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**DRAFT HERITAGE STRATEGY DISCUSSION DOCUMENT**

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**THE PROTECTION & MANAGEMENT  
OF HERITAGE FEATURES**



**KAPITI COAST DISTRICT COUNCIL**

## **EXECUTIVE SUMMARY**

### **CHAPTER 1: Introduction**

- One of the functions of the Kapiti Coast District Council under the Resource Management Act and the Historic Places Act is to identify, protect and manage heritage features.
- Voluntary and pro-active approaches to heritage management fosters greater co-operation from landowners.
- Voluntary and pro-active approaches to heritage management include rates relief, provision of funds & services, education & awards and property right incentives.
- This report and associated consultation exercise forms part of the analysis process which precedes any plan change procedure. The Council wishes to provide further informal opportunities for public submissions at this stage.

### **CHAPTER 2: Existing Regulatory Incentives Used by KCDC**

- Regulatory incentives for heritage protection generally are implemented through the District Plan and include rules, general zones, subdivisional zones, designations, precinct areas, and a heritage register. Non-compliance with the District Plan can result in legal action including instant fines.
- The resource consent process assists in the management and protection of heritage management by ensuring development and subdivision meet the objectives and policies for that zone.
- There are over 304 heritage features listed in the Heritage Register of the District Plan. and
- There are 17 esplanade reserves within the Kapiti Coast District.

### **CHAPTER 3: Existing Non-regulatory Incentives Used by KCDC**

- The District Plan lists a range of non-regulatory incentives as a way of achieving its objectives and policies in relation to heritage management.

- Currently Kapiti Coast District Council provides rates relief to landowners with a Queen Elizabeth II covenant/s on their property. There are 8 registered QEII covenants and 3 under action within the Kapiti Coast District
- The Kapiti Coast has 13 heritage areas protected by a Conservation Covenant.
- There are over 440 reserves in the Kapiti Coast District, most of which are local purpose or recreation reserves.
- There are 41 sites that have a consent notice protecting a heritage feature in the Kapiti Coast District.
- There are two waahi tapu areas protected under the Historic Places Act located in the Kapiti Coast District.
- Many of the sites listed above are recorded on the District Plans maps and within the District Plan Heritage Register.
- Kapiti Coast District Council has just published a Native Plant Guide for the area and there are opportunities to increase the coverage of this guide.

#### **CHAPTER 4: Regulatory Incentives Employed by Other Councils**

- Buffer Areas are sensitive areas that surround a heritage feature.
- While there are objectives and policies in the District Plan relating to buffer areas, there are no rules restricting activities in those areas in the first instance. Those objectives and policies can only be considered once a resource consent has been received by Council.
- There are no rules in the District Plan restricting activities in an outstanding landscape with the exception of farm tracks. Outstanding landscapes are only given consideration if a resource consent is received within such an area.
- Buffer areas and the protection of outstanding landscapes can be protected in the District Plan through the introduction of new rules which would restrict activities within a certain distance of that heritage feature or outstanding landscape.
- Heritage Orders means a provision made in the District Plan to give effect to a 'requirement to protect a heritage feature' made by a heritage protection agency. The Crown, Historic Places Trust, a territorial authority, iwi authority or other approved heritage protection agencies may seek a

requirement for a heritage order. The District Council must notify a requirement for a heritage order and a resolution must be passed before the order is included in the District Plan.

- A heritage order can significantly curtail private property rights, and if an order is shown to render the land incapable of reasonable use, the heritage protection agency responsible for putting forward the requirement could be required by the Environment Court to either seek the removal of the provision from the District Plan or purchase the land.

## **CHAPTER 5: Other Non-Regulatory Incentives**

- There is a range of non-regulatory protection measures that Kapiti Coast District Council could implement including: assisting in the provision of land management plans, granting subdivision rights, providing for transferable development rights, giving rates relief, provision of funds and services, land acquisition policy, and establishing an education and environmental awards campaign.
- Compliance with conditions of land management plans could be linked to the provision of rates relief or other financial assistance.
- Creation of smaller lots in the rural zone can be permitted where a large natural heritage feature is protected. Other heritage protection incentives determined at the time of a subdivision include requiring reserve land instead of cash or obtaining esplanade reserves. Council needs to develop a reserve policy with heritage protection and management as one of its objectives.
- Transferable development rights are more complicated than relaxing the subdivision rules as the option above denotes. They provide for the protection of a heritage feature in return for the right to subdivide a lot in another area. This type of incentive requires further research as effects resulting from subdivision or development can be transferred to other sensitive environments.
- Council is currently granting rates relief to landowners with a QEII covenant over their land. This can be extended to other protected heritage features. Rates relief may be ineffective on its own as a conservation method if the amount of rates relief is minimal.
- The establishment of a heritage fund could assist in providing works such as legal protection, stock proof fencing, weed or pest control or restoration work. It could also assist in meeting the costs of consents or provide monetary contributions for other maintenance programs. A heritage fund could be run in conjunction with the Wellington Regional Council. One

other option is to establish an independent trust fund that could apply as an independent body for funds.

- The establishment of an education campaign in conjunction with an award system. This would be carried out alongside the provision of other incentives for heritage protection and management.

## **CHAPTER 6: Comparative Incentives Used by Other Councils**

- Out of the 22 Councils surveyed, 63% of them provide grants or subsidies towards the protection and management of heritage features. In fact grants and subsidies are the most popular non-regulatory method employed.
- Rates relief and education and information dissemination was the next most popular incentive provided.
- Special subdivision rights are employed by a surprisingly high number of Councils surveyed given the complications involved. Out of 22 Councils, 27% of them utilised these incentives in their District Plan. Note that this does not include 'transferable development rights' which did not feature strongly in this survey.
- Land acquisition, waiving consent fees and public recognition awards were poorly represented.

## **CHAPTER 7: Conclusion**

This report concludes by summarising the key points of the report and highlighting the most important options for consideration which are:

- Buffer areas, including giving increased protection to outstanding landscapes.
- Subdivision rights.
- Rates relief.
- A heritage fund, that amongst other things can assist in contributing towards consent fees. and
- An education campaign and environmental award system.

The report's conclusion emphasises that nothing at all has been decided yet and the Council seeks community input before firming up its views on these important issues surrounding heritage management and protection.

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## **1.0 INTRODUCTION**

### **1.1 Objective**

The objective of this review is to generate options for non-regulatory incentives to manage and enhance protected heritage features.

This discussion paper is being formulated as part of an overall Heritage Strategy that is being developed in conjunction with Te Ati Awa ki Whakarongotai, Ngati Raukawa, Ngati Toa and Ngati Haumia.

The purpose of this review is also to establish what the Kapiti Coast District Council currently does in terms of protection of heritage features and what other Councils around New Zealand are doing or are planning to do.

### **1.2 General**

The Kapiti Coast District Council administers an area containing a number of outstanding natural features, the protection of which is a matter of national importance under the Resource Management Act 1991. The Resource Management Act 1991 requires that the District Council monitor the state of Kapiti's natural and physical environment on an ongoing basis to determine whether existing conservation and management objectives and policies in respect to heritage features are effective. This requires a good knowledge of the District and implies the need for a comprehensive and regularly updated information base.

The Council must reconcile its obligations under the Resource Management Act to protect heritage features, while managing the use and development of land. While heritage features can be protected in response to land development, it is well recognised that a proactive approach constitutes the most effective long-term method of ensuring heritage protection.

A voluntary and pro-active approach fosters greater co-operation from landowners that would otherwise be opposed to restrictive controls being imposed on the use of their land in respect of heritage features. Landowners should be made aware of the existence and significance of any such features on their property. There need to be tangible incentives to conserve.



In the preparation of district and regional plans, the Resource Management Act 1991 requires that consideration be given to alternative incentives for the protection of heritage features in addition to the regulatory approach. Continuing modification and destruction of heritage features have increased the pressure on Territorial Authorities to take a more proactive approach to the protection of these features. There is now a very real desire on the part of the Council to explore new incentives of enlisting the co-operation of private property owners and the community in general, in the management of heritage features.

Currently, the District Plan adopts a regulatory approach whereby buildings, sites and trees considered to be historically, geologically and ecologically significant are listed in a Heritage Register contained within the District Plan and the individual features are identified on the District Plan's maps. Any alteration, destruction or modification of any registered heritage feature requires a resource consent. Any person can nominate a heritage feature to be included in the Register, however a Plan Change is required for all new entries to be formally accepted.

Currently, the Heritage Register only includes four wahi tapu sites. This is primarily because the particular method for recording and identifying sites/areas has still to be decided upon and given the sensitivity of many of the sites, it is not a straightforward task. Because of the lack of knowledge of the location of these sites, land developments on the coast have uncovered unrecorded archaeological sites. In some instances damage to the sites has occurred<sup>1</sup>, such as around Takamore, the urupa (Maori cemetery) at the end of Puriri Road in Waikanae. The risks of non-compliance or failure to determine whether there are heritage sites in the area of a development, can be high (e.g. delays to the project, increased costs, possible prosecution, and sometimes Court appeals). This situation is being rectified at the moment as Council and the iwi on the coast develop a system for protection and identification of sites of significance to Maori.

The District Plan states in two policies the importance of using non-regulatory incentives in the protection of heritage features. At the moment, Council's non-regulatory incentives include rates relief for land that is protected by QEII covenants and the production of a native plant guide to assist people in knowing which native plants suit particular locations. However, non-regulatory incentives can extend to financial contributions, education, establishment of reserves, consent orders (221 notices), waiver of building and resource consent fees, rates relief, establishment of a

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<sup>1</sup> The Historic Places Act 1993 provides for fines of up to \$40,000 for unlawful destruction or damage to sites plus a criminal prosecution. Note that the Act provides for protection of sites or parts thereof whether recorded or registered or not, and even when there is only reasonable cause to suspect sites.

heritage fund, and provision of information as being successful in the management of heritage features.

In general the District Plan recognises that an integrated approach to the management and protection of Heritage Features is necessary. This involves Council facilitating and encouraging the effective management of these heritage features by use of non-regulatory incentives in addition to listing features within the Heritage Register. Such an approach would foster greater co-operation from iwi, landowners, and other organisations that have a role in Heritage Management and the community in general. Integral to this process, is consultation and understanding, whereby all affected parties are made aware of the significance of heritage features and the tangible incentives to conserve them.

## 1.3 A Definition of Heritage

While the term “heritage” is used within the body of the Resource Management Act, it is not clearly defined. Heritage could constitute items, places or features that have significance to people because of their associations with the past and their link with the future. Heritage could be broken down into both natural and cultural heritage. Natural heritage would include areas of the natural environment, which provide a link to the past or have important ecological value. Cultural heritage could relate to those features that provide us with a sense of our identity.

The definition of “Historic Area” and “Historic Place” described within the Historic Places Act 1993 also goes some way in helping us to define heritage features:

**Historic area** means an area of land that--

- (a) Contains an inter-related group of historic places; and
- (b) Forms part of the historical and cultural heritage of New Zealand; and
- (c) Lies within the territorial limits of New Zealand:

and;

**Historic place'---** (a) Means---

- (i) Any land (including an archaeological site); or
- (ii) Any building or structure (including part of a building or structure);

(iii) Any combination of land and a building or structure,--- that forms part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and

(b) Includes anything that is in or fixed to such land:

Part Q of the District Plan defines “Heritage Features” as:

**Heritage Feature** includes any feature, both natural or manmade, which is considered important because of its uniqueness, rarity, significance to a particular person, event or locality, or is of architectural or townscape merit.

## 1.4 Why Protect or Preserve The District’s Heritage?

Section 7 of the Resource Management Act 1991 (as amended in 1997) states:

7. Other matters---In achieving the purpose of this Act<sup>2</sup>, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to---

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

Kapiti’s heritage can be traced back to both its natural origin and human settlement. The Kapiti Coast District has a rich physical, cultural and spiritual heritage, both Maori and non Maori. Otaki was one of the largest Maori settlements in the lower north island and this town along with others in this District continue to support a significant number of Iwi including tangata whenua of Ngati Toa, Ngati Haumia, Te Ati Awa, and Ngati Raukawa.

Like all lowland coastal areas in New Zealand, the Kapiti Coast was once covered with lowland forests right up to the coastal foredunes. The land supported an abundance of wildlife including moa and other heavy ground

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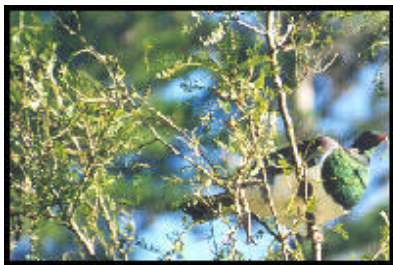
<sup>2</sup>[RMA91: S. 5. Purpose---\(1\) The purpose of this Act is to promote the sustainable management of natural and physical resources.](#)

dwellers, the streams and lagoons contained many eels and the coastal area had fish and shellfish. Furthermore, the climate was and still is, relatively mild.

There is ample archeological evidence of early settlements along the coast and inland. Evidence of settlement include middens, Kumera pits (Paekakariki Hills), pa sites, burial grounds, and churches. Although most of the evidence suggests settlement was generally in the coastal areas and river estuaries where there was proximity to food sources, there were settlements in the foothills of the Tararuas in the late 1800's during the sawmilling era.

A number of recent studies into the rate of loss of archaeological, waahi tapu and other Maori sites in the Auckland and Waikato regions show a discouraging rate of destruction<sup>3</sup> in these areas. The Historic Places Trust have attributed the failure to protect sites to a number of factors including:

1. Maori values versus private property rights is too controversial for central and local government;
2. Lack of funding by central and local government;
3. Inadequate governmental data bases; and
4. Problems linking different legislation, in particular linking the Historic Places Act with the Resource Management Act.



As individuals, people identify themselves through family links and similarly each generation identifies itself via its links with the past. Heritage then is not only about precious buildings and artefacts, but is also about living heritage, natural and cultural. These characteristics of the district are important to the way in which the District's communities are shaped: economically, aesthetically and culturally. Council has a responsibility to safeguard the District's natural and cultural heritage for present and future generations.

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<sup>3</sup> [Derby, D. March 1999.HPT. Background Paper to Managing Maori ancestral lands, sites, waahi tapu and archaeological sites under the Resource Management Act and other associated legislation.](#)

#### KEY POINTS FROM THE INTRODUCTION

- One of the functions of the Kapiti Coast District Council under the Resource Management Act and the Historic Places Act is to identify, protect and manage heritage features;
- Voluntary and pro-active approaches to heritage management fosters greater co-operation from landowners;
- Voluntary and pro-active approaches to heritage management include rates relief, provision of funds & services, education & awards, encouraging protective covenants and property right incentives;
- This report and associated consultation exercise forms part of the analysis process which precedes any plan change procedure. The Council wishes to provide further informal opportunities for public submissions at this stage.

**PART ONE**

**EXISTING INCENTIVES EMPLOYED BY K.C.D.C. IN  
HERITAGE PROTECTION**



**“TO IDENTIFY AND PROTECT HERITAGE FEATURES OF  
SIGNIFICANCE TO THE KAPITI COAST DISTRICT”**

*C.8 Heritage, Objective 1: Page 143, District Plan*

## **2. EXISTING REGULATORY INCENTIVES OF K.C.D.C.**

Section 32 of the Resource Management Act places a duty on the Council to evaluate all available incentives to recognise and protect the heritage values of sites, buildings, places, or areas prior to adopting specific policies. When deciding which incentives to adopt, Council should only choose those incentives which would be the most effective and efficient at managing heritage features.

Broadly speaking, regulatory incentives are implemented through the District Plan and are generally incorporated in the 'Rules'. For example, the Kapiti Coast District Plan states that the demolition, removal or modification of any tree registered in the Heritage Register is a discretionary activity and requires a resource consent. Another regulatory method is through the use of zoning. For example, the Kaitawa Reserve, which is an area of outstanding ecological significance, is located in the 'Conservation Zone'. Any activity in this zone is restricted by the rules.

The District Plan employs rules, general zones, subdivisional zones, designations, precinct areas, and a heritage register in order to 'recognise and protect' heritage features.

### **1.5 Rules, General Zones & Designations**

The District is divided into eight different zones and the activities carried out in these zones are governed by rules. Two of the zones, "Conservation" and "River Corridor" cover ecologically sensitive landscapes being river corridors and large areas of native bush. Within these two zones, development is severely restricted without first obtaining a resource consent. There are also special precincts that overlay certain areas on the Coast. Two such precincts are the "Outstanding Landscapes", and "Land of Visual Sensitivity" where activities are restricted. For example, papakainga housing on Kapiti Island, which is an "outstanding landscape" is a discretionary activity and requires a resource consent.

## **1.6 Subdivisional Zones**

For the purpose of subdivision, all land in the District is split up into thirteen sub-zones being: coastal dune environment, alluvial plain, hill country, conservation, urban, open space, river corridor, Waikanae water collection area, Waitohu water collection area, rural residential, non-complying, and Mahaki Areas 1 and 2. The rules regarding density, lot layout, roading and engineering matters vary according to the sensitivity of the landscape in the various sub-zones. For example, all subdivision in the Waikanae water collection area is a discretionary activity provided all the discretionary activity standards are complied with. In addition, all historic, ecological and geological sites, significant trees and waahi tapu listed in the Heritage Register are required to be protected as a condition of subdivision consent. One means of protection is the installation of stock proof fencing (refer page 259 of the District Plan).

## **1.7 The District Plan Heritage Register**

The District Plan has two policies for achieving its objective in relation to heritage. One relates to voluntary and non-regulatory incentives and the other relates to the Heritage Register:

### *POLICY 1 - HERITAGE REGISTER*

*Prepare and maintain a heritage register for inclusion in the District Plan.*

*Page 143, Operative District Plan*

Within all the zones there are rules restricting any modification to any heritage feature which has been listed in the Heritage Register. All heritage features are shown on the District Planning maps so that they may be easily identified when an application for a resource consent is lodged. The Register is a "living" document with new items added and existing items monitored which ensures it is an effective mechanism in identifying and protecting our heritage. However any additions to or deletions from the register require a change to the District Plan which is an involved process.

The Heritage Register was publicly notified in 1995 with the District Plan and it has not been modified since. A review of Buildings and Trees in the Register was undertaken in January 2000 and it is proposed that the Register be updated taking into account the recommendations of this review. The number of items on the Register, taking into account the recommendations of the review are as follows:



- Buildings: 85
- Trees: 66
- Ecological Sites: 138
- Geological Sites: 12

Note that there are currently 4 waahi tapu sites listed in the Heritage Register. The recording of any other waahi tapu sites will be determined following the recommendations of the iwi.

## **1.8 Rules & Resource Consents**

Integral to regulatory incentives is the resource consent process, which relies on the rules as a benchmark for what is acceptable in a particular area. Council should only grant a resource consent where it is satisfied that the adverse effects as a result of a particular activity could be avoided, remedied or mitigated. Conditions can be imposed to ensure that the effects are avoided, remedied or mitigated. For example, a condition for a subdivision resource consent where the land contains a protected tree may require that the tree is fenced to a stock proof standard or it may require the landowner enter into a covenant.

### 2.4.1 Instant Fines

A recent amendment to the Resource Management Act (section 343(a) – (d)) allows Council to issue instant infringement fines.

#### **Advantages of Infringement Fines**

- They are an incentive to undertake developments in accordance with the requirements of the District Plan;
- They provide disincentives to illegal clearing of bush, or modifying a heritage feature;
- They can be used for non-compliance regarding conditions such as fencing or planting;
- They would provide some funds to have work done on heritage features.

## **1.9 Esplanade Reserves**

Where Council approves a subdivision of land of less than 4 hectares where the land adjoins either the coast, a lake (with a bed of more than 8 hectares or more), or a river or stream (wider than 3 metres), an esplanade reserve may be required to be set aside.

The Kapiti Coast District Plan specifies how wide the esplanade reserve should be depending on which waterbody the land adjoins.

According to section 231 of the Resource Management Act 1991, esplanade reserves required as a condition of a subdivision shall be set aside as a local purpose reserve under the Reserves Act 1977 and vested in and administered by the local authority.

According to the Digital Cadestral Database, there are 17 esplanade reserves throughout the Kapiti Coast District.

## **1.10 Historic Places Act 1993**

The Historic Places Act 1993 is administered by the Historic Places Trust. It is the overarching Act for archeological sites (including wahi tapu sites/areas) in New Zealand.

The Act requires the Council to consult with the Historic Places Trust when work is undertaken on a heritage feature that is listed in the Historic Places Trust Register. The Council must advise the developer to obtain an archaeological authorisation from the Historic Places Trust before destroying, damaging or modifying any such heritage feature (refer to paragraph 2.4 of this report).

Currently there is no charge to obtain an 'authorisation' from the trust however the developer may need to obtain a report from an archaeologist on the state of the heritage feature.

**KEY POINTS FROM CHAPTER TWO**

- Regulatory incentives for heritage protection generally are implemented through the District Plan and include rules, general zones, subdivisional zones, designations, precinct areas, and a heritage register. Non-compliance with the District Plan can result in legal action including instant fines;
- The resource consent process assists in the management and protection of heritage management by ensuring development and subdivision meet the objectives and policies for that zone;
- There are over 304 heritage features listed in the Heritage Register of the District Plan; and
- There are 17 esplanade reserves within the Kapiti Coast District;
- The Historic Places Trust administers the Historic Places Act 1993.

## 3.0 EXISTING NON-REGULATORY INCENTIVES OF K.C.D.C

Non-regulatory incentives are generally not compulsory and are not determined by the rules in the District Plan. The District Plan states that non-regulatory and voluntary incentives are one way to ensure protection of heritage features. Non-regulatory are incentives that would encourage landowners that may have heritage features on their property, to manage those features sustainably. For example, a landowner that places a restrictive covenant over a significant stand of native bush may be eligible for rates relief. Other non-regulatory incentives include financial contributions, specific property rights, and financial assistance.



There are various legal mechanisms by which private landowners could voluntarily protect parts of their property that may contain landscape features or natural areas. When approving subdivision consents where land contains a heritage or significant landscape feature Council will often impose conditions requiring the landowner to enter into a restrictive

covenant such as the ones set out below.

### 1.11 Queen Elizabeth II National Trust Act 1977

Private landowners can enter into binding legal agreements usually called “open space” covenants for the purpose of protecting all or part of their property. The covenant is registered on the property title and can be for a specified time or in perpetuity. The Trust can provide for financial assistance by meeting survey costs incurred and may contribute towards the cost of any necessary fencing around any natural areas being protected. The Trust is also able to enter into agreements with private landowners to purchase or lease land and maintain it as open space.

Council has approved subdivisions where land contains significant stands of native bush, on the basis that the bush will be protected via a QEII covenant. Conditions of the resource consent require the consent holder to register the QEII covenant against the certificate of title. The covenants usually require the landowner to maintain a stock proof fence around the bush and carry out pest maintenance.

There are ten QEII covenants and one area pending approval within the Kapiti Coast District. Ten of them are located north of Paraparaumu. They range in size from 0.54ha to 43.7 ha. The ecological areas that are protected include coastal wetlands, semi-coastal forest remnants, and lowland primary and secondary forest remnants. Note that the Queen Elizabeth II Park in Paekakariki is a reserve managed by the Wellington Regional Council and has no links to the Queen Elizabeth II Trust.

All sites that have a QEII covenant on them are listed in Council's rates database covenant over part of that site. However Council's Geographic Information System (GIS) does not currently identify QEII covenant sites spatially. Five of the covenanted sites are covered by the District Plan's ecological designation (E55 x 3, E71 & E88). All ten confirmed QEII covenanted sites have rates relief for that area of land which is covenanted (refer to paragraph 2.4.1 of this report).

## **1.12 Conservation Covenants & Reserves**

The Reserve Act 1977 allows for the protection of land via the establishment of conservation covenants, by classifying the land as a reserve or by holding the land as a conservation area under section 62 of the Conservation Act 1987.

### **3.2.1 Conservation Covenants**

Conservation Covenants are provided for under section 77 of the Reserves Act 1977 and are agreements to protect habitats and ecosystems on private land. Conservation covenants are partnership agreements between a landowner or lessee of Crown land, and the Crown (Department of Conservation) or a local authority. The relevant section of the Reserves Act states:

“(1)The Minister, any local authority, or any other body approved by the Minister if satisfied that any private land or any Crown land held under Crown lease should be managed so as to preserve the natural environment, or landscape amenity, or wildlife or freshwater-life or marine-life habitat, or historical value, and that the

particular purpose or purposes can be achieved without acquiring the ownership of the land, or, as the case may be, of the lessee's interest in the land, for a reserve, may treat and agree with the owner or lessee for a covenant to provide for the management of that land in a manner that will achieve the particular purpose or purposes of conservation..."

Section 77, Reserves Act 1977

Conservation covenants are registered on the property title and must be defined on an existing plan, a new plan or the District Land Register may accept a certificate from the Chief Surveyor certifying that the covenant area is adequately described and properly defined. If only part of the property is protected by a covenant, then a plan must be prepared showing the extent of the covenant.

According to the Department of Conservation's latest update (May 1994) within their S.I.T.E. directory on significant flora and fauna within New Zealand, the Kapiti Coast has 13 conservation covenants protecting ecological sites. All 13 sites are also covered by ecological designations listed in the Heritage Register in the District Plan (E11, E20, E22, E73 & E94 - E105.)

### 3.2.2 Reserves

The 1977 Reserves Act identifies nine different classifications for land protected under this act not including conservation covenants. In each case, a local authority may apply to the Minister of Conservation to declare the land a reserve provided the existing ownership and conservation values are consistent with the particular criteria established for the type of reserve sought. There are nine different types of reserves and the following are located in the Kapiti District<sup>4</sup>:

- Local Purpose Reserves: 226 (one of which is an Historic Local Purpose Reserve);
- Recreation Reserves: 185
- Esplanade Reserves: 17
- Scientific Reserves: 8
- Nature Reserve: 2 (one of which is reserved for the "preservation of native flora and fauna);
- Government Purpose Reserve: 1 (Government building site);
- Crown owned land: 1

<sup>4</sup> Note that the numbers may not correlate with the actual numbers of reserves as the numbers reflect parcels of land:

## **1.13 Consent Notices (Section 221 Resource Management Act)**

Section 221 of the Resource Management Act 1991, allows consent authorities to require a consent notice to be lodged against a certificate of title as a condition of a subdivision consent. The effect of a consent notice is that it must be complied with on an on-going basis by the subdividing owner and any subsequent owners. The notice is deemed to be both an instrument creating an interest in the land under the Land Transfer Act; and a covenant running with the land. Consent notices are not limited to protecting ecological areas.

Since 1995, Council has imposed 41 consent notices requiring the on-going protection of ecological sites that are considered to be of ecological or geological significance. Of those 41 sites, nine are covered by an “ecological designation,” two are covered by a “protected tree designation” and one is covered by a “waahi tapu” designation and registered in the Heritage Register within the District Plan (E13, E 17, E49, E55, E58, E59, E61, E87, E89 & T 14, T61 & W004).

The majority of consent notices protect areas of native vegetation or significant native trees. Three consent notices were imposed with the intention of protecting ridgelines from future development. Three consent notices were imposed protecting any future discovery of any waahi tapu features.

As with QEII covenanted sites, not all areas protected by a consent notice are spatially identified within Council’s Geographic Information System and none of the consent notices are registered in Council’s rates database.

## **1.14 Registration of Archeological Sites and Waahi Tapu Areas under the Historic Places Trust Act 1993**

There are two registered waahi tapu areas located within the Kapiti Coast District. The sites were first listed with the Archaeological Register at the Historic Places Trust who then recommended to Council that they be provided for in the District Plan. One of the registered waahi tapu areas is covered by a waahi tapu designation (W4) within the Heritage Register of the District Plan.

The other waahi tapu site was only registered in April 2000 and as such is not recorded in the District Plan. However, Council is obliged to recognise the waahi tapu site in accordance with the Historic Places Trust Maori Heritage Council's recommendation to the Kapiti Coast District Council:

"That the waahi tapu area including the individual waahi tapu and archaeological site shall be protected from inappropriate activities and that the full protection of the waahi tapu area is adequately provided for in the regional and district plans and the reserve management plan noting the provisions of sections 33, 34 and 35 of the Historic Places Act 1993."

Anyone can put a proposal to the Historic Places Trust to have a site or area registered. If the Trust is satisfied there is sufficient information with the proposal it will publicly notify the proposal and serve notice on affected parties. Once the notice is served, interim registration applies until final registration is confirmed. During which time, sections 194 and 195 of the Resource Management Act relating to Heritage Orders applies (which basically gives the sites the full protection of a registered site). The registration once approved will state that the site is either: Category I or II, an historic area, a waahi tapu or waahi tapu area. The Historic Places Trust and its Maori Heritage Council will make recommendations to the Territorial Authority with respect to the newly registered site.

The Historic Places Trust makes the following comment about registration of sites:

"Registration of a place under the Act does not affect the property rights of owners. Although registration does not provide any additional statutory protection, it does none the less alert potential purchasers or developers of the significance of wa[a]hi tapu. Registration is primarily a means of identifying and flagging a significant heritage place



for the purpose of preserving the place through sharing information, consultation and advocacy” (their emphasis.)<sup>5</sup>

### **Advantages of registering a site with the Historic Places Trust Register**

- It is a voluntary system that anyone can seek;
- All resource consent applications that affect a registered waahi tapu area must be referred to the Maori Heritage Council at the Historic Places Trust for consideration and recommendations;
- Local authorities must have “particular regard” to the Trust’s recommendations.

### **Disadvantages<sup>6</sup>**

- The registration process is time consuming, in some cases costly, and creates the idea that non-registered items are less important;
- The register has not been actively promoted and there is a general lack of understanding as to it’s function.

## **1.15 Gifts and Bequests**

Private landowners may gift or bequeath land that comprises a natural area to Council. It is uncertain how much land may have been gifted to Council in the past without a thorough investigation of old files however there are three known sites that were gifted to Council:

1. A reserve on the Paekakariki Hill was gifted to Council and is listed within the Heritage Register (B52) with a description as being a water catchment system located in the gully behind the BP service station on State Highway One;
2. The Hadfield Estate gifted the Nikau Reserve off SH1. This reserve is covered by an ecological designation (E91) and to reflect its significance to the Coast, it has also been given a general designation (G1125) for

<sup>5</sup> [Tuupara, N as the Head of Maori Heritage Unit for the Historic Places Trust, Letter to KCDC advising of new Heritage Order, Wellington, 2000.](#)

<sup>6</sup> [Dave Derby for NZ Historic Places Trust, Background Paper to managing Maori ancestral lands, sites, waahi tapu and archaeological sites under the Resource Management Act and other associated legislation, Wellington, 1999.](#)

which Kapiti Coast District Council is the requiring authority. The Nikau Reserve is the only ecological site that has a general designation covering it;

3. Land within the Paraparaumu escarpment behind State Highway One which was gifted to Council by Mr Norwood as part of subdivision approval (ref: Subdivision Consent - RM920073).

## 1.16 Native Plant Guide

In June 1999, the Kapiti Coast District Council produced a Native Plant Guide compiled by Isobel Gabites. It sets out the different planting zones throughout the Kapiti Coast and then lists the plant species that are typical of that area. It is an easy to use guide that assists and also encourages gardeners on the Kapiti Coast to plant the native species that grow or used to grow in their area.

Council is not currently promoting the Native Plant Guide extensively. This is about to change with the reprint of the plant guide early in the new financial year. Promotional activities could include:

1. Obtain sponsorship for the Guide to assist in promoting it to the community;
2. Put a moderate price on the Guide and sell it in local bookshops and supermarkets;
3. Include the Guide in the Building Department's first home owners package; and
4. Inclusion in the Land Information Memorandum.

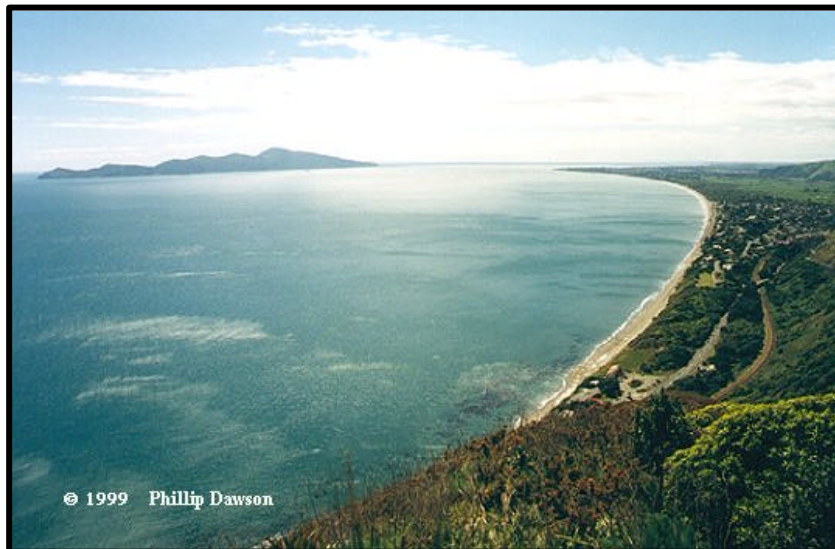


KEY POINTS FROM CHAPTER THREE

- The District Plan lists a range of non-regulatory incentives as a way of achieving its objectives and policies in relation to heritage;
- Currently Kapiti Coast District Council provides rates relief to landowners with a Queen Elizabeth II national Trust covenant on their property;
- The Kapiti Coast has 13 heritage areas protected by a Conservation Covenant;
- There are over 440 reserves in the Kapiti Coast District, most of which are local purpose or recreation reserves;
- There are 41 sites that have a consent notice protecting a heritage feature in the Kapiti Coast District;
- There are two waahi tapu areas protected under the Historic Places Act located in the Kapiti Coast District;
- Many of the sites listed above are recorded on the District Plans maps and within the District Plan Heritage Register;
- Kapiti Coast District Council has just published a Native Plant Guide for the area and there are opportunities to increase the coverage of this guide.

**PART TWO**

**OTHER INCENTIVES  
FOR HERITAGE PROTECTION  
NOT CURRENTLY USED  
BY  
KAPITI COAST DISTRICT COUNCIL**



***VOLUNTARY AND NON-REGULATORY INCENTIVES***

***“Facilitate and encourage protection of heritage sites by use of voluntary and non-regulatory incentives in conjunction with regulatory incentives.”***

***C.8, Objective 1, Policy 3, Page 146 District Plan***

## **4.0 REGULATORY INCENTIVES EMPLOYED BY OTHER COUNCILS**

### **1.17 Buffer Areas and Outstanding Landscapes**

Buffer areas are areas within close proximity to an outstanding landscape or heritage feature that has limited development rights attached to them.

No new areas or precincts would be identified on the District Plan's maps, however new rules could be included to restrict activities within a specified distance of a Heritage Feature and amend the existing rules to restrict any alteration or modification of an outstanding landscape to a discretionary activity.

The District Plan currently has rules whereby alteration or modification of any heritage feature listed in the Heritage Register is a discretionary activity (this rule excludes any maintenance or repair of that feature). Therefore all heritage features listed in the Heritage Register are protected from inappropriate activities. However, heritage features not listed in the Register and outstanding landscapes, including waahi tapu areas are not protected and nor are the often sensitive areas immediately outside the heritage feature. This means there is a gap between what heritage sites and features the District Plan is protecting.

Outstanding landscapes are not currently protected unless they are the subject of a resource consent application with the exception of farm tracks located in outstanding landscapes. Where the landscape is the subject of a resource consent, the planning officer assessing that application must consider the effects of the proposed activity on that outstanding landscape. There are shortcomings with the current system. For example, Council's compliance officer is currently dealing with a rural landowner who has been carrying out earthworks over 9 hectares of his coastal property over a period of years, but which is within an outstanding landscape. Because the earthworks are considered to be a permitted

activity<sup>7</sup>, no resource consent is required and Council is having difficulty protecting that landscape from such inappropriate activity.

Buffer areas are an additional safety precaution to identification of a heritage feature. They also recognise that even though a heritage sites is protected they are still vulnerable to activities that take place next to them. For example, ecological sites are particularly vulnerable if they are too close to plantation forestry.

The advantages of rules to incorporate outstanding landscapes and buffer areas within the District Plan is that they can be inserted into the District Plan without having to change the overall structure of the Plan. It also means that properties will retain their existing zone. In general, rules are simpler incentives for achieving the same aims as zoning.

It should be noted that the District Plan does have a specific policy about buffer areas with respect to subdivision of land where that land contains a heritage site. There is also a general policy for all landuse activities to recognise the importance of buffer areas. However there are no specific rules restricting landuse activities in buffer areas. The relevant objective and policy is as follows:

*“To Recognise The Relationship A Heritage Resource May Have With The Land Surrounding The Resource.”*

C.8, Objective 2, Page 146 Operative District Plan

*And*

#### *SUBDIVISION OF HERITAGE SITES*

*“Ensure when considering the subdivision of land with heritage sites, regard shall be had to prevent the separation of any land that is closely associated with the significance/value of a heritage resource.”*

C.8, Obj 2, Policy 1, Page 146 Operative District Plan

#### **Advantages**

- Outstanding landscapes will be protected from inappropriate activities;
- The Buffer area would protect outstanding landscapes or heritage features from inappropriate activities arising from adjoining land; and

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<sup>7</sup> Earthworks in the rural zone are not allowed to exceed 100m<sup>3</sup> at a vertical depth of 1m over a 12 month period. Other rules relate to earthworks within 20m of a water body or earthworks where a waahi tapu or cultural site is exposed.

### **Disadvantages**

- It would require a plan change to incorporate the new rules which would involve intensive public consultation and could take a long time to implement.
- Buffer areas could prove to be a disincentive for landowners considering protecting a heritage feature. If by protecting an area they automatically consign themselves to the imposition of a buffer zone, many might think twice.
- Buffer zones could be seen as an incremental encroachment into productive surrounding land, especially if the same rules are applied in 50 years time when the buffer area has been fully revegetated.

## **1.18 Heritage Orders Under the Resource Management Act**

Heritage Orders can be used to protect “any place of special interest, character, intrinsic or amenity value or visual appeal, or of spiritual significance to tangata whenua for spiritual, cultural or historical reasons”. Sections 187 through to 198 of the Resource Management Act deal with heritage orders and designates the Crown, or the Historic Places Trust, a Territorial Authority, a Iwi Authority and approved corporates as ‘Heritage Protection Authorities’. The term “heritage order” means a provision made in a district plan to give effect to a requirement made by a heritage protection agency. For example, the Kapiti Coast District Plan contains one heritage order, which is listed in the Heritage Register of the District Plan as a waahi tapu area. The waahi tapu area was proposed by the Historic Places Trust who is a heritage protection agency. The same waahi tapu area is found in the Register of Archeological sites at the Historic Places Trust (refer to paragraph 2.4 of this report.)

Heritage Orders listed in the District Plan would impose specific restrictions on the use of land comprising the feature being protected. Landowners would be required to obtain written consent from the Authority responsible for the Heritage Order before doing anything that would wholly or partly nullify the effect of the provisions of the Order. This would include excavation or filling work, the erection of buildings, the disturbance or destruction of plant or animal habitats, subdivision, and any change in the character, intensity or scale of the land.

Council must publicly notify any Heritage Order and call for submissions, and Council must pass a resolution before a heritage order can be

included in the District Plan. This process recognises that Heritage Orders have the potential to significantly curtail private property rights and therefore the public should be able to comment on the nature and effect of proposed provisions. The right of appeal to the Environment Court is also available to any person who made a submission in respect of the Order.

Where a heritage order provision is shown to prevent the sale of a piece of land or renders it incapable of use, the Heritage Protection Authority responsible for putting forward a proposal for the Order, could be required by the Environment Court to either seek the removal of the provision from the District Plan or take the land in question under the Public Works Act 1981. Where the Heritage Protection Authority is not the Crown or a Territorial Authority, section 186 of the Resource Management Act applies which allows the heritage protection authority to apply to the Minister of Lands to have the land required under the Public Works Act.

**Advantages:**

- Heritage Orders would ensure that landscape features or natural areas of high value are protected ;
- The process is open to debate through the public notification process and there is the right of appeal to the Environment Court to determine a fair outcome.

**Disadvantages:**

- Perceived property rights may be curtailed, with limitations placed on the ability of landowners to make their own choices about the use of their land. This may foster negative attitudes towards conservation and preservation;
- The cost of making an application to a Heritage Authority to modify a heritage feature, which has an Order over it, can be high.
- The Council may be financially responsible for acquiring land that was unreasonably burdened by the imposition of such an Order.



#### KEY POINTS FROM CHAPTER FOUR

- Buffer Areas are sensitive areas that surround a heritage feature;
- While there are objectives and policies in the District Plan relating to buffer areas, there are no rules restricting activities in those areas in the first instance. Those objectives and policies can only be considered once a resource consent has been received by Council;
- There are no rules in the District Plan restricting activities in an outstanding landscape with the exception of farm tracks. Outstanding landscapes are only given consideration if a resource consent is received in the vicinity of such an area;
- Buffer areas and the protection of outstanding landscapes can be protected in the District Plan through the introduction of new rules which would restrict activities within a certain distance of that heritage feature or outstanding landscape.
- Heritage Orders means a provision made in the District Plan to give effect to a 'requirement to protect a heritage feature' made by a heritage protection agency. The Crown, Historic Places Trust, a territorial authority, iwi authority or other approved heritage protection agencies may seek a requirement for a heritage order. The District Council must notify a requirement for a heritage order and a resolution must be passed before the order is included in the District Plan.
- A heritage order can significantly curtail private property rights, and if an order is shown to render the land incapable of reasonable use, the heritage protection agency responsible for putting forward the requirement could be required by the Environment Court to either seek the removal of the provision from the District Plan or purchase the land.

## **5.0 OTHER NON-REGULATORY INCENTIVES**

Following is a description of possible incentives that could be used by Council to assist individual landowners in managing significant natural features on their properties. Any one or a combination of incentives could be used.

### **1.19 Statutory Protection**

#### **5.1.1 Conservation Act 1987 (Amended by the Conservation Law Reform Act 1990)**

The purpose of this Act is to promote the conservation of New Zealand's natural and historic resources and for that purpose, the Department of Conservation (DoC) was established. Under the provisions of section 7 of the Act, the DoC can acquire and hold land for conservation purposes. Land held by the DoC under the Conservation Act is described as a Conservation Area. There are also provisions in the Act for protection of conservation values on private land. Under section 27 the Minister of Conservation may by agreement enter into a covenant with a private landowner for conservation purposes. Section 29 of the Act makes provision for an agreement/arrangement between the minister and a landowner for the management of land so as to conserve any natural or historic resource. The DOC may contribute towards any survey, legal and fencing costs incurred (refer to paragraph 2.2 of this report)

#### **5.1.2 Maori Affairs Act, 1953**

The Maori Land Court is empowered by section 439 of the Maori Affairs Act to recommend that land be set apart as "Maori Reservation" for a wide range of purposes. They can provide protection for catchment areas or sources of water supply or places of historic or scenic interest.

### **Advantages**

- Because the area is voluntarily protected there is normally greater landowner co-operation than if activities are controlled.

### **Disadvantages**

- Without education about the heritage values the landowners might be unaware of the significance and therefore would not consider voluntary legal protection. Therefore education is important about:
  - The location, extent, and significance of the area; and
  - Legal mechanisms for protection;
- Landowners may choose not to protect these areas and therefore they could be damaged through inappropriate use; and
- Costs of voluntary protection including surveying legal and fencing costs are often a disincentive or prohibitive. Financial assistance to landowners wishing to voluntarily protect these areas needs to be considered.

## **1.20 Heritage Management Plans**

Management plans are an agreement between a landowner or occupier and the Council regarding how a heritage feature should be managed and protected on that particular property. They are used to assist landowners in managing heritage features on their property. A management plan would need to contain:

- Adequate resource information about the site;
- Adequate description of any future activities proposed;
- An assessment of the likely effects of the proposed activities on the natural and cultural values contained within the property;
- Specify what conservation or enhancement activities the Management Plan covers;
- Specify any necessary conditions to be observed when undertaking works;
- Specify the period of the Management Plan; and
- Specify under what circumstances or where additional conditions or resource consents will be required.

Other matters that a Management Plan might contain include:

- A commitment to active management and or protection of significant features. This could include fencing of sites, pest control, covenants to be created, public access provisions;

- A cost sharing commitment for any active management, for example Council contribution to fencing and rates relief;
- A statement of any additional development rights which could be conferred on the property in return for active protection of a significant feature. In the example of the fencing and protection of a bush remnant, this could include consent to a subdivision for an additional lot or to the construction of an additional dwelling house.

### **Advantages**

- Compliance with conditions of Management Plans would be linked to provision of rates relief or other financial assistance;
- There is integrated land management on a property by property basis;
- There is information transfer and consultation with landowners;
- Information on resource management is refined on a property by property basis;
- It is a means by which Council can apply any works or grants to achieve resource management outcomes;
- There is a reduction in the number of consents needed to deal with individual properties;

For landowners, Management Plans have the following advantages:

- It removes the need to apply for a large number of ad hoc resource consents;
- It reduces the time and monetary cost of compliance with the District Plan;
- It may include agreement from Council to contribute to works, grant rates relief and permit additional development in return for active protection of significant features; and
- It may provide additional information and research into resource management issues related to the property (e.g. an archaeological survey)

### **Disadvantages**

- They are time intensive and require specialised staff to prepare each plan;
- They are potentially difficult to administer and enforce and enforcement officers may be unsure of conditions placed on each property;
- It would be difficult for individuals to see what conditions applied to each site.

## 1.21 Property Right Instruments

### 5.3.1 Subdivision

Landowners could be allowed to subdivide the property creating an additional allotment in return for the physical (i.e. fencing) and legal (i.e. covenanting) protection of a heritage feature. The heritage feature can be associated with the parent lot or the newly created lot and then the new lot can be sold for financial gain as a lifestyle block. One District<sup>8</sup> permits the creation of a Rural Conservation Lot where native bush will be protected. The District permits the creation of these allotments where the following criteria is met:

1. Where at least 5ha of existing contiguous native bush (having a closed canopy and an average height of at least 6m) is protected by QEII trust in perpetuity;
2. Where an existing natural feature which is at least 5ha in area and which has other environmental value (e.g. landscape, heritage, wetland, esplanade etc.) is protected by QEII or vested as reserve;
3. Where at least 5ha of land is to be legally retired from active primary production and is to be planted in indigenous vegetation and managed in accordance with a management plan;
4. Certification must provided by a qualified independent person of: in the case of existing bush it is worthy of preservation and be self-sustaining and in the case of any natural features or area to be retired from active farming the feature is able to be managed so as to enhance its conservation value;
5. Each lot shall have a minimum area of 4000m<sup>2</sup> exclusive of the feature being protected and need not contain nor be contiguous with the feature itself; and
6. A maximum of two additional lots may be created from one existing parent title, provided that where more than one additional lot is to be created there shall be at least 20 ha of area subject to legal protection.

Other mechanisms that could be put in place when a subdivision involves a heritage feature includes:

1. Setting aside reserves instead of obtaining cash; and
2. Obtaining esplanade reserves during subdivisions;

### Advantages

- The ability to create and sell a “lifestyle block” provides financial compensation for legally and physically protecting the heritage feature;

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<sup>8</sup> Franklin District Council

- The inclusion of a house site with the protected natural area or landform may ensure better long-term protection of the heritage feature; and
- Management of the site containing the heritage feature often improves because new landowners become involved in caring for the area and lots are smaller and more manageable.

### **Disadvantages**

- Many of the areas that contain heritage features are located in difficult terrain. Finding a stable house site or providing vehicle access to that house site may be difficult and therefore this incentive may not be appropriate for all landowners;
- Financial benefits only go to the landowner that subdivides. Landowners that buy the newly created lots do not gain financially;
- The proximity of additional dwellings to a heritage feature may cause disturbance through noise, and introduction of domestic animals, such as cats and dogs, and weeds which adversely affect wildlife values;
- This type of subdivision provision may prove ineffective in protecting large scale landforms or natural areas which extend over a number of privately owned properties; and
- Cumulative effects of the character of additional lots in a sensitive or rural area may be adverse.

### **5.3.2 Transferable Development Rights**

The Council could “waive” District Plan rules in circumstances where this would result in the protection of a heritage feature. One option for minimising the disturbance on a heritage feature from increased development is to transfer title rights from the property that contains the heritage feature. The development rights can either be transferred to another property owned by the same landowner or to a more appropriate area e.g. close to an urban settlement if the heritage feature is legally or physically protected. This incentive can also be used when subdivision of additional lot is not suitable (see 2.3.1 above).

### **Advantages**

- There is greater flexibility to produce a “win-win” outcome. The Council’s conservation objectives could be met and landowners could be suitably compensated or rewarded in return; and
- The values of the heritage site are better protected, as there is fewer disturbances from people and domestic activities.

### **Disadvantages**

- District Plan rules could not be arbitrarily waived. A consistent set of circumstances in which “tradeoffs” could be made would need to be documented in the District Plan. Acceptable tradeoffs and the extent to which they could be used would need to be clearly defined.
- Effects could be transferred to other sensitive environments;
- If the supply of lifestyle lots exceeds the demand then lots cannot be sold reducing the incentive.
- If landowners do not own land away from the heritage feature, then this can cause delays or be a disincentive. Negotiation will need to occur with other landowners to transfer the titles.

## **1.22 Price Based Instruments**

### **5.4.1 Rates Relief**

The District Plan specifies rates relief as one of the incentives for achieving the objective for Heritage in the District.

Currently Council remits rates for land that is subject to a QEII covenant. Once the QEII covenant is registered on the Title, Quotable Value who determines the government valuation for each property determines the value of the land that is protected by the QEII covenant. The remainder of the land is valued separately. Quotable Value then advises Council of the two separate rating values. Council then charge rates on that part of the land which is not protected by the QEII covenant (refer to paragraph 2.1 of this report).

Under Section 180G of the Rating Powers Act 1988 Council could remit rates, differentially rate, or postpone rates for land which has a heritage feature that is voluntarily protected by the occupier. This includes areas covenanted under the Reserves Act, Conservation Act or the Maori Affairs Act or via a consent notice that is registered on the certificate of title.

Section 180G of the Rating Powers Act, allows Territorial Authorities to develop policy specifying criteria for protected land to be eligible for rates relief. Subsection (1) of section 180H of the Rating Powers Act states that a local authority may remit or postpone rates in accordance with what is specified in that policy (refer to appendix 1 for a draft rates relief policy.)

### **Advantages**

- A tangible incentive is provided for legally protecting heritage features. Landowners are “rewarded” for voluntary protection - the psychological effect of this may be equally as important as reduced rates;
- Savings in rates could be used to offset the cost of legal protection and stock-proof fencing, and the ongoing costs of fence maintenance and plant and animal pest control;
- Provides a good basis for an ongoing partnership between the Council and the landowner; and
- The value of the financial benefit to the landowner increases as the value of the land increases.

### **Disadvantages**

- The amount of relief provided could be minimal because of the way in which areas not in productive economic land use are valued;
- The Council’s overall rate based income is reduced, even if only marginally, which reduces Council’s ability to carry out its other functions;
- The landowner may end up paying the same amount of rates as before as their property becomes more valuable due to its location next to a protected heritage feature;
- Rates relief may be ineffective as a conservation method without a concurrent public information programme. No matter what incentives are being offered, landowners would not contemplate voluntary protection if they were unaware of the significance of landscape features of natural areas on their property; and it would not be attractive to landowners that do not wish to retain the property for a long period.

### **5.4.2 Heritage Fund**

A heritage fund could be set up which could subsidise the cost of maintenance and enhancement works of a protected heritage feature. Such works could include legal protection, stock proof fencing, weed and pest control or restoration work.

The fund could be linked into an environmental credit system, whereby landowners who are actively protecting, enhancing and maintaining heritage features on their property are eligible for assistance. That



assistance does not have to be limited to a monetary contribution but could include the free annual supply of herbicide and animal poison or fencing materials and costs towards resource consent fees.

There are a number of options for providing funds towards heritage management and protection. One option is that it is a Council fund administered by the District Plan office, with an amount set aside for it each year in the Annual Plan. The benefit of this type of fund is that Council controls it. However, there will be a limit to the amount of funding available through the Annual Plan process.

### **Advantages**

- A tangible incentive is provided for the voluntary protection of features;
- Ongoing rates relief may come too late and be inadequate to offset immediate legal and fencing costs; and
- Plant and animal pests (e.g. possums) need to be controlled on a long-term basis in order to preserve the heritage feature. This could be expensive and without any assistance or encouragement landowners may not effectively prevent destruction of the bush.

### **Disadvantages**

- A question of equity arises. Other ratepayers, who may themselves have plant and animal pest problems, should not necessarily have to subsidise control measures on the properties of a few select landowners that have protected native bush;
- A precedent could be set, with other landowners throughout the district requesting subsidies for a number of other equally legitimate reasons; and
- The widespread provision of subsidies could place a significant burden on the Council's annual rate take and may be untenable.

The other option is to set up an independent Trust with representatives from District and Regional Councils, Iwi and any other organisation. This trust could have guaranteed funds budgeted for by the District Plan office and possibly the Regional Council Annual Plan which could meet part costs.

In addition to these funds, the Trust could also apply for funding through Lottery Grants Board and the Ministry for the Environment's Sustainable Management Fund, or the Nature Heritage Fund. Businesses can also get involved and local events can also assist with the fund.

Banks Peninsula District Council is looking at setting up an independent Conservation Trust, which would administer an environmental credit

system. The environmental credit system allows landowners to accumulate credits which can be exchanged for “goods and services” such as fencing materials or pest controls. The Taranaki Regional Council has also established a similar trust called the ‘Taranaki Tree Trust’. The Taranaki Regional Council contributes a part time officer to the trust and it now has an established fund due to large contributions from the dairy industry and as a result of fundraising events such as “round the mountain.” The Taranaki Tree Trust assists to establish some QEII covenants, provides materials and wages for riparian fencing and assists in purchasing land for inclusion in the Crown estate, amongst other things.

Other funding initiatives are being carried out at Whangarei District Council, Environment Bay of Plenty Regional Council, Environment Waikato, and Northland Regional Council.

It should be noted however, that the control of noxious plants and agricultural pests is currently a Regional Council responsibility under the transitional provisions of the Noxious Plants Act 1978, and the Agricultural Pest Destruction Act 1967. The provisions of the Biosecurity Act 1993 have modified the implementation of this responsibility. The Regional Council should therefore also contribute to the provision of any subsidies for noxious plants and pest control.

The criteria of the fund could be the same as those established for people applying for rates relief, but could extend to buildings. The administration of the fund could be similar to Council’s community grant scheme whereby a committee made up of community members and Councillors assesses applications. The maximum community grant is \$1000 and the minimum amount given is \$500 (refer to appendix 2 for a copy of the community grant scheme criteria and application form.)

### **Advantages**

- The amount of money is not limited by the Annual Plan;
- Integrated approach with Regional and District Council and Iwi;
- Real benefits to enhancing and maintaining heritage features; and
- Businesses can get involved;

### **Disadvantages**

- Would require assistance from Council in terms of administering the Trust fund;
- Could require Regional Council agreement; and
- Requires a commitment to apply for independent funding.

### **5.4.3 Council Contribution towards Consent Fees**

Council could meet the cost or partial cost of fees associated with resource consent and building consent applications where those consents related to protection or management of heritage features.

The District Plan identifies this as a method to achieve enhancement and maintenance of heritage features however up until now it has not been employed. The District Plan states:

*“Waiver of building consent fees for work which protects or enhances heritage values for the first \$20,000 of building work and waiver of resource consent fees where appropriate.”*

*C.8, Method 6, Page 147 District Plan*

There are three options for Council to contribute towards consent fees. The first is that consent fees could be waived and this could be provided for in the fee schedule for both building and resource consents. While this gives certainty of relief to the applicants, there are difficulties for Council with respect to building consents that are processed by independent Building Certifiers. There is also the issue of fairness, as other applicants such as non-profit organisations have to pay the fees and then seek a grant from the community grant scheme.

The second option is to develop a similar grant specifically for applicants who have been granted a resource consent that relates to a heritage feature. This grant scheme could be tied into the independent trust fund described in paragraph 5.4.2 above.

The third option is a combination of consent fee waiver and a grant scheme. Specifically, resource consent fees could be waived for people who require a resource consent to remove a dead or deceased limb or entire protected tree. This would encourage landowners to obtain a resource consent and provide evidence that the tree or limb is in fact deceased or dead and is beyond help.

The removal of trees is an irreversible act and enforcement action taken after the tree has been removed is not an effective protection mechanism in these circumstances. The reimbursement of consent fees is also an ineffective method of providing an incentive to people to protect trees. People usually do not have the time to apply for a grant, or consider the grant will not reimburse the total amount of the consent fees and so instead of applying for a resource consent and paying the required fees, they take the risk and remove a protected tree or limb off that tree.

### **Advantages: Grants and Consent Fee Waivers**

- Encourages landowners to approach Council to obtain a resource consent for activities that affect heritage features. This in turn allows Council to pro-actively advise on the various options for managing any effects on the heritage feature;
- Transparent and fair process;
- Costs are split between the community and Council; and
- Grant can be linked into compliance with consent conditions.

#### **5.4.4 Land Acquisition**

The Council could purchase land comprising significant landforms and landscape features and natural areas and have it appropriately legally protected or classified. Classification as a reserve for scenic, nature, scientific or other purposes could create new opportunities for public recreation within the district. There are a number of public trust funds and private conservation trusts from which the District Council could potentially obtain funding for the purchase and enhancement of land comprising significant features.

#### **Advantages**

- Public ownership ensures adequate protection for highly significant landscape features or natural areas (provided that the plant and animal pests are adequately controlled);
- Conflicting land uses with effects which could damage or destroy features could be precluded altogether; and
- New recreational facilities and educational facilities could be created.

#### **Disadvantages**

- If adequate funding assistance could not be obtained from outside sources, such as trust funds, the cost of land purchase could be prohibitively expensive;
- Large scale landscape features or natural areas may extend over a number of privately owned properties. It could therefore be difficult and expensive to purchase all of the land comprising such a feature; and
- Not all landowners would necessarily want to sell.

## **1.23 Motivational, Information and Education Instruments**

### **5.5.1 Information, Education and Advocacy**

Many landowners are unaware of the values of the heritage features on their property. Without this knowledge landowners may modify, or destroy these areas. Therefore it is important that landowners are informed. It is also important that the wider community is informed about heritage features within the District.

There are a number of ways this can be done:

- Making information on heritage features publicly available where appropriate. This includes publications such as the Native Plant Guide;
- Informing landowners with heritage features on their land, about the value of their site, their importance and how best to manage the site;
- Each landowner should be involved in consultation and discussion about the heritage feature;
- Publicity campaign using local media;
- “Conservation Kits” on how heritage features can be managed, including information on pests and their eradication, protection of the features, what activities adversely affect the restoration and enhancement of the feature; and
- Public meetings and workshops on issues relating to heritage features.
- The District Plan office could carry out an annual education campaign using the rates newsletter and any other newsletter of Kapiti Coast District Council, to remind landowners of their obligations with respect to heritage features.
- The District Plan office could also carry out an annual school education campaign, whereby Council officers visit schools and talk about the work that Council is doing with respect to protecting, enhancing and managing heritage features and discuss the importance of valuing our heritage.

### **Advantages**

- Use of Council newsletters is a cost effective way of notifying and advising the public;
- Landowners are able to make better decisions about the management and protection of the heritage features if they are informed;
- Provision of information can result in greater cooperation from landowners;
- Information can be used to increase the effectiveness of other conservation incentives, especially voluntary incentives. It can minimise the damage and destruction to the heritage features;
- Awareness of the work of Kapiti Coast District Council is raised; and
- School children can influence their parents.

### **Disadvantages**

- Information may not be enough to encourage landowners to protect and manage heritage features, especially if incentives are limited, or there are no incentives;
- The outcome of heritage protection and management is not guaranteed;
- The cost may be high, especially if an intensive education programme is undertaken whereby each individual landowner is consulted. It would also involve a significant time commitment from Council Staff

#### **5.5.2 Public Recognition and Awards**

Public recognition such as an award system for landowners and people who actively protect heritage features would be an incentive for other people to do likewise.

This type of award system could be tied in with schools around the District whereby schools or individual children are awarded for efforts in promoting either sustainable environments or protecting and enhancing heritage features.

KEY POINTS FROM CHAPTER FIVE

- There is a range of non-regulatory protection measures that Kapiti Coast District Council could implement including: assisting in the provision of land management plans, granting subdivision rights, providing for transferable development rights, giving rates relief, provision of funds and services, land acquisition policy and establishing an education and environmental awards campaign.
- Compliance with conditions of land management plans can be linked to the provision of rates relief or other financial assistance;
- Creation of smaller lots in the rural zone could be permitted where a large natural heritage feature is protected. Other heritage protection incentives determined at the time of a subdivision include requiring reserve land instead of cash or obtaining esplanade reserves. Council needs to develop a reserve policy with heritage protection and management as one of its objectives;
- Transferable development rights are more complicated than relaxing the subdivision rules as noted above. They provide for the protection of a heritage feature in return for the right to subdivide a lot in another area. This type of incentive requires further research as effects resulting from subdivision or development can be transferred to other sensitive environments.
- Council is currently granting rates relief to landowners with a QEII covenant over their land. This can be extended to other protected heritage features. Rates relief may be ineffective on its own as a conservation method if the amount of rates relief is minimal.
- The establishment of a heritage fund could assist in providing works such as legal protection, stock proof fencing, weed or pest control or restoration work. It could also assist in meeting the costs of consents or provide monetary contributions for other maintenance programs. A heritage fund could be run in conjunction with the Wellington Regional Council.
- The establishment of an education campaign in conjunction with an award system. This would be carried out alongside the provision of other incentives for heritage protection and management.

## 6.0 COMPARATIVE INCENTIVES USED BY OTHER COUNCILS<sup>10</sup>

Territorial Authority	Rates Relief	Education / Information & Advice	Transfer / Subdivision Rights	Waive Application Fees	Management Plans	Funds/grants/subsidies (fencing, access, riparian works, pest	Public Recognition / Awards	Land Acquisition	Relief From Legal / Survey Costs	Maintenance	Alert Layer/Silent File System for Maori Heritage Sites
Auckland City			v		v	v	v				v
Christchurch City Council		v				v					
Banks Peninsula			v	v		v		v	v	v	
Far North District Council	v		v			v					
Franklin District Council	v	v		v							
Gisborne District Council		v								v	v
Hawkes Bay Regional Council		v				v		v	v		
Manawatu Regional Council						v					
Nelson City Council			v			v					
New Plymouth District Council	v	v		v		v	v		v		
Otorohanga District Council	v	v		v		v	v				
Palmerston North City Council											v
Papakura District Council	v										
Rotorua District Council						v					

<sup>9</sup> Council information based on 1998 data, except for Franklin, Thames/Coromandel, Western Bay of Plenty, Banks Peninsula, Palmerston North City and Far North District Councils and Taranaki Regional Council which are based on 2000 data.



*Heritage Strategy – Comparison of Regulatory & Non-regulatory Incentives*  
**COMPARATIVE INCENTIVES**

Territorial Authority	Rates Relief	Education / Information & Advice	Transfer / Subdivision Rights	Waive Application Fees	Management Plans	Grants / Subsidies (fencing, access, riparian works, pest)	Public Recognition / Awards	Land Acquisition	Relief From Legal / Survey Costs	Maintenance	Alert Layer/Silent File System for Maori Sites
Taranaki Regional Council		v				v			v		
Tasman District Council	v		v *					v			
Tauranga District Council	v		v			v					
Thames - Coromandel District Council			v			v					
Waikato District Council	v							v			
Wellington City Council						v				v	
Wellington Regional Council						v					
Western Bay of Plenty			v			v				v	
Whangarei District Council								v			

#### KEY POINTS FROM CHAPTER SIX

- Out of the 22 Council's surveyed, 63% of them provide grants or subsidies towards the protection and management of heritage features. In fact grants and subsidies are the most popular non-regulatory method employed;
- Rates relief and education and information dissemination was the next most popular incentive provided;
- Special subdivision rights are employed by a surprisingly high number of Councils surveyed given the complications involved. 27% of the Councils utilised these incentives in their District Plan. Note that this does not include 'transferable development rights' which did not feature strongly in this survey.
- Land acquisition, waiving consent fees and public recognition awards were poorly represented.

## 7.0 CONCLUSION

This discussion document has outlined the options for developing non-regulatory incentives that will assist in the protection and management of heritage features.

Part One, including chapters 2 and 3 of the report examine the various regulatory (including statutory) and non-regulatory incentives that the Kapiti Coast District Council already employ in protecting and managing heritage features in our District. Advantages and disadvantages of these incentives are compared with the intent to highlight any gaps in the existing processes.

Council is currently assisting landowners by granting rates relief to those people who have a Queen Elizabeth II covenant over an area of their land. Many of the sites protected under consent notices, or via QEII and conservation covenants, or under the Historic Places Trust were also identified on the District Plans maps as an “ecological area” and listed in the District Plan’s heritage register. In addition to the heritage register, there are the rules protecting native vegetation. The matter of protection therefore, is not as pressing as the matter of management. That is not to say that all significant heritage sites are adequately protected. Protection of outstanding landscapes is an issue.

The native plant guide is a recent edition to the bag of tools currently used by the Kapiti Coast District Council. It is an extremely useful guide, which is easy, and enjoyable to read, yet it is not getting the coverage it deserves. There are a number of suggestions to market the native plant guide and give the guide more publicity and more use by the Kapiti Coast community. The reserve acquisition policy, an ancillary policy document that is currently being developed by Council officers is also important in achieving the objective of the heritage strategy. Reserve management is integrally linked to heritage management and a reserve management policy can specify when and where it is appropriate to take reserves instead of cash.

Part Two looks at other regulatory and non-regulatory incentives currently used successfully by other Councils around New Zealand. It found that all the incentives identified in chapters 4 and 5 have already been identified in Part C.8 (Heritage) of the District Plan’s as incentives for achieving the objectives and policies on heritage. The main options for inclusion in a tool bag of incentives are listed below but are by no means a comprehensive list:

- Buffer areas, including giving increased protection to outstanding landscapes;
- Subdivision rights;
- Rates Relief;
- Establish a heritage fund, that amongst other things allows for the provision towards consent fees; and

- An annual education campaign and awards system.

While this report contains recommendations, none of the options have been adopted. Some options may never proceed while other options not yet considered may enter the picture.

The Council wishes to consult with the community at this early stage before it starts to firm up its views on these important issues. Feedback from landowners, environmental groups, tangata whenua and the public at large will be valued.

## 8.0 RECOMMENDATIONS

### GENERAL RECOMMENDATIONS

1. (a) Record all new sites on Council's Geographic Information System that are protected via:
  - (i) Queen Elizabeth II covenants;
  - (ii) Conservation covenants;
  - (iii) Heritage Orders
  - (iv) Consent Notices (pursuant to section 221 of the Resource Management Act 1991);
  - (v) Reserves;
- (b) The District Planner should be advised of any new sites protected under any of the above mechanisms, in order to evaluate whether it needs to be included in the Heritage Register of the District Plan.
2. That all protected sites as noted in (i) above are identified on a map in a Land Information Package (LIP).
3. (i) That the native plant guide be made available with a LIP (@300 pa);
  - (ii) Sponsorship is sought for the native plant guide;
  - (iii) Market the native plant guide in local bookstores and supermarkets(RRP \$3);
  - (iv) Give the native plant guide with the package that the Building Department gives to new home owners (@1000).
4. A register should be set up as part of Council's property office recording any land that is gifted to Council.
5. Any landscapes or heritage features protected via a consent notice should be separately identified on the survey plan and that area on the survey plan should be referred to in the Consent Notice.
6. That the District Plan office budgets annually for an education campaign aimed at raising the awareness of the existing protection incentives in the District Plan and the Historic Places Act.

That the District Plan office annually carry out a school campaign to raise awareness of heritage values and discuss incentives for protecting, enhancing and maintaining heritage features in our District.

This campaign could be linked into an annual environmental award given by Council.

7. That Council establishes an annual environmental award that recognises and rewards individuals in the community who are pursuing environmental sustainability at a local level, or who have shown initiative in protecting or managing a heritage feature within this District. A separate award should be given to schoolchildren for a project they completed which indicates a good understanding of environmental awareness. Criteria would need to be developed by the District Plan office for these awards.

## **FINANCIAL ASSISTANCE**

1. The District Plan office administer a heritage fund that will assist in the creation of covenanted sites, fencing, consent fees and any other assistance that may be considered appropriate.

Council allocate funds on an annual basis towards the heritage fund.

2. The Resource Consent Department consider waiving resource consent fees for resource consent applications relating to removing part or all of a protected tree, provided that the tree is deceased or dead.
3. Council provides rates relief for land that meets the criteria of the rates relief policy in appendix 1.

Council budgets for an annual amount to go towards the provision of rates relief. This to be determined following consultation with Council's valuers.

## **DISTRICT PLAN CHANGES**

1. The Heritage Register of the District Plan is updated according to the January 2000 review;
2. The rules in relation to "Outstanding Landscapes" which are identified on the planning maps are reviewed and consideration is given to providing further protection mechanisms;

4. The District Plan office carries out research relating to the requirement for buffer areas around heritage features in the District. This research should be able to determine whether new rules in the District Plan requiring buffer areas are necessary to protect heritage features.
5. The District Plan office carries out research relating to transferable development rights and subdivision rights where it will result in management or protection of a heritage feature. This research should determine whether new rules in the District Plan could be implemented which will achieve this objective.

## **RESERVES ACQUISITION POLICY**

1. The Heritage Strategy is linked to the Reserves Acquisition Policy that is currently being developed by the District Planner in conjunction with the Parks and Reserves Department. This policy would require that a regularly updated register is held on land that should be purchased because of its heritage or natural values. A copy of this register should be linked to the policy for the Heritage Fund for reference when groups seek monies for the purchase of land.

The reserve policy should also address the issue of reserve contributions for subdivisions. The policy should include criteria for obtaining land instead of cash where the land contains high heritage values. The criteria should be developed so that it clearly sets out when land should be taken instead of cash. This policy should be linked into the register for potential land purchases.

2. The District Plan office will provide assistance to landowners in writing heritage management plans for their property if that property contains a heritage feature and will carry out administration/monitoring of the management plans.

**Other recommendations and modifications to existing recommendations may come out of the review of this document by Council, Iwi and the Heritage Strategy Community Liaison Group Committee and Landowners.**

## **APPENDIX 1**

### **RATES RELIEF DRAFT POLICY**

#### 5.4.1.1 Draft Policy for Rates Relief

##### 1. Objective

“To encourage landowners to actively maintain and enhance heritage features on their property.”

This objective recognises that most heritage features are already protected by rules in the District Plan and therefore the aim of this policy is to encourage landowners to maintain and enhance heritage features.

##### 2. Calculation for Rates Relief

- (i) Council will treat the rates relief on the land that is protected as a grant;
- (ii) The area of land that contains the heritage feature is determined either by survey or through Council’s GIS and digital photography;
- (iii) Council’s rates department gives notice to Quotable Value NZ to apportion out the values for the property according to the two different areas of land;
- (iv) The District Plan office will budget each year in the Annual Plan to pay the rates remittance for any agreed protected sites that are eligible for rates relief.

##### 3. Criteria for Eligibility

3.1 The following properties are automatically eligible for rates relief:

- (i) Properties that have a QEII covenant registered on their certificates of title;
- (ii) Properties that have a conservation covenant registered on their certificates of title;



- 3.2 The following properties maybe be given rates relief provided they meet the general criteria:
- (i) Properties that have a site listed in the District Plan Heritage Register, excluding any buildings;
  - (ii) Riparian strips;
  - (iii) Heritage features that are protected by a consent notice registered on the certificate of title, excluding buildings.
  - (iv) Land that is listed as a historic place under the Historic Places Act 1993 (either category I or II), or is subject to a Heritage Order, or is a known archaeological site or is a known waahi tapu,
  - (v) Any other heritage feature, excluding buildings, which complies with the general criteria, set out below.

### 3.3 General Criteria

The general criteria has been established using the criteria set out in subsection 4 of section 180G and the criteria used for listing features in the District Plan Heritage Register as specified in C.8.3 of the District Plan.

- (i) The desirability of preserving particular natural or historic or cultural features within the district;
- (ii) Whether, and to what extent, the preservation of particular natural or historic or cultural features might be prejudicially affected if rates relief is not granted in respect of the land on which they are situated;
- (iii) Whether, and to what extent, preservation of particular natural or historic or cultural features are likely to be encouraged by the granting of rates relief;
- (iv) The extent to which the preservation of different types of natural, historic, and cultural features should be recognised by different criteria and conditions for rates relief, and whether different levels of rates relief should apply;

- (v) The extent to which rates relief should be available where the preservation of natural or historic or cultural features does not restrict economic utilisation of the land;
- (vi) Trees which, in the opinion of Council, are significant and worthy of protection and are assessed using the NZIH Tree Evaluation Method for New Zealand (or equivalent) as having a score of 500 or greater.

**Note:** Council has copies of the NZIH Evaluation Method for perusal at the Paraparaumu Council Office.

(vii) IN RESPECT OF GEOLOGICAL SITES AND WAAHI TAPU:

- The extent to which the place reflects important or representative aspects of New Zealand history,
- The association of the place with events, persons or ideas of importance in New Zealand history,
- The potential of the place to provide knowledge of Kapiti Coast District and New Zealand history,
- The importance of the place to the Tangata Whenua,
- The community association with, or public esteem for, the place,
- The potential of the place for public education,
- The representative quality and/or a quality or type or rarity that is important to the district,
- The potential of the place as a wildlife refuge or feeding area.  
The potential of the place for its diversity in flora and fauna.

(viii) IN RESPECT OF ECOLOGICAL SITES (AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FLORA):

<b>Representativeness</b>	<ul style="list-style-type: none"> <li>• contains an ecosystem that is underrepresented or unique in the ecological district</li> </ul>
<b>Rarity</b>	<ul style="list-style-type: none"> <li>• contains threatened ecosystems</li> <li>• contains threatened species</li> <li>• contains species that are endemic to the ecological district</li> </ul>
<b>Diversity</b>	<ul style="list-style-type: none"> <li>• diversity of ecosystems/species/vegetation</li> </ul>
<b>Distinctiveness</b>	<ul style="list-style-type: none"> <li>• contains large/dense population of viable species</li> <li>• largely in its natural state or restorable</li> <li>• uninterrupted ecological sequence</li> <li>• contains significant land forms</li> </ul>
<b>Continuity and Linkage</b>	<ul style="list-style-type: none"> <li>• provides, or has potential to provide,</li> </ul>

<b>within landscape</b>	corridor/buffer zone to an existing area
<b>Cultural Values</b>	<ul style="list-style-type: none"> <li>• traditionally important for Maori</li> <li>• recreational values</li> <li>• significant landscape value</li> <li>• protection of soil values</li> <li>• water catchment protection</li> <li>• recreation or tourism importance</li> <li>• aesthetic coherence</li> </ul>
<b>Ecological Restoration</b>	<ul style="list-style-type: none"> <li>• ability to be restored</li> <li>• difficulty of restoration</li> <li>• cost/time</li> </ul>
<b>Landscape Integrity</b>	<ul style="list-style-type: none"> <li>• significance to the original character of the landscape</li> <li>• isolated feature, does it stand out or blend in</li> <li>• does it have a role in landscape protection</li> </ul>
<b>Sustainability</b>	<ul style="list-style-type: none"> <li>• size and shape of area</li> <li>• activities occurring on the boundaries which may affect its sustainability</li> <li>• adjoins another protected area</li> <li>• links</li> <li>• easily managed</li> </ul>

- (ix) Compliance with a heritage management plan that is developed by the Council in conjunction with the owner. The management plan may have conditions that the landowner will be required to meet such as fencing, weed control and restoration where appropriate; and
- (x) The area of land can be determined.

#### 4. Administration/Monitoring

- (i) The District Plan office will deal with the administration of the rates relief policy.
- (ii) Applications are called for annually in October. A public notice is lodged in a local newspaper and notice is put in the rates newsletter calling for applications;
- (iii) Once an application is received, an officer from either the District Plan office or the Resource Consents department goes out on site

and determines whether the site meets the criteria specified in section 3 of this policy;

- (iv) The District Plan Office budgets in the Annual Plan to pay the rates relief on each new approved application;
- (v) Once the budget has been approved, the District Plan office advises the applicant of the outcome and drafts up a Heritage Management Plan in conjunction with the landowner;
- (vi) The approved site is monitored and Heritage Management Plan is reviewed annually by an officer from either the District Plan office or the Resource Consents Department.

#### 5. Heritage Management Plans (refer to section 5.2 of this Report)

- (i) Management Plans are developed in conjunction with the landowner;
- (ii) Management plans shall be reviewed on an annual basis;
- (iii) Management plans run with the landowner;
- (iv) A system shall be put in place whereby the rates department advises the District Plan office when a property that is subject to rates relief, changes ownership; and
- (v) When a property changes ownership, an officer from either the District Plan office or the Resource Consents department shall enter rewrite the management plan with the new landowner;
- (xi) The management plan can contain conditions which shall be complied with, on an on-going basis and include requirements to fence off the area, undertake weed and pest control and keep stock out of the area;
- (xii) The management plan shall ensure that the site will be managed in a manner that protects and enhances the Heritage Feature;
- (vi) The management plan shall ensure no activities are undertaken that could lead to damage of the heritage feature;

## 6. Cancellation of Rates Relief

- (i) When a landowner breaches rules in the Council Plans (Regional and District Plans);
- (ii) When a landowner breaches conditions set out in the heritage management plan;
- (iii) Upon request by the landowner; and
- (iv) Where the land is altered as a result of natural events or because of a resource consent, designation or Historic Places Trust authorisation so that it no longer meets the general criteria set out in section 3 of this policy.

## 7. Estimated Costing

### 7.1 QEII Covenanted Sites

Rate relief on the ten QEII covenanted sites costs Council approximately \$1000 annually at @ \$100/covenanted site per year.

### 7.2 Conservation Covenants

The Department of Conservation has a list of all sites that are protected by a Conservation Covenant. There are 13 sites that have a Conservation Covenant registered on their Certificate of Titles.

Therefore the estimated cost to Council based on the above calculation would be @ \$1300 per annually.

### 7.3 Other

Discretionary and would need to be within the budget allocated annually by Council.