.

Issues (2.8):

Many of Northland's natural features and landscapes, natural character, and historic heritage have been compromised and remain at risk as a result of:

(a) The impacts of inappropriate subdivision, use and development. The primary activities of concern are built development, earthworks, significant water extractions / discharges to water, vegetation clearance and coastal structures;

<sup>9</sup> Section 32 analysis report: proposed Regional Plan for Northland Sept 2017.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

- (b) A lack of active management; and
- (c) Inconsistent identification and protection.

Objective (3.14):

- Identify and protect from inappropriate subdivision, use and development;
- (a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;
  - (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;
  - (c) The integrity of historic heritage.

Policy 4.5.3:

Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:

- (a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;
- (b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;
- (c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;
- (d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;
- (e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;
- (f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;
- (g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and / or is associated with locally, regionally or nationally significant historic events;
- (h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;
- (i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and
- (j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.

Method (4.5.4):

(3) As soon as practicable after this Regional Policy Statement becoming operative the regional and district councils (in collaboration with the Department of Conservation, tangata whenua, and New Zealand Historic Places Trust, and in consultation with affected landowners (and where relevant, local communities) will identify historic heritage accordance with the criteria in Policy 4.5.3. Once identified, the historic heritage that meets the criteria in Policy 4.5.3 will be included within the relevant regional and district plan by way of maps and / or schedules or alert layers where appropriate. Where a heritage area, site, building or other feature spans a council jurisdictional boundary (for example, the coastal marine area) it will be recorded in the schedules and / or maps of both relevant plans.

Policy 4.7.1. on promoting active management also encourages:

f) Maintenance of historic heritage resources (including sites, buildings and structures)

Method 4.7.5:

Regional and district plans may consider the use of non-regulatory mechanisms to assist in achieving policies 4.7.1, 4.7.2 and 4.7.3 for outstanding natural features, landscapes, natural character and regionally and nationally significant heritage using one or more of the following:

- (a) Funding assistance for restoration projects (for example, the environment fund);
- (b) Purchase of land (for example, use of development contributions);
- (c) Development / design guidelines;
- (d) Rates relief;
- (e) Education and advice;
- (f) Assistance with investigations for heritage protection orders or marine protection initiatives; and
- (g) Waiver or reduction of processing fees.

## Operative Regional Plans for Northland

### *Regional Air Quality Plan for Northland*

This plan applies to air in the whole of the Northland region, excluding the coastal marine area. The plan identifies the significant air quality issues and sets out policies and rules so that these will be managed. This Plan is not applicable to the project, although poor air quality can affect the conservation of buildings (e.g. aesthetic damage to paintwork and the surface of materials) and also the enjoyment of historic areas (e.g. from an amenity perspective).

*Regional Coastal Plan for Northland (2004 Updated 2016)*

This plan covers the region's 'coastal marine area', which is the area from mean high water springs to the 12 nautical mile (22.2 km) limit of New Zealand's territorial sea. The purpose of the Regional Coastal Plan is to assist the Northland Regional Council, in conjunction with the Minister of Conservation, to promote the sustainable management of resources in the coastal marine area.

The Regional Coastal Plan includes policy and assessment criteria which is applied in considering applications for resource consents. There are no specific rules. Where an application is considered to cause modification, alteration or destruction to a site that is considered to be of historic importance, the consent is a discretionary activity<sup>12</sup>.

*Regional Water and Soil Plan for Northland*

This plan covers the effects of land use activities on water and soil in Northland above the line of mean high water springs. The plan identifies the significant water and soil issues and seeks to address these through the policies and rules. In the beds of lakes and rivers, historic heritage is only a consideration if a consent is triggered and only as a matter of assessment<sup>13</sup>. It does not form the basis of a condition of any of the permitted rules for activities such as sand and gravel extraction or disturbance or diversion of stream beds<sup>14</sup>.

**Proposed Regional Plan for Northland**

A draft Regional Plan was released for public feedback on 8 August 2016 and submissions closed on 23 September 2016. All rules in the Proposed Regional Plan for Northland had immediate legal effect. The Proposed Regional Plan (PRP) for Northland Decisions Version was released 4 May 2019, and an Appeals Version published in June 2020. Several minor amendments have been made to the Proposed Regional Plan - Decisions Version after its public notification, pursuant to Clause 16(2) of Schedule 1 of the RMA. Until the Proposed Regional Plan rules are operative, the rules in the Proposed Regional Plan and the operative regional plans apply.

In 2016 a high-level review of historic heritage resources within the coastal marine area was commissioned by Northland Regional Council. The scope was restricted to Heritage New Zealand listed properties (at the time) and mainly existing information (provided by Heritage New Zealand and other published sources), with some targeted research to fill gaps. There was not sufficient resources to assess 121 recorded historic heritage sites that were identified as possibly eligible for scheduling within the coastal marine area<sup>15</sup>.

The results were presented in the report *Brown A. and R. Clough., 2016. Northland Coastal and Freshwater Heritage Survey: Identification of Historic Heritage Resource Methodology*. This was supported by individual historic heritage evaluations, which included background information, an assessment of historic heritage values (against the RPS criteria), a statement of significance, recommended extent of place, and management considerations. Following

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<sup>12</sup> Section 32 analysis report: proposed Regional Plan for Northland Sept 2017.

<sup>13</sup> Section 32 analysis report: proposed Regional Plan for Northland Sept 2017.

<sup>14</sup> Ibid.

<sup>15</sup> Brown and Clough 2016.

the release of the PRP further information was provided to support scheduling one additional Historic Heritage Area and three additional Historic Heritage sites<sup>16</sup>.

There were four Historic Heritage Areas proposed to be scheduled in the PRP, including Kerikeri, Kurahaupo, Rangihoua and Te Kopua Kawai o te Whakaheke. The extent of place identified for the Historic Heritage Areas include the CMA portions only, as the inland areas fall within District Council jurisdiction. A further area was proposed by HNZPT by way of submissions for Tawatawhiti / Mair's Landing Historic Area, bringing the total to five Historic Heritage Areas. Also on the advice of HNZPT additional values to those listed in the Policy Statement for Northland 2016 were included (see policy D.2.14 (d) below)

The most relevant historic heritage provisions are set out below and any cross boundary matters should be considered by Councils in their District plans.

Policies D.2.14 Managing adverse effects on historic heritage:

Manage the adverse effects of activities on historic heritage by:

- 1) avoiding significant adverse effects on the characteristics, qualities and values that contribute to historic heritage, and
- 2) recognising that historic heritage sites and historic heritage areas in the coastal marine area identified in I Maps | Ngā mahere matawhenua have been identified in accordance with the criteria outlined in Policy 4.5.3 of the Regional Policy Statement for Northland, and
- 3) recognising the following as being significant adverse effects to be avoided:
  - a. the destruction of the physical elements of historic heritage, and
  - b. relocation of the physical elements of historic heritage, and
  - c. alterations and additions to the form and appearance of the physical elements of historic heritage, and
  - d. loss of context to the surroundings of historic heritage, taking into account the scale of any proposal, and
- 4) recognising that despite (2), there are not likely to be significant adverse effects if:
  - a. the historic heritage has already been irreparably damaged as assessed by a suitably qualified and experienced heritage professional and there are significant health and safety or navigational safety risks if it were to remain, or
  - b. alterations, additions, repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or
  - c. the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and
- 5) determining the likely adverse effects of proposals by taking into account:
  - a. the historic heritage values of the historic heritage sites or historic heritage areas as described in the assessment reports available on the Regional Council's website, and
  - b. the outcomes of any consultation with:
    - i. Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an

<sup>16</sup> Submission by Heritage NZ. See Section 32 analysis report: proposed Regional Plan for Northland Sept 2017.

- archaeological site requiring an 'authority to modify'), the Department of Conservation or any other appropriate body with statutory heritage protection functions, and
- ii. tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and
  - c. where considered necessary, a historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and
  - d. any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:
    - i. vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities), and
    - ii. patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history), and
    - iii. public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment), and
    - iv. commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal), and
    - v. education (the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures), and
- 6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:
- a. careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and
  - b. the use of setback, buffers and screening from historic heritage, and
  - c. reversing previous damage or disturbance to historic heritage, and
  - d. improving the public use, value, or understanding of the historic heritage, and
  - e. the development of management and conservation plans, and
  - f. gathering and recording information on historic heritage by a suitably qualified and experienced heritage professional, and
  - g. implementing the stabilisation, preservation and conservation principles of the ICOMOS New Zealand Charter Revised 2010, and
- 7) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded archaeological sites. An advice note will outline that work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014, and
- 8) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 is an affected person in relation to resource consent applications under the RMA affecting:
- a. any listed items in this Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and
  - b. are pre-1900 recorded and unrecorded archaeological sites.

Objectives F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua:

Protect from inappropriate use and development:

1) the characteristics, qualities and values that make up:

- a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
- b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
- c) natural character in fresh waterbodies outside the coastal environment, and
- d) outstanding natural seascapes in the coastal marine area, and

2) the integrity of historic heritage in the coastal marine area, and

3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

These policies and objectives are enabled by rules relating to historic heritage, for example:

- Rule C.1.1.7 Reconstruction, maintenance or repair of a structure - permitted activity
- Rule C.1.1.10 Removal of a structure - permitted activity
- Rule C.1.1.19 Hard protection structures in areas with significant values - non complying activity
- Rule C.1.1.20, Removal, demolition or replacement of a historic heritage site or part of a historic heritage site – non complying activity
- Rule C.1.1.22 Structures within areas of significant value - non complying activity
- Rule C.1.3.9 Extensions to existing aquaculture in areas with significant values - discretionary activity
- Rule C.1.3.10 Marae-based aquaculture in areas with significant values - discretionary activity
- Rule C.1.3.12 Small scale and short duration aquaculture in areas with significant values - non complying activity
- Rule C.1.3.14 New aquaculture in areas with significant values - prohibited activity
- Rule C.1.5.14 Other dredging, disturbance and disposal activities - non complying activity
- Rule C.1.6.5 New reclamations in areas of significant value - non complying activity
- Rule C.1.8.1 (1), Coastal Works General Conditions
- Rule C.2.1.15 Structures in a significant area - non complying activity
- Rule C.2.1.16 Removal, demolition or replacement of a historic heritage site or part of a historic heritage site - non complying activity.
- Rule C.2.1.17 New flood defence in areas of significant value - non complying activity
- Rule C.2.3 (27) General conditions activities in the beds of lakes and rivers and in wetlands.
- Rule C.3.9 Damming or diversion of water in a significant indigenous wetland or significant area - non complying activity

There are rules that give extra consideration to the effects of activities on identified values mapped as a historic heritage area. For example:

- Extensions to aquaculture (C.1.3.4 ; C.1.3.6; C.1.3.10);
- The removal or pruning of mangroves in the Whangārei City Centre Marine Zone or Coastal Commercial Zone (C.1.4.4);
- Use of vehicles on beaches and other activities that disturb the foreshore and seabed (C.1.5.1);
- Sampling and scientific investigation (C.1.5.2);
- Maintenance dredging (C.1.5.9);
- Beach scraping (C.1.5.10);
- Deposition of material for beneficial purposes onto land (C.1.5.11);
- Dredging, deposition and disturbance (C.1.5.12);
- A reclamation in the coastal marine area (C.1.6.4 and C.1.6.5);
- The erection or placement of a mooring in the coastal marine area, and any occupation of the common marine and coastal area with the mooring and a vessel using the mooring (C1.2.13);
- The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structures in a Mooring Zone or General Marine Zone (C1.1.21); and,
- The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or, demolition of a hard protection structure and the occupation of the common marine and coastal area by the hard protection structure (C.1.1.22).

## Tangata Whenua

The RMA and HNZPTA provides for the relationship of Māori with their ancestral lands, water, wāhi tapu sites and other taonga<sup>17</sup>. Recognition and protection of Māori heritage is a fundamental principle of historic heritage in New Zealand. The International Council on Monuments and Sites (ICOMOS) *New Zealand Charter*<sup>18</sup> states:

'The indigenous cultural heritage of tangata whenua relates to whanau, hapū, and iwi groups. It shapes identity and enhances well-being, and it has particular cultural meanings and values for the present, and associations with those who have gone before. Indigenous cultural heritage brings with it responsibilities of guardianship and the practical application and passing on of associated knowledge, traditional skills, and practices.

<sup>17</sup> <http://www.qualityplanning.org.nz>

<sup>18</sup> The ICOMOS New Zealand Charter, Te Pumanawa o ICOMOS o Aotearoa Hei Tiaki I Nga Taonga Whenua Heke Iho o Nehe (Revised 2010).

The Treaty of Waitangi is the founding document of our nation. Article 2 of the Treaty recognises and guarantees the protection of tino rangatiratanga, and so empowers kaitiakitanga as customary trusteeship to be exercised by tangata whenua. This customary trusteeship is exercised over their taonga, such as sacred and traditional places, built heritage, traditional practices, and other cultural heritage resources. This obligation extends beyond current legal ownership wherever such cultural heritage exists.'

Māori heritage covers the full range of values and types of places – buildings, sites and areas<sup>19</sup>. For example, Māori heritage may include urupā, water springs, pa, gardens, battle grounds, marae, flag poles and pou, wetlands, churches, hunting sites, rivers and mountains. Some of these places may be archaeological sites. It is expected that Mana Whenua (those iwi / hāpu with customary authority) determine the cultural significance of any such sites.

Consultation with local iwi / hāpu who exercise authority is therefore usually required when a project relates to archaeological sites of Māori origin; sites identified as a place of value or significance to Mana Whenua; and, if the cultural significance of the area is suspected but yet to be determined. In these instances HNZPT generally require an assessment of Māori values and cultural support for a project/ nominated archaeologist as part of the authority application. Councils can require this information also through the resource consent process.

In some parts of the country this may include specific information requirements in the District Plan, such as a Cultural Values Assessment and/ or Cultural Impact Assessment (e.g. Auckland). It is usually expected that details of consultation with Mana Whenua is included with the Resource Consent and/ or authority application (HNZPTA Section 46 2 (h)). Accidental Discovery Protocols for archaeological sites and cultural remains, including koiwi (human remains), have been established by HNZPT (2010) and are sometimes set out through the provisions of District Plans.

## Non Statutory Documents

### *Conservation Principles*

Sustainable management of a place begins with understanding and defining, how, why, and to what extent it has historic heritage values: In sum, its significance. Only through understanding the significance of a place is it possible to assess how the qualities that people value are vulnerable to harm or loss. That understanding should then provide the basis for developing and implementing management strategies that will best sustain the heritage values of the place in its setting. Conservation decisions should be based on an understanding of their likely impact on the significance of the fabric and other aspects of the place concerned.

Conservation works to a historic heritage place are expected to be consistent with accepted international conservation practice, particularly as outlined in the *ICOMOS New Zealand*

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<sup>19</sup> <http://www.qualityplanning.org.nz>

*Charter*<sup>20</sup>. Although a number of heritage professionals believe the ICOMOS New Zealand Charter needs to be updated to bring it in line with more recent conservation philosophy, the important principles contained in the charter include:

- Understanding cultural heritage values, so ultimately these can be retained and revealed;
- Indigenous cultural heritage, highlighting the important role of tangata whenua;
- Planning for conservation, including the importance of conservation plans;
- Respect for surviving evidence and knowledge, the need to retain authenticity and integrity;
- Minimum intervention, to ensure values are not lost;
- Physical investigation, providing primary evidence;
- Use, ensuring a useful purpose;
- Setting, as integral to the place itself;
- Relocation, and the importance of the original site;
- Documenting and archiving, including changes made to a place;
- Recording, through systematic research and analysis; and,
- Fixtures and fittings, as being integral to the place itself.

#### *Conservation Plans and Maintenance Plans*

Conservation Plans are intended to help conserve the historic heritage significance of a historic heritage place by establishing a policy framework as the basis for making sound decisions about its future. In brief, a Conservation Plan will generally:

- set out the historical background for the historic heritage place;
- provide a summary statement of significance for the historic heritage place
- identify key features of heritage value within the place; and,
- set out relevant conservation principles and planning policies.

This document can also include a maintenance plan or schedule of works for conservation. It is an important tool that can inform decision-making, providing a framework for considering future changes and use of a site.

In New Zealand most practitioners will be familiar with Conservation Plans for individual places, but they can also be applied to heritage areas. In the UK for example these can include Conservation Area Appraisals (to support the identification/ protection of an area) and

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<sup>20</sup> The ICOMOS New Zealand Charter, *Te Pumanawa o ICOMOS o Aotearoa Hei Tiaki I Nga Taonga Whenua Heke Iho o Nehe* (Revised 2010).

Conservation Area Management Plans (proposals to preserve and enhance the area). These are often produced by Councils and adopted as part of the planning framework for managing 'areas of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance'. These areas are also regularly monitored/reviewed against national criteria and put on a Heritage At Risk Register if they are found to be in poor condition.

*Far North District Council Iwi/Hapū (Environmental) Management Plans Policy (Adopted February 2016)*

Iwi/Hāpu (Environmental) Management Plans (I/HEMP) are resource management plans prepared by an iwi, iwi authority, rūnanga, or hāpu. These plans are an expression of tribal authority (rangatiratanga) to assist with the exercise of stewardship (kaitiaki) roles and responsibilities<sup>21</sup>. Under Section 74 of the Resource Management Act 1991 The FNDC is required, through adoption of this policy, to take into account any relevant planning documents prepared by iwi or hāpu and lodged with Council.

I/HEMPs can inform the preparation or change of regional policy statements and regional and district plans and the preparation and assessment of resource consents. Such documents may often address broader matters than those relating to the RMA 1991. However, they can also describe specific concerns of relevant iwi or hāpu groups relating to the management of sites of cultural importance. In many instances such sites will also have identified historic heritage values, or be formally recorded as archaeological sites. Within the FNDC historic heritage areas this typically includes pa sites, urupā, shell middens, gardening landscapes and wāhi tapu sites.

*Design Guidelines*

Councils often produce urban/ town centre and rural design guides. These are diverse documents often aimed at protecting and enhancing character, heritage, amenity and the environment, through good quality new design. Design Guides can include Council site analysis requirements, identification of key natural features, ecosystems, habitats, planting, heritage, buildings, access considerations, design of new buildings and structures, boundary treatments etc. Although Design Guides are often standalone documents, they are often linked to the District Plan through rules that require applicants to demonstrate the requirements of the Design Guide have been met. Sometimes the Design Guide may include objectives and criteria for assessment of resource consents, others may be more general. The detail also varies greatly – some offer high level design principles and illustrations, while others are more ridged and might anticipate/ seek to impose actual design solutions for given areas (such as precincts). In some cases the design guide might be produced by Council, in other cases an applicant may submit this with a subdivision/ resource consent, if it is a major development (such as a whole precinct or special zone).

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<sup>21</sup> Far North District Council: Iwi/Hapū (Environmental) Management Plans Policy. Adopted February 2016

## Other Considerations

### *The Role of the Owner*

Scheduled Historic Heritage Places are primarily in private ownership and maintained at personal cost. This can range from individuals (their private home for example), small companies/ businesses (such as farmers and retailers), developers of various sizes, private organisations (such as religious institutions), to large scale private landowners (for example 101,854 hectare forestry). There are also crown entities/ other forms of public ownership (e.g. government departments, councils, council-controlled organisations, educational organisations, infrastructure etc) and iwi/ other Māori land-holding entities that own large amounts of property. This may mean that a single entity has a large portfolio of historic heritage places or strong interests in certain locations/ areas of the District.

Individual historic heritage places and areas may include a number of land titles and be in multiple ownership. They may include land comprising streets or roadways, or water bodies such as rivers, streams, springs and waterways. Land can include land covered by water and the airspace above. These different scenarios and implications should be given regard to when considering District Plan provisions.

The issues of private use of a place, versus the public benefit outcomes of historic heritage, is therefore complex and varied depending on the context. The management of historic heritage often involves rules which limit private property rights, or management of public reserves and assets. Good practice in managing New Zealand's historic heritage best occurs through an integrated package including incentives, education, support, and regulation<sup>22</sup>. Policy-makers should also assess new policies' potential impact on the administrative burden for private owners and public entities (including within the Council itself).

It is the responsibility of the owner to carry out routine management and maintenance of their own property, as well as periodic repairs. There is no statutory obligation upon the owner of a scheduled building to keep their property in a good state of repair, although it is usually in their interest to do so. Councils can take action if it is a public health and safety issue (see Building Act requirements above), however powers that exist overseas (such as Urgent Works Notices in the UK) for Councils to secure the repair of a scheduled place when concerned about its continued conservation is a gap in New Zealand planning policy.

Although Council can utilise their heritage protection status (s187 RMA) this is rarely done and 'demolition by neglect' is a difficult issue to address. However, also closely linked to this issue is ensuring that planning provisions strike the right balance between conservation of scheduled places and areas on one hand and enabling development that can ensure the long term sustainability/ future viable use of a place on the other (such as economic, social and environmental considerations).

Where works have taken place by owners that needed consent but no consent was obtained there are a number of options open to the Council to see that, as far as possible the historic

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<sup>22</sup> <https://qualityplanning.org.nz/node/746>

heritage place and its setting are restored to their original state. Unauthorised works may be a criminal offence.

### *Public Use*

Public access and use of land containing historic heritage places in private ownership can be complex. Historic Heritage Sites and Areas that are in public use also need to meet the applicable standards of public safety. This should be particularly considered in terms of structural strength, fire safety, parking provisions, sanitary facilities and universal access. The structure may need upgrading to meet relevant standards, which would need to be balanced with the historic heritage values of the place and possible effects on significant features considered.

## **Summary of Key Findings on Planning Policy Framework**

Spatial planning relies upon a District Plan that is adapted to local conditions, but also ensures the co-ordination of polices across District Council boundaries, in order to promote sustainable development. This review has established that:

- There are no specific National Policy Statements, National Environmental Standards or Regulations on Historic Heritage.
- In June 2018 the Ministry for the Environment published Draft National Planning Standards and all new Council district plans are expected to meet these standards, which includes historic heritage.
- Section 6 of the RMA identifies the protection of historic heritage from inappropriate subdivision, use, and development as a matter of national importance. Local plans should ensure any adverse effects on historic heritage resulting from activities are avoided, remedied, or mitigated.
- In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by HNZPT.
- The Building Act also contains provisions relating to managing dangerous or insanitary buildings, which may require owners of a heritage building to strengthen their building or remove any danger.
- The Regional Policy Statement for Northland 2016 includes criteria to assist councils to identify historic heritage (Policy 4.5.3). This includes areas, places, sites, buildings, or structures either individually or as a group. The RPS criteria are based on the NZ Heritage List criteria, although some have been merged together and some criteria are not included.
- The Proposed Regional Plan for Northland (Decisions Version 4 May 2019) identifies additional values (vulnerability, patterns, public esteem, commemorative and education) in addition to those listed in the RPS, to align with the NZ Heritage List criteria.
- Currently information that will assist with future management/ monitoring of historic heritage areas, e.g. condition, threats, vulnerability and opportunities is not systematically captured.
- The RPS states that historic heritage resources will meet one or more of the criteria. However, no qualitative or quantitative threshold is given for assessment of the criteria

and historic heritage resources are not grouped into different categories (i.e. A, B or I, II).

- No standard methodology or template for undertaking historic heritage area evaluations exists, however one was developed for the Proposed Regional Plan, which offers a starting point.
- There are three District Councils within the Northland Regional Council jurisdiction. Each council has its own distinct District Plan and approach to identification, assessment and recording of historic heritage resources.
- The Proposed Regional Plan (Decisions Version) uses the term 'Historic Heritage Area' and includes a definition.
- Cross-boundary working is an important consideration for Historic Heritage Areas e.g. regional coastal seascapes and district landscapes.
- There are a number of non-statutory documents and methods that can assist in delivery of District Plan, rather than relying solely on the rules.
- When undertaking a Plan change, The FNDC is also required to take into account any relevant planning documents prepared by iwi or hāpu and lodged with Council.

## FAR NORTH DISTRICT PLAN 2009

This section of the report reviews the existing local Far North District Plan 2009 (FNDP) Historic Heritage Area provisions and their effectiveness.

The Historic Heritage Area provisions cannot be viewed in isolation, these need to be considered within the wider context of plan. Many places may have protection at the individual site level (through scheduling), as well as the area.

### Identifying Historic Heritage

The FNDP has the following types of scheduled heritage items specifically identified in a plan schedule and protected by appropriate plan rules:

- Schedule of Historic Sites, Buildings and Objects (Appendix 1E);
- Schedule of Sites of Cultural Significance to Māori (Appendix 1F);
- Registered Archaeological Sites (Rule 12.5.6.1.3 and Appendix 1G and the New Zealand Historic Places Register); and,
- Heritage Precincts (Section 12.5A)

In addition there are:

- Heritage Areas (section 12.5.8 and 12.B); and,
- Special Zones (section 18.3).

There is no separate schedule for 'Historic Heritage Areas', as there are for other categories of historic heritage places. The existing level of information on the different types of areas varies considerably. The data provided in the FNDP does not contain a detailed assessment against an agreed criteria or identification of historic heritage values for each of the areas. Although a high level description of each Heritage Precinct is provided (12.5A), these could not be considered to be a statement of historic heritage significance and is limited in assisting decision making about potential impacts on the heritage values of an area.

Mapping of individually scheduled places is single point data, rather than an 'extent of place'<sup>23</sup>. The whole property i.e. legal description is listed in the Schedules. The Rangihoua Heritage Area is included in 12.5.8 as a very high-level map for information only. The Heritage Precincts and Waimate North Special Zone are not included in the Chapters (or as an appendix), rather they are mapped on the Council Planning Maps, which show land parcel boundaries. The area boundaries can also be accessed via the Council GIS which provides more information (such as legal description, address and zoning). Kerikeri and Russell Heritage Precincts have visual buffers, whereas the other areas do not.

The FNDP does not include assessment criteria for inclusion on the Schedules. The Schedule of Historic Sites, Buildings and Objects is based on the NZ Heritage List so by proxy the HNZPT criteria is most applicable for identification of these resources in the plan. The FNDP does not

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<sup>23</sup> An 'extent of place' has several definitions. According to HNZ: A historic place, historic area, wāhi tūpuna, wāhi tapu or wāhi tapu area proposed for entry on the List must have an extent which provides a clear and logical demarcation from the surrounding area, having regard to the integrity and heritage feature(s) of the place or area, or a reasonable representation of such (Heritage New Zealand 2015: 8.6).

include any specific threshold for scheduling or different categories, whereas the NZ Heritage List does. The Registered Archaeological Sites list appears to be derived from several large forestry blocks, ranging in significance/ type from middens and find spots, to pa sites.

Similarly there is no criteria or threshold for inclusion as Heritage Precincts, Heritage Areas or Special Zone (heritage) in the FNDP. Some of the identified areas, are also Listed with HNZPT as a 'historic area', so in these cases more detailed information and assessment is sitting outside the FNDP<sup>24</sup>. Those areas that stretch into the CMA will have been recently assessed for the proposed Regional Plan as a 'historic heritage area'. Presently the majority of areas identified are coastal and built heritage focused. The west coast, inland areas and more diverse forms of heritage is underrepresented.

Further background information on the Heritage Precincts, Heritage Areas and Special Zone, and how they were identified in the FNDP, is included in the *Far North District Plan Review: Historic Heritage Stage Two Assessments Report* (Plan.Heritage 2020).

Table 1. Number of heritage items scheduled in the Far North District Plan with rules

NUMBER OF HERITAGE ITEMS SCHEDULED/ PROTECTED IN THE FAR NORTH DISTRICT PLAN	
Heritage Item	Number
Schedule of Historic Sites, Buildings and Objects	174
Schedule of Sites of Cultural Significance to Māori	333
Registered Archaeological Sites	83
Heritage Precincts	9
Heritage Areas	2
Special Zone (historic heritage focus)	1

## Definitions

There is no clear definition in the District Plan for a Heritage Precinct, Heritage Area, or Special Zones of historic heritage value<sup>25</sup>. In general terms Section 5 & 5A appears to indicate that Heritage Precincts are 'areas' or 'settlements' that have 'significant historic character' or 'a high degree of heritage value'. In other words they have special amenity and character in addition to their historical values. They have 'a concentration of heritage resources within a relatively small locality' or 'clusters of historic buildings'.

Objective 12.5.3.1 refers broadly to heritage values of an "archaeological, architectural, cultural, historic, scientific, and technological nature" and objective 12.5.3.5 to "cultural, spiritual, scientific and historic values of archaeological sites". Objective 12.5.3.4 appears to be applicable to areas, but perhaps indicates in this instance just the 'historic' criterion is

<sup>24</sup> HNZ take the view that a historic area is comprised of a single, contiguous area that contains an inter-related group of historic places (Heritage New Zealand 2015: 8.14). All proposed historic area entries on the List are assessed according to the following criteria: aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological and traditional, and must meet at least one criterion to be eligible for entry (Heritage New Zealand 2015: 8.15).

<sup>25</sup> The FNDP does not contain a definition for Heritage Precincts. However on the FNDP website it states that a heritage precinct is "an area with a cluster of historic buildings that, in association with the immediate environment, have special amenity, character and heritage values worthy of conservation for the present community and future generations"

applicable to areas. Historic heritage (S5 of the RMA) is linked with amenity matters (S7 of the RMA) and the term 'character' is used (which in itself is difficult to define<sup>26</sup>):

Objective 12.5.3.4. To conserve the historic and amenity values of settlements with significant historic character

The 12.5.4 policies refer to 'areas' (12.5.4.8) or 'settlements' (12.5.4.11) in general terms, as well as 'significant historic character' or 'a high degree of heritage value', but there is no reference to Heritage Precincts or Heritage Areas<sup>27</sup>. The policy section is typically where the assessment criteria for identification, thresholds and categories would be set out in the District Plan, but none are provided.

The commentary under the 12.5.5 refers to Heritage Precincts and emphasises a built heritage focus, as well as broadening to include special amenity and character. Setting is referred to vaguely as the 'immediate environment':

Some settlements in the District have clusters of historic buildings that, in association with the immediate environment, have special amenity and character in addition to their historical values.

The Waimate North Zone 'context' (18.3) refers to the need to protect the historic and visual qualities of the area, which is not dissimilar to Heritage Precincts and Heritage Areas. It may have been separated in the Plan into a special zone because it is a rural area and the Heritage Precincts appear to be predominantly more urban, however this is not explicit.

Overall the Historic Heritage Areas in the FNDP are weakly defined, there is no explanation on the difference between the types of areas and other supporting definitions to help interpret the provisions (such as character, setting etc) are absent.

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<sup>26</sup> There is a substantial body of legal decisions around defining 'character' vs 'historic heritage' in Auckland. This has been tested in the courts at plan change level, as well as individual resource consents (e.g. several legacy Auckland District Plans and more recently through the Unitary Plan process). A key difference often cited is that character can be replicated (in modern materials, meaning integrity and authenticity is less of a concern) whereas historic heritage cannot.

<sup>27</sup> Special Zones(of heritage value) are in a different Chapter

## Identifying Issues and Outcomes

The following table summarises the relevant issues and outcomes from the general Heritage Chapter (12.5) that relate primarily to Historic Heritage Areas. It also includes the Heritage Precinct provisions that supplement these (Chapter 12.5A). Further to this, there are some relevant issues and expected outcomes identified in the Subdivision Chapter (Chapter 13) relating to heritage places that might also apply to areas where subdivision is occurring. There are specific issues and expected outcomes identified for the Waimate North and Russell Township Zones which are similar in nature, but the relationship of areas to zones is discussed further below in this document.

<b>CHAPTER 12.5 HERITAGE – ISSUES AND OUTCOMES FOR HISTORIC HERITAGE AREAS</b>			
	<b>Section</b>	<b>Reference</b>	<b>Text</b>
<b>Issues</b>	12.5 Heritage	12.5.1.3	Several settlements in the District retain a strong colonial character in their architecture and the relationship of buildings with the environment, which adds significantly to their charm and amenity values. These values can be affected adversely by inappropriate development in the vicinity
	12.5 A Heritage Precincts	12.5A.1.1	The potential loss of valuable archaeological information through modifications to landforms
	12.5 A Heritage Precincts	12.5A.1.2	The potential loss of heritage values and character associated with landform, settlement patterns and architectural styles in the various heritage precincts due to inappropriate subdivision, development and use.
	13.1 (Subdivision)	13.1.4	Subdivision of properties containing scheduled heritage resources (as listed in Appendices 1D, 1E, 1F and 1G) can result in the alienation of a heritage resource from land closely associated with it and the consequent loss/degradation/diminution of its heritage values.
<b>Outcomes Expected</b>	12.5 Heritage	12.5.2.5	Recognition and retention of the heritage values of specified areas of Russell, Kohukohu, Mangonui, Kerikeri Basin and Rawene (which are coastal settlements with related values), and Waimate North and Pouerua, (which are inland areas with heritage values).

CHAPTER 12.5 HERITAGE – ISSUES AND OUTCOMES FOR HISTORIC HERITAGE AREAS			
	Section	Reference	Text
	12.5 A Heritage Precincts	12.5A.2.1	Recognition and retention of the heritage values of specified areas of Russell, Kohukohu, Mangonui, Kerikeri Basin and Rawene (which are coastal settlements with related values), and Te Waimate and Pouerua (which are inland areas with heritage values).
	13.2 (Subdivision)	13.2.1 (h)	the retention of heritage values of heritage resources (as listed in Appendices 1D, 1E, 1F and 1G) through conservation of its immediate context

### Hierarchy of Objectives and Policies

The historic heritage provisions are primarily located in >Part 3 – District-wide provisions > chapter 12 Natural and Physical resources> section 12.5 Heritage (see below for 'other parts of the plan'). The provisions for Historic Heritage Areas are spread across:

- 12.5 Heritage;
- 12.5.8 Rangihoua Heritage Area;
- 12.5A Heritage Precincts; and,
- 12.5B Paihia Mission Heritage Area

The following table summarises the relevant objectives and policies from the general Heritage Chapter (12.5) that relate primarily to Historic Heritage Areas. It also includes the Heritage Precinct provisions that supplement these (Chapter 12.5A):

Method 12.5.5.3. Those parts of the District which have a concentration of heritage resources within a relatively small locality are identified in the Plan as Heritage Precincts (refer to Section 12.5A). Rules in this section and in the Heritage Precinct section, will apply to assist in the preservation of the heritage values of these Heritage Precincts.

It is acknowledged that some of the individual properties that are scheduled within the District Plan and also fall within one of the heritage precincts, will be subject to additional controls. It is not clear how the rules apply for properties that may be in a precinct and also scheduled - in terms of weighting or determining activity status.

Similarly, some archaeological sites are individually scheduled within the FNDP. However, the current FNDP does not include all registered archaeological sites due to the lack of confidence in the NZAA data being shown in the correct location. It is understood that generally only archaeological sites recorded from forestry companies' information were considered to be correctly located, vs lack of confidence in the general database for the far north. This bias is clearly evident in the schedule, though there are one or two exceptions, for example at Paihia and Te Waimate.

<b>CHAPTER 12.5 HERITAGE – OBJECTIVES AND POLICIES FOR HISTORIC HERITAGE AREAS</b>			
	<b>Section</b>	<b>Reference</b>	<b>Text</b>
<b>Objectives</b>	12.5 Heritage	12.5.3.4	To conserve the historic and amenity values of settlements with significant historic character.
	12.5 A Heritage Precincts	12.5A.3.1	To recognise and protect retain the heritage values of the various heritage precincts derived from the sites, buildings and objects of historic significance, and to protect such sites, buildings and objects from inappropriate subdivision, use and development.
	12.5 A Heritage Precincts	12.5A.3.2	To recognise and protect the heritage values of the various heritage precincts derived from the archaeological sites of the precincts and to retrieve and record archaeological evidence where appropriate
	12.5 A Heritage Precincts	12.5A.3.3	To recognise and protect the special character of the various heritage precincts that derives from the built form in combination with the landforms.
	12.5 A Heritage Precincts	12.5A.3.4	To retain The Strand Heritage Precinct as predominantly a pedestrian area.
<b>Policies</b>	12.5 Heritage	12.5.4.1	That a heritage resource be recognised as a complete entity whose surrounds or setting may have an important relationship with the values of the resource. For instance the coastal setting of places like Kohukohu, Rawene, Mangonui and The Strand in Russell is an important part of the heritage value of these Precincts
	12.5 Heritage	12.5.4.2	That the heritage values of any building, object, vegetation or heritage site shall not be adversely affected by subdivision or land use activities
	12.5 Heritage	12.5.4.8	That where areas have significant historic character, their heritage values are not compromised by inappropriate activities.
	12.5 Heritage	12.5.4.9	That where there is evidence demonstrating support for heritage values attributed to a place by individuals, groups and agencies, these values shall be taken into account in considering applications to alter or destroy such places.
	12.5 Heritage	12.5.4.11	That settlements that contain a high degree of heritage value be protected from subdivision, use and development that would adversely affect these values and their landscape setting
	12.5 A Heritage Precincts	12.5A.4.1	That the type, scale and nature of alterations to existing buildings be limited so as to ensure the retention of the heritage character of the various heritage precincts and of buildings of historic significance within those heritage precincts.

<b>CHAPTER 12.5 HERITAGE – OBJECTIVES AND POLICIES FOR HISTORIC HERITAGE AREAS</b>			
	<b>Section</b>	<b>Reference</b>	<b>Text</b>
	12.5 A Heritage Precincts	12.5A.4.2	That the removal or demolition of buildings be restricted to those of little or no historic significance which do not contribute significantly to the streetscape values of the various heritage precincts.
	12.5 A Heritage Precincts	12.5A.4.3	That the location, scale and nature of new buildings and structures be controlled so as to not adversely affect the historic character, streetscape or landscape values of the various heritage precincts and of buildings of historic significance within those heritage precincts.
	12.5 A Heritage Precincts	12.5A.4.4	That archaeological sites are protected from damage or destruction, and that archaeological information is retrieved whenever appropriate.
	12.5 A Heritage Precincts	12.5A.4.5	That the heritage values of The Strand and Kerikeri Basin Heritage Precincts are not adversely affected by inappropriate outdoor advertising.
	12.5 A Heritage Precincts	12.5A.4.6	That activities which conflict with pedestrian use of The Strand be restricted
	12.5 A Heritage Precincts	12.5A.4.7	That further subdivision in the Pouerua Heritage Precinct does not result in adverse effects on historic heritage values from the construction of buildings and development (refer to Chapter 13
	12.5 A Heritage Precincts	12.5A.4.8	That normal farm practices do not adversely affect the historic heritage and Māori heritage values of the Pouerua Heritage Precinct.
<b>Methods</b>	12.5 Heritage	12.5.5.3	Those parts of the District which have a concentration of heritage resources within a relatively small locality are identified in this Plan as Heritage Precincts (refer to Section 12.5A). Rules in this section and in the Heritage Precinct section, will apply to assist in the preservation of the heritage values of these Heritage Precincts.
	12.5 Heritage	12.5.5.8	Subdivision of land will be controlled to prevent the separation of any land that is closely associated with the significance or value of a heritage resource.
	12.5 A Heritage Precincts	12.5A.5.1	All policies are given effect to by rules in the Plan
	12.5 A Heritage Precincts	12.5A.5.2	The use of speed limits on The Strand to reduce the potential for conflict between vehicles and pedestrians.
	12.5 A Heritage Precincts	12.5A.5.3	Traffic issues associated with the Kerikeri Basin Heritage Precinct are addressed in the Council's Annual and Strategic Plans.

<b>CHAPTER 12.5 HERITAGE – OBJECTIVES AND POLICIES FOR HISTORIC HERITAGE AREAS</b>			
	<b>Section</b>	<b>Reference</b>	<b>Text</b>
	12.5 A Heritage Precincts	12.5A.5.4	Council may develop design guidelines for the different Heritage Precincts to provide guidance on development that is in keeping with the heritage character of those precincts.
<b>Commentary</b>	12.5 Heritage	Chapter 12.5 Page 6	Some settlements in the District have clusters of historic buildings that, in association with the immediate environment, have special amenity and character in addition to their historical values. This character can be adversely affected by inappropriate use, subdivision and development. These parts of settlements are identified as Heritage Precincts and special provisions have been included that are tailored specifically for the purpose of protecting their particular heritage values and character (refer Objective 12.5.3.4, Policies 12.5.4.1, 12.5.4.2, 12.5.4.8, 12.5.4.9 and 12.5.4.11, Methods 12.5.5.3 and 12.5.5.8).
	12.5 A Heritage Precincts	12.5A.5	Commentary on heritage values; historic character; controlling alterations, removal or demolition; and association. Also controlling loss of archaeological evidence and outdoor advertising.
	12.5 A Heritage Precincts	12.5A.5	The Strand – commentary on outdoor advertising and speed limits
	12.5 A Heritage Precincts	12.5A.5	Pouerua Heritage Precinct - farming and more intensive subdivision – loss of archaeological/ cultural landscapes
	12.5 A Heritage Precincts	12.5A.5	Kerikeri Basin – heritage landscape – new buildings and tree planting controlled. Issue of new highway (now constructed), traffic and flooding

## General Heritage Rules

The following table summarises the rules from the Heritage Chapter 12.5, which will also apply to some individual properties within a Historic Heritage Area.

<b>CHAPTER 12.5 HERITAGE – GENERAL HERITAGE RULES</b>			
<b>Activity</b>	<b>Status</b>	<b>Reference</b>	<b>Rule</b>
Permitted activities	Permitted	12.5.6.1	An activity is a permitted activity if: (a) it complies with the standards for permitted activities set out in Rules 12.5.6.1.1 to 12.5.6.1.3 below; and (b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and (c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions
Alterations to/and Maintenance of Historic Sites, Buildings And Objects	Permitted	12.5.6.1.2	No person shall alter, remove or destroy any site, building or object listed in Appendix 1E and shown on the Zone Maps and Heritage Precinct Maps without a resource consent. This provision shall not apply to minor repairs and maintenance of such historic sites, buildings and objects
Registered Archaeological Sites	Permitted	12.5.6.1.3	Activities involving the alteration of land, including building, excavation, filling, planting of trees and disturbance of ground, shall not disturb, modify, damage or destroy a registered archaeological site (as listed in Appendix 1G and shown on the Resource Maps), unless an Authority to Destroy, Damage or Modify an Archaeological Site has been issued by the New Zealand Historic Places Trust.
Restricted Discretionary activities	Restricted Discretionary	12.5.6.2	Activities that complies with permitted activities, RD activities listed here. Also activities that comply with other relevant standards for permitted, controlled or restricted discretionary activities set out in Part 2 of the Plan – Environment Provisions and Part 3 of the Plan - District Wide Provisions.  The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent. In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in Section 12.5.7.

<b>CHAPTER 12.5 HERITAGE – GENERAL HERITAGE RULES</b>			
<b>Activity</b>	<b>Status</b>	<b>Reference</b>	<b>Rule</b>
Heritage Resources – Permanent Protection	Restricted Discretionary	12.5.6.2.1	<p>Where, in any zone, an activity is subject to a rule described as Scale of Activity, and the site contains one or more heritage resources listed in Appendices 1D, 1E, 1F and 1G and shown on the District Plan Maps, the scale of activity may be increased by up to 100% of that permitted by the zone rule where a covenant is registered on the title of the site permanently protecting all of those heritage resources.</p> <p>The Council will require that the covenant is registered on the title before this rule can be given effect to.</p> <p>The Council will restrict the exercise of its discretion to:</p> <p>(a) the environmental effects, including those on the cultural, spiritual and heritage values, of the increase in Scale of Activity to be allowed;</p> <p>(b) the adequacy of the covenant in achieving the purpose of this provision.</p> <p>Where an application is made in terms of this rule, the New Zealand Historic Places Trust and, where appropriate, the tangata whenua and the relevant iwi authority for whom the heritage resource has significance and the Department of Conservation, shall be considered an affected party.</p>
Activities which could affect Sites of Cultural Significance to Māori	Restricted Discretionary	12.5.6.2.2	<p>Building, excavating, filling, planting of trees or clearance of vegetation within any Site of Cultural Significance to Māori, as listed in Appendix 1F and shown on the Resource Maps, is a restricted discretionary activity, unless the activity is proposed by the requesting party, in which case this rule does not apply.</p> <p>The Council will restrict the exercise of its discretion to:</p> <p>(a) the extent to which the activity may adversely affect cultural and spiritual values; and</p> <p>(b) whether the activity will have an adverse effect on any historic site, building or object, notable tree, or archaeological site; and</p> <p>(c) the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.</p> <p>Where an application is made in terms of this rule, the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered an affected party.</p>

CHAPTER 12.5 HERITAGE – GENERAL HERITAGE RULES			
Activity	Status	Reference	Rule
Discretionary activities	Discretionary	12.5.6.3	<p>Activities where (a) it does not comply with one or more of the standards for permitted or restricted discretionary activities as set out under Rules 12.5.6.1 and 12.5.6.2; and/or</p> <p>(b) it complies with Rule 12.5.6.3.1 Development Bonus below;</p> <p>The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under Section 12.5.7.</p> <p>Where an application is made in terms of this rule, the New Zealand Historic Places Trust and, where appropriate, the tangata whenua for whom the heritage resource has significance shall be considered an affected party.</p>
Development Bonus	Discretionary	12.5.6.3.1	<p>Where a site contains a heritage resource, and where this resource is proposed to be permanently protected, and/or where restoration or rehabilitation of the heritage resource is proposed, the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) can be either from the parent title on which the area to be protected, restored or rehabilitated is located, or on another title. The new lot(s) may be created in addition to the rights to subdivide which would otherwise apply, and may include the area to be protected, restored or rehabilitated. The minimum area of a bonus lot shall be the minimum area provided for as a discretionary subdivision activity in the relevant zone. If the site is located within the Rural Production Zone the minimum discretionary lot size of any bonus lot shall be 4.0 ha. This bonus lot provision cannot apply to the General Coastal Zone as there is no discretionary minimum lot size (management plan subdivision is the only option provided).</p>
Noncomplying activity	noncomplying	12.5.6.3	<p>If an activity does not comply with the standards for a discretionary activity, it will be a noncomplying activity, unless it is prohibited (refer to rules within Section 12.5A).</p>
Demolition Or Removal Of Specified Buildings	Prohibited	12.5.6.4.1	<p>See list, compare with schedule</p>

## General Heritage Standards

<b>CHAPTER 12.5 HERITAGE – STANDARDS</b>			
<b>Activity</b>	<b>Status</b>	<b>Rule</b>	<b>Standard</b>
Alterations to/and Maintenance of Historic Sites, Buildings And Objects	Permitted	12.5.6.1.2	For the purpose of this rule: (a) “Minor repairs” means the repair of materials by patching, piecing-in, splicing and consolidating existing materials, and including minor replacement of minor components, such as individual bricks, cut stone, timber sections, tiles and slates, where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces, and the number of components replaced should be substantially less than the existing components. (b) “Maintenance” means the painting of previously painted surfaces, plumbing and/or guttering maintenance work, water washing and such similar work, excluding abrasive or high pressure cleaning, as is required to keep the building clean, safe and weatherproof.
Registered Archaeological Sites	Permitted	12.5.6.1.3	For the purpose of this rule a registered archaeological site is one that is included on the New Zealand Historic Places Register pursuant to the Historic Places Act 1993. Where an application is required because of non-compliance with this rule, the New Zealand Historic Places Trust, Department of Conservation and where appropriate, the tangata whenua for whom the archaeological site has significance, shall be considered an affected party
Alterations to/and Maintenance of Historic Sites, Buildings And Objects & Registered Archaeological Sites	Permitted	12.5.6.1.2	(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and

CHAPTER 12.5 HERITAGE – STANDARDS			
Activity	Status	Rule	Standard
Alterations to/and Maintenance of Historic Sites, Buildings And Objects & Registered Archaeological Sites	Permitted	12.5.6.1.2	(c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.

### *General Heritage Assessment criteria*

12.5.6.2 In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone<sup>28</sup> and in Section 12.5.7. 12.5.6.3 When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under Section 12.5.7. The Council shall apply the relevant assessment matters set out below:

- (a) whether an assessment by a qualified archaeologist has been carried out;
- (b) whether the requesting party for the Site of Cultural Significance have been consulted, and whether the consultation supports the application;
- (c) whether the proposal is consistent with the objectives of any hāpu or iwi management plan relating to the area;
- (d) whether the New Zealand Historic Places Trust has been consulted and whether an Authority to Modify an archaeological site has been obtained under the Historic Places Act 1993;
- (e) whether the activity will have any adverse effect on an archaeological site;
- (f) the extent to which the activity may adversely affect cultural and spiritual values;
- (g) the extent to which the activity may adversely affect design and appearance of the building or object;
- (h) the extent to which the activity will adversely affect any cemetery;
- (i) the extent to which heritage values can be permanently protected and enhanced;
- (j) the effect of the proposed activity on the integrity or heritage values associated with the resource;
- (k) the significance of heritage values associated with the heritage resource;
- (l) the registration (if applicable), and the reasons for this registration, of the heritage resource under the Historic Places Act 1993;
- (m) the purpose of the proposed activity and whether there are other means of achieving the same or similar ends;
- (n) the policies of any conservation plan and heritage inventory relating to the heritage resource;
- (o) the importance (if any) of land surrounding the heritage resource;

<sup>28</sup> The assessment criteria in Chapter 11 applies to the zone rules contained in Chapters 7 to 10. One criterion refers to historic heritage specifically under Renewable Energy/ Electricity Development (11.22 (i)). Some of the other assessment criteria would indirectly have a bearing on historic heritage, such as considerations around the 'character' of existing and proposed building(s).

- (p) the importance attributed to the heritage resource by tangata whenua and the wider community;
- (q) the recommendations made by the New Zealand Historic Places Trust and any other person or organisation with recognised expertise in heritage conservation issues;
- (r) in considering any proposal the Council shall also have regard to the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value;
- (s) the extent to which restoration and rehabilitation of heritage resources is likely to be achieved.

## Heritage Precincts

Nine Heritage Precincts have been identified in the District. These are;

- The Strand (Russell)
- Wellington Street (Russell)
- Christ Church (Russell)
- Mangonui
- Kohukohu
- Rawene
- Kerikeri Basin
- Te Waimate
- Pouerua (Pakaraka)

Background information on the Heritage Precincts and how they were identified in the FNDP is included in the *Far North District Plan Review: Historic Heritage Stage Two Assessments Report* (Plan.Heritage 2020).

The following table summarises the rules from the Heritage Precincts Chapter 12.5A. It is acknowledged that some of the individual properties that are scheduled within the District Plan and also fall within one of the heritage areas, will be subject to additional controls in Heritage 12.5.

<b>CHAPTER 12.5A HERITAGE PRECINCTS RULES</b>			
<b>Activity</b>	<b>Status</b>	<b>Reference</b>	<b>Rule</b>
Permitted Activities	Permitted	12.5A.6.1	An activity is a permitted activity if: (a) it complies with the standards for permitted activities set out in Rules 12.5A.6.1.1 to 12.5A.6.1.5 below; and (b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and (c) it complies with the other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.
Maintenance of Buildings	Permitted	12.5A.6.1.1	Maintenance of existing buildings is a permitted activity provided that: (a) the building is in the Pouerua Heritage Precinct; or (b) the existing visual appearance of the building is not changed; and (c) the structure of the building is not altered; and (d) in the case of The Strand and Christ Church Heritage Precincts, heritage colours are used for any repainting. For the purpose of this rule heritage colours are taken from the 5252 and 2660 British Standard colour ranges which are considered to be heritage colours, and are set out under Section 12.5A.8
Signs in The Strand and Kerikeri Basin Heritage Precincts	Permitted	12.5A.6.1.2	Signs are permitted in The Strand and Kerikeri Basin Heritage Precincts provided they are limited to a description of the activity on the site and do not exceed 0.2m <sup>2</sup> in area. See also rules in Chapter 16 – Signs and Lighting.
Parking and Access in The Strand	Permitted	12.5A.6.1.3	Car parking and vehicle access is permitted, provided that it is not accessed off The Strand, or located between any building and The Strand.
Alterations to Land in the Strand, Pouerua And Kerikeri Basin Heritage Precincts	Permitted	12.5A.6.1.4	Activities involving the alteration of land are permitted in The Strand, Pouerua and Kerikeri Basin Heritage Precincts, provided that they do not involve the excavation of more than 2m <sup>3</sup> of soil or the disturbance of vegetation, ground cover and soil of an area greater than 5m <sup>2</sup> . Note: This does not restrict normal gardening or landscaping which does not involve the excavation or deposition of soil or fill

<b>CHAPTER 12.5A HERITAGE PRECINCTS RULES</b>			
<b>Activity</b>	<b>Status</b>	<b>Reference</b>	<b>Rule</b>
Planting of Trees in the Kerikeri Basin Heritage Precinct	Permitted	12.5A.6.1.5	The planting of exotic trees and shrubs is permitted in the Kerikeri Basin Heritage Precinct, provided that these are of species that do not exceed 3m in height on maturity
Controlled activities	Controlled	12.5A.6.2	An activity is a controlled activity if: (a) it does not comply with Rule 12.5A.6.1.1 Maintenance of Buildings for permitted activities; but (b) it complies with Rules 12.5A.6.1.2 to 12.5A.6.1.5 inclusive for permitted activities above; and (c) it complies with Rules 12.5A.6.2.1 to 12.5A.6.2.3 below; and (d) it complies with the relevant standards for permitted or controlled activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and (e) it complies with the other relevant standards for permitted or controlled activities set out in Part 3 of the Plan - District Wide Provisions. The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent
Maintenance of Buildings	Controlled	12.5A.6.2.1	Maintenance of buildings other than those listed in Appendix 1E is a controlled activity where the standards set out in Rule 12.5A.6.1.1 are not complied with, excluding in the case of The Strand and Christ Church Heritage Precincts, where heritage colours are not used for any repainting, this is a restricted discretionary activity
Alterations To Buildings In All Heritage Precincts Except Kerikeri Basin	Controlled	12.5A.6.2.2	Alterations to the exterior of an existing building that are not visible from any public place in all Heritage Precincts except the Kerikeri Basin and the Kerikeri Basin Heritage Precinct Visual Buffer, is a controlled activity, provided that the building is not a building listed in Appendix 1E, to which Rule 12.5.6.1.2 applies.

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
New Buildings Which Are Not Visible To The Public	Controlled	12.5A.6.2.3	<p>The construction of a new building in any of the Heritage Precincts, except The Strand and Kerikeri Basin Heritage Precincts and the Kerikeri Basin Heritage Precinct Visual Buffer, is a controlled activity provided that it is not visible from a public place.</p> <p>In considering an application under Rules 12.5A.6.2.1 to 12.5A.6.2.3 inclusive above, the Council will restrict the exercise of its control to the following matters:</p> <p>(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;</p> <p>(b) the exterior design and appearance of the building;</p> <p>(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;</p> <p>(d) the materials used;</p> <p>(e) the heritage value of the building and the effect of the activity on the heritage value of the Precinct;</p> <p>(f) the effect of the activity on the heritage and archaeological values of the Precinct;</p> <p>(g) the location of the buildings in respect of the landscape and archaeological sites.</p>

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
Restricted Discretionary activity	Restricted Discretionary	12.5A.6.3	<p>An activity is a restricted discretionary activity if:</p> <p>(a) it does not comply with one or more of the standards for permitted or controlled activities as set out under Rules 12.5A.6.1 and 12.5A.6.2; but;</p> <p>(b) it complies with Rules 12.5A.6.3.1 to 12.5A.6.3.4 below: and</p> <p>(c) It complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in Part 2 of the Plan – Environment Provisions; and</p> <p>(d) It complies with the other relevant standards for permitted, controlled, or restricted discretionary activities set out in Part 3 of the Plan – District Wide Provisions.</p> <p>The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.</p> <p>In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in Section 12.5A.7</p>

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
Alterations to Buildings in all Heritage Precincts	Restricted Discretionary	12.5A.6.3.1	<p>Alterations to the exterior of an existing building that are visible from any public place in all Heritage Precincts, and any alteration of an existing building within the Kerikeri Basin Heritage Precinct, is a restricted discretionary activity, provided that the building is not a building listed in Appendix 1E, to which Rule 12.5.6.1.2 applies.</p> <p>Council will restrict the exercise of its discretion to:</p> <ul style="list-style-type: none"> <li>(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;</li> <li>(b) the exterior design and appearance of the building;</li> <li>(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;</li> <li>(d) the materials used;</li> <li>(e) the heritage value of the building and the effect of the activity on the heritage value of the precinct;</li> <li>(f) the effect of the activity on the heritage and archaeological values of the Precinct;</li> <li>(g) the location of the buildings in respect of the landscape and archaeological sites.</li> </ul>

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
New Buildings within Heritage Precincts	Restricted Discretionary	12.5A.6.3.2	<p>The construction of a new building in any of the Heritage Precincts that is visible from a public place, and the construction of any new building within the Kerikeri Basin Heritage Precinct, is a restricted discretionary activity, provided that, in the case of The Strand Heritage Precinct, new buildings shall not be erected to seaward of the boundary of properties fronting onto The Strand.</p> <p>Council will restrict the exercise of its discretion to:</p> <ul style="list-style-type: none"> <li>(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;</li> <li>(b) the exterior design and appearance of the building;</li> <li>(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;</li> <li>(d) the materials used;</li> <li>(e) the heritage value of the building and the effect of the activity on the heritage value of the Precinct;</li> <li>(f) the effect of the activity on the heritage and archaeological values of the Precinct;</li> <li>(g) the location of the buildings in respect of the landscape and archaeological sites.</li> </ul>
Alterations and/or New Buildings Within The Kerikeri Basin Heritage Precinct Visual Buffer	Restricted Discretionary	12.5A.6.3.3	<p>Alterations and/or new buildings within the Kerikeri Basin Heritage Precinct Visual Buffer are a restricted discretionary activity.</p> <p>The Council will restrict the exercise of its discretion to:</p> <ul style="list-style-type: none"> <li>(a) the form of the building and colour of all exterior surfaces, so as to ensure the appropriate use of colour and to avoid visual dominance in relation to the Kerikeri Mission Station buildings (the Stone Store and Kerikeri Mission House) and Kororipo Pa; and</li> <li>(b) the location of the buildings in respect of the Kerikeri Mission Station, Kororipo Pa and other archaeological sites.</li> </ul> <p>Provided that this rule does not apply to alterations and/or new buildings which comply with the consent notice conditions of RC 2020231 and RC 2100390 (Alderton Park, Hone Heke Road, Kerikeri) or subsequent extensions or variations where the consent notice conditions remain unchanged from those of RC 2020231 and RC 2100390.</p>

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
Maintenance of Buildings	Restricted Discretionary	12.5A.6.3.4	Maintenance of buildings is a restricted discretionary activity where: (a) buildings within The Strand and Christ Church Heritage Precincts are not painted in Heritage colours (refer to 12.5A.8). The Council will restrict the exercise of its discretion to: (i) the colour of all exterior surfaces, so as to ensure the appropriate use of colours; (ii) the heritage value of the building and the effect of the activity on the heritage value of the Precinct; (iii) the effect of the activity on the heritage and archaeological values of the Precinct.
Discretionary Activities	Discretionary	12.5A.6.4	An activity is a discretionary activity if: (a) it does not comply with one or more of the standards for permitted, controlled or restricted discretionary activities, as set out under Rules 12.5A.6.1, 12.5A.6.2 and 12.5A.6.3; but (b) it complies with Rule 12.5A.6.4.1 Demolition of Buildings below; and (c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in Part 2 of the Plan - Environment Provisions; and (d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in Part 3 of the Plan - District Wide Provisions. The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under Section 12.5A.7. If an activity does not comply with the standards for a discretionary activity, it will be a noncomplying or prohibited activity.
Demolition of Buildings	Discretionary	12.5A.6.4.1 D	The demolition of a building, except for buildings listed in Rule 12.5A.6.5.1 below, is a discretionary activity.

CHAPTER 12.5A HERITAGE PRECINCTS RULES			
Activity	Status	Reference	Rule
Demolition or Removal of Specified Buildings	Prohibited	12.5A.6.5.1	<p>The demolition or removal of the following buildings is a prohibited activity:</p> <p>(a) Christ Church – Lot 3, Blk XI, Russell Township;</p> <p>(b) Church of St John the Baptist – Pt OLC 48;</p> <p>(c) Four Square Store - Part Lot 2 Russell Township;</p> <p>(d) Holy Trinity Church (Anglican) – Pt OLC 54, adjacent to Pakaraka Township, Blk X Kawakawa SD;</p> <p>(e) Kerikeri Mission House – Pt Lot 1, DP29562, Blk XI Kerikeri SD;</p> <p>(f) Mangungu Mission House – Pt OLC 78, Blk XI, Mangamuka SD;</p> <p>(g) Police Station - Lots 7, 8, 17, 18 Blk V Russell Township;</p> <p>(h) Pompallier- Allot 13, Sec 1, 13 Town of Russell SD;</p> <p>(i) Pouerua Homestead Store and Stables – Lot 2, DP128244, Blk X Kawakawa SD;</p> <p>(j) St James Church – Pt OLC 39, Blk XI Kerikeri SD;</p> <p>(k) Stone Store – Lot 1, DP32468, Blk XI Kerikeri SD;</p> <p>(l) Sunday School – Pt Lots 10 &amp; 11 of OLC 48, Blk VIII Omapere SD;</p> <p>(m) Clendon Cottage - Allot 13, Sec 1, 13, Russell Township;</p> <p>(n) The Gables - Lot 25, DP21359, Allot 12 Town of Russell Section 9;</p> <p>(o) The Moorings - DP18744;</p> <p>(p) The Retreat – Pt OLC 54 adjacent to Pakaraka Township, Blk X Kawakawa SD;</p> <p>(q) Waim</p>
Alterations to land within Te Waimate Heritage Precinct	Prohibited	12.5A.6.5.2	<p>The disturbance of the land surface by excavation or the depositing of fill within the King Paddock, as shown on Te Waimate Heritage Precinct Map (HP2) which is not an archaeological investigation authorised by the New Zealand Historic Places Trust, is a prohibited activity.</p>

*Heritage Precincts Assessment Criteria*

12.5A.7 the Council shall also apply the relevant assessment matters set out below:

- (a) the extent to which any work adversely affects the existing character of the various Heritage Precincts as a whole;
- (b) the extent to which any proposed work uses similar materials and is of similar design to the existing building or buildings on the same site;
- (c) the extent to which any demolition or removal of a major building on a site adversely affects the existing streetscape or destroys a building of historical or architectural significance;
- (d) the extent to which landscaping is appropriate to the character of the buildings on site;
- (e) the extent to which work or an activity adversely affects or destroys any archaeological site;
- (f) effects on landforms, including effects on stone walls and archaeological sites;
- (g) in the case of The Strand Heritage Precinct, the extent to which Heritage colours are used for all external surfaces;
- (h) in the case The Strand Heritage Precinct, the effects of any use or development on pedestrian access to and along The Strand;
- (i) in the case of the Kerikeri Basin Heritage Precinct, the extent to which the planting of trees affects the heritage values of sites, either visually or because of disturbance of archaeological sites.

Note: The Council may impose a bond to ensure that, where a building is demolished or removed, the building is replaced with another sympathetic in design, scale and materials to the surrounding builtforms and landscape.

The precinct rules range from high level to very detailed (see Figure 2), which varies from area to area.

### 12.5A.8 HERITAGE COLOURS – THE STRAND AND CHRIST CHURCH HERITAGE PRECINCTS

The following colours, from the BSS 5252 and BSS 2660 ranges, are heritage colours for The Strand and Christ Church Heritage Precincts. Paint manufacturers and distributors are familiar with the Standards and can provide examples of the colours.

BSS 5252 Range				BSS 2660 Range					
10 A 03	08 B 15	12 B 21	10 C 31	1-015	2-029	3-041	4-051	6-068	9-094
10 A 07	08 B 17	12 B 25	10 C 39	1-016	2-030	3-042	4-052	6-073	9-095
10 A 11	08 B 21	12 B 29	14 C 39	1-017	3-033	3-043	5-058	6-074	9-096
00 A 01	08 B 25	18 B 21	18 C 39	1-018	3-034	3-044	5-059	7-076	9-097
00 A 05	08 B 29	18 B 25	04 D 45	1-019	3-035	3-045	5-060	7-077	9-098
00 A 09	10 B 15	18 B 29	10 D 45	1-024	3-036	4-046	5-061	7-078	9-102
00 A 13	10 B 17	08 C 37	12 D 45	1-025	3-037	4-047	5-064	7-085	9-103
04 B 17	10 B 21	08 C 31		2-026	3-038	4-048	5-065	7-086	
04 B 21	10 B 25	08 C 35		2-027	3-039	4-049	6-066	8-089	
04 B 25	12 B 15	06 C 39		2-028	3-040	4-050	6-067	9-093	

Figure 2. Heritage colours are specified for two precincts

## Heritage Areas

The Heritage Areas are not referred to specifically in the high level Chapter 12.5 provisions and do not sit efficiently within the overall plan structure. Further background information on the Heritage Areas and how they were identified in the FNDP is included in the *Far North District Plan Review: Historic Heritage Stage Two Assessments Report* (Plan.Heritage 2020).

Rangihoua Heritage Area (12.5.8) does not contain any specific provisions and is largely included for information purposes only. Although activities are encouraged to 'acknowledge' the heritage values of the area, this is not very well defined (such as the historic landscapes and features referred to) and it is difficult to ascertain how this is implemented in practice. Rule 12.5.8 states:

The Rangihoua Historic Area – Information document has been incorporated in the District Plan for information purposes only. It is recommended that any activities undertaken within the Rangihoua Historic Area acknowledge the highly significant heritage values of this area. It is also recommended that any modification, destruction or removal of historic landscapes and features is first discussed with the New Zealand Historic Places Trust.

Paihia Mission Heritage Area (12.5B) has its own set of issues, outcomes, objectives, policies, methods, rules and assessment criteria. This area has been identified because of its heritage values in relation to the 'mission settlement' established in 1823, which distinguish it from the wider commercial waterfront of Paihia. The map (HP5) is included with the Heritage Precinct maps, unlike Rangihoua Historic Area.

The rules focus on building height, sunlight, setback from boundaries, visual amenity, building coverage, comprehensive development plan and development bonus. The general direction is to conserve a residential character (protecting it from commercial development), as well as the heritage, archaeological and character values of the area.

The assessment criteria (12.5B.7) covers a range of matters in relation to views, vegetation/lawn, access/parking, bulk and separation of new structures, boundary fences, landscaping, trees, use/ enjoyment and mana whenua values. In relation to historic heritage there is no assessment criteria in relation to archaeology, however it includes the following criterion:

- i) the location of buildings or structures in relation to heritage items and notable trees

It is not clear if a 'heritage item' is a place included on the Schedule of Historic Sites, Buildings and Objects or not. The comprehensive development plan is required for Discretionary activity, which includes a landscape plan and may require an archaeological survey.

## Special Zones

There is one Special Zone that has a historic heritage focus – Waimate North Zone – in Chapter 18.3 of the plan. This area has been identified because of its “unique combination of natural character, managed landscapes and historic elements” (issue 18.3.1.1). The Special Zone has its own issues, outcomes, objectives, policies, methods, rules and assessment criteria. While retaining some consistency with the standards applying to the Rural Production Zone, the special zone provisions contain specific measures, to “protect and enhance the historic and visual character of the area” (context 18.3).

The rules focus on residential intensity, scale of activities, building height, sunlight, stormwater management, setback from boundaries, noise, building coverage, integrated development and development bonus. The general direction is to conserve low density development and a rural character. For example, in terms of setback (18.3.6.1.6 (a)), buildings are permitted activities if they are located 75m or more from the road boundaries of SH1, Te Ahu Ahu, Showgrounds and/or Waikaramu Roads. In the general rural production zone its only 10m.

The assessment criteria (18.3.7) is weak in regard to historic heritage. The most applicable assessment criterion is below:

- a) The elements which make up the unique character of the Waimate North Zone, in particular whether consent to an application will result in the permanent protection of a view shaft or an area of significant indigenous vegetation or habitat or a heritage item, or in the planting of an area of indigenous vegetation, or in the protection of such other items as the council may determine will help to achieve the objectives of the Waimate North Zone.

It is not clear if a ‘heritage item’ is a place included on the Schedule of Historic Sites, Buildings and Objects or not, and if this zone really adds anything that would not otherwise be covered by Chapter 12 for scheduled historic heritage places. The view shafts referred to in the assessment criteria do not appear to have been identified and mapped. Whilst attention is drawn to Chapter 12 generally, there is no integration between the Waimate North Zone and the Heritage Area/ Precinct provisions.

Further background information on the Special Zone and how it was identified in the FNDP is included in the *Far North District Plan Review: Historic Heritage Stage Two Assessments Report* (Plan.Heritage 2020).

The Russell Township Zone<sup>29</sup> is a subsection within the FNDP Coastal Environment chapter (Chapter 10). The issues, expected outcomes and following objectives and policies identify the historical evolution of Russell, in combination with its physical form, as being important to the special character of the place<sup>30</sup>. However, the commentary also notes that:

‘In general the objectives and policies of the Russell Township Zone are similar to those in the Residential and Coastal Residential Zones. There are however, slightly

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<sup>29</sup> FNDP Section 10.9

<sup>30</sup> Ibid.

higher environmental thresholds, reflecting the more sensitive physical and cultural environment' (Section 10.9.4)

It is also noted in this section that specific heritage-related matters are focused on the existing precinct controls. As such, the Russell Township Zone rules and assessment criteria concentrate more generally on massing, setbacks, building heights and floor areas. There are exceptions noted in relation to historic precincts, for example – permitted floor areas where these sites are also located in historic precincts.

Further background information on the area covered by the Russell Township Zone is included in the Far North District Plan Review: Historic Heritage Stage Two Assessments Report (Plan.Heritage 2020).

### **Other Parts of the Plan**

Activities affected by Heritage 12.5 must comply not only with the rules in that section, but also with the relevant standards applying to the zone in which the activity is located (refer to Part 2 Environment Provisions), and with other relevant standards in Part 3 – District Wide Provisions.

For example:

- (a) Chapters 7-10 in Part 2;
- (b) Other sections in Chapter 12 Natural and Physical Resources (and the District Plan Maps);
- (c) Chapter 13 Subdivision;
- (d) Chapter 14 Financial Contributions;
- (e) Section 15.1 Traffic, Parking and Access;
- (f) Chapter 16 Signs and Lighting;
- (g) Chapter 17 Designations and Utility Services (and the Zone Maps).

Other provisions in the plan also address heritage resources, directly or indirectly:

- Outstanding Natural Features (appendix 1A)
- Outstanding landscape Features (appendix 1B)
- Conservation Zone (section 9.7)

### **Information Requirements**

Under Section 12.5.7 ( assessment matters) there are some information requirements around:

- (a) whether an assessment by a qualified archaeologist has been carried out;
- (b) whether the requesting party for the Site of Cultural Significance have been consulted, and whether the consultation supports the application;

(c) whether the proposal is consistent with the objectives of any hāpu or iwi management plan relating to the area;

(d) whether the New Zealand Historic Places Trust has been consulted and whether an Authority to Modify an archaeological site has been obtained under the Historic Places Act 1993;

Under the FNDP consultation with iwi as an affected party is required for an activity which may modify a scheduled archaeological site; historic site, object or building; and a site of cultural significance to Māori under method 12.5.5.7. This does not include Historic Heritage Areas. An archaeological assessment to manage adverse effects on archaeological sites is required (see method 12.5.5.5 and rules in chapter 4.3 for processing resource consents).

## Other Methods

### *Design guidelines*

The Council has developed design guidelines for six of the nine heritage precincts. These are:

- Russell (incorporates three areas)
- Mangonui
- Kohukohu
- Rawene

The purpose of the design guidance:

Heritage precincts are not exempt from normal development pressures and growth patterns. These guidelines provide a starting point for landowners when considering development or renovations to any property within a heritage precinct. Each guideline includes information on what is significant in the precinct, provides a description of its characteristics and guidance on where and how new development might be carried out without undue impact on the significant qualities of the precinct<sup>31</sup>.

The creation of Council design guides is referenced in the FNDP under 'other methods', but they are not linked in the statutory provisions in the FNDP.

### *Incentives*

The FNDP provides for conservation covenants and rates relief. Certain rateable land within the district may be protected for outstanding landscape, cultural, heritage or ecological purposes. In the Rating Relief Policies 2018 Council has included a policy on rates relief for land protected in this manner.

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<sup>31</sup> <https://www.fndc.govt.nz/Your-Council/District-Plan/Protecting-historic-heritage>

## Monitoring of the District Plan

The FNDC describes a number of mechanisms or tools which may be applied to support the conservation of historic heritage places, including those within Historic Heritage Areas, or to protect historic heritage from inappropriate development. These include:

- Resource Consents – The primary method of controlling development adopted by the FNDC (and other councils generally) is to require a resource consent for certain types of development, as set out in the District Plan. This provides an opportunity to assess proposals to ensure they will not generate adverse effects;
- Heritage Covenants – typically an agreement entered into with the territorial authority which describes specific controls placed on a legal title;
- Heritage Orders – typically an order placed on a site by the territorial authority which constrains permitted development rights or other activities in order to protect a historic heritage place. Such orders may usually be established through the provisions of the RMA 1991 or through the HNZPTA 2014, depending on the territorial authority responsible for bringing the order; and
- Heritage Assistance Fund – provided for in the plan as a contestable fund.

The FNDC has a Monitoring Plan<sup>32</sup>, which includes indicators for heritage (**Appendix 1**). A progress report on this plan was not available at the time of writing, however the following information has been provided by FNDC on heritage-related monitoring data.

### *Resource Consents*

From 2013-2018 it appears there has been 76 resource consents for landuse development in heritage precincts. 33 of those were in the Kerikeri visual buffer area. There may be more as record keeping has not been systematic with regard to historic heritage places or areas. This will be a mixture of modifying existing buildings and building new on vacant lots for example. FNDC s35 reports created from the council database are based on the underlying zone vs being able to look at an overlay (heritage precinct). Therefore it is not possible to advise on the amount of subdivision in these areas.

The limited data available indicates that close to 50% of resource consent applications relating to Historic Heritage Areas has occurred in the Kerikeri area, but outside of the Precinct itself. This presumably reflects general regional growth patterns with Kerikeri being the main area of growth for townships in the Far North.

### *Heritage Covenants*

During the lifetime of the FNDC, no heritage covenants / heritage orders have been established specifically in relation to the protection of heritage values. We have been advised some of the biodiversity covenants do contain sites of heritage value (e.g. Pa sites), but they have only been protected as a secondary outcome through people wanting to protect the vegetation on these areas. Numbers are not available.

### *Heritage Assistance Fund*

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<sup>32</sup> Monitoring Strategy for the Far North District Council July 2008

FNDC currently do not have any heritage assistance fund in place. A review of council records indicates that a heritage fund of \$25k was created in 2004, which was an annual fund. In 2006 it was increased to \$50,000. It appears that there was a cap of \$5k per application. A 2008 report stated that \$147,296.79 was paid out over the four years, and related to restoration, preservation of sites of cultural significance, transfer of traditional information and exploratory reports. During this period there had been applications made up to a value of \$352,398.44.

A report written in 2008 to Council proposed to change the way Council provided for community funding programmes as of the 1 July 2009. It wanted to rationalise nine current programmes into one fund. This fund would be a single fund of \$300k and delegated to Community Boards for allocation. In addition a policy be established to guide allocations of funds, with emphasis given to community infrastructure and community events.

This was adopted by the Council, and resulted in the heritage assistance fund being stopped. While public funds of \$300k were still available, the criteria does not provide for most of the heritage work that was funded in the past, as the focus is on community events, and place making in terms of public space in settlements.

### *Current Monitoring*

The current situation on monitoring outcomes appears to be that:

- There has been no systematic analysis of applications within Historic Precincts vs neighbouring areas, and the outcomes of those applications;
- Similarly there has been no systematic review of resource consents relating to the Kerikeri visual buffer or Russell Township visual buffer area to determine effectiveness of these controls;
- Covenants established in relation to other sections of the Plan may affect historic heritage controls within Precincts and Historic Heritage Areas;
- Covenants are under-utilised as a mechanism for heritage protection;
- The Heritage Assistance fund has been dis-established and incorporated into a broader community fund.

## **Draft Far North District Plan 2018**

This draft plan was released by Far North District Council as an opportunity to test the new policy directions, strengthen the draft provisions and improve how the District Plan works<sup>33</sup>. The new District Plan will need to incorporate the updated national direction in the National Planning Standards (November 2019).

Significant Resource Management Issues have been identified through a combination of statutory requirements, community consultation and a review of the current District Plan. This includes Heritage Management:

The Far North has a wealth of historic heritage that contributes to its economic, social and cultural well-being and this needs to be recognised through the District Plan. Insufficient protection of heritage resources is resulting in cultural, social,

<sup>33</sup> Accessed 14/11/2019 at <https://farnorth.isoplan.co.nz/eplan/#Rules/0/0/0/0>

environmental and economic costs to our communities. A number of our historic buildings, objects, trees, archaeological sites, cultural heritage and sites of cultural significance to Māori, which tells our story, have either not yet been identified or are not adequately protected. Consequently, they are either being damaged or lost.

Historic Heritage has been included under District-Wide provisions/ Community Environments. The draft Historic Heritage provisions, including objectives, policies and rule are included in **Appendix 2** of this report. The draft is very high level, which predates the current NPS, and does not include very much on Historic Heritage Areas. The biggest issue with the draft is the terminology – the provisions refer to Historic Heritage Resources, heritage areas, heritage place, Category A Scheduled Resources and historic heritage buildings.

The Discussion

section of this report (below) provides a discussion on key considerations for the FNDP Historic Heritage Area provisions to improve their effectiveness, which is then summarised in the Recommendations section (below).

### Summary of Key Findings on FNDP

This review has established that:

- The FNDP does not contain assessment criteria for identification of Historic Heritage Areas, thresholds, categories, or a methodology for evaluation;
- There are different types of 'Historic Heritage Areas' in different parts of the plan and their distinction/ difference is not clear;
- No definition is provided within the FNDP for a Heritage Area, Heritage Precinct, or Heritage Special Zone;
- The FNDP is not aligned with the terminology in the more recent RPS and Proposed regional plan;
- There is no separate schedule for 'Historic Heritage Areas', as there are for other categories of historic heritage places;
- The existing level of information in the FNDP does not contain a detailed assessment against criteria, identification of historic heritage values, or statement of significance, relying primarily on external assessments;
- Mapping can be improved to show an extent of place rather than single point data or the whole property according to certificate of title/ legal description;
- The current hierarchy of provisions is complex, fragmented and repetitive for Historic Heritage Areas;
- Assessment criteria and Information requirements can be strengthened to aid processing of Resource Consents;
- Other methods have potential to be developed further to help manage historic heritage areas, such as the existing incentives and design guides;

- Incentives for positive community support of heritage areas may be established through a review of criteria for application to community funds or creation of a dedicated heritage fund;
- There is opportunity to explore holistic protection of places through application of covenants on valuable areas (non-silo approach);
- The Council has developed design guidelines for six of the nine heritage precincts, which are a valuable resource and could be given greater weight in the plan through linkages to specific rules/ assessment criteria;
- The design guidelines require updating and perhaps broadening so that they consider wider use-management issues (other than just 'design') and are more relevant to the more rural heritage areas;
- Supporting documentation and policies should be developed for cross-boundary working e.g. regional coastal seascapes vs district landscapes;
- Information on the effectiveness of plan provisions at the resource consent level is lacking;
- Implementation of a monitoring plan is required to inform on the effectiveness of the FNDP.

## DISCUSSION

This section of the report provides a discussion on key considerations for the FNDP Historic Heritage Area provisions to improve their effectiveness, which is then summarised in the recommendations section below.

There are a number of decisions that need to be made around the structure of the plan; what is included in the Historic Heritage Chapter; how mana whenua values will be integrated; and, the type of control used for the Historic Heritage Areas, including their relationship with the Schedules, Appendices and Maps. Key definitions need to be decided upon, as well as a raft of special considerations when formulating the Issues, Objectives, Policies, Methods, Rules, Anticipated environmental results and monitoring for Historic Heritage Areas.

### Plan Structure

The National Planning Statement updated November 2019 (NPS) requires that historic heritage is included under District-Wide Matters (NPS 2019: 7.15). It also recommends that historic heritage is included under the strategic direction heading "Historical and Cultural Values" as a separate Chapter. This is along with separate chapters on Notable trees and Sites and areas of significance to Māori. Natural environmental values (including landscape, landforms and natural character) is a different strategic direction heading.

The draft NPS included historic heritage under a heading "Community Values", along with sites of significance to Māori and Protected trees. The Community Values heading was adopted in the draft FNDP, however the revised heading in the NPS "Historical and Cultural Values" is

an improvement<sup>34</sup>. Notwithstanding this, it is noted the word 'heritage' is missing and 'Historic Heritage and Cultural Values' would be preferable<sup>35</sup>. Furthermore, users of the plan may expect notable trees to be in the 'natural environmental values' strategic direction heading, rather than 'historical and cultural values'.

## Historic Heritage Chapter

The NPS includes the following matters that must be addressed in the Historic Heritage chapter (NPS 2019: 7.15):

15 If the following matters are addressed, they must be included in the Historic heritage chapter:

- a. identification of historic heritage
- b. provisions to protect and manage heritage
- c. heritage orders
- d. schedule(s) of identified historic heritage and heritage orders. This may cross-reference an appendix.

The following type of provisions must be included for each Chapter (NPS 2019: 10.1):

- Issues (if stated)
- Objectives
- Policies
- Rules (if any)
- Methods other than rules (if stated)
- Principal reasons (if stated)
- Anticipated environmental results (if stated).

The draft NPA originally required that rules and rules requirements<sup>36</sup> should be presented in a table formats. This was to reduce complicated/ long text and example rule tables were provided. This appears to have been relaxed in adopted NPS (NPS 2019: 10.3):

Matters associated with rules

<sup>34</sup> There are issues with the heading "community values". Firstly, sites of significance to Māori are not community values, they are identified by mana whenua. Secondly, historic heritage has many other values, aside from community values. Although notable trees are no doubt valued by the public in many cases, separating these from other elements of the natural environment (also valued by the public) is not very logical. The very broad heading "community values" does not really capture what that chapter is about and users of the plan will not know instinctively to look there for historic heritage.

<sup>35</sup> In some contexts "cultural heritage" is a more appropriate heading for historic heritage and sites of significance to Māori (as used in the NZ ICOMOS charter). However in New Zealand Cultural Heritage is often assumed to only capture sites of significance to Māori, even though internationally this term is used to distinguish cultural (anthropomorphic) from natural (non-human made) heritage/ environments. A heading incorporating "cultural" and "historic" as set out in the NPS probably best describes the chapters in a New Zealand context, although 'heritage' is a key word missing.

<sup>36</sup> 'Rule requirements' are variously known in plans as 'performance standards' or 'conditions' of rules.

3. Any rules must be ordered in the following way: permitted, controlled, restricted discretionary, discretionary, non-complying, prohibited. Where a single rule contains more than one activity status, this order must be used within the single rule.
4. Activity status must be located with the specific rule it applies to. Relevant matters of control or discretion must be located with or cross referenced in the rule they apply to.
5. If a activity status is abbreviated the following abbreviations must be used: 'PER' for permitted, 'CON' for controlled, 'RDIS' for restricted discretionary, 'DIS' for discretionary, 'NC' for non-complying and 'PR' for prohibited.

The simplification of rules into a table format can still be an effective option to consider by FNDC. However it can be difficult to achieve in scenarios where there are different activities that need to be controlled and different activity status, for different types of heritage. This may require separate activity tables for Scheduled Historic Sites, Buildings and Objects; Scheduled Sites of Cultural Significance to Māori; Registered Archaeological Sites; and, Historic Heritage Areas.

This can be further complicated if different categories of Scheduled Historic Sites, Buildings and Objects is introduced (e.g. Cat B might be more permissive than Cat A). for example, in Auckland if the proposed activity is within the 'extent of place', but does not affect the 'primary feature', then a different activity status can also apply. This relies on accurate identification of a 'primary feature' within the Schedule, which has proved problematic.

More applicable to Historic Heritage Areas is whether the activity table needs to include 'heritage contributing properties' or 'non-contributing properties', with the latter resulting in a more permissive activity status. This relies on accurate identification of 'heritage contributing properties' on the Schedule/ Maps.

Another issue is that 'rule requirements' are often quite lengthy for historic heritage and consideration of how some of this detail could be picked up in other parts of the plan is needed (for example the Historic Heritage Area Management Plans and/ or definitions).

## Tangata Whenua Chapter

Under the NPS local authorities must include a Tangata whenua/Mana whenua heading. However this must only include context and process-related provisions. Other tangata whenua/mana whenua provisions must be integrated throughout the policy statement or plan where the local authority determines it is appropriate (NPS 2019: 30).

If included the *Sites and areas of significance to Māori* chapter should cover (NPS 2019; 7.15):

- a. descriptions of the sites and areas (eg, wāhi tapu, wāhi tūpuna, statutory acknowledgement, customary rights, historic site, cultural landscapes, taonga and other culturally important sites and areas) when there is agreement by Māori to include this information
- b. provisions to manage sites and areas of significance to Māori
- c. a description of agreed process of identification of sites and areas including an explanation of how tangata whenua or mana whenua are engaged

- d. a schedule(s) that lists the specific or general location of sites and areas of significance to Māori when this information is provided. This may cross-reference an appendix
- e. a description of any regulatory processes for identification.

This means that there is overlap between Sites of significance to Māori and historic heritage, particularly in relation to archaeology (individual sites or areas). Consideration needs to be given to an integrated approach in the District Plan, whilst also being careful to recognise these values are not the same.

### **Use of Areas, Overlays, Precincts and Zones**

The revised District Plan needs to be clear on the difference between heritage areas, precincts and special purpose zones, how they are defined and relate to each other, as well as the individual sites. Or indeed if it can be simplified to include them all as one category - Historic Heritage Areas overlays. An explanation on how applications will be treated is needed for places subject to an area control, as well as a site control, and differences with the underlying zone and/ or other provisions in the plan. With areas that cross an administrative boundary into the CMA for example, the processes to be used to manage matters that cross the local authority boundary needs to be clear.

In the NPS the use of District Spatial Layers is outlined in Chapter 12. The different spatial layers are set out in 12.2 (table 18), comprising zones, overlays, precincts, specific controls, development areas, designations and heritage orders.

Where a district plan uses a spatial layer (NPS 2019: 12.1):

- a. the plan must use the name of the relevant spatial layer
- b. provisions introduced by the spatial layer must be located in the location identified.

The most relevant spatial layers to Historic Heritage Areas is zones, overlays and precincts. The function of an overlay appears to be a good fit for Historic heritage Areas (NPS 2019: table 18), defined as:

An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

An overlay also has the correct location for the provisions, being District-wide matters chapters for district plans (Table 18). Zones and Precincts provisions on the other hand are located in the Zone chapters or sections, so would not be the appropriate spatial layer (NPS 2019: Table 18):

Spatial layer name	Function	Location of spatial layer provisions
<b>Zones</b>	A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.	Zone chapters or sections
<b>Overlays</b>	An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.	District-wide matters chapters for district plans Domain and topic chapters for combined plans with a district component
<b>Precincts</b>	A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).	If apply to only one zone, in the associated zone chapter or section If apply to multiple zones, in the multi-zone precincts chapters

The NPS contains a list of zones in the zone framework standard (Chapter 8). A district plan must only contain these zones, except for a special purpose zone, when direction 3 is followed (NPS 2019: 36). Therefore, although additional special purpose zones are allowed for in the zone framework, the following is noted (NPS 2019: 36):

3. An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a. are significant to the district, region or country
- b. are impractical to be managed through another zone
- c. are impractical to be managed through a combination of spatial layers.

At this stage, our view is that having a small number of zones (setting the general baseline on development) is preferable to having a larger number of zones tailored towards historic heritage protection. Specific examples in the Operative Plan include the Waimate North Zone (Section 18.3) and Russell Township Zone (Section 10.9). In this case, these 'special purpose' zones may not be required, as it is possible to re-assign specific management controls relating to the Historic Heritage Areas through a combination of spatial layers<sup>37</sup>, such as the Historic Heritage Area Overlay. In fact, the opening context statement to the Russell Township zone acknowledges this fact (underlined for emphasis):

'Russell occupies a unique place in New Zealand's past. The historic role of the settlement and its gradual evolution into what we today know as a quiet but popular tourist town have afforded it a special significance. In recognition of that significance, the Russell community has indicated a desire for resource management methods that maintain and enhance those characteristics of the natural and physical resources in Russell which contribute to its unique character, its heritage and amenity values. These provisions are not solely related to the heritage values in Russell, which are dealt with

<sup>37</sup> Such as introduction of an overlay, precinct, designation, development area, or specific control

in more detail by other provisions in the Plan (Section 12.5A - Heritage Precincts), but rather the environment within which the people of Russell live' (FNDP Section 10.9)

The key issue is to ensure that the hierarchy of provisions (zones vs overlays) is properly established in the FNDP structure. Also it would need to be an approach adopted across the whole plan, for example, introducing overlays for all the historic heritage categories, natural heritage and mana whenua overlays as well.

It is recommended that the structure of the FNDP would be improved if Heritage Areas, Precincts and Special purpose zones were brought together as 'Historic Heritage Areas' under the historic heritage chapter in District-Wide Matters. Separating the areas into different spatial layers is confusing and will also lead to a significant duplication in the provisions. It appears that the NPS anticipates use of overlays for District-Wide Matters .

This would result in a slightly different approach to the Historic Heritage Area provisions in the FNDP. To be compatible with the NPS it is recommend that:

- a common set of objectives, policies and methods, including rules, to manage Historic Heritage Areas would be adopted across all the areas i.e. the existing provisions are streamlined
- the identification of Historic Heritage Areas would be cross referenced to a schedule in the schedule chapter that provides a list and specific location for Historic Heritage Areas identified as requiring management i.e. the separate sections in the existing plan are rationalised into a single Schedule of Historic Heritage Areas, including maps
- the schedule of Historic Heritage Areas should include a description of why or what in each area requires management i.e. the Schedule could include a statement of significance and assessment of historic heritage values against the RPS criteria (see Schedule below)
- Historic Heritage Areas are mapped as a polygon, not a single point and that it is an 'Overlay' relating to the district wide chapter and schedule for historic heritage (see Historic heritage mapping below).

At present some of the Precincts have design guides. It is recommended that these are reviewed and broadened into 'Historic Heritage Area Management Plans' for each Historic Heritage Area.

These could sit outside the plan, enabling an easier process for updating, but the provisions should state that they will be considered when processing RD applications so they have some weight in decision making. The Schedules should also refer specifically to the relevant Historic Heritage Area management plan for each area.

A broader type of management plan is needed to reflect the heritage values of each area. This means that issues other than 'design', which may be less applicable to rural areas and archaeological sites, can be considered. It also means that management can be tailored specially to individual areas or sub-areas, for example the provisions controlling colour on The Strand in Russell, or development adjacent to coastal marine areas where these contain cross-boundary areas or precincts. More detailed recommendations on the content for the Historic Heritage Area management plans are below.

## Historic Heritage Schedule

Under District-wide Matters, the NPS states the following for schedules (2019: 10.14 &15):

14. Each schedule must include the following information for each site or item identified:

- a. unique identifier (created by the local authority)
- b. site identifier (eg, legal description, physical address, site name or description)
- c. site type (including description of values)
- d. map reference or link.

15. Local authorities must consider whether to include additional relevant information in schedules.

It is recommended that a schedule of Historic Heritage Areas is also included, in addition to the schedules for individual sites. The draft NPS was much more prescriptive on the format and included the following table (which reflects 10.14 above):

**Table 17: Schedule table**

Descriptive title			
Unique identifier	Site identifier (eg, legal description, physical address, site name/description)	Site type (including description of values)	Reference to study/material used for identification

The information to be included for the Schedule is very basic, possibly too simplistic to be useful. It is recommended that FNDC does include additional relevant information in schedule of Historic Heritage Areas.

In reference to Table 17 the 'site identifier' column will need to state 'refer to planning maps' as it will be impossible to list all the legal descriptions within an area. Alternatively an appendix to the schedule could be considered, with more specific maps that identify areas subject to specific controls.

The downside of this approach is many people only check the planning maps and having to refer to individual appendices for maps, which are not in the main GIS, can be cumbersome.

The site type in the Schedule would be Historic Heritage Area and the reference to study/material used for identification would reference the Historic Heritage Area Management Plan.

As a minimum we would recommend expanding the schedule to include what RPS criteria the historic heritage place/ area has met, as this is critical when assessing effects. Careful consideration should be given to identifying 'heritage contributing properties' (with others being 'non-contributing properties' by default) on the Schedule/ Maps<sup>38</sup>. Columns indicating if

<sup>38</sup> For other scheduled historic heritage items consideration should be given to the level of significance i.e. Category A or B.

the historic heritage place/ area is HNZ listed, an archaeological site or of value to mana whenua can also be invaluable in assisting with the day to day processing of resource consents.

## Historic Heritage Definitions

District plans definitions must use the terms defined in the Definitions List provided in Chapter 14 of the NPS Definitions Standard. However if required, they may define (14.1):

- a. terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.
- b. additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List.

The following definitions in the NPS are particularly relevant to interpretation of historic heritage provisions:

<b>accessory building</b>	means a detached <b>building</b> , the use of which is ancillary to the use of any <b>building, buildings</b> or activity that is or could be lawfully established on the same <b>site</b> , but does not include any <b>minor residential unit</b> .
<b>amenity values</b>	has the same meaning as in section 2 of the RMA (as set out in the box below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</p> </div>
<b>building</b>	means a temporary or permanent movable or immovable physical construction that is: <ul style="list-style-type: none"> <li>(a) partially or fully roofed; and</li> <li>(b) fixed or located on or in <b>land</b>;</li> </ul> but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
<b>earthworks</b>	means the alteration or disturbance of <b>land</b> , including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the <b>land</b> including soil, clay, sand and rock); but excludes gardening, <b>cultivation</b> , and disturbance of <b>land</b> for the installation of fence posts.

<b>historic heritage</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px;"> <p>(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> <li>(i) archaeological:</li> <li>(ii) architectural:</li> <li>(iii) cultural:</li> <li>(iv) historic:</li> <li>(v) scientific:</li> <li>(vi) technological; and</li> </ul> <p>(b) includes—</p> <ul style="list-style-type: none"> <li>(i) historic sites, structures, places, and areas; and</li> <li>(ii) archaeological sites; and</li> <li>(iii) sites of significance to Māori, including wāhi tapu; and</li> <li>(iv) surroundings associated with the natural and physical resources.</li> </ul> </div>
<b>land disturbance</b>	<p>means the alteration or disturbance of <b>land</b> (or any matter constituting the <b>land</b> including soil, clay, sand and rock) that does not permanently alter the profile, contour or <b>height</b> of the <b>land</b>.</p>
<b>sign</b>	<p>means any device, character, graphic or electronic display, whether temporary or permanent, which:</p> <ul style="list-style-type: none"> <li>(a) is for the purposes of: <ul style="list-style-type: none"> <li>(i) identification of or provision of information about any activity, property or <b>structure</b> or an aspect of public safety;</li> <li>(ii) providing directions; or</li> <li>(iii) promoting goods, services or events; and</li> </ul> </li> <li>(b) is projected onto, or fixed or attached to, any <b>structure</b> or natural object; and</li> <li>(c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.</li> </ul>
<b>site (for district plans and the district plan component of combined plans)</b>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) an area of <b>land</b> comprised in a single record of title under the Land Transfer Act 2017; or</li> <li>(b) an area of <b>land</b> which comprises two or more adjoining legally defined <b>allotments</b> in such a way that the <b>allotments</b> cannot be dealt with separately without the prior consent of the council; or</li> <li>(c) the <b>land</b> comprised in a single <b>allotment</b> or balance area on an approved survey plan of <b>subdivision</b> for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or</li> <li>(d) despite paragraphs (a) to (c), in the case of <b>land</b> subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the <b>land</b> subject to the unit development or cross lease.</li> </ul>
<b>structure</b>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px;"> <p>means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.</p> </div>

It is recommended additional terms for historic heritage are included to aid interpretation of the plan. Where possible these could be adopted/ based on Regional Plan definitions, HNZPT guidelines and NZ ICOMOS charter. However, adaptation is highly likely as some of the terminology does not translate well into a planning context and will need to be carefully considered from an implementation perspective.

Examples of definitions likely to be required include:

- Heritage Area Overlay/ Historic Heritage Area (or similar)
- Historic Heritage Area contributing building (if applicable)
- Historic Heritage Area non-contributing building (if applicable)
- Heritage Item/ Historic Heritage Item/ Historic Heritage Place (or similar)
- Heritage Item Overlay Extent/ Historic Heritage Extent of Place (or similar)
- Historic Heritage Values/ Significance
- Historic Heritage Setting
- Building Relocation (does this include Relocation within the same property?)
- Building Demolition (Total demolition, Partial demolition, sometimes expressed as a % and requiring guidelines on calculation)
- Character/ Historical Character/ Special Character (or similar)
- Terminology around views and assessing views
- Conservation terminology e.g. maintenance, repair, renewal, restoration, reconstruction, alteration, reversable, authenticity, fabric etc.
- Chattels/ Object (or similar)

## Historic Heritage Mapping

District plan maps must use the colours and symbols set out in Chapter 13 of the NPS Mapping standard. Below are the symbols for a 'heritage item overlay'; 'heritage item overlay extent'; and 'heritage area overlay' (NPS 2019: Chapter 13):

Heritage area overlay		Polygon Fill: None RGB: 132, 0, 168 Outline width: 2 pts	
Heritage item overlay		Point RGB: 132, 0, 168	
Heritage item overlay extent		Polygon Fill: None Angle 1: 0, Angle 2: 90 Line width 1 pts	Line separation: 5pts RGB 132, 0, 168 Outline width: 1 pts

In the NPS a point is recommended for a 'heritage item overlay', but it now includes a 'heritage item overlay extent' as well. The 'Heritage area overlay' is a polygon. The introduction of polygon and term 'overlay' to the key is a change from the draft NPS. This is now the same as the mapping adopted in the Auckland Unitary Plan Operative in Part for Historic Heritage. It is assumed that a 'heritage item overlay' includes archaeological sites.

It is supported that Historic Heritage Areas are mapped as a polygon, not a single point and that it is an overlay relating to the district wide chapter and schedule for historic heritage. There are maps for the areas of varying quality, which will need to be reviewed and their extent justified, as set out in the *Far North District Plan Review: Historic Heritage Stage Two Assessments Report* (Plan.Heritage 2020).

If the individual heritage items are also mapped as a polygon, this can help when the property boundary is very big (such as a farm or regional park), if there are multiple buildings/ structures/ feature within a property, and/ or if the property contains areas/structures that may not be of historic heritage value.

In Auckland the Unitary Plan developed by Auckland Council the term 'extent of place' is already adopted and scheduled historic heritage is mapped individually as areas on the planning maps. However, the scale of this task cannot be underestimated, which took over 1 year and still not complete. It required a full review/ assessment for all items on the Schedule to map these points as areas and to identify the historic heritage values on the Schedule. For archaeological sites, which will often be subsurface with minimal surface expression, determining an accurate extent of place can be difficult. In Auckland when data does not exist on the extent of a site, these are mapped as points, with a rule that states the historic heritage overlay provisions apply within 50m of the point. This approach is not without controversy, as it relies on an accurate and up-to-date database of archaeological sites (the NZAA Archsite database cannot be relied upon for this).

As highlighted in this report (above, page 27) two Historic Heritage Areas have 'visual buffers', whereas the rest do not. The buffers are addressed in the individual area assessment reports in more detail (Plan.Heritage 2020). At this stage it is worth noting that in our opinion 'setting' is generally considered to be the surroundings in which a place is experienced (its local context) and that this setting is not actually part of the place, so 'buffers' should not be included within the 'extent of place' of Historic Heritage Areas.

The terminology "heritage item' for the mapping is problematic in my opinion and is not included in the list of definitions in the NPS. There is an accepted RMA definition for Historic Heritage and the chapter is called Historic Heritage, so we believe 'Historic Heritage' should be used in full. This also avoids confusion with 'natural heritage'.

## Key Historic Heritage Policy Considerations

In addition to the above, the following key issues warrant further consideration by FNDC when formulating the Issues, Objectives, Policies, Methods, Rules, Anticipated environmental results and monitoring for Historic Heritage Areas:

- Ensuring cross boundary working (particularly Historic Heritage Areas that extend into the CMA);
- Identification of historic heritage (filling information gaps, developing the evidence base etc.);
- Agreement on assessment criteria and methodology for identification/ scheduling of Historic Heritage Area (and historic heritage in general);
- Differences between character, amenity and historic heritage;
- Use of Design guides vs Historic Heritage Area Management Plans (for assisting owners, professionals and processing planners in their roles);
- Better incorporation of mana whenua values and iwi consultation in Historic Heritage Areas (such as cultural values / impact assessments);
- Better management of archaeology in Historic Heritage Areas (use of Accidental Discovery Protocols, consultation with HNZPTA and archaeological assessments);
- Definitions and mapping for Extent of place;
- Definitions for setting and methodology for assessing impact on setting (removing 'buffers' from those areas that have them);
- Identification of views, mapping, and methodology for assessing impact on views;
- Identification of heritage contributing places in Historic Heritage Areas, mapping and assessment;
- Conservation approach (managing change vs 'minimum intervention approach');
- Definitions and interpretation of rules (calculating demolition , maintenance and repair vs modification and restoration etc.);
- Promoting sustainable tourism and tackling climate change in Historic Heritage Areas;
- Promoting access, educational and enjoyment value of Historic Heritage Area;
- Managing risks in Historic Heritage Areas (earthquake strengthening, flooding, fire);
- Providing incentives in Historic Heritage Areas (area based regeneration, individual owners, demolition by neglect etc);
- Methods for consultation and stakeholder engagement in Historic Heritage Areas;
- How to ensure effective dissemination of information (public, owners, professionals etc);
- How best to integrate Historic Heritage with other parts of the plan (e.g. Utilities, earthworks, trees, roads/ footpaths, temp activities etc);
- How to introduce 'other methods' of management (such as Historic Heritage Management Agreements with key landowners);
- How to monitor information on the state of the environment (lack of systematic surveying and monitoring, limited data on condition, threats, vulnerability and opportunities); and,
- How to determine plan effectiveness and agree possible indicators for Historic Heritage Areas (perhaps building on the HNZ RMA Review 2018)

## RECOMMENDATIONS

The key preliminary recommendations for the new FNDP Historic Heritage Area provisions are summarised below. Further research, fieldwork, discussion with Council staff and consultation with stakeholders is needed to consider these further. This should be viewed as a starting point for a much bigger conversation.

### Historic Heritage Area provisions

1. An agreed terminology and definition for Historic Heritage Areas is necessary, as well as other key definitions needed to interpret the provisions in the plan.
2. Historic Heritage Areas should be included in the topic-based chapters/ district-wide provisions, as set out in the draft NPS.
3. The Chapter heading 'Community Values' in the draft FNDP should be replaced with 'Cultural and Historic Heritage Values', or similar.
4. Consideration should be given to including a Chapter (or sub section) on view shafts and sightlines, along with a schedule, which will include views of heritage value within Historic Heritage Areas (as well as others, such as natural heritage).
5. The Historic Heritage Area provisions should apply within mapped overlays, which spatially identifies distinctive historic heritage values, risks or other factors that require management in a different manner from underlying zone provisions.
6. Cross referencing with other specific activities that occur across the district will be necessary (.e.g. earthworks, subdivision, coastal environment, signs, temporary activities, infrastructure etc.).
7. The historic heritage Chapter will need to make reference to other relevant legislation for historic heritage:
  - a. In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by HNZPT
  - b. The Building Act 2014 also contains provisions relating to managing dangerous or insanitary buildings, which may require owners of a heritage building to strengthen their building or remove any danger. This act and associated regulations manage earthquake-prone buildings.
8. A procedure addressing cross boundary matters in relation to Historic Heritage Areas (in the CMA for example) needs to be established (#check what Regional Plan says)
9. The introduction/overview for the Chapter should set out clearly the differences between a Historic Heritage Site and Historic Heritage Areas. It needs to be decided if individually scheduled buildings and items; archaeological sites; sites of significance to mana whenua and Historic Heritage Areas will all be treated separately in terms of the schedules and provisions, or lumped together. Historic heritage places that are subject to Heritage Orders also need to be included on a Schedule. This will impact on how Historic Heritage Areas provisions should be structured and written.
10. The Objectives and Policies for Historic Heritage should be streamlined, so that there are fewer Objectives and Policies that can apply across all the Historic Heritage Areas. The details for individual areas can be set out in rules, assessment criteria, or the Historic Heritage Area Management Plans (depending how the plan is structured).
11. The historic heritage criteria for identification/ evaluation of Historic Heritage Areas should be included as a policy, and in accordance with the criteria set out in the

Regional Policy Statement, ideally with one set of criteria applying to both sites and areas.

12. The Issues, Anticipated environmental results, and Methods need to include Historic Heritage Areas.

### Activity tables

13. The rules and rule requirements should be presented in a table as set out in the draft NPS, however the format of this should be carefully considered in regard to:
  - a. If there will be separate tables for individually scheduled buildings, items; archaeological sites; and/ or sites of significance to mana whenua; and Historic Heritage Areas, or if some are lumped together.
  - b. Adding extra columns, i.e. for category A vs B historic heritage sites, or contributing properties vs non-contributing properties within Historic Heritage Areas
14. It must be clear which activity tables apply to a proposal and how they relate. For example in a situation where individually scheduled buildings, items or archaeological sites are within a Historic Heritage Area and affected by a development proposal e.g.:
  - a. An application for resource consent for a proposal must address all rules under which consent is required for that proposal under the District Plan
  - b. However the proposal will be assessed on the basis of the most restrictive activity status.
15. A clear distinction will need to be made between what is necessary in the activity tables and the detail which can be included in supporting documents (e.g. HHAMP).
16. The Historic Heritage Area activity tables (with supporting definitions and rule requirements) would potentially cover:
  - a. Demolition or destruction (partial vs total demolition)
  - b. Relocation
  - c. Maintenance and repair
  - d. Modifications and restoration
  - e. New buildings and structures (location, height, yards, building coverage, landscape area, form, mass, proportion, scale, design etc. roof form? Front facades?)
  - f. Signs, car parking, garaging and ancillary structures
  - g. Temporary buildings, structures or signs
  - h. Subdivision
  - i. Use? (e.g. rural archaeology impacts, residential areas, business)
  - j. Plantings/ Tree removal? (e.g. archaeology and amenity impacts?)
  - k. Boundary treatments (boundary walls, fences, paths etc)? (better rely on zone rules and then guidance for detailed design?)
  - l. Materials and colour e.g. Paint colours (would suggest can partly be controlled by rule requirements, plus specific colour recommendations moved to the guidance?)

## Schedules

17. The existing Historic Heritage Areas need to be reviewed to establish their historic heritage values and extent of place.
18. A Schedule of Historic Heritage Areas should be created which includes:
  - a. Place ID (numeric)
  - b. Place Description (Historic Heritage Area)
  - c. Historic Heritage Area Name (free text)
  - d. Historic Heritage Values (the criterion met – in abbreviated form)
  - e. Historic Heritage Area Management Plan (reference to Appendix number)
  - f. Mana Whenua requirements (Y/N or name the Mana Whenua)
  - g. Archaeological requirements (Y/N)
  - h. It may be appropriate to include a map of each Historic Heritage Area extent of place, identifying Historic Heritage Area contributing properties here (in addition to the planning maps)
19. If the Schedule identifies Mana Whenua and Archaeological requirements, there should be a rule in the plan that this triggers a requirement to consult with Mana Whenua and/ or Heritage NZ, with information requirements for a cultural values impact assessment and/ or archaeological impact assessment, subject to consultation.
20. Historic Heritage Areas with archaeological requirements could be subject to additional rules/ rule requirements to manage activities that have the potential to adversely affect archaeological values, such as land disturbance, or disturbance of the foreshore or seabed. The same could be for Mana Whenua requirements.
21. Careful consideration should be given to a Schedule of 'Historic Heritage Area contributing properties' in Historic Heritage Areas.
  - a. If adopted these properties will need to be mapped and criteria for inclusion on the Schedule developed. It also means that specific rules can be developed for Historic Heritage Area 'contributing properties' vs 'non-contributing' (which might be more permissive/ focus on new design, rather than retention of the building for example).
  - b. Alternatively this could be addressed by way of a definition i.e. all properties containing a pre-1940 building, structure, feature, or archaeological site is considered to be a 'contributing property' within a Historic Heritage Area.

## Information Requirements

22. The following information requirements could be considered for some applications in Historic Heritage Areas:
  - a. Archaeological Assessment
  - b. Heritage Impact Assessment;
  - c. Historic Heritage Area Assessment (sometimes called special character assessment);
  - d. Visual Impact/ Landscape Assessment (in relation to protected views);
  - e. Cultural Values Assessment; or,
  - f. Cultural Impact Assessment.

## Historic Heritage Area Management Plans

23. The Design Guides should be replaced with Historic Heritage Area Management Plans, to broaden the application of guidance across all of the Historic Heritage Areas (some of which are rural/ archaeological in nature).
24. Historic Heritage Area Management Plans should be included as an Appendix and consistency with this guidance should be required under the plan (as a matter of discretion for example). For example this could include for each Historic Heritage Area:

### Historic Heritage Area values

- a. Statement of significance (summarises the heritage values of the area against the RPS criteria)
- b. General character (physical and visual qualities), location and uses
- c. Historical context/ interest

### Design Analysis and Guidance

This would need to be tailored for different zones such as urban, residential, rural etc.

- d. Built form
  - i. Period of development
  - ii. Scale & Massing of development
  - iii. Form and relationship to the street
  - iv. Density/Pattern of development
  - v. Building types
  - vi. Visual coherence
- e. Architectural values
  - i. Styles
  - ii. Materials and construction techniques
- f. Urban structure
  - i. Subdivision
  - ii. Road pattern
  - iii. Streetscape
  - iv. Vegetation and landscape characteristics
- g. Sub character areas/ historical zones (if applicable).
- h. Contributing properties (of local importance)
- i. Views
- j. Setting
- k. Identifying boundary/ extent
- l. Assessment of condition (link to monitoring framework)
- m. Issues (overview of problems/ main pressures that need to be managed through the District Plans and other methods, such as the management plan)

### Historic Heritage Management Plan

- n. Conservation principals and philosophy
- o. Design Guidelines
  - i. Relationship with wider setting and views
  - ii. Siting, Height, Bulk, Form and Scale

- iii. Street frontages
- iv. Building Design, Facades, Building tops
- v. Residential Development
- vi. Efficient and Healthy Buildings
- vii. Signage
- p. Site specific design guidance? Design briefs for key sites etc.
- q. Archaeology
- r. Mana Whenua
- s. Enforcement
- t. Incentives
  - i. E.g. to bring vacant buildings and land back into use
- u. Enhancement schemes
  - i. E.g. Kerikeri bypass

25. The identified Heritage Values, Statement of Significance and Assessment Criteria will be key as most activities will probably be RD

### **Incentives & Methods**

26. Other Methods and Incentives could include:

- a) schemes to support reintroduction of lost architectural features or to introduce painting schemes either through provision of guidance, planning permission or grant aid support
- b) Coordination of Council or council controlled initiatives such as Road Signage, street furniture, traffic management, tree strategies, public spaces etc.
- c) Further research is required to understand the potential for covenants established in relation to other sections of the Plan that may affect historic heritage controls within Precincts and Historic Heritage Areas.
- d) The criteria for application to the community fund be reviewed to include incentives and assistance for repair and maintenance of individual historic heritage places, which may also include specific opportunities for Historic Heritage Areas to maximise value, such as:
  - o Group applications for private property to generate efficient use of funds (e.g. repainting of several buildings, boundary repairs over several properties);
  - o Applications for publicly accessible buildings;
  - o Education and interpretation initiatives;
  - o Seismic upgrades to commercial areas; and,
  - o Community initiatives for public spaces within Historic Heritage Areas, as part of 'placemaking'.
- e) Or creation of a dedicated heritage fund

## Monitoring

- A possible approach for review of the existing FNDP Historic Heritage Area provisions effectiveness is included in **Appendix 3**. This is based on the Heritage New Zealand 10 key standards for assessing plan quality in regard to historic areas (Heritage NZ: Appendix 1 2018: 58), as well as additional indicators based on the findings of this report.
- Additional research may be required to establish percentage of applications within Historic Precincts vs neighbouring areas, and the outcomes of those applications (whether designs were modified etc.), in order to measure effectiveness of area controls
- Comparative review of resource consents relating to the Kerikeri and Russel visual buffer areas to determine whether these are achieving desired outcomes compared to the precincts themselves. For example, did any of these applications identify adverse effects requiring mitigation through consent conditions, or where designs were modified as a result of buffer controls;
- Analysis of effectiveness of visual buffer controls in supporting the purpose of the buffer (limit the scale of development within the visual catchment of the Kerikeri Historic Precinct); and,
- Based on above analysis, consider whether it may be necessary to increase Kerikeri Historic Precinct Area to encompass all or parts of the visual buffer, or even additional areas.

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## **Legislation**

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National Policy Statements, National Environmental Standards and Regulations.

Protected Objects Act 1975

Building Act 2004

## **Plans**

Northland Regional Policy Statement 2016

Regional Water and Soil Plan for Northland

Regional Air Quality Plan for Northland

Regional Coastal Plan for Northland

Proposed Regional Plan for Northland 2019

Far North District Plan 2009

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## **Online sources**

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NZAA ArchSite database, accessed at NZAA ArchSite website

Historical aerial photography, accessed at <http://www.Retrolens.co.nz>

Historical plans and maps; accessed at <http://www.Prover.co.nz>

Archaeological reports, accessed at Heritage New Zealand website digital library

Historical imagery and histories from digital archives, accessed at Digital NZ

Far North District Council website, accessed at <https://farnorth.isoplan.co.nz/eplan/>

## APPENDIX 1: FAR NORTH DISTRICT PLAN MONITORING INDICATORS

## (v) Protection of historic heritage

Indicators	Department	Frequency
Number and % of lots with protected historic sites, areas and wahi tapu	Development Consents	Annually
Spatial distribution of protected historic sites, areas and wahi tapu (mapped)	IT Support	Annually

## (i) Satisfaction with FNDC performance, plans and procedures

Indicators	Division	Frequency
Total number of complaints received	Development Consents and Regulatory and Field Compliance	Annually
Different types of RMA related complaints received by FNDC: <ul style="list-style-type: none"> <li>• District Plan issues</li> <li>• Resource consent conditions</li> <li>• Building and engineering</li> <li>• Parking</li> <li>• Animal Control</li> <li>• Health</li> <li>• Excessive noise</li> <li>• Hazardous substances</li> <li>• Historic Heritage</li> <li>• Other</li> </ul>	Development Consents and Regulatory and Field Compliance	Annually

## Tangata whenua

The rate of loss or modification, in numbers and by type, of legally protected Sites of Cultural Significance to Maori, Historic Sites, Heritage Precincts and archaeological sites.	District Plan	Annual
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## State of the environment monitoring

<b>Cultural and Historic Heritage</b> <ul style="list-style-type: none"> <li>Heritage buildings, sites and objects</li> <li>Notable trees</li> <li>Archaeological sites</li> <li>Sites of Cultural Significance to Maori</li> </ul>	Chapter 12.5: Heritage Chapter 12.5A: Heritage Precincts Chapter 12.5B: Paihia Mission Heritage Area
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Services and infrastructure

Location of network utility services in relation to sensitive natural areas, sensitive amenity areas, and areas of significant cultural and historic heritage	P	FNDC records
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**(viii) Cultural and Historic Heritage**

Indicator	PSR	Data Sources
Number, distribution and classification of heritage buildings, sites and objects – <ul style="list-style-type: none"> <li>In the District Plan</li> <li>On the NZHPT Register</li> </ul>	S/R	District Plan monitoring, NZHPT
Number, distribution and classification of Notable Trees <ul style="list-style-type: none"> <li>In the District Plan</li> <li>On the Notable Trees New Zealand database</li> </ul>	S/R	District Plan monitoring, NZ Arboricultural Association
Number and distribution of archaeological sites – <ul style="list-style-type: none"> <li>In the District Plan</li> <li>On the NZHPT Register</li> <li>On the NZAA Index</li> </ul>	S/R	District Plan monitoring, NZHPT, DoC
Number and distribution of Sites of Cultural Significance to Maori – <ul style="list-style-type: none"> <li>In the District Plan</li> <li>In iwi and hapu management plans</li> <li>On iwi and hapu GIS</li> </ul>	S/R	District Plan monitoring, Iwi/hapu management plans and/or GIS
Number and distribution of heritage covenants	S/R	FNDC records
Number and distribution of heritage orders	S/R	FNDC records
Number and distribution of application to the Heritage Assistance Fund	S/R	FNDC records

Coastal environment

Historic and cultural <b>heritage</b> in the coastal environment	S	Iwi/hapu management plans Iwi/hapu GIS Class C Cultural Quality Water classifications
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## Riparian environment

Identified cultural/historic <b>heritage</b> in relation to esplanade priority areas, esplanade reserves, strips, access strips and other FNDC and DoC reserves	S/R	Iwi/hapu management plans
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## APPENDIX 2: DRAFT FAR NORTH DISTRICT PLAN 2018

Draft Text	
<p><b>Overview</b></p> <p>Our District has a lengthy history of both Māori and European Settlement, resulting in a legacy of nationally, regionally and locally important historic heritage. Heritage values range in significance from the Treaty House at Waitangi, the Stone Store at Kerikeri to the Ruapekapeka Pā, middens and early settler gardens throughout the District. Due to the scale of our historic heritage, it is not financially viable to identify all historic heritage resources and for cultural reasons some resources should not be formally identified (e.g. burial grounds).</p> <p>Council has worked with other government agencies (e.g. <a href="#">Heritage New Zealand Pouhere Taonga</a>), tangata whenua and the public to identify valued historic heritage resources and scheduled them in the District Plan. The schedule identifying these historic heritage resources is in the District Plan in <a href="#">Appendix X</a>. Non scheduled historic heritage is managed at the time of land use or subdivision.</p> <p>We have responsibilities under the Act, the New Zealand Coastal Policy Statement and the Northland Regional Policy Statement to protect historic heritage. This will ensure that land use and subdivision will be managed to ensure our rich historic history is saved for future generations to enjoy and learn the story each historic heritage resource has to tell. There may be tension between public benefit in protecting historic heritage and the associated private costs.</p>	
<p><b>Objectives</b></p>	
HH-O1	Historic heritage is identified and managed to ensure its long-term protection for future generations.
HH-O2	Land use and subdivision does not result in the loss or degradation of historic heritage.
HH-O3	Tangata whenua have an ongoing relationship with sites and areas of spiritual, cultural or historical significance.
HH-O4	The community is aware of, appreciates and celebrates its historic heritage and the sense of place it fosters.
HH-O5	Repurposing and adaption of historic heritage resources consistent with heritage values is enabled.

Policies	
<b>HH-P1</b>	Identify and schedule historic heritage resources using the assessment criteria in <b>Appendix X</b> of the Plan.
<b>HH-P2</b>	Prohibit the demolition or removal of Category A historic heritage resources.
<b>HH-P3</b>	<p>Protect scheduled historic heritage resources by avoiding their removal, demolition or destruction unless:</p> <ul style="list-style-type: none"> <li>a. it can be demolished in part without adversely affecting the heritage values for which it was scheduled;</li> <li>b. there is a serious risk to safety or property;</li> <li>c. it is in a significant state of disrepair;</li> <li>d. the cost of remedying the risk or disrepair is prohibitive;</li> <li>e. the resource cannot be restored;</li> <li>f. must be moved to facilitate its ongoing use or protection, measures are in place to minimise the risk of damage to the building, and the heritage values of the building or structure in its new location are not significantly diminished.</li> </ul>
<b>HH-P4</b>	<p>Enable the use and adaptation of scheduled historic heritage resources where:</p> <ul style="list-style-type: none"> <li>a. it will not result in adverse effects on the recognised values;</li> <li>b. it will contribute to the ongoing maintenance and enhancement of the recognised values;</li> <li>c. it is in accordance with best practice conservation principles and methods;</li> <li>d. it will support the long-term viability, retention or ongoing use; and</li> <li>e. it will not lead to significant adverse effects on identified heritage areas and resources.</li> </ul>

<b>HH-P5</b>	<p>Enable maintenance and repair; and support modifications or restoration of scheduled historic heritage resources where it:</p> <ul style="list-style-type: none"> <li>a. is consistent with the heritage values of the resource and any surrounding heritage values; and</li> <li>b. is undertaken in accordance with best practice heritage conservation principles and methods;</li> <li>c. recovers or reveals heritage values of the resource;</li> <li>d. supports seismic strengthening;</li> <li>e. removes features or additions that compromise the heritage values of the resource; or</li> <li>f. secures the long-term viability and retention of the resource.</li> </ul>
<b>HH-P6</b>	<p>Protect historic heritage resources by:</p> <ul style="list-style-type: none"> <li>a. avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effects on the recognised heritage values of the area or resource.</li> <li>b. undertaking land use and subdivision in accordance with: <ul style="list-style-type: none"> <li>i. any recognised heritage guidelines for that resource;</li> <li>ii. any iwi / hapū management plan lodged with Council.</li> </ul> </li> <li>c. retaining buildings, structures or resources that contribute to the identified values.</li> <li>d. restricting activities that compromise important spiritual or cultural values held by tangata whenua and/or the wider community.</li> </ul>
<b>HH-P7</b>	<p>Encourage maintenance and repair and support the use and adaptation appropriate to historic heritage resources, including through:</p> <ul style="list-style-type: none"> <li>a. reducing or waiving consent application costs;</li> <li>b. providing funding, grants and other incentives;</li> <li>c. obtaining, recording and sharing information about historic heritage;</li> <li>d. encouraging matauranga māori, tikanga and kaitiakitanga to manage and maintain waahi taonga.</li> </ul>

<b>HH-P8</b>	<p>Provide for modifications to, or restoration of historic heritage resources where these changes:</p> <ul style="list-style-type: none"> <li>a. minimise the loss of historic fabric that contributes to the heritage values and level of significance of the resource;</li> <li>b. do not compromise the ability to interpret the resource and the relationship to other heritage resources;</li> <li>c. complement the form, fabric and setting which contributes to, or is associated with, the heritage values of the resource;</li> <li>d. retain and integrate with the heritage values of the resource;</li> <li>e. avoid significant adverse effects, including from loss, destruction or subdivision that would reduce or destroy the heritage values of the resource; and</li> <li>f. avoid, remedy or mitigate adverse effects on the heritage values of the resource.</li> </ul>
<b>HH-P9</b>	<p>Require activities adjacent to or affecting sites of significance to Māori and/or archaeological sites where they are scheduled or where there is a reasonable cause to suspect there is an archaeological site, to demonstrate the activity is appropriate having regard to:</p> <ul style="list-style-type: none"> <li>a. the outcomes of consultation with tangata whenua;</li> <li>b. any assessments or advice from a suitably qualified and experienced archaeological expert; and</li> <li>c. the outcomes of consultation with <a href="#">Heritage New Zealand Pouhere Taonga</a> and the <a href="#">Department of Conservation</a>.</li> </ul>
<b>HH-P10</b>	<p>Enable the operation, maintenance, repair and minor upgrading of network utilities and small-scale electricity generation facilities, and connections to buildings for network utilities within scheduled historic heritage resources in a manner that avoids, remedies or mitigates adverse effects on the heritage values.</p>

<b>HH-P11</b>	Enable the establishment of new network utilities and small-scale electricity generation facilities within a scheduled historic heritage resource or historic heritage area, where; all of the following apply: <ul style="list-style-type: none"> <li>a. there is a functional need;</li> <li>b. there is no practicable alternative;</li> <li>c. the infrastructure will provide a significant public benefit that could not otherwise be achieved; and</li> <li>d. the adverse effects on the heritage values of a place are minimised.</li> </ul>
<b>HH-P12</b>	Provide for landowners to protect and enhance historic heritage resources where there is significant public benefit in permanently protecting the resource.
<b>HH-P13</b>	Ensure historical and cultural heritage values at a local, regional and national level are identified, assessed and protected for the well being of existing communities and future generations.
<b>HH-P14</b>	Protect notable trees from inappropriate land use and subdivision while taking into account: <ul style="list-style-type: none"> <li>a. the imminent risk to people and property;</li> <li>b. practicable alternatives that would retain or enhance their protection;</li> <li>c. the extent to which any trimming, alteration or removal is necessary to accommodate efficient operation of a road network or network utilities;</li> <li>d. whether the values that would be lost can be adequately mitigated;</li> <li>e. whether the proposal is consistent with best arboricultural practice.</li> </ul>

## Rules

### HH-R1

#### Permitted or controlled activities:

- Internal alterations to buildings in historic heritage areas that are not scheduled buildings.
- Repair and maintenance of historic heritage buildings (for the purpose of the Heritage provisions, *repair* and *maintenance* will be defined).
- Trimming and maintenance of a notable tree identified in **Appendix X** (*trimming* to be defined).
- Limbing or felling a notable tree identified in **Appendix X** for emergency work (*limbing*, *felling* and *emergency works* to define).
- Earthworks and vegetation clearance that comply with the underlying zone or other wider environment provisions, except in the Strand, Pouerua and Kerikeri Basin Heritage areas. In these areas, earthworks and vegetation clearance will be permitted to a lower threshold.
- Building, earthworks, planting or clearance of vegetation within any site of cultural significance to Māori identified in **Appendix X** if the activity is undertaken by the requesting party.

<b>HH-R2</b>	<b>Restricted discretionary or discretionary activities:</b> <ul style="list-style-type: none"><li>• External alterations to buildings in heritage areas.</li><li>• Maintenance or alteration of historic heritage buildings that do not comply with the permitted activity standards.</li><li>• New buildings in historic heritage areas or a heritage place.</li><li>• Removal or demolition of scheduled historic heritage resources, unless specified as a prohibited activity.</li><li>• Felling of a notable tree identified in <b>Appendix X</b> that does not comply with permitted activity</li></ul>
<b>HH-R3</b>	<b>Non-complying activities:</b> <ul style="list-style-type: none"><li>• Activities that do not comply with the discretionary activity standards, except where it relates to the prohibited activity standards.</li></ul>
<b>HH-R4</b>	<b>Prohibited activities:</b> <ul style="list-style-type: none"><li>• Demolition or removal of Category A Scheduled resources identified in <b>Appendix X</b>, for example, stone store.</li></ul>

### APPENDIX 3: REVIEW OF HISTORIC AREA PROVISIONS IN THE FAR NORTH DISTRICT PLAN

The following assessment template uses the Heritage New Zealand 10 key standards for assessing plan quality in regard to historic areas (Heritage NZ: Appendix 1 2018: 58), as well as additional indicators based on the findings of this report. This table does not assess the overall plan structure, which is addressed in the main body of the report, or Oruru Valley, which is not an existing heritage area.

The colour coding is for ease of reference and shows:

Colour coding	Assessment	Policy response
FM	Standard fully met	Recommend being retained
PM	Standard partly met	Opportunity to improve
NM	Standard not met	New opportunity to introduce

FAR NORTH DISTRICT PLAN		REVIEW AGAINST HERITAGE NEW ZEALAND STANDARDS										REVIEW AGAINST OTHER INDICATORS			REVIEW AGAINST FIELDWORK AND RESEARCH		
Historic Area Name	Plan Ref/ Section	Repair and maintenance	Alterations and additions	Construction of new buildings	Additions to non-contributory buildings	Land disturbance	Signage	Subdivision	Relocation	Partial demolition	Demolition	Protection of views and setting	Monitoring/ state of enviro	Incentives	Quality of precinct/ area map	Quality of schedule information	Quality of design guidance
Heritage Area - Paihia																	
Heritage Area - Rangihoua																	
Heritage Precinct - Russell												Visual Buffer					
Heritage Precinct - Kohukohu																	
Heritage Precinct - Mangonui																	
Heritage Precinct - Pouerua																	
Heritage Precinct - Rawene																	
Heritage Precinct – Te Waimate																	
Heritage Precinct - Kerikeri												Visual Buffer					
Special Zone – Waimate North																	

