

C8: NATURAL, CULTURAL AND HERITAGE FEATURES

C8.1 INTRODUCTION

Under Section 6 of the Resource Management Act, Council must recognise and provide for the protection of historic heritage, natural and cultural features from inappropriate subdivision, use and development as a matter of national importance. Pursuant to this Council may exercise its rights and duties as a Heritage Protection Authority. Considerations required by Section 7 include having particular regard to kaitiakitanga (guardianship), the efficient use and development of natural and physical resources and their finite characteristics, protection of trout and salmon habitat, intrinsic values of ecosystems, and the maintenance or enhancement of the quality of the environment.

Of significance to Kawerau are the Section 6 requirements to preserve the natural character of wetlands, rivers and their margins, and requirements to protect significant indigenous vegetation. Also of importance in relation to Section 6 is the requirement to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, and other taonga.

Section 31(1)(b)(iii) of the Resource Management Act provides Council with the function of the “control of any actual or potential effects of the use, development or protection of land, including for the purpose of – the maintenance of indigenous biological diversity.”

The Resource Management Act 1991 is concerned with the sustainable management of natural, cultural and heritage features. This section references Appendix C stating the schedule of heritage sites and places. The appendix is not exclusive and it is recognised that additional features may be identified during the life of this district plan.

Land Form/Landscape	Vegetation & Fauna	Areas / Sites	Buildings & Objects
<ul style="list-style-type: none"> ▪ Views ▪ Geological Features • Surface geothermal features • Predominantly natural landscapes • Natural landscapes highly valued by the immediate or wider community 	<ul style="list-style-type: none"> ▪ Areas of significance ▪ Quality Habitat Areas (including flora & fauna) ▪ Individual trees ▪ Groups of trees ▪ Nationally or regionally rare indigenous species 	<ul style="list-style-type: none"> ▪ Heritage Areas ▪ Archaeological sites ▪ Pa (fortified villages) ▪ Kainga (dwelling places) ▪ Historic sites and Battle sites 	<ul style="list-style-type: none"> ▪ Objects ▪ Buildings

For the purpose of the district plan, heritage is therefore defined as:

“those natural, cultural and historic attributes from the distant and more recent past, and existing resources that establish a sense of connection to former times, contributing to community and cultural identity, sense of place, and spirituality, that people have a responsibility to safeguard for current and future generations”.

Within the Kawerau District there are natural and cultural resources deserving of protection.

C8.2 NATURAL HERITAGE

Although small, Kawerau District encompasses a diverse suite of landforms including rolling hill country, alluvial flats, a minor section of the northern extent of the Kaingaroa plateau, the Tarawera River and side streams, geothermal features, and wetlands, including part of a small lake.

People have had dramatic impacts on the natural vegetation and fauna of the district. By the early 1800’s much of the former primary forest cover had been reduced to scrub, shrubland, fernland and secondary forest, with primary forest restricted to the hill country in the west. Nevertheless the district was still covered mostly with indigenous vegetation and habitats.

Relatively little is left. There are protected natural areas on hill country to the west (Rotoma Conservation Area – mostly tawa-dominant forest which has been logged for rimu), in the Parimahana Scenic Reserve (secondary forest and geothermal vegetation), and a narrow strip of kanuka on the margins of the Ruruanga Stream.

There are also some notable privately-owned natural heritage sites such as Lake Pupuharau and its marginal wetland vegetation. Rare plants and dabchick

(nationally threatened) occur here. There are also privately owned areas of tawa forest adjacent to the Rotoma Conservation Area.

Native fauna has been devastated by habitat loss and the effects of introduced predators and competitors. Most habitats retain only a very reduced complement of species with only more common birds in forest. However even small remnants are important invertebrate habitat. Although modified, flowing waterways remain important corridors and habitats for indigenous fish.

Although natural habitats have been severely reduced and modified, and remaining sites are scattered widely in the district, they are nevertheless all connected by the Tarawera River and the Ruruanga Stream and there are opportunities to retain and enhance these linkages. It is important to retain all remaining examples of natural heritage and because of its reduced and modified state, to explore opportunities for protection and restoration. Enhancement of existing areas is to be encouraged.

C8.3 CULTURAL HERITAGE

Under the Resource Management Act, there is a positive obligation on Council to have particular regard to the recognition and protection of the cultural heritage value of sites, buildings, places or areas.

In addition the Historic Places Act 1993 protects all archaeological sites (sites which are the result of human activity prior to 1900) from unauthorised damage.

Under the Historic Places Act an application must be made to the NZ Historic Places Trust for an authority to destroy, damage or modify an archaeological site. This includes sites that are not recorded, but which are subsequently discovered as a result of development or other activity.

Many heritage resources and values are sensitive to change. Archaeological sites are particularly vulnerable because they are often unrecorded and not easily identified without assistance from kaumatua or trained archaeologists.

Bordering the Parimahana Scenic Reserve is the Ruruanga Stream. This has special significance to Tuwharetoa as in the past the stream and adjacent track provided access for Tuwharetoa ki Kawerau to Papakainga, thermal springs, waahi tapu and wahi o nga tipuna.

The stream runs below the two prominent hills Tirotirowhetu and Tukoiro.

These routes existed in 1891 and date back to at least 1650AD where Tuwharetoa lived at Waitahanui Pa on the shores of Lake Rotoitipaku.

The heritage of tangata whenua is considered “taonga” (something highly prized/treasured). Taonga can be seen and unseen. Physical expressions to taonga include waahi tapu such as pa, marae, papakainga, tribal ara (tracks), urupa, battle sites and maunga (mountains). Tangata whenua maintain strong spiritual relations with waahi tapu which means that even when such places have passed out of their ownership or have become damaged/destroyed or desecrated these places can still be highly valued and tapu (sacred).

Refer to Appendix D for information on Ngati Tuwharetoa and Ngati Awa Statutory Acknowledgements.

C8.4 OBJECTIVES AND POLICIES

C8.4.1 Objectives

- C8.4.1.1 To recognise the importance of those natural, physical, cultural and heritage resources of the Kawerau district that are valued as part of the district’s heritage.
- C8.4.1.2 To avoid, remedy or mitigate adverse effects on tangata whenua taonga.

C8.4.2 Policies

- C8.4.2.1 The sustainable management of heritage resources should ensure that the natural and physical resources having a heritage or cultural value in the district are maintained or enhanced wherever appropriate.
- C8.4.2.2 Heritage resources should be used in a manner that ensures that the essential heritage qualities are not damaged or destroyed.
- C8.4.2.3 Tangata whenua should be actively consulted where activities have the potential to adversely affect taonga or tangata whenua relationships to taonga and in particular where development involves:
 - activities near scheduled waahi tapu sites
 - activities near identified archaeological sites
 - activities that can adversely effect inland waterways
 - open space that contains heritage resources of value to tangata whenua
 - Ngati Awa Statutory Areas including Tarawera River

- Ngati Tuwhareota (BOP) Statutory Areas including the Tarawera River and Kawerau Geothermal System

C8.4.2.4 Managing the use, development and protection of natural and physical resources while preserving the natural character of the margins of the Tarawera River and Ruruanga Stream from inappropriate subdivision, use and development.

C8.4.2.5 The protection of the district's remaining significant indigenous ecosystems including wetlands, geothermal vegetation, shrublands, forests, and the habitats of indigenous fauna from inappropriate subdivision, use and development.

C8.4.2.6 The protection of the district's outstanding geothermal areas and associated ecosystems from inappropriate subdivision, use and development.

C8.5 SIGNIFICANT INDIGENOUS VEGETATION AND HABITATS OF INDIGENOUS FAUNA

No significant indigenous ecosystem identified in Appendix C, shall be cut, damaged, altered, injured, destroyed or partially destroyed (including its roots) or any earthworks, clearance of indigenous vegetation, storage of materials, vehicles, machinery, discharge of any toxic substance or any use, construction or other activity be undertaken within the tree's drip line or the extent of the wetland or any other recognised indigenous ecosystem.

Except this rule shall not preclude:

- Minor trimming or maintenance in accordance with accepted arboricultural practice,
- The felling or destruction of any tree by the Council or a statutory authority, when this is required as an emergency work or to maintain or restore power and communication links to safeguard life or property.
- In such circumstances the authority concerned shall notify the Council in writing, within one week of the felling, as to the reason for the felling or destruction.
- Control of environmental weeds in areas of significant indigenous vegetation.

Any activity affecting an identified significant indigenous ecosystem, and not in accordance with the above rule shall be a restricted discretionary activity.

C8.6 GEOLOGICAL FEATURES

- a) Minor works as defined in Appendix A in relation to any geological feature listed in Appendix C are a permitted activity
- b) Any activity affecting a geological feature (listed in Appendix C) including a geological surface feature that does not comply with the above permitted activities rule shall be a discretionary activity.
- c) The following activities are non-complying activities in relation to any geological feature listed in Appendix C:

The destruction or modification of any listed geological feature including geological surface features. Modifications shall include:

- The removal of soil, rock or indigenous vegetation;
- The planting of any vegetation;
- The taking of samples;
- The erection of any structures of the scientific analysis of geothermal fluid or gas;
- Any other activity, use or work on or in the vicinity (i.e. within a short distance of the feature where there is potential for it to be affected) where it is likely to cause damage to or detract from the listed feature.

C8.7 BUILDINGS AND OBJECTS

The destruction, removal, addition to, alteration or damaging of any building or object listed in Appendix C is a non-complying activity.

Except this rule shall not preclude:

- the redecoration, repair and/or insignificant alteration of any existing fabric, or detailing carried out in a manner and design and with similar materials and appearance to those originally used and which does not detract from those features for which the item has been listed.
- any change of use otherwise permitted on the site which is unrelated to the purpose for which the item was listed and which does not detract from the features of which the item was listed.

Any activity affecting a listed building or object and not in accordance with the above rule, shall be a restricted discretionary activity.

C8.8 MAORI HERITAGE SITES AND ARCHAEOLOGICAL SITES

The destruction or alteration of any Maori Heritage site or Archaeological site, whether listed in Appendix C or not, is a non-complying activity.

Alterations shall include the removal of soil, rock or vegetation, the erection of any structures or any other activity, use or work on or in the vicinity of the site which, in the opinion of Council, is likely to cause damage to or detract from the site.

In determining whether damage or detraction is likely to occur, the Council will act in consultation with tangata whenua and the New Zealand Historic Places Trust. The Historic Places Act has separate requirements that may be relevant.

Any activity affecting a listed Maori Heritage site or Archaeological site (listed or unlisted) (but which does not destroy or alter the site) shall be a restricted discretionary activity.

Note: Council can advise where information can be obtained.

C8.9 RESTRICTED DISCRETIONARY ACTIVITIES

Matters to which council will restrict its discretion:

C8.9.1 Significant Indigenous Vegetation, and Habitats of Significant Indigenous Fauna

When assessing an application for a restricted discretionary activity the Council will restrict its discretion to the following matters:

- The necessity for carrying out the work, including whether a tree is dead, dying, diseased or has lost the essential qualities for which it was originally protected as assessed by a qualified arborist; whether a tree is required to be removed from drainage systems, water courses or streams; whether a tree interferes with public utilities or other public works; whether a tree is causing serious damage to buildings or property.
- Any alternative methods and locations available for carrying out the work or activities.
- Whether or not the proposed activities within the drip line, extent of the wetland, area of significant indigenous vegetation and habitats

of significant indigenous fauna are, in the opinion of Council, likely to damage the tree, or area of wetland or endanger its health.

- Whether or not the activity will adversely affect the area's ecological values, and whether the adverse effects of the activity can be effectively mitigated or remedied.
- Assess whether the subdivision, use or development is inappropriate by using criteria consistent with those contained in the Regional Policy Statement for significant indigenous vegetation considered to warrant protection under Section 6 of the Resource Management Act.

Conditions may be imposed as part of any consent to an application and may include:

- The requirement to pay a bond to ensure that an area of significant indigenous vegetation or fauna is not damaged or destroyed during the carrying out of pruning and maintenance or works or activities in the drip line area or extent of the wetland.
- The requirement to provide a replacement tree, wetland area, or indigenous flora/fauna where a listed tree or wetland, indigenous flora or fauna area is removed or destroyed and where it is appropriate having regard to the values of the area.

C8.9.2 Geological Features

When assessing an application for a restricted discretionary activity the Council will restrict the exercise of its discretion to the following matters:

- The nature, form and extent of the proposed modification and its effect on the feature or features for which the item was listed.
- The necessity for the modification and any alternative methods and locations available for carrying out the work or activity.
- Assess whether the subdivision, use or development is inappropriate by using criteria consistent with those contained in the Regional Policy Statement for geological features considered to warrant protection under Section 6 of the Resource Management Act.

Conditions may be imposed as part of any consent to an application.

C8.9.3 Buildings and Objects

When assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the following matters:

- The nature, form and extent of the development, alteration or change and the effect on the character of the heritage building or object and the feature or features for which the heritage item was listed.

Assess whether the subdivision, use or development is inappropriate by using criteria consistent with those contained in the Regional Policy Statement for buildings and objects considered to warrant protection under Section 6 of the Resource Management Act.

Conditions may be imposed as part of any consent to an application.

C8.9.4 Maori Heritage Sites and Archaeological Sites

When assessing an application for restricted discretionary activity the Council will restrict the exercise of its discretion to the following matters:

- The nature, form and extent of the proposed modification and its effect on the features for which the site was listed.
- The necessity for the modification and any alternative methods and locations available for carrying out the work or activity.
- Assess whether the subdivision, use or development is inappropriate by using criteria consistent with those contained in the Regional Policy Statement for maori heritage and archaeological sites considered to warrant protection under Section 6 of the Resource Management Act.

Conditions may be imposed as part of any consent to an application.

C8.9.5 Regional Policy Statement

Subdivision, use or development shall address criteria which are found in Appendices F and G of the Regional Policy Statement