

***Proposed District
Plan Change 43
Heritage Provisions***

(Notified 1 May 2006)

**Including annotated amendments
approved by Council**

PROPOSED DISTRICT PLAN CHANGE 43 – HERITAGE PROVISIONS

Key to the following annotated text

The way in which the changes are to be read is outlined in the key below. This shows what text is being deleted and what text is being added to the provisions since District Plan Change 43 was publicly notified.

The annotations also include the amendments proposed under Variation 4 to Chapter 3.10 ‘Definitions’ and Rule 21B.2.2.

Key to Changes:	
Abcdefghijklmnop Abcdefghijklmnop	Existing text (Operative District Plan) to be deleted
<u>Abcdefghijklmnop</u> <u>Abcdefghijklmnop</u>	Proposed new text
Abcdefghijklmnop <u>Abcdefghijklmnop</u>	Text deleted following the hearing of submissions Text added following the hearing of submissions

Matters not the subject of Proposed Plan Change 43

- Maori sites
- Trees rules
- All listings of buildings, objects, areas, trees, and Maori sites – including Appendices 1, 2, & 3

3.2 INFORMATION TO BE SUBMITTED WITH AN APPLICATION FOR RESOURCE CONSENT

Add new provision as follows:

3.2.2.14 **Heritage:** Where an application for a land use consent is subject to the heritage provisions of the District Plan, the following additional information will be required:

- In respect of listed buildings or buildings within an identified Heritage Area a copy of the original elevation and floor plans of the building if available (These may be available from Wellington City Council archives).
- ~~A detailed description of the proposal outlining all proposed works to the heritage item.~~
- ~~Clearly drawn plans showing the EXISTING and PROPOSED situation. Where relevant these should include the following:~~
 - elevation plans
 - floor plans
 - site plan
 - cross sections
- Where relevant plans of the existing and proposed works shall include cross sections.
- Assessment of Environmental Effects to include:
 - ~~outline of values for which the item was listed;~~
 - identification of the fabric of the building or item which is significant;
 - explicit discussion on how proposed changes will impact on the values/fabric of the item;
 - details (including samples where practicable) of materials and colours to be used, and why they have been chosen, and methods to be followed in undertaking the work;
 - a discussion of alternatives and why the proposal is the best option.
- Conservation Plan if prepared.
- If registered by the NZHPT, details of any consultation undertaken with the Trust. (this is recommended);
- In relation to Maori Heritage sites, details of any consultation undertaken with tangata whenua. (this is recommended);
- For sites that were inhabited pre-1900, details of any consultation undertaken with the New Zealand Historic Places Trust. (this is recommended);

3.10 DEFINITIONS

ADDITION AND ALTERATION (for the purposes of ~~Chapters 20 and 21~~ Rule 17.2.5) includes:

- (i) any work which involves the addition, alteration or removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally;

but does not include:

- (ii) work which is repair or maintenance; and
- (iii) the partial or total demolition of ~~the object or of any part of it which is identified as being of heritage significance; or any activity~~ building within the scope of rules 5.3.11 or 5.4.2.

DEMOLITION AND PARTIAL DEMOLITION FOR THE PURPOSES OF ~~CHAPTERS 20 AND 21 (HERITAGE) AND RULE 5.4.2 (THORNDON CHARACTER AREA) AND RULE 17.2.5 (CHEST HOSPITAL HERITAGE AREA)~~: means the removal, destruction or taking down of any structure, item or object either in total or in part, except, in the case of a building, where that is permitted as “repair and maintenance”, or where it is within the definition of “additions and alteration”.

HERITAGE AREA means a defined area, listed in the schedule of heritage areas, that is characterised by a concentration and continuity of sites, buildings, structures, objects and/or landscape characteristics that are united in their reflection of historic, cultural, social, industrial, spiritual, architectural, archaeological, political or other values that should be protected from inappropriate subdivision, use and development.

A heritage area may include individually listed heritage buildings and objects, as well as buildings and objects that have not been individually listed but have heritage values that contribute to the overall values of the area.

IDENTIFIED CONTRIBUTING NON-HERITAGE BUILDING OR STRUCTURE means any building or structure identified as such in a heritage area.

- a) any building or structure identified as such in a heritage area; or
- b) for heritage area 18 (Tarikaka Street settlement Ngaio) all buildings and structures constructed before 1945;
- e) for heritage area 10 (Clyde Quay Boat Harbour) all buildings and structures except:
 - the clubhouse building 1943 – renovated in 1987
 - the coene sheds
 - slipway
 - the old clubhouse abutting the Freyberg pool

LISTED HERITAGE BUILDING means a building listed in the schedule of buildings and for each building means the whole of the exterior of the building, unless otherwise described in the list.

MAIN ELEVATION means any façade or facades that constitute the primary visual and functional orientation of the building or tenant space, characterised by a combination of such features as principal entry, decorative detailing, shop front and visibility from streets or parking areas.

REPAIR AND MAINTENANCE (FOR THE PURPOSES OF CHAPTERS 20 AND 21) includes:

- (i) in the case of the interior of a building, any alteration or addition to or demolition of a non-structural interior element, unless that element is identified on the heritage list as being of heritage significance

- (ii) any repair of a structural element that substantially preserves or recreates either the original structural appearance or the structural appearance on 27 July 1994
- (iii) any repair (including the replacement of any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form profile and strength

but does not include:

- (iv) in the case of a building, any other alteration of addition to or demolition of any structural element
- (v) in the case of the exterior of a building, any other repair of a structural element.

And for the purposes of this definition:

"structural" in relation to any building means any façade, any exterior wall, any roof, and any internal load bearing walls; and

"non-structural" has a corresponding meaning.

ADDITIONS TO AREA-BASED RULES

Add after the heading for each rules chapter [i.e. Chapters 5, 7, 9, 11A, 11B, 13 (not 13B), 15, 17, 19] and before the heading for permitted activities:

The following rules apply in the [XXX] Area except that where the following heritage rules in Chapter 21 apply the Area based rules (for signs, or earthworks, or subdivision as the case may be) do not apply:

- The sign rules in Chapter 21D apply for all signs on sites where a listed heritage building or object is located (except for individual sites on which listed heritage buildings or objects are located that are also separate heritage areas).
- The earthworks rules in Chapter 21B apply for all earthworks in a listed Heritage Area.
- The subdivision rules in Chapter 21A apply for any subdivision of a site on which a listed heritage building or object is located.
- The subdivision rules in Chapter 21B apply for any subdivision of a site in a listed Heritage Area.

And in the central area/suburban centres add the following to the above bullet points:

- The sign rules in Chapter 21D apply for all signs in a listed Heritage Area.

20. HERITAGE

20.1 Introduction

Places associated with Wellington's past including places of significance to tangata whenua, and-Maori archaeological sites, the city's built heritage, and significant heritage and notable trees are a precious and finite resource. They are important in shaping the character of the inner city as well as the suburban and rural areas. They are part of what makes Wellington unique. *The protection of historic heritage from inappropriate subdivision, use and development and the use of these places plays a core role in promoting the sustainable management of Wellington's natural and physical resources.* ~~The identification, protection the protection of historic heritage from inappropriate subdivision use and development and use of these places are fundamental to the sustainable management of Wellington's natural and physical resources.~~

Heritage places provide the community with a sense of continuity and the ability to identify with their City through protecting evidence of its past in the existing environment. Evidence of heritage in the environment provides us with a sense of time, of where we have been and where we are now, and gives us the opportunity to shape our future. The Maori saying, "Me huri whakamuri ka titiro whakamua" (In order to plan for the future, we must look to the past) encapsulates this principle.

Since the District Plan was adopted in July 2000 the protection of heritage has received greater recognition. Under the 2003 amendment to the Resource Management Act 1991 (The Act) historic heritage is now recognised as a matter of national importance. In particular Section 6(f) of The Act provides for the protection of historic heritage from inappropriate subdivision, use and development.

The District Plan provides a primary means of identifying and protecting the city's heritage through objectives, policies and rules. This chapter deals with places of significance to tangata whenua and Maori, the city's built heritage, and significant heritage and notable trees.

20.1.1 Built Heritage - Listing Buildings, Objects, Areas and Archaeological Sites and their Settings

The evidence of Wellington's ~~European~~ heritage ~~since its occupation by settlers in the nineteenth century~~ is seen ~~predominantly~~ in buildings, structures, objects, archaeological sites ~~or~~ and areas. At the same time protecting the city's built heritage is not about locking it up. The continued use of a heritage building is essential to its survival but it should not be at the loss of its historic and architectural integrity. The challenge is to protect the most valued heritage places in an evolving environment while meeting the needs of a rapidly changing community.

Buildings, Objects, Areas

Council strongly supports the protection of the city's built heritage and in June 2005 adopted a Built Heritage Policy. This policy identified built heritage as: *an individual or group of buildings, structures, monuments, or installations, or remains thereof, and their surroundings which are associated with the city's architectural, cultural, social, political, economic, scientific, technological, transportation, military or maritime history.*

Listing buildings, objects and areas in the District Plan aims to recognise inherent or associated heritage values and to encourage the protection of these values by appropriate conservation techniques. ~~The criteria for identifying buildings, objects and areas in the district plan may include the historic, social, aesthetic, scientific or townscape value and whether or not the place is representative, rare and retains its integrity.~~ The criteria for identifying buildings, objects and areas in the District Plan may

include places with archaeological, architectural, cultural, historic, scientific or technological qualities and whether the place is rare or unique, representative of a particular style or era authentic and/or contributes to a group of places. Once they are listed, they are not categorised further. Items may only be added to or removed from these lists by way of a Plan Change. The listing includes a reference number, the name the place was known as at the time of listing, the address of each item, the date of original construction of the item and any particular features that have been specifically listed. The listing is not a comprehensive or exclusive record and more information about the items is generally contained in the Heritage Inventory.

The Heritage Inventory generally provides information of why an area, building, object, tree or site is listed in the District Plan and afforded protection through the Plan's provisions. The information can be used in assessing the effects of development proposals on the heritage values of a place. The information is updated and revised from time to time as additional information becomes available. This does not affect the listing of items in the District Plan. Absence from the list description or Heritage Inventory of any reference to a feature does not indicate that the feature is of no interest and can therefore be altered or removed without consent. Where there is doubt the Council's heritage advisors should be consulted.

If a listed building or object is demolished or other wise destroyed (for instance as a result of fire) or relocated somewhere within the Wellington City boundary a plan change will be required to remove the scheduled item from the District Plan or to assess whether the relocated item is still worthy of listing in the schedule and the schedule will be adjusted accordingly.

Archaeological Sites

Any site that has been occupied by humans before 1900 is considered an archaeological site under the Historic Places Act 1993 and has some protection under that Act. Archaeological sites have not previously been listed in the District Plan however some sites of significance to tangata whenua are also archaeological sites and are identified and protected as part of the policies for Maori sites. For the purposes of this Plan the definition of archaeological site will be the same as that used under the Historic Places Act 1993. It is not practicable to identify all archaeological sites in the city in the District Plan. The Council will however liaise with the New Zealand Historic Places Trust and the New Zealand Archaeological Association to identify significant archaeological sites which will be included in the District Plan Schedule of heritage items.

If a proposed development involves the disturbance of the ground or foundations of a pre-1900 building, the NZHPT should be advised, and an archaeological authority may be required in terms of the Historic Places Act.

Surroundings

The setting of listed buildings, objects, areas and archaeological sites are often an essential part of their character. Inappropriate development may isolate a listed heritage item from its surrounds and thereby adversely affect the heritage values for which the item was listed. ~~Where a building, object, area or archaeological site has no ancillary land, for example in the city centre or suburban shopping centres, the setting may include the whole of a number of other properties. Therefore any proposals for development, which by its character, or location, may have an adverse effect on the setting of a listed item, will require careful consideration by the Council as part of the consent process.~~ Any new development which by its character or location might adversely impact on the setting of a listed heritage item will require careful consideration in terms of any area-based rules that might apply.

~~This chapter deals with aspects of our heritage which possess historical, architectural, spiritual, social, traditional or other special cultural or natural significance.~~

What is heritage and why protect it?

~~Heritage preservation involves protecting aspects of the natural and cultural environment that are inherited from the past, that provide a context for the present and that shape the future. The Maori~~

saying, "Me huri whakamuri ka titiro whakamua" (In order to plan for the future, we must look to the past) encapsulates this principle.

Heritage provides the community with a sense of continuity and the ability to identify with their City through evidence of its past in the existing environment. Evidence of heritage in the environment provides us with a sense of time, of where we have been and where we are now, and gives us the opportunity to shape our future. It sets concepts such as "growth" and "progress" in a social context.

Council strongly supports the retention and enhancement of heritage values in the city and, through the use of a variety of techniques, will work to prevent the loss of the community's heritage. The District Plan reflects this concern and is one of the techniques available to achieve this enhancement.

Several layers of culture have developed as a result of the occupation of the City area over the years by a number of different cultural groups. It is important that this is recognised. A layer of Maori historical and sacred places exists, but its physical presence has been largely obscured. An acknowledgement of this layer provides an understanding of that part of our heritage.

The District Plan provides an opportunity to acknowledge the sites of importance to tangata whenua and to allow for new developments to respect their significance.

The evidence of Wellington's European heritage since its occupation by settlers in the nineteenth century is seen predominantly in buildings and some sites. The District Plan recognises significant buildings and sites by identifying them, restricting their loss, and requiring any additions and alterations to them to be assessed according to design criteria.

As well as the heritage aspects described above, the city's natural heritage, which includes coastlines, landforms, ecosystems and trees, is also important. These qualities have scientific as well as cultural significance, and are dealt with throughout the Plan.

Other items of natural heritage (Conservation Sites) are identified in Chapter 18 of the District Plan and are subject to rules governing their protection.

Protected trees are also regarded as heritage items because of their important links with the City's history and tradition, in some cases their ecological importance and because they are a major part of the City's character and amenity. Both individual specimens or groups of trees are listed in the Plan. Trees that have been identified because of their special value to the community are included in a Schedule of Heritage and Notable Trees at the end of Chapter 21 – Heritage Rules.

20.1.1 — Listing Places Of Cultural Heritage Value

Listing buildings, objects, areas, and sites of importance to Maori in the District Plan aims to recognise inherent or associated heritage values and to encourage the protection of these values by appropriate conservation techniques. Once they are listed, they are not categorised further. Items may only be added to or removed from these lists by way of a Plan change.

Information concerning the cultural heritage value of each listed item is contained in Council's Heritage Inventory. This document provides a commentary on or an explanation of why an area, building, object, tree or site is listed in the District Plan and afforded protection through the Plan's provisions. Although the Heritage Inventory is not part of the District Plan, it is updated and revised from time to time as additional information becomes available. This does not affect the listing of items in the District Plan.

In certain cases to protect heritage values/items it may be necessary to relocate buildings or objects from the positions described in the District Plan Maps and Heritage Schedule. In such cases a consent to relocate a heritage item will have conditions stating that any activity must comply with the Heritage provisions of the District Plan (Chapter 21) until such time as a plan change becomes operative to reschedule the building or object in its new location.

The criteria used for considering inclusion of an item in the District Plan are:

20.1.1.1 — Cultural Values

Emotional

These are values which are associated with a place by function, location, history, setting or commemoration. They include legendary, spiritual, sentimental, religious, symbolic, political and patriotic values and include sites that may no longer exist in a physical form but have a turangawaewae/spiritual connection. Such sites, a form of "hidden landscape", may have a metaphysical or symbolic meaning rather than physical form.

Historical

Historical values are those with which a place is imbued by virtue of age, or the fact that they provide the context for significant events or the activities of significant people or groups. They include age, tradition, continuity, association with people and groups, or an association with an event.

Design

Design values may include the creative or artistic use or adaptation of materials, spaces, colour, structures and/or textures in the fields of architectural, landscape, urban, technical, engineering (civil, structural, mechanical and electrical) and functional design.

Technological

Technological values include the association, application or contribution of a place to the creation, innovation or invention of a science or technology.

20.1.1.2 — Use Values

People can value a heritage resource in its current form, through the process of its conservation or because of the end result of its conservation for reuse. Use values can include benefits such as the generation of income from its existing or new use, the educational value derived from cultural values and the potential for amenity use.

20.1.1.3 — Contextual Values or Levels of Significance

These are factors which determine the relative levels of significance possessed by a heritage item. Different heritage items have different levels of significance.

Measure of Value

The relative value of an item may be assessed against certain measurements. Is the item:

unique; rare; outstanding; seminal; landmark; influential; representative with respect to cultural value (including building type, construction, style, design, builder, designer, period, region)?

Level of Authenticity

Authenticity is generally understood as the item's original state. However, later modifications to a place may also be considered to be authentic. The areas of authenticity are:

————— *Design*

————— Authenticity of design is the retention of the design values.

————— *Setting*

~~Authenticity of setting is where the urban and landscape design values of the setting are retained.~~

~~**Materials**~~

~~Authenticity of materials includes the retention of materials, the impact of history, the process of ageing and patina of the material.~~

~~**Workmanship/Craftsmanship**~~

Authenticity of workmanship includes retention of the evidence of the use of technology and the methods of manufacture, material treatment and of construction.

20.1.2 Maori Heritage Sites

Several layers of culture have developed as a result of the occupation of the City area over the years by a number of different cultural groups. It is important that this is recognised. A layer of Maori historical and sacred places exists, but its physical presence has been largely obscured. An acknowledgement of this layer provides an understanding of that part of our heritage.

The District Plan provides an opportunity to acknowledge the sites of importance to tangata whenua and to allow for new developments to respect their significance.

Precincts, sites, features and tracks of significance to the tangata whenua have also been identified. These are classified into different types and management techniques.

Part of the criteria for assessing any development that affects a site or precinct will be developed following consultation with Maori interests.

Consultation will address the effects of the proposal on the site or precinct and will help to ensure that the proposal meets the objectives of the precinct.

For management purposes, precincts, sites, features and tracks of significance are classified into three groups. Details are included in the Maori Heritage Inventory at the end of Chapter 21 - Heritage Rules.

Group 1: Precincts

- Tangata Whenua Precinct
- Landscape Features Precinct
- Development Precinct

These are areas to which there are traditional connections, and whose objectives seek to maintain identified qualities. The outcomes are determined by the tangata whenua to ensure that their needs in relation to the area's identity are met.

The Plan establishes objectives for the maintenance and preservation of heritage areas. Policies and rules to implement these objectives are to be developed by the tangata whenua for inclusion in the Plan. As an interim measure, the Plan requires all applications for resource consents, that are within Maori precincts, to also include a description of consultation with tangata whenua or other Maori. Where specific sites are located within precincts, rules relating to the category of the site will apply. Each precinct will have its own Roopu Kaitiaki Management/Guardian Group who will be consulted in an advisory capacity by applicants seeking to carry out work in that precinct.

Group 2: Landscape Features and Tracks and Sites of Significance to Tangata Whenua

- Landscape feature

- Landscape track
- Significant sites for tangata whenua

The natural landscape is closely tied to tribal identity. A variety of major features in the landscape are of importance to tangata whenua. An example is the traditional track connecting the Thorndon area (Pakuao) with Kaiwharawhara Pa and Ohariu. Many of the features are drawn together in the precincts under a common management structure.

Significant sites occur both inside and outside of precincts and are significant for a variety of reasons. They may have particular historical significance, act as a marker on the landscape, or be an example of a type of site. They include maunga (mountains/hills), pa (major villages), kainga (smaller villages), waahi tapu (sacred sites), waahi tupuna (ancestral sites), tauranga waka (canoe landing sites), puna (springs), ngakina (gardens) or ana tupa paku (burial caves).

Group 3: Noteworthy Sites of Significance to Tangata Whenua and Further Investigation Sites

- Noteworthy sites of significance to tangata whenua
- Further investigation sites

The locations of noteworthy sites are, for one reason or another, less specific. They are identified in the heritage lists for information only. The sites cannot be classified more specifically until further investigation is carried out into the location of the sites, what the sites were used for and any other relevant factors.

20.1.3 Heritage & Notable Trees

Protected trees are also regarded as heritage items because of their important links with the City's history and tradition, in some cases their ecological importance and because they are a major part of the City's character and amenity. Both individual specimens or groups of trees are listed in the Plan. Trees that have been identified because of their special value to the community are included in a Schedule of Heritage and Notable Trees at the end of Chapter 21 - Heritage Rules.

The identification and protection of individual and groups of trees within the City recognises the ecological, amenity and heritage values of the City's significant trees and encourages the retention of these values where appropriate.

Information concerning the identified natural, and cultural heritage value of each listed item is contained in an Inventory of Heritage and Notable Trees. This document provides information on each listed tree. This Inventory is not part of the District Plan. It is updated and revised from time to time as additional information becomes available. A copy of this inventory can be viewed at the Council Offices.

Trees have been evaluated against the 'Standard Tree Evaluation Method' (STEM) developed by Ron Flook. This system evaluates the condition, amenity and notable value of trees or groups of trees. The system includes allocation of points under various criteria. The criteria used for considering inclusion of an item in the District Plan includes the following:

20.1.3.1 Condition

Form - Botanical assessment of the tree. To obtain the most points, the tree should be reliable in structure and be a good example of the species. A comparison of known examples of local trees within a district of the same species would be the reference for awarding points under this section.

Occurrence of the species - This criterion is an assessment of botanical detail and prompts the recognition of native species. The range for assessing the occurrence of a species would be based on the number of trees within the local district boundary.

Vigour and vitality - An assessment of the health of the tree. Trees in maturity can display vitality while younger trees can show greater vigour in their growth rates.

Function - Trees are assessed for their usefulness which could include such factors such as flowers, fruit or foliage, physical usefulness such as screening noise, soil stabilisation, recycling of nutrients or conservation factors such as acting as providing a shelter or food source for wildlife.

Age - An estimate of the trees age at the time of evaluation.

20.1.3.2 Amenity

Stature - The height or width of the tree is measured whichever is the greatest size.

Visibility of the tree - The importance of the position of a tree is used to identify trees which contribute as a visual feature in both urban and rural situations. A measurement is made of the furthest distance that the tree can be seen from any observation point of 0.5km - 1km - 2kms - 4kms - 8+kms.

Proximity of other trees - Whether the tree is seen visually as a solitary specimen or part of a group.

Role in location - A tree or trees' value in a setting or as part of a composition. Assesses how a particular scene or place look without the tree and describes a tree's streetscape or open space merit.

Climatic influences - The effect of the tree on the surrounding microclimate.

20.1.3.3 Notable

Stature (feature and form) - Whether the tree is outstanding for its species in Wellington because of its form, large trunk diameter, height, canopy spread or makes a contribution to its locality or the wider landscape.

Historic (age, association, commemorative, remnant, relict) - Authoritative and well documented age of over 50 years, planted to commemorate, or associated with an historic event or person, remnant of native forest or exotic tree plantation or existing in an environment which has changed from that which is typical for that tree species.

Scientific (source, rarity, endangered) - Exceptional species qualities or generic derivation, authenticated evidence of their rarity, threatened, represents a species rare in the region of New Zealand.

20.1.4 OTHER MATTERS RELATING TO THE PROTECTION OF HERITAGE

20.1.4.1 ICOMOS NZ CHARTER AND OTHER POLICY DOCUMENTS AND GUIDELINES

The International Council on Monuments and Sites (ICOMOS) is a non-governmental organisation concerned with the protection of heritage places worldwide. The first international charter was adopted in Venice in 1964 and has provided the guiding principles for heritage conservation internationally ever since. In 1992 the ICOMOS New Zealand National Committee wrote the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. This charter, in recognising that New Zealand's heritage places are unique, sets out the general principles and methods for heritage conservation in New Zealand.

There are other international charters such as the Burra Charter, the Xi'an Declaration On The Conservation Of The Setting Of Heritage Structures, Sites And Areas 2005 as well as national policy statements and guidelines such as the Policy for Government Departments' Management of Historic Heritage 2004.

These documents provide important references in identifying and protecting heritage and in the resource consent process.

20.1.4.2 New Zealand Historic Places Trust

Where a heritage item is registered by the New Zealand Historic Places Trust, The Council will inform the Trust in respect of any resource consent or District Plan change. Council will expect an application for resource consent that relates to a heritage item that is registered with the Trust to include written comments from the Trust.

20.1.5 Heritage Orders

The Resource Management Act provides for approved parties (including local authorities) to become heritage protection authorities and to require local authorities to place heritage orders on property for the purpose of protecting:

- "(a) Any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural or historical reasons; and*
- (b) Such areas of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of that place."*

A Heritage Order is a mechanism additional to the general provisions of the Plan and may possibly be used where a heritage item is threatened with destruction. Sites which have had heritage orders served on them are required to be included in the Plan.

The following are currently the subject of a Heritage Order. The Heritage Protection Authority is in brackets.

Buildings:

1. Plimmer House, 99 Boulcott Street. (New Zealand Historic Places Trust) – (see Map 17. # 34)
2. St. James Theatre, 77-81 ~~Courtney~~ Courtenay Place. (New Zealand Historic Places Trust) – (see Map 16, # 67/1)
3. BNZ Buildings 1, 239-243 Lambton Quay and 3, 98-102 Customhouse Quay. (New Zealand Historic Places Trust) – (see Map 17, #187 and #97)
4. The Public Trust Building, 131-135 Lambton Quay. (New Zealand Historic Places Trust) – (see Map 17, #180)
5. Prime Ministers Residence, 260 Tinakori Road. (New Zealand Historic Places Trust) – (see Map 18, #308)
6. State Insurance Building, 143-149 Lambton Quay. (New Zealand Historic Places Trust) – (see Map 18, #181)

7. Erskine College, 21-35 Avon Street, including: the Main Building; the Chapel; the Gymnasium; Coen, St Anthony's and Lisieux Wings; and the area of land surrounding it including Our Lady Grotto; the stone walls, iron fences and gates; as well as gardens including a number of notable trees. (Save Erskine College Trust) – (see Map 4, #21/1 and #21/2)

20.1.6 Conservation Plans

Conservation plans are required for items which have heritage orders placed on them. Ideally, conservation plans should be prepared for all listed heritage items. However, those listed items for which conservation plans are important are those of greatest significance, or those for which the owners propose substantial modifications. Where a conservation plan has been prepared for a heritage item this will be peer reviewed and its policies taken into consideration when assessing the effects of a development proposal on a listed heritage item.

A conservation plan is a method of assessing the cultural significance of a place of cultural heritage value. It contains policies for the conservation of the place. The document referred to in the preparation of conservation plans is J S Kerr's "The Conservation Plan: A guide to the preparation of conservation plans for places of European cultural significance", prepared by the National Trust of Australia, 3rd edition, 1990. This document is written in relation to the Burra Charter which guides conservation standards of practice. The standards of conservation practice in New Zealand are set out in the "ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value". This document is referred to when conservation plans are prepared in New Zealand.

The purpose of a conservation plan is to ensure that the significance of a heritage place is identified in detail, to ensure that when changes occur the heritage values are not removed or lost. Conservation plans are to control physical intervention and specify the degree and nature of intervention acceptable for non-conservation purposes.

Conservation plans can be large and complex documents, or simple statements of significance and conservation policies. The scale of the document will depend on the issues to be resolved and their cost.

20.2 Heritage Objectives and Policies

OBJECTIVE

20.2.1 To recognise and protect the city's historic heritage. To recognise and protect the City's historic heritage and protect it from inappropriate subdivision use and development

POLICIES

To achieve this objective, Council will:

20.2.1.1 Identify, record and list the city's significant historic heritage.

METHODS

- Maintain and update the District Plan heritage schedule.
- Application of non-statutory Council policy, such as the Built Heritage Policy (2005)
- Rules
- Maintaining and updating the Council's Heritage Inventory.

The listing of buildings objects and areas of heritage value in the District Plan provides the primary means for protecting those listed items. Minor works such as repair and maintenance are permitted but most other development will require a resource consent to ensure that heritage values are not compromised.

In addition a range of other methods will be used such as those detailed in the Built Heritage Policy (2005). An important method is the Heritage Incentive Fund that provides grants for restoration or repair work or the funding of professional services to assist with this work.

Council is also undertaking work on identifying significant archaeological sites, and will, once that work is completed, consider the appropriate control, if any, for such sites.

The listing of buildings, objects and areas of heritage value in the District Plan provides the primary means of identifying places of heritage value. Council is undertaking work on identifying significant archaeological sites. Council maintains the Built Heritage Inventory, which provides information on the heritage significance of buildings, objects and areas that are listed in the District Plan. The Built Heritage Policy 2005 includes a range of incentives to property owners to encourage listing in the District Plan.

20.2.1.2 Protect listed buildings or objects from demolition or relocation and only allow demolition or relocation when there are no significant effects on heritage values and it can be demonstrated irrefutably on reasonable grounds that there is no sustainable use.

METHODS

- Rules
- Heritage Orders

The demolition, destruction or relocation of listed buildings or objects is a discretionary (unrestricted) activity. This is to ensure that all effects of any application can be assessed and considered against the objectives and policies of the Plan and Part 2 of the Act.

The Council's overriding desire is to retain listed buildings or objects in their entirety but accepts that to ensure ongoing use that some demolition or destruction of the existing structure may be required to allow modifications. Resulting modifications will be determined with reference to Policy 20.2.1.3.

Where the total demolition, destruction or relocation of a listed building or object is proposed the Council will need to be convinced that there is no reasonable alternative option to losing the listed item.

The demolition, destruction or relocation of listed buildings or objects (in whole or in part) is therefore a Discretionary Activity (Unrestricted), requires a resource consent to ensure that all effects of any application can be assessed and considered against the objectives and policies of the Plan and Part 2 of the Act.

As the purpose of the rules giving effect to Policy 20.2.1.2 is to assess the effects of historic heritage, the discretionary (restricted) activity classification has been used. This is consistent with the structure of the District Plan in that the Heritage chapter is focused on the assessment of effects on historic heritage and the other Area based chapters of the Plan still apply to all other elements of land use.

In order to avoid the argument that the activity classification of discretionary (restricted) creates a perception or signal that the Plan has created a 'lesser hurdle' for applications than might have otherwise applied if a fully discretionary activity classification were used, it is specifically recorded that this is not the case. The classification has been selected to limit the Council's discretion to heritage matters only, but in no way to diminish the significance of the assessment of heritage issues. Each application must meet the requirements of the RMA to obtain a resource consent.

The discretionary (restricted) activity classification enables the use of a non-notification clause. Such a clause has been used for modifications under rule 21A.2.1 and 21A.2.3 due to the scale of the proposals provided for under that rule. For all other applications, no such clause is provided and the statutory test for notification will apply.'

The environmental result will be the retention of listed items that constitute a significant proportion of Wellington's heritage.

20.2.1.3 Promote the conservation and sustainable use of listed buildings and objects while ensuring that any modification avoids, remedies or mitigates, effects on heritage values of the listed buildings or objects and where relevant:

- **ensures that modifications to the main elevations are minimised, or if possible are unaltered;**
- **any modifications respect the scale of the building or object; and**
- **any modifications maintain the relationship of the building or object with its setting.**

METHODS

- Rules
- Application of non-statutory Council policy, such as the Built Heritage Policy (2005)
- Other mechanisms (promotion, grants and advice)

The Council recognises that to ensure the ongoing use of listed buildings some additions and alterations may be required. In some circumstances however, changes to a listed heritage item may be inappropriate therefore, additions and alterations to listed heritage buildings ~~are included as either a Discretionary Activity (Restricted) or Discretionary (Unrestricted) activity~~ depending on the scale of the modification. This is require a resource consent to ensure that work affecting the listed building can be fully evaluated and assessed to ensure the heritage values of the item are maintained.

As the purpose of the rules giving effect to Policy 20.2.1.3 is to assess the effects of historic heritage, the discretionary (restricted) activity classification has been used. This is consistent with the structure

of the District Plan in that the Heritage chapter is focused on the assessment of effects on historic heritage and the other Area based chapters of the Plan still apply to all other elements of land use

In order to avoid the argument that the activity classification of discretionary (restricted) creates a perception or signal that the Plan has created a 'lesser hurdle' for applications than might have otherwise applied if a fully discretionary activity classification were used, it is specifically recorded that this is not the case. The classification has been selected to limit the Council's discretion to heritage matters only, but in no way to diminish the significance of the assessment of heritage issues. Each application must meet the requirements of the RMA to obtain a resource consent.

The discretionary (restricted) activity classification enables the use of a non-notification clause. Such a clause has been used for modifications under rule 21A.2.1 and 21A.2.3 due to the scale of the proposals provided for under that rule. For all other applications, no such clause is provided and the statutory test for notification will apply.

The environmental result will be the retention of listed items that maintain their heritage values.

20.2.1.4 Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied and mitigated.

METHODS

- Rules

The Council recognises that the protection of historic heritage in section 6(f) of the Resource Management Act extends to the surroundings associated with the heritage items. This does not mean that all areas in the locality will be included in the definition of historic heritage. It will require an assessment of the extent to which the area that surrounds an item of heritage significance is significant for retaining and interpreting the particular heritage item.

Council has not at this stage undertaken such an assessment for all listed heritage items. Under the heritage rules, it will assess the impact of any subdivision or development of any site (as defined in the District Plan) on which there is a listed heritage building or object. In some instances Council may also have jurisdiction to consider the effects of development on a site that adjoins a site containing a heritage building or object under other area based rules (ie the Central Area).

The environmental result will be the retention of listed items on a site within an appropriate setting.

20.2.1.5 Identify heritage areas to cover groups of buildings, structures, spaces and other features, which collectively have significant historic heritage value.

20.2.1.6 Protect buildings, structures, spaces and other features integral to the significance of a heritage area from demolition, destruction or relocation, where there are no significant effects on heritage values.

20.2.1.7 Ensure additions and alterations to existing buildings, any new buildings or subdivision within a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.

20.2.1.8 Maintain and enhance the heritage values, qualities and character of listed heritage areas.

METHODS

- Rules
- Other mechanisms (promotion, financial incentives including grants and advice)

- Application of non-statutory Council policy such as the Built Heritage Policy (2005)

Heritage areas cover a variety of features including clusters of commercial or residential buildings or structures (some of which may be listed buildings), areas of land containing special buildings or structures or individual items such as roads, tracks and steps. While heritage areas often contain a concentration of listed heritage items, they also contain other 'contributing buildings' that contribute to the character and coherence of the heritage area. Because of their contribution to the value of the heritage area the contributor buildings warrant the same treatment and control as listed heritage items in terms of building demolition, and the design of additions and alterations.

The construction of any new buildings and changes to existing buildings (other than repair and maintenance, internal additions and alterations, and some small scale accessory buildings) has been made a Discretionary Activity (Restricted) to ensure that the proposed work can be fully assessed to maintain the character and qualities of the heritage area. New development should respect the design of its neighbours and the character of the area generally by considering scale, massing, materials, details, orientation and setbacks. New development need not attempt to mimic historical architectural styles, but should distil the essential elements of the established character so that new interpretations will be consistent with, and contribute to, the heritage area's established character.

Heritage areas also contain buildings or structures that have been identified as having no heritage value. Identified non-heritage buildings or structures will be controlled to ensure that any future modifications enhance the values of the heritage area but their demolition or relocation will be permitted.

The Council's priority is to maintain the integrity of heritage areas by avoiding the loss of the features that comprise the heritage area. For this reason the demolition or removal of buildings or other features, is a Discretionary Activity (~~Unrestricted~~) (Restricted).

As the purpose of the rules giving effect to Policies 20.2.1.6-8 is to assess the effects of historic heritage, the discretionary (restricted) activity classification has been used. This is consistent with the structure of the District Plan in that the Heritage chapter is focused on the assessment of effects on historic heritage and the other Area based chapters of the Plan still apply to all other elements of land use.

In order to avoid the argument that the activity classification of discretionary (restricted) creates a perception or signal that the Plan has created a 'lesser hurdle' for applications than might have otherwise applied if a fully discretionary activity classification were used, it is specifically recorded that this is not the case. The classification has been selected to limit the Council's discretion to heritage matters only, but in no way to diminish the significance of the assessment of heritage issues. Each application must meet the requirements of the RMA to obtain a resource consent.

The discretionary (restricted) activity classification enables the use of a non-notification clause. Such a clause has been used for works under rule 21B.2.1 due to the scale of the proposals provided for under that rule. For all other applications, no such clause is provided and the statutory test for notification will apply.'

The environmental result will be heritage areas that retain their character, coherence and heritage values.

20.2.1.9 Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within Heritage Areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.

METHODS

- Rules
- Design Guide for Signs

The placement or erection of signs can adversely affect the heritage values. Considering signs as a Discretionary Activity (Restricted) will enable the number, size, placement and means of fixing to be evaluated and assessed.

The environmental result will be heritage buildings, objects or areas that are not cluttered with signs.

20.2.1.10 Protect listed trees from destruction and loss, and control the effects of trimming and changes to ground levels or other activities within the dripline of trees, to only allow these activities when they maintain or enhance the heritage values recognised in the listing of trees in section 20.1.3.

Council seeks to protect listed trees from destruction or loss. The minor trimming of trees that will not affect the health or appearance is permitted. The destruction, removal or partial removal of any listed tree is a Discretionary Activity (Unrestricted). Any activity within the dripline of a listed tree is also a Discretionary Activity (Unrestricted). This is to ensure that any development proposed can be fully evaluated and assessed.

The environmental result will be the retention of listed trees.

20.2.1.11 Avoid, remedy or mitigate the adverse effects of development on the archaeological values of any site.

METHODS

- Archaeological Authority process under the Historic Places Act 1993 administered by the New Zealand Historic Places Trust.
- Advocacy
- Rules (where resource consent is required and Council's jurisdiction is not limited in a way that precludes consideration of archaeological values)
- Section 17 Resource Management Act 1991

Archaeological values and sites are a part of the definition of historic heritage. Their protection from inappropriate subdivision use and development under s6(f) of the Resource Management Act 1991 is in addition to the controls on archaeological sites under the Historic Places Act 1993.

The Council has not at this stage identified in sufficient detail particular archaeological sites to enable consideration of whether the District Plan should control the effects on such sites using rules (similar to that for buildings, objects and areas). This work will be undertaken in the future.

In the meantime the Council will use non-regulatory measures and existing rules where possible to control the adverse effects on archaeological sites.

The environmental result will be the protection of, or the appropriate excavation of archaeological sites.

20.2.1 To maintain and enhance the city's heritage to ensure continuity with the past in the development of the city.

POLICIES

—————To achieve this objective, Council will:

~~20.2.1.1 Identify and list items (buildings, objects, areas, trees and sites) of significant heritage value.~~

~~20.2.1.2 Avoid the loss of heritage value associated with listed items.~~

METHODS

- ~~• Rules~~
- ~~• Information (promotion of city heritage)~~
- ~~• Other mechanisms (financial incentive programmes for heritage retention, Heritage Orders)~~

~~Council considers the city's heritage to be an integral part of Wellington's life and character and of its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings, objects, areas, trees and Maori sites that are of heritage significance will be assessed against criteria which seek to maintain an item's heritage value. The loss of heritage values will only be considered as a resource consent application.~~

~~Other mechanisms of assistance may include direct financial incentives which are made available and funded via the Annual Plan process as well as non-financial incentives such as the provision of advice. An indication of the nature and extent of Council's heritage incentive programme is identified in the Wellington City Built Heritage Policy. Protection by the method of a heritage order is also available to Council and other heritage protection authorities.~~

~~The environmental result will be the retention of a significant proportion of Wellington's heritage.~~

20.2.1.3 — Manage the effects of activities that cause the loss of heritage values associated with listed items.

METHOD

- ~~• Rules~~

~~In general, Council is not concerned with the use to which heritage items are put. However, where the activity has the potential to cause the loss of the item's heritage values or to compromise these values, Council seeks to prevent this. For this reason the total or part demolition, destruction or removal of any heritage item, and activities within the dripline of heritage trees, are Discretionary Activities.~~

~~In determining applications for resource consent under the provisions of Chapter 21, matters applicable in the area based rules in which the item is situated shall not generally be taken into account unless the context otherwise requires.~~

~~The environmental result will be the use of heritage items by activities that do not compromise the heritage item's values.~~

OBJECTIVE

20.2.2 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Maori concepts present a different view for the management of the city's natural and physical resources. In particular, kaitiakitanga is a specific concept of resource management. By acknowledging the ancestral relationships to the land and natural world, a basis can be constructed for addressing modern forms of cultural activities.

POLICIES

To achieve this objective, Council will:

20.2.2.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

METHODS

- Rules
- Information

Particular features of the natural and cultural landscape hold significance to tangata whenua and other Maori. The identification of specific sites (such as waahi tapu/sacred sites and waahi tupuna/ancestral sites) and precincts will ensure that this significance is respected.

The environmental result will be the retention of a significant proportion of heritage sites that are of significance to tangata whenua and other Maori.

20.2.2.2 Require that the tangata whenua be consulted where a resource consent is required for an activity within a Maori precinct.

20.2.2.3 Facilitate the development of appropriate design guidelines that ensure that tangata whenua involvement in the Maori precincts is reflected in new development.

METHODS

- Rules
- Other mechanisms

Consultation can play a significant role in addressing tangata whenua and Maori concerns. Council therefore requires consultation where issues of significance to Maori have been identified.

Applicants for resource consents will be required to consult with Roopu Kaitiaki/Management or Guardian Groups where these groups have been established in precincts. Consultation will help to ensure that the proposal meets the objectives of the precinct and that any effects are addressed.

The environmental result will be the recognition of Maori heritage by development proposals in their design or by contribution through the development process.

21. HERITAGE RULES

Explanatory Note: The Layout of the Heritage Rules has been revised to improve their clarity and functionality. New rules are shown underlined. Existing rules (shown without underline) may have been relocated but their content has remained unchanged.

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 is 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 (Unrestricted) 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.

21A.2.1 Any modifications to any Listed Heritage building or object which is not a permitted activity except :

- **alterations or additions that involve the modification of any part of the main elevation of any listed heritage building ;**
- **alterations or additions that extend the existing building footprint (at ground level) by more than 10% or add an additional storey (or stories) beyond the existing building envelope;**
- **modifications required to erect signage (which require consent under 21D)**

are Discretionary Activities (Restricted) in respect of:

21A.2.1.1 Effects on Historic Heritage

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

21A.2.1.3 Coverage

21A.2.1.4 Bulk and massing of buildings

21A.2.2 Any modifications to any Listed Heritage building or object, which is not a Permitted Activity or Discretionary Activity (Restricted) included under Rule 21A.2.1; or

The demolition or relocation of any listed heritage building or object

is a Discretionary Activity (Restricted) in respect of:

21A.2.2.1 Effects on Historic Heritage

21A.2.2.2 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.2.1.4. 21A.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:

Modifications

21A.2.1.5. The extent to which the work significantly detracts from the values for which the building or object was listed.

21A.2.1.6 The extent to which proposals meet the provisions of any relevant Design Guide addressing additions or alterations to buildings of heritage significance.

21A.2.1.7 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 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 usually 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.2.1.8 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.2.1.9 Whether the removal of existing unsympathetic additions to a building or object can be achieved without altering the significance of the building or object.

21A2.1.10 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.

21A2.1.11 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, any significant architectural features and significant finishes are respected or conserved.

21A2.1.12 The extent to which the work is necessary to enable the continued use of the building.

21A2.1.13 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.

21A2.1.14 Whether work is in accordance with a conservation plan prepared for the building or object and peer reviewed by the Council.

21A2.1.15 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.

Demolition

21A.2.1.16 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.2.1.17 The extent to which the building or object has been damaged by fire or other human generated disaster or any natural disaster.

21A.2.1.18 Whether it can be demonstrated irrefutably that no sustainable use of the building is possible.

Relocation

21A.2.1.19 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.2.1.20 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.2.1.21 Whether the relocated building or object will remain in the immediate vicinity or neighbourhood.

21A.2.1.22 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.2.1.23 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.

General

21A.2.1.24 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.2.3 **On a site on which a listed heritage building or object is located:**

- **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:

21A.2.3.1 **Effects on historic heritage**

21A.2.3.2 **Height, coverage, design, external appearance and siting and the bulk and massing of buildings (to the extent that these affect historic heritage) and coverage**

21A.2.3.3 **Design, external appearance and siting**

21A.2.3.4 **Bulk and massing of buildings**

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.2.1 and 21A.2.3.2. 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:

21A2.2.5 The extent to which the proposal detracts from the values for which the building or object was listed.

21A2.2.6 The relationship of the surroundings of the site to the listed heritage building or object.

21A2.2.7 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 modifications to any Listed Heritage building or object, which is not a Permitted Activity or Discretionary Activity (Restricted); or

The demolition or relocation of any listed heritage building or object 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 assessment criteria under Rule 21A.2.1 and the following criteria:

Demolition

~~21A.3.1.1 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.3.1.2 The extent to which the building or object has been damaged by fire or other human generated disaster or any natural disaster.~~

~~21A.3.1.3 Whether it can be demonstrated irrefutably that no sustainable use of the building is possible.~~

Relocation

~~21A.3.1.4 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.3.1.5 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.3.1.6 Whether the relocated building or object will remain in the immediate vicinity or neighbourhood.~~

~~21A.3.1.7 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.3.1.8 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.~~

General

~~21A3.1.9 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.~~

21A.3.1 Any subdivision of a site on which a listed heritage building or object is located, 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:

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 Councils 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.2.3 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, is 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.

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 is a Permitted Activity provided that it meets 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.

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)

21B.2.1.3 Height, siting and coverage

21B.2.1.4 Bulk and massing of buildings

Non-notification

The written approval of affected persons will not be necessary in respect of items 21B.2.1.1 and 21B.2.1.4, 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.2.1.5 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.2.1.6 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.2.1.7 The extent to which proposals meet the provisions of any relevant design guide ~~s relating to the relationship of heritage or character of buildings or structures to their surroundings~~ and particularly in respect of the Heritage Areas within the Central Area, the provisions of the Central Area Urban Design Guide.
- 21B.2.1.8 For modifications, alterations and additions the Council will have regard to relevant assessment criteria under Rule 21A.2.1.
- 21B.2.1.9 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.
- 21B.2.1.10 Whether work is in accordance with the conservation plan prepared for the area.
- 21B.2.1.11 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 ~~identified contributing~~ 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.2.2.1 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.2.2.2 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.2.2.3 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.2.2.4 Whether it can be demonstrated irrefutably that no sustainable continued use of buildings within a heritage area is possible.
- 21B.2.2.5 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.2.2.6 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.2.2.7 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.2.2.8 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.2.3.1 Whether the earthworks will result in the loss of heritage values for which the area was listed.

21B.2.3.2 The extent to which earthworks will enhance the use or appreciation of a listed heritage area.

21B.2.3.3 The extent to which earthworks are necessary to provide for the protection or conservation of buildings, structures or features constituting a heritage area.

21B.2.3.4 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 The demolition or relocation of any identified contributing building or structure within a heritage area other than an identified non-heritage building or structure is a Discretionary (Unrestricted) Activity.

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 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.3.1.2 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.3.1.3 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.3.1.4 Whether it can be demonstrated irrefutably that no sustainable continued use of buildings within a heritage area is possible.~~

~~21B.3.1.5 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.3.1.6 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.3.1.7 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.~~

~~21B3.1.8 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.3.2 Earthworks which are not a Permitted Activity are 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.3.2.1 Whether the earthworks will result in the loss of heritage values for which the area was listed.~~

~~21B.3.2.2 The extent to which earthworks will enhance the use or appreciation of a listed heritage area.~~

~~21B.3.2.3 The extent to which earthworks are necessary to provide for the protection or conservation of buildings, structures or features constituting a heritage area.~~

~~21B.3.2.4 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.3.1 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 Councils 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.

Note: These are existing provisions that have been consolidated into one section for clarity.

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 The minor trimming of any listed tree that will not adversely affect the health or appearance of the tree is a Permitted Activity.

Minor trimming is:

- **The removal of broken branches, deadwood 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 Any activity within the dripline of a listed tree is a Permitted Activity except for:

- **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**

unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected.

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

21.C.2.1 The:

- **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).

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 a 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 within heritage areas in the Central Area or Suburban Centre;
- 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;
- each site in a Heritage Area in the Central Area or Suburban Centre;
- 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, suburban centre, 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 affects 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 or within a heritage area located in the Central Area or Suburban Centre. 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 Signs on:

- **listed heritage buildings or objects; or 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:**
- **within a listed heritage area in the Central Area or Suburban Centre**

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. ~~or area.~~

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. ~~or area.~~

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. ~~Signs have the potential to compromise the heritage values of heritage areas.~~ Their effects must therefore be assessed in order to achieve a high degree of compatibility with the heritage significance of the heritage ~~area or~~ 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.

~~21. HERITAGE RULES~~

~~21.1 Permitted Activities~~

~~The following are Permitted Activities in relation to listed heritage items provided they comply with any specified conditions. These rules are in addition to other area-based rules that apply to listed heritage items. Permitted Activities can occur to a heritage item as of right and the area-based rules do not apply to the activities listed below.~~

~~Where a heritage item is subject to a heritage order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of s 193 of the Resource Management Act 1991.~~

~~21.1.1 Any repair and maintenance of listed buildings, objects, areas and sites of significance to tangata whenua heritage items is a Permitted Activity.~~

This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.

~~21.1.2 Internal alterations to heritage buildings are permitted except in respect of buildings where the whole interior or individual interior items have been specifically listed.~~

~~21.1.3 Signs less than 0.5m² in area on land associated with, but not attached to the exterior of, a listed heritage item for the purposes of identification and information are Permitted Activities.~~

~~21.1.4 The minor trimming of any listed tree that will not adversely affect the health or appearance of the tree is a Permitted Activity.~~

~~Minor trimming is:~~

- ~~• the removal of broken branches, deadwood 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.~~

21.1.5 Any activity within the dripline of a listed tree is a Permitted Activity except for:

Refer to definition of dripline in section 3.10.

- ~~the destruction, removal or partial removal of the listed tree~~
- ~~the alteration of existing ground levels by excavation 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~~

unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected.

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.

~~21.2 Controlled Activities~~

~~Section 21.2 describes which activities are Controlled Activities in relation to heritage items listed in the Plan. Resource consents will be required but consent cannot be refused. Conditions may be imposed relating to the matters specified in rules 21.2.1 and 21.2.2. These rules are in addition to, or supersede, other area based rules that apply to heritage items.~~

~~In general the provisions of the Heritage rules will take precedence over the specific rules relating to the area in which they are situated. However where a proposal requires additional consent under more restrictive criteria in an Area based section of the Plan than under the Heritage Provisions, both parts of the Plan will be taken into account.~~

~~Where a heritage item is subject to a Heritage Order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of s 193 of the Resource Management Act 1991.~~

~~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.~~

~~21.2.1 Signs on listed heritage items:~~

- ~~• larger than 0.5m² in size on any land associated with a listed heritage item~~
- ~~• that are not for the purpose of identification and information on any land associated with listed heritage items~~

~~are Controlled Activities in respect of:~~

~~21.2.1.1 the area, height, number and location of signs.~~

~~This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.~~

~~Non-notification~~

~~The written approval of affected persons will not be necessary in respect of Item 21.2.1.1 and the application need not be notified.~~

~~Standards and Terms~~

~~The conditions for signs as Permitted Activities in the Residential Area, Suburban Centre, 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 percent.~~

~~Assessment Criteria~~

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

~~21.2.1.2 Whether the sign is compatible with the heritage significance and values of the building or site on which it is placed. Consideration should be given to the means of attaching the sign to the fabric of the building in order to avoid, remedy or mitigate any impact upon the buildings~~

~~exterior fabric. Council will have regard to the criteria for assessing additions and alterations to buildings (rule 21.2.2) where these are relevant and appropriate.~~

~~21.2.1.3 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 or building on which they are placed. Their effects must therefore be assessed.~~

21.2.2 Additions and alterations, that are not Permitted Activities, to listed heritage buildings, listed facades, listed interiors or listed interior items are Controlled Activities in respect of:-

21.2.2.1 the design and appearance of the additions or alterations.

~~**Non-notification**~~

~~The written approval of affected persons will not be necessary in respect of Item 21.2.2.1 and the application need not be notified, except that:~~

- ~~• where a building is subject to a heritage order from a heritage protection authority, Council will notify the authority~~
- ~~• where a heritage item is registered by the New Zealand Historic Places Trust, Council will notify the Trust.~~

~~**Standards and Terms**~~

~~There are no standards or terms because of the variable nature of additions and alterations.~~

~~Alterations are those minor works which do not result in a reduction or loss of the heritage values of the building or object. Additions and alterations to listed buildings could, without guidance, detract from the significance of the building and the reason for its listing. The criteria ensure that all additions and alterations are successfully accommodated within the heritage building. Where a heritage item is subject to a heritage order the written consent of the heritage protection authority will be required to carry out work in accordance with the provisions of section 193 of the Resource Management Act 1991.~~

~~**Assessment Criteria**~~

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

~~**21.2.2.2 In respect of the building's exterior or a building's facade, if only that exterior feature is specifically listed:**~~

- ~~• whether the street elevation is altered. Alterations to street elevations should be kept to a minimum and, if possible, not altered at all. Therefore, the preferred elevation to be altered, if necessary, is a rear or secondary elevation~~
- ~~• whether the main determinants of the style and character of the building are retained~~

~~The architectural and aesthetic significance of a building is largely determined by the style of the building, which will guide the design of the new alteration or addition. The style of the existing building will be reflected in the design of the~~

~~alteration in areas such as the level of symmetry, the use and articulation of materials, the openings, skyline, roof forms and details.~~

- ~~• whether the addition or alteration respects the scale of the original building, and is not visually dominant~~

~~Visual dominance of additions will depend on the scale of the existing heritage building. For small scale buildings, even a small addition may radically alter the character of the building. In general, an addition should not compromise the majority of the building.~~

- ~~• whether the addition is sympathetic in form, scale, cladding materials (such as cement render or weatherboards), building and opening proportions, and colour~~

~~Proposed alterations or additions to heritage buildings shall be assessed by the sympathy they show to the original structure. In some cases a visual distinction between old and new work may be appropriate.~~

- ~~• whether the restoration of missing elements on main elevations is proposed and a high level of authenticity of architectural design is maintained. However, this can only be carried out where there is conclusive evidence of the design of the missing elements~~

~~Authenticity is a major determinant of significance in heritage buildings. Maintaining or enhancing authenticity by restoration is encouraged.~~

- ~~• whether the removal of additions to the building can be achieved without altering the heritage significance of the building~~

~~Buildings are modified over time, and each modification can add significance to the building. For example, an architect of great merit may have designed the addition, or the addition may have been associated with an important person or event. Retaining these additions may add to the overall level of significance of the building. Therefore, when discussing authenticity of materials, design, craftsmanship and setting, significant later additions are included as being as worthy of retention and respect as any original fabric.~~

- ~~• whether modifications to heritage buildings respect movable cultural property~~

~~Where the contents of a place contribute to its cultural heritage significance, they should not be removed unless it is the only way of ensuring their preservation. Movable cultural property, such as works of art, may have been designed with the original building and have considerable resulting significance to the building. Removal of or alteration to movable cultural property should follow the same criteria as set out above and below.~~

- ~~• whether the activity will keep loss of historic fabric to a minimum and avoid the destruction of significant materials and craftsmanship~~

~~Historic fabric and craftsmanship are two major elements which define the overall level of authenticity of the building. The other levels of authenticity are setting and architectural design.~~

- ~~• whether repair (using materials matching the physical composition, texture, form, profile, strength and colour) is favoured over replacement~~

~~Repair promotes the retention of the maximum of historic fabric, ensuring retention of authenticity of materials and craftsmanship. The use of inappropriate substitute~~

~~materials can compromise the architectural design of the building while using materials which are not compatible in strength or other physical characteristics can result in the destruction of the original fabric. The use of consolidants and waterproof coatings is not recommended as these materials can cause the destruction of the original fabric. Similarly, water blasting and sand blasting are not recommended as, even at low pressures, on materials such as brickwork, stonework and lime, irreparable damage to original fabric can occur.~~

- ~~• whether respect has been shown for the patina of age of the materials~~

~~An old building should not look new. Patina is the natural weathering of the building materials over time and can contribute significantly to the building's heritage appeal.~~

- ~~• whether the relationship of the building with the setting is maintained~~

~~The authenticity of the setting is a major determinant of significance with a heritage building. When modifications to a listed building are being considered, the design of the building in the context of its setting should be respected.~~

21.2.2.3 In respect of the building's interior [This rule only applies to the whole or any specified part of the building which has been listed]:

- ~~• whether the original plan form of the building is respected~~

~~New uses may require the alteration of the internal spaces. However, the plan layout of the building — its original footprint — is likely to have heritage significance. The plan is likely to reflect the style of the building and the sequence of spaces. It is acknowledged that the alterations may themselves over time imbue a significance.~~

- ~~• whether primary spaces and their sequential layout are respected~~

~~Primary spaces are those areas most likely to be seen by the public. They include entrance foyers, lobbies, lifts, stairs and major corridors. The planned sequence of these spaces is also likely to have significance to the original design and should be conserved. Alterations to include services and new functions should be carried out in secondary spaces.~~

- ~~• whether any significant architectural elements are conserved~~

~~Elements such as architraves, skirtings, panelled doors, dado rails, radiators, grilles, and panelling are usually designed to be consistent with the style of the building, and are likely to be of significance to the building. These elements are also valuable historic documents in the design and use of materials.~~

- ~~• whether significant finishes are conserved.~~

~~Finishes such as pressed metal ceilings, leather stair treads, grained timber work and marbled columns are examples of craftsmanship and use of materials which are scarce, and can contribute significance to the heritage building. It is essential to retain them.~~

21.2.2.4 — In respect of facades or in respect of when the facade only is listed:

- ~~when the retention of the facade only is proposed, and is considered appropriate when all other options for retention of the whole building have been considered and discounted; or where the facade only is listed, consideration of that proposal should:~~
- ~~— respect the design of the listed item, including the scale, form, materials, colours and textures. The design of the immediately adjacent new elements which are clearly visible from important viewpoints should be sympathetic in form, scale, cladding materials (such as cement render or weatherboards), building and opening proportions, and colour~~
- ~~— retain the integrity of the original item by retaining at least the depth of one bay back from the line of the facade of the original item. In this bay, the new design should include maintaining the floor levels, original glazing and previous visibility into the interior, obscure ceiling linings, and interior lighting patterns which follow the previous party walls~~
- ~~— respect the cultural heritage values of the listed items, including the retention or enhancement of the authenticity of the design, materials, and craftsmanship of the listed item, and restore the item where possible.~~

There is recognition that the facade is sometimes the only item of heritage value feasibly retained as it is often the most visible element in terms of the streetscape. In addition, several buildings have their facade only listed in recognition that it is the only part of those buildings of heritage value. When the facade or facade only is to be retained, every effort should be made to ensure that the new building respects the design, scale and materials of the retained facade.

21.3 Discretionary Activities (Unrestricted)

Section 21.3 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed heritage item. These rules are in addition to other area based rules that apply to heritage items.

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 item is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage item is registered by the New Zealand Historic Places Trust, Council will notify the Trust
- if demolition, removal or relocation is approved under this Rule an accurate photographic and architectural record of the Heritage Item will normally be required as a condition of consent.

21.3.1 The total or partial demolition, destruction or removal of any listed heritage area, building or listed facades or other listed elements of a building, object, or sites of significance to tangata whenua or other Maori, is a Discretionary Activity (Unrestricted).

Refer to definition of demolition or partial demolition in section 3.10.

Assessment Criteria

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

This rule does not apply to the Mount Street Heritage Area. The rules in Appendix 1 apply.

21.3.1.1 In respect of any listed building or listed facade or significant element of a building:

- the heritage significance of the building, facade or listed element of the building and whether there is any change in circumstance that has resulted in a reduction of the building, facade or listed element of the building's significance since the building was identified in the Plan
- whether the building, facade or listed element of the building can be economically adapted for re-use and the extent of any economic and other effects on the owner and occupier through retention of heritage features
- whether any alteration to the building, facade or listed element of the building can be made that retains the heritage significance of the building facade or listed element of the building while accommodating the objectives of the applicant
- whether the building, facade or listed element of the building poses a risk to life in the event of an earthquake
- whether the building, facade or listed element of the building can be relocated on or off the site and the impact that the relocation would have on the heritage significance of the building, facade or listed element of the building
- the effectiveness of other statutory and non-statutory methods available to ensure heritage protection while achieving the objectives of the applicant
- where the retention of the facade only of a listed building is proposed, whether the heritage value of the building has been greatly reduced and whether the facade is important to the urban design of the area.

With regard to the Bridal Track Heritage Area additional assessment criteria apply as set out in Appendix 2.

~~A consent to relocate a building, listed facade or object will have conditions stating that any activity must comply with the Heritage Provisions of the District Plan until such time as a plan change becomes operative to reschedule the building, listed facade or object in its new location.~~

~~**21.3.1.2 In respect of any listed areas and objects:**~~

- ~~• the heritage significance of the area or object and whether there is any change in circumstance that has resulted in a reduction of the item's significance since it was identified in the Plan~~
- ~~• whether any alteration to the area or object can be made that retains the heritage significance of the item while accommodating the objectives of the applicant~~
- ~~• whether the object can be relocated on or off the site and the impact that relocation would have on the heritage significance of the object.~~

~~**21.3.1.3 In respect of any listed site of significance to tangata whenua or other Maori:**~~

- ~~• the degree to which the activity detracts from the heritage significance of the site~~
- ~~• where the site is within a Maori precinct, the effect of the activity on the significance and objectives of the precinct~~
- ~~• the outcome of consultation with tangata whenua and other Maori.~~

21.3.2 The:

- ~~• 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).~~

~~————— *Assessment Criteria*~~

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

~~**21.3.2.1 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.~~

~~21.3.2.2 — 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.~~