

# **Rural Development Strategy**

## **Heritage: Issues and Options**

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## 1 Introduction

The Whangarei District is an area that has been submitted to several waves of colonisation, mainly by Māori and Europeans. The District has a wealth of heritage resources that help to establish the identity of the district, as well as providing residents and communities with a distinct sense of place. Heritage is represented or reflected through cultural as well as natural resources. This includes places, buildings and structures that form part of the District's character, and display particular architectural styles. But it also involves landscapes, harbours, estuaries, landforms and indigenous ecosystems. These unique heritage items are precious and add to the appeal of the District both as a place of residence and as a tourist attraction.

Sites, places and buildings have cultural or heritage values to individuals, families, iwi, hapu, and communities in the District. Heritage and cultural values, occur when people associate sites, areas or buildings with their identity, history, events, customs or practices. Most often, people associate heritage values with old buildings, ruins or significant trees and vegetation, however objects can also have heritage values. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, and traditional activities.

The preservation of these sites and objects add to the knowledge and understanding we have of our history and our ancestors. The heritage values of these sites and objects contribute to the sense of place, aesthetic values and amenity of our communities. Sustainable management involves enabling people and communities to provide for their economic, social and cultural well being. However, once heritage and cultural sites, areas, places and buildings are altered or lost, they often cannot be replaced; their cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations. It is therefore important that we protect our heritage resources against misuse and damage for the current and future generations.

### 1.1 Heritage Resources in the Rural Environment

A considerable amount of the District's historic and cultural sites/areas are located within the rural environment.

Most of the recorded archaeological sites (New Zealand Archaeological Association Site Recording Scheme) in the District are located along the coast, particularly in the Whangaruru, Whananaki, Helena Bay, Ngunguru, McLeod Bay, Whangarei Heads, Urquharts Bay, Oakleigh, and Takahiwai areas.

A significant number of sites of significance to Maori are also located along the coast, concentrated in areas such as Pataua, Kiripaka and Whangaruru. There are many sites of significance to Maori that are not listed in the District Plan and therefore not protected by district plan provisions. Council is undertaking a collaborative project with tangata whenua to improve the identification.

The townships of Hikurangi and Waipu both have unique heritage characteristics, and hold large numbers of heritage buildings and trees. Hikurangi was an early industrial town prospering on coal-mining, timber milling and digging for kauri gum. The Hikurangi Dairy Company was formed in 1904 and operated until it merged with the Northland Co-operative Dairy Company in 1985.

Waipu village, on the other hand, is rich in Scottish Heritage. The great migration of Scottish Highlanders who first moved to Nova Scotia, Canada and then came to New Zealand in the 1850s is told from the heritage buildings and structures.

Another unique heritage feature in the District is the stone walls which exist in the rural areas on the fringes of the Whangarei urban area. The stone walls illustrate a history of occupation and agricultural systems over many years. They owe their existence to the volcanic cones that exist in the Whangarei District. The walls were constructed specifically to clear the land of volcanic stone to allow agriculture and horticulture to take place. The Whangarei District has approximately 156.1 kilometres of stone walls. Areas in the District where these walls are a significant feature include Glenbervie, Maungakamea, Maungatapere, Maunu and Three Mile Bush.

## 2 Policy Framework

### 2.1 National Level

#### 2.1.1 Resource Management Act 1991

The Resource Management Act 1991 (RMA) is the principle piece of legislation that balances use and development with protection of natural and physical resources (such as historic heritage resources). Section

6 of the Act lists matters of national importance that people making decisions under the Act must recognise and provide for. The 2003 amendment to the RMA elevated historic heritage, and more specifically the protection of historic heritage from inappropriate subdivision, use and development, to a matter of national importance.

The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is also listed as a matter of national importance under Section 6. Further, Section 8 of the Act directs that decisions made under the Act take into account the principles of the Treaty of Waitangi.

The 2003 amendment to the RMA also inserted the following definition of historic heritage into the Act.

*Historic heritage:*

- 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:*
  - i archaeological*
  - ii architectural*
  - iii cultural*
  - iv historic*
  - v scientific*
  - vi echnological; and*
- b includes:*
  - i historic sites, structures, places, and areas*
  - ii archaeological sites*
  - iii sites of significance to Māori, including wāhi tapu; and*
  - iv surroundings associated with the natural and physical resources.*

### **2.1.2 New Zealand Coastal Policy Statement 2010**

The recently released New Zealand Coastal Policy Statement 2010 contains policies regarding the management of natural and physical resources in the coastal environment. Local authorities are required by the Act to give effect to the NZCPS through their plans and policy statements. The coastal environment of the Whangarei District is rich in historic heritage and contains the majority of the District's archaeological sites associated with pre-European settlement. The protection of historic heritage is mentioned in a number of NZCPS policies (Policies 2, 6, 14, 15, 19, 20, 26). However, the main policy on this issue is Policy 17 Historic heritage identification and protection. This policy directs local authorities to:

*Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:*

- a identification, assessment and recording of historic heritage, including archaeological sites*
- b providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki*
- c initiating assessment and management of historic heritage in the context of historic landscapes*
- d recognising that heritage to be protected may need conservation*
- e facilitating and integrating management of historic heritage that spans the line of mean high water springs*
- f including policies, rules and other methods relating to a to e above in regional policy statements, and plans*
- g imposing or reviewing conditions on resource consents and designations, including for the continuation of activities*
- h requiring, where practicable, conservation conditions; and*
- i considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.*

### **2.1.3 Historic Places Act 1993**

The Historic Places Act is administered by the New Zealand Historic Places Trust (NZHPT). It serves to promote the conservation of the nation's national heritage and historic places. The purpose of the Act is stated as:

*Promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.*

The Historic Places Trust keeps a register of historic places, historic areas, waahi tapu, waahi tapu areas and archaeological sites. Registration does not in itself protect these places but assists in their protection by informing property owners and the public of their significance. Local Authorities are required to have regard to entries in the Register when developing district and regional plans. It is these plans that can put in place methods to protect heritage sites.

Historic places are further divided into the following categories:

- i significance or value.
- ii Category II represents buildings/sites that have historical or cultural heritage significance or value.

#### **2.1.4 The Local Government Act 2002 and the Long Term Council Community Plan**

The Local Government Act 2002 (LGA) directs local authorities to prepare community plans and prescribes a sustainable development approach to strategic land use and planning based on environmental, social, cultural and economic wellbeing. During consultation for the 2009 Long Term Council Community Plan, the community identified heritage protection as important. Six community outcomes were identified including the following:

- *A community which values its culture and heritage*
- *Heritage buildings and structures as well as archaeological sites and sites of significance to Maori are preserved and protected*
- *The community supports arts and creativity*
- *Maori are able to participate actively in resource management process.*

#### **2.1.5 Building Act 2004**

The Building Act 2004 regulates all buildings and structures to safeguard the health, safety, and amenity of people, facilitate efficient energy use, and to protect property from damage. Section 4 of the Building Act 2004 outlines a number of principles to be applied in performing functions under the Act, including the principle of the need to facilitate the preservation of buildings of significant cultural, historic or heritage value. Because heritage buildings were built under different building codes, they often struggle to meet current fire safety, earthquake and disabled access performance standards. The Building Act also contains provisions relating to managing dangerous or insanitary buildings. These provisions may require owners of heritage building to strengthen their building or remove any danger to people, private or public.

#### **2.1.6 Reserves Act 1977**

Historic reserves are established under the Reserve Act 1977 *“for the purpose of protecting and preserving in perpetuity places, objects and natural features that are of historic, archaeological, cultural, educational or other special interest”*. Historic reserves may be vested in local authorities or the Historic Places Trust; or local authorities or the Historic Places Trust may be appointed to control and manage historic reserves. Reserves of other classifications may also include important historic heritage.

#### **2.1.7 Conservation Act 1987**

Conservation of historic heritage is an integral part of the Department of Conservation’s legislative mandate under the Conservation Act 1987. It empowers DoC to advocate for the conservation of historic places and areas, to promote the benefit to present and future generations of the conservation of historic places and areas, and to provide and publicise information about conservation.

## **2.2 Regional Level**

### **2.2.1 Regional Policy Statement**

The Regional Policy Statement for Northland (RPS) contains objectives and policies to manage the effects of use and development of land and water at a regional level. This document sits at a high level of the planning hierarchy and provides a broad direction for resource management that regional and district plans must give effect to.

The more relevant provisions in the RPS include involvement of the community in resource management and heritage protection. Chapter 24 of the RPS deals with Heritage Protection. The only objective in the chapter seeks the *‘Protection and where possible, enhancement of the cultural, historic and amenity values of heritage features’*.

It seeks to investigate and record more heritage sites and establish an inventory of all heritage sites in Northland.

### 2.2.2 Ten Year Review of the RPS

The RPS 10 Year Efficiency and Effectiveness Review identifies that the current focus for heritage protection is on the physical elements of heritage namely, archaeological sites and historic buildings which occur primarily through district plans. However there is some inconsistency in implementing this across the region. The less tangible elements of heritage, such as cultural/heritage landscapes, sites of significant historic events, are often not recognised or managed. Given the elevation of heritage issues within the RMA, this section could provide more direction to enable:

- A consistent approach to heritage across the region
- Greater awareness of the economic and social value of heritage
- Clarity as to roles and responsibilities in heritage protection; and
- Greater recognition of heritage/cultural landscapes and heritage values not currently taken into account (i.e. coastal/marine heritage).

### 2.2.3 Discussion document for the new RPS

NRC released a discussion document in October 2010, to solicit public feedback on the expected scope of the new RPS. The document considers options for the protection of heritage, noting that while the 'do nothing' option is possible, this approach would not meet with changes to the RMA. One option considered by NRC, would be for the RPS to list or map historic heritage sites based on criteria to assess the potential sites against. Alternatively the RPS could use the Historic Places Trust list and sites identified by Iwi Authorities. While this approach would ensure consistency, it would also duplicate work already being undertaken by district councils. Another option is for the RPS to identify the criteria against which potential historic sites would be assessed and require district councils to identify these sites and include them in their District Plans (listed or mapped).

## 2.3 District Level

### 2.3.1 Whangarei District Plan – Heritage Provisions

The District Plan seeks to protect historic heritage under 3 different sections covering sites of significance, heritage trees, and heritage buildings sites and objects.

#### Sites of Significance to Maori

Sites of significance to Maori or waahi tapu play an important role in determining the relationship of Maori to their environment. Waahi tapu are places that are sacred, significant or important and may be based on tangible or intangible values. This includes a wide range of sites and could include marae, burial places, battle fields, pa and village sites, springs, waka landing sites, travel routes or food gathering sites. Each site has a level of tapu associated with it depending on its significance.

Chapter 7 - Tangata Whenua contains objectives and policies that seek to protect sites of significance to Maori from subdivision, land use activities, and development. The District Plan lists 86 sites of significance to Maori. In many cases, sites of significance to Maori can also be archaeological sites and are protected under the Historic Places Act 1993 whether they are recorded or not in the NZHPT register. The District Plan contains related rules in Chapter 60 – Sites of Significance to Maori, and the Subdivision Rules Chapter that requires resource consents to be obtained for activities that may disturb or modify sites or areas of significance that are identified in Appendix 4 and shown in the planning maps. The subdivision rules look to ensure that boundary lines are drawn so that any site of significance is fully contained within one allotment.

#### Heritage Buildings, Sites and Objects

The District Plan contains objectives and policies that seek to protect historic buildings sites and objects in Chapter 13. The rules relating to land uses that affect Heritage Buildings Sites and Objects are contained in Chapter 58. Appendix 3 contains a list of 163 heritage buildings, sites or objects, of which 5 are Group I listed buildings, although many of them are located in Whangarei City as opposed to the rural area.

The rules allow additions, alterations repairs and maintenance of heritage buildings, sites and objects provided that they do not detract from the original style and character of the building. For Group II listed buildings this applies to exterior work only. For Group I buildings, both exterior and interior work is controlled.

The rules also control the construction of buildings on the same site, or on adjoining sites in the Countryside, Coastal Countryside, and Open Space Environments to protect public viewing of heritage resources.

The District Plan policies seek to protect the amenity and heritage values of stone walls. The subdivision rules allow subdivisions provided property boundaries follow stone walls. Where no other access is available the rules allow the destruction of a maximum of 6m of stone wall to provide for an access way.

### Heritage Trees

Appendix 2 of the District Plan contains a list of protected heritage trees which require resource consent to be trimmed or removed. Activities within the dripline of heritage trees are also controlled by rules in the plan. Any tree greater than 6.0m in height or with a girth (measured 500mm above the ground) greater than 600mm located within a road reserve or reserve administered by Council is classified as a Heritage Tree.

### 2.3.2 Rolling Review of the Operative District Plan

Council is required to review the entire District Plan within a ten-year period. It has resolved to achieve this through a rolling review programme which incorporates the priorities set out in Council's various business plans, asset management plans, and the Long Term Council Community Plan (LTCCP). As a result of changes to the Resource Management Act, more emphasis has been placed upon policy, therefore the rolling review will aim to focus primarily on policy formulation over the next three years.

### 2.3.3 Iwi Management Plans

Under Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District. At present there are three such documents, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2007), and Ngati Hine Iwi Environmental Management Plan (2008).

These documents recognise the importance of waahi tapu to iwi, and acknowledge the continuing need to defend and protect cultural sites, traditions, and practices. The impact of changing landuse and development, the loss of cultural knowledge, the destruction of the shoreline and seabed, invasion into fishing territories and traditional food gathering areas, the takeover of the landmarks and mountains, and the relocation of the Māori people from ancestral lands to the cities and towns is noted.

## 3 Current Issues

### 3.1 Background paper – Sustainable Futures 30/50

The Whangarei District Growth Strategy: Sustainable Futures 30/50 notes that, overall, despite their immense value to our natural and cultural landscapes, many of the District's heritage places and objects are under threat from land development pressures, building redevelopment, natural hazards, climate change and associated sea level rise, and lack of maintenance or heritage decay.

The background paper for Heritage, confirms that from 1996 to 2009, 524 new lots and 322 building consents were applied for (and granted) in a heritage area. In terms of the number of heritage sites "affected" by subdivision or building consents, 999 and 641 heritage sites, respectively, have been affected by resource and building consents. In the Whangarei District, the threats to historic heritage arise in those areas most subject to development pressure, i.e. along the coast and in the Marsden Point/Ruakaka area, around the urban fringe and in the rural area, particularly in areas such as Maunu/Maungatapere, Three Mile Bush Road, Glenbervie, Maungakaramea, Whatitiri and Ruatangata. The main risks are to stone walls on the urban fringe and to archaeological sites and sites of significance to Maori along the coast and in the Marsden Point/Ruakaka area.

Sustainable Futures 30/50 concludes that, at present, the District Plan contains only a relatively small number of heritage items. Many sites of significance to Maori, for example, are not included. Not all historic buildings, places or heritage trees are identified in the District Plan and shown on the planning maps. Thus, there are sites of significance to Maori, historic buildings, places, and heritage trees unprotected by the District Plan. The provisions contained in the District Plan also require updating to be more effective in protecting historic heritage that is identified.

Not all archaeological sites are on the New Zealand Archaeological Association (NZAA) site list. Many are undiscovered, or have never been mapped. It has been estimated that for Northland less than half of the existing sites are on the NZAA database. The desirability of including archaeological sites in the District Plan needs to be examined.



Archaeological sites are an exception to the statutory protection identified in the District Plan, as they are protected under the Historic Places Act. However, archaeological sites are often at greater risk of damage because their location is not known or their importance or function is unrecognised. While they have statutory protection, inclusion of them in the District Plan could reduce the risk of accidental destruction or potential delays for landowners who are unaware of their presence or significance.

### 3.2 Stakeholder consultation

Meetings with key stakeholders were held in December 2010 and January 2011. These have included meetings with NRC, DoC, NZ Historic Places Trust, NZ Archaeological Association, MAF, Fonterra and NZTA. The following points summarise comments about heritage and the rural environment:

- Archaeological sites are often unknown and are usually only found as part of a subdivision or development. For each site there are five unknown sites and if there is no resource consent application, they remain unknown
- Change in land use is also of concern. Deep cultivation techniques, pugging, bull wallows and mechanical damage sites, stock and farming practises, particularly on volcanic soils, have the potential to cause damage to archaeological sites. Lighter land uses (e.g. sheep rather than cattle) in these areas would be preferable
- Stone wall heritage values are being eroded due to cumulative effects of 6m portions being removed at a time for driveways (existing District Plan rule)
- Heritage landscape needs to be considered
- HPT willing to assist farmers with things like fence design, it is important to make people aware of what they have. Farmers who have been on the land for a long time are often aware of and look after heritage resources
- In terms of the RDS, heritage related to rural land uses and industry is important. For example, old dairy factories, freezing works, railways, Hikurangi coal tramway
- Community halls are important heritage features, which contribute to sense of place.

## 4 Best Practice

### 4.1 National direction

June 2002 saw the publication of a guidance note on historic heritage by the Ministry for the Environment and Local Government New Zealand. The guidance note was released on the Quality Planning website ([www.qualityplanning.org.nz](http://www.qualityplanning.org.nz)) with updates posted in December 2003 and November 2010.

The practice note promotes an integrated package including incentives, education, support, and regulation provided for by the RMA and the Historic Places Act, as the best practice in managing New Zealand's heritage. Each local authority should have an overarching philosophy and practice for heritage management that is clear and strategically focused (what are we trying to achieve and how?). Local authorities should collaborate with the owners of heritage places, tangata whenua, the community and the New Zealand Historic Places Trust.

The practice note also stresses the importance of ensuring there is a clear and robust basis for the identification of heritage places in a Plan. Information on heritage places in a plan must be up to date, therefore regular monitoring is required. Values may diminish or increase over time, depending on other changes. Some places may disappear altogether and the Plan list should be updated accordingly.

## 5 Options for Whangarei District

### 5.1 Whangarei Growth Strategy - Sustainable Futures 30/50

Whangarei Growth Strategy - Sustainable Futures 30/50 was adopted by Council in September 2010. After assessing a number of different growth strategy options, a consolidated future development pattern was chosen and adopted by Council. This will guide future decision making on infrastructure and the spatial arrangement of development across the District. The District Plan will be one of the tools used to implement the growth strategy adopted through the Sustainable Futures project.

The background paper on Heritage prepared for Sustainable Futures 30/50 was discussed in Section 3.1 of this report.

## 5.2 What are the Resource Management Issues?

- 1 Heritage resources in the rural environment are being degraded by adverse effects of subdivision, use and development.
- 2 The context of heritage resources in the rural environment is being lost as a result of the adverse effects of subdivision, use and development.
- 3 Heritage resources may be unknown, and can only be identified at the time of subdivision, use and development; this increases the risk of damage or loss of the resource.
- 4 Lack of integrated management of heritage resources decreases the ability to protect heritage resources, for example, Information on archaeological sites is held by different agencies.

## 5.3 Options for Whangarei District

### 5.3.1 Regional Council

The Regional Council could set the direction for historic heritage management within this instrument. Regional Council involvement in heritage may include:

- Leadership in heritage policy development and implementation
- Guidance and integrated management of historic heritage through regional policy statements
- Promotion of heritage conservation through education and advocacy
- Establishing regional heritage databases:
  - shipwreck database
  - archaeological sites database
  - structures in the coastal marine area with heritage significance
- Promoting heritage networks, partnerships and programmes
- Promoting community involvement in natural and historic heritage conservation (New Zealand Historic Places Trust, 2004).

The RPS could provide guidance on appropriate themes and criteria for identification of heritage places of regional significance. These might include:

- Sites of significance to Maori
- Wahi tapu and wahi taonga sites
- Places and areas that are important in demonstrating the evolution or pattern of the region's history and development
- Places and areas that have a strong or special meaning for any group or community because of social, cultural or spiritual associations.

### 5.3.2 Whangarei District Council

To better recognise and protect historic heritage as a matter of national importance, the following options could be considered by Council:

- A comprehensive review of heritage within the district, including archaeological sites, and historic features and places, sites of significance to Maori, and heritage trees. The review could provide a basis for formulating a Heritage Strategy
- Identified heritage items are contained in the District Plan schedules and on the planning maps (except if tangata whenua wish this information to remain confidential). Council could ensure that the District Plan heritage schedules are updated on a regular basis to include recently registered historic places, historic areas, wahi tapu and wahi tapu areas recognised under the HPA 1993
- Undertake a review of the effectiveness of existing District Plan provisions in relation to the protection and enhancement of historic and cultural heritage
- Review the desirability of including archaeological sites in the District Plan. Archaeological sites are an exception to the statutory protection identified in the District Plan, as they are protected under the HPA. However, archaeological sites are often at greater risks of damage because their location is not known or their importance or function is unrecognised. While they have statutory protection, inclusion

of them in the District Plan reduces the risk of accidental destruction or potential delays for landowners who are unaware of their presence or significance

- 'Historic' or 'cultural landscapes' could be identified in the District Plan for the protection of historic and cultural heritage, rather than in individual items or sites, and certain landscapes are imbued with cultural and spiritual significance, in particular, for Maori
- Financial incentives such as heritage grants, subsidies, rates relief, waiving of consent fees, or use of development contributions all have the potential to supplement regulatory approaches
- The use of information, education and advocacy could encourage voluntary protection together with improved practice in protective processes in general. For example, the council could encourage the community to liaise with the HPT regarding protection of heritage items. Information on how to carry out maintenance in a manner that is sensitive to the values of the heritage resource could be provided by suitably qualified persons facilitated by Council.

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