

17 Historic Heritage

17.1 Introduction / Resource Description

Heritage is defined in the Resource Management Act 1991, and essentially includes items or places that have significance to the community because of their associations with the past. Heritage includes those man-made objects that through our history give us a sense of our cultural identity.

The Kaipara District is steeped in history, being one of the first areas settled by Maori and also the focus of early European exploration. It has an extensive range of archaeological sites principally related to Maori occupation. Numerous pa sites, terraces, pits and middens are present along the coasts as well as some inland areas. There are also a few sites from the timber milling and gum digging areas including camps and other workings. Some of the recorded archaeological sites are of national significance, including several pa sites and extensive stone structures and agricultural remnants in the Waipoua Valley.

The Kaipara District contains a large number of historic buildings which remain from the early pioneering days and its more recent history. Although many impressive buildings have been lost over the years, several important examples of early architectural styles are present. Nearly all of the buildings concerned are privately owned and maintained.

17.1.1 Archaeological Sites

The Historic Places Act 1993 gives legal protection to all archaeological sites. Any activity which may destroy, damage or modify an archaeological site is required to be authorised by the New Zealand Historic Places Trust. The authority to destroy or modify a site may be made subject to conditions, such as requiring a prior scientific investigation of the area, and may be declined.

The New Zealand Archaeological Association maintains a recording system which identifies a number of archaeological sites in the District. A copy of the inventory is held at the Department of Conservation offices in Whangarei.

17.1.2 Heritage Sites and Areas

There are two types of heritage resources that include both sites and areas within the Kaipara District: "Category A" heritage resources and "Category B" heritage resources.

Category A heritage resources are given some protection under District Plan Rules. Council has established a schedule of Category A heritage resources which is contained in Appendix 17.1, and shown in Map Series Two (Part E - Maps). Works, including alterations, which are likely to adversely affect the historic character of Category A heritage resources require Resource Consent approval from Council. Category A heritage resources have been identified as requiring protection based on:

- Their status as heritage resources which are registered with the New Zealand Historic Places Trust; or
- Their recognition in the previous Kaipara District Plan as protected heritage resources.

Category B heritage resources are not registered with the New Zealand Historic Places Trust and subsequently are not protected by District Plan Rules. Council has established a schedule of Category B heritage resources which is contained in Appendix 17.1, and in (Part E-Maps). Category B heritage resources are of local significance and have been identified in the District Plan to encourage recognition and protection, and to raise awareness (for information purposes).

The Resource Management Act 1991 establishes a system of heritage orders which can be applied to the protection of any place of special interest, character, intrinsic or amenity value or visual appeal or of special significance to the Tangata Whenua for spiritual, cultural or historical reasons. Heritage orders can be sought by any Minister of the Crown, the New Zealand Historic Places Trust, a local authority or any body corporate specifically appointed as a heritage protection authority. Each requirement for a heritage order goes through a public notification and hearing process similar to that for Resource Consents. If approved the order is recorded in the District Plan with associated controls placed on the use and subdivision of the land affected. There is one heritage order in the District, which applies to the Morton Bay Fig tree at Pahi (see Appendix 17.3).

17.1.3 Areas of Significance to Maori

The relationship of Maori and their culture and traditions to their ancestral lands, sites, waterways, waahi tapu, wai tapu, and other taonga is of national importance under the Resource Management Act 1991. The District Plan must therefore recognise and provide for this relationship.

At the time of notification of the District Plan, few Maori heritage sites and areas were included in the Plan because the provision of information regarding the location and values of sites had not yet been fully considered by iwi. However, areas of significance to Maori, identified in relevant Treaty Settlements, have been included.

Heritage sites, features and areas contribute to our identity and to amenity.

Kaipara has some significant heritage sites and features in the District.

Category A heritage features are protected by this Plan.

Protection of Category B heritage features is encouraged (not required) by this District Plan.

In consultation with Tangata Whenua, a change to the District Plan may in time be introduced to identify, protect, and recognise additional areas of significance to Maori in accordance with Part 2 of the Resource Management Act 1991 and the principles of Te Tiriti o Waitangi.

The custody of privileged information about Maori heritage sites may be retained and managed by Council. It will be held in a form that is not at risk of disclosure (unless this has been specifically authorised by iwi on a case by case basis). At the same time, landowners need to be provided with sufficient information about acceptable activities on the sites so as to maximise protection of the sites without unnecessarily constraining the activities of landowners.

17.2 How to Use This Chapter of the District Plan

This Chapter contains the Issues, Objectives, Policies, Methods, Outcomes, Rules, Performance Standards and Assessment Criteria relating specifically to Heritage. These only apply if you have an identified heritage resource or Area of Significance to Maori on your property, which are shown in Map Series 2 of the District Plan Maps. Heritage Rules only apply for Category A heritage resources.

In any instance where the Rules in this Chapter overlap with (or duplicate) a Rule in the Zone Chapters, the Rules in this Chapter will take precedence.

You may also want to use this Chapter if are proposing to protect a heritage resource (e.g. if you are preparing a major Resource Consent or you are seeking a bonus lot for a subdivision).

Before you use this Chapter of the District Plan, check:

- That the area for use or development has a Category A heritage resource or Area of Significance to Maori on it (Map Series 2).
- If it doesn't the Rules of this Chapter don't apply – though you may want to look at this Chapter for voluntary heritage resource protection, assessing the effects of a Resource Consent or if you are seeking a 'bonus lot' for subdivision.
- If it does, you need to look at the relevant Rules of this Chapter first and then the Rules for the Zone your property is in (Map Series 1).

In summary, if your proposal has an identified heritage resource or Area of Significance to Maori on it you start by checking whether it meets the Performance Standards for a Permitted Activity (set out in Rule 17.10). If it does, you don't need a Resource Consent. If your proposal doesn't meet these Standards, you will need Resource Consent to allow you to do it. The matters that will be considered in a Resource Consent are set out in Section 17.10 of this Chapter.

After you have considered this Chapter, you need to consider whether the proposal meets the Performance Standards and Rules of the relevant Zone for your property.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

If you need to prepare a Resource Consent application for your proposed development or subdivision Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

17.3 Heritage Issues

17.3.1 The archaeological record for the District is incomplete, and areas are either still un-surveyed or only major sites are known. There is potential for subdivision and development to unintentionally damage or compromise these sites and areas.

Identification of archaeological sites and areas decreases the possibility of unnecessary damage, modification or destruction during development and increases certainty for all parties. Council will use the New Zealand Archaeological Association Site Recording Scheme to assist applicants to determine if their property contains any recorded archaeological site.

17.3.2 There is potential to enhance understanding of heritage and improve management and protection through early involvement of the New Zealand Historic Places Trust and Tangata Whenua in decision making under the District Plan, and by recognising community knowledge of heritage values.

Public awareness and appreciation of the value of heritage is the primary means of safeguarding the Kaipara District's heritage. There are a number of valuable sources of information that can enhance the understanding of the heritage within the District through recognising the value and expertise that Tangata Whenua, the New Zealand Historic Places Trust and community knowledge can provide in managing and protecting these valuable features.

You can check if your property has a heritage feature or area of significance to Maori. Look on Map Series 2 of the District Plan Maps.

- 17.3.3 Without appropriate protection, heritage resources (including Areas of Significance to Maori) have the potential to be lost, damaged or compromised by inappropriate land use and development.**
- Council has an obligation under Section 6 of the Resource Management Act to recognise and provide for matters of national importance which includes the protection of historic heritage from inappropriate subdivision, use, and development. The District Plan is a tool to protect and identify historic heritage resources in the District. Private property rights are transitory and heritage resources are finite. Careful control of the reuse of older buildings can retain heritage values. Private property rights will be considered in the assessment of alternatives, benefits and costs when new historic heritage items are scheduled in the District Plan. The Historic Places Act 1993 offers protection to archaeological sites older than 1900 AD, however other items that are not as old or are not archaeological features (but are of heritage value) are not protected.*
- 17.3.4 The relationship of Maori, including their culture and traditions, with their ancestral lands, has the potential to be destroyed or compromised through inappropriate land use and development.**
- Section 6(e) of the Resource Management Act 1991 requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, be recognised and provided for as a matter of national importance.*
- 17.3.5 There is a need to recognise the sensitivity of information regarding Maori heritage.**
- In some instances, information in relation to areas of significance to Maori is restricted and it may not be appropriate to make this information available to the general public. While some waahi tapu are well known, the existence and location of others are either known only to the kaumatua, or are more widely known amongst Maori but are not publicised. The wish of the Maori people for whom the waahi tapu are important has to be respected. However, it is difficult to balance restricting the availability of information with the process of protecting heritage by way of Rules in a District Plan.*
- 17.3.6 There are some instances where development and redevelopment in close proximity to heritage resources can have potential adverse effects on heritage values and surrounding amenity.**
- Sometimes heritage values are dependent on their physical context. These values can easily be lost through unsympathetic subdivision and development. Guidelines for what is appropriate adjacent to a single heritage site or structure are not easy to develop. As a result, a community that is keen to ensure that the heritage value of such sites or buildings is not diminished, will probably have to rely on case by case assessments when trying to evaluate the impact of development proposals on adjoining land, as those proposals are made.*
- 17.3.7 Heritage values can be derived from the grouping of heritage resources, and therefore site specific management has the potential for heritage value to be overlooked.**
- Where heritage sites are clustered within an area, it may be appropriate to manage their protection within a landscape context rather than by individual site. There are clusters of heritage buildings and assets identified within the planning maps. Council has investigated and will continue to investigate opportunities for protection of clustered areas of heritage.*
- 17.3.8 The lack of use of heritage resources has the potential to increase the risk of loss of values due to deterioration of sites and features.**
- Council seeks to encourage on-going use of heritage items to promote the retention and reuse of these features where this promotes or maintains the heritage resource.*
- Owners of heritage buildings who find the burden too high are likely to allow the buildings to become run down, ultimately to the point where they are beyond restoring and consequently of negligible heritage value.*
- Demolition through neglect is a recognised problem area in relation to heritage buildings. Few pristine buildings remain. It is acceptable to ensure longevity of heritage buildings by identifying modern adaptations which generally preserve the heritage values of the property.*
- 17.4 Heritage Objectives**
- 17.4.1 To identify, protect (and where possible enhance) features which are of archaeological value to the District from inappropriate subdivision, use and development.** [Issue 17.3.1](#)
- 17.4.2 To protect waahi tapu and other sites of spiritual, cultural or historical significance to Maori from inappropriate subdivision, use and development.** [Issues 17.3.2 and 17.3.4](#)
- 17.4.3 To assist property owners understanding and appreciation of the heritage resources located on their land.** [Issue 17.3.2](#)
- 17.4.4 To protect heritage resources and associated values, and in appropriate circumstances their surrounds from inappropriate subdivision, use and development.** [Issue 17.3.3](#)
- 17.4.5 To support property owners who protect heritage resources.** [Issue 17.3.8](#)
- 17.4.6 To recognise the relationship that heritage resources may have with the land surrounding that resource.** [Issues 17.3.6 and 17.3.7](#)
- 17.4.7 To encourage consultation with the New Zealand Historic Places Trust, local historical societies and Tangata Whenua.** [Issues 17.3.2 and 17.3.5](#)
- 17.4.8 To promote the continued use of heritage buildings in the District, where this encourages their retention, restoration and maintenance.** [Issue 17.3.8](#)
- 17.5 Heritage Policies**
- 17.5.1 By facilitating greater public awareness and appreciation of archaeological sites and the statutory protection afforded to them.** [Objective 17.4.1](#)
- The New Zealand Historic Places Trust is responsible for protecting archaeological sites under the Historic Places Act 1993. The New Zealand Archaeological Association is responsible for maintaining an inventory of known archaeological sites. However, the District Plan and associated Resource Consent procedures have an important supporting role and accordingly complementary provisions have been developed.*
- Archaeological sites are particularly vulnerable in an environment where there is growth and development, because they are often unrecorded and not easily identified without assistance from kaumatua or trained archaeologists.*
- 17.5.2 By encouraging and where practicable requiring the protection of sites and features of historic significance to the District from inappropriate subdivision, use and development.** [Objectives 17.4.3 and 17.4.4](#)
- The preservation or protection of heritage resources enhances the overall quality of the District's fabric and recognises the contribution that heritage makes to the District's image and form. Resources can have heritage worth because of particular historic, scientific, environmental, visual, community or educational importance. Heritage resources are vulnerable to change and once lost cannot be replaced.*
- The provisions relating to the protection of heritage resources are intended to balance private property rights and the wider heritage conservation interests of the community, nation and generations to come. Special recognition is given to the role and interests of the New Zealand Historic Places Trust in this area. The Council has a responsibility under the Resource Management Act 1991 to provide for historic heritage as a matter of national importance. The protection of historic heritage is best served through adequate identification and supporting rules within the District Plan.*
- 17.5.3 That the Council consult with whanau, hapu and iwi to develop appropriate and acceptable consultation processes for Maori.** [Objectives 17.4.2 and 17.4.4](#)
- The development of a procedure for protecting waahi tapu will require considerable effort because of the diverse factors to be taken into account. These factors include: iwi aspirations in this field; including tikanga Maori, and their concern not to publicise the location of some sites; the length of time to be taken in assessing sites subject to applications for Resource Consent; what the Council considers it is able to fund and manage administratively; the provisions of the Historic Places Act 1993; and any non-regulatory mechanisms that are likely to be effective.*
- 17.5.4 That maintenance, repairs or redecoration of historic buildings or objects shall retain their historic value and character.** [Objective 17.4.4](#)
- Heritage sites or features that are structures may have their heritage value eroded or destroyed by alterations that are out of character.*
- 17.5.5 By avoiding or mitigating adverse effects on any archaeological sites resulting from inappropriate subdivision, use and development.** [Objective 17.4.1](#)
- Damage can be unintentional and in many instances the result of normal farming activities, such as grazing by cattle. Damage also occurs through development.*

17.5.6 By providing landowners financial relief and other incentives to encourage the protection and enhancement of heritage sites on their land.

Objectives 17.4.3; 17.4.5 and 17.4.8

It is recognised that there is a place for incentives as well as restrictions, and the Council is in a position to provide encouragement to the owners of some scheduled heritage resources to preserve them, through Rules in the District Plan. The Council will encourage and assist landowners who wish to establish Heritage Covenants with the New Zealand Historic Places Trust. This may also include the use of financial incentives and additional development rights where sites and places are protected. Landowners who identify heritage resources on their property and submit to have these included in the New Zealand Historic Places Trust Register or Appendix 17.1 (or already have scheduled heritage resources on their property) are eligible to apply for Council's Heritage Fund.

As part of the Annual Plan process Council may consider heritage initiatives which could include the provision of a grant fund to remit fees for Resource Consents which result in the protection, maintenance or upgrading of heritage resources and the costs of notification and processing of heritage orders and for any Plan changes to the appendices of heritage items.

17.5.7 Council will use, where appropriate, its Heritage Protection Authority status under Section 187 of the Resource Management Act 1991. This will protect any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the Tangata Whenua for spiritual, cultural or historical reasons. The area of land (if any) surrounding that place will also be considered to determine whether it is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of the place.

Objectives 17.4.2, and 17.4.4

The Resource Management Act 1991 establishes processes for a recognised Heritage Protection Authority, such as the Council, to seek to establish a Heritage Order on a site of Heritage Value. The Council may itself issue a Proposed Heritage Order for a building, site, or heritage item if it considered such action necessary or desirable to protect the feature. There is one heritage order in the District which applies to the Morton Bay Fig tree at Pahi.

17.5.8 By protecting the spiritual, cultural or historical values of Areas of Significance to Maori from inappropriate subdivision, use and development and that the effect on cultural, spiritual and historical values is taken into account in the assessment of applications and Tangata Whenua are acknowledged as Kaitiaki for these areas.

Objectives 17.4.4, 17.4.6 and 17.4.7

The principles of Te Tiriti o Waitangi include active protection of taonga, and Section 6(e) of the Resource Management Act requires the recognition and provision for the relationship of Maori people with their taonga. The relationship with ancestral taonga can exist despite land sales and dispossessions of taonga. Even where taonga are still in Tangata Whenua's ownership, the relationship with them can still be adversely affected by the nature of surrounding development.

17.5.9 Council will identify and protect heritage resources in the District Plan and manage heritage on a basis of partnership involving property owners, Tangata Whenua, heritage agencies, communities and individuals.

Objectives 17.4.2 and 17.4.7

The success of public initiatives to protect heritage resources relies ultimately on public understanding and co-operation. The Council will also encourage the formation of special interest groups to advocate the protection and enhancement of heritage items.

Where there is evidence demonstrating support for heritage values attributed to a place by individuals, groups and agencies, these values will be taken into account in considering applications to alter or destroy such places

17.5.10 Council will recognise the New Zealand Historic Places Trust as an affected party under Section 95E of the Resource Management Act to any Resource Consent affecting any historic heritage.

Objectives 17.4.1, 17.4.2, 17.4.3, 17.4.6 and 17.4.7

In order to best utilise the knowledge and assistance that New Zealand Historic Places Trust can offer Council and applicants, early consultation with these parties regarding subdivision and land use applications is advised. Council will use limited notification provisions if written approval is not able to be obtained.

17.5.11 Allow heritage buildings to be used for a range of activities where this promotes the retention of the building, provided that heritage values are respected and retained.

Objective 17.4.8

Owners will be encouraged to recognise the advantages of conserving and using heritage buildings. Adaptive reuse of heritage buildings is supported where the heritage values are retained.

17.6 Methods

The above Policies will be implemented through the following Methods.

17.6.1 District Plan Methods

17.6.1.1 The significance of any identified heritage resources will be assessed when processing applications for Resource Consent for land use or subdivision. The significance can only be correctly assessed if the heritage values are known.

17.6.1.2 Maintain a schedule of historic buildings, monuments and other features as well as their surrounds (as appropriate), as part of the District Plan.

17.6.1.3 Undertaking consultation with Tangata Whenua, the New Zealand Historic Places Trust and other agencies during the consenting process.

17.6.1.4 The use of Rules which allow for a range of activities within heritage sites and areas, subject to compliance with relevant Performance Standards and Assessment Criteria.

17.6.1.5 The use of Subdivision Rules, including Performance Standards and Assessment Criteria, relating to site size and dimensions, property access and provision of services.

17.6.1.6 Conditions imposed on approved Resource Consents.

17.6.1.7 Section 108 Covenants and Consent Notices issued under Section 221 of the Resource Management Act 1991 and registered on Certificates of Title.

17.6.1.8 On-going monitoring of approved Resource Consent requirements.

17.6.1.9 Site Management Protocol and Accidental Discovery Protocol for Archaeological Sites required to be followed when works are undertaken in proximity to heritage features and sites.

17.6.1.10 Within the Subdivision Rules in the Zone Chapters, there is provision of increased development rights where protection of heritage resources is offered by an applicant as part of a subdivision process. (Refer to Part B: Land Use).

17.6.1.11 Involvement of Tangata Whenua in deliberations on Consents in Areas of Significance to Maori.

17.6.2 Other Methods

17.6.2.1 Provide information to landowners from the New Zealand Archaeological Association's Site Recording Scheme.

17.6.2.2 The Council will progressively develop a database of features to support Appendix 17.1. The database will be a working document and will contain information on the type, location, history, heritage values, level of significance, vulnerability, condition and protection status of the heritage places in the District. Sources for the database will include, but not be restricted to:

- i. Places under statutory protection outside of the Resource Management Act 1991;
- ii. Places where legal protection has been secured under the Resource Management Act 1991, e.g. conditions on Resource Consents and heritage orders;
- iii. Places volunteered by property owners for protection;
- iv. New Zealand Historic Places Trust Register;
- v. Archaeological assessment reports undertaken as part of a land use or subdivision application; and
- vi. Sites that receive assistance from the Heritage Fund.

As part of this database, Council will progressively compile electronic maps of the District's heritage resources, in collaboration with other key agencies, in particular the New Zealand Historic Places Trust and the New Zealand Archaeological Association. These maps will be initially used for education and the provision of information. Council will consider as part of the Long Term Plan planning cycle, whether a future Plan Change (including landowner consultation) should be undertaken to include these mapped areas and associated Rules in the District Plan.

17.6.2.3 Education is an important method. The Council will provide information to landowners and the public generally about the existence, value and management of heritage resources.

17.6.2.4 Advise people on the requirements relating to protection of archaeological sites in the Historic Places Act 1993 and distribute associated publicity material.

17.6.2.5 Notify the New Zealand Historic Places Trust and New Zealand Archaeological Association of Land Use and Subdivision Consent applications which are likely to affect archaeological sites.

17.6.2.6 Maintain and repair appropriately classified buildings in Council ownership and assist owners and community groups with work on other buildings as circumstances and finances permit.

17.6.2.7 Promotion of voluntary protection mechanisms regarding heritage, as identified in the Kaipara District Council Annual Plan and Long Term Plan.

17.6.2.8 Providing incentives to property owners who adopt voluntary measures to protect items of heritage value.

17.6.2.9 Alterations to Appendix 17.1 (Category A Heritage Resources)

Council may add Category A heritage resources to Appendix 17.1 when it is advised of new items being added to the New Zealand Historic Places Register provided that:

- a) The heritage feature is New Zealand Historic Places Trust registered/accepted; and
- b) A written narrative is provided.

Additional heritage resources will be added to the District Plan through Plan Changes. Council Plan Changes to update Category A heritage resources in Appendix 17.1 will be reviewed every 2 years, based on the additions to the New Zealand Historic Places Register.

Council's monitoring programme proposes to review and as appropriate do a Plan change every two years for Schedules to the Plan.

17.6.2.10 Alterations to Appendix 17.1 (Category B Heritage Resources)

Council may add Category B heritage resources (which are not registered with the New Zealand Historic Places Trust) to Appendix 17.1 when it is advised of new items, provided that:

- a) There is proof of consultation with the owner of the land on which the heritage resource is located ;
- b) Comment is sought from the New Zealand Historic Places Trust on whether the heritage item is of a standard to be included as a recognised heritage item;
- c) A written narrative about the heritage resource is provided; and
- d) Adequate mapping is carried out.

As part of the information requirements listed above, (c) is to be based on the registration form for registering a heritage resource with the New Zealand Historic Places Trust. This form will determine whether the Category B resource is of a standard to be included in Appendix 17.1.

Additional heritage resources will be added to the District Plan through Plan Changes. The Council Plan Changes to update the schedule will be periodically reviewed every two years to update records from information received by Council within that period.

17.6.2.11 Alterations to Appendix 17.2: Nohoanga Areas and Areas of Significance to Maori

Council may at the request of or in consultation with iwi add Areas of Significance to Maori, which are identified through protective covenants under the Te Ture Whenua (Maori Land) Act 1993, to Appendix 17.2: Nohoanga Areas and Areas of Significance to Maori.

These updates will be added to the District Plan through Plan Changes. The Council Plan Changes to update the schedule will be reviewed every two years, based on the additional areas identified.

17.7 Heritage Outcomes

17.7.1 An improved level of knowledge and understanding of heritage resources.

Issues 17.3.1, 17.3.2 and 17.3.3

17.7.2 Avoidance of unnecessary modification of archaeological sites.

Issue 17.3.3

17.7.3 Recognition and retention of the heritage values of identified historic buildings, objects, or features.

Issues 17.3.3, 17.3.6, 17.3.7 and 17.3.8

17.7.4 Knowledge and understanding of sites of cultural significance to Maori.

Issue 17.3.5

17.7.5 Recognition and retention of the Maori values relating to sites of cultural significance.

Issues 17.3.3, 17.3.4 and 17.3.5

17.7.6 Active involvement by Maori in decision making about, and management of, Areas of Significance to Maori.

Issue 17.3.2

17.8 Rules

Activities affected by this Section of the District Plan must comply not only with the Rules in this Chapter, but also with the relevant Standards applying to the Zone in which the activity is located (refer to Part B: Zoning). Particular attention is drawn to:

- a) Development bonuses associated with the protection of heritage features are referred to in the relevant Zone Chapter (Part B: Land Use); and
- b) Where an application is made in terms of this Rule, the New Zealand Historic Places Trust and, where appropriate, the Tangata Whenua for whom the heritage resource has significance shall be considered affected parties.

Note 1: In addition to the requirements of the District Plan, it should be noted that the Historic Places Act 1993 requires all applicants to obtain consent from the New Zealand Historic Places Trust before any archaeological site is damaged, modified or destroyed.

17.8.1 Permitted Activities

The following activities shall be Permitted Activities under this Chapter:

- a) Any activity complying with the Performance Standards listed in Section 17.10.

17.8.2 Controlled Activities

There are no Controlled Activities in this Chapter of the District Plan.

17.8.3 Restricted Discretionary Activities

The following shall be Restricted Discretionary Activities

- a) Any activity which exceeds any Performance Standard in Section 17.10 and is listed as a Restricted Discretionary Activity; or
- b) Any activity requiring Consent elsewhere in this Plan, in accordance with Rule 17.10.3.

The Council may approve or refuse an application for a Restricted Discretionary Activity, and it may impose conditions on any Consent. In assessing an application for a Restricted Discretionary Activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant Rule. Activities will be assessed against, and conditions may be imposed in relation to, those matters listed in Section 17.10 of this Chapter.

Where an application is made in terms of this Rule, the Tangata Whenua for whom the heritage resource has significance and, where appropriate i.e., if it affects any item in the Schedule of Heritage Resources, the New Zealand Historic Places Trust shall be considered affected parties.

17.8.4 Discretionary Activities

The following shall be Discretionary Activities:

- a) Any activity which exceeds any Performance Standard in Section 17.10 and is listed as a Discretionary Activity;

The Council may impose Conditions of Consent on a Discretionary Activity or it may refuse consent to the application. When considering a Discretionary Activity application, the Council will have regard to the assessment criteria set out under Section 17.10.

Where an application is made in terms of this Rule, the Tangata Whenua for whom the heritage resource has significance and, where appropriate i.e., if it affects any item in the Schedule of Heritage Resources, the New Zealand Historic Places Trust shall be considered affected parties.

17.9 Protocols for Works in the Vicinity of Heritage Features

The Site Management Protocol provides guidance on how works should be undertaken when there are known heritage features in the vicinity. The Accidental Discovery Protocol provides guidance on the appropriate steps to be taken should any archaeological features be uncovered during the course of works. The Accidental Discovery protocol provides a clear process to be followed which will enable the on-going protection and enhancement of heritage features within the District.

17.9.1 Site Management Protocol

- a) The Consent holder or proponent shall engage an appropriately qualified archaeologist to monitor the progress of all excavation and to advise on methods to be undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
- b) For any burial sites and waahi tapu, iwi shall be entitled to have a representative during construction and excavation of the site to act as adviser to the developer on identification or protection of the site.
- c) The Consent holder or proponent shall provide iwi the following information no less than 25 working days prior to any excavation:
 - A schedule of the dates of all significant excavation events, their sequence and duration; and
 - A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
- d) The Consent holder or proponent shall invite iwi to attend any episode of monitoring or earthmoving activity.
- e) The Consent holder or proponent shall consult with iwi to determine if there are any matters of protocol or ceremonies which they wish to undertake in relation to any excavation.
- f) The Consent holder or proponent shall provide iwi with a copy of all archaeological monitoring and investigation reports which are required by the Conditions of Consent with an invitation to respond, comment or meet to discuss any of the results.
- g) The Consent holder or proponent shall notify the Council of all information provided to iwi and any responses received.

Note 1: Prior to any development being undertaken within an identified archaeological site or waahi tapu, the Consent holder or proponent shall ensure that all appropriate authorities required in accordance with the Historic Places Act 1993 have been obtained.

17.9.2 Accidental Discovery Protocol: Archaeological Sites

Where, during earthworks on any site, any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall apply:

- a) Immediately when it becomes apparent that a suspected archaeological site, burial site, waahi tapu or waahi taonga site has been uncovered, all excavation shall cease.

In cases other than suspected human remains:

- b) The contractor must shut down all machinery immediately, secure the area and advise the Consent holder or proponent and Kaipara District Council of the occurrence.
- c) The Consent holder or proponent must notify the New Zealand Historic Places Trust so that the appropriate Consent Procedure can be initiated.
- d) The Consent holder or proponent must consult with an iwi representative to determine what further actions are appropriate to safeguard the site.

Where human remains are suspected

- e) The contractor must take steps immediately to secure the area in a way which ensures human remains are not further disturbed. The contractor shall advise the Consent holder or proponent of the steps taken.
- f) The contractor shall notify the Police of the suspected human remains as soon as practicably possible after the remains have been disturbed. The Consent holder or proponent shall notify iwi and New Zealand Historic Places Trust within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- g) Excavation of the site shall not resume until the Police, New Zealand Historic Places Trust and the relevant Kaumatua have each given the necessary approvals for excavation to proceed.

Note 1: If any Land Use Activity (such as earthworks, fencing or landscaping) is likely to modify, damage or destroy any archaeological site (whether recorded or unrecorded) an "authority" Consent from the New Zealand Historic Places Trust must also be obtained for the work to lawfully proceed.

17.10 Permitted Activity Performance Standards

Rule	Parameter	Heritage Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
17.10.1	Maintenance or Repair to a Category A resource or feature	<p>Any activity is permitted if:</p> <p>a) It involves maintenance or repair of any Category A heritage resource or feature listed in Appendix 17.1 where replacement materials are of either original or similar material texture, form and design as the original it replaces, and the number of components replaced is substantially less than the existing components; and</p> <p>b) It complies with the relevant Rules and Performance Standards in Part B; and</p> <p>c) The Site Management Protocol (Rule 17.9.1) is followed.</p> <p>For the purpose of this rule:</p> <ul style="list-style-type: none"> • Maintenance means the continuous protective care of the fabric of the building, plumbing work, and electrical work; and • Repair means restoration or reconstruction beyond the definition of maintenance. 	Discretionary Activity	<p>The Council will consider the consent at its discretion including (but not limited to) consideration of the following matters, when considering and determining an application for resource consent:</p> <p>The matters set out in Sections 104 and s105, and in Part 2 of the Resource Management Act 1991, apply to the consideration of all Resource Consents for Land Use Activities.</p> <p>In addition to these matters, the Council will have regard to the following matters:</p> <ol style="list-style-type: none"> i) Whether an assessment by a qualified archaeologist has been carried out and the findings and recommendations of that assessment; ii) Whether the relevant iwi have been consulted, and whether the consultation supports the application; iii) Whether the proposal is consistent with the Objectives of any hapu or Iwi Management Plan relating to the area; iv) Whether the New Zealand Historic Places Trust has been consulted and whether an Authority to modify, damage or destroy an archaeological site has been obtained under the Historic Places Act 1993; v) Whether the activity will have any adverse effect on an archaeological site; vi) The extent to which the activity may adversely affect cultural and spiritual values; vii) The extent to which the activity may adversely affect design and appearance of the building or object; viii) The extent to which the activity will adversely affect any cemetery; ix) The extent to which heritage values can be permanently protected and enhanced; x) The effect of the proposed activity on the integrity or heritage values associated with the resource; xi) The significance of heritage values associated with the heritage resource; xii) The registration and the reasons for this registration, of the heritage resource under the Historic Places Act 1993; xiii) The purpose of the proposed activity and whether there are other means of achieving the same or similar ends; xiv) The policies of any Conservation Plan and heritage inventory relating to the heritage resource; xv) The importance (if any) of land surrounding the heritage resource; xvi) The importance attributed to the heritage resource by Tangata Whenua and the wider community; xvii) The recommendations made by the New Zealand Historic Places Trust and any other person or organisation with recognised expertise in heritage conservation issues; xviii) In considering any proposal the Council shall also have regard to the International Council on Monuments and Sites; New Zealand Charter for the Conservation of Places of Heritage Value; and xix) The extent to which restoration and rehabilitation of heritage resources is likely to be achieved. <p>Note 1: Under Sections 10 and 99 of the Historic Places Act 1993 it is an offence to modify, damage or destroy an archaeological site without an authority (Consent) from the New Zealand Historic Places Trust. This applies to all sites, regardless of whether Building or Resource Consents have been granted or not.</p>
17.10.1A	Demolition or Removal of a Category B resource or feature	<p>Any activity is permitted if:</p> <p>a) It does not involve the substantial or total demolition or removal of a Category B heritage resource or feature listed in Appendix 17.1; and</p> <p>b) It complies with the relevant Rules and Performance Standards in Part B.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> i) The significance of the heritage values of the resource or feature; ii) The economic factors that indicate that retention of the feature or resource is not feasible; and iii) The extent to which the original feature or resource is recorded. <p>Note 1: Under Sections 10 and 99 of the Historic Places Act 1993 it is an offence to modify, damage or destroy an archaeological site without an authority (Consent) from the New Zealand Historic Places Trust.</p>

Rule	Parameter	Heritage Activity Performance Standards	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				This applies to all sites, regardless of whether Building or Resource Consents have been granted or not. Note 2: Council may seek the views of the New Zealand Historic Places Trust.
17.10.1B	Development in the vicinity of a Category A resource or feature	Development in the vicinity of a Category A heritage resource or feature listed in Appendix 17.1 is permitted if: a) The development is more than 20 metres from the exterior of the building or is outside of the title boundary, b) It complies with the relevant Rules and Performance Standards in Part B; and c) The Site Management Protocol (Rule 17.9.1) is followed.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The effects of the Development on the heritage values of the scheduled resource or feature; and ii) Any effects on archaeological values. Note 1: Under Sections 10 and 99 of the Historic Places Act 1993 it is an offence to modify, damage or destroy an archaeological site without an authority (Consent) from the New Zealand Historic Places Trust. This applies to all sites, regardless of whether Building or Resource Consents have been granted or not.
17.10.2	Earthworks within an Area of Significance to Maori identified in Appendix 17.2	Earthworks within an Area of Significance to Maori listed in Appendix 17.2 is permitted if: a) The Accidental Discovery Protocol (Rule 17.9.2) is followed; and b) It complies with the relevant Rules and Performance Standards in Part B. Note 1: In addition to the Standards above, any works that would modify, damage or destroy an archaeological site require approval from the New Zealand Historic Places Trust in accordance with the Historic Places Act 1993.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Whether the assessment matters for earthworks in the relevant zone have been considered; ii) The extent to which the activity may adversely affect cultural and spiritual values; and iii) The means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.
17.10.3	Development on a site listed in Schedule 17.2 'Nohoanga Areas and Areas of Significance to Maori'	The following is a Restricted Discretionary Activity under this Plan:- a) Any work requiring Consent (excluding Controlled Activity Consent) elsewhere in this Plan that is located within a Nohoanga Area or an Area of Significance to Maori identified in Schedule 17.2.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) Whether and the extent to which the proposal responds to issues in any relevant Iwi Management Plan; ii) Whether the relevant iwi have been consulted, and whether the consultation supports the application; and iii) The extent to which the activity may adversely affect cultural and spiritual values. Note 1: Representatives from mana whenua (e.g. Te Uri o Hau and Te Roroa) may be used to assist Council in assessing any Consent applications / hearings requiring iwi input under this Rule.

Appendix 17.1: Schedule of Heritage Resources

Map Reference	Map Number	Category/Type	Resource	Location	New Zealand Historic Places Trust Reference	New Zealand Historic Places Trust Category
H01	13	A	All Saint's Church (Anglican)	3358 Mititai Road, Mititai	0425	II
H02	13	A	Church of Bethlehem (Anglican)	Pouto Road, Repia	3863	II
H03	25, 60	A	Former Post Office	6543 Pouto Road, Pouto	3942	II
H04	25, 60	A	Former Schoolhouse	Pouto Road, Pouto	3943	II
H05	13	A	Aratapu Hall	Heawa Road, Aratapu	3865	II
H06	9, 10	A	House (Harding Homestead)	Pouto Road, Aroa	0427	II
H07	13, 40	A	St Peter's Church grounds	Te Kopuru,	3866	II
H08	13, 40	A	House (Former Wordsworth Homestead)	Pouto Road, Te Kopuru	3867	II
H09	25, 60	A	Marine Hall	Signal Station Road, Pouto Pt	3868	II
H10	13, 40	A	School Building	Norton Street, Te Kopuru	3870	II
H11	13, 40	A	Former Post Office	Norton Street, Te Kopuru	3871	II
H12	13, 40	A	St Peters Church (Anglican)	Norton Street, Te Kopuru	0428	II
H13	3, 4, 29	A	Kaihu Tavern	State Highway 12, Kaihu	3285	II
H14	9, 37	A	Band Rotunda	Victoria Street, Dargaville	3851	II
H15	9, 10, 35	A	House (Former Rope Residence)	165 Victoria Street, Dargaville	3852	II
H16	9, 37	A	Central Hotel	Victoria Street, Dargaville	3825	II
H17	9, 38	A	Commercial Hotel	River Road, Dargaville	0471	II
H18	9, 38	A	House	143 River Road, Dargaville	3853	II
H19	9, 38	A	House	145 River Road, Dargaville	3854	II
H20	9, 37	A	Former Boat Building Sheds (2 buildings)	River Road, Dargaville	3855	II
H21	9, 36,	A	Former Mount Pleasant Hospital	84 Hokianga Road, Dargaville	3939	II
H22	9, 39	A	Gum Diggers Hut (Northern Wairoa Museum)	Harding Park Mt Wesley Coast Road, Dargaville	3856	II
H23	9, 36, 37	A	Holy Trinity Church (Anglican)	54-58 Hokianga Road, Dargaville	0476	II
H24	9, 36, 37	A	House (Former Hosking Residence)	48 Hokianga Road, Dargaville	3857	II
H25	9, 36, 37	A	House (Former Dunn Residence)	49 Hokianga Road, Dargaville	3858	II
H26	9, 36, 37	A	Municipal Chambers	Hokianga Road, Dargaville	3859	II
H27	9, 38	A	House (Former Marriner Residence)	61 River Road, Dargaville	3940	II
H28	9, 36, 37	A	Northern Wairoa Dairy Company Store	37 Normanby Street, Dargaville	3850	II
H29	9, 36, 37	A	Northern Wairoa Old Folks Association Building (now Lions)	23 Hokianga Road, Dargaville	3860	II
H30	9, 36, 37	A	Northern Wairoa Tavern	Corner Victoria Street and Hokianga Road, Dargaville	3861	II
H31	9, 36, 37	A	Former Post Office	Corner Normanby Street and Hokianga Road, Dargaville	3827	I
H32	9, 36, 37	A	Salvation Army Building	28 Hokianga Road, Dargaville (formerly Borough Council building)	3941	II
H33	9, 36, 37	A	Crump / Matich Doctor's Surgery	46 Hokianga Road, Dargaville	3862	II
H34	9, 36, 37	A	Vicarage	58 Hokianga Road, Dargaville	7219	II
H35	17, 21	A	Bowmar House	Tara Road, Mangawhai	3904	II
H36	21	A	Church of St Michael and All Angels (Anglican)	Valley Road, Hakaru	0458	II

Map Reference	Map Number	Category/Type	Resource	Location	New Zealand Historic Places Trust Reference	New Zealand Historic Places Trust Category
H37	19, 44	A	Cliff House	Franklin Road, Paparua	3909	II
H38	17, 21, 57	A	Cottage	Moir Street, Mangawhai	2587	II
H39	17, 21	A	Former Dairy	Tara Road, Mangawhai	3907	II
H40	19, 44	A	House (Quaife Cottage)	Paparua - Oakleigh Road	3906	II
H41	19, 44	A	Former Evans Tinsmith Shop	Hook Road, Paparua	3950	II
H42	19, 46	A	Former Kaipara Dairy Company Factory	Whakapirau Road, Whakapirau	0461	II
H43	19, 43	A	Former Post Office	Church Street, Matakoho	3911	II
H44	24	A	Gittos House (Mission House)	Rangiora Road, Kaiwaka	0459	II
H45	17, 21, 57	A	Hotel	Moir Street, Mangawhai	3908	II
H46	24	A	Kakaraea Church (Gittos Mem. Church Methodist)	Tanoa Road, Batley	0460	II
H47	19, 44	A	Methodist Church	Hook Road, Paparua	3910	II
H48	19, 43	A	Pioneer Church (Interdenominational)	Church Road, Matakoho	3905	II
H49	19	A	Ruatuna House (Former Coates Homestead)	Tinopai Road, Hukatere	0007	I
H50	19, 46	A	St Albans Church (Anglican)	Whakapirau Road, Whakapirau	0462	II
H51	19	A	St Michael-on-the-Hill Church (Anglican)	Tinopai Road, Hukatere	3913	II
H52	19, 43	A	House (Totara House)	Matakoho Wharf Road, Matakoho	7091	II
H53	19, 44	A	National Bank Building	State Highway 12, Paparua	3288	I
H54	23	A	House	Batley Road, Batley	7349	II
H55	9, 37	A	Dargaville Club	52-55 Victoria Street	0472	II
H56	19	A	Haigh House (former)	493 Pahi Road	7541	II
H57	9, 37	A	River Road Historic Area	7-17 River Road	7002	Historic Area
H58	25	A	Kaipara North Head Lighthouse	West of Pouto	7596	II
H59	3, 4, 29	A	Kaihu Catholic Church	Wood Road	-	-
H60	4, 6	A	St Marys Anglican Church	State Highway 12 Maitahi	-	-
H61	19, 43	A	House (Pheasants Cottage)	Church Road, Matakoho	-	-
H62	19, 43	A	House (Devon Cottage)	Matakoho Wharf Road, Matakoho	-	-
H63	20, 50	A	Maungaturoto Hotel	State Highway 12, Maungaturoto	-	-
H64	24, 26	A	Ratana Church	Oruawharo Road, Oruawharo	-	-
H65	20	A	Coates Monument	State Highways 1 and 12	-	-
H66	9, 33	A	Monument (French Sailors)	Seaview Road, Baylys	-	-
H67	8, 31	A	Wesleyan Mission Station Cairn	State Highway 14, Tangiteroria	-	-
H68	8, 31	A	Upper Wairoa Memorial Park Monument	Pukehuia Road	-	-
H69	8	A	Omana War Memorial Monument	Omana Road	-	-
H70	3	B	House (Former Nilsson Homestead)	Trounson Park Road	-	-
H71	7	B	House (Former Bercich Homestead)	State Highway 14, Tangowahine	-	-
H72	7	B	House (Conn Homestead)	State Highway 14, Kirikopuni	-	-
H73	10	B	House (Begg Homestead)	Arapohue Road	-	-
H74	9, 39	B	House (Former Methodist Mission)	Pouto Road, Aoroa	-	-
H75	9	B	House (Former Mitchelson Homestead)	Pouto Road, Aoroa	-	-

Map Reference	Map Number	Category/Type	Resource	Location	New Zealand Historic Places Trust Reference	New Zealand Historic Places Trust Category
H76	13	B	House (Kidd Homestead)	Pouto Road, Tatararaki	-	-
H77	20	B	House (Judd House)	Judd Road, Maungaturoto	-	-
H78	20	B	House (Stewart Homestead)	State Highway 1, Pukekaroro	-	-
H79	19	B	House (Metcalfe)	Matakohe West Road, Matakohe	-	-
H80	17, 21	B	Tara School	Tara Road, Tara	-	-
H82	17, 21	B	House (Wharfe)	Tara Road, Tara	-	-
H83	17, 21, 57	B	House (Hallet)	Moir Street, Mangawhai	-	-
H84	8	B	House (Wilson Homestead)	John Wilson Road	-	-
H85	3	B	Old Aranga Station	Aranga Station Road	-	-

Appendix 17.2: Nohoanga Areas and Areas of Significance to Maori

Map Reference	Map Number	Description	Location	Legal Description	Iwi
NA1	25	Nohoanga Areas	Lake Whakaneke (Waterway) Lake Whakaneke (Nohoanga site)	3563 square metres more or less, being section 3 SO Plan 70272, situated in Block 1, North Head Survey District. Part Certificate of Title 238/105.	Te Uri o Hau
NA2	25	Nohoanga Areas	Kaipara Harbour (Waterway) Te Taa Hinga (Nohoanga site)	1.0000 hectares, more or less, being Section 4, SO Plan 70272, situated in Block II, Okaha Survey District.	Te Uri o Hau
NA3	25	Nohoanga Areas	Lake Mokeno (Waterway) Lake Mokeno (Nohoanga site)	1.0520 hectares, more or less being Section 2 SO Plan 70272, situated in Block I, North Head Survey District. Part Certificate of Title 238/105.	Te Uri o Hau
SM01	25	Statutory Acknowledgements	Pouto Stewardship Area	SO Plan 70051	Te Uri o Hau
SM01	25	Special Areas or Kirihipi	Pouto Stewardship Area	SO Plan 70051	Te Uri o Hau
SM01	25	Deeds of Recognition	Pouto Stewardship Area	SO Plan 70051	Te Uri o Hau
SM02	17, 20, 21	Statutory Acknowledgements	Pukekararo Scenic Reserve	SO Plan 70042	Te Uri o Hau
SM02	17, 20, 21	Deeds of Recognition	Pukekararo Scenic Reserve	SO Plan 70042	Te Uri o Hau
SM03	18,19,20,22,23,24, 25,26,42,43,45,46, 48,51,58,59,60	Statutory Acknowledgements	Kaipara Harbour Coastal Area	SO Plan 70053	Te Uri o Hau
SM04	17,21,53,54,55,56, 57	Statutory Acknowledgements	Mangawhai Harbour Coastal Area	SO Plan 70054	Te Uri o Hau
SM05	13, 14	Statutory Acknowledgements	Tokatoka Scenic Reserve	SO Plan 354587 Part Allotment 127 and Allotments 128, 129, 130 Parish of Tokatoka. All Gazette 1975 page 1091.	Te Uri o Hau
SM05	13, 14	Deeds of Recognition	Tokatoka Scenic Reserve	SO Plan 354587 Part Allotment 127 and Allotments 128, 129, 130 Parish of Tokatoka. All Gazette 1975 page 1091.	Te Uri o Hau
SM06	1, 2, 3	Overlay Classification or Te Tarehu	The parts of Waipoua Forest that are not being transferred to iwi. The area over which Te Tarehu is created is part of the area.	Known as the Waipoua Forest as shown on SO Plan 354589.	Te Roroa

Note 1: Nohoanga entitlements are granted by the Crown in the Nohoanga areas listed above and shown on Map Series 2. The entitlements are for the purpose of permitting members of Te Uri o Hau and Te Roroa for access to waterways for lawful fishing and gathering of other natural resources on a non-commercial basis, for up to 210 days per year.

Appendix 17.3: Heritage Orders

1) Morton Bay Fig Tree - Pahi

Feature Protected

Morton Bay Fig Tree including all the limbs and branches and the root system

Heritage Protection Authority

Kaipara District Council

Site

Section 164 Block III Hukatere SD and Lot 1 DP62397

Location

Beach Street, Pahi

Restrictive Conditions Applying To Feature

No person may trim, cut down, damage, modify or destroy any part of the Morton Bay Fig tree including any branch or root without first obtaining the written consent of the Council.