



New Zealand  
**Historic Places Trust** *Pouhere Taonga*

# **SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE**

## **Guide No. 4**

# **RESOURCE CONSENTS**



3 August 2007

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## **Sustainable Management of Historic Heritage Guidelines**

### **Guide No.4**

#### **Resource Consents**

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This guide was approved by the Board for public distribution on 3 August 2007.

While the NZHPT acknowledges the contribution of other agencies and organisations, the opinions and views expressed in this guide are those of the NZHPT only.

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# 1. Resource Consents and Historic Heritage

Resource consents are a decision-making procedure managed by local government under the RMA. Like all decisions made by government, the resource consent procedure and practice is guided by the principles of administrative law. This means that decisions may be challenged via judicial review on the grounds of illegality (acting outside the scope of power or getting the law wrong), unfairness, and unreasonableness.<sup>1</sup> Judicial review can take place only where all other procedural options under the RMA have been exhausted.

The RMA is designed to promote integrated decision-making. This means that resource consent decisions can take into account a wide range of matters: economic, environmental, social, and cultural in relation to assessing adverse effects on the environment.

Resource consents may relate to historic heritage in two ways. Firstly, a rule in a district plan may trigger the need for consent, for example, to allow proposed alterations to a listed heritage building. Secondly, heritage-related matters may be part of an application where the consent is required by other non-heritage requirements, such as subdivision or a height restriction.

The RMA states that the protection of historic heritage from inappropriate subdivision, use and protection shall be recognised and provided for. This includes when making decisions on resource consents.

To achieve this, it is important that resource consent decisions:

- Are made on the basis of sufficient information, including a well documented heritage assessment where a heritage resource is, or could be affected.
- Are made with adequate public participation and that affected parties are identified and consulted.
- Provide for Part II of the RMA, including the protection of historic heritage as a matter of national importance and the principles of the Treaty of Waitangi.

The following guidance is designed to complement the existing guidance published by the NZHPT on resource consent procedures as outlined in the *Heritage Management Guidelines for Resource Management Practitioners, 2004*.

## 2. Pre-application

### 2.1 Public Information

As for all resource consents, high quality information needs to be available for the public about consent processes involving historic heritage. The Quality Planning website guidance provides ideas on a wide range of pre-application information including pamphlets, newsletters and feature articles. Suggested topics for public information may include:

- How do I find out if my property has historic heritage values?

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<sup>1</sup> For further information regarding judicial review, see Crown Law, *The Judge Over Your Shoulder, A Guide to Judicial Review of Administrative Decisions*, 1 March 2005

- What does heritage listing mean?
- As an owner of a historic place, what do I need resource consent for?
- How do I obtain resource consent?

Local authorities can also ensure that prospective applicants are provided with information about any incentive schemes, including the NZHPT's National Heritage Preservation Incentive Fund.

It is important that at the early stages of a consent application, the prospective applicant gains a clear understanding about the differences between registration under the Historic Places Act 1993 and listing in plans under the RMA, the archaeological authority process under the Historic Places Act 1993, and the relevant legal requirements.

Some local authorities, such as Kapiti Coast and Horowhenua District Councils, have developed pamphlets for developers about archaeological sites and the archaeological authority process.

Auckland Regional Council has prepared an information sheet on *Assessing Effects on Cultural Heritage* for prospective resource consent applicants:

Local authorities can obtain copies of the NZHPT's archaeological guidance pamphlets for distribution to the public. These pamphlets are available by contacting NZHPT or downloading from:

[http://www.historic.org.nz/heritage/archsites\\_intro.html](http://www.historic.org.nz/heritage/archsites_intro.html)

## **2.2 Site Visit**

For resource consent applications that have substantial historic heritage implications, a site visit is an important first step in the pre-application resource consent process. The site visit should facilitate 'face to face' communication between the local authority and the prospective applicant and ensure that both the local authority and the prospective applicant have clear understanding of the issues, the required consent information, and the consent process.

Generally, the local authority visiting team should be led by the consents planner who will be dealing with the application. It often pays for the consents planner to check with the relevant policy planner who may be familiar with the heritage values or significance of the place.

It is often the case that the NZHPT will be an affected party and will be providing advice to both the prospective applicant and local authority. The NZHPT may also be involved in terms of the archaeological authority process. It is therefore good practice to facilitate a joint local authority-NZHPT visit to the site if this is possible.

Visiting officers should be careful to limit verbal advice on the consent process and avoid giving opinions on substantive consent decisions such as the likelihood of NZHPT supporting the application or not.

## 3. Assessment of Effects on the Environment

### 3.1 Sufficient Information

With regard to resource consents that affect historic heritage, local authorities should receive sufficient information to understand:

- The heritage significance of the place.
- The proposed work.
- The likely adverse and positive effects on heritage values or outcomes of the proposed work.

Procedures to ensure sufficient information are provided for under sections 88 and 92 of the RMA and guidance is available on the Quality Planning website:

<http://www.qualityplanning.org.nz/consents/req-info.php>

### 3.2 AEE/Heritage Impact Assessment

An applicant must include, in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.<sup>2</sup> In addition to the matters outlined in clauses 1, 1A, and 1AA of Schedule 4, all AEE relevant to historic heritage should consider 'any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations'.<sup>3</sup> Guidance on preparing a basic AEE is available from MFE:

<http://www.mfe.govt.nz/publications/rma/aee-guide-aug06/index.html>

The AEE for historic heritage can be provided by the preparation of a heritage impact assessment. The heritage impact assessment provides an assessment of the heritage-related effects of a proposed activity on heritage values and provides an outline of the reasoning behind the stated position. It is often the case that a proposal involving historic heritage will require the engagement of specialist advice from a conservation architect, landscape architect, archaeologist or heritage planner.

The heritage impact assessment is to be incorporated into the AEE and should include:

- Description of site and values.
- Photographic documentation.
- Plans (drawings, outline, elevations, subdivision as appropriate, see example from UK in text box).

The heritage impact assessment should state: what heritage place is affected or involved (i.e. listed Group A historic building and registered Category I historic place); what work or changes are proposed; the principles that guide the assessment (i.e. district plan objectives, ICOMOS NZ Charter); any special statutory or policy implications; and how the proposal measures up to the regional and district plan standards. The heritage impact assessment will conclude by providing a summary of the positive or negative effects of the proposal and outlining recommendations.

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<sup>2</sup> Sec 88(2)(b), RMA

<sup>3</sup> clause 2(d), Schedule 4, RMA.

The heritage impact assessment should include the following sections:

<b>The Heritage Impact Assessment</b>	
Introduction	The introduction should include a description of the process of preparing the heritage impact assessment and any consultation.
Statement of significance	Describes the heritage place that is affected the proposal and the significance of the place. It should refer to an address (any relevant other geographic reference) and any heritage identifier (i.e. NZAA No.)
Proposed work	Provides an outline of the proposed work and reference to any plans and drawings
General principles	Provides an outline of the main principles that guide the assessment (i.e. district plan objectives, ICOMOS NZ Charter)
Statutory or policy implications	Provides a discussion on any relevant statutory or policy implications such as special legislation, archaeological authority requirements, Maori heritage implications, heritage orders, etc
Detailed assessment	Assessment of the proposed work according to plan standards or other best practice standards.
Recommendations	
Appendix	The appendix will include plan and photographic documentation

The NZHPT maintains a Statutory Advocacy Manual which provides guidance to NZHPT staff on the preparation of heritage impact assessments in relation to the Historic Places Act 1993. For further information on preparing heritage impact assessments, contact your nearest NZHPT office.

### **Plan Information Requirements for Historic Buildings: Guidance from the UK**

#### **Location Plan**

- No smaller than 1:2500, usually 1:1250 though 1:500 where necessary Metric scales only.
- North point, date and number.
- Outline the application property, and indicate any adjoining property owned or controlled by the applicant.
- Show the application property in relation to all adjoining properties and the immediate surrounding area, including roads.
- Show vehicular access to a highway if the site does not adjoin a highway.

#### **Details of existing site layout**

- Scale, typically 1:200
- North point, date and number on plans
- Show the whole property, including all buildings, gardens, open spaces and car parking.
- Tree survey, where appropriate.

#### **Details of proposed site layout**

- Scale, typically 1:200
- North point, date and number on plans.
- Show the siting of any new building or extension, vehicular/pedestrian access, changes in levels, landscape proposals including trees to be removed, earthworks, new planting, or altered boundary walls and fences, and new hard-surfaced open spaces.
- Show proposals in the context of adjacent buildings.

#### **Floor plans**

- Scale 1:50 or 1:100
- In the case of an extension, show the floor layout of the existing building to indicate the relationship between the two, clearly indicating what is new work.
- Show floor plans in the context of adjacent buildings, where appropriate.
- In the case of minor applications it may be appropriate to combine the layout and floor plan (unless any demolition is involved).
- Include a roof plan where necessary to show a complex roof or alterations to one.

#### **Elevations**

- Scale 1:50 or 1:100 (consistent with floor plans).
- Show every elevation of a new building or extension.
- For an extension or alteration, clearly distinguish existing and proposed elevations.
- Include details of materials and external appearance.
- Show elevations in the context of adjacent buildings, where appropriate.

#### **Cross sections**

- Scale 1:50 or 1:100 (consistent with floor plans)
- Provide these if appropriate.

#### **Photographs**

- As appropriate to show the existing character of the place.<sup>4</sup>

### **3.3 Specialist reports**

In addition to the heritage impact assessment and basic information, it may also be appropriate to request:

- Drawing perspectives
- Archaeological assessment
- Cultural impact assessment
- Landscape, and/or urban design assessment
- Conservation Plans
- Other specialist reports

Clearly, an assessment of sufficiency of information will be carried out on a case by case basis with regards to the nature and size of the development proposal and the heritage resource concerned.

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<sup>4</sup> Adapted from DETR, *By Design Urban Design in the Planning System: towards better practice*, CABE, 2000

## **Drawing perspectives**

Drawing perspectives are particularly important for alterations, additions, and new buildings. These are often prepared using CAD (computer assisted drawing) or using photo simulations. All photo simulations or drawing perspectives should be subject to checking or peer review to ensure integrity under the examination of local authority hearings and the Environment Court.<sup>5</sup> New developments and subdivisions should be accompanied by GPS plots.

## **Archaeological assessment**

An archaeological assessment is prepared by a professional archaeologist. The assessment may involve an archaeological survey which involves a search of a particular area for archaeological sites. The assessment will identify existing recorded archaeological sites, and any newly discovered sites, assess their archaeological and heritage values, and consider the effect of the development on the archaeological sites. Opportunities to avoid or minimise adverse effects should also be considered. The NZHPT has published guidance on the preparation of archaeological assessments:

[http://www.historic.org.nz/heritage/archsites\\_intro.html](http://www.historic.org.nz/heritage/archsites_intro.html)

For a list of consulting archaeologists visit the NZ Archaeological Association's website [www.nzarchaeology.org](http://www.nzarchaeology.org). Please note that any archaeological work required as a condition of an authority must be undertaken by an archaeologist who has been approved by the NZHPT under section 17 of the Historic Places Act 1993. There are different specialities in archaeology, for example, historic archaeology, so not all consultants may have the skills needed for your project.

## **Cultural Impact Assessments**

Cultural impact assessments document Māori cultural values and the potential impact of the proposed activity on these values. They often outline the effect of a particular activity on historic heritage places and areas from the view of the tangata whenua. Guidance on cultural impact assessments is available from the Quality Planning website:

<http://www.qualityplanning.org.nz/consents/cultural-impact-assessment.php#question1>

## **Landscape, and/or urban design assessment**

Landscape or urban design assessments are particularly important when a proposed activity may affect a townscape, streetscape, or landscape with cultural significance. Urban design assessments are specialist reports prepared by professional urban designers. In relation to historic heritage, these reports should also be informed by heritage professionals such as a conservation architect. The Urban Design Toolkit provides information about the preparation of urban design assessments:

<http://www.mfe.govt.nz/issues/urban/design-protocol/toolkit.html>

Landscape assessments are specialist reports prepared by professional landscape architects. The New Zealand Institute of Landscape Architects provides information about engaging a landscape architect: [http://www.nzila.co.nz/index\\_home.asp](http://www.nzila.co.nz/index_home.asp). As with urban design assessments, heritage landscape assessments should be informed by heritage professionals such as a conservation architect or archaeologist.

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<sup>5</sup> See *Gannet Beach Adventures Ltd v Hastings District Council*, W90/2004

## **Conservation Plans**

**[Reproduced from Ministry for Culture and Heritage, *Heritage Management Guidelines*, November 2005, prepared by Four Decades Conservation]**

A conservation plan sets out a general strategy for the long life of a place. It is a document containing all the reasonably accessible information that can be found about a heritage place.

It would normally include (where appropriate) title information about the land; maps, sketches and plans; recent photographs; original architectural drawings and specifications; materials used in its construction; historical photographs; information about the people who designed, built and used the building and changes to the place over time. From this base of information, an assessment of the reasons why the heritage place is important should be undertaken. For buildings and structures, a hierarchy of importance of the various parts of it can be established; this is particularly relevant if the place has been added to and altered over a long period of time. Policies to ensure the preservation of the essential qualities of the place, and for the future development that define the limits of acceptable change, can then be established.

### *Content*

Typically, a conservation plan will include:

- A history of the heritage place and people associated with it.
- Description of the place.
- Assessment of significance, both of the place as a whole and in its various components, features or spaces.
- Matters that should be taken into account in the conservation policy, including such things as the district plan, Building Act 2004, and Historic Places Act 1993 requirements.
- Conservation policy. By taking into account a) the heritage significance of the place, b) all other factors affecting the fabric, contents and setting of the place, and c) options for use, conservation policies should be developed which state how the conservation of place will best be achieved, both in the long and short term.
- Recommendations.
- A repair specification, unless deemed unnecessary at a particular place.

### *Skills for conservation planning*

Skills that may be needed in the preparation of a conservation plan may include those of archaeologist, historian, conservation architect, structural and services engineer, fire engineer, quantity surveyor, horticulturalist, and specialist materials conservators such as those dealing with stained glass, carvings, or wallpaper and paint finishes.

See *Guidelines for Preparing Conservation Plans*, Greg Bowron and Jan Harris, NZHPT, 2000. See also *The Conservation Plan, A Guide to the Preparation of Conservation Plans for Places of European Cultural Significance*, JS Kerr, National Trust of Australia.

## 4. Notification

Generally, the public has interest in historic heritage as it may have important values to the community at local, regional and sometimes national levels. Consent processes and procedures should be designed to adequately cater for this public interest. The RMA provides that, with the exception of controlled activities, the presumption is that an application will be publicly notified in accordance with section 93 unless the criteria for limited notification or non-notification are met.

The NZHPT recommends that categories for activities that may adversely affect historic heritage should be discretionary, non-complying or prohibited as outlined in Guide No. 3 (District Plans) of this series. Generally, the NZHPT considers that proposed activities should be notified if the activity has more than minor adverse effects on heritage values.<sup>6</sup> In addition, the NZHPT's guidelines states that it is good practice to notify a resource consent application where:

- The range of potentially affected parties cannot be identified.
- The proposal is in an area with public use or interest.
- The site has national significance that extends beyond the immediate locality of the application.

The Quality Planning website provides advice on deciding if a proposed activity is minor or more than minor:

<http://www.qualityplanning.org.nz/consents/notify.php#minor>

As noted on the Quality Planning website, a helpful strategy is to prepare a checklist for staff in assessing whether effects are minor or not.

Guide No. 3 (District Plans) of this guidance series contains a set of assessment standards for a range of activities which can be adopted to form part of a checklist for historic heritage.

For example, in relation to a proposed addition to a listed or registered historic place, a more than minor effect may be concluded from an addition that is not to the rear or set back from significant elevations including the roof elevations. Or that the new addition is not compatible in terms of materials, scale, size, proportions, and mass.

The views of the NZHPT and/or heritage professional should be obtained to inform a view on whether a proposed effect involving historic heritage is minor or more than minor.

Identifying affected parties is also an important consideration with regard to notification procedures. Affected parties in relation to historic heritage proposals will often comprise of:

- The owner and occupiers of the land.
- The owner and occupiers of adjacent or nearby land.
- Tangata whenua.
- The NZHPT.
- The relevant district and regional council.

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<sup>6</sup> NZHPT's *Heritage Management Guidelines for Resource Management Practitioners*, 2004, p 34

- Other relevant groups or organisations whose enjoyment of a place or area could be adversely affected (for example a historical society or Mainstreets group).

The NZHPT should be considered to be an affected party in resource consent applications that have adverse or positive effects on historic heritage. Generally, this will mean when a proposal is within, adjacent or in close proximity to:

- Any registered historic place, historic area, wahi tapu or wahi tapu area.
- Any item, place or area listed in a regional and district plan as having heritage value.
- Any historic reserve or NZHPT historic property.
- Any place subject to a heritage covenant, heritage order or requirement for a heritage order.

In addition, the NZHPT expects to be treated as an adversely affected party under the RMA in consequence of its statutory role under the Historic Places Act 1993 to protect archaeological sites. This means, the NZHPT expects to be an adversely affected party, consulted, and served notice of:

- Any work within, adjacent, or in close proximity to an archaeological site.
- Any large-scale earthworks (e.g. quarries, mining, roading).
- Any ground disturbance in locations known to be intensively occupied pre-1900.
- Any subdivision that may affect historic heritage values.

Local authorities may notify a consent application if special circumstances exist as provided for under section 94C of the RMA. Special circumstances have been identified as circumstances that are unusual or exceptional, but may be less than extraordinary or unique.<sup>7</sup> Historic heritage proposals may often raise circumstances that could be considered unusual or exceptional and, therefore, notification under section 94C may be appropriate.<sup>8</sup>

## 5. Resource Consent Decision-making

Section 104 of the RMA sets out the considerations for local authorities when making decisions on resource consent applications. The consent authority must, subject to Part 2, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of –
  - (i) a national policy statement;
  - (ii) a National coastal policy statement;
  - (iii) a regional policy statement or proposed regional policy statement;
  - (iv) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

As part of Part II of the RMA, consent authorities must ensure that they have regard to all heritage-related matters related to an application.

<sup>7</sup> *Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529 (Court of Appeal)

<sup>8</sup> *Serious about Heritage Society Inc v Wellington City Council* (HC Wellington), CIV-2003-4850841, June 2003, Young J.

The range of heritage-related matters will include:

- Historic heritage as a natural and physical resource as part of the purpose of the RMA.
- The social, economic and cultural environment.
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)), the Treaty of Waitangi (section 8) and other relevant values relating to Maori heritage.
- Historic heritage as a matter of national importance under section 6(f).
- Other relevant section 7 matters such as kaitiakitanga, ethic of stewardship, efficient use and development of natural and physical resources, amenity values, maintenance and enhancement of the quality of the environment, finite characteristics of natural and physical resources.
- Any actual or potential effects on the historic environment.
- Any heritage-related relevant provisions of a national policy statement, including the NZ National Coastal Policy Statement.
- Any heritage-related provisions of the regional policy statement.
- Any heritage-related provisions of the regional or district plan.

In addition, section 104 allows the consent authority to consider other matters that are considered relevant and reasonably necessary to determine the application. While these matters are decided on a case-by-case basis, they will often include:

- Design guides.
- Specialist assessments (i.e. engineering assessment).
- Historic Places Act 1993.
- ICOMOS NZ Charter.
- Any relevant heritage policy and/or strategy.
- Any relevant conservation plan or reserve management plan.
- Best practice guidelines (including NZHPT guidance).

## **6. Resource Consent conditions**

### **6.1 Overview**

A resource consent may be granted on any condition that the consent authority considers appropriate.<sup>9</sup> Sections 108-112 of the RMA (and for subdivisions see section 220 RMA) outline provisions relating to consent conditions. These provisions include specific requirements relating to covenants (sec 109 RMA).

Best practice guidelines for preparing consent conditions are at:

<http://www.qualityplanning.org.nz/consents/conditions-res-con.php>

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<sup>9</sup> Sec 108(1), RMA

For subdivision consents, a consent notice may be required as a condition of consent. A consent notice is an instrument creating an interest in the land and may be registered on the land title under the Land Transfer Act 1952. When it is registered under the Land Transfer Act, a consent notice acts as a covenant (section 221(4) RMA).

Consent conditions must be within Council's powers under the RMA and cannot require actions under other legislation, for example 'that the applicant applies for a section 11 or 12 archaeological authority under the Historic Places Act 1993.'

A wide range of historic heritage-related conditions may be included in a resource consent decision. The conditions should be designed for the particular consent on a case-by-case basis. Common consent conditions for heritage buildings include:

- Preparation of a conservation plan and for works to proceed according to a conservation plan.
- Preparation of specialist reports, such as an engineering assessment.
- Repair, maintenance and restoration works.
- Structural repairs, including earthquake strengthening.
- Matters relating to materials and design (i.e. specifying a particular type of roofing material).
- Matters relating to standards of workmanship.
- Heritage covenants (see below).
- Supervision by a conservation architect or other heritage professional.
- Use of heritage colour schemes.
- Monitoring.

## **6.2 Archaeological sites and consent conditions**

Archaeology-related resource consents raise particular consent condition matters and need to be designed to avoid duplication with the archaeological authority provisions of the Historic Places Act 1993. It is important that any consent conditions for archaeological sites are discussed with the appropriate NZHPT archaeologist to ensure conditions are not imposed that are in conflict with any requirements under an existing archaeological authority or the provisions of the Historic Places Act 1993.

The following outlines some common conditions in relation to archaeological sites.

### **Accidental Discovery of Archaeological Sites**

The NZHPT supports conditions, where appropriate, that sets out a process that should be followed in the event that unknown archaeological sites are discovered during earthworks. Advice from the NZHPT should be sought on the appropriate wording of such conditions. It is important that in all cases, the NZHPT is informed in the event of a discovery of an archaeological site.

## **Building Location, Design, and Construction Details**

Conditions may be imposed to ensure that earthworks are located away from archaeological sites, for example, by specifying the location of building sites, driveways and other earthworks within a proposed subdivision. It is important to reference these conditions to the proposed subdivision scheme plan (including plan details: date, plan number).

## **Remedial Work**

Any proposed remedial work such as fencing, tree planting or vegetation management can be conditional to ensure the proposed mitigation methods are implemented.

Any remedial works should be considered in the archaeological assessment and discussed with the regional archaeologist. An archaeological authority may be required for remedial works.

## **Covenants**

Covenants are a restriction on the use of land and are registered pursuant to the Land Titles Act 1952. Covenants can be an excellent method of protecting a site for future generations. Their success depends to a large extent on the good will and understanding of the current and future landowners. Potential conflicts may arise between the management of natural and historic heritage values in covenanted areas and require careful consideration. Different types of covenants include:

1. Heritage Covenants (sec 6 Historic Places Act 1993)
2. Open Space Covenants (sec 22 QE II National Trust Act 1977)
3. Protective Covenants (sec 18 Crown Forests Assets Act 1989)
4. Conservation Covenants (sec 77 Reserves Act 1977/sec 27 Conservation Act 1987)
5. Protected Private Land Agreements (sec 76 Reserves Act 1977)
6. Nga Whenua Rahui Kawenata (sec 77A Reserves Act 1977/sec 27A Conservation Act 1987)

There may be the opportunity for archaeological sites to be included in any land set aside as a reserve contribution or esplanade reserve. However, the inclusion of such sites within esplanade reserves does not guarantee physical protection and site management issues need to be integrated into reserves maintenance activities.

## **Consent conditions for subdivision plans**

Part 10 of the RMA outlines the process of subdivision approval, including:

1. Resource consent for subdivision is obtained (sec 221, RMA)
2. Completion certificate may be obtained (sec 222, RMA)
3. Survey Plan approval (sec 223)
4. Deposit of Survey Plan under the Land Transfer Act 1952
5. Issue of certificates of title for subdivision, Land Transfer Act 1952

In addition, section 220 RMA outlines a variety of consent conditions that may be included on an approved consent. Importantly, section 220(1)(c) empowers the consent authority to enter a condition that any 'allotment be subject to a requirement as to the bulk, height, location, foundations, or height of floor levels of any structure on the allotments.' These provisions can be adopted to ensure the locations of elements such as building platforms and roads can be designed to avoid archaeological sites.

Consent conditions can include buffer areas around archaeological sites. Specialist archaeological advice should be sought to determine appropriate buffer areas, which should be practical and designed in the context of the landscape.

An example of a condition requiring the identification of archaeological sites and protective buffers:

- The applicant is required to engage a surveyor and archaeologist to prepare a detailed plan showing the extent and boundaries of all recorded archaeological sites, incorporating a 10 meter buffer area around the outer edge of the recorded archaeological sites.
- The plan showing the recorded archaeological sites and the buffer areas is to be incorporated into the survey plan.
- Prior to submitting the survey plan to Council under section 223 of the RMA 1991, the applicant should provide a copy of the survey plan to the NZHPT for its information.

### **6.3 Advice Notes**

Generally, all consent notices should include an advice notice to ensure the applicant is aware of the requirements of other legislation affecting heritage places including the Historic Places Act 1993.

Advice Note Examples:

#### **Advice note where archaeological sites will be affected by consent activity:**

This proposal will affect recorded archaeological site(s). Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

#### **Advice notes where archaeological sites may be affected by consent activity:**

There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the New Zealand Historic Places Trust for further information. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work prior to commencement. It is an offence to damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage

#### **Advice notes where unrecorded archaeological sites are possible:**

It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact the New Zealand Historic Places Trust if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Historic Places Act 1993. If any activity associated with this proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from the New Zealand Historic Places Trust must be obtained for the work to proceed lawfully. The Historic Places Act 1993 contains penalties for unauthorised site damage.