

Chapter 21. Heritage Rules

Guide to Rules

NOTE: The following table is intended as a guide only and does not form part of the District Plan. Refer to specified rules for detailed requirements. P refers to Permitted Activities, C to Controlled Activities, DR to Discretionary Activities (Restricted) and DU to Discretionary Activities (Unrestricted).

Buildings and Objects	Rule	P	C	DR	DU
Repairs and maintenance on listed buildings and objects	21A.1.1	•			
Internal additions and alterations to listed heritage buildings, with exceptions	21A.1.2	•			
Modification to any listed heritage building or object which do not meet Permitted Activity conditions, except modifications required to erect signage	21A.2.1			•	
Demolition or relocation of any listed heritage building or object	21A.2.1			•	
Additions to any existing building on a site which a listed heritage building or object is located, which extends the building footprint by more than 10% or adds an additional storey	21A.2.2			•	
Construction of any new building on a site which a listed heritage building or object is located	21A.2.2			•	
Any subdivision of a site which a listed heritage building or object is located	21A.3.1				•
Areas	Rule	P	C	DR	DU
Repairs and maintenance on buildings and structures within a heritage area and the maintenance of land comprising the heritage area	21B.1.1	•			
Internal alterations to buildings in a heritage area (subject to conditions)	21B.1.2	•			
Construction of any new building within a heritage area in a Residential Area (subject to conditions)	21B.1.2	•			
Earthworks within a heritage area (subject to conditions)	21B.1.3	•			
Construction of any new building, or modification of any existing building, on a site in a heritage area and that do not meet Permitted Activity conditions	21B.2.1			•	
Demolition or relocation of any building or structure within a heritage area, other than an identified non-heritage building or structure	21B.2.2			•	
Earthworks that do not meet Permitted Activity conditions	21B.2.3			•	
Subdivision of a site within a heritage area	21B.3.1				•
Trees	Rule	P	C	DR	DU
Minor trimming of a listed tree that will not adversely affect the health or appearance of the tree	21C.1.1	•			
Activities within the dripline of a listed tree (with exceptions)	21C.1.2	•			
The destruction, removal, partial removal, or trimming of any listed tree, that does not meet Permitted Activity conditions	21C.2.1				•
Any activity within the dripline of a listed tree that does not meet Permitted Activity conditions	21C.2.1				•
Signs	Rule	P	C	DR	DU
One sign less than 0.5m ²	21D.1.1	•			
Signs larger than 0.5m ²	21D.2.1		•		
Signs which do not meet Permitted Activity conditions	21D.3.1			•	
Maori Sites	Rule	P	C	DR	DU
The total or partial demolition, destruction, or removal of any listed site of significance to tangata whenua or other Maori	21E.1.1				•
Utilities	Rule	P	C	DR	DU
Activities involving utilities	23.0	•	•	•	•
Earthworks	Rule	P	C	DR	DU
Activities involving earthworks	30.0	•		•	•
Contaminated Sites	Rule	P	C	DR	DU
Activities involving contaminated sites	32.0	•		•	

Schedule of Appendices

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1	Mount Street Cemetery Heritage Area
2	Bridle Track, Kaiwharawhara
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4	Chest Hospital Heritage Area
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	Shed 35 – Waterloo Quay
	Maritime House – Waterloo Quay
	Wellington Railway Station – Bunny Street
	Victoria University – Kelburn Parade
	Thorndon Brewery Tower – Molesworth Street
7	Island Bay Village Heritage Area
8	Salisbury Garden Court Heritage Area
9	Aro Valley Shopping Centre Heritage Area
10	Berhampore (Rintoul Street) Shopping Centre Heritage Area
11	Hataitai Shopping Centre Heritage Area
12	John Street Intersection Shopping Centre (Newtown) Heritage Area
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21 HERITAGE RULES

21A HERITAGE RULES: BUILDINGS AND OBJECTS

These provisions apply to listed heritage Buildings and Objects throughout all parts of the city. Area-based rules apply unless it is specifically identified in the area-based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21A.1 Permitted Activities

The following activities are permitted activities provided that they comply with any specified conditions.

21A.1.1 Repairs and maintenance to listed heritage buildings and objects are a Permitted Activity.

Repairs and Maintenance are permitted as such work does not usually affect heritage values. Repairs and maintenance is defined in the definitions Section 3.10.

21A.1.2 Internal additions and alterations to listed heritage buildings except:

- buildings where the whole interior, or individual interior items have been specifically listed (and the work affects the listed interior items)
- structural strengthening or new floor levels which are visible from the exterior of the building

are Permitted Activities.

At present the listing of heritage buildings does not include interiors except where these are specifically identified. In some cases, particularly where structural strengthening is undertaken, interior work may be visible from outside the building. Where this occurs this is to be considered as a Discretionary Activity (Restricted) to enable the effects on heritage values to be assessed.

21A.2 Discretionary Activities (Restricted)

Section 21A.2 describes which activities are Discretionary Activities (Restricted) in respect of heritage buildings or objects. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in the following rules.

A decision on whether or not a resource consent application will be notified will be made in accordance with the provisions in the rules under 21A.2 or the provisions on notification in the Act. Where:

- a heritage building or object is subject to a heritage order from a heritage protection authority, Council will advise the authority that an application has been made.
- a heritage building or object is registered by the New Zealand Historic Places Trust, Council will advise the Trust that an application has been made.

21A.2.1 Any modification to any listed heritage building or object which is not a Permitted Activity, or the demolition or relocation of any listed heritage building or object, except:

- modifications required to erect signage (which require consent under rule 21D)

is a Discretionary Activity (Restricted) in respect of:

21A.2.1.1 Historic heritage

21A.2.1.2 Height, coverage, bulk and massing of buildings (to the extent that these affect historic heritage).

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.1.1 and 21A.2.1.2, where:

- work does not involve the modification of any part of the main elevation of any listed heritage building ;
- work does not extend the existing building footprint (at ground level) by more than 10% or add an additional storey (or stories) beyond the existing building envelope.

Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

Resource consent must also be sought and concurrently granted under the relevant area-based rules (if any).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to but will not be restricted to the following criteria:

21A.2.1.3 The extent to which the work significantly detracts from the values for which the building or object was listed.

21A.2.1.4 The extent to which proposals meet the provisions of any relevant Design Guide addressing additions or alterations to buildings of heritage significance.

21A.2.1.5	The nature, form and extent of the proposed work and the extent to which the work: <ul style="list-style-type: none"> retains the main determinants of the style and character of the building or object and in respect of buildings, particularly the street elevation. The Council seeks to ensure that modifications to street elevations are kept to a minimum, and if possible not altered at all. If necessary, preference shall be given to altering rear or secondary elevations. respects the scale of the original building or object. The Council seeks to ensure new work is not visually dominant, particularly where rooftop additions are proposed. is sympathetic in form, proportions, materials, colours and the patina of materials of the existing building or object. avoids the loss of historic fabric and the destruction of significant materials and craftsmanship. maintains the relationship of the building or object with its setting. respects the historic or other values for which the building was listed. 	
21A.2.1.6	Whether the restoration of former architectural design elements maintains a high level of authenticity. The Council will require evidence of the design of missing elements.	
21A.2.1.7	Whether the removal of existing unsympathetic additions to a building or object can be achieved without altering the significance of the building or object.	
21A.2.1.8	The extent to which the work is necessary to ensure structural stability, accessibility, and means of escape from fire and the extent of the impact of the work on the heritage values of the building. The Council will seek to ensure that in any case every reasonable alternative solution has been considered to minimise the effect on heritage values.	
21A.2.1.9	Whether in respect of work involving listed interiors or listed interior items, the original plan form of the building, the primary spaces and their sequential layout, and any significant architectural features and significant finishes are respected or conserved.	
21A.2.1.10	The extent to which the work is necessary to enable the continued use of the building.	
21A.2.1.11	Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.	
21A.2.1.12	Whether work is in accordance with a conservation plan prepared for the building or object and peer reviewed by the Council.	
21A.2.1.13	Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.	
21A.2.1.14	Whether there is any change in circumstances that has resulted in a reduction of the building's heritage significance since the building was identified in the plan	
21A.2.1.15	The extent to which the building or object has been damaged by fire or other human generated disaster or any natural disaster.	
21A.2.1.16	Whether it is necessary to save the building or object from damage or destruction arising from ground subsidence, landslip, flooding or other natural disaster.	
21A.2.1.17	Where relocation is proposed to enhance the development potential of land, whether this should override the heritage value of retaining the building or object in its original location.	
21A.2.1.18	Whether the relocated building or object will remain in the immediate vicinity or neighbourhood.	
21A.2.1.19	Whether the proposed site for the relocated building or object is appropriate and will assist in mitigating the loss of heritage values arising from the relocation.	
21A.2.1.20	Whether a heritage building or object is to be relocated to its original location or site and the appropriateness of the original location or site to accommodate the building or object.	
21A.2.1.21	Whether adaptive reuse of a listed building or object will enable the owners, occupiers or users of it to make reasonable and economic use of it.	
21A.2.1.22	The public interest in enhancing the heritage qualities of the City and in promoting a high quality, safe urban environment.	
21A.2.2	On a site on which a listed heritage building or object is located: <ul style="list-style-type: none"> Any modifications to the exterior of any existing building (that is not a listed heritage building) that extends the existing building footprint (at ground level) by more than 10% or adds an additional storey (or stories) beyond the existing building envelope; or The construction of any new building is a Discretionary Activity (Restricted) in respect of:	<i>Refer to the definition of 'site' in Section 3.10</i>
21A.2.2.1	Effects on historic heritage	

21A.2.2.2 Height, coverage, design, external appearance and siting and the bulk and massing of buildings (to the extent that these affect historic heritage).

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.2.1 and 21A.2.2.2. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

Resource consent must also be sought and concurrently granted under the relevant area-based rules (if any).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to but will not be restricted to the following criteria:

- 21A.2.2.3 The extent to which the proposal detracts from the values for which the building or object was listed.
- 21A.2.2.4 The relationship of the surroundings of the site to the listed heritage building or object.
- 21A.2.2.5 Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.

21A.3 Discretionary Activities (Unrestricted)

Section 21A.3 describes which activities are Discretionary Activities (Unrestricted) for Heritage buildings and objects.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. Where:

- a heritage building or object is subject to a heritage order from a heritage protection authority, Council will advise the authority that an application has been made
- a heritage building or object is registered by the New Zealand Historic Places Trust, Council will advise the Trust that an application has been made.

21A.3.1 Any subdivision of a site on which a listed heritage building or object is located, is a Discretionary Activity (Unrestricted).

Refer to the definition of 'site' in Section 3.10

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard, to but will not be restricted to the following criteria:

- 21A.3.1.1 The extent to which the proposed subdivision and any intended future development, or possible future development would adversely affect the heritage values of the listed heritage building or object.
- 21A.3.1.2 The extent of compliance with the Council's code of practice for land development.
- 21A.3.1.3 Whether controls (such as covenants) can be imposed on the new allotment to avoid remedy or mitigate the adverse effects of any future development of the subdivided land on the listed heritage building or object.

The subdivision of land or boundaries can significantly affect the heritage values of listed buildings or objects due to the development that may be facilitated by the different legal boundaries and the fact that Rule 21A.2.2 applying to development on the same site as a listed heritage building or object will not apply following a subdivision consent being granted and given effect to. Any subdivision has therefore been made a Discretionary Activity (Unrestricted) to ensure that heritage issues can be fully considered at the time of any application.

21B HERITAGE RULES: AREAS

These provisions apply to listed heritage areas throughout all parts of the city. Area-based rules also apply unless it is specifically identified in the area-based rules that an activity is to be exclusively covered by the heritage provisions.

Any listed building, object or tree within a heritage area will be assessed under the requirements of Rule 21A (Buildings and Objects) or 21C (Trees) and the rules in this chapter (21B Heritage Areas) will not apply to them notwithstanding their location within a Heritage Area. For the avoidance of doubt, any assessment of an application for such a building, object or tree will take into consideration the Heritage Area and its values.

Non-listed buildings or structures within a heritage area are subject to the rules in this chapter except that identified non-heritage buildings or structures may be demolished or relocated.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21B.1 Permitted Activities

The following are Permitted Activities in relation to heritage areas provided they comply with any specified conditions.

21B.1.1 Repairs and maintenance to buildings and structures within a heritage area and the maintenance of land comprising the heritage area, are Permitted Activities.

Repairs and maintenance are permitted as such work does not usually affect heritage values. Repairs and maintenance is defined in the definitions Section 3.10.

21B.1.2 Internal alterations to buildings in a heritage area; or
the construction of any new building in a heritage area in a Residential Area
are Permitted Activities provided they comply with the following conditions:

21B.1.2.1 any new building must be accessory to a residential building and must be located to the rear of the residential building and shall not exceed 10m².

Internal alterations to a building would generally not be visible externally and thus should not adversely affect the values of a heritage area. Likewise buildings that are small in scale, accessory to an existing residential building, positioned away from road frontages and appropriately screened by existing buildings can be accommodated. All other buildings will require resource consent under Rule 21B.2.1

21B.1.3 Earthworks within a heritage area are a Permitted Activity provided that they meet the following condition:

21B.1.3.1 No earthworks shall exceed 10m³ or a surface area of 10m².

21B.1.3.2 Condition 21B.1.3.1 does not apply to the Botanic Gardens and Otari Native Botanic Garden. The relevant area-based rules for earthworks will apply to these heritage areas.

The Council acknowledges that some minor earthworks might be necessary or desirable to enhance the use of heritage areas so the addition and removal of small volumes has been included as a Permitted Activity. The Botanic Gardens and Otari Native Botanic Garden have been excluded because they cover extensive areas and earthworks are an integral part of developing these areas for public use.

21B.2 Discretionary Activities (Restricted)

Section 21B.2 describes which activities are Discretionary Activities (Restricted) in respect of heritage areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in the following rules.

A decision on whether or not a resource consent application will be notified will be made in accordance with the provisions in the rules under 21B.2 or the provisions on notification in the Act. Where:

- a heritage building or object is subject to a heritage order from a heritage protection authority, Council will advise the authority that an application has been made.
- a heritage building or object is registered by the New Zealand Historic Places Trust, Council will advise the Trust that an application has been made.

21B.2.1 The construction of any new building or any modification to any existing building on a site within a heritage area that is not provided for as a permitted activity in 21B.1, is a Discretionary Activity (Restricted) in respect of:

21B.2.1.1 Effects on historic heritage

21B.2.1.2 Design, height, siting and coverage and the bulk and massing of buildings (to the extent that these affect historic heritage).

Non-notification

The written approval of affected persons will not be necessary in respect of items 21B.2.1.1 and 21B.2.1.2. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

Resource consent must also be sought and concurrently granted under the relevant Area based rules (if any).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.2.1.3 The extent to which the form, mass, proportion and materials of the new building or structure is compatible with the original architectural style predominant in the heritage area.
- 21B.2.1.4 The extent to which the new building or structure is positioned or sited to maintain continuity of front façade alignment of buildings in the vicinity.
- 21B.2.1.5 The extent to which proposals meet the provisions of any relevant Design Guide and particularly in respect of the Heritage Areas within the Central Area, the provisions of the Central Area Urban Design Guide.
- 21B.2.1.6 For modifications, alterations and additions the Council will have regard to relevant assessment criteria under Rule 21A.2.1.
- 21B.2.1.7 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.
- 21B.2.1.8 Whether work is in accordance with the conservation plan prepared for the area.
- 21B.2.1.9 Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.

21B.2.2 The demolition or relocation of any building or structure within a heritage area, other than an identified non-heritage building or structure, is a Discretionary Activity (Restricted) in respect of:

21B.2.2.1 Effects on historic heritage

21B.2.2.2 Design, height, siting and coverage and the bulk and massing of buildings (to the extent that these affect historic heritage).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.2.2.3 Whether there is any change in circumstances that has resulted in a reduction of the area's heritage significance since the area was identified in the Plan.
- 21B.2.2.4 The extent to which buildings, structures or other features comprising a heritage area have been damaged by fire or other human generated disaster or any natural disaster.
- 21B.2.2.5 Whether relocation is necessary to save a building, structure or other feature comprising a heritage area from ground subsidence, landslip, flooding or other natural disaster.
- 21B.2.2.6 Whether it can be demonstrated irrefutably that no sustainable continued use of buildings within a heritage area is possible.
- 21B.2.2.7 Whether it can be demonstrated that a building proposed for demolition or relocation has no intrinsic heritage value and does not contribute to the significance of the heritage area.
- 21B.2.2.8 Where the demolition or relocation of a building that contributes to the significance of the heritage area is proposed to enhance the development potential of land, whether this should override the heritage value of retaining the building in its existing location.
- 21B.2.2.9 The extent to which proposed replacement buildings are compatible with the original architectural style predominant in the heritage area and maintain the continuity of front façade alignment of buildings in the vicinity.
- 21B.2.2.10 Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.

21B.2.3 Earthworks which are not a Permitted Activity are a Discretionary Activity (Restricted) in respect of:

21B.2.3.1 Effects on historic heritage.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.2.3.2 Whether the earthworks will result in the loss of heritage values for which the area was listed.
- 21B.2.3.3 The extent to which earthworks will enhance the use or appreciation of a listed heritage area.
- 21B.2.3.4 The extent to which earthworks are necessary to provide for the protection or conservation of buildings, structures or features constituting a heritage area.
- 21B.2.3.5 Whether the site has or is likely to have significant archaeological values, and whether the effects on those values by the proposal can be adequately avoided, remedied or mitigated.

21B.3 Discretionary Activities (Unrestricted)

Section 21B.3 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed heritage Area.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

Where:

- a heritage building or object is subject to a heritage order from a heritage protection authority, Council will advise the authority that an application has been made
- a heritage building or object is registered by the New Zealand Historic Places Trust, Council will advise the Trust that an application has been made.

21B.3.1 Any subdivision of a site within a heritage area is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard, to but will not be restricted to the following criteria:

21B.3.1.1 The extent to which the proposed subdivision and any intended future development, or possible future development would adversely affect the heritage values of the heritage area.

21B.3.1.2 The extent of compliance with the Council's code of practice for land development.

The subdivision of land or boundaries can significantly affect the heritage values of a heritage area due to the development expectation that may be created by the different legal boundaries. Any subdivision has therefore been made a Discretionary Activity (Unrestricted) to ensure that heritage issues can be fully considered at the time of any application.

21C HERITAGE RULES: TREES

These provisions apply to listed heritage trees throughout all parts of the city. Area based rules also apply unless it is specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21C.1 Permitted Activities

The following activities are Permitted Activities provided they comply with any specified conditions.

21C.1.1	<p>The minor trimming of any listed tree that will not adversely affect the health or appearance of the tree is a Permitted Activity.</p> <p>Minor trimming is:</p> <ul style="list-style-type: none"> • The removal of broken branches, dead wood or diseased vegetation • The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with those overhead wires or utility networks • Other trimming necessary to maintain the health of a listed tree, certified by a person with an appropriate level of expertise.
21C.1.2	<p>Any activity within the dripline of a listed tree is a Permitted Activity except for:</p> <ul style="list-style-type: none"> • the destruction, removal or partial removal of the listed tree • the alteration of existing ground levels by excavations or deposition of soil including thrust boring and directional drilling • the covering of the ground by erection of any building or structure or the storage of goods, including the parking of vehicles • the laying of any impervious surface • the discharge of any toxic substance <p>unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected.</p>

The trimming of listed trees may be required to maintain them in a healthy condition or to avoid interference with buildings, structures or overhead lines. The intent of the rule is to allow only minor trimming that will not adversely effect the health or general appearance of the tree. More substantial trimming or pruning will require a discretionary consent.

Council is also aware that the root plate, which is vital to the health of a tree, needs to be protected. For this reason activities that may have an adverse effect on the health of trees are excluded from the Permitted Activity rule. The intent is to control these potentially harmful activities while not preventing the diversity of other uses or activities which may occur usually on a casual basis.

21C.2 Discretionary Activities (Unrestricted)

Section 21C.2 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed tree.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases

- where a heritage tree is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage tree is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21C.2.1	<p>The:</p> <ul style="list-style-type: none"> • destruction, removal or partial removal of any listed tree that is not a Permitted Activity • the trimming of any listed tree that is not a Permitted Activity • any activity within the dripline of a listed tree that is not a Permitted Activity is a Discretionary Activity (Unrestricted).
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Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

21C.2.1.1 **In respect of any listed tree:**

- the necessity for carrying out the works
- whether the tree has a potentially fatal disease or has been damaged beyond recovery
- the need for compliance with any statutory or legal obligation under other legislation
- whether the tree can be, or needs to be, relocated
- whether the proposal can be altered to achieve greater protection or preservation of the tree while still meeting the objectives of the applicant.

21C.2.1.2 **In respect of any activity carried out within the dripline of any listed tree:**

- whether the proposed activity within the dripline is likely to damage the tree or endanger its health
- the necessity for carrying out the works
- the means for excavation of any piles, footings, driveways etc, and the impact of the work upon the existing and future health of the tree.

These activities are Discretionary Activities to enable Council to consider the particular circumstances under which the listed item is proposed to be destroyed or otherwise affected and to assess what other options are available to prevent the loss of the City's heritage.

21D. HERITAGE RULES: SIGNS

These provisions apply to:

- signs on heritage buildings and objects, and sites on which listed heritage buildings and objects are located (except for individual sites on which listed heritage buildings or objects are located that are also separate heritage areas),
- signs located on any site on which a site of significance to tangata whenua or other Maori as identified in the District Plan. When the rules in 21D apply the area-based rules for signs do not apply.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21D.1 Permitted Activities

The following activities are Permitted Activities in relation to heritage buildings, objects and areas, provided they comply with any specified conditions.

21D.1.1 One sign of less than 0.5m² on:

- a listed building or object, or site on which a listed building or object is located
- on any site on which a site of significance to tangata whenua or other Maori is located

that denotes the name, character or purpose of any activity undertaken on the site, is a Permitted Activity.

21D.2 Controlled Activities

The following activities are controlled activities in relation to sites of significance to tangata whenua or other Maori provided they comply with any specified conditions.

21D.2.1 Signs on a site of significance to tangata whenua or other Maori or on any land associated with any site of significance to tangata whenua or other Maori which is larger than 0.5m² is a controlled activity in respect of:

21D.2.1.1 The area, height, number and location of signs.

Non notification

The written approval of affected persons will not be necessary in respect of item 21D.2.1.1. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

The conditions for signs as permitted activities in the residential area, centres, business areas, institutional precincts, airport and golf course recreation precinct, central area, rural area, open space areas and conservation sites shall not be exceeded by more than 50%.

Assessment criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

21D.2.1.2 whether the sign is compatible with the heritage significance and values of the site on which it is placed.

21D.2.1.3 assessment criteria where the site is within a Maori precinct, the effect of any signs on the significance and objectives of the precinct.

Signs have the potential to compromise the heritage values of the site on which they are placed. Their effects must therefore be assessed.

21D.3 Discretionary Activities (Restricted)

Section 21D.3 describes which activities are Discretionary Activities (Restricted) in respect of signs on listed heritage buildings or objects. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 21D.3.1.1 to 21D.3.1.4.

21D.3.1 21D.3.1 Signs on:

- listed heritage buildings or objects, or sites on which a listed heritage building or object is located, which are not a Permitted Activity are Discretionary Activities (Restricted) in respect of:

21D.3.1.1 Sign design, location and placement

21D.3.1.2 Area, height and number of signs

21D.3.1.3 Illumination

21D.3.1.4 Fixing and methods of fixing.

Non-notification

The written approval of affected persons will not be necessary in respect of items 21D.3.1.1 to 21D.3.1.4. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

There are no standards and terms

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 21D.3.1.5 the extent to which any sign including supporting structures detracts from the heritage significance or values of a heritage building or object.
- 21D.3.1.6 whether any sign detracts from the architecture of the building including decorative detailing, structural divisions, windows or doorways.
- 21D.3.1.7 whether additional signs will result in clutter.
- 21D.3.1.8 the extent to which the quality of the design of the sign and the standard of graphics complement the building or object.
- 21D.3.1.9 whether the means of fixing the sign to a listed building or object including associated cabling or wiring for illuminated signs will adversely affect the heritage fabric and heritage values of the listed building or object.
- 21D.3.1.10 whether intensity of illumination will adversely affect the heritage values of the building or object.
- 21D.3.1.11 the extent to which signs comply with the Design Guide for Signs.

Consent will normally only be granted for signs on or adjacent to a listed item where these can be designed and located to respect the architectural form and detailing of the listed item. Their effects must therefore be assessed in order to achieve a high degree of compatibility with the heritage significance of the heritage item so as to not detract from that significance.

21E. HERITAGE RULES: MAORI SITES

These provisions apply to listed Maori sites throughout all parts of the city. Area-based rules also apply unless specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21E.1 Discretionary Activities (Unrestricted)

Section 21E.1 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed Maori site.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases:

- where a listed Maori site is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a listed Maori site is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21E.1.1 The total or partial demolition, destruction or removal of any listed site of significance to tangata whenua or other Maori, is a Discretionary Activity (Unrestricted).

Assessment criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 21E.1.1.1 The degree to which the activity detracts from the heritage significance of the site.
- 21E.1.1.2 Where the site is within a Maori Precinct, the effect of the activity on the significance and objectives of the Precinct.
- 21E.1.1.3 The outcome of consultation with tangata whenua and other Maori.

Appendix 1: Mount Street Cemetery Heritage Area

The following provisions were inserted into the District Plan as a result of various appeals relating to the Mount Street Cemetery pursuant to the Environment Court decision no. C125/99 dated 19th July 1999.

Rules

Permitted Activities

1. The use of the Cemetery as a place of cultural and heritage value and open space available for passive recreation is a Permitted Activity.
2. Repair and maintenance (as defined in this appendix) of the Cemetery is a Permitted Activity.
3. Vehicle access for the purpose of repair and maintenance of the Cemetery is a Permitted Activity.
4. Signs that are less than 0.5m² and for the purpose of identification of the Cemetery are Permitted Activities.

Controlled Activities

Signs that are:

- larger than 0.5m² in size, or
- are not for the purpose of identification and information on the Cemetery

are Controlled Activities in respect of:

- the area, height, number, location and content of signs.

Non-notification

The written approval of affected persons will not be necessary. [Notice of applications need not be served on affected persons]¹ and applications need not be notified.

Standards and Terms

Any sign shall not exceed 1m².

Assessment Criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- Whether the sign or signs are compatible with the heritage significance and values of the Cemetery.
- Whether the sign or signs are compatible with the principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage

Value.

- Any Conservation Plan for the Cemetery.

Signs have the potential to compromise the heritage values of the Cemetery. The effects of signs greater than 0.5m² or signs that are not for the purposes of identification and information associated with the Heritage Area must therefore be assessed.

Discretionary Activities (Restricted)

The implementation of a landscape plan or any part of a landscape plan is a Discretionary Activity (Restricted) in respect of:

- **heritage conservation**
- **landscape design and works**
- **public safety and amenity.**

Assessment Criteria:

In determining whether or not to grant consent and the conditions to be imposed, if any, Council will have regard to the following criteria:

- The heritage significance of the Cemetery including whether there is any change in circumstance that has resulted in a reduction of the Cemetery's significance since it was identified in the Plan.
- Whether the landscaping, including its design, appearance, necessary works, and vegetation types, has a detrimental effect on the heritage values of Mount Street Cemetery.
- The principles of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.
- Any Conservation Plan for the Cemetery.
- Whether the landscape plan adequately provides for public safety and amenity in and around the Cemetery and whether such provision affects the heritage value of the Cemetery.
- Whether any alteration can be made to the plan or proposal which can maintain the heritage values contained in the Mount Street Cemetery Heritage Area while meeting the objectives of the applicant.

Non-Complying Activity

Any other activity that is not a Permitted, Controlled or Discretionary (Restricted or Unrestricted) Activity in this appendix is a Non-Complying Activity.

Explanation to Appendix

The Mount Street Cemetery has been provided for as a Heritage Area to recognise its cultural and heritage value.

The Mount Street Cemetery has been provided for as a Heritage Area to recognise its cultural and heritage value.

The Mount Street Cemetery Heritage Area includes the Cemetery and "buffer" areas on its north eastern side including part of the Mount Street legal road and on its eastern side including part of the McKenzie Terrace legal road. The rules in this appendix (and rule 21.1.3) are the first point of reference for all activities in the Mount Street Cemetery Heritage Area.

The underlying zoning of the Cemetery and buffer areas is Open Space B, which reflects the open space nature of the Cemetery and its use for passive recreation.

The effect of the 'underlying' zoning is that the Open Space Area rules (under Chapters 16 and 17) apply to the Cemetery and buffer areas in addition to the Heritage Area rules. Where any activity is allowed as a Permitted Activity under the Open Space B rules, but requires a resource consent under the Heritage Area rules or where resource consent is required under both the Heritage Area rules and Open Space B rules, the objectives, policies and rules applying in the Heritage Area will prevail.

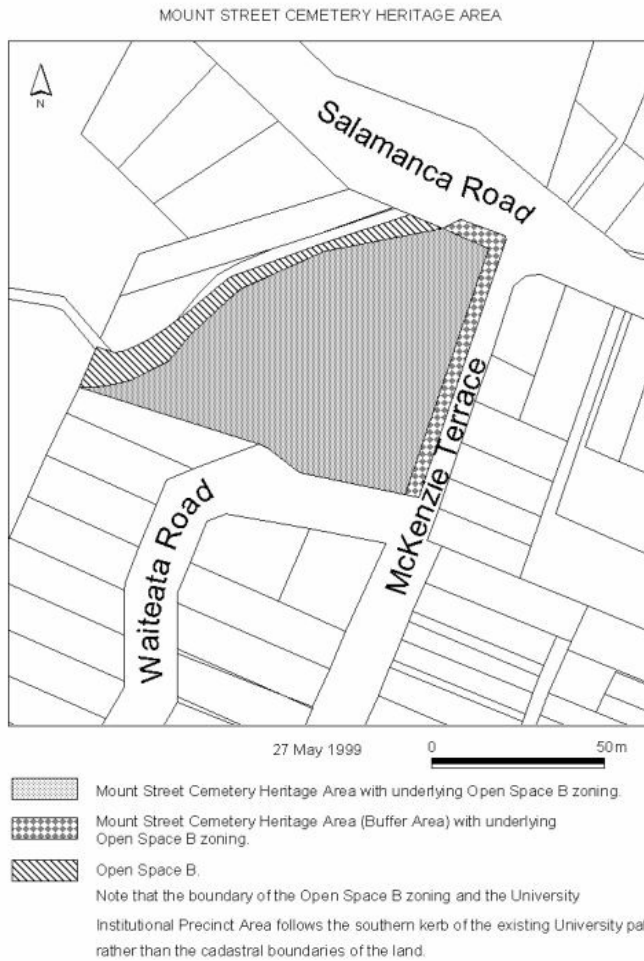
The Heritage Area does not include any land north west of the Cemetery boundary presently owned by Victoria University of Wellington.

A strip of land to the north west of the Cemetery between the Cemetery and the University path has, however, had its zoning changed from Institutional Precincts to Open Space B and has been enlarged so that its boundary with the balance of the Institutional Precincts zone follows the existing southern kerb of the University path, rather than cadastral boundaries.

The Friends of Mount Street Cemetery Inc. and the New Zealand Historic Places Trust are recognised as affected parties for the purposes of s94 of the Resource Management Act.

Definitions Relating to this Appendix

- **"Repair and Maintenance"**: includes gardening (including accepted arboricultural practices, and for safety and prevention of damage purposes), weed removing, planting, lawnmowing/grass cutting, maintenance and trimming of vegetation, repairs and maintenance of existing pathways, repair and maintenance of existing fences and posts and repair and replacement of monuments and graves.
- **"Landscape plan"**: means a landscape plan for the conservation of the Cemetery and use for passive recreation, but does not include the "repair and maintenance" of the Cemetery.
- **"Conservation"**: means the processes of caring for a place so as to safeguard its cultural heritage value.



Appendix 2: Bridle Track, Kaiwharawhara

The following provisions were the result of settling the District Plan reference filed by Knowles Services Limited (RMA 1656/98) by Environment Court Consent Order dated 1/9/99.

Assessment Criteria

The following additional assessment criterion will apply to any application made under the 21.3.1 in respect of the Bridle Track:

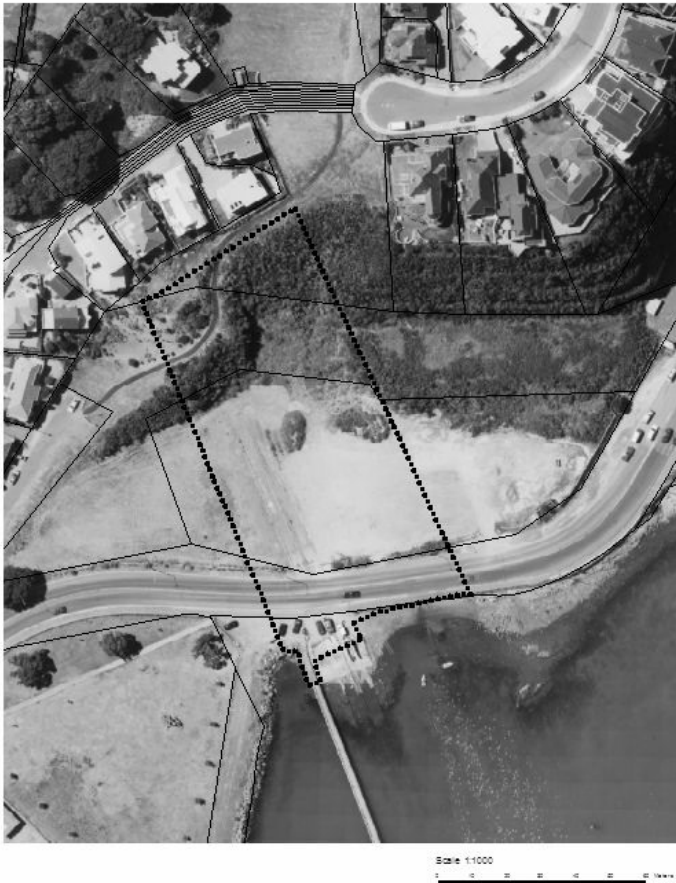
- the extent to which the proposals of the land owner can be realised while still maintaining access between Khandallah and Kaiwharawhara, on a gradient not less favourable than the formed track as it existed in August 1999.

Explanation

Historically there has been a link between Khandallah and Kaiwharawhara since about 1837. Since then, its course has taken various locations and configurations and latterly has provided access from the south east corner of the unformed legal road, Nicholson Road, through to Cameron Street/Fore Street. The significance of this Heritage Area is not its precise location but rather that the link is maintained from the end of Nicholson Road to Fore Street, excluding Winchester Street and the steep area 30 metres immediately to the east of Winchester Street. It is acknowledged that in the future the route may change from that indicated on the District Plan Map through development of the surrounding land. The Council will assess any such proposal under the Heritage Rules and, if consent is granted and the location changes, Council will take the necessary steps to change the District Plan Maps.

Appendix 3: Evans Bay Patent Slip Heritage Area

The Evans Bay Patent Slip area is the area including any objects above and below ground associated with the former Patent Slip shipping activities that are included within the NZ Map Grid co-ordinates outlined in the table below.



Explanation to Appendix

• NZMG Co-ordinates:

-X-	-Y-	-X-	-Y-
2660910.7	5987595.1	2660879.4	5987581.3
2660860.7	5987710.2	2660877.6	5987586.0
2660815.3	5987682.6	2660877.6	5987589.5
2660857.9	5987578.0	2660890.7	5987591.9
2660861.0	5987578.8	2660897.1	5987593.2
2660864.4	5987568.0	2660903.6	5987594.2
2660867.7	5987569.1	2660908.7	5987595.4
2660865.8	5987575.6		

• The effect of the 'underlying' zoning is that the Open Space Area rules (under Chapters 16 and 17) apply to the proposed heritage area in addition to the Heritage Area rules. Where any activity is allowed as a Permitted Activity under the Open Space A rules, but requires a resource consent under the Heritage Area rules or where resource consent is required under both the Heritage Area rules and Open Space A rules, the objectives, policies and rules applying in the Heritage Area should prevail.

[Appendix4: Chest Hospital Heritage Area

For the specific policy and rules relating to the use of the Chest Hospital Heritage Area (Lot 4 DP 316137), refer to Policy 16.5.1.3A in the Open Space policy chapter of the Plan and rules 17.1.17 and 17.2.5 in the Open Space rules chapter of the Plan.

Explanation

The former Chest Hospital site has been provided for as a Heritage Area to recognise its community and heritage values. Specifically, the Chest Hospital (built by the Wellington Hospital Board) has historic value for the insight it gives to the treatment of infectious diseases in the 1920's. Its architectural

features such as sun porches and verandahs attached to wards are indicative of medical requirements that were current at the time. Other subsequent uses of the buildings have added to its historical interest. There is also technical value in the original fabric of the building; significant parts of which remain intact.

The Chest Hospital Heritage Area includes the former Hospital and associated buildings, as well as the area surrounding these buildings in Lot 4 DP 316137.

The Chest Hospital Heritage Area is zoned Open Space C, which reflects the open space nature of the site and its community use.

The rules for the Chest Hospital Heritage Area are part of a package of measures that control the effects from the use and development of this site. While the permitted activity rule allows for any use of the site to occur provided certain environmental conditions are met, there are other methods outside the Plan that also control the use of the site. These methods include landowner control (Council is landowner), lease agreements under the Local Government Act, and a Reserve Management Plan for the site. These controls will provide adequate control over the range of activities that occur on this site.

The Chest Hospital Heritage Area is depicted in greater detail below: The boundary of the Area aligns with Lot 4 DP 316137.]¹



¹ District Plan Change No.37 – Chest Hospital Heritage Area (Operative 6 July 2006)

[Appendix5: Futuna Chapel, Karori

(including the whole interior and all movable fittings and furniture forming its fabric and spatial qualities of the Chapel at the time of completion, the reflective pools on the south east and north west corners of the Chapel, and its setting)



62 Friend Street, Karori

Particular provisions for Futuna Chapel (62 Friend Street, Karori, Part Lot 1 Plan A/1630)

Heritage Rule 21.2.2 (relating to additions and alterations) shall not apply and the following will apply:

- Additions and alterations to Futuna Chapel as listed in the heritage list of buildings in Chapter 21 are a Discretionary Activity (Unrestricted) and the assessment criteria in Rule 21.3.1 (where relevant) will apply;
- Rule 21.3.1 shall apply to total or partial demolition, destruction or removal.

The construction of any buildings or structures in the area identified in the plan attached, except for structures approved under Resource Consent 70980, is a Discretionary Activity (Unrestricted).

Explanation

The Chapel, designed by John Scott, was constructed in 1961 and is considered to be "a landmark building in the work of New Zealand's first Maori architect... and one that has successfully synthesized various influences to create a genuinely local modern architecture ..."(Heritage Inventory 2001). It is registered as a Category I building under the Historic Places Act 1993.

The chapel, including the whole interior and all movable fittings and furniture forming its fabric and spatial qualities and its setting, has both national and international significance. It embraces both Maori and European traditions and designs. "As a chapel of silence, its use of light, its directness and subtleties of texture and space, its precision and geometry, its colour and mystery, its honesty of expression and lack of egotism mark Futuna as a religious building unique to the Pacific" (Russell Walden Voices of Silence 1987).

Built on the plan of a Greek cross, it uses natural materials in its construction with rough cast concrete and timber beams, kahikatea roof sarking, concrete and wooden pews and serpentine flooring. The central pole, sharply sloping eaves, and its modest deferential entrance gives the building significant reference to a traditional Maori building.

The location of the altar in relation to the entrance porch; the South African cardinal-red granite altar table; the design of the roof and the acrylic and glass panes that use the sun's cycle to illuminate the altar, sanctuary, walls, and the crucifix; and the stations of the cross combined to create a sense of "stillness" that is the essence of a place of retreat which was the intent of the chapel.

Both the interior and the exterior of the chapel have been identified as having emotional values due to its religious and social associations; design values due to its all encompassing design that explores a New Zealand vernacular - a unique building that addresses issues of religion, culture and heritage within architecture; and level of authenticity values in that it maintains a high level of design material, setting, workmanship and craftsmanship (refer Heritage Building Inventory 1995). The amendment to the Inventory in 2001 also identifies the aesthetic value of the chapel as being very great, for its artistic achievement, the originality of its interior spaces, and the mystic and ageless qualities that are its hallmark. It was always the intention of the architect that the Chapel related to, and with its exterior setting.

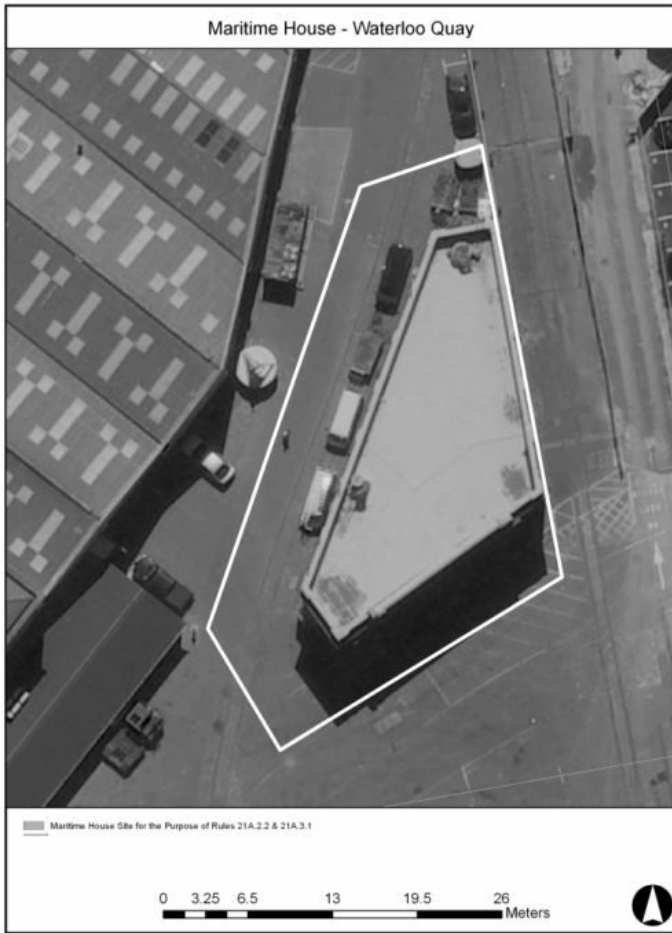
Because of the significance of the building, its interior, exterior and its setting the Council believes it is important that the entire building and land area be subject to Discretionary Activity (Unrestricted) provisions to assist its conservation and protection.]

1 District Plan Change No.13 – Futuna Chapel, Karori (Operative 6 July 2006)

[Appendix6: Shed 35 – Waterloo Quay



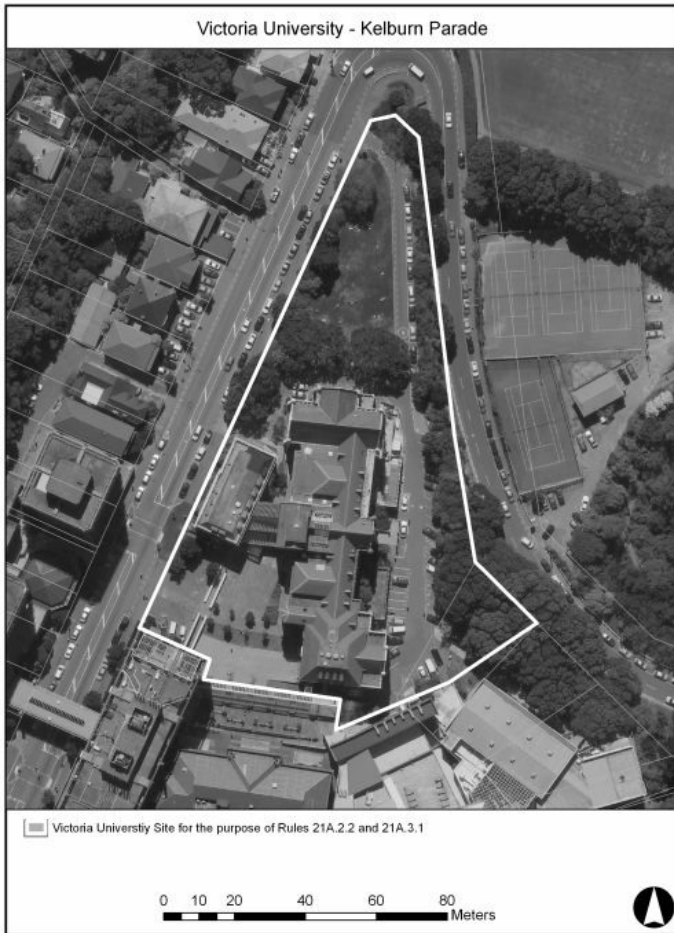
Appendix6: Maritime House – Waterloo Quay



Appendix6: Wellington Railway Station – Bunny Street PC43



Appendix6: Victoria University – Kelburn Parade PC43



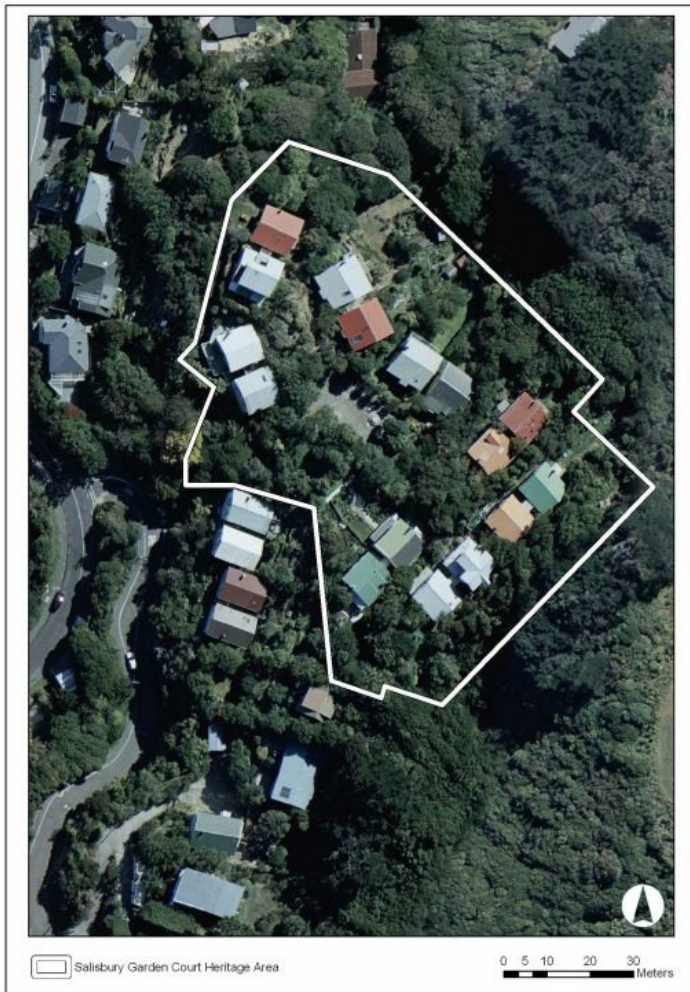
Appendix6: Thorndon Brewery Tower Site – Molesworth Street PC43



Appendix 7: Island Bay Village Heritage Area



Appendix 8: Salisbury Garden Court Heritage Area] PC58



Salisbury Garden Court Heritage Area – Non Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of Building / feature	Number
Garden shed, rear of 5&6 Salisbury Garden Court	1
Garden shed, rear of 5&6 Salisbury Garden Court	2
Garden shed, rear of 5&6 Salisbury Garden Court	3
Chicken coop, rear of 5&6 Salisbury Garden Court	4
Garden shed, rear of 11&12 Salisbury Garden Court	5
Chicken coop, rear of 4 Salisbury Garden Court	6



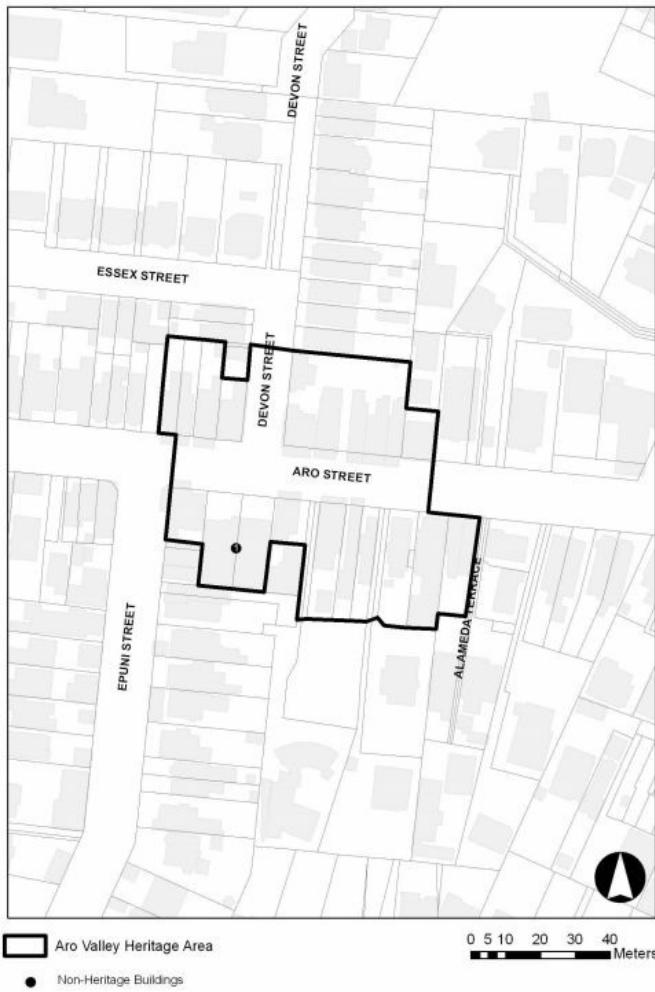
Appendix 9: Aro Valley Shopping Centre Heritage Area



Aro Valley Shopping Centre Heritage Area Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number
99-103 Aro Street	1

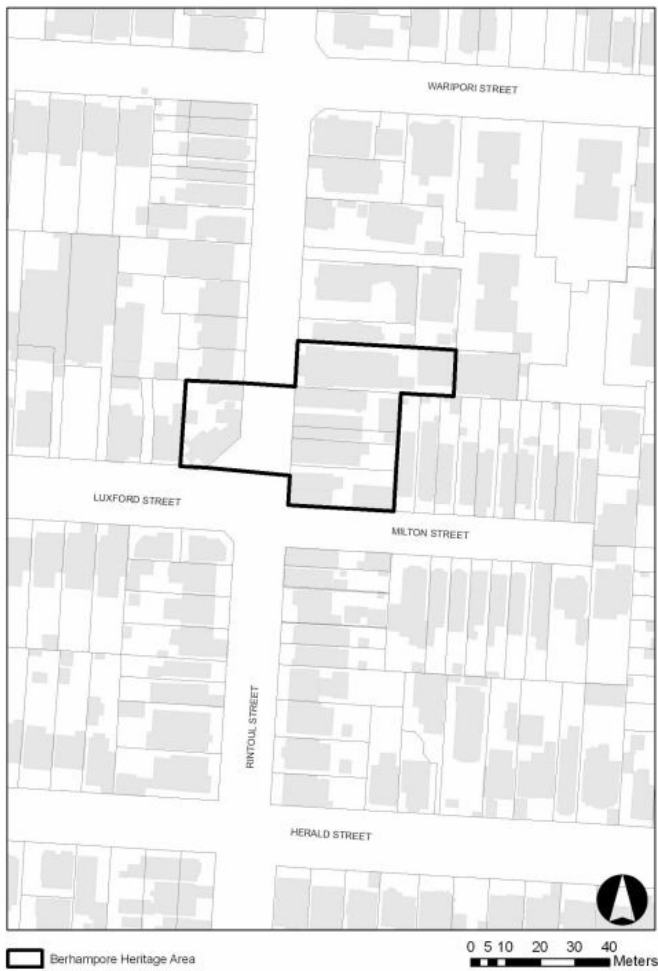


Appendix 10: Berhampore (Rintoul Street) Shopping Centre Heritage Area



Berhampore (Rintoul Street) Shopping Centre Heritage Area Non-Heritage Buildings

No buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.



Appendix 11: Hataitai Shopping Centre Heritage Area



Hataitai Shopping Centre Heritage Area – Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number
Shed, rear of 25-27 Waitoa Road	1
Shed, rear 3 Moxham Avenue	2



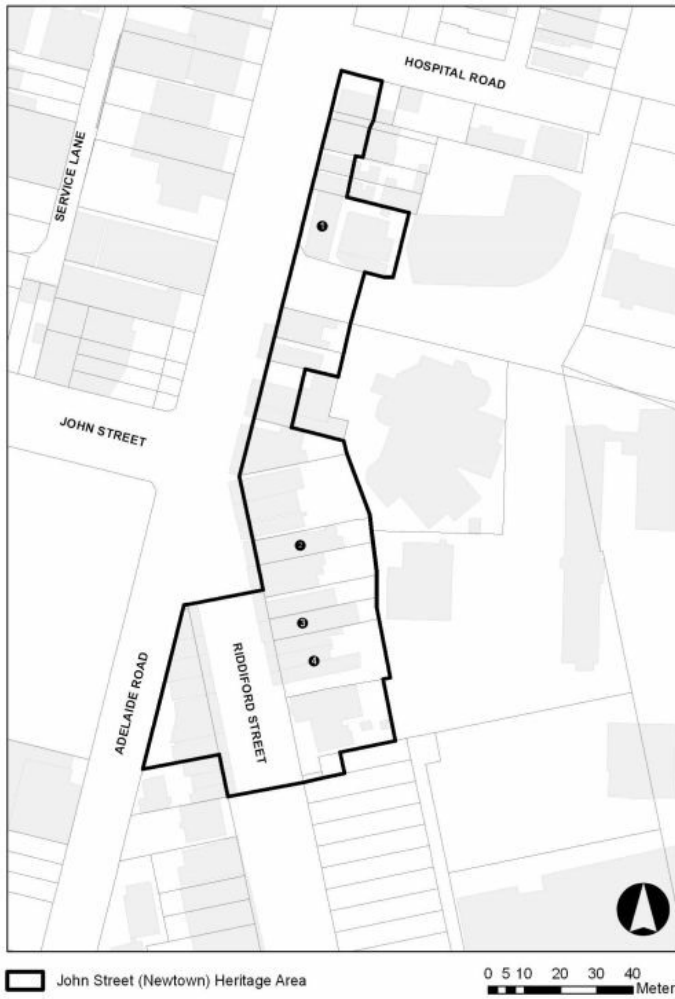
Appendix 12: John Street Intersection Shopping Centre (Newtown) Heritage Area



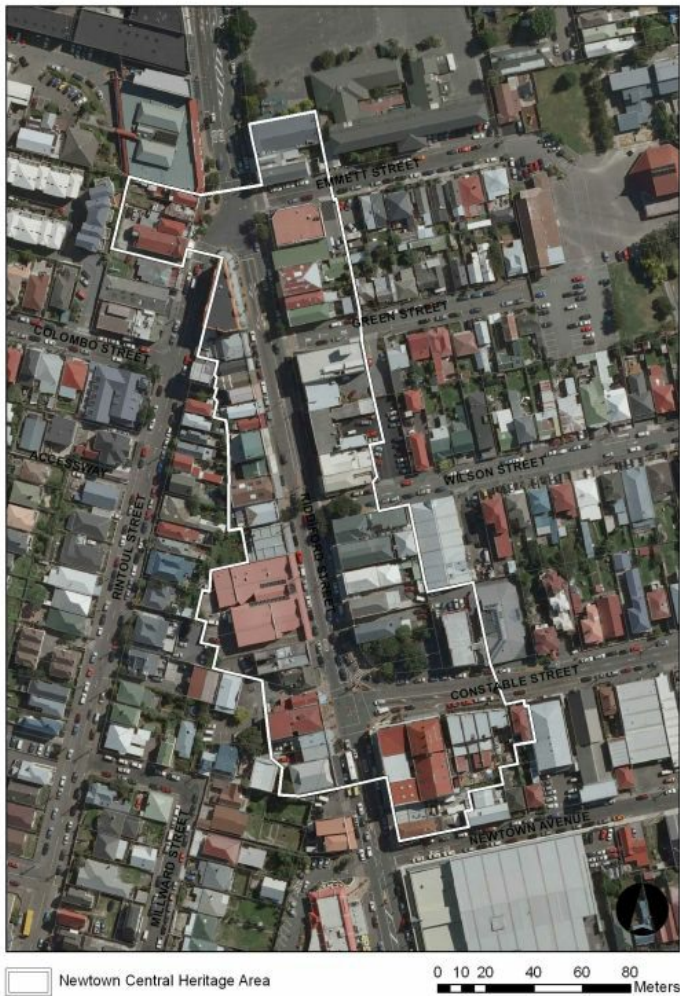
John Street Intersection Shopping Centre (Newtown) Heritage Area – Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of Building / feature	Number
Carport, front of 175 Adelaide Road	1
Rear of 7 Riddiford Street only (Note: Upper façade is of heritage value)	2
17 Riddiford Street	3
19-21 Riddiford Street	4



Appendix 13: Newtown Shopping Centre Heritage Area



Newtown Shopping Centre Heritage Area Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of Building / feature	Number
125-129 Riddiford Street	1
131 Riddiford Street	2
143 Riddiford and 2A Green Streets	3
154-160 Riddiford Street	4
164 Riddiford Street	5
164A Riddiford Street	6
191 Riddiford Street	7
Public toilets, cnr Riddiford & Constable Sts	8



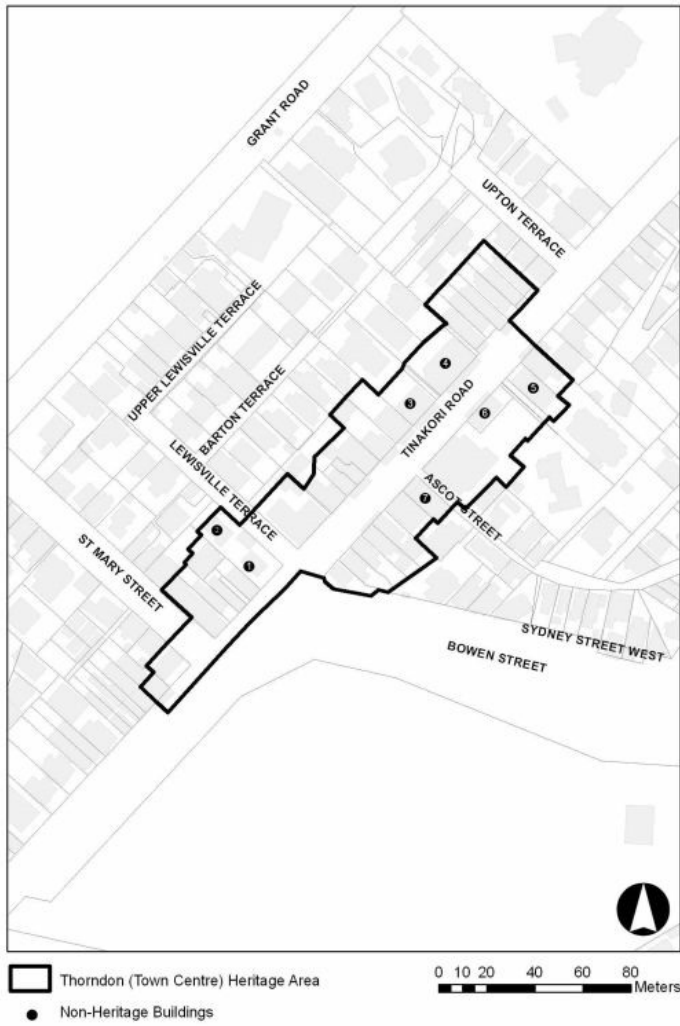
Appendix 14: Thorndon Shopping Centre Heritage Area



Thorndon Shopping Centre Heritage Area – Non-Heritage Buildings] PC75

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of Building / feature	Number
338-340 Tinakori Road	1
338-340 Tinakori Road	2
310 Tinakori Road	3
318 Tinakori Road	4
273b Tinakori Road	5
277-279 Tinakori Road	6
287 Tinakori Road	7



[Appendix 15: Parliamentary Precinct Heritage Area

For further information on the Parliamentary Precinct Heritage Area, refer to Appendix 3 of the Central Area Design Guide.

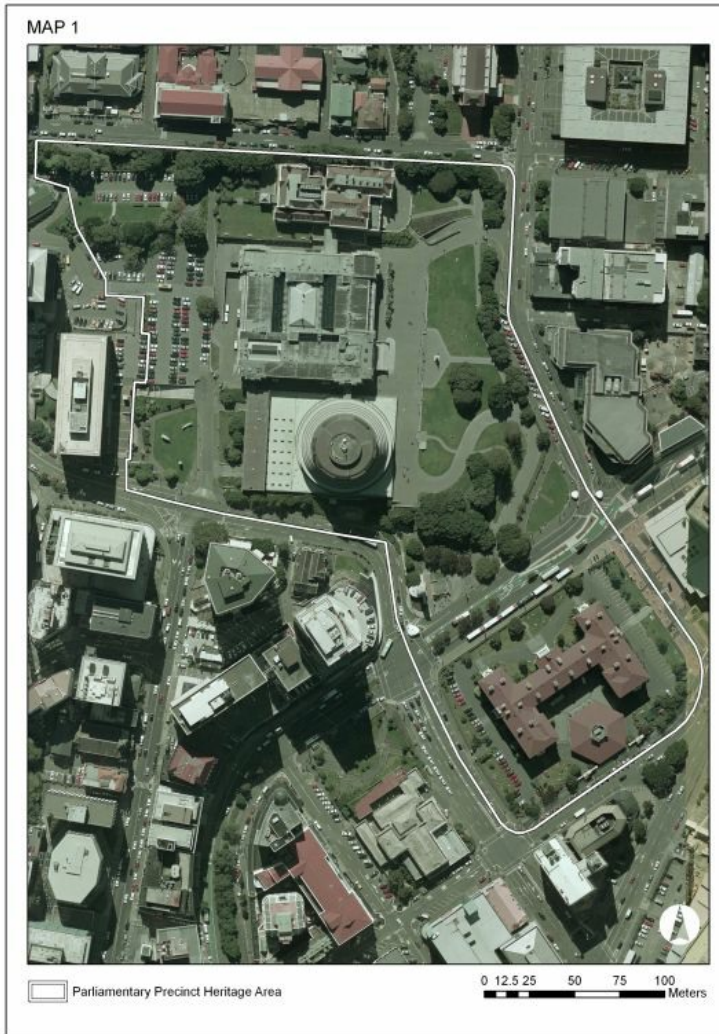
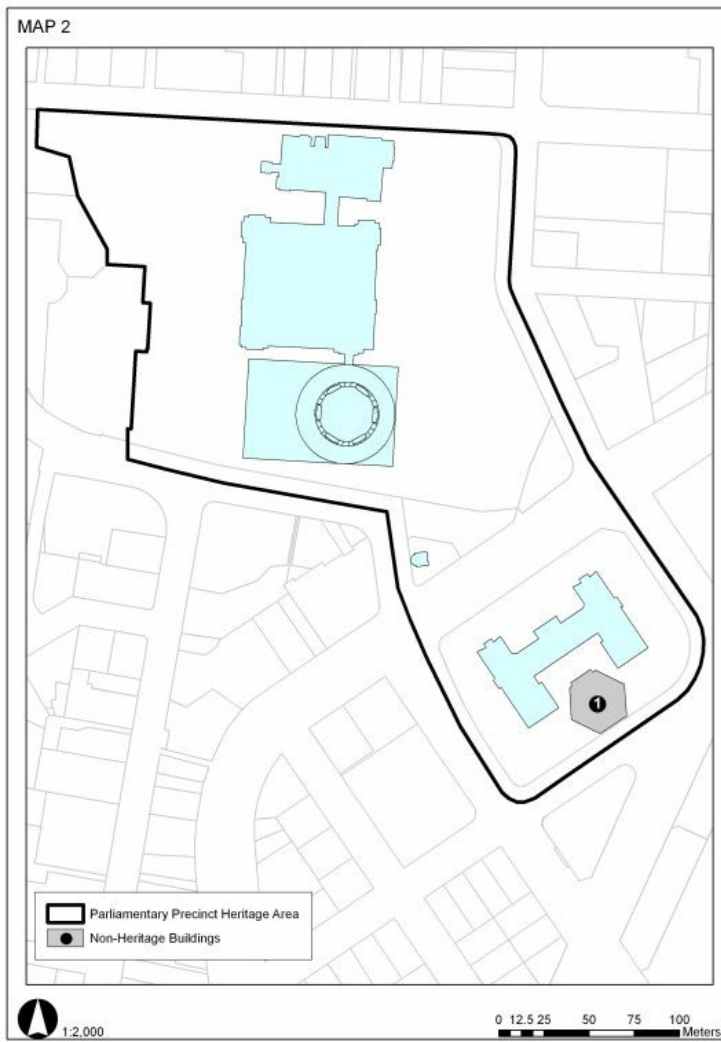


Table 1. Parliamentary Precinct Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Lecture theatre	1



Appendix 16: Stout Street Precinct Heritage Area

For further information on the Stout Street Heritage Area, refer to Appendix 3 of the Central Area Design Guide.

Map 1



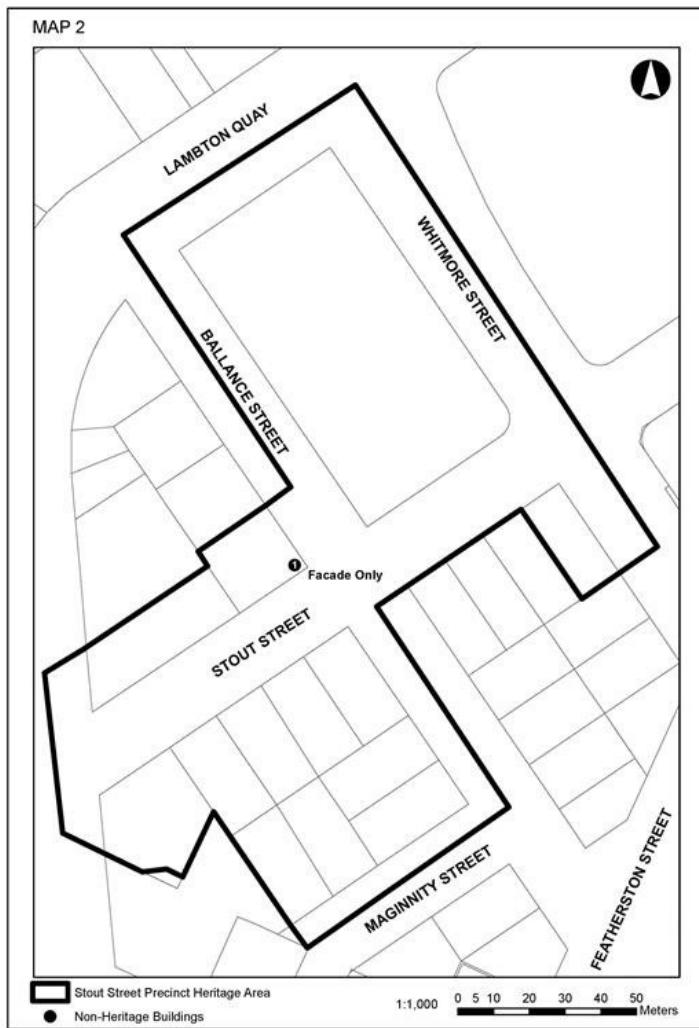
Stout Street Precinct Heritage Area

0 5 10 20 30 40 Meters

Table 1. Stout Street Non-Heritage Buildings

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Façade (above second floor), Courts Building, cnr, Stout and Whitmore Sts	1



Appendix 17: Post Office Square Heritage Area

For further information on the Post Office Square Heritage Area, refer to Appendix 3 of the Central Area Design Guide.



Table 1. Post Office Square Non-Heritage Buildings

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Intercontinental Hotel, 2 Grey Street	1
Chapman Tripp Building, 1-13 Grey Street	2
Todd Corporation Building, 95 Customhouse Quay	3



Appendix 18: BNZ / Head Office Heritage Area

For further information on the BNZ / Head Office Heritage Area, refer to Appendix 3 of the Central Area Design Guide.

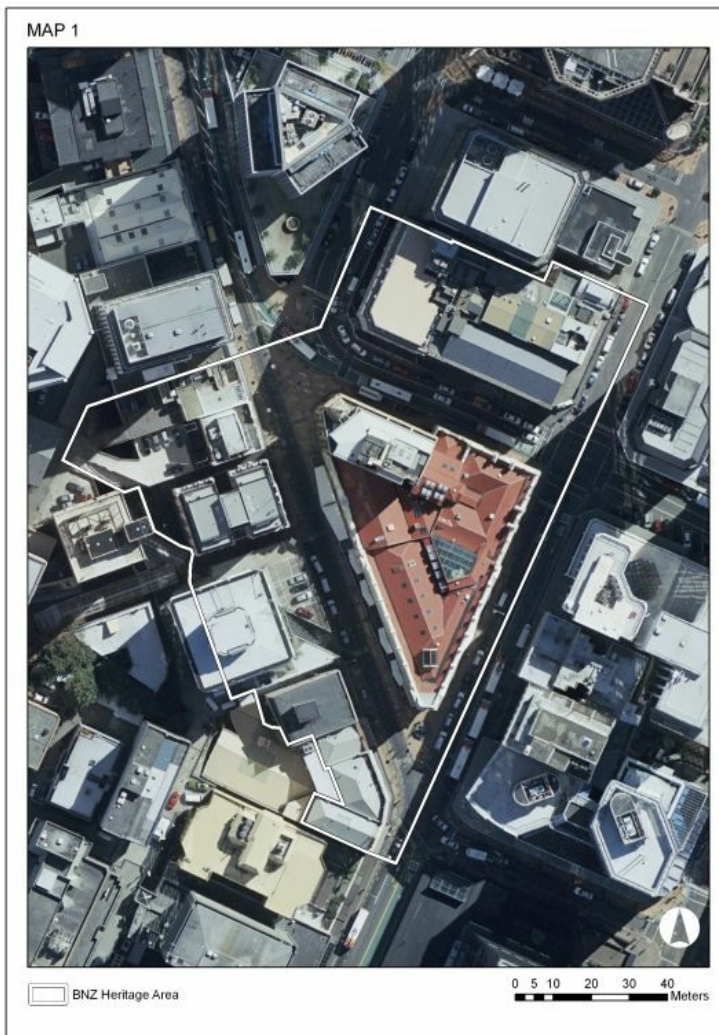
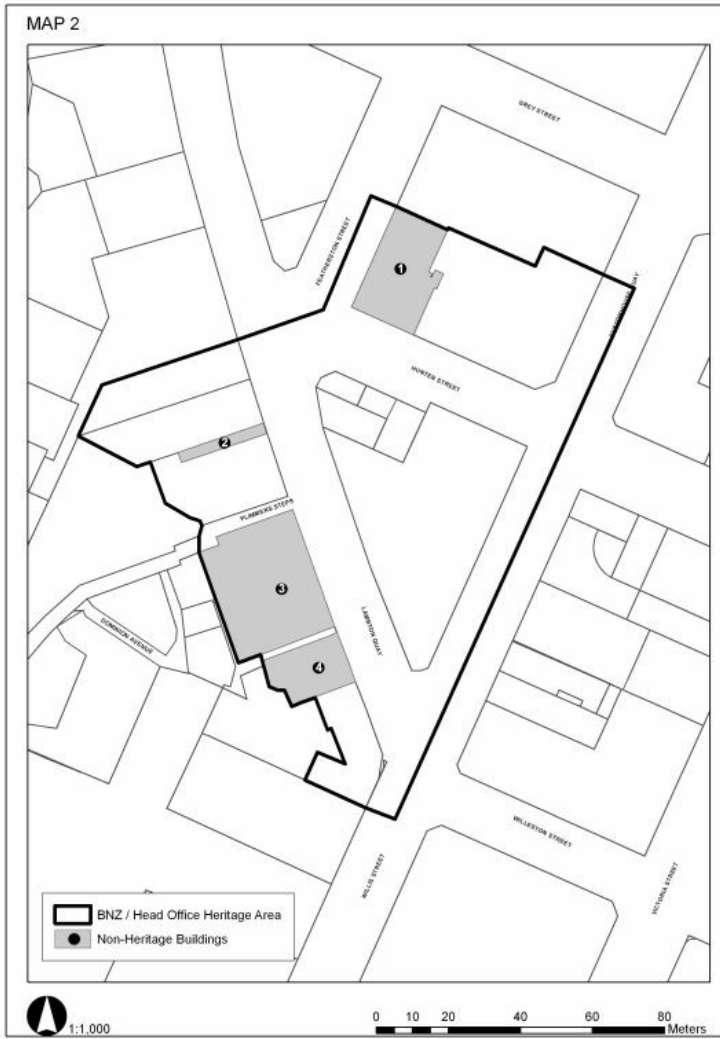


Table 1. BNZ / Head Office Non-Heritage Buildings

The Following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
AMP Building, 187 Featherston St	1
Retail space (alongside Prudential Building)	2
AA Centre, 342-352 Lambton Quay	3
Real Estate Institute House, 354-356 Lambton	4



Appendix 19: Civic Centre Heritage Area

For further information on the Civic Centre Heritage Area, refer to Appendix 3 of the Central Area Design Guide.

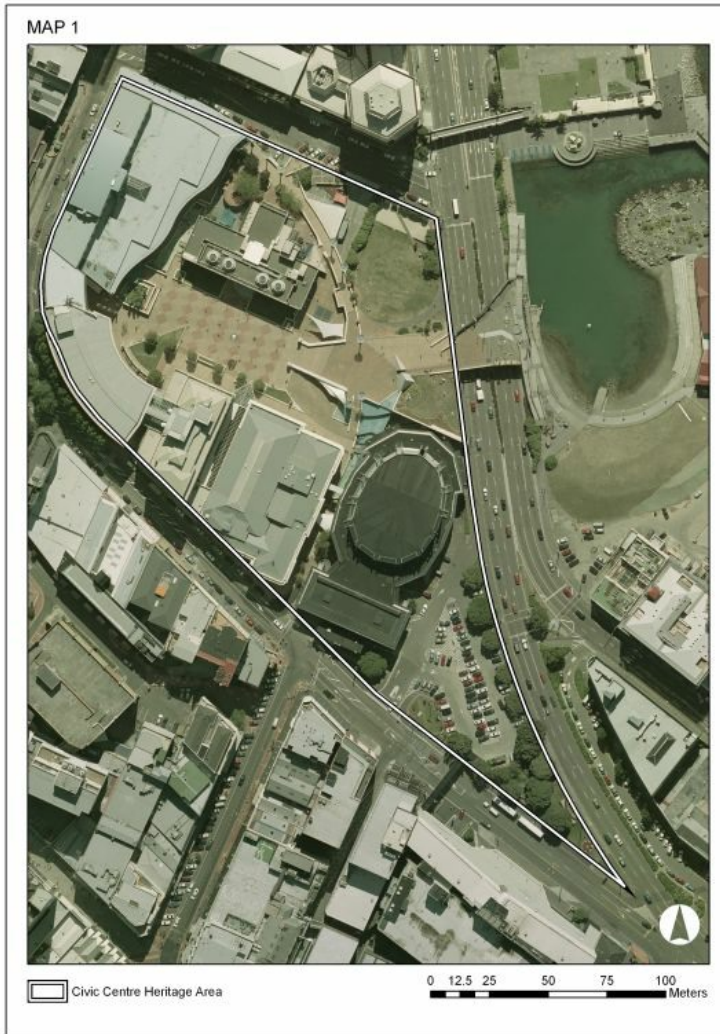


Table 1. Civic Centre Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Wellington Library, 57-71 Victoria St	1
Administration building (new), and portico	2
Ilott Green (foundations of building)	3
Approaches to bridge (and associated buildings & structures)	4

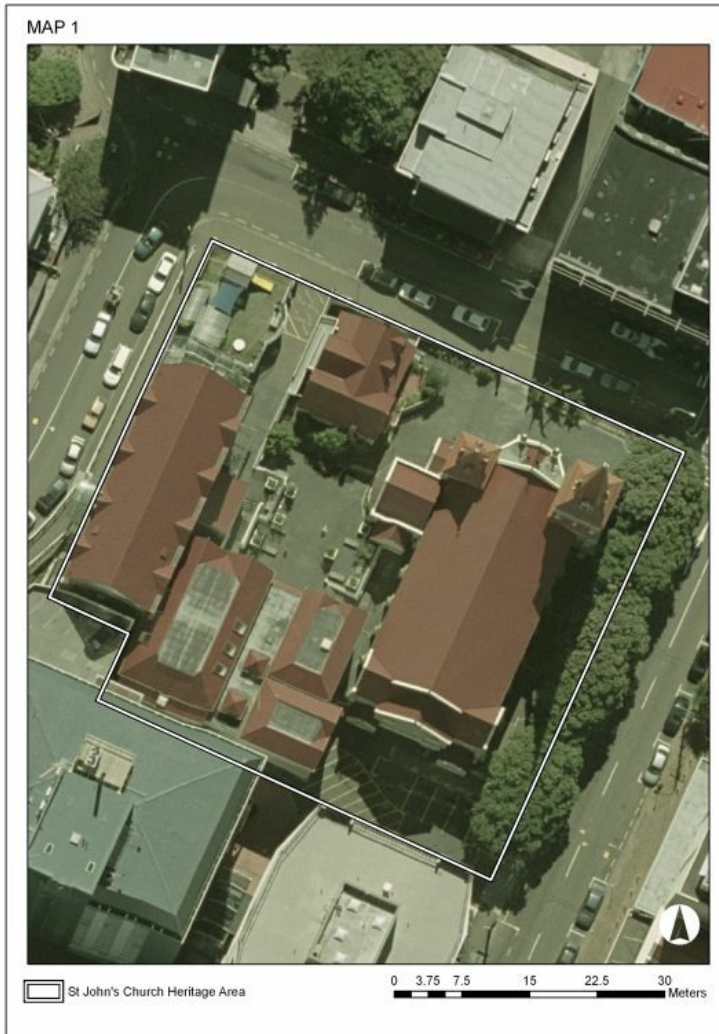


Table 1. St. John's Church Non-Heritage Buildings

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Child care centre, northwest corner of Area	1
Troup House	2
Conference Centre (Hall)	3



Appendix 21: Cuba Street Heritage Area

For further information on the Cuba Street Heritage Area, refer to Appendix 3 of the Central Area Design Guide

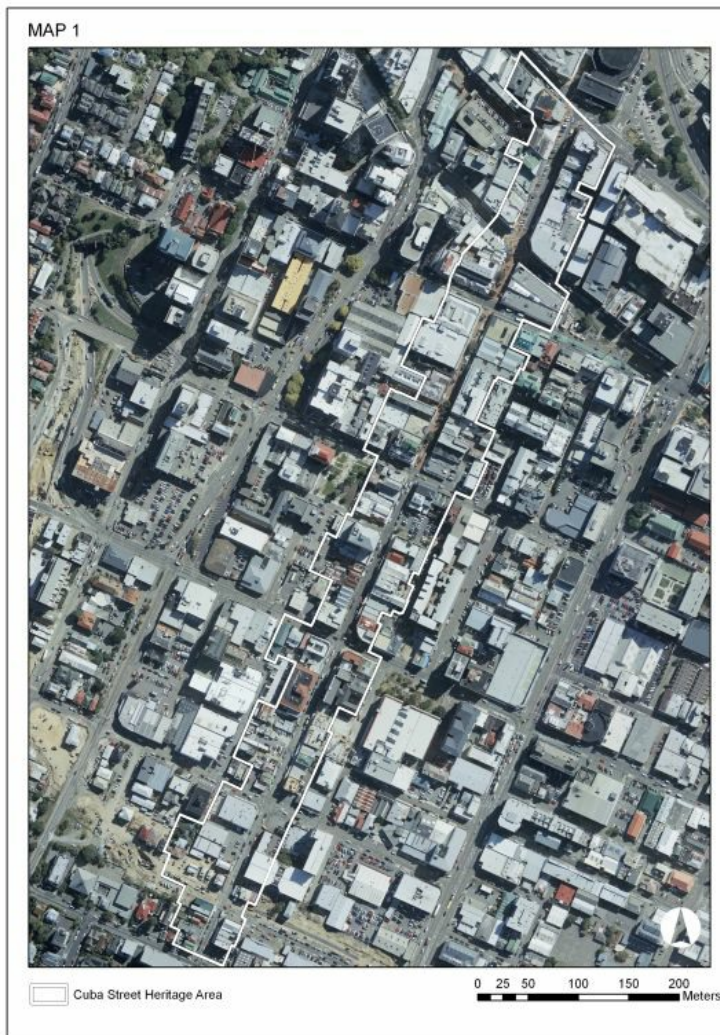
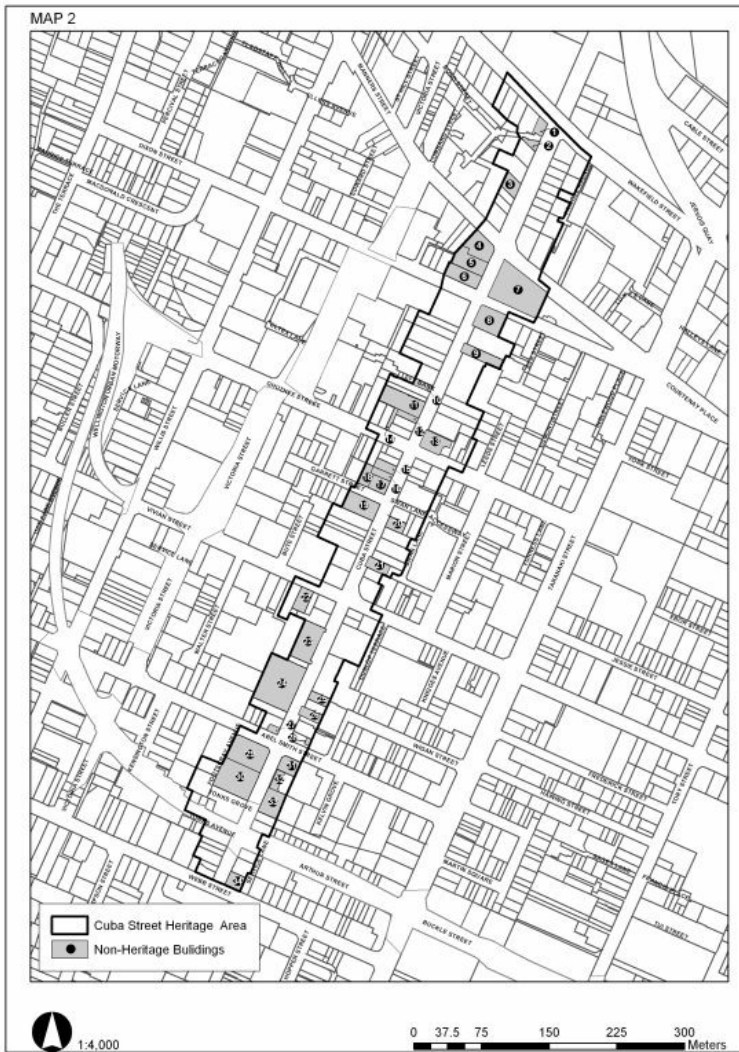


Table 1. Cuba Street Non-Heritage Buildings

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Child care centre, northwest corner of Area	1
Troup House	2
Conference Centre (Hall)	3
Name of building / feature	Number (Refer to Map 2)
Building (apartments), 128 Wakefield St (Felix)	1
Building, 32 Cuba St	2
Regent Theatre (address @ 73-75 Manners St), (Downtown Local)	3
Building, 66-72 Cuba St (cnr. Manners St and Cuba St) (Banks Shoes)	4
Building, 74-76 Cuba St (Trade Aid)	5
Building, 80 Cuba Str (cnr. Dixon St and Cuba St) (Glassons)	6
The Oaks, 81 Cuba St	7
Building, 83-89 Cuba St (corner Cuba and Dixon Streets)	8
Building, 97-99 Cuba St (\$2 Dollar Shop)	9
Left Bank	10

Building, 120-122 Cuba St (Hallensteins)	11
Building, 124 Cuba St (Tattoo City)	12
Bristol Court (Tulsi Restaurant etc.), 135-139 Cuba St	13
Fmr Ware Press Building, 56a Ghuznee St	14
H.M.R. Building, 136-138 Cuba St	15
Building, 140 Cuba St (Monty's)	16
Building, 142-146 Cuba St (including attached substation)	17
Building, 2-6 Garrett St	18
Building, 148-152 Cuba St (TAB)	19
Building, 169 Cuba St (Aunty Mena's)	20
Building, 185 Cuba St (Slowboat Records)	21
House and substation, 159-161 Vivian Street	22
Booth House, 202 Cuba St	23
218-230 Cuba Street, Assorted Buildings (Including Wellington Trawlers) & Open Space	24
Ellmers Mower Centre, 239 Cuba St	25
Building (Presbyterian Support), 247 Cuba St	26
Dry Cleaners, 236 Cuba St	27
Building, 257-259 Cuba St (including adjacent vacant lot)	28
Real Groovy, 244-250 Cuba St	29
Building (Orthotic Centre, Firestone Direct etc.), 264 Cuba St	30
Building, 45 Abel Smith St (including adjacent vacant lot)	31
Cuba Court, 267-273 Cuba St	32
Terralink International House, 275-283 Cuba St	33
Vacant lot, 54 Webb St	34



[Appendix 22: Courtenay Place Heritage Area] PC48

For further information on the Courtenay Place Heritage Area, refer to Appendix 3 of the Central Area Design Guide.



Table 1. Courtenay Place Non-Heritage Buildings

The following buildings or structures are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Tory Continental, 1 Tory Street	1
Commonsense Organics, 260 Wakefield Street	2
Paris Bar, 262 Wakefield Street	3
Building (Just Paterson et al), 9-11 Tory Street	4
Building, (Sports Café), 52-58 Courtenay Place	5
Building, 23 Courtenay Place	6
Building, 17-21 Courtenay Place	7
Building, 5-9 Courtenay Place	8
Zico Café, 8 Courtenay Place	9
YHA Building, 1-5 Cambridge Terrace	10
Building, 5 Kent Terrace	11
L.G. Electronics (Wellington Motorcycles), 13 Kent Terrace	12



Appendix 23: Braemar Building, 32 The Terrace ("the Braemar Building")

The following provisions were inserted into the District Plan as a result of a consent order made in appeal ENV-2008-WLG-000152 in respect of Plan Change 58 filed by Braemar Holdings Limited on 18 August 2008.

Heritage listing of parts of the existing façades of the Braemar Building ('the heritage façades')

- 1 The heritage listing applies only to the front façade (eastern elevation) and 9 metres of the side façade (northern elevation), measured from the front façade (eastern elevation) as shown and specified in Diagram 1 below.

Standards and terms

- 1.1 Heritage Rules 21A.1.2, 21A.2.1, 21A.2.2 and 21A.3. shall not apply to the heritage façades.
- 1.2 The installation of access to the building through the heritage façades at ground floor level is a Permitted Activity.
- 1.3 Any modification to the heritage façades which is not a Permitted Activity or the demolition or relocation of the heritage façades except modifications required to erect signage (which require consent under Rule 21D) is a Discretionary Activity (Restricted) in respect of Historic heritage.
- 1.4 The assessment criteria set out in paragraphs 21A.2.1.3 to 21A.2.1.22 inclusive shall not apply to the heritage façades and the following assessment criteria shall apply instead.

Assessment Criteria

- 1.5 In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:
- 1.5.1 The extent to which the work significantly detracts from the heritage values of the heritage façades.
- 1.5.2 The nature, form and extent of the proposed work and the extent to which the work:

- retains the main determinants of the style and character of the heritage façades. The Council seeks to ensure that modifications to the heritage façades are kept to a minimum.
 - is sympathetic in form, proportions, materials, colours and the patina of materials of the existing heritage façades.
- 1.5.3 The extent to which the work is necessary to ensure structural stability of the heritage façades. The Council will seek to ensure that in any case every reasonable alternative solution has been considered to minimise the effect on heritage values.
- 1.5.4 Whether work is in accordance with a conservation plan prepared for the heritage façades and peer reviewed by the Council.
- 1.5.5 Whether there is any change in circumstances that has resulted in a reduction of the heritage significance since the heritage façades were identified in the district plan.
- 1.5.6 The extent to which the heritage façades have been damaged by fire or other human generated disaster or any natural disaster.
- 1.5.7 Whether it is necessary to save the heritage façades from damage or destruction arising from ground subsidence, landslip, flooding or other natural disaster.

Re-development of the balance of the Braemar Building and the site of the Braemar Building

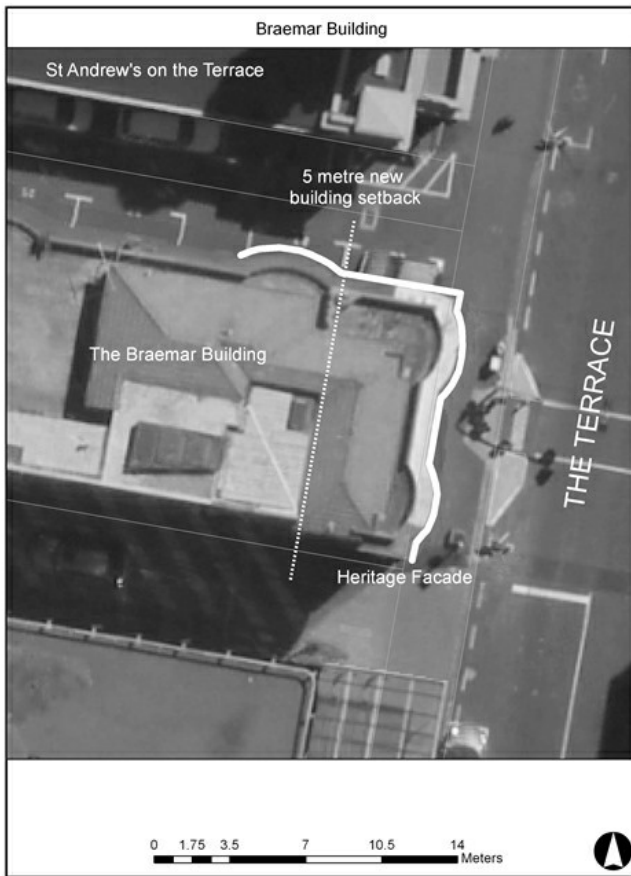
- 2 The following provisions shall apply to any new building on the Braemar site or the extension of the existing building on the Braemar site above the height of the existing heritage façades.

Rules

- 2.1 The provisions of Heritage Chapter 20 shall not apply.
- 2.2 The provisions of Heritage Chapter 21, the provisions of the Heritage Rules contained in Heritage Chapter 21 and the assessment criteria set out in such Rules shall not apply and the following Standards and Terms shall apply instead.

Standards and Terms

- 2.3 Any new building on the Braemar site or the extension of the existing building on the Braemar site above the height of the existing heritage façades, shall:
- 2.3.1 Be set back at least 5 metres from the front façade (eastern elevation)
- 2.3.2 Be located no closer to the side (northern) boundary than the existing building
- 2.3.3 Comply with the relevant Central Area rules and standards in Chapter 13 of the District Plan.



Appendix 24: 186 Oriental Parade

The following provisions were inserted into the District Plan as a result of resolving an appeal relating to the heritage listing of 186 Oriental Parade pursuant to the Environment Court consent order ENV-2008-WLG-000147 dated 31 January 2013.

Extent of Heritage Building Listing

186 Oriental Parade (Sec 2 SO Plan 20814 and Lot 2 DP 5221) is included within the 186 Oriental Parade heritage building listing except for those parts shown on the map in this appendix and defined as:

- Area A: The area contained within a building envelope defined by a line running across the centre ridgeline of the roof of the existing dwelling from side boundary to side boundary and back toward the escarpment at the rear, and within the height plane described in this appendix; and
- Area B: The existing front boundary wall including the existing garage door, the capping and balustrades, the extended raised patio, existing patio and landing area, and that part of the exterior of the front elevation of the dwelling within the height plane described in this appendix.

The height plane for the purpose of determining Area A shall be measured from a horizontal line running along the centre ridgeline of the roof of the existing dwelling from side boundary to side boundary inclined upwards at an 11° angle towards the escarpment at the rear of the dwelling, as shown in the diagram in this appendix. Any parts of any existing chimney which protrude through the height plane are considered to be within the height plane. The height plane for the purpose of determining Area B shall be measured as a horizontal line level at 400mm above the ground floor level of the dwelling at 186 Oriental Parade. Any parts of any existing or proposed parapet up to the height of the existing garage parapet and any existing or proposed balustrade up to the height of 1.150 metres above the parapet are considered to be within the height plane.

Balustrade - additional design guidance

Any replacement of the existing balustrade along the top of the front boundary wall of 186 Oriental Parade shall be of a like nature to that existing, designed so as to not obscure the front elevation of the house and to be in keeping with its heritage values.

Other Matters Forming Part of this Appendix

The 186 Oriental Parade heritage building listing only applies to the exterior of those parts of the dwelling that are listed, as defined in this appendix. This is in accordance with the definition of Listed Heritage Building in the District Plan. Should there be any inconsistency between this explanation and the definition in the District Plan, this explanation prevails. For the purposes of this appendix, anything below the footprint and within the interior of the dwelling is not part of the listing.

The relevant area-based rules apply to the areas excluded from the 186 Oriental Parade heritage building listing, with the addition of the specific guidance regarding the balustrade provided in this appendix.

The heritage rules (contained in Chapter 21) apply to that part of the dwelling within the 186 Oriental Parade heritage building listing.

Should any part of a proposed development of Area A or Area B protrude through the height planes described in this appendix, only that part of the development protruding through the height plane shall be assessed against the provisions in Chapter 21.

Map Showing Areas Excluded from Heritage Listing at 186 Oriental Parade



Section showing height plane angle to apply to new development at the rear of 186 Oriental Parade

