

HERITAGE

Issue 11: Degradation of heritage resources

Section 7 of the ACT requires the COUNCIL to have particular regard to the recognition and protection of the heritage values of sites, BUILDINGS, places and areas. The Historic Places Act 1993 requires that a developing agency obtain an archaeological authority before destroying, damaging or modifying an ARCHAEOLOGICAL SITE.

Heritage is essentially items or places that have significance to us because of their associations with the past. There are two types of heritage resource: natural and cultural. Natural heritage relates to those areas of the natural environment, which provide a link to the past or have important ecological value. Cultural heritage is those man-made objects that through our history give us a sense of our cultural identity.

Within the New Plymouth District the COUNCIL has identified both natural and cultural heritage. The natural heritage identified includes NOTABLE TREES and areas of significant indigenous vegetation and habitats. Areas of significant indigenous vegetation and habitats are discussed in Issue 16, Natural Values. Cultural heritage consists of heritage items such as BUILDINGS, STRUCTURES and areas, ARCHAEOLOGICAL and WAAHI TAPU SITES. Maori cultural values are discussed under Issue 19, TANGATA WHENUA.

The Parks Division of the COUNCIL has identified NOTABLE TREES based on the Royal New Zealand Institute of Horticulture's tree evaluation method. They have further classified the trees into three categories based on their individual significance - Category 1, 2 and 3 with Category 1 being the most significant (see Criteria 13.1 and Schedule 13.2 in Appendix 13).

Two reports, "*The New Plymouth Central Business District Heritage Study*"⁹ and "*The New Plymouth District Heritage Study of Non-Maori Sites*"¹⁰, identify heritage BUILDINGS, items and areas within the District and the criteria used in their selection. These reports also classify heritage BUILDINGS and items into three categories based on their significance. (Category A, B and C with Category A being the most significant.) A further refinement of this evaluation reduced the number of Category A items further.

"*The New Plymouth District Heritage Study of Non-Maori Sites*" identified 18 heritage areas located in residential, commercial and rural areas of the District. The "*New Plymouth Heritage Precinct Evaluation*"¹¹ further evaluates these heritage character areas based on their values and threats. This study identifies seven priority heritage character areas within the District.

"*The New Plymouth Central Business District Heritage Study*" also identifies the Huatoki Stream, where it flows through the NEW PLYMOUTH CENTRAL BUSINESS DISTRICT (CBD), as an important heritage resource. This is both for its cultural and spiritual values for TANGATA WHENUA and as part of Carrington's (the original surveyor for the New Plymouth settlement) reason for the location of the New Plymouth settlement.

Archaeological Sites are defined in the Historic Places Act 1993 as:

"...any place that either was associated with human activity that occurred before 1900, or is the site of the wreck of any vessel where that wreck occurred before 1900; and is or may be able, through investigation by archaeological methods, to provide evidence relating to the history of New Zealand."

ARCHAEOLOGICAL SITES have been identified from the New Zealand Archaeological Association list of recorded sites and the Historic Place Trust Heritage Register.

⁹ Cochran, C, Stewart, D and Associates and Kennan, Dr D (1995). The New Plymouth Central Business District Heritage Study

¹⁰ Holman, D and Boon Cox Goldsmith Jackson Architects (1995). The New Plymouth District Heritage Study - Non-Maori Sites

¹¹ Holman, D (1997). New Plymouth Heritage Precinct Evaluation

Inappropriate land use and subdivision can threaten heritage resources. Threats include:

- removal, or decline in health of NOTABLE TREES
- full or partial demolition, decay, infill development or subdivision; redevelopment of the surrounding area, unsympathetic alterations, the high cost of repair and maintenance and the difficulty in finding economic uses for historic BUILDINGS or items
- unsympathetic alterations to the HEIGHT, size and location of BUILDINGS, infill development or subdivision, demolition of BUILDINGS, hard surfacing of areas around BUILDINGS, additions and alterations to fences and loss of detailing on BUILDINGS for heritage character areas
- enclosure by BUILDINGS or the alteration of the course of the Huatoki Stream
- land disturbance through clearance, levelling or EXCAVATION, BUILDING development, forestry, fencing or grazing of ARCHAEOLOGICAL SITES

Integral to the issue of the protection of the District's heritage resources is the recognition of the rights of the private owners of heritage resources. There is a need to balance these rights against the obligations of the COUNCIL and the aspirations of the community for the conservation of tangible elements of the District's history.

Objective 11

To recognise the District's heritage resources, provide for their protection and promote their enhancement.

Policy 11.1

NOTABLE TREES should be protected from destruction, or alteration which will adversely affect their significance or health, except where they pose a threat to property, persons or services.

Methods of Implementation 11.1

Identification

- (a) Development of criteria to determine whether a TREE is notable (Criteria 13.1 in Appendix 13).
- (b) Identification of NOTABLE TREES using these criteria.
- (c) Ranking of NOTABLE TREES (Categories 1, 2 and 3) using criteria based on their significance (Criteria 13.1 in Appendix 13).
- (d) Identification of NOTABLE TREES on the planning maps.
- (e) Inclusion of an inventory in the appendices of the plan identifying the location of NOTABLE TREES.
- (f) Attaching plaques to NOTABLE TREES where owners are agreeable.
- (g) Development and maintenance of a database of NOTABLE TREES.
- (h) Recording of NOTABLE TREES on the COUNCIL'S property information base.

Control of activities

- (i) Rules specifying standards to control:
 - (i) the removal or destruction of NOTABLE TREES;
 - (ii) subdivision of an ALLOTMENT which contains a NOTABLE TREE;
 - (iii) ERECTION of STRUCTURES (including BUILDINGS) in close proximity to NOTABLE TREES;
 - (iv) EXCAVATION and FILLING (including sealing) in close proximity to NOTABLE TREES;
 - (v) Trimming and maintenance of NOTABLE TREES; and
 - (vi) outdoor storage of materials in close proximity to NOTABLE TREES;

- (j) Attaching conditions to resource consents to ensure that inappropriate subdivision, use or development does not adversely affect NOTABLE TREES.
- (k) Use of the Parks Division of the COUNCIL to provide advice and assistance in assessing applications for subdivision, use and development that may have adverse effects on NOTABLE TREES.

Protection

- (l) The provision of free arboricultural services to owners of NOTABLE TREES by the Parks Division of the COUNCIL.

Incentives

- (m) Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND to assist landowners in the protection and maintenance of NOTABLE TREES. e.g. financial assistance for arboricultural advice.

Information and Education

- (n) Provision of technical advice regarding NOTABLE TREES from the Parks Division of the COUNCIL.
- (o) Provision of information to prospective purchasers when a Land Information Memorandum is applied for where a NOTABLE TREE is located on a SITE.
- (p) Provision of technical advice for maintenance of NOTABLE TREES. e.g. a pamphlet regarding the care and maintenance of NOTABLE TREES.

Reasons 11.1

NOTABLE TREES have an important ecological, environmental and cultural role within the District. They can be classified as notable for their historical, botanical, landscape, amenity or cultural values. NOTABLE TREES represent continuity between the past, present and future generations. The continued existence of NOTABLE TREES is important to our heritage and to the legacy that we leave to future generations. For example TREES can be prominent natural features and landmarks which add character and identity to different parts of the District. Other trees are rare species or spectacular specimens or are associated with special sites or events.

NOTABLE TREES have been identified and categorised based on the Royal New Zealand Institute of Horticulture tree evaluation method by the Parks Division of the COUNCIL. The criteria for classification include the tree's value in the landscape, form, health, botanical rarity, age and heritage associations. NOTABLE TREES have been ranked based on their significance into one of three categories, Category 1, 2 or 3 with category 1 being the most significant, 3 being the least significant.

Some of these TREES are located on COUNCIL reserves or ROAD reserves but the majority are located on private property. To ensure that landowners and prospective purchasers are aware of their location all of the NOTABLE TREES have been identified on the planning maps and will be recorded on the COUNCIL'S property information base. Plaques will be attached to NOTABLE TREES for identification purposes where owners are agreeable.

The Parks Division of the COUNCIL has established a good relationship with owners of NOTABLE TREES through the provision of a free advisory service to assist owners with the maintenance of NOTABLE TREES. This method is very valuable in achieving this policy and without such a method the regulatory provisions alone would be less effective.

Regulatory provision has been used to ensure that where maintenance or activities within the dripline of a NOTABLE TREE are proposed the effects on the health and significance of the tree can be assessed and adverse effects avoided. However as the COUNCIL Parks Division has arboricultural expertise it is not necessary to regulate the maintenance work it undertakes on NOTABLE TREES for landowners. As NOTABLE TREES are a valuable heritage resource within the District their removal or destruction and subdivision of an ALLOTMENT containing one will require a resource consent. The type of resource consent required is relative to the significance of the NOTABLE TREE. The Parks

Division will assist in the assessment of resource consent applications with regards to the effect of the proposal on the health and significance of the TREE. Conditions will also be attached to subdivision and land use consents to ensure that NOTABLE TREES are not adversely affected by subdivision, use or development.

It is recognised, however, that financial assistance and the provision of advice and information are also valuable methods for achieving this policy. NOTABLE TREES are eligible for financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND. Pamphlets will be prepared, in conjunction with the Parks Division, to inform landowners on the care and maintenance of trees. The Parks Division will also provide technical advice for landowners that own NOTABLE TREES.

Policy 11.2

The heritage values of BUILDINGS and items and their settings should be protected and where practicable, maintained and enhanced.

Methods of Implementation 11.2

Identification of heritage items

- (a) Development of criteria to determine whether a BUILDING or item has significant heritage value (Criteria 8.1 in Appendix 8).
- (b) Identification of significant heritage BUILDINGS or items using these criteria.
- (c) Ranking of heritage BUILDINGS and items, (Categories A, B and C) using criteria based on their significance (Criteria 8.1 in Appendix 8).
- (d) Identification of Category A heritage BUILDINGS and items on the planning maps.
- (e) Inclusion of an inventory in the appendices of the plan identifying the location of Category A heritage BUILDINGS and items.
- (f) Identification of Category B and C BUILDINGS and items in an inventory which is not included in the District Plan.
- (g) Development and maintenance of a database of all categories of heritage BUILDINGS and items.
- (h) Recording of all heritage BUILDINGS and items on the COUNCIL'S property information base.

Control of activities on and in proximity to heritage BUILDINGS and items

- (i) Development of a process to ensure that heritage BUILDINGS and items are identified and protected when the COUNCIL is proposing to alter or redevelop an area.
- (j) Rules specifying standards to control:
 - (i) the demolition of Category A heritage BUILDINGS and items;
 - (ii) external modification of Category A heritage BUILDINGS and items;
 - (iii) subdivision involving Category A BUILDINGS or items; and
 - (iv) the location of BUILDINGS on the same SITE as some Category A BUILDINGS and items.
- (k) Attaching conditions to resource consents to ensure the inappropriate subdivision, use or development does not adversely affect Category A heritage BUILDINGS and items.
- (l) Consideration of the exercise of discretion in relation to conditions, standards and terms, such as the provision of car parking.
- (m) Use of a specialist advice by the COUNCIL to assess applications for subdivision, use and development that may have adverse effects on Category A heritage BUILDINGS and items.

Protection of heritage values

- (n) The COUNCIL will protect heritage resources by:
 - (i) consideration of the use of heritage order procedures when a significant heritage BUILDING or item will otherwise be lost; and
 - (ii) acquisition of reserves to protect heritage BUILDINGS and items.

Incentives

- (o) Waiving of application fees for resource consent applications for the external modification of Category A heritage BUILDINGS and items.
- (p) Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND to assist landowners in the protection of all categories of heritage BUILDINGS and items. e.g. financial assistance for maintenance of BUILDINGS and items and the preparation of heritage conservation plans.
- (q) Investigate rating relief for heritage BUILDINGS and items that are protected by legal instruments registered on the title.
- (r) Community awards for protection and/or enhancement of heritage BUILDINGS and items.

Information and Education

- (s) Provision of technical advice regarding the preservation or conservation of heritage items, e.g. from a suitably qualified person regarding appropriate external colour schemes and methods that can be used to eliminate borer from BUILDINGS etc.
- (t) Initial consultation for landowners with an architect, at COUNCIL expense, where alterations are proposed to the heritage BUILDING/item.
- (u) Provision of information to prospective purchasers when a Land Information Memorandum is applied for where a heritage BUILDINGS or item is located on a property.
- (v) Publicity of assistance (both financial and advice) available from the COUNCIL and the Historic Places Trust. e.g. the production of a pamphlet outlining the funding and assistance available from the COUNCIL and the Historic Places Trust.
- (w) Advocate to statutory agencies such as the New Zealand Historic Places Trust for funds to assist in the protection and/or purchase of heritage BUILDINGS and items.
- (x) Encourage:
 - (i) the community to liaise with the Historic Places Trust regarding protection of heritage BUILDINGS and items;
 - (ii) community groups, such as the Taranaki Branch of the NZ Historic Places Trust, the New Plymouth Heritage Group and Mainstreets organisations to raise the community awareness of heritage BUILDINGS and items in the District and consider acquiring and upgrading heritage BUILDINGS or items;
 - (iii) owners to use plaques on heritage BUILDINGS and items to explain their significance; and
 - (iv) community groups to develop additional heritage trails and walks.
- (y) Prepare a brochure listing category B and C heritage BUILDINGS and items and other relevant information (such as the availability of funding and architectural advice)

Reasons 11.2

Protection is only required where heritage BUILDINGS and items are under threat. Where a threat exists there are a number of ways in which the protection of that resource may be achieved. These methods are dependent upon the nature of the threat and the value of the BUILDING or item.

As the protection of heritage BUILDINGS and items can only be achieved with the understanding and co-operation of landowners, a programme of consultation with landowners was carried out. This consultation concentrated on the landowner's future plans for their heritage BUILDINGS and items and the methods of implementation that they favoured. A database of heritage BUILDINGS and items has been developed and will be maintained to ensure that all known information, such as the history of BUILDINGS, is available.

It is important that prospective purchasers and new landowners are aware that a heritage BUILDING or item is located on a property. To ensure that this information is available to the public the COUNCIL will record heritage BUILDINGS and items on its property information base. This will ensure that the COUNCIL provides information to prospective purchasers when a Land Information Memorandum is applied for where a heritage BUILDING or item is located on a property.

The regulatory approach uses rules to control the inappropriate development, demolition and subdivision of or adjacent to heritage resources. These rules relate to all Category A heritage BUILDINGS and items which have been listed in the SCHEDULE of Category A heritage buildings and items (Schedule 8.2 in Appendix 8), and any other heritage items which fit the criteria identified for significance in Criteria 8.1 in Appendix 8. Category A BUILDINGS and items are a significant cultural heritage resource of the District and any effects of subdivision, use and development on their heritage values must be assessed. Of the 863 BUILDINGS and items identified in the two specialist heritage studies, the 68 BUILDINGS and items (see Appendix 8) ranked as Category A can be considered the "best of the best" in the District context. The intention to use rules in the District Plan is limited to only those BUILDINGS and items that have been identified as of the greatest heritage importance to the District. Hence Category A BUILDINGS and items will be marked on the planning maps and listed in the plan.

The use of conditions on resource consents (for example, imposing covenants to protect heritage resources) and an expert to assist in the assessment of applications which involve heritage values, will also be used to promote the protection of heritage resources. A suitably qualified person will assist in the assessment of resource consent applications with regards to the effect of the proposal on the heritage values of Category A heritage BUILDINGS and items.

The waiving of application fees for resource consent applications for the external modification of Category A heritage BUILDINGS and items recognises the importance of Category A heritage BUILDINGS and items and the need for them to be economically viable whilst enabling the COUNCIL to work with the APPLICANT to ensure the heritage values are retained where possible.

A number of COUNCIL developments over the last couple of years have resulted in the loss of heritage BUILDINGS within the NEW PLYMOUTH CENTRAL BUSINESS DISTRICT. The rules will also apply to the COUNCIL when they are undertaking development on Category A BUILDINGS or items. A process to ensure that all heritage BUILDINGS and items are identified and protected, where possible, when the COUNCIL is undertaking the development of an area will also be developed.

Following feedback from landowners Category B and C heritage BUILDINGS and items will not have rules attached to them and will not be listed in the plan. However to ensure that the community and landowners are aware that Category B and C BUILDING and items are part of the District's heritage resource the COUNCIL will produce a pamphlet that lists these BUILDINGS and items and include other relevant information such as the availability of funding and architectural advice.

The ACT enables the COUNCIL to place Heritage Orders on a property or item for the purpose of protecting its heritage value. If the COUNCIL uses the heritage order procedure it is required to compensate the owner for the loss of the use of the feature or withdraw the order, if the placement of the heritage order renders or will render the land incapable of reasonable use. The use of the heritage order procedure may be costly, and will only be used by the COUNCIL to protect significant heritage places when all other protection methods or avenues have been unsuccessful. A decision on whether the Heritage Order Process is to be used by the COUNCIL would be considered at the time that a heritage resource is placed under threat.

Acquisition of land and heritage resources is another direct mechanism that the COUNCIL can use to protect heritage BUILDINGS and items.

However, regulatory provisions are limited in their effectiveness to protect historic values. For example if an owner of a heritage BUILDING or item does not have the funding to save that BUILDING or item, or if an alternative economic use can not be found, the heritage BUILDING or item is likely to degrade beyond repair. Hence it is important that the Plan uses other methods to promote the protection of heritage resources. The relaxation of standards and terms in the plan can assist in enabling heritage BUILDINGS and items to remain economically viable.

The protection of the District's heritage is reliant on the co-operation and involvement of the public. For a regulatory heritage protection policy to succeed it is necessary for the public to recognise heritage issues and values and to become involved in their protection.

In order for the community to play a meaningful role in the protection of heritage resources they must have sufficient information. The COUNCIL will make information on heritage values available. In addition the Historic Places Trust and the Department of Conservation will be encouraged to participate in the protection of the heritage resources in the District.

Owners will be encouraged to protect their heritage resources through the use of incentives. Financial assistance from the COUNCIL'S HERITAGE PROTECTION FUND is available to assist landowners in the protection of heritage BUILDINGS and items. For example funding assistance for work, such as earthquake strengthening and the preparation of heritage conservation plans. Priority for funding will be given to the owners of Category A BUILDINGS and items. The COUNCIL will investigate the use of rating relief for heritage BUILDINGS and items that are legally protected on the property title. The use of community awards, will also encourage the protection and enhancement of the heritage values of heritage BUILDINGS and items.

Information on how to carry out maintenance in a manner that is sensitive to the values of the heritage resource will be provided by initial consultation with an architect where alterations are proposed to a heritage BUILDING or item. This will enable the architect to suggest possible design options to the property owner. Technical advice regarding the preservation or conservation of heritage items from a suitably qualified person such as appropriate external colour schemes and methods that can be used to eliminate borer from BUILDINGS will also be provided.

Community Groups, such as the Taranaki Branch of the Historic Places Trust, the New Plymouth Heritage Group and Mainstreets organisations, can raise the public's awareness of heritage values through publicity campaigns, BUILDING acquisition, upgrading and resale, and identification of additional heritage trails and walks in the District.

Policy 11.3

The special character of heritage character areas should be recognised and promoted.

Methods of Implementation 11.3

Identification of heritage character areas

- (a) Recording of properties within priority heritage character areas on the COUNCIL'S property information base.
- (b) Development of maps (to be held at the COUNCIL) showing the extent of heritage character areas

Incentives

- (c) Funding assistance from New Plymouth District Council's HERITAGE PROTECTION FUND e.g financial assistance for maintaining the heritage values of BUILDINGS within priority heritage character areas.
- (d) Community awards for protection and/or enhancement of heritage character areas.
- (e) Provision of technical advice regarding the preservation or conservation of heritage BUILDINGS and items.
- (f) Initial consultation with an architect, at COUNCIL expense, where alterations are proposed to a BUILDING within a priority heritage character area.

COUNCIL action or works

- (g) Develop, in consultation with property owners, design guides for the residential heritage character areas.
- (h) Investigate ways, in conjunction with property owners and other organisations, to promote the heritage values of the commercial heritage character areas.
- (i) Undertake works, such as heritage signposting, interpretation plaques and improved ROAD surfacing, to promote and enhance the heritage values of heritage character areas.

- (j) At five yearly intervals from the plan being publicly notified, review the integrity of the heritage character areas.
- (k) Consult with landowners of the priority residential heritage character areas, at 5 yearly intervals, regarding the effectiveness of these methods and whether they wish to consider the implementation of regulatory methods.

Information and Education

- (l) Advocate to the landowners of properties within the priority heritage character areas the values of each of these heritage character areas.
- (m) Preparation of design guides and educational pamphlets, in consultation with working groups of property owners, such as a guide on sensitive development within heritage character areas.
- (n) Publicity of funding and architectural assistance available from the COUNCIL and other agencies.
- (o) Encourage the establishment of property owner heritage groups with the purpose of protecting and enhancing the values within heritage character areas.
- (p) Provide information to prospective purchasers where a Land Information Memorandum is applied for where a heritage BUILDINGS or item is located on a property.

Reasons 11.3

The defining characteristics of heritage character areas relate to the function, scale, age, style and mixture of development, development pattern and the role of, and impact on, the natural setting. Some heritage character areas have consistent cultural heritage values in terms of origin, style and age of development, while other heritage character areas have more complex patterns, and layers of history and development.

A number of heritage character areas have been identified within the District. These are:

Residential

- Hine Street
- Barrett Street
- Pendarves Street
- Buller Street
- Fitzroy: Barriball, Richmond Sackville, Newton and Record Streets
- Oriental Street
- Brooklands

Commercial

- West side of Egmont Street
- Node around the Clock Tower
- South side of Devon Street West
- Waitara
- Inglewood
- Kaimata
- Okato

Bach

- Oakura (the keyhole)
- Urenui
- Onaero
- Tongaporutu

Some of these heritage character areas are more significant than others and each are subject to different threats. The priority heritage character areas have been identified based on their significance and their threats as follows:

Residential

- Oriental Street
- Brooklands

Commercial

- South side of Devon Street West
- West side of Egmont Street
- Node around the Clock Tower
- Inglewood
- Waitara

As the continued protection of these heritage character areas can only be achieved with the understanding and co-operation of landowners a programme of consultation with landowners was

carried out. This consultation concentrated on the values of the area and the methods of implementation that the landowners favoured.

It is important that prospective purchasers and new landowners are aware that the property is located within a heritage character area. To ensure that this information is available to the public, the COUNCIL will record heritage character areas on its property information base. This will ensure that the COUNCIL provides information to prospective purchasers when a Land Information Memorandum is applied for where a property is located within a heritage character area.

A regulated approach, such as the use of rules to require a resource consent for the demolition and alteration of BUILDINGS, infill subdivision and development within these heritage character areas is not favoured by landowners. They consider generally that any intervention by the COUNCIL, in the form of rules controlling development, is seen as restricting private property rights and reducing the value of their properties. A regulatory approach is not supported by landowners and hence will not achieve the protection of the heritage values of these areas

An advocacy approach whereby the COUNCIL works with landowners to encourage them to recognise, protect and, where practical, enhance the heritage values of these areas is proposed and is more likely to achieve this policy. Providing incentives and assistance such as funding assistance, technical and architectural advice will encourage and help landowners to recognise and protect the heritage values of their area. A community awards scheme will also assist in encouraging the protection and enhancement of these areas.

It is important to recognise that these areas are places where people live and work and properties are privately owned. It is, therefore important to provide for use, alteration and demolition of BUILDINGS within these areas. The use of non-statutory design guides that provide a range of suggested design options for alterations, additions and new BUILDINGS within the residential precincts is proposed. These design guides will only cover external features of properties and will be formulated in consultation with landowners. They will provide ideas and guidance to those property owners who want to carry out alterations and additions that will respect and be in harmony with the original style of the property. However, as adherence to the design guide will be voluntary, private property rights will not be restricted.

In the commercial heritage character areas property owners considered that rules and restrictions would devalue their properties and design guides would not achieve the protection of heritage values of these areas. Therefore, the COUNCIL will investigate ways in which it can promote, in conjunction with property owners and other organisations such as Mainstreets, the heritage values of these areas. It is anticipated that the heritage 'branding' of these retail areas will distinguish them from other retail areas and become a marketing tool.

The COUNCIL can assist in promoting the heritage values of these areas and increasing landowner's pride by undertaking works which will promote and enhance their heritage values. Such works may include heritage signposting for street names, interpretation plaques explaining the heritage values of the area, and improved ROAD design.

A number of landowners within the residential areas of special character were in favour of rules controlling subdivision, infill development and demolition. However as the support of all the landowners could not be achieved rules will not be implemented at this time.

On a 5 yearly basis the COUNCIL will review the integrity of the heritage character areas and consult further with the landowners of the residential areas to ascertain whether they wish to add a regulatory component to these methods. Any changes to the current methods of implementation resulting from the reviews would need to proceed through a publicly notified plan change with prior landowner and community consultation.

Policy 11.4

The Huatoki Stream should be protected from enclosure by development within the NEW PLYMOUTH CENTRAL BUSINESS DISTRICT, and enhanced to promote its heritage significance.

Methods of Implementation 11.4

- (a) Rules specifying standards to control BUILDING over the Huatoki Stream within the NEW PLYMOUTH CBD within OPEN SPACE and BUSINESS ENVIRONMENT AREAS.
- (b) Consider the purchase of properties by the COUNCIL that currently enclose the Huatoki Stream within the CBD.
- (c) Works to enhance the Huatoki Stream and its setting by the COUNCIL.
- (d) Creation of an interpretation scheme by the COUNCIL to describe the Huatoki Stream's historic and cultural significance.
- (e) Opening up of the Huatoki Stream by the COUNCIL, wherever possible within the NEW PLYMOUTH CBD.
- (f) Encourage businesses within the NEW PLYMOUTH CBD to reopen the Huatoki Stream.

Reasons 11.4

The Huatoki Stream has important cultural and spiritual values for TANGATA WHENUA. The stream was also one of the reasons for Carrington's specific location of the New Plymouth settlement and it forms strong themes in the town's ongoing history. As the NEW PLYMOUTH CBD has evolved sections of the stream have been built over and the mouth has been narrowed, resulting in the loss of the stream's intrinsic character within this area. Because of the historical importance of this waterway, both to TANGATA WHENUA and European settlers, it is important that the stream is preserved and enhanced.

Part of the stream bed, where it passes through the NEW PLYMOUTH CBD, is in private ownership. This policy seeks to protect the stream from further enclosure through regulatory provisions. As only three of the properties that the stream flows through, within the NEW PLYMOUTH CBD, are in private ownership, (see Appendix 9) the COUNCIL will consider the purchase these properties when possible. The COUNCIL will also undertake works within the NEW PLYMOUTH CBD to enhance the character of the stream and its setting where it is currently degraded; this will include opening up the stream where it is currently built over. Creation of an interpretation scheme by the COUNCIL to describe the stream's historic and cultural significance will raise the community's awareness of the stream's significance.

This policy seeks to protect and enhance the heritage character and cultural significance of the Huatoki Stream within the NEW PLYMOUTH CBD and hence will achieve the recognition, protection and enhancement of heritage resources of the District.

Policy 11.5

ARCHAEOLOGICAL SITES should be protected from destruction and alteration that will adversely affect their archaeological values.

Methods of Implementation 11.5

Identification of heritage items

- (a) Identification of ARCHAEOLOGICAL SITES from the New Zealand Archaeological Association site recording scheme and the Historic Places Trust Register.
- (b) Identification of ARCHAEOLOGICAL SITES and on the planning maps.
- (c) Inclusion of an inventory in the appendices of the plan identifying ARCHAEOLOGICAL SITES.
- (d) Develop and maintain a database for ARCHAEOLOGICAL SITES and WAAHI TAPU SITES.

Control of activities on and in proximity to heritage BUILDINGS and items

- (e) Rules specifying standards to control:

- (i) the ERECTION of STRUCTURES (including BUILDINGS), EXCAVATION and FILLING, planting and clearance of trees on and within 100 metres of any ARCHAEOLOGICAL SITE or WAAHI TAPU SITE;
 - (ii) the ERECTION of fences on any ARCHAEOLOGICAL SITE or WAAHI TAPU SITE; and
 - (iii) subdivision of SITES containing identified ARCHAEOLOGICAL SITES or WAAHI TAPU SITE.
- (f) Use of the officers from the Taranaki Museum to advise the COUNCIL and assess applications for subdivision, use and development that may have adverse effects on ARCHAEOLOGICAL SITES.
- (g) Requesting the comments of the Historic Places Trust on applications for resource consent.
- (h) Requesting the comments of the relevant IWI on applications for resource consent where the ARCHAEOLOGICAL SITE is also WAAHI TAPU.

Protection of heritage values

- (i) The COUNCIL will protect heritage resources by:
 - (i) consideration of the use of heritage order procedures when a significant ARCHAEOLOGICAL SITE will otherwise be lost; and
 - (ii) acquisition of reserves to protect heritage resources.

Incentives

- (j) Use of the COUNCIL'S HERITAGE PROTECTION FUND for the protection and maintenance of ARCHAEOLOGICAL SITES. e.g. financial assistance for fencing of ARCHAEOLOGICAL SITES.

Information and Education

- (k) Advocate to statutory agencies such as the New Zealand Historic Places Trust and the Department of Conservation for assistance in protecting ARCHAEOLOGICAL SITES.

Law

- (l) The Historic Places Act 1993.

Reasons 11.5

ARCHAEOLOGICAL SITES provide an important link to the past and their concentration along the coast of the District reflects the historic patterns of settlements.

The Historic Places Act 1993 (HPA) requires a developing agency to obtain an archaeological authority before damaging, destroying or modifying any ARCHAEOLOGICAL SITE. ARCHAEOLOGICAL SITES, which are mapped on the planning maps, have been either recorded by the New Zealand Archaeological Association or registered by the Historic Places Trust. These lists do not cover all ARCHAEOLOGICAL SITES as there are many sites that are not recorded. Hence the rules in the District Plan do not protect ARCHAEOLOGICAL SITES which are not recorded. However the legislation (HPA) protects all ARCHAEOLOGICAL SITES including those which are not recorded or registered.

These sites have been recorded in a COUNCIL database. To ensure that this information is available to the public the COUNCIL will record ARCHAEOLOGICAL SITES on its property information base. This will ensure that the COUNCIL provides information to prospective purchasers when a Land Information Memorandum is applied for where an ARCHAEOLOGICAL SITE is located on a property.

It is important that the Plan is consistent with the Historic Places Act and regulates the modification, damage or destruction of all ARCHAEOLOGICAL SITES. However as the extent or setting of many of these sites has never been identified, and because many of them are also WAAHI TAPU, development in close proximity to them has also been controlled. This will ensure that they are protected from the adverse effects of subdivision, development or use. The officers at the Taranaki Museum will be used to assist in the consideration of resource consent applications where necessary. The comments of the Historic Places Trust will also be sought due to its statutory role in the issuing of authorities to destroy, damage or modify ARCHAEOLOGICAL SITES. The comments of the relevant IWI will also be sought where the site is also a WAAHI TAPU.

The ACT enables the COUNCIL to place Heritage Orders on a property or item for the purpose of protecting its heritage value. If the COUNCIL uses the heritage order procedure it is required to compensate the owner for the loss of the use of the feature or withdraw the order, if the placement of the heritage order renders or will render the land incapable of reasonable use. The use of the heritage order procedure may be costly, and will only be used by the COUNCIL to protect significant heritage places when all other protection methods or avenues have been unsuccessful. A decision on whether the Heritage Order Process is to be used by the COUNCIL would be considered at the time that a heritage resource is placed under threat.

Acquisition of land and heritage resources is another direct mechanism that the COUNCIL can use to protect ARCHAEOLOGICAL SITES.

For these regulatory provisions to succeed the COUNCIL must recognise that the protection of heritage values can be costly to landowners. The HERITAGE PROTECTION FUND provides funding assistance to landowners for the maintenance and protection of ARCHAEOLOGICAL SITES. As this financial assistance is limited the COUNCIL will also advocate to other agencies, such as the Department of Conservation and Historic Places Trust, for assistance to landowners for the maintenance and protection of ARCHAEOLOGICAL SITES.

Anticipated Environmental Results 11

- (a) Public recognition and formal protection of trees or groups of trees identified as contributing significantly to environmental quality or overall amenity.
- (b) A District that recognises and protects heritage sites, BUILDINGS, places or areas that have been identified as heritage resources.
- (c) Retention of the range and qualities of heritage items/character areas in the District.
- (d) A District which provides for the sustainable management of heritage resources.

Indicators 11

- (a) Focus and frequency of the COUNCIL initiated promotion of the District's heritage resources.
- (b) Adequacy of information available to the public on heritage protection in the form of educational pamphlets and/or design guidelines.
- (c) Incentives used to encourage the protection of heritage items and their effectiveness.
- (d) Public submissions, or effort made, to protect a heritage resource of District, community, historic or cultural and spiritual value:
 - (i) Issue;
 - (ii) reaction; and
 - (iii) action taken.
- (e) Land use consent applications processed for the demolition/removal, redevelopment or alteration of category A BUILDINGS or items on the schedule of heritage items.
- (f) Assessment of whether identified values have been retained.
- (g) Number of newly identified heritage items (including trees) that are added to the District Plan.
- (h) Incidences of known non-compliance with heritage protection rules:
 - (i) accidental;
 - (ii) deliberate;
 - (iii) reasons; and
 - (iv) action taken.
- (i) Photographic and written records of works carried out in order to enhance or open up the Huatoki Stream.