

SECTION 14 : HERITAGE BUILDINGS, PLACES, SITES, OBJECTS AND TREES

14.1 INTRODUCTION

Section 14 addresses buildings, places, sites, objects and trees that contribute to the heritage character, amenity and historic values of the District. The contribution made by these items and heritage precincts that are also subject to Section 11 of this Plan are important to both the cultural and economic interests of the District.

Section 6 of the Act requires Council to recognise and provide for the relationship of the Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance. While Section 14 does consider issues of importance to Maori, such issues are dealt with in more depth in Section 3 Manawhenua (page 3.1).

Section 7(e) of the Act also requires Council to have particular regard to the recognition and protection of the heritage values of sites, buildings, places or areas when preparing the plan.

The New Zealand Historic Places Trust including the Maori Heritage Council also has a role to play in promoting the identification, protection, preservation and conservation of historical and cultural heritage. The Trust is required at national level to compile and maintain a register of historic places, areas, waahi tapu and waahi taoka areas and to supply this to Council to assist in protection of these areas under the Resource Management Act. It should be noted that the Historic Places Act itself only provides protection for pre 1900 archaeological sites, and that the district plan provides the vehicle for protection of other historic places.

The Trust also has an advocacy role in respect of heritage issues and may give Council notice of a requirement for a heritage order where it considers such action is appropriate.

The Department of Conservation manages the Crown's Conservation Estate and other natural and historic resources entrusted to it. The Department also has an advocacy role in respect of heritage resources including those for which it does not have a direct managerial role.

14.2 ISSUES

14.2.1 Archaeological and Other Historic Sites

The District contains a large number of archaeological and historic sites, particularly sites associated with early Maori and goldmining activities. These sites have importance for cultural, historic and scientific reasons and may be subject to disturbance, modification or destruction due to a lack of awareness and/or appreciation of the values.

Cross Reference
Section 3
Manawhenua
Objectives 3.3.2, 3.3.3
Policies 3.4.2, 3.4.3
Objective 14.3.2
Policies 14.4.6 and
14.4.7

Explanation

An archaeological site is defined by the Historic Places Act 1993 as:

“Any place in New Zealand that -

- (a) Either
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is a site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand:”

The Central Otago District is characterised by a large number of archaeological sites of both Maori and European origin, the latter relating primarily to goldmining activities undertaken in the District and continuing into the 20th Century.

All archaeological sites fall within the definition of an “historic place” contained in the Historic Places Act 1993. In that Act an “Historic Place” means:

- “(a) (i) Any land (including an archaeological site); or
 - (ii) Any building or structure (including part of a building or structure); or
 - (iii) Any combination of land and a building or structure that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and
- (b) Includes anything that is in or fixed to such land:”

Note: Legislation quoted in this plan reflects provisions existing at the date of public notification. Definitions in the legislation itself should be consulted.

While there are a large number of recorded sites within the District there are also areas that have not been subject to archaeological survey and may contain archaeological sites. All pre-1900 archaeological sites (whether recorded or unrecorded) are protected under the Historic Places Act 1993 and an authority from the Historic Places Trust is required before any work can be undertaken on such sites. This will also involve consultation and the approval of Kai Tahu ki Otago where the site is of significance to them. Sites of importance to Kai Tahu ki Otago are identified (in most cases) in the Kai Tahu ki Otago - Natural Resources Management Plan (1995).

14.2.2 Heritage Precincts

Certain towns within the District contain precincts that have a distinct historical character. Each precinct is defined by its own particular amenity and heritage values which are derived from this historical character. These values are not only important to the people who live and work in these towns but are also important to the District as a whole because of the potential to attract visitors from outside the District. The modification or demolition of buildings or the erection of new buildings within these precincts has the potential to compromise these values and the cohesiveness of the precinct, if not carefully controlled.

Explanation

The rich history of the District has created a number of distinct areas with high historic and heritage values. These precincts are an important cultural resource as they reflect elements of the District's history. A description of the precincts and the values of those precincts are set out in Section 11.

Building development in these precincts must be controlled to retain the character and values of these areas.

Cross Reference
Section 11
Heritage
Precincts
Objectives
11.2.1, 11.2.2
Policies 11.3.1
to 11.3.5
Objective 14.3.1
Policy 14.4.1

14.2.3 Heritage Buildings and Objects

Quite apart from the heritage precincts found in several of the District's towns, there are a large number of isolated buildings and objects throughout the District which have significant heritage values, some of which have been registered by the NZ Historic Places Trust. The value of these buildings and objects can be compromised by development that is inappropriate or unsympathetic to the heritage character of these items.

Explanation

Individual buildings and objects of heritage value are important to the District. These items are listed in Schedule 19.4. While the use and development of buildings including adaptive reuse and development, is encouraged, care must be taken to ensure that heritage values are not compromised. This is particularly important in the case of buildings registered by the NZ Historic Places Trust, especially Category I buildings which are of either national or regional significance.

Cross Reference
Objective 14.3.1
Policy 14.4.2

14.2.4 Notable Trees

Trees are an important natural resource that contribute positively to the amenity values and landscape values of the environment. Some trees are also significant as a landmark, and for their cultural and botanical values. Trees are potentially at risk from the intensification of land use as a result of subdivision, land use activities and development. Their removal or modification usually results in a reduction of amenity values and quality of environment and in some places historical values are also lost.

Explanation

Trees have ecological values and contribute to amenity values. However, some trees have greater significance particularly when they have one or more of the following values -

Cross Reference
Objective 14.3.3
Policy 14.4.5

Botanical/Ecological Value - such as age, rarity of species in the area, district, region or throughout New Zealand, provision of a habitat for rare species of flora or fauna or being part of a unique ecosystem.

Visual Amenity Value - such as value as a landmark, value as a contribution to the landscape, size of the tree or canopy spread, pattern of planting or value for shade or beautification of an area or neighbourhood.

Cultural/Heritage Value - such as commemorating a special occasion, planted by a notable person, or having spiritual significance to Tangata Whenua or other communities in the District.

Urban development that results in greater building intensity often creates pressure for the removal of large trees. This is generally because the space the tree occupies is needed for building or because the development results in people living closer to the tree which causes shading or a reduction in views.

14.3 OBJECTIVES

The objectives contained in Section 3.3 (Manawhenua) are also relevant to this section.

- | | |
|---|--|
| <p>14.3.1 <u>Objective – Precincts, Buildings and Objects</u>
To recognise and protect precincts, buildings and objects that contribute to the character, amenity and heritage values of the District to enable the District’s communities and people to provide for their social, economic and cultural wellbeing.</p> | <p><i>Cross Reference</i>
<i>Issues 14.2.2,</i>
<i>14.2.3</i>
<i>Section 11</i>
<i>Heritage</i>
<i>Precincts</i>
<i>Policies 14.4.1,</i>
<i>14.4.2, 14.4.3</i></p> |
| <p>14.3.2 <u>Objective – Historic Sites</u>
To recognise and provide for the protection of those sites that contribute to the District’s historic character.</p> | <p><i>Cross Reference</i>
<i>Issue 14.2.1</i>
<i>Policy 14.4.7</i></p> |
| <p>14.3.3 <u>Objective - Notable Trees</u>
To recognise and provide for the landmark, botanical, cultural and heritage values of trees and the contribution trees can make to landscape values in the management of the District’s natural and physical resources.</p> | <p><i>Cross Reference</i>
<i>Issue 14.2.4</i>
<i>Policy 14.4.5</i></p> |
| <p>14.3.4 <u>Objective – Archaeological Sites</u>
To recognise and provide appropriate protection for the values associated with the District’s archaeological sites.</p> | <p><i>Cross Reference</i>
<i>Issue 14.2.1</i>
<i>Policy 14.4.6</i></p> |

14.4 POLICIES

The policies contained in Section 3.4 (Manawhenua) are also relevant to this section.

14.4.1 Policy - Heritage Precincts

To identify areas worthy of special attention for retention of heritage values based on one or more of the following criteria:

- A particular unified scale, style and character of buildings,
- A particular diversification and representative scale, style and character of buildings,
- A particular historic association, and/or
- A particular townscape quality,

and to develop specific provisions for these areas to ensure the retention of those values.

Explanation

There are areas within the District where the combination of buildings and the spaces defined by them have resulted in a character or appearance which allows the area to be recognised as an entity. The heritage precincts identified have special value as they influence the character of the District. In that context their sustainable management is an integral part of the social, economic and cultural wellbeing of the District.

The identification of heritage precincts on the planning maps with associated objectives, policies and rules will ensure that the heritage and townscape values already present in these areas are recognised, enhanced and protected. Section 11 of the Plan contains provisions to provide for the sustainable management of heritage precincts.

14.4.2 Policy - Heritage Buildings and Objects

To identify those buildings and objects which make a significant contribution to the character, amenity and heritage values of the District and to provide for their protection while encouraging sympathetic use or adaptive reuse and development of heritage buildings.

Explanation

In addition to heritage precincts which have a concentration of heritage buildings, there are a considerable number of heritage buildings and objects scattered throughout the District which are important elements of the District's character. These include items that have been registered by the NZ Historic Places Trust and may include buildings and objects that are considered to be of national, as well as local significance. These buildings and objects contribute to the cultural wellbeing of the community by providing a tangible record of its heritage. They also contribute to the community's visual sense of place and are often significant local landmarks as well, helping to provide that special character that makes the Central Otago area so attractive to visitors from other parts of New Zealand and from overseas. The Council will encourage the protection of significant buildings and objects through a range of mechanisms, including education, advice, advocacy and the resource consent process.

Cross Reference

Objectives
11.2.1, 11.2.2,
14.3.1
Policies 11.3.1
to 11.3.5
Method 14.5.1
Rules 11.4.1,
11.4.2

Cross Reference

Objective 14.3.1
Methods 14.5.2,
14.5.4, 14.5.5,
Rule 14.7.1

The resource consent process will ensure that these buildings and objects continue to contribute to the character, amenity and historic values of the District while allowing sympathetic use and development.

14.4.3 Policy - Reuse of Heritage Buildings

To take into account the positive benefits that the reuse of heritage buildings can have on the conservation of such buildings and on the social, economic and cultural wellbeing of the community.

*Cross Reference
Objective 14.3.1
Methods 14.5.4,
14.5.5, 14.5.6*

Explanation

The adaptive reuse of heritage buildings is generally the most positive way of conserving their value. This may sometimes involve minor alterations or modifications to allow for a modern use of the building. Provided such alterations retain key heritage features and are sympathetic to the overall heritage character of the building and its environs, resource consent applications involving the reuse of heritage buildings will generally be viewed in a positive light.

14.4.4 Policy - Waiver of Resource Consent Fees

To recognise the public benefit in maintaining and enhancing heritage buildings, places, sites, objects and trees by waiving application fees associated with resource consents for work on registered heritage items that requires a resource consent only because that activity involves an item registered in Schedule 19.4

*Cross Reference
Objectives
14.3.1 to 14.3.4
Method 14.5.5*

Explanation

Many of the items registered in Schedule 19.4 of the Plan are privately owned. While owners have been consulted on the inclusion of their buildings, places, sites, objects or trees in the plan, it is considered appropriate that Council waiver application fees in respect of work on these items in recognition of the benefit the general public receive from maintaining and enhancing their heritage values.

14.4.5 Policy - Protection of Notable Trees

To identify trees within the District that contribute to the landmark, botanical, cultural and heritage values of the District and trees that contribute to the landscape values of the District and to provide for their protection from unnecessary interference or destruction.

*Cross Reference
Objective 14.3.3
Methods 14.5.2,
14.5.6
Rule 14.7.2*

Explanation

The trees identified in the District Plan have characteristics and values that make a significant contribution to the amenity values of their particular neighbourhood, and the District as a whole. They have been selected following an independent survey to identify the most significant trees in the District. Resource consent will be required before any significant works can be carried out on such trees.

14.4.6 Policy – Archaeological Sites

To provide for the conservation of values associated with the District’s archaeological sites by:

- (a) Identifying such registered sites, on the planning maps.
- (b) Ensuring that works carried out within or near such sites recognise and provide for their values where appropriate.
- (c) Requiring an assessment of the values associated with any such sites as part of any subdivision or land use consent in circumstances where a significant adverse effect may result, and requiring protection where such values are considered to be significant.

Cross Reference
Objective 14.3.4
Methods 14.5.2,
15.5.3, 15.5.6,
Rule 14.7.4
Section 3
Manawhenua

Explanation

No person may destroy, damage or modify archaeological sites (whether recorded or not) without an authority from the New Zealand Historic Places Trust. The Central Otago File Keeper for the New Zealand Archaeological Association holds all the records for known archaeological sites in Central Otago and is available to provide information and advice about archaeological sites. Some archaeological sites also have significance to Kai Tahu ki Otago and consequently approval will also be needed from Kai Tahu ki Otago before such sites are disturbed (see Section 3 Manawhenua). The planning maps identify registered archaeological sites registered in Schedule 19.4. When an archaeological site is affected, an assessment will be needed to determine its significance. In the majority of cases this may only involve an authority from the New Zealand Historic Places Trust while for sites registered in Schedule 19.4 a land use consent may be required.

14.4.7 Policy – Historic Sites

To provide for the conservation of the values associated with the District’s historic sites by:

- (a) Identifying significant sites on the register at Schedule 19.4, the list of Historic Reserves and Protected Private Land for Historic Purposes at Schedule 19.10 and on the planning maps.
- (b) Ensuring that works carried out within such sites are consistent with cultural and historical values.
- (c) Requiring the protection of such sites as a condition of subdivision or land use consent where appropriate.

Cross Reference
Objective 14.3.2
Methods 14.5.2,
14.5.3, 14.5.6
Rule 14.7.3

Explanation

In the context of this policy, “historic sites” refers to the significant historic goldfield tailings and mining sites, and historic reserves found in the District, which serve to reinforce the region’s identity and cultural past. Significant sites are registered at Schedule 19.4, listed at Schedule 19.10, identified on the planning maps and afforded the appropriate level of protection.

- 14.4.8 Policy - Assessment of Activities Affecting Heritage Resources**
In determining the appropriateness of work and/or activities involving heritage resources, the following matters shall be taken into account:
- (a) The heritage values and significance of the resource, including its registration or proposed registration by the NZ Historic Places Trust.**
 - (b) The significance of the resource to Kai Tahu ki Otago.**
 - (c) The necessity of work having regard to the health and/or structural integrity of the resource and any potential threats to public safety.**
 - (d) The visual impact of the work/activity.**
 - (e) The contribution the work/activity will make to the social, economic and cultural wellbeing of the community.**
 - (f) The contribution the work/activity will make to the conservation of the heritage resource.**
 - (g) The contribution of the heritage resource to the particular character of an area or precinct and to the integrity of its heritage and amenity values.**
 - (h) The locational and/or operational requirements of the work and/or activity.**

Cross Reference
Section 3
Manawhenua
Objectives
14.3.1 to 14.3.4
Method 14.5.6

Explanation

This policy identifies the matters Council will take into consideration when determining resource consent applications involving heritage resources. The policy also enables applicants to specifically address these issues in their application.

14.5 METHODS OF IMPLEMENTATION

14.5.1 Identification of Heritage Precincts

The following heritage precincts have been identified on the planning maps-

- St Bathans
- Clyde
- Ophir
- Old Cromwell
- Naseby

Cross Reference
Section 11
Heritage
Precincts
Policy 14.4.1

In addition to the provisions of the relevant resource area the specific objectives, policies and rules of Section 11 Heritage Precincts also apply to these areas.

Reason

These areas have been identified on the basis of their distinct heritage and historical character. It is considered that identifying and developing specific provisions for development in these areas will best promote the sustainable management of what is a valuable resource.

14.5.2 District Plan Register

A register of heritage buildings, places, sites, objects and trees within the District has been compiled. Items listed in this register will be protected by the use of rules within the plan.

Cross Reference
Policy 14.4.1 to
14.4.8

The register will comprise those items listed in Schedule 19.4.

Register of Heritage Buildings

This Register includes buildings registered by New Zealand Historic Places Trust under the Historic Places Act 1993 and other buildings and other heritage items that Council has identified through the consultation process (including consultation with owners) leading to the preparation of the District Plan. The items listed in Part A of the Register at Schedule 19.4 are subject to Rule 14.7.1 on page 14:15.

Register of Notable Trees

This Register has been developed through an independent survey and consultation with the public. Trees listed will have one or more of the following values -

- **Botanical/ecological values** such as age, rarity of species in the area, district, region or throughout New Zealand, provision of a habitat, for rare species of flora or fauna or part of a unique ecosystem.
- **Visual amenity values** such as value as a landmark, value as a contribution to the landscape, size of the tree or canopy spread, pattern of planting or value for shade or beautification of an area or neighbourhood.
- **Cultural/heritage value** such as commemorating a special occasion, planted by a notable person or having spiritual significance to tangata whenua or other communities in the District.

Trees listed in Part B of the Register at Schedule 19.4 are subject to Rule 14.7.2 on page 14:16.

Register of Archaeological Sites

Archaeological sites have been registered by the New Zealand Historic Places Trust, are included in the Kai Tahu ki Otago - Natural Resource Management Plan (1995) or the files of the NZ Archaeological Association. Clause 14.5.3 and Rule 14.7.4 apply to archaeological sites that have been included in Part A of the Register at Schedule 19.4.

Waahi Tapu

Rule 14.7.4 page 14:17 applies to the sites identified in Part A of the Register at Schedule 19.4. See also Section 3 Manawhenua and the Kai Tahu ki Otago – Natural Resource Management Plan (1995).

Reason

Section 34 of the Historic Places Act 1993 requires the New Zealand Historic Places Trust to maintain and supply to Council a record of registered historic places, historic areas, waahi tapu and waahi taoka areas that are located in this District. Council is required to keep this record available for public inspection during its usual business hours. The Historic Places Act, however, provides no protection for historic places other than archaeological sites. The Central Otago File Keeper for the New Zealand Archaeological Association holds all the records for known archaeological sites in Central Otago and is available to provide information and advice about archaeological sites. A mechanism to protect heritage buildings, objects, trees and other places and sites is through the District Plan. The first step in providing the appropriate protection is identifying these sites in the plan.

14.5.3 Historic Places Act 1993 - Archaeological Sites

The Historic Places Act 1993 protects sites associated with human activity that occurred before 1900 whether registered by the New Zealand Historic Places Trust or not. Those sites registered by the Trust are listed at Schedule 19.4.

*Cross Reference
Policy 14.4.6*

No person is permitted to destroy, damage or modify an archaeological site without the written authority of the Historic Places Trust. The procedure relating to any activity that may have the effect of destroying, damaging or modifying such sites is set out in sections 9-21 of the Historic Places Act 1993. Consultation with and approval of Kai Tahu ki Otago will also be needed where these sites have significance to them.

The planning maps identify by number and symbol registered archaeological sites (see Schedule 19.4).

The process to be followed when an archaeological site is discovered is set out in Rule 14.7.4.

Reason

Given that the Historic Places Act already provides protection for archaeological sites, it is not considered necessary to provide an additional layer of regulation for the vast majority of archaeological sites. The District Plan merely draws attention to the Historic Places Act procedure. Those sites that have been registered by the Historic Places Trust are protected by the plan because they are considered to be the most significant archaeological sites present in the District. The Central Otago File Keeper for the New Zealand Archaeological Association holds all the records for known archaeological sites in Central Otago and is available to provide information and advice about archaeological sites.

14.5.4 Consultation

Council will consult with developers, owners, or agencies responsible for heritage items and the New Zealand Historic Places Trust in order to promote the conservation of heritage items and to identify and highlight opportunities and the best means for the adaptive reuse and development of heritage buildings.

*Cross Reference
Policy 14.4.1 to
14.4.8*

Reason

Consultation is an effective method of raising the awareness of heritage values. It also enables all the options to be considered at an early stage of any proposed development. Where possible Council will also assist owners/developers by providing advice on the conservation and enhancement of heritage values.

14.5.5 Education, Information and Incentives

Individuals and local communities will be encouraged to maintain and enhance buildings and streetscapes of heritage and/or amenity value by, where appropriate, assisting building owners and communities with the provision of design information and advice. Council may also give consideration to incentives for restoration work and community projects and will waive application fees for resource consents involving registered items and resource consents required as a site is located in a heritage precinct.

*Cross Reference
Policy 14.4.1 to
14.4.7*

Reason

The provision of information in various forms on matters such as the restoration of heritage buildings, sympathetic design for buildings and signs, coupled with incentives can have significant positive impacts on the amenity values of the District. Waiving consent fees recognises the public benefit in maintaining and enhancing heritage items and heritage precincts.

14.5.6 Rules

To develop rules to provide the appropriate level of protection for -

- (a) Heritage buildings, objects, places and sites.
- (b) Heritage trees.
- (c) Heritage precincts.
- (d) Archaeological sites including waahi tapu.
- (e) Historic Reserves.

*Cross Reference
Policies 14.4.1
to 14.4.8
Section 11
Section 3
Rules 14.7.1 to
14.7.4*

Reason

A wide range of methods have been considered to promote the conservation and retention of the District's heritage resources, including education, advocacy and the operation of other legislation (eg. Historic Places Act). In some instances the adverse effects of activities are such that some form of control is needed. Rules are the most appropriate option in these situations as they are the only methods that can be readily enforced.

14.6 PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Heritage buildings, objects, places, sites and trees are considered an important resource of the District both in a cultural and economic sense. The Resource Management Act also identifies heritage as an important issue. Section 6(e) requires Council to recognise and provide for the relationship of Maori and their cultural and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance. Section 7(e) identifies the recognition and protection of heritage values of sites, buildings or places and areas as a matter that Council is to have particular regard to. The Second Schedule to the Act also identifies the management of effects of land use on natural, physical or cultural heritage sites or values (including landscapes, landforms, historic places and waahi tapu) as a matter that may be provided for in the District Plan. The objectives, policies and methods of Section 14 have been developed in recognition of this.

14.7 RULES

Note: In considering a resource consent application under rules in this Plan, in the absence of specific policy in this Plan the Council may have regard to other policies related to assessment matters, including relevant policies in the Regional Policy Statement for Otago, and regional plans.

14.7.1 HERITAGE BUILDINGS, PLACES & OBJECTS

(a) **Registered Items with NZ Historic Places Trust Category I Classification**

*Cross Reference
Policies 14.4.2,
14.4.3, 14.4.4*

- (i) The removal or demolition of a building or structure identified in Part A of Schedule 19.4 as an item having a NZ Historic Places Trust classification of Category I is a non-complying activity.
- (ii) Any alteration or addition (including any sign) to a building or structure identified in Part A of Schedule 19.4 as an item having a NZ Historic Places Trust classification of Category I is a discretionary activity.

(b) **Registered Items with a NZ Historic Places Trust Category II Classification and Other Items Listed**

- (i) Any exterior alteration or addition (including any sign) to a building or structure identified in Part A of Schedule 19.4 as an item that has a NZ Historic Places Trust classification of Category II or is otherwise listed in Part A of Schedule 19.4 is a discretionary (restricted) activity.

Council shall restrict the exercise of its discretion to the effects the exterior alteration or addition will have on the heritage values of the item.

- (ii) The removal or demolition of a building or structure identified in Part A of Schedule 19.4 as an item that has a NZ Historic Places Trust classification of Category II or is otherwise listed in Part A of Schedule 19.4 is a discretionary activity.

Reason

Items with a NZ Historic Places Trust classification of Category I are places of special or outstanding historical or cultural heritage significance or value. This is the highest classification in terms of the NZ Historic Places Trust. This has been recognised by identifying the removal or demolition of such items as a non-complying activity. Removal or demolition of heritage items that are not Category I and the alteration and addition to the Category I items has been identified as a discretionary activity as there may well be valid reasons why a heritage item needs to be demolished (for example, public safety) or altered (for example, to enable sympathetic use of a building).

Note: All items in Schedule 19.4 are identified on the planning maps.

14.7.2 NOTABLE TREES

- (i) The removal of any tree identified in the register in Part B of Schedule 19.4 except where that tree has died of natural causes is a discretionary activity.
- (ii) The following works that involve a tree or a group of trees listed in the register in Part B of Schedule 19.4 shall be a discretionary (restricted) activity:
- (a) Significant trimming of the tree

*Cross Reference
Policy 14.4.5*

Note this does not include the regular or seasonal trimming or maintenance of any tree undertaken by hand operated secateurs or pruning shears in accordance with accepted arboricultural practices.

- (b) The construction of any building or laying of overhead or underground services within the drip line of any identified tree whether on the site or not.
- (c) Impervious paving within the drip line of any identified tree.
- (d) The addition or excavation of soil within the drip line of any identified tree in a way that alters soils levels or the water table.
- (e) Discharge or dispersal of any hazardous substance within the drip line of any identified tree.

Council shall restrict the exercise of its discretion to:

1. The impact on the health of the tree.
2. The effect on the form and appearance of the tree.
3. Issues of public safety.
4. Values of the tree as described in Clause 14.5.2.

Reason

Discretionary activity status for removal of such trees will allow full consideration of the effect the removal will have on amenity values of the neighbourhood.

Works that do not remove the tree but which will impact on a listed tree have been identified as discretionary (restricted) activities. This enables consideration of resource consent applications to focus on the health of the tree, the appearance of the tree and public safety. Where such works are minor or essential for public safety notification would not be needed.

14.7.3 HISTORIC RESERVES

Any work or activity (including the renovation or restoration of historic buildings or structures) undertaken by persons or bodies (including the Crown) on or within the land identified in Schedule 19.10 as an historic reserve or protected private land for historic purposes or land held or managed under the Conservation Act 1987 and those other Acts specified in the First Schedule of that Act for historic purposes, is a permitted activity provided that,

*Cross Reference
Policy 14.4.7*

1. Such works are consistent with the particular Act under which the land is held, or any management strategy or plan developed under that Act.
2. Such works are consistent with the general rules of this plan and the rules of the Resource Area that applies to the site.
3. Notice is given to Council at least 20 working days prior to the carrying out of any such work or activity that outlines the intention and nature of the work or activity and how it complies with the matters referred to in this rule, at least 20 working days prior to the commencement of the work or activity.

14.7.3 (cont'd)

Any activity that does not comply with this rule and the erection of any building on an historic reserve or protected private land for historic purposes shall be considered as a discretionary activity.

Reason

The rules relating to resource use within these lands are generally set out by the relevant Act. Therefore Council need only intervene when the objectives of the Act are not being achieved or there is a significant effect generated outside the boundary of the land concerned.

14.7.4 ARCHAEOLOGICAL SITES AND WAAHI TAPU (SACRED SITES)

(i) Archaeological Sites

Where any activity disturbs or identifies the presence of an archaeological site, all work shall cease, and the following process shall be followed:

- (a) Where the site is registered or the find or site includes koiwi tangata (unidentified human remains) Rule 14.7.4 (ii) and/or (iii) shall apply.
- (b) Where the site is not registered or koiwi tangata do not occur, the provisions of sections 9 to 21 of the Historic Places Act 1993 shall apply.

(ii) Registered Sites (refer Part A - Schedule 19.4)

Any activity that is likely to modify or disturb or affect any archaeological site or waahi tapu site listed in Part A of Schedule 19.4 shall be considered as a non-complying activity.

Note: the provisions of sections 9 to 21 of the Historic Places Act 1993, will also apply to these activities.

Cross Reference
Section 3
Manawhenua
(see Method
3.5.3)
Policy 14.4.6

(iii) Koiwi Tangata (unidentified human skeletal remains)

Where koiwi tangata are found, disturbed or unearthed the work or activity shall immediately cease and the following course of action shall be adopted:

- (a) Contact the office of Kai Tahu ki Otago Limited or any point of contact that may be agreed from time to time (see Clause 3.8 page 3:15 for contact details).

- (b) Contact the New Zealand Police.
- (c) Contact the NZ Historic Places Trust.

14.7.4(iii)
(cont'd)

The subsequent procedure for managing the find shall be in accordance with Kai Tahu Koiwi Tangata (Human Remains) Policy June 1993 (see reference in Reason below) as exercised by the appropriate runanga and also with the requirements of the Historic Places Act 1993.

If the runanga agrees that the remains should be removed, then this shall be completed under appropriate tikanga by the runanga. (Note: No resource consent is necessary for this process. The requirements of the Historic Places Act 1993 apply.)

Reason

Registered archaeological sites represent the most significant examples of archaeological sites in the District while waahi tapu are of extreme importance to Iwi. Urupa (burial sites) are the most important of all waahi tapu. While Urupa are given protection under the Historic Places Act 1993, the Maori Affairs Act 1953 and the Resource Management Act, these Acts can be overridden by other legislation and consequently there is no absolute protection that Kai Tahu consider appropriate.

Part A of Schedule 19.4 includes known waahi tapu sites in the District. With respect to waahi tapu and/or waahi taoka not listed in Part A of Schedule 19.4 or discovered once work has commenced, the protocol between Kai Tahu ki Otago and the Council will be followed. The protocol emphasises the importance of consultation between applicants and Kai Tahu ki Otago, and pre-application consultation is encouraged. With respect to Koiwi Tangata Kai Tahu's policy for dealing with the remains of their ancestors prevail. This is set out in the Koiwi Tangata (Human Remains) Policy June 1993 (see page 144 of the Kai Tahu Ki Otago Natural Resource Management Plan – 1995) and will be implemented by the relevant runanga.

A resource consent is only needed where archaeological sites are listed in Part A of Schedule 19.4. In all other circumstances the process to be followed is set down by the Historic Places Act. The plan identifies this process for the information of resource users.

14.8 ENVIRONMENTAL RESULTS ANTICIPATED

- 14.8.1** Recognition and protection of heritage buildings, objects, places and sites and heritage precincts that contribute to the character, amenity and heritage values of the District.
- 14.8.2** The retention of the District's most significant trees.
- 14.8.3** Increase public awareness of cultural and economic values of heritage resources which may encourage people to protect such values on their own properties.
- 14.8.4** The conservation of archaeological and other historic sites.
- 14.8.5** The management of waahi tapu sites and koiwi tangata in a manner that is culturally acceptable to Kai Tahu ki Otago.