

## 3.4 HERITAGE

### 3.4.1 - OVERVIEW

The Act makes several references to heritage, and Council's duties in respect of it.

Section 6 requires that Council recognise and provide for the following as matters of National Importance:

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
- ....
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

Section 7 specifically identifies the heritage values which Council is required to have particular regard to as follows:

- (e) *Recognition and protection of the heritage values of sites, buildings, places or areas.*

This Plan identifies three distinct types of heritage which, over time, have all contributed to the development of Southland District's unique character. Such contributions, Council believes, should continue to be recognised in the future progress of the District. The three types of heritage are:

- natural heritage
- built heritage
- cultural heritage

In the context of this Plan,

Natural Heritage includes natural features and landscapes, indigenous vegetation and habitats of indigenous fauna.

Built heritage refers to historic buildings, structures, precincts and streetscapes.

Cultural Heritage includes the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and sites of archaeological significance.

### 3.4.2 - THE ISSUES

The following are considered to be significant resource management issues facing the District's heritage:

#### Natural Heritage

- **There are areas of the District's significant ecosystems which are under threat from land development, recreational and tourism activities.**

#### Explanation

*Clearance and conversion of areas for land development is still occurring and is threatening the remaining remnants of the District's important and significant natural heritage sites. This effects also native vegetation where sphagnum moss harvesting and peat mining is occurring.*

*Indigenous fauna habitat such as that of the yellow-eyed penguin are under threat from adjacent farming uses and increased tourism and recreational uses.*

#### Cultural Heritage

- **Sites of importance to Maori lack appropriate protection.**

#### Explanation

*The cultural and archaeological heritage of Maori lacks appropriate protection in accordance with Maori protocol. (See Section 3.1 Manawhenua Issues).*

#### Built Heritage

- **Loss of significant heritage buildings and sites through redevelopment and/or inappropriate renovations.**

#### Explanation

*Buildings of historic value have often been demolished rather than renovated, and those that have been preserved have often been renovated in an inappropriate manner.*

- **Some Southland towns have distinct character worthy of protection.**

#### Explanation

*Towns such as Oban and Riverton have a character that is distinctively their own. This is often based on an historical association, for example, Riverton which has had a long association with the sea, and where fishing is still a vital part of its economy and survival.*

### **3.4.3 - NATURAL HERITAGE**

#### **Objective HER.1 - Natural Heritage**

To recognise the importance of, and provide for the protection, conservation and where appropriate, the use and development of the District's natural heritage sites for the enjoyment of both present and future generations.

#### **Policy HER.1**

To identify those natural heritage sites of relevance to the District in consultation with all interested parties.

#### **Explanation**

*Identifying and listing significant areas of indigenous vegetation, indigenous habitat, outstanding landscapes and land forms in the District Plan is the first step in developing methods to protect such sites and enables Council to develop methods within the Plan to achieve appropriate protection. This policy is considered appropriate in the Plan as it informs the public as to what sites are considered important and which sites are currently subject to some form of identification.*

*(Refer Methods HER.1, 6 and 9)*

#### **Policy HER.2**

To promote the protection of those areas of significant indigenous vegetation, habitat, landscapes and landforms and to require resource consents for any activity that may or will have adverse effect on the quality of those areas.

#### **Explanation**

*Resource consent will be required in instances where the effects of any activity will impact adversely on any of the registered sites identified in Schedules 6.12 to 6.15. Detailed assessments of environmental effects will be required in all such applications.*

*Following the completion of detailed survey of the District in identification of agreed additional sites then these will be introduced to the schedules by way of appropriate plan change.*

*(Refer Methods HER.1-6 and 9 and Rule HER.3).*

#### **Policy HER.3**

To promote and encourage appropriate landscape performance standards for activities carried out in those other areas identified on the Natural Heritage Register as being outstanding landscapes and natural features.

#### **Explanation**

*Upon completion of the survey being undertaken by the Department of Conservation, guidelines will be developed that will outline appropriate performance standards for activities in sensitive landscapes particularly in relation to the design and placement of structures, locations and methods of planting of shelter belts and forestry blocks.*

*(Refer Method HER.6 and 9)*

#### **Policy HER.4**

To encourage the enhancement and regeneration of significant natural landscapes, landforms and habitats, and those with potential significance.

#### **Explanation**

*A number of indigenous habitats and significant landscapes have been degraded by either inappropriate land management practices or the effects of adjacent land uses. Council will encourage any attempt to enhance or regenerate these areas.*

*(Refer Methods HER.1, 2, 4, 6 and 9 and Rule HER.3)*

#### **Policy HER.5**

To protect natural sub-fossil sites of extinct species.

#### **Explanation**

*Natural or deliberate changes to the landscape can impact upon sites containing naturally deposited remains of moa and other extinct species. These can be up to several thousand years old, but as yet have no legal protection under any Act (except where their export is concerned under the Antiquities Act 1975). They often occur in caves, sink holes, or in areas of ancient swamp. Such remains are of great scientific importance. Being of extinct species, they must be considered a finite scientific resource in need of protection and analysis when they are discovered.*

*Ongoing liaison with the Southland Museum and Art Gallery to investigate such remains is considered a priority.*

*(Refer Method HER.8)*

### **3.4.4 - BUILT HERITAGE**

#### **Objective HER.2 - Built Heritage**

To recognise the importance of, and provide for the protection, conservation and where appropriate, the enhancement of the District's built heritage for the enjoyment of both present and future generations.

## **Policy HER.6**

**In consultation with the Historic Places Trust to identify and list those buildings, structures and streetscape features worthy of protection and/or conservation.**

### **Explanation**

*Identifying and listing historic buildings, structures and significant streetscapes in the District Plan is the first step in developing methods to protect such sites and enables Council to develop methods within the Plan to achieve appropriate protection. This policy is considered appropriate in the Plan as it identifies to the public what sites are considered important as at the date of public notification of this Plan.*

*From time to time the schedules will be modified by way of plan change procedures in order that buildings that no longer qualify for inclusion in the schedule can be deleted or other buildings added.  
(Refer Method HER.1, 2, 4, and 5 and Rule HER.1)*

## **Policy HER.7**

**To protect and/or conserve those buildings/ structures identified on the Register of Historic Buildings, Places and Sites by requiring resource consents for activities that will modify, adversely affect or destroy the historic qualities or character of the building or structure.**

### **Explanation**

*Schedule 6.9 identifies the list of registered historical buildings, places and sites which have a classification under the Historic Places Act 1993 as at the date of public notification of this plan. By requiring resource consents for works that may modify or destroy the historical character of listed buildings, Council is in a position to ensure that development will be in keeping with the historical character of the building.  
(Refer Method HER.1 and 2 and Rule HER.1)*

## **Policy HER.8**

**To encourage and promote development that preserves and enhances the unique character of the District's towns, particularly their commercial centres.**

### **Explanation**

*Obviously, not all buildings in the District have historical significance, however they often play an important role in conjunction with other buildings in creating a special atmosphere or character of a town.*

*While not wishing to place mandatory controls on buildings Council will promote and encourage development for identified towns that is in keeping with the context of that town's particular character.  
(Refer Method HER.5 and 7)*

## **3.4.5 - CULTURAL HERITAGE**

### **Objective HER.3 - Cultural Heritage**

**To recognise the importance of, and provide for the protection, conservation and where possible, the enhancement of the District's cultural heritage. (Refer Policy MAO.6 to MAO.11) as these policies deal specifically with cultural heritage issues important to Kai Tahu.)**

## **Policy HER.9**

**In consultation with Iwi, Historic Places Trust, the Department of Conservation and other heritage protection authorities to identify and list cultural heritage sites worthy of protection and/or conservation.**

### **Explanation**

*Identifying and listing cultural heritage sites in the District Plan is the first step in developing methods to protect such sites and enables Council to develop methods within the Plan to achieve appropriate protection. This policy is considered appropriate in the Plan as it notifies the public of what sites are considered important as will be seen from Method HER.4, silent files will still be retained in relation to those cultural sites which are important to Kai Tahu.  
(Refer Methods HER.1, 2 and 3)*

## **Policy HER.10**

**To promote the use of 'early warning' system by showing all recorded archaeological sites on the Planning Maps.**

### **Explanation**

*The Historic Places Act 1993 protects sites associated with human activity that occurred before 1900, whether or not they are recorded by the Trust. The Planning Maps can be used to provide the basic information to enable all landowners and developers to be aware of the general location of these sites. Sites of cultural significance to the Kai Tahu will still be recorded on silent files and will not be identified on the Planning Maps.  
(Refer Method HER.3)*

### **3.4.6 - METHODS AND RULES**

#### **Method HER.1 - Consultation**

To consult with and to require applicants to consult, the Historic Places Trust, Iwi authorities, the Department of Conservation, affected landowners and other heritage protection authorities on all heritage matters.

#### **Reason**

*Consultation is an important part of the resource management process and in the case of heritage is essential if the appropriate sites are to be identified and the appropriate levels of protection are to be achieved.*

#### **Method HER.2 - Register of Heritage Items**

To maintain a Register of Heritage Items which lists buildings, sites, objects, landscapes, land forms and habitats identified as having heritage value. Schedules 6.8, 6.9, 6.12, 6.13, 6.14 and 6.15 comprise the Register of Heritage Items for the Southland District.

#### **Reason**

*Listing heritage sites in the Plan notifies the public of what sites are considered important. The schedules as identified above, are based on the information which was available to Council at the time of public notification. In many cases these schedules are subject to ongoing review and as information is accumulated, modified or corrected then the schedules will be amended by way of appropriate plan change procedures.*

#### **Method HER.3 - Archaeological and Cultural Heritage**

Those archaeological and cultural sites listed in Schedule 6.8 are protected under the Historic Places Act 1993.

Whether registered in the Plan, or by the Historic Places Trust, recorded and unrecorded sites associated with human activity that occurred before 1900 are protected and cannot be destroyed, damaged or modified without consent of the Historic Places Trust. (Refer also Methods MAO.3 and MAO.4)

#### **Reason**

*Protection of archaeological sites is already adequately provided for by the Historic Places Act 1993, and consequently Council need not take any further action. The District Planning Maps identify the general location of recorded sites which are included in Schedule 6.8. Council believes that the District Plan is the appropriate vehicle to identify the existence of these sites.*

*In most cases the specific location of the site requires further investigation to be fixed on the ground.*

#### **Method HER.4 - Future Protection**

Council proposes to approach and consult with the owners of those sites identified in Schedules 6.10, 6.11, 6.14 and 6.15 to achieve appropriate protection for these sites in the future.

#### **Reason**

*While these areas have been identified as being significant, the majority of them are currently in private ownership. Council would prefer to work with landowners to achieve protection of these resources rather than "lock up" these areas through the District Plan.*

#### **Method HER.5 - Community Projects**

To encourage communities to take responsibility for their local environments by promoting development of "Main Street" programmes, urban renewal programmes or beautification programmes in the District's towns.

#### **Reason**

*Experience both in New Zealand and overseas has shown that the best results are achieved by encouraging the local community to take responsibility for their own town's future. Programmes such as "main street" have been very successful at preserving the heritage character of the towns, thereby building up community pride in the town and reaping the economic rewards of tourism and the like. These concepts can be extended to cover natural heritage sites.*

### **Method HER.6 - Conservation of Indigenous Vegetation**

To encourage land owners to protect significant stands of native forest or other significant native vegetation from the adverse effects of development. Landowners wishing to protect such areas should contact Council to discuss the following methods:

- QEII Covenants
- rates relief
- fencing subsidies
- sustainable management of indigenous forest under the Forest Act 1949
- covenants under the Reserves Act and Conservation Act
- management agreements.

#### **Reason**

*The remaining remnants of native vegetation in private ownership are becoming more important due to their relative scarcity. This vegetation provides important areas of habitat for wildlife between the large areas of conservation estate in the District. They also have positive effects in terms of water and soil quality, and visual cohesiveness of the rural environment. A survey of the remaining stands of indigenous forest within the Southland District is currently being undertaken by the Department of Conservation.*

*Once that survey has been completed, then Council in association with the parties affected will undertake consultation to determine what steps should or could be included within the District Plan to meet Council's obligations under the Section 6 of the Resource Management Act.*

### **Method HER.7**

To investigate the establishment of heritage precincts in areas with a marked concentration of historical buildings or features.

#### **Explanation**

*Establishing heritage precincts will enable Council to control development to ensure that it is compatible with existing heritage features. Such a policy will maintain the character of the District's built environment.*

### **Method HER.8 - Sub Fossil Sites**

To establish procedures to protect sub-fossil sites of extinct species.

#### **Reason**

*Where any sub-fossil sites of extinct species are uncovered in the course of development excavation or rural activity then the procedure to be followed should be determined following contact with:*

*The File Keeper  
Southland Museum and Art Gallery  
P O Box 1012  
INVERCARGILL*

### **Method HER.9 - Significant Indigenous Vegetation and Fauna Assessment Criteria**

**This method has been deleted from the District Plan following Environment Court Decision A039/01 (19 April 2001). Refer Rule HER.3.5 (Page 71) for assessment criteria.**

### **Rule HER.1 - Heritage Buildings, Places and Sites**

With respect to those buildings and objects listed in Schedule 6.9 the following applies;

- (a) Redecoration and restoration of any original features or details is permitted provided it is carried out in the same manner and design and with similar materials to those originally used and does not detract from the character of the item that is being protected.

#### **Reason**

*Works that are in keeping with or are carried out to enhance the character of any heritage building should be encouraged and accordingly resource consent is not seen as necessary.*

- (b) Any alteration or addition proposed will first be considered as a non-notified controlled activity provided the proposal replicates with the original design, materials, colours and will not adversely affect the special character of the registered item. Council shall consult with the New Zealand Historic Places Trust and if satisfied these conditions are met, the application shall be approved. If not satisfied, the application will be notified as a discretionary resource consent.

#### **Reason**

*This method allows a certain degree of flexibility with the development of registered items whilst still ensuring any development is in keeping with the character of the item protected.*

- (c) Works which may modify, destroy or detract from the character of the registered item shall require discretionary resource consent which Council shall both publicly notify and serve notice upon the New Zealand Historic Places Trust and other such interested groups it sees fit.

**Reason**

*There may well be a valid reason why a heritage building needs to be altered or demolished (for example, public safety) and consequently the discretionary resource consent procedure enables Council to relax the standards when unique circumstances can be shown.*

**Rule HER.2 - Geological Sites and Landforms**

Any activity or work that would or is likely to have an adverse effect on, or destroy, remove or damage any of those natural heritage sites or items in Schedule 6.13, shall require a resource consent for a discretionary activity. When considering such an application, Council shall consider the following:

- the significance of the site or item in terms of habitat, ecology and geology
  - the contribution the site or item makes to the amenities of the area including the contribution to the landscape qualities of a wider area of scenic beauty
  - the condition of the protected site/item in terms of disease (in respect of trees) or danger to public safety
  - contribution to soil and water conservation
  - the need for the proposed activity or work
  - alternatives available
- methods available to avoid or mitigate any adverse effects.

**Reason**

*The discretionary resource consent procedure enables Council a degree of flexibility when dealing with sites which generally would be retained in their natural state. Appropriate activities in natural heritage sites could include tourism and the like and consequently Council retaining discretion over the use of these sites can allow appropriate development provided effects are mitigated or avoided.*

**Rule HER.3 - Indigenous Flora and Fauna**

1. No person shall carry out any activity which involves the clearance, modification, damage, destruction or removal of indigenous vegetation or habitats of indigenous fauna otherwise than in accordance with this Plan.

**Permitted Activities**

2. The following shall be permitted activities:
- (a) The harvesting of indigenous trees with diameters of not less than 25 cm at breast height yielding not more than 50 m<sup>3</sup> of timber per 10 year period per certificate of title.
  - (b) The clearance, modification or harvesting of indigenous vegetation which:
    - i. has been planted and managed specifically for the purpose of harvesting or clearing; or
    - ii. is reasonably necessary to enable the management, harvesting or replanting of any area of planted indigenous or exotic vegetation; or
    - iii. has been planted and/or managed as part of a garden or gardens or has been planted for amenity purposes.
  - (c) The clearance, modification or destruction of indigenous vegetation which has grown naturally on land cleared of vegetation in the 15 years immediately prior to this Plan becoming operative.
  - (d) The clearance, modification or destruction of indigenous vegetation necessary for the operation and/or maintenance of those permitted activities in Rule PWN.1 but excluding the expansion or upgrading of those permitted activities or the erection of any building as part of those permitted activities.
  - (e) The clearance, modification or destruction of indigenous vegetation for the purposes of maintaining existing road, traffic, marine or aviation safety and which is undertaken by or on behalf of the authority responsible for maintaining that safety.
  - (f) The removal of wind thrown trees or dead standing trees which have died as a result of natural causes.
  - (g) The clearance, modification or removal of plant pests undertaken for the purpose of maintaining or enhancing the existing state of the remaining indigenous vegetation.

- (h) The clearance or modification of indigenous grass lands where the percentage canopy of tussock species is less than 50%.

#### Discretionary Activities

3. Any activities which do not comply with Rule HER.3(2) shall be discretionary activities.

#### Applications for Resource Consent

4. An application made in accordance with Rule HER.3(3) shall, in addition to any other information, include:

- (a) The details of any water body in, or adjacent to the site.
- (b) Details of any area within or adjacent to the site which has been set aside by statute or covenant for conservation or sustainable management purposes.

#### Criteria for Assessment

5. In assessing an application for resource consent under Rule HER.3(3) the Council shall have regard to the following matters:

- (a) The significance of the affected indigenous vegetation or habitat of indigenous fauna in terms of ecological, intrinsic, cultural or amenity values, and the effects of the proposed activity on these values.
- (b) The representativeness of the affected indigenous vegetation or habitat of indigenous fauna and its relationship with other habitats or area of vegetation.
- (c) Whether the vegetation is subject to a sustainable Forest Management Plan or permit under Part IIIA of the Forests Act 1949.
- (d) Whether the application includes a forest management plan and system of implementation prepared to a standard at least equivalent to a plan approved under Part IIIA of the Forests Act 1949.
- (e) Whether the habitat and/or vegetation are important to indigenous species which are regionally rare or nationally threatened, and the effects of the proposed activity on these values.

- (f) Whether the area has been identified in Schedule 6.14 of this Plan or by the Protected Natural Areas Programme administered by the Department of Conservation.

#### Explanation

*Indigenous flora and fauna are major contributors to the character of the District. In places they are threatened and where this is so they are considered a non-renewable resource. In other places, such as the Coastal Resource Area the land has, in the past, been so developed for urban or rural purposes that the natural character in the sense of tracts of unspoiled bush and indigenous trees have been irretrievably lost.*

*The Rule is considered an interim measure by Council, with which to endeavour to provide for some indigenous vegetation modification in specific circumstances; while also requiring that specific assessments be undertaken in situations where proposed activities have discretionary activity status.*

*The Council recognises that its knowledge of significant indigenous vegetation and significant habitats of indigenous flora and fauna is far from complete and that the process of improving this knowledge will be ongoing. In order to do this Council will make use of the best available technology with specialised information.*

*The Council is also aware that the Minister for the Environment is currently preparing guidelines for Councils in relation to their duties under Section 6(c) of the Act. The Council recognises the ongoing need for plan changes to ensure that the District Plan recognises increasing knowledge of significant natural areas; and to ensure that the provisions of the Plan remain current and relevant and continue to provide an appropriate level of protection.*

*This Rule, being an interim rule, will cease to have effect from the date at which a plan change containing a schedule of significant natural areas produced from a detailed survey of remaining indigenous vegetation and associated landowner consultation, is notified as operative in terms of the First Schedule of the Act.*

**(Note: This Rule has been created by way of Environment Court Decision A039/01 [19 April 2001]).**

### **3.4.7 - ANTICIPATED ENVIRONMENTAL RESULTS**

- (a) Cultural heritage sites will be protected in a culturally appropriate manner.
- (b) Outstanding natural features and landscapes will be protected from inappropriate subdivision, use, and development.
- (c) Significant indigenous vegetation and habitats of indigenous fauna will be protected.
- (d) The heritage of the District's towns will be preserved and enhanced.