

<b>3.0</b>	<b>CULTURAL HERITAGE.....</b>	<b>1</b>
3.1	INTRODUCTION .....	1
3.2	ISSUE .....	2
3.3	GENERAL OBJECTIVE.....	3
3.4	GENERAL POLICY .....	3
3.5	OBJECTIVES (HERITAGE ALERT LAYER (OVERLAY 1), ARCHAEOLOGICAL SITES & AREAS (OVERLAY 2)).....	3
3.6	POLICIES (HERITAGE ALERT LAYER (OVERLAY 1) AND ARCHAEOLOGICAL SITES & AREAS (OVERLAY 2)).....	3
3.7	OBJECTIVES (WAAHI TAPU AND WAAHI TAPU AREAS SCHEDULE OVERLAY 3) .....	5
3.8	POLICIES (WAAHI TAPU AND WAAHI TAPU AREAS SCHEDULE (OVERLAY 3)) .....	5
3.9	OBJECTIVES (CATEGORY A, B AND C - POST EUROPEAN CONTACT AND CENTRAL BUSINESS DISTRICT SCHEDULES (OVERLAY 4)) .....	6
3.10	POLICIES (CATEGORY A B AND C POST EUROPEAN AND CENTRAL BUSINESS DISTRICT SCHEDULES) .....	7
3.11	METHODS OF IMPLEMENTATION .....	10
3.11.1	<i>Advocacy</i> .....	10
3.11.2	<i>Economic Instruments</i> .....	10
3.11.3	<i>Information/Research</i> .....	11
3.11.4	<i>Management</i> .....	12
3.11.5	<i>Regulation</i> .....	12
<b>3.12</b>	<b>RULES FOR CULTURAL HERITAGE OVERLAYS.....</b>	<b>15</b>
3.12.1	Archaeological Report.....	15
3.12.2	Temporary Structures .....	15
<b>3.13</b>	<b>OVERLAY 1: HERITAGE ALERT OVERLAY .....</b>	<b>16</b>
<b>3.14</b>	<b>OVERLAY 2: ARCHAEOLOGICAL SITE AND AREAS SCHEDULE (APPENDIX 1 &amp; 1A).....</b>	<b>16</b>
3.14.1	PERMITTED ACTIVITIES .....	16
3.14.2	DISCRETIONARY ACTIVITIES .....	16
3.14.3	NON COMPLYING ACTIVITIES .....	16
<b>3.15</b>	<b>OVERLAY 3: WAAHI TAPU AND WAAHI TAPU AREAS SCHEDULE (APPENDIX 2).....</b>	<b>17</b>
3.15.1	PERMITTED ACTIVITIES .....	17
3.15.2	DISCRETIONARY ACTIVITIES .....	17
3.15.3	NON COMPLYING ACTIVITIES .....	17
<b>3.16</b>	<b>OVERLAY 4: CATEGORY A AND B AND C- POST EUROPEAN CONTACT AND CENTRAL BUSINESS DISTRICT SCHEDULES IN APPENDIX 3 AND 4.....</b>	<b>18</b>
3.16.1	PERMITTED ACTIVITIES .....	18
3.16.2	RESTRICTED DISCRETIONARY ACTIVITIES.....	18
3.16.3	DISCRETIONARY ACTIVITIES .....	18
3.16.4	NON COMPLYING ACTIVITIES .....	18
<b>3.17</b>	<b>FINANCIAL CONTRIBUTIONS .....</b>	<b>19</b>
3.17.1	FINANCIAL CONTRIBUTION OF LAND FOR PROTECTION OF AN ARCHAEOLOGICAL SITE.....	19
<b>3.18</b>	<b>ANTICIPATED ENVIRONMENTAL RESULTS.....</b>	<b>20</b>



## 3.0 CULTURAL HERITAGE

### 3.1 Introduction

The Gisborne District has a wealth of heritage both pre and post European contact.

It is acknowledged that this resource provides an identity unique to the people of the Gisborne District and should be recognised and protected. The management of our heritage implies a duty of care and responsibility to pass it on to future generations with the least possible loss.

There has, however, been over the years loss and damage primarily due to the following factors:

- inadequate identification of the resource;
- ignorance of the effects certain activities could have on heritage items;
- lack of knowledge and understanding leading to fear and uncertainty particularly in respect of archaeological sites and waahi tapu.

It is envisaged that the key to protecting and enhancing the resource, therefore, lies in its identification coupled with an increasing awareness and appreciation of its worth.

The cultural heritage resource is perceived as consisting of the following:

- archaeological sites (Pre and Post European Contact);
- waahi tapu and waahi tapu areas (Pre and Post European Contact);
- Heritage buildings, places and precincts (Post European contact).

*Refer to  
Appendices 1 - 5*

The tools for recognition and protection of cultural heritage are primarily:

- a predictive model of human settlement (a heritage alert overlay), accompanied by: a schedule of archaeological sites obtained from a variety of sources including
- Historic Places Trust (HPT) Register of archaeological sites;
- New Zealand Archaeological Association (NZAA) database of recorded archaeological sites and from information obtained from privately commissioned archaeological surveys;
- a waahi tapu and waahi tapu area schedule and;
- a schedule of Post European Contact historic areas, places and precincts including a Central Business District Schedule.

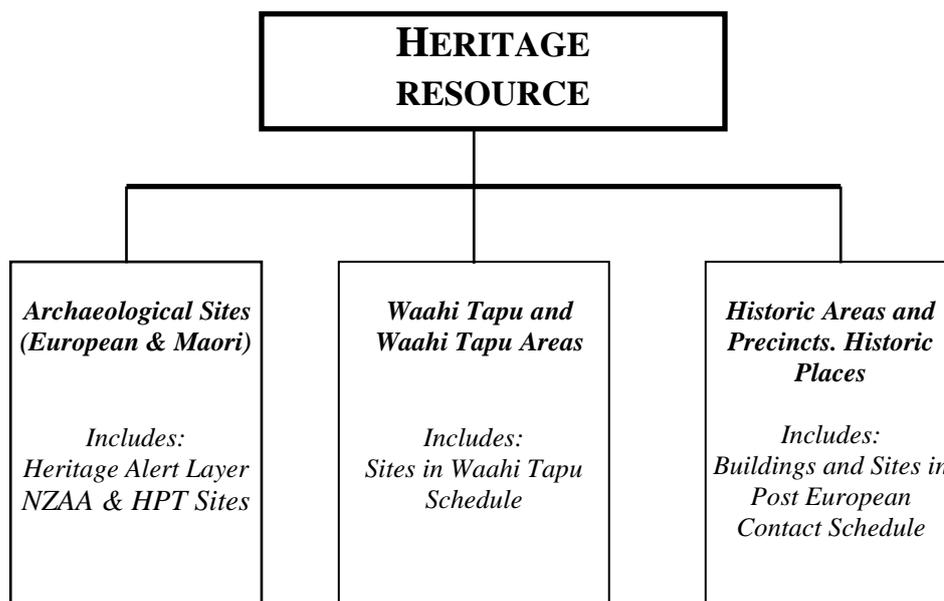


Figure 1 Heritage Layers

The detail information relating to the contents and nature of each layer is contained in the explanation for Regulatory Methods in Clause 3.11.5 of this chapter. Each of these elements is considered to be an overlay.

The management of the heritage resource is an ongoing and dynamic exercise. Heritage items that are included at notification date of the plan are not a true indication of all the items in the District. The inventory needs to be constantly assessed to ensure that it continues to reflect the cultural and spiritual views of tangata whenua, landowners and the community as a whole. Heritage is dynamic - new items may be discovered, some items may diminish in significance and some items may be affected by development.

There is, therefore a responsibility to record the past for the benefit of future generations. It cannot be achieved alone but should be a community effort with particular emphasis placed on finding the balance between legitimate use of land by landowners and the protection and enhancement of the community heritage resource. The benefits can be considerable and long term particularly in respect of education, cultural and spiritual stability, social wellbeing, community identity and the efficient use of resources.

*Refer to Regional  
Policy Statement  
Part 2, Chapter 2.4*

## 3.2 Issue

3.2.1 The cultural heritage resource of the District is being adversely affected through loss or damage. This occurs because:

- i) the resource has not been identified. This lack of identification increases the possibility of unnecessary damage, modification or destruction during development and increases uncertainty for all parties;
- ii) there is a lack of understanding of the cultural heritage resource, a lack of appreciation of its value, and inadequate consultation on its management;
- iii) there is a lack of recognition of the importance of sustaining the well being of the Inner Commercial zone as a centre for business, entertainment and community activities as an essential means of maintaining the value of the building heritage resource.

### 3.3 General Objective

- |  |
|--|
| 1. The recognition and protection of the cultural heritage resource. |
|--|

*Principal reason (1): The District's heritage resource is under threat and is slowly being lost to the detriment of both tangata whenua and the community as a whole. A comprehensive approach provides a holistic means of protecting and managing the heritage resource. The objective meets the requirements of Sections 5, 6(e)(f), 7(b)(f)(g), 8, 74(2)(b)(iia) of the Act.*

### 3.4 General Policy

To identify and maintain a Post European Contact Schedule and a Central Business District Schedule including:
---

- |  |
|--|
| <ul style="list-style-type: none"> <li>• Items registered by the HPT;</li> <li>• Items identified by the Gisborne District Council, tangata whenua and the community.</li> </ul> |
|--|

Explanation (1-4): These policies provide the framework for the protection and maintenance of the heritage resource. The known archaeological sites to which the policies, methods and rules in the Plan relate are listed in Appendix 1 to the Plan and are shown on the Rural and Urban Map sheets. This data is derived from a number of sources including sites registered by the Historic Places Trust, sites contained in the New Zealand Archaeological Association (NZAA) database and sites determined by private and Council commissioned archaeological surveys. Principal reason (1-4): The general policy meets the requirements of Sections 6(e)(f) of the Act.

### 3.5 Objectives (Heritage Alert Layer (Overlay 1), Archaeological Sites & Areas (Overlay 2))

- |  |
|--|
| 2. Reduction of risk of damage to archaeological sites.  |
| 3. Sustainably manage archaeological sites to ensure that adverse effects on them are avoided, remedied or mitigated   |
| 4. Archaeological sites that are identified by the community, tangata whenua and landowners, as significant, should where practicable, have a management regime prepared for them to ensure that adverse effects are avoided, remedied or mitigated. |

*Principal reasons (2 and 3): Section 5 of the Act requires the sustainable management of physical resources. Archaeological sites are considered to be a resource that needs to be sustainably managed to meet the cultural needs of future generations. It is proposed to reduce the risk of damage through the identification of the resource in consultation with hapu, iwi and landowners. Once the resource is identified, to ensure its sustainable management, adverse effects on sites should be avoided, remedied or mitigated.*

*Principal reason (4): District Plans are required to provide for the sustainable management of heritage items (which includes archaeological sites). Sections 5, 6(e)(f), 7(b)(f)(g) and 8 of the Act apply.*

### 3.6 Policies (Heritage Alert Layer (Overlay 1) and Archaeological Sites & Areas (Overlay 2))

- |   |
|---|
| 5. To manage subdivision, use and development to ensure that adverse effects on archaeological sites are avoided, remedied or mitigated.  |
| 6. In considering whether to require an archaeological survey for any activity in the heritage alert layer that requires land disturbance Council shall have regard to the following assessment matters: <ul style="list-style-type: none"> <li>• the nature, form and extent of the activity;</li> </ul> |

- the likelihood of damage, modification or destruction of an archaeological site taking into account:
    - \* the nature of the existing development;
    - \* the extent to which there has already been land disturbance;
    - \* results of any archaeological survey carried out by a qualified archaeologist.
7. In the event of an application to damage, modify or destroy an archaeological site the Council shall have regard to the following assessment matters to ensure that adverse effects are avoided, remedied or mitigated:
- alternate methods and locations available for applicants to carry out the works or activities;
  - the nature, form and extent of the activity and the likelihood of damage, modification or destruction of the archaeological site;
  - the result of consultation with tangata whenua;
  - the significance of the archaeological site to be assessed on the uniqueness of the site, representative nature of the site (i.e. the best example of a particular site type), its condition and the importance attached to the site by tangata whenua and the landowner;
  - the findings of any archaeological assessment carried out by a qualified archaeologist. Such a report shall identify and provide an assessment of effects and proposals for avoidance or mitigation of effects, where applicable;
  - the provisions of any relevant management plan where appropriate, whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value;
  - any conditions imposed in an authority issued under the Historic Places Act, 1993.
8. To enable development within the site-specific buffer area identified around each archaeological site where there is no adverse effect on the archaeological site.
9. To encourage landowners, the community and tangata whenua to investigate sources of funding and methods of voluntary protection for the management of archaeological sites including the use of covenants.
10. To manage significant archaeological sites, to ensure that the resource is sustained to meet the needs of future generations with the test for significance being:
- uniqueness of the site or representative nature of the site (i.e. the best example of a particular site type);
  - condition;
  - tradition/historic association

*Explanation (5): Archaeological sites are physical resources. The resource needs to be sustainably managed to ensure that adverse effects are avoided, remedied or mitigated*

*Explanation (6): The heritage alert layer is used as an early warning system. In assessing consents the determining criteria will be the risk factor and likelihood of damage to archaeological sites. This risk assessment will need to take into account the site specific nature of individual applications in terms of the extent of land disturbance that is required for the activity read in conjunction with the existing situation (i.e. has there been extensive land disturbance in the past).*

*Explanation (7): In the event of archaeological sites being the subject of an application to damage, modify or destroy an archaeological sites the criteria in the policy will be used to assess the application.*

*Explanation (8): The location of NZAA site has been accurately checked between 1995 and 2002, enabling the development of site specific protection in the form of site specific buffer areas. Where it can be demonstrated that archaeological sites will not be adversely affected there is no requirement for a resource consent. .Explanation (9): Land owners, the community and tangata whenua should be encouraged to prepare management plans for archaeological sites to ensure that they are managed with minimal impact on the heritage resource. Covenants are a means of providing sound legal protection for archaeological sites. The regulatory methods contained within the Plan will need to remain as another tool to ensure the sustainable management of the archaeological resource. Where voluntary protection is undertaken there may be the opportunity to move away from regulation. This would, however have to be achieved by means of a variation to the Plan.*

*Refer to Method  
3.11.4*

*Explanation (10): Significant sites, acknowledged by the community and tangata whenua should be managed to ensure their existence for future generations wherever this is practical and necessary. The test of significance would be whether the archaeological site was unique, or whether it was in particularly good condition was excellent representative sample of a site type as well as the history and tradition behind the site.*

*Principal reasons (5-10): Sections 6(e)(f) and 7(f) of the Act.*

### 3.7 Objectives (Waahi Tapu and Waahi Tapu Areas Schedule Overlay 3)

5. Recognition and protection of waahi tapu and waahi tapu areas through close co-operation with hapu, iwi, the community and landowners.
6. Avoid, remedy or mitigate adverse effects on waahi tapu or waahi tapu areas.
7. Ensure that landowners are advised of the existence of waahi tapu sites.

*Principal reason (5): If waahi tapu sites are to be properly recognised and protected it is necessary to identify their location. This can only be achieved through close co-operation with the iwi, hapu, and landowners.*

*Principal reason (6): If waahi tapu values are not adversely affected development should be enabled.*

*Principal reason (7): Landowners need to be made aware of waahi tapu sites if they are to be suitably recognised and protected.*

*Sections 6(e)(f) and 8 of the Act require Council to provide for these matters in Section 3.7 of this chapter.*

### 3.8 Policies (Waahi Tapu and Waahi Tapu Areas Schedule (Overlay 3))

11. To encourage hapu and iwi to research and document information relating to waahi tapu particularly in respect of their location.
12. In considering whether to grant consent or impose conditions in respect of any resource consent application, designation requirement or modification of a designation affecting a waahi tapu Council shall have regard to the following assessment matters:
  - the nature, form and extent of the proposed activity;
  - alternative methods and locations available to carry out the works or activities;
  - the result of consultation with tangata whenua;
  - the effect on spiritual or cultural values;
  - to ensure that where a waahi tapu is also an archaeological site, the provisions relating to archaeological sites in Section 3.6 of this Chapter, also apply.

*Explanation (11): Destruction of archaeological and waahi tapu sites has sometimes occurred in the past as iwi and hapu have not had an easily accessible record of important sites. If sites are*

*to be protected the iwi and hapu should be actively encouraged to undertake research into sites and in particular those sites that are of major importance.*

*Location of sites or alert information that could be provided to Council would assist Council in providing recognition and protection of waahi tapu sites.*

*Explanation (12): The policy sets out the parameters that Council should consider when an application which has the potential to impact on waahi tapu arises. It is preferred, in order to implement the objectives that alternative locations of the activity be explored, as well as the nature, extent and form of the activity and the effects it could have on spiritual and cultural values. The process of avoiding waahi tapu is reliant on the consultation process between the parties. Waahi tapu may or may not be related to physical archaeological remains. Where there are remains the provisions relating to archaeological sites should also apply to waahi tapu.*

*Principal reason (11 and 12): Sections 6(e)(f) and (8) of the Act.*

### 3.9 Objectives (Category A, B and C - Post European Contact and Central Business District Schedules (Overlay 4))

8. Sustainable management of the built heritage resource through the adaptive reuse of heritage items.
9. Maintenance and enhancement of the vitality and social functions of the Inner Commercial zone as an area for business and entertainment, recognising the essential link with the ability of the community to preserve, protect and enhance the built heritage resource.
10. The recognition and protection, where practicable, of the heritage resource in Categories A and B of the Post European Contact Schedule and the resource contained in the Central Business District Schedule.
11. The acknowledgement of the heritage value of the resource in Category C of the Post European Contact Schedule while noting its limitations in respect of its condition and structural state.
12. Avoid, remedy or mitigate adverse effects on Post European and CBD Heritage items by:
  - using appropriate building materials and techniques;
  - retaining, where practicable, the architectural and historical integrity of the item.
  - Considering the location of the item and it's importance in the cultural landscape or townscape.

*Principal reason (8, 10 & 11): In order to sustainably manage heritage buildings they must be able to be used in a functional way. The adaptive reuse of buildings should be encouraged.*

*The heritage resource listed in Categories A and B has been identified as having national and/or regional significance and is of importance to the community. The resource listed in Category C has heritage value and owners should be encouraged to retain it despite the fact that in many instances the resource is in a poor condition.*

*Principal reason (9): In order for the community to be able to preserve and protect buildings of heritage value in the Inner Commercial zone, the buildings must be sort after and considered desirable locations in which to conduct business. If business is occurring principally in other locations within the district, then there will be no demand for heritage buildings and consequently little or no maintenance will occur.*

*The continued use of the Inner Commercial zone as a business, entertainment and community centre is an important method to promote the ongoing preservation of the built heritage resource.*

*Principal Reason 12: Section 5 of the RMA, 1991 requires that adverse environmental effects be avoided, remedied or mitigated. The bullet points indicate those matters that should be considered to achieve the objective.*

### 3.10 Policies (Category A B and C Post European and Central Business District Schedules)

13. To enable the adaptive reuse of heritage items provided that:
- the adverse effects of the activity on the heritage values can be avoided, remedied or mitigated.
14. To encourage the retention of the heritage items I Category C, where practicable, but if it is not, to ensure that a proper record is kept of the heritage item.
15. In considering whether to grant consent or impose conditions in respect of any application for alteration to the heritage fabric, demolition or relocation of any heritage item in the Post European Contact Schedule listed as Category A, B or C in the Central Business District Schedule, the Council shall have regard to the following assessment matters, where appropriate:
- the impact the proposal has on the integrity or value of the heritage item;
  - any immediate or cumulative effects on local, regional or district-wide heritage values;
  - where the item forms part of a group or is within an identified precinct, any adverse effect on the integrity and value of the group or precinct;
  - the importance attributed to the heritage item by the wider community;
  - where the proposal involves the alteration or demolition of heritage items, the feasibility and costs of maintaining and repairing the item and the ability of the applicant to develop, use or obtain economic benefit from the site without altering or demolishing the existing item;
  - where the proposal involves the relocation of heritage items, the extent to which the original site and location are important to the heritage value of the item;
  - where the building presents an earthquake risk, fire risk or other safety risk and work (excluding demolition) is proposed to address such risks;
    - \* the level of upgrading that is acceptable to meet safety standards.
    - \* the extent to which the proposed work avoids adverse effects on the heritage value of the item.
    - \* the costs of further minimising adverse effects on the heritage value of the item.
  - where the building presents an earthquake risk, fire risk or other safety risk and demolition of the item is proposed, the feasibility and costs of upgrading the heritage item to address the safety risk and the effect of such work on the heritage value of the item. In some instances, community safety, the costs of upgrading the item and/or the effects of upgrading on the heritage value of the item may intimate that the item should not be retained.
  - the policies contained in any conservation plan;
  - whether the item is registered under the Historic Places Act 1993 and the reasons for this registration;
  - where appropriate, whether the proposal meets the provisions of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value;

- retention of original design and stylistic features;
  - \* the main style and character features should be retained. Any alterations or additions should be compatible in terms of symmetry, design finishes and ornamentation;
  - \* any addition should respect the scale and character of the item;
  - \* any addition should be compatible in terms of form, materials and colour;
  - \* the restoration of missing elements is encouraged provided there is adequate proof of the original form of the structure in the form of photographic evidence, drawings, building plans or written historical descriptions;
  - \* repair (where practicable) should be favoured over replacement but repairs should reflect the original materials in terms of texture, form, profile, colour and strength;
  - \* the age of the item and its extent of weathering should be respected;
  - \* where the building is located on or is visible from a street the exterior façade should be altered least and if possible not at all. If the building is located on a corner both elevations are of importance.

16. In considering whether to grant applications relating to the interiors of buildings Council shall have regard to the following assessment matters (applicable only to interiors identified for protection in the Appendix Three or Four):

- the floor plan of the building and the dimensions of spaces should be retained as far as possible;
- primary spaces such as foyers, lobbies, stairs and major corridors should be altered as little as possible with additions or alterations taking place in secondary spaces;
- significant architectural features and finishes such as skirtings, panelling, doors, picture rails, pressed metal ceilings, woodwork and wallpaper should be retained as far as possible.

17. When a resource consent for demolition or relocation is granted or a recommendation on designation requirement made in respect of Category A, B or C heritage items, Council shall consider requesting that a photographic record be provided by the applicant in accordance with New South Wales Guidelines for Photographic Recording of Heritage Sites, Buildings and Structures, 1994

*Explanation (13): The retention of heritage items is reliant on the sustainable use of that item. Alternative uses of heritage items should be encouraged and permitted provided that any effects that may arise from the reuse can be avoided, remedied or mitigated.*

*Explanation (14): Category C items are of heritage value but may be structurally unsound or in a state of serious disrepair. The intention of the policy is to encourage their retention but in the event of their loss to ensure that a proper record is kept.*

*Explanation (15): The heritage items scheduled in Category A, B and C are of significance on a regional and in some cases a national level and as such warrant a high level of protection. The policy will guide owners and developers on the areas of concern when considering work on a heritage building.*

*Development proposals have the potential to impact on the integrity or values of heritage items.*

*Heritage items should not be viewed in isolation but should be seen within their context. The heritage value is often not an individual item but the contribution it makes to the streetscape or precinct.*

*The heritage resource is a resource whose value and degree of importance is largely determined by community.*

*Alteration of a heritage item to enable its continued use or to attract uses with higher economic return might ultimately result in a greater retention of heritage value than retaining the item in a present configuration. In some cases, demolition or alteration might be appropriate because the costs of maintenance and repair are so high that it is likely that the heritage fabric will only deteriorate.*

*Items are often associated with their setting and removing an item from its setting can have a significant effect on its heritage worth.*

*Certain items may require structural strengthening or other work to address earthquake, fire or other safety risks. Such work should minimise adverse effects on heritage values to the extent that is feasible.*

*In some instances, community safety, the costs of upgrading the item and/or the effects of upgrading on the heritage value of the item may intimate that the item should not be retained.*

*In the case of heritage items where a major resource consent application, designation requirement or modification to a designation is proposed, which has the potential to affect the values of the item, a conservation plan policies can provide a basis for assessing and providing recommendations for work.*

*The need for this policy is implied in the legislation by the notification requirements of Section 93(2)(b) of the Act and regulation 10(2), Resource Management (Forms, Fees and Procedure Regulations 2003).*

*The principles of the ICOMOS New Zealand Charter provide guidance to Council in decision-making and reflect international conservation principles.*

*The style and character of a built heritage item is an important determinant of its architectural and aesthetic significance. The style and character of a built heritage item may also be important in terms of its contribution to an architectural precinct, which itself may have heritage significance. Style and character is normally dictated by bulk, use of material, form, ornamental details and placement of features such as windows.*

*Scale: Any addition should respect the scale of the building and should not dominate. Many of the buildings in Gisborne are of a small scale and even minor alterations can have an impact. Additions should not compromise the building.*

*Distinction between the original and the addition: In order to retain the authenticity of the building any alteration and addition should be distinguishable as being new work. The new work, even though it should be clearly distinguishable, should be compatible in terms of form, scale, cladding materials, window and door proportions and colour.*

*Restoration: The restoration of missing elements is encouraged provided that there is clear evidence of the original feature.*

*Repair: Buildings should be repaired by using materials that match the physical composition, texture, form, profile, strength and colour of the original. This applies to the finish as well as the underlying materials.*

*The use of inappropriate materials can compromise the original design of the building as materials which are not compatible in strength and physical characteristics can result in the destruction of the original fabric. Consolidants and waterproof coatings can cause the destruction of the building fabric. Inappropriate cleaning of structures such as sandblasting and waterblasting are not recommended as brickwork and lime renders can be extensively damaged leading to the destruction of the building.*

*Street Elevation: Visually, this is normally the most important part of the building. This element contributes to the streetscape, particularly if it is located within an identified precinct.*

*Explanation (16): The shape and dimensions of spaces are often an important part of a building's character and altering these e.g. by lowering ceilings, partitioning or enlarging rooms, can have a significant effect on the heritage values of the interior.*

*Sometimes it will be the sequence and flow of spaces (the floor plan) and not just the individual rooms, features and finishes that are significant. The sequence and flow of spaces can define and express the building's historic function and unique character. Floor plans may also be characteristic of a style of architecture or reflect social, educational and medical theories of the period.*

*Interiors of heritage buildings can be conceptualised as a series of primary spaces, which are important to the character of the building, and secondary spaces, which may accept a greater change in the course of work without compromising the building's historic character. Primary spaces are often the spaces that the public uses and sees, or the most architecturally detailed spaces in the building. Secondary spaces are generally more utilitarian in appearance and size than primary spaces. It is preferable to avoid alteration to primary spaces and concentrate on the secondary spaces.*

*Individual feature and finishes may be unique or contribute to the architectural character of the building. Features and finishes do not have to be richly ornamented or exhibit particularly fine craftsmanship to be important; they may be historic evidence of materials and craftsmanship.*

*Principal reason (13-17): Section 6(f) and Section 7(f) and (g) of the Act.*

*Explanation and Principal reason (17): If heritage items are demolished or relocated it is good practice to retain a record for future generations.*

### 3.11 METHODS OF IMPLEMENTATION

#### 3.11.1 Advocacy

1. Preparation of brochures detailing requirements of the District Plan and the Historic Place Act 1993 to be distributed through Council offices.
2. Education programmes for those involved in the development process clarifying legal rights and responsibilities.
3. Education and awareness programmes for the community promoting the worth and the need for protection of our heritage resource.
4. Liaison with other heritage protection agencies.
5. Liaise, co-operate and where possible support iwi authorities preparing environmental management plans.

*Principal reason (1 and 2): There is a lack of knowledge regarding legal requirements particularly with respect to archaeological sites and waahi tapu. The requirements of the District Plan and other legislation needs to be clearly presented to the public and particularly to the parties involved in the development process.*

*Principal reason (3): The heritage resource is an area where not enough in the way of public promotion has occurred. In the past it has been necessary for a heritage item to be under threat before the public become aware of the value.*

*Principal reason (4): There has been in the past a duplication of effort on the part of Heritage Protection Agencies. Improved communication will increase levels of protection through joint initiatives.*

*Principal reason (5): The Act requires that note be taken of iwi management plans. Improved support, liaison and co-operation with iwi will improve levels of protection and awareness particularly in respect of waahi tapu.*

#### 3.11.2 Economic Interests

1. Application will need to be made to the District Council to determine eligibility to qualify for one of or a package of financial incentives offered below. Incentives may be phased in through the annual plan process over the period of the life of the Plan.
2. Financial incentives for protection including:
  - a) Waiving of resource consent fees for applications for additions or alterations to heritage buildings and structures or for changes of use provided that the change of use is for adaptive reuse that complies with the ICOMOS charter provisions and the resource consent is granted;

- b) Refund of consent application fees where an archaeological site survey is undertaken and an archaeological site is identified and mitigating measures including legal protection of that site is undertaken;
- c) Parking dispensations where through the approved adaptive reuse of structure, the parking requirements for the activity cannot be met;
- d) Partial rates relief for properties or the affected parts thereof, provided the heritage value of the item is maintained and in respect of archaeological sites, suitable protection measures such as covenants are taken;
- e) Partial rates relief for any building being the subject of a heritage order;
- f) Annual Plan provisions for:
- i) two hours of free advice from a heritage consultant for items scheduled in the Post European Contact Schedule in respect of conservation and maintenance, restoration of original architectural elements and shopfronts, adaptive reuse and colour schemes and
  - ii) two hours of free advice from an archaeologist or other suitably qualified person for items scheduled in the archaeological site or waahi tapu schedule regarding the preparation of a conservation or management plan;
  - iii) heritage paint fund available to owners of heritage buildings on the Central Business District schedule:
    - to a maximum determined by Council in the Annual Plan process;
    - according to any phasing proposals the Council chooses to implement in the Central Business District;
    - provided the building is painted in accordance with the painting guidelines that Council may establish;
  - iv) a fencing fund to facilitate the protection of significant archaeological sites. Applications to the fencing fund will be considered according to the following criteria:
    - level of the threat and potential damage that could result if the archaeological site remained unfenced;
    - significance of the archaeological site (to be assessed on the advice of Department of Conservation (DoC), HPT, NZAA tangata whenua and the landowner) based on its uniqueness, representative nature, condition and importance to tangata whenua, the community and landowner.

*Refer to 15.4.2 for parking rules and financial contributions*

*Principal reason (1 and 2): The use of financial incentives to encourage protection of heritage items is proven to be more successful than the blanket use of regulatory means. The funding for incentives needs to be budgeted for in the Annual Plan. Heritage protection requires skilled professional advice.*

*The provision of a limited number of free hours will assist owners and developers in making informed decisions on the future of their building, archaeological site or waahi tapu. The provision of a heritage paint fund will encourage owners to restore their buildings.*

*Note: Financial incentives will be awarded on application to the Council and at its discretion in accordance with any conditions that it chooses to apply. Applicants may apply for a package or a single incentive. Only in exceptional instances will a package be granted.*

### 3.11.3 Information/Research

1. Council will maintain a database of known archaeological sites. The database will be updated by means of plan changes or variations, as required

2. To encourage hapu and iwi to research and document information relating to waahi tapu particularly in respect of their location.
3. Council will identify and maintain a Post European Contact Schedule and a Central Business District Schedule which will include information about interiors and interior features of significant value and where townscape values apply.
4. Assist other heritage protection authorities through the provision of information and advice.
5. Compilation of a database of sources of funding nationally and regionally available for:
  - a) Preparation of Conservation Plans and Management Plans for heritage items;
  - b) Physical Works (conservation, maintenance, preservation, reassembly, reconstruction, reinstatement, repair, restoration or stabilisation).

*Principal reason (1): Council needs to maintain its database. Changes in information will be accommodated by means of plan changes and variations.*

*Principal reason (2): The recognition and protection of the heritage resource is dependant of knowledge about the location and history of the resource.*

*Principal reason (3): The provision of information about which items have significant interiors and townscape values will help to encourage the retention of parts of the building that contribute value.*

*Principal reason (4): The provision of information and advice to other heritage protection agencies allows an exchange of information which is valuable for Council in its plan writing and implementation role.*

*Principal reason (5): The Council is under resourced to provide funding to ensure that the desired levels of protection of the heritage resource are achieved. A database would be a service to the community to advise them of alternate sources of funding.*

*Principal reason (6): The provision of information and advice to other heritage protection agencies allows an exchange of information which is valuable for Council in its plan writing and implementation role.*

#### 3.11.4 Management

1. The provision of guidelines for applicants required to undertake archaeological assessments.
2. Provision of guidelines for applicants to assist them in preparing an assessment for work on a heritage building or other heritage item

*Principal reason (1 and 2): The provision of guidelines for assessments of archaeological sites, heritage buildings and other heritage items will ensure that owners and developers are fully aware of the Council's requirements prior to assessments being undertaken. This provides certainty regarding the standard of investigation required.*

#### 3.11.5 Regulation

1. Rules
2. A multi-level approach to heritage protection and management through the creation of four layers:
  - a) Overlay 1: Heritage Alert Layer;
  - b) Overlay 2: Archaeological sites & Areas (NZAA database, HPT sites and sites determined by private and Council commissioned surveys)

- c) Overlay 3: Gisborne District Council Waahi Tapu Schedule - places and areas identified by tangata whenua as being of cultural or spiritual significance and waahi tapu and waahi tapu areas registered by HPT;
- d) Overlay 4: Gisborne District Council Post European Contact Schedule, sites identified by the community and tangata whenua being of post European contact significance and divided into categories A, B and C. sites are separated into two schedules.

*Principal reason (1): Rules are not the preferred method of implementation. They are only used in circumstances where it is unlikely that compliance could be achieved by any other method.*

*Principal reason (2): Overlay 1 - The Heritage Alert Layer is a predictive model of human settlement. The model will assist in determining whether developments are in an area of archaeological significance. The criteria used in formulating the model were the following:*

- *Location of identified archaeological sites (NZAA and HPT);*
- *In the hill country the layer encompasses known visible surface archaeological sites but also allows for subsurface features that may occur in areas that have been giant disced (ploughed) or otherwise substantially modified;*
- *On ploughed alluvium the layer is determined not only from known archaeological sites but from the likely spread of 19th century and pre-European settlement on to the flood-free surfaces of the soil classes Waihirere silt loam (including heavy silt loam), Matawhero silt loam (including where old surfaces may be buried by floods) and in a few areas on Waipaoa silt loam where there is a record of 19th century settlement;*
- *In areas where there has been no past systematic survey but where archaeological sites were likely to have occurred in low densities the following criteria are used:*

*Where rivers were navigable by canoe or where there are open valley floors with flood plains:*

- *up to 150m above the valley floor and up to 300m above sea level;*
- *on leading ridges, well drained, with good outlooks down valley, potential gardening areas nearby or on the slopes above the valley floor;*
- *possible refuge pa up to 600m above sea level.*

*The intention of the Heritage Alert Overlay is to provide a trigger to indicate the areas in which human settlement would have been likely.*

*Overlay 2 - The HPT registered archaeological sites along with sites recorded in the NZAA database are mapped and listed in schedules in the relevant appendices to the plan.*

*Overlay 3 - Places identified by the community and tangata whenua as having spiritual or cultural importance have been determined primarily through customary knowledge. The sources of information are diverse from oral tradition through to documented evidence in the form of Maori Land Court records, museum artefacts, old maps and public information gained from Waitangi Tribunal claims. These items may be indicated on the planning maps and in the Gisborne District Council Waahi Tapu Schedule. This Overlay will also include waahi tapu and waahi tapu areas registered by the HPT. At the date of notification of the plan the HPT had not registered any waahi tapu in Gisborne District.*

*Overlay 4 - Overlay 4 includes items identified by the community and Tangata whenua as being of significance in respect of post - European contact period. These heritage items are largely European in concept and design but may feature Maori stylistic elements. They were constructed by Europeans and /or Maori, and generally were or are used by a cross section of the community.*

*As such they have a continuing relevance for Europeans, tangata whenua and people of other ethnicities living in the District (Gisborne District Council Post European Contact and Central Business District Schedules). A number of items in this Overlay are also registered under the Historic Places Act 1993.*

*The items have been classified into three categories A, B and C. Category A consists mainly of Category I HPT items as well as a number of public buildings, monuments, infrastructural elements such as bridges and cemeteries.*

*Category B has a number of Category II HPT registered items as well as a number of items that have regional significance but have not been registered by the Trust. Category C contains items of historic importance that due to their structural state are unlikely to be restored.*

*Although the heritage resource is divided into four Overlay there is no bias towards any one layer being of greater importance than another. Overlays 2-4 do, however, have a greater level of detail attached to them and are site specific thus affording a higher degree of certainty.*

*The heritage resource reflected in the four layers comprise the following elements:*

- *Archaeological sites;*
- *Waahi tapu and waahi tapu areas;*
- *Archaeological sites;*
- *Historic buildings;*
- *Historic sites and precincts including battlements and monuments;*
- *Historic structures including wharves and bridges;*
- *Landscape within which settlement and development has occurred;*

*Heritage items have been listed in Overlays 2-4 if they exhibit one or more of the following attributes:*

- *Archaeological*
- *Cultural;*
- *Spiritual*
- *Historical - the association of the place with events, persons or ideas of importance on a national and regional scale;*
- *Landscape - the extent to which the item forms part of the wider physical, historical, cultural or archaeological landscape and includes precincts;*
- *Architectural - significant design values with respect to building type, construction, style, design, builder, period, materials or workmanship. The degree of authenticity of the item would be an determining characteristic;*
- *Technological - the contribution of a heritage item to the development of science or technology;*
- *Social - the commemoration of social events, movements or ideas either by location or in the form of a structure (war memorial, church, hotel or educational institution).*

## 3.12 RULES FOR CULTURAL HERITAGE OVERLAYS

Note:

Activities shall comply, where relevant, with the regional or district rules specified in Chapter 4-Natural Heritage, Chapter 5-Natural Hazards, Chapter 6-Land, Chapter 7 - Beds of Lakes and Rivers, Chapter 8-Utilities, Chapter 9 - Contaminated Sites, Chapter 9A-Hazardous Substances, Chapter 10 - Signs, Chapter 12 - Subdivision and Chapter 14 - Financial Contributions.

The rules of Chapter 3 apply in addition to the zone chapters.

### General Rules

Subject to any other rule in this Plan, the following requirements shall apply in the specified Heritage Overlay.

#### 3.12.1 Archaeological Report

- a) Where land disturbance is proposed to take place within the buffer area surrounding an archaeological site mapped and listed in Appendix 1 the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the archaeological site will be damaged, modified or destroyed. If the site will not be damaged, modified or destroyed Rule 3.14.1 shall apply. If the site will be damaged, modified or destroyed Rule 3.14.2 shall apply. Where a report of the type described above has been previously received by Council then a further report shall not be required.
- b) Where land disturbance is proposed to take place within the buffer area surrounding a waahi tapu site mapped and listed in Appendix 2 the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the waahi tapu site will be damaged, modified or destroyed. If the site will not be damaged, modified or destroyed Rule 3.15.1 shall apply. If the site will be damaged, modified or destroyed Rule 3.15.2 shall apply. Where a report of the type described above has been previously received by Council then a further report shall not be required.
- c) Where a person proposes to undertake land disturbance in the heritage alert layer, instigates a survey of a property or properties, by a qualified archaeologist and no archaeological sites are recorded the heritage alert layer provisions shall cease to apply.

Note:

Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be overlaid on an aerial photo), ask for the Duty Planner.

#### 3.12.2 Temporary Structures

- a) Temporary structures, safety barriers, and lighting may be erected for a period not exceeding 14 days within the site, cultural landscape, townscape or precinct listed in Appendix 1, 3 or 4 provided that this does not involve land disturbance and that these are not attached to any structure in such a way as to do damage.

### 3.13 **OVERLAY 1: Heritage Alert Overlay**

Note:

Heritage matters may be considered in resource consents for discretionary or non-complying activities for any part of any activity or use that requires land disturbance and is located or undertaken in the heritage alert layer. Policy 3.6 guides this circumstance. Heritage matters may also be considered in respect of controlled and restricted discretionary activities where this is specifically stated in the zone or overlay rule that this a matter to which Council will limit its control or restrict its discretion.

*Refer to Chapter  
16 - 22 for zone  
specific rules*

### 3.14 **OVERLAY 2: Archaeological Site and Areas Schedule (Appendix 1 & 1A)**

#### 3.14.1 **Permitted Activities**

The following activities shall be permitted activities:

- 3.14.1.1 Any activity that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix 1, where it has been determined by a qualified archaeologist referred to in rule 3.12.1(a) that the land disturbance shall not damage, modify or destroy the archaeological site.

Note:

Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be overlaid on an aerial photo), ask for the Duty Planner.

#### 3.14.2 **Discretionary Activities**

The following activities shall be discretionary activities:

- 3.14.2.1 Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix 1, where it has been determined by a qualified archaeologist referred to in rule 3.12.1(a) that the land disturbance shall damage, modify or destroy the archaeological site.
- 3.14.2.2 Any activity or use that requires land disturbance and is located or undertaken within the boundaries of an archaeological area shown on the planning maps and listed in Appendix 1A with an ARA number.

#### 3.14.3 **Non Complying Activities**

The following shall be non-complying activities:

- 3.14.3.1 Activities which do not comply with the rules in this chapter and are not provided for as Permitted, Restricted Discretionary or Discretionary activities.

### **3.15 OVERLAY 3: Waahi Tapu and Waahi Tapu Areas Schedule (Appendix 2)**

#### **3.15.1 Permitted Activities**

The following activities shall be permitted activities:

- 3.15.1.1 Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix 2 with a WP waahi tapu number, where it has been determined, by a qualified archaeologist referred to in rule 3.12.1(b) that the land disturbance shall not damage, modify or destroy the waahi tapu site.**

Note:

Maps detailing the extent of buffer areas are available at the Council offices. Maps are available identifying individual sites and the associated buffer areas (in many cases this can be overlaid on an aerial photo), ask for the Duty Planner.

#### **3.15.2 Discretionary Activities**

The following activities shall be discretionary activities:

- 3.15.2.1 Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix 2 with a WP waahi tapu number, where it has been determined, by a qualified archaeologist referred to in rule 3.12.1(b) that the land disturbance shall damage, modify or destroy the waahi tapu site.**
- 3.15.2.2 Any activity or use that requires land disturbance and is located or undertaken within the boundaries of a site shown on the planning maps and listed in Appendix 2 with a WY waahi tapu number.**

*Refer to Urban and Rural planning maps and Appendix 2 for buffer areas.*

#### **3.15.3 Non Complying Activities**

The following shall be non-complying activities:

- 3.15.3.1 Activities which do not comply with the rules in this chapter and are not provided for as Permitted, Restricted Discretionary or Discretionary activities.**

### **3.16 OVERLAY 4: Category A and B and C- Post European Contact and Central Business District Schedules in Appendix 3 and 4**

#### **3.16.1 Permitted Activities**

The following activities shall be permitted activities:

- 3.16.1.1 Demolition of, relocation of, or alterations to the interiors of buildings where the interior heritage fabric affected is not identified as subject to Rule 3.16.3.2 in Appendix 3 or 4
- 3.16.1.2 Minor works to any heritage item in Category A, B or C in Appendix 3 or 4
- 3.16.1.3 Relocation of the heritage fabric of the Matawhero Bridge

#### **3.16.2 Restricted Discretionary Activities**

The following activities shall be restricted discretionary activities:

- 3.16.2.1 Erecting any new structure, (excluding signs), lighting standards, fencing or walling or planting any vegetation which at full growth is taller than 1m in height, within any site identified in Appendix 4 as having cultural landscape or townscape value.

*Refer to Chapter 10 for Signs Rules.*

Council shall restrict its discretion to the matter a) specified below:

- a) Heritage value of the primary item and on the site, cultural landscape or townscape.

- 3.16.2.2 The subdivision of any site identified in the Appendix 4 as having cultural landscape or townscape value.

Council shall restrict its discretion to the matter a) specified below:

- a) Heritage value of the primary item and on the site, cultural landscape or townscape.

#### **3.16.3 Discretionary Activities**

The following activities shall be discretionary activities:

- 3.16.3.1 Demolition of, relocation of, or alteration to the heritage fabric of any heritage item in Category A, B or C in Appendix 3 or 4 but excluding demolition of, relocation of, or alterations to the interiors of buildings, the relocation of the Matawhero Bridge and minor works.
- 3.16.3.2 Demolition of, relocation of, or alterations to the interior of buildings which affect interior heritage fabric identified as subject to Rule 3.16.3.2 in Appendix 3 or 4.

*Refer to Chapter 10 for Signs Rules.*

#### **3.16.4 Non Complying Activities**

The following shall be non-complying activities:

- 3.16.4.1 Activities which do not comply with the rules in this chapter and are not provided for as Restricted Discretionary or Discretionary activities.

## 3.17 FINANCIAL CONTRIBUTIONS

### 3.17.1 Financial Contribution of Land for Protection of an Archaeological Site

#### Circumstances Imposed

Financial contributions of land (including easements) may be imposed on subdivision or landuse consent applications for protection of an archaeological site.

#### *Provided that*

- Discretion or control is reserved over financial contributions, cultural heritage, or heritage value.
- The applicant and landowner agree to the requirement for the contribution.

#### Purpose of Contributions

To protect or provide for the protection of an archaeological site or features.

#### Manner for Calculating Contributions

The amount and nature of the contribution will be that which is agreed between the applicant and the Council, or other organisation that will gain the interest in the land.

### 3.18 ANTICIPATED ENVIRONMENTAL RESULTS

- a) **Overlay 1 - Heritage Alert Overlay** - Reduce the risk of damage of archaeological resource through the use of the predictive model of human settlement thus enabling sustainable management of the resource.
- b) **Overlay 2 - Archaeological Site and Area Schedule** - Assist in identifying and thus avoiding archaeological sites as far as practicable while enabling development.
- c) **Overlay 3 - Waahi tapu Schedule** - Identification of waahi tapu and consequent avoidance thereof leading to sustainable management of the resource.
- d) **Overlay 4 - Post European Contact Schedule and Central Business District Schedule** - Sustainable management of the built heritage resource.
- e) **All Overlays** - Protection and enhancement of the heritage resource through increased awareness and education.