

10. Heritage Resources and Notable Trees

Introduction

Historic heritage are the natural and human made features of the landscape that combine to give people a sense of place and are valued for providing a connection with our past. Heritage resources include historic buildings, places and sites; heritage trees, places or sites of significance to Marlborough's tangata whenua iwi; and archaeological sites. These resources collectively contribute to environmental quality and community wellbeing in many ways. In addition, some trees may also contribute to amenity values.

Within Marlborough there are a variety of important heritage resources reflecting a rich and varied cultural history. This includes a long history of occupation by Māori and a legacy left by early exploration (e.g. Cook's visits), settlement and extractive industries, including agriculture, flax milling, logging, mining and whaling. What is exciting about Marlborough, in the heritage sense, is the number of New Zealand firsts and the diversity of heritage resources. While there may be more iconic heritage examples in other parts of New Zealand, Marlborough possibly contains the best overall combination of sites with historic heritage value. Some of Marlborough's heritage resources are nationally significant, such as the history of Māori occupation at the Wairau Bar or the ship Edwin Fox in Picton Harbour. Many other heritage resources are either significant for the district or for local communities. Sites of historical or cultural value are also becoming increasingly important as tourism in Marlborough grows, bringing with it the advantage of commercial support for the enhancement of historic heritage.

Most people wish to retain the heritage of the past, not only for themselves but also for those generations to come. Protection of heritage resources is one of the duties of stewardship that the Council accepts as being essential for the District.

Heritage New Zealand is the agency that manages heritage resources on a national basis. This autonomous Crown Entity administers the New Zealand Heritage List/Rārangi Kōrero, which informs property owners and the public about New Zealand's historic places. It also investigates and processes proposals for new additions to the List. It is also important to note that Heritage New Zealand retains regulatory responsibilities regarding archaeological sites. Any modification or destruction of a known or unknown archaeological site requires an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 and Heritage New Zealand processes applications for such authorities.

The protective mechanisms for places or sites listed on the List are administered by local authorities through district plans prepared under the RMA. This reflects Section 6(f) of the RMA which requires the Council to recognise and provide for protection of historic heritage from inappropriate subdivision, use and development. Local authorities can also protect unregistered heritage resources that are significant to the district, or to local communities within it.

Indigenous biodiversity is also a heritage resource. Habitats of indigenous fauna and areas of indigenous flora make a significant contribution to Marlborough's unique natural heritage. However, protecting and maintaining indigenous biodiversity is a significant issue in its own right and has been dealt with in Chapter 8 - Indigenous Biodiversity of Volume 1 of the Marlborough Environment Plan (MEP).

Notable trees also add to the amenity and character of the district, including individual indigenous and exotic trees and stands of trees, which are located on both public and private land. These trees are often a landmark, a rare or important species, or commemorate an important local event or are in accordance with accepted valuation methods. Some trees are also of particular historic heritage value such as the titoki tree located on the banks of the Tuamarina River used to secure waka at

Commented [1]: Clause 16

the time of the Wairau Affray. The listing of notable trees in the MEP enables an assessment process to be put in place for activities that may affect the tree and also raises community awareness of the contribution such trees make to the district.

Issue 10A – Marlborough’s historic heritage may be lost or adversely affected by changes in land use and land use management practices.

Marlborough’s historic heritage is vulnerable to the inappropriate use and development of natural and physical resources. Changes brought about as a result of resource use can involve the demolition, relocation or modification of heritage resources. These changes have the significant potential to either completely eliminate or otherwise reduce the historic heritage values of the heritage resource.

Archaeological sites are particularly vulnerable to land disturbance, as they tend to be buried and excavation at, or in close proximity to, the site can unearth the object of significance and its archaeological context. If appropriate action is not taken, the heritage resource can potentially be modified or destroyed. For archaeological sites that have a connection to Marlborough’s tangata whenua iwi, such adverse effects can also cause a serious cultural affront to the mana of an iwi.

A lack of knowledge about the location, extent and values of historic heritage creates risks that require management. For example, although past archaeological studies have revealed a little of the Māori and early European settlement patterns and culture, much more remains to be identified, researched and recorded. There will also be forgotten sites. The lack of awareness of the existence of a heritage resource makes the resource vulnerable to irreparable damage as a result of land use change.

Managing environmental change is a significant challenge as it recognises the needs of the community to develop and grow, while ensuring that heritage resources are retained for present and future generations. Protection of heritage resources does not necessarily mean that the heritage resource cannot be developed; some heritage resources, such as buildings, may be able to be reused or redeveloped in a way that enhances the heritage value. Intervention, in the form of alteration or addition, may also be required to actively protect the heritage resource. It is important to acknowledge that it can be difficult to balance safety objectives, especially in terms of fire and earthquake, with the retention of historic buildings. The earthquake risk presented by some historic buildings has resulted in their demolition in the past. Heritage resources can also be vulnerable because of a lack of care and maintenance.

[RPS]

Objective 10.1 – Retain and protect heritage resources that contribute to an understanding and appreciation of Marlborough’s and New Zealand’s history and cultures.

Historic heritage makes a significant contribution to the identity of Marlborough and provides us with a sense of time and place and who we are; and in doing so adds to the social and cultural wellbeing of our community. It is therefore important for heritage resources to be retained. However, retention alone does not necessarily ensure protection as many heritage resources, especially buildings, need to be maintained on an ongoing basis given their age. Where maintenance has not occurred or where past development has not taken into account a resource’s heritage values, heritage resources may need to be actively enhanced to improve the contribution they currently make to our social and cultural wellbeing. Use and development of a heritage resource is not precluded as long as it is not considered inappropriate. This objective also reflects the Council’s obligations under Sections 6(e) and 6(f) of the RMA.

[RPS, R, C, D]

Policy 10.1.1 – Manage Marlborough’s heritage resources in association with Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association,

Commented [2]: RESOLVED:

Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36

New policy: Recognise that some places, sites, buildings and structures have heritage values, but have not been included in Appendix 13. Heritage values and potential adverse effects on them shall be taken into account when considering resource consent applications.

By consent order dated 13 November 2022

Commented [3]: RESOLVED:

Te Rūnanga a Rangitāne o Wairau
ENV-CHC-2020-39

New policy: Provide a general policy which provides for heritage recognition and protection of areas, places or sites of cultural significance and value that are not included in Schedule 13.

By consent order dated 25 March 2022

Commented [4]: RESOLVED:

Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46

New policies: Identification of iwi sites not identified in the Plan; Protection for iwi sites not identified in the Plan

By consent order dated 25 March 2022

Marlborough’s tangata whenua iwi, other heritage organisations and the local community, including landowners.

Multiple agencies and groups are involved in the protection of Marlborough’s historic heritage. It is important that the actions of all are co-ordinated to ensure integrated management of heritage resources and to foster positive relationships between these agencies and groups. This policy signals that the Council will actively involve a wide range of groups and organisations in managing Marlborough’s heritage resources.

[RPS, R, C, D]

Policy 10.1.2 – Support community and landowner initiatives to retain and enhance heritage resources.

Local communities and landowners can initiate projects to retain and enhance heritage resources. The Council recognises and supports such proactive efforts as an effective way of not only protecting Marlborough’s historic heritage, but also creating a community awareness of this heritage.

[RPS, R, C, D]

Policy 10.1.3 – Identify and provide appropriate protection to Marlborough’s heritage resources, including:

- (a) historic buildings (or parts of buildings), places and sites;
- (b) heritage trees;
- (c) places of significance to Marlborough’s tangata whenua iwi;
- (d) archaeological sites; and
- (e) monuments and plaques.

This policy sets out those items and structures considered to be heritage resources in a Marlborough context, all of which make a significant contribution to our historic heritage. The policy also establishes the way that, in order to achieve Objective 10.1, these heritage resources should be protected. Protection in this context should be considered broadly: it includes the use of rules, so that the adverse effects of the demolition, relocation or modification of heritage resources can be considered through the resource consent process, but may also include things such as the use of heritage protection orders (legal protection), provision of assistance to undertake physical protection works, assistance for other heritage protection agencies and acting to improve the community’s awareness of heritage resources etc. The use of “appropriate” in the policy reflects the diversity of protection methods.

Note that the protection of heritage trees has been combined with the protection of trees that have amenity significance. See provisions under Objective 10.2 below.

[RPS, R, C, D]

Policy 10.1.4 – Identify heritage resources for scheduling in Appendix 13 of the MEP, including historic buildings, places, sites, monuments and plaques that meet one or more of the following criteria for significance or value:

- (a) have value as a local landmark, over a significant length of time;
- (b) have historic association or value with a person, idea or event of note, or has strong public association for any reason;
- (c) reflect past skills, design, style, materials, methods of construction or workmanship that would make it of educational or architectural value;
- (d) is a unique or rare heritage resource, or is a work of art;
- (e) is important to Marlborough’s tangata whenua iwi;
- (f) forms part of a precinct or area of heritage value;

Commented [5]: Clause 16

- (g) has the potential to provide knowledge of New Zealand history or public education of value; or
- (h) has symbolic commemorative value.

The criteria included in the policy will be used to identify heritage resources that require protection. In this way, the policy allows a schedule of heritage resources to be established. The schedule contains historic places, historic areas, wāhi tapu and wāhi tapu areas included in the New Zealand Heritage List/Rārangī Kōrero. Heritage New Zealand administers the New Zealand Heritage List/Rārangī Kōrero, which recognises the national significance of historic places, historic areas, wāhi tapu and wāhi tapu areas. Under the RMA the Council is required to have regard to any entry on the List in preparing its MEP. Heritage resources of local significance that meet the above criteria are also included. This schedule is included within the MEP in Appendix 13 and also has the added benefit of increasing the community’s awareness of historic heritage values in Marlborough. Other heritage resources that meet the criteria of the policy can be added to the schedule over time. Any such addition must first proceed through the First Schedule process of the RMA.

Note that for historic buildings, the area around the building (called the “defined setting”) may also contribute to its heritage significance. Where this is the case, it may be appropriate to also identify the surroundings as part of the heritage resource.

[RPS, R, C, D]

Policy 10.1.5 – Avoid adverse effects on the historic heritage values of Category A heritage resources identified in Schedule 1 of Appendix 13 and sites and places of significance to Marlborough’s tangata whenua iwi identified in Schedule 3 of Appendix 13.

Schedule 1 contains Category A historic buildings and structures (or parts of buildings or structures), places, sites, monuments and plaques. Category A means they are of special or outstanding significance. This is the same meaning as Category 1 historic places in the New Zealand Heritage List / Rarangi Korero. Schedule 3 identifies Sites and Places of Significance to Marlborough’s tangata whenua iwi. ~~Heritage resources sourced from the New Zealand Heritage List/Rārangī Kōrero are assigned either a Category I or Category II status. Heritage resources classified as Category I are nationally significant~~

Any loss or damage of, or significant change to, ~~a Category I heritage resource~~ an item contained in Schedule 1 or 3 would result in a significant and potentially irreversible loss of historic heritage that is important in a national context. For this reason, any adverse effects on the historic heritage values of ~~resources in Schedule 1 and 3~~ Category I resources must be avoided. This will see a prohibited activity rule that forbids the ~~loss or destruction~~ whole or partial demolition, or removal, of a Category A resource ~~in Schedule 1 and the whole or partial destruction of a resource in Schedule 3 of Appendix 13.~~

[RPS, R, C, D]

Policy 10.1.6 – Avoid adverse effects on historic heritage values from the demolition or partial demolition of Category B heritage resources identified in Schedule 2 of Appendix 13, except where the item is of danger to public safety and repair is not the best practicable option after having regard to the matters in Policy 10.1.8.

Demolition or partial demolition of Category B items should be avoided unless it is a matter of public safety and repairs cannot be achieved having regard to the matters set out in Policy 10.1.8.

[RPS, R, C, D]

Policy 10.1.7 – While the MEP seeks to avoid all adverse effects to heritage resources, where modifications are proposed to Category A and Category B heritage resources, or Sites and

Commented [6]: Transpower New Zealand Limited ENV-2020-CHC-68

Commented [7]: RESOLVED: Heritage New Zealand Pouhere Taonga ENV-2020-CHC-36 By consent order dated 25 July 2022

Commented [8]: Errata 19

Commented [9]: Errata 19

Commented [10]: Heritage New Zealand Pouhere Taonga ENV-2020-CHC-36 By consent order dated 3 November 2022

Places of Significance to Marlborough's tangata whenua iwi, the adverse effects of the modifications on the values of the resources should be avoided, remedied or mitigated.

Where modification is proposed to heritage resources identified in this plan, a resource consent will be required to enable assessment of the effects on the values of the specific resource. There may also be circumstances where there is a need for resource consent in respect of other listed heritage resources. Where this is the case, adverse effects on the historic heritage values are able to be avoided, remedied or mitigated after having regard to the matters in Policy 10.1.8.

[RPS, R, C, D]

Policy 10.1.8 – When assessing resource consent applications in relation to heritage resources included in Appendix 13, have regard to:

- (a) the contribution the heritage resource makes to the local or national identity and sense of place;
- (b) the effects on the historic heritage values of the heritage resource, including the relationship between distinct elements of the heritage resource and its surroundings;
- (c) the extent to which the adaptive reuse of a heritage resource enables reasonable and economic use of that resource;
- (d) the extent to which the work is necessary to enable the continued use of the heritage resource;
- (e) the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the heritage values of the heritage resource;
- (f) any cumulative effects, especially where the resource is part of a group of similar resources;
- (g) efforts by the applicant to retain important features of the heritage resource;
- (h) the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the heritage value of the resource;
- (i) the need for ongoing recognition of the significance of sites currently identified by monuments or plaques;
- (j) options for retaining a heritage resource when its demolition is proposed; and
- (k) for heritage resources on the New Zealand Heritage List/Rārangi Kōrero, the views of Heritage New Zealand.

This policy sets out the matters that the Council should have regard to when assessing any resource consent application with adverse effects on the historic heritage values of identified heritage resources. These matters are designed to ensure that the significance of the heritage resource is recognised and appropriately provided for in the decision making process.

Opportunities exist to retain and enhance historic buildings through the active use and adaptive reuse of the buildings. Where the use of a historic building is not permitted by the relevant zone rules (i.e. a land use consent is required for the activity irrespective of the historic heritage value of the building), this policy allows the Council to consider any positive effects of the use in determining the application. Reuse of heritage buildings may require modification to be made to the building. This creates the opportunity for the heritage value of a historic building to be enhanced, especially where the modifications are sympathetic to, or build on, existing heritage features.

Commented [11]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 3 November 2022

Commented [12]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 3 November 2022

[RPS, R, C, D]

Policy 10.1.9 – In addition to the matters set out in Policy 10.1.8, when assessing resource consent applications, in relation to sites of significance to Marlborough’s tangata whenua iwi included in Schedule 3 of Appendix 13, have regard to:

- (a) the effects on the heritage values of the heritage resource, including effects on the spiritual and cultural values of Marlborough’s tangata whenua iwi;
- (b) the position of the relevant iwi;
- (c) the views of Heritage New Zealand Pouhere Taonga;
- (d) any cumulative effects, especially where the resource or place is part of a group of similar resources or places;
- (e) efforts by the applicant to retain important features of the heritage resource, or spiritual and cultural values of Marlborough’s tangata whenua iwi; and
- (f) whether the activity can be undertaken at an alternative location on the same property or on another property owned by the applicant, where the adverse effects on the heritage resource or place can be avoided.

This policy sets out the matters that the Council should consider when assessing any resource consent application with adverse effects on the historic or cultural heritage values of an identified area or place of significance to Marlborough’s tangata whenua iwi. These matters are designed to ensure the cultural and spiritual significance of the site or area is recognised and appropriately provided for in the decision making process.

[R, C, D]

Policy 10.1.9A - Recognise that there may be some places, sites, buildings, and structures that have historic heritage values, but have not yet been included in Appendix 13. Potential adverse effects on any historic heritage values identified through the resource consent process should be avoided, remedied or mitigated.

This policy recognises that there may be some heritage resources that could not reasonably be known to be present and as such may not be included in Appendix 13. The lack of identification in Appendix 13 does not necessarily mean that these heritage resources do not have significant historic heritage values.

Where unknown heritage resources are identified, decision makers should consider the criteria for significance or value set out in Policy 10.1.4 when determining whether a place or site, building or structure has historic heritage values that should be recognised under this policy. Should it be determined that the place or site, building or structure would meet the criteria for inclusion in Appendix 13, decision makers should have regard to policy 10.1.8 when considering resource consent applications.

Archaeological sites and sites and places of cultural significance to Marlborough’s tangata whenua iwi

[RPS, R, C, D]

Policy 10.1.10 – Except as set out in Policy 10.1.12, and the Schedule of Archaeological Requirements in Appendix 13, Schedule 5, primarily rely on Heritage New Zealand and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites within Marlborough.

There are dual management responsibilities for the management of historic heritage in New Zealand (especially for archaeological sites), with both Heritage New Zealand and local authorities involved. Given the specific regulatory protection provided to archaeological sites through the Heritage New Zealand Pouhere Taonga Act 2014, the Council considers it an inefficient use of resources to create a dual consenting process in respect of archaeological sites. An additional consenting process under the RMA would provide no measurable additional protection of the archaeological site. Archaeological sites are important in a Marlborough context and the Council will actively support

Commented [13]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 July 2022

Commented [14]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 3 November 2022

Heritage New Zealand's regulatory protection of these sites through the provision of a range of non-regulatory methods and in the processing of resource consent applications.

[RPS, C, D]

Policy 10.1.11 – Work with Marlborough's tangata whenua iwi, and in liaison with Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association to develop and implement an appropriate accidental discovery protocol for archaeological sites which may be included as a condition of consent on relevant resource consent decisions.

Given the long history of Māori and more recent European settlement in Marlborough, it is likely that there are many unrecorded archaeological sites beneath the ground. Such sites can be unearthed as a result of land disturbance activities and there are legal requirements under the Heritage New Zealand Pouhere Taonga Act 2014 that apply in such circumstances. However, the person undertaking the work may not be familiar with these requirements or be aware that the site is of significance as an archaeological site; for this reason, the Council will liaise with Heritage New Zealand Pouhere Taonga, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi to establish protocols to guide appropriate action in the event of a discovery of an archaeological site. In some instances, cultural impact assessments and cultural monitors will be required to ensure the appropriate management of values, artefacts and koiwi. In developing the protocols it is acknowledged that iwi may have different approaches to Accidental Discovery Protocol. These protocols will be published and provided to the community.

[R, C, D]

Policy 10.1.12 – Control land disturbance activities in sites and places of significance to Marlborough's tangata whenua iwi, identified in Schedule 3 of Appendix 13.

Policies 10.1.10 and 10.1.11 guide how the Council will assist in the protection of archaeological sites in Marlborough. Policy 10.1.12 enables activities that potentially adversely affect sites identified in Schedule 3 to be assessed. Māori occupation of Marlborough in the past was extensive and not all sites of spiritual or cultural significance to Marlborough's tangata whenua iwi will be known and/or recorded. It also means that the significance cannot necessarily be attributed to a discrete site. For this reason, the policy applies to identified sites and places of significance in Schedule 3. Land disturbance within these places is to be controlled through regional and district rules so that the potential impact of excavation, filling or vegetation removal on the mana of the relevant iwi can be assessed. This will enable Marlborough's tangata whenua iwi to exercise kaitiakitanga through involvement in the resource consent process as affected parties.

Issue 10B – Trees that contribute to Marlborough's historic heritage and/or amenity values are at risk of being removed or adversely affected.

Individual indigenous and exotic trees and stands of trees contribute significantly to Marlborough's character and the amenity values that the community enjoys. Some trees also have historic heritage significance because they commemorate an important local event, serve as an important local landmark or have an association with a well-known public figure.

The contribution that notable trees make to historic heritage and amenity would be lost if they were to be adversely affected, harmed or felled. This may occur where a notable tree has become an impediment to the use or development of a site or has become a nuisance (e.g. through size, blocking of sunlight or leaf fall). Ignorance of the heritage or amenity value that the community places on the tree increases the risk that it could be felled. Sometimes the removal of a notable tree is unavoidable, especially if it is dying, diseased or creates a threat to public safety. Maintenance pruning of notable trees can also pose a threat, as such work could damage the tree or adversely affect the essential qualities for which the tree is valued.

Other activities undertaken in close proximity to notable trees create the potential for adverse effects. Activities of particular concern include excavation, laying of overhead or underground services and the construction of buildings.

Commented [15]: RESOLVED:
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
By consent order dated 25 March 2022

Commented [16]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 March 2022

Commented [17]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 5 July 2023

[RPS, D]

Objective 10.2 – Retain and protect trees that make a notable contribution to Marlborough’s character.

Trees which have significant heritage value or make a significant contribution to the character and amenity values of an area are to be retained, given the contribution they make to our social and cultural wellbeing. Retaining such notable trees ensures that current and future generations can continue to appreciate and benefit from these trees. This objective also reflects the Council's obligations under Sections 6(f) to protect those trees with historic heritage values from inappropriate subdivision, use and development and 7(c) of the RMA to have particular regard to the maintenance and enhancement of amenity values.

[RPS, D]

Policy 10.2.1 – Increase the community’s awareness of the contribution that trees make to historic heritage and/or amenity values by identifying trees that meet any of the following criteria for significance in the Marlborough Environment Plan:

- (a) any tree commemorating an important local event in Marlborough’s history, settlement and development;
- (b) any tree regarded as an important landmark and acknowledged as such for a significant period of time;
- (c) any tree that has historic association with a well-known public figure or has had strong public association for some reason;
- (d) any rare or important species;
- (e) any tree that accumulates a score greater than 150 points when using the Standard Tree Evaluation Method assessment system for amenity trees; and
- (f) a stand of trees conforming to any of the above.

The criteria included in the policy will be used to identify notable trees that require protection. Criteria (a) to (c) apply to heritage trees. Criteria (e) refers to an assessment process used to evaluate the amenity significance of trees. This assessment process rates the scientific, botanic, landscape, cultural and functional value of the tree, along with its size, age, condition and setting. Trees that accumulate a score of greater than 150 are considered significant for amenity reasons.

The use of the criteria in the policy allows an inventory of notable trees to be established. This inventory is to be included within the MEP as a schedule in Appendix 13 to increase the community's awareness of amenity and historic heritage values in Marlborough. Other notable trees that meet the criteria of the policy can be added to the inventory over time through the First Schedule process of the RMA.

[RPS, D]

Policy 10.2.2 – When considering resource consent applications to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree, have regard to:

- (a) the reasons for the identification of the notable tree or trees;
- (b) the effects of any pruning on the notable tree or proposed works in vicinity of the notable tree or trees;
- (c) the extent to which replacement trees (or other vegetation) are to be planted and maintained and whether those trees (or other vegetation) will provide for amenity values in time; and
- (d) whether replacement of trees will enhance indigenous biodiversity.
- (e) whether the proposed activity is related to the maintenance, construction, operation or upgrade of regionally significant infrastructure.

This policy describes matters that the Council should have regard to when assessing any resource consent application to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree. These matters are designed to ensure the heritage or amenity significance of the tree or trees is recognised and appropriately provided for in the decision making process. There is an opportunity for any adverse effects to be remedied through the provision of replacement trees.

[RPS, D]

Policy 10.2.3 – Consider approving any application to remove, trim or prune a notable tree or trees where:

- (a) the tree or trees are dying, diseased or have otherwise lost the essential qualities for which the tree was originally identified;
- (b) the tree or trees have become a danger to people;
- (c) the tree or trees are significantly restricting a particular use of the site that offers greater positive effects in terms of historic heritage or amenity values;
- (d) the tree or trees are restricting the ongoing operation of regionally significant infrastructure; or
- (e) the tree or trees are a significant cause of wilding tree spread affecting indigenous biodiversity.

There are circumstances where it will be appropriate to allow a notable tree to be removed, trimmed or pruned despite its contribution to historic heritage and/or amenity values. These circumstances are identified in (a) to (e) of the policy. In this way the policy recognises that trees can lose the essential qualities for which they are valued, create a risk in terms of public safety or otherwise unreasonably restrict the use of a site.

[D]

Policy 10.2.4 – Encourage and support landowners in retaining and protecting notable trees.

The Council will encourage and support the retention and protection of notable trees through the use of non-regulatory methods in addition to district rules. In this way, the policy recognises that proactive actions, including support for the owners of notable trees, can also be effective in ensuring notable trees are retained and protected in our surrounding environment.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R, C, D]

10.M.1 Identifying Marlborough's significant heritage resources and notable trees

The Council will identify significant heritage resources and notable trees within Appendix 13 of the MEP. Each individual resource or tree will be described in a schedule and included on planning maps.

Resources or notable trees identified will be those that meet the criteria in Policies 10.1.4 and 10.2.1 and/or those included on the New Zealand Heritage List/Rārangi Kōrero. Heritage resources and notable trees will be divided into the following Schedules:

Schedule 1: Category A Historic Buildings, Structures, Places, Sites and Areas

Schedule 2: Category B Historic Buildings, Structures, Places, Sites and Areas

Schedule 3: Sites and Places of Significance to Marlborough's Tangata Whenua Iwi

Schedule 4: Notable Trees

Schedule 5: HNZTPA Archaeological Site Requirements

Commented [18]: Clause 16

Commented [19]: Clause 16

Commented [20]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 July 2022

Commented [21]: RESOLVED:
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
New method: Iwi sites of significance
By consent order dated 25 March 2022

The relative heritage value of heritage resources recognised by the New Zealand Heritage List/Rārangi Kōrero will be included in the schedule. This will assist in the application of the policies of this chapter.

Assessment against the criteria will occur periodically. This will allow emerging heritage resources and notable trees to be added to the MEP, via plan change processes, on an ongoing basis.

The Standard Tree Evaluation Method (STEM) will be used to assess the value of individual trees and groups of trees. This method, developed by the Royal New Zealand Institute of Horticulture, uses a point system to rate 20 tree attributes in three general categories of condition, amenity and notable qualities.

Further information on each heritage resource or notable tree is held by the Council and is available to the public upon request.

Iwi Management Plans developed by Marlborough's tangata whenua iwi may identify areas of spiritual or cultural significance.

[RPS, R, C, D]

10.M.2 Rules

District and regional rules will be used to ensure that identified heritage resources and/or notable trees are appropriately protected.

A tree protection zone will be established to provide certainty with respect to the application of district rules seeking to protect notable trees from the adverse effects of activities undertaken in close proximity to them. The zone will take into account that the potential for adverse effects will vary depending on the size and dimensions of the tree.

Permitted activity rules will be used to enable responsible maintenance of heritage resources, to provide for interpretive signage and to enable minor trimming of notable trees.

Land disturbance not involving destruction in places of significance to Marlborough's tangata whenua iwi will be discretionary activities. This, in conjunction with affected party approval, will allow the adverse effects of the land disturbance on the spiritual and cultural values of the relevant iwi to be assessed.

A prohibited activity rule will apply to the partial demolition or demolition, or removal of Category A heritage resources or the destruction of Sites and Places of Significance to Marlborough's tangata whenua iwi.

[RPS, R, C, D]

10.M.3 Support

The Council will support, including financially, the protection and enhancement of heritage resources and notable trees included in the MEP in the following ways:

- *Waiving some or all resource consent and building consent application fees where the activity requiring consent will assist with the protection or enhancement of a heritage resource or notable tree;*
- *Providing grants on an annual basis to facilitate the protection of heritage resources/notable trees and/or the community's appreciation of the resources/trees;*
- *Providing funding to assist with the ongoing maintenance of notable trees where required.*
- *Offering rates remission opportunities where heritage resources are voluntarily protected.*

Commented [22]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 July 2022

Commented [23]: Errata 23

Commented [24]: Clause 16

Commented [25]: RESOLVED:
Heritage New Zealand Pouhere Taonga
ENV-2020-CHC-36
By consent order dated 25 July 2022

[RPS, C, D]

10.M.4 Liaison

The Council will liaise on an ongoing basis with the various agencies and groups involved in the protection of historic heritage in Marlborough to ensure that protection efforts, including education and promotion are co-ordinated. Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough's tangata whenua iwi and other heritage organisations are the key agencies and groups in this regard.

[D]

10.M.5 Discovery protocol

In conjunction with Heritage New Zealand Pouhere Taonga, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi, the Council will develop, maintain and implement a discovery protocol for archaeological sites where an archaeological authority has not been obtained. This will detail the procedures to be followed if any feature, artefact or human remains are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different iwi to enable people to make contact with the relevant iwi. The protocol will assist in ensuring that the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 can then be applied. The protocol will be included in Appendix 13 containing the Schedule of Archaeological Requirements.

[RPS, C, D]

10.M.6 Information

In conjunction with the New Zealand Archaeological Association, the Council will provide information on known archaeological sites in Marlborough. This will assist resource users to determine whether they need to approach Heritage New Zealand for an archaeological authority.

Information on property-specific heritage resources will be available to the public through the issue of LIMs.

From time to time, use information held on heritage resources to tell Marlborough's story.

[C, D]

10.M.7 Affected party status

Heritage New Zealand will be treated as an affected party in respect of any resource consent application involving a heritage resource also recorded in the New Zealand Heritage List/Rārangi Kōrero, or any resource consent application within a place of significance to one or more of Marlborough's tangata whenua iwi.

Marlborough's tangata whenua iwi will be treated as an affected party in respect of any resource consent application involving a wāhi tapu site or area, or any resource consent application within a place of significance to one or more of the iwi.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the heritage resource and notable tree provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the heritage resource and notable tree provisions.

Commented [26]: RESOLVED:
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
By consent order dated 25 March 2022

Commented [27]: RESOLVED:
Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
New AER: No loss of unidentified sites
By consent order dated 25 March 2022

Anticipated Environmental Result	Monitoring Effectiveness
<p>10.AER.1</p> <p>Heritage resources that make a significant contribution toward Marlborough's historic heritage are identified and protected.</p>	<p>An increase in the number of heritage resources included in the MEP.</p> <p>No loss of Category A heritage resources and no destruction of Schedule 3 heritage resources.</p> <p><i>Limited loss, if any of other heritage resources as measured through the grant of resource consent applications to modify such resources.</i></p> <p><i>The instances of archaeological site damage recorded by Heritage New Zealand Pouhere Taonga decrease.</i></p> <p>Maintain or improve resident satisfaction with the heritage activity of the Council as measured by customer satisfaction surveys.</p> <p>A review of the condition and extent of all heritage resources included in the MEP is completed and reported within ten years of becoming operative.</p>
<p>10.AER.2</p> <p>Notable trees that make a significant contribution towards Marlborough historic heritage and/or amenity values are identified and protected.</p>	<p>An increase in the number of notable trees included in the MEP.</p> <p>A review of the condition of all notable trees included in the MEP is completed and reported within ten years of becoming operative.</p>
<p>10.AER.3</p> <p>Greater public awareness of the contribution that archaeological sites, heritage resources and notable trees make to our social and cultural wellbeing.</p>	<p>Property-specific archaeological, heritage resource and notable tree information is made available to the public through the issue of LIMs.</p> <p>A reduction in the number of complaints of unlawful activity involving archaeological sites, heritage resources and notable trees.</p>