

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

## Appendix 2 – Officers Recommended Amendments to the Historic Heritage Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer's right of reply are shown in red underline for new text and ~~red strikethrough~~ for deleted text.

### Overview

The district has a lengthy history of both Māori and European Settlement, resulting in a legacy of nationally, regionally and locally important Historic Heritage. Historic Heritage can range in significance from the Treaty House at Waitangi, the Stone Store at Kerikeri to the Ruapekapeka Pā, middens and early settler gardens throughout the district.

Council has responsibilities under the RMA, the NZCPS and the NRPS to protect Historic Heritage. This legislation requires land use and subdivision to be managed to ensure the district's rich history is saved for future generations to enjoy and learn the story each Heritage Resource has to tell. Historic Heritage is also protected under the Heritage New Zealand Pouhere Taonga Act 2014. This Act applies regardless of whether a site, object or building is identified in the District Plan.

Scheduled Heritage Resources can be historic buildings, structures, sites and objects,  
~~Buildings, structures, sites and objects~~ which <sup>1</sup>are scheduled in SCHED2 - Schedule of historic sites, buildings and objects. While this chapter only has rules for scheduled Heritage Resources, consideration of non scheduled resources can occur at the time of processing a resource consent, or when undertaking earthworks.

Historic Heritage includes all Heritage Resources, Heritage Areas Overlays<sup>2</sup> and Sites and Areas of Significance to Māori generally. The Sites and Areas of Significance to Māori chapter includes objectives, policies and rules which must be considered when assessing proposals within Heritage Area Overlays that also contain scheduled Sites and Areas of Significance to Māori. Sites and Areas of Significance to Māori, some of which are listed in 'Schedule 3 Schedule of Sites and Areas of Significance to Māori' apply in locations where specific heritage resources and landscapes are clustered and have been deemed to be of significant value to the district. Heritage Area Overlays are identified within a separate chapter and mapped in the District Plan and all objectives and policies of the Historical Heritage chapter apply to Heritage Area Overlays.

Historic Heritage provides:

- a sense of place, identity and continuity, contributing to the overall amenity or character of an area;
- a pleasant, interesting and meaningful environment for people's activities;
- a basis for community well-being and understanding;
- connections between past, present and future as an area progresses, so that recognised heritage values can 'live on';
- reminders of the past (including persons of note and significant events);

<sup>1</sup> Clause 16 amendment to redraft repetitive and inconsistent use of terms

<sup>2</sup> Clause 16 amendment to use correct terminology for the HA Overlays

- a source of information on styles and technologies of the past;
- interest for visitors, including associated economic opportunities.

Safeguarding Historic Heritage for future generations requires an appreciation of Historic Heritage values. The degree of relevance and significance of particular places, features, customs or traditions to local and wider community sectors determines their appropriate level of protection. Ensuring that Historic Heritage remains well-maintained, structurally sound, and protected against natural hazards assists in sustainably managing the on-going needs of the district's present and future generations. There may be tension between public benefit in protecting Historic Heritage and the associated private costs.

Due to the scale of Historic Heritage within the district, it is not ~~financially~~ practical to identify all Heritage Resources, and for cultural reasons some resources should not be formally identified (e.g., urupā/burial grounds). Council will continue to where possible, work with other government agencies (e.g., Heritage New Zealand Pouhere Taonga), tangata whenua and the public to identify valued Heritage Resources and schedule them in the District Plan. In addition, Council will consider the use of non-statutory methods to identify and protect more heritage resources and support opportunities for people to learn about the heritage of the Far North District, in accordance with Toi Mana – Arts, Culture and Heritage Strategy.<sup>3</sup>

Objectives	
HH-O1	Heritage Resources are identified and managed to ensure their long-term protection for current and future generations.
HH-O2	<del>Land use and subdivision does not result</del> <u>Historic heritage is protected from inappropriate subdivision, use, and development that results<sup>4</sup></u> in the loss or degradation of Heritage Resources.
HH-O3	The community is aware of, appreciates and celebrates its Heritage Resources and the sense of place it fosters.
Policies	
HH-P1	Identify Heritage Resources which contribute to an understanding of the Far North's history, identity and historic values and themes, and assess significance using the criteria in the Northland Regional Policy Statement.
HH-P2	Protect scheduled Heritage Resources <u>from inappropriate subdivision, use and development</u> <sup>5</sup> by: <ul style="list-style-type: none"> <li>a. avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effects on the recognised heritage values of scheduled Heritage Resources;</li> <li>b. undertaking land use and subdivision in accordance with: <ul style="list-style-type: none"> <li>i. any recognised heritage guidelines for <del>that</del> <u>the scheduled Heritage Resource</u><sup>6</sup>;</li> <li>ii. any iwi / hapū management plan lodged with Council;</li> </ul> </li> <li>c. retaining buildings, structures or any other scheduled Heritage Resources that contribute to the values of the <u>scheduled</u><sup>7</sup> Heritage Resource; and</li> <li>d. restricting activities that compromise important spiritual, heritage or cultural values held by tangata whenua and/or the wider community.</li> </ul>
HH-P3	Enable maintenance and repair, additions or alterations and the restoration of scheduled

<sup>3</sup> HNZPT (S409.019), Federated Farmers (S421.109)

<sup>4</sup> Federated Farmers (S421.112)

<sup>5</sup> Federated Farmers (S421.124)

<sup>6</sup> Clause 16 amendment to use consistent language

<sup>7</sup> Ibid

	<p>Heritage Resources where it:</p> <ol style="list-style-type: none"> <li>a. is consistent with the heritage values of the <u>scheduled Heritage Resource</u><sup>8</sup> and any surrounding heritage values;</li> <li>b. is undertaken in accordance with best practice heritage conservation principles and methods;</li> <li>c. recovers or reveals heritage values of the <u>scheduled Heritage Resource</u><sup>9</sup>;</li> <li>d. supports seismic strengthening, fire protection or accessibility upgrades;</li> <li>e. removes features or additions that compromise the heritage values of the scheduled Heritage Resource; and</li> <li>f. secures the long-term viability and retention of the scheduled Heritage Resource.</li> </ol>
<b>HH-P4</b>	Protect nationally significant scheduled Heritage Resources by prohibiting their demolition.
<b>HH-P5</b>	<p>Avoid the demolition or destruction of scheduled Heritage Resources, unless:</p> <ol style="list-style-type: none"> <li>a. the demolition or destruction is only part of the scheduled Heritage Resource and it is demonstrated <u>by a suitably qualified and experienced heritage professional</u><sup>10</sup> that the part to be demolished or destroyed detracts from the <u>values of the scheduled</u><sup>11</sup>Heritage Resource values; or</li> <li>b. the scheduled<sup>12</sup> Heritage Resource is a serious risk to health and safety of people or property, or is in a serious state of disrepair and interim protection measures would not remove that threat; and</li> <li>c. all other reasonable alternatives to retain the scheduled Heritage Resource have been explored including: <ol style="list-style-type: none"> <li>i. repairs;</li> <li>ii. earthquake strengthening;</li> <li>iii. heritage alterations and additions, including for adaptive reuse;</li> <li>iv. repositioning or relocation;</li> <li>v. whether demolition or destruction could occur in part without adverse effects on the heritage values for which the scheduled Heritage Resource was scheduled; and</li> <li>vi. whether the costs of the alternatives would be unreasonable.</li> </ol> </li> </ol>
<b>HH-P6</b>	<p>Avoid repositioning or relocation of scheduled Heritage Resources, unless its heritage values are protected and maintained taking into account:</p> <ol style="list-style-type: none"> <li>a. whether there are opportunities to enhance the physical condition of the scheduled Heritage Resource and its heritage values and the public's appreciation of those values, including being more publicly accessible and/or within public view;</li> <li>b. any measures to minimise the risk of damage to the scheduled Heritage Resource;</li> <li>c. whether the new location of the scheduled Heritage Resource is within a heritage setting that is as close to the original location as practicable or, where this is not possible, the new location maintains the heritage values and significance of the scheduled Heritage Resource;</li> <li>d. whether the new location is beyond a heritage setting and: <ol style="list-style-type: none"> <li>i. the new location is related to the heritage values of the scheduled <u>H</u>eritage <u>R</u>esource<sup>13</sup>; or</li> <li>ii. the new location provides a heritage setting compatible with the heritage values of the scheduled <u>H</u>eritage <u>R</u>esource<sup>14</sup>;</li> <li>iii. any other alternatives, including repairs, earthquake strengthening, heritage</li> </ol> </li> </ol>

<sup>8</sup> Clause 16 amendment to use consistent language

<sup>9</sup> Ibid

<sup>10</sup> HNZPT (S409.021)

<sup>11</sup> Clause 16 amendment to use consistent language

<sup>12</sup> Clause 16 amendment spelling error

<sup>13</sup> Clause 16 consistent capitalisation

<sup>14</sup> Ibid

	alterations and additions, including for adaptive re-use, to relocation have been explored and it is concluded that relocation is the only reasonable option; and e. whether the relocation is necessary due to threats to the scheduled Heritage Resource from a natural hazard that cannot be practicably mitigated.
<b>HH-P7</b>	Provide for new use, including adaptive reuse, of scheduled Heritage Resources, where: a. the new use is undertaken in a manner that retains the heritage values of the time, area or place; and b. the new use protects the heritage values of the site, buildings or structures.
<b>HH-P8</b>	Allow earthworks in proximity to scheduled Heritage Resources only where it can be demonstrated that its <sup>15</sup> heritage values will be protected, having regard to the: a. extent of the earthworks; b. manner in which the earthworks will be undertaken; c. monitoring of earthworks; d. avoidance of archaeological sites; and e. need for small-scale earthworks for burials within an existing cemetery or for landscaping within historic heritage sites and places; and f. <u>outcomes of any consultation undertaken with Heritage New Zealand Pouhere Taonga.</u> <sup>16</sup>
<b>HH-P9</b>	Encourage maintenance and repair and support the use and appropriate adaptation of scheduled Heritage Resources, including consideration of the following additional measures: a. reducing or waiving consent applications costs; b. providing funding, grants and other incentives; c. obtaining, recording and sharing information about historic heritage; and d. encouraging mātaurangi māori, tikanga and kaitiakitanga to manage and maintain wāahi taonga. <sup>17</sup>
<b>HH-P10</b>	Provide for additions and alternations to, or the restoration of scheduled Heritage Resources where these changes: a. minimise the loss of historic fabric that contributes to the heritage values and level of significance of the scheduled Heritage Resource; b. do not compromise the ability to interpret the resource and the relationship to other scheduled Heritage Resources; c. complement the form, fabric and setting which contributes to, or is associated with, the heritage values of the scheduled Heritage Resource; d. retain and integrate with the heritage values of the scheduled Heritage Resource; e. avoid significant adverse effects, including from loss, destruction or subdivision, that would reduce or destroy the heritage values of the scheduled Heritage Resource; and f. avoid, remedy or mitigate other adverse effects on the heritage values of the scheduled Heritage Resource.
<b>HH-P11</b>	Protect archaeological sites where there is a reasonable cause to suspect they are present, <sup>18</sup> by ensuring land and subdivision activities have regard to: a. the outcomes of any consultation undertaken with tangata whenua, <u>any relevant iwi/hapū management plan</u> <sup>19</sup> and the need to undertake a Cultural Impact Assessment; b. any assessments or advice from a suitably qualified and experienced archaeological

<sup>15</sup> Federated Farmers (S421.126)

<sup>16</sup> HNZPT (S409.022)

<sup>17</sup> Te Hiku Iwi Development Trust (S399.048)

<sup>18</sup> Federated Farmers (S421.127)

<sup>19</sup> Te Hiku Iwi Development Trust (S399.050)

	<p>expert; and</p> <p>c. the outcomes of any consultation undertaken with Heritage New Zealand Pouhere Taonga and the Department of Conservation; <u>and</u></p> <p>d. <u>the accidental discovery protocol in HA-S3 on discovery of any suspected sensitive material.</u><sup>20</sup></p>
<b>HH-P12<sup>21</sup></b>	<p>Provide for the operation, maintenance, repair and <del>minor</del> upgrading of infrastructure <del>and domestic small scale renewable electricity generation</del> and connections to buildings for network utilities within <u>sites containing</u> scheduled Heritage Resources in a manner that avoids, remedies or mitigates adverse effects on the heritage values of the resource.</p>
<b>HH-P13<sup>22</sup></b>	<p>Provide for the establishment of new <del>infrastructure network utilities and community scale renewable electricity generation</del> in proximity to a scheduled Heritage Resource or within a Heritage Overlay, where all of the following apply:</p> <p>a. there is a functional <u>need or operational</u> need for its establishment;</p> <p>b. there is no practicable alternative;</p> <p>c. the infrastructure will provide a significant public benefit that could not otherwise be achieved; and</p> <p>d. <u>the significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated</u> on the heritage values of the scheduled Heritage Resource or Heritage Overlay <del>are minimised</del>.</p>
<b>HH-P14</b>	<p>Only allow subdivision of sites that contain a scheduled Heritage Resource where it can be demonstrated that:</p> <p>a. the heritage values for which the Heritage Resource is scheduled are maintained and protected in the future;</p> <p>b. sufficient land is provided around the scheduled Heritage Resource to protect associated heritage values;</p> <p>c. there are measures to minimise obstruction of views of the scheduled Heritage Resource from adjoining and surrounding public spaces that may result from any future land use; and</p> <p>d. the remainder of the site associated with the scheduled Heritage Resource is of a size which continues to provide it with a suitable heritage setting to maintain the heritage values associated with the scheduled Heritage Resource.</p>
<b>HH-P15</b>	<p><u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on a scheduled Heritage Resource:</u><sup>23</sup> <del>Manage land use and subdivision involving a scheduled heritage resource to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</del></p> <p>a. the particular heritage values of the scheduled Heritage Resource and its significance;</p> <p>b. the scheduled Heritage Resource’s sensitivity to change or capacity to accommodate changes without compromising the heritage values;</p> <p>c. <u>whether</u><sup>24</sup> any heritage alterations and additions to buildings or structures, including for an ongoing use or any adaptive re-use, are compatible with the form, character and scale and materials of the scheduled Heritage Resource and maintain its heritage</p>

<sup>20</sup> Te Hiku Iwi Development Trust (S399.052)

<sup>21</sup> All amendments to this policy are consequential changes made under Clause 10(2)(b) amendment, Schedule 1, RMA to align with amendments to HH chapter infrastructure rules or recommendations in other PDP chapters

<sup>22</sup> Ibid

<sup>23</sup> Clause 10(2)(b) amendment, Schedule 1, RMA to ensure consistent wording of the chapeau of ‘consideration’ policies

<sup>24</sup> Clause 16 amendment to improve readability

	<p>values;</p> <p>d. <u>whether</u> architectural features and details that contribute to the heritage values of the scheduled Heritage Resource <u>will be</u> <del>are not</del> lost or obscured by new materials or changes;<sup>25</sup></p> <p>e. whether any new building or structure, including its location, form, design and materials, is compatible with the original architectural style, character and scale of the <u>scheduled</u><sup>26</sup> Heritage Resource and the impact of the new building or structure on the heritage setting;</p> <p>f. the extent to which any adverse impacts on heritage values are necessary to enable the long term, practical, or feasible use of the scheduled Heritage Resource;</p> <p>g. the reduction or loss of any heritage values, including the ability to interpret the place and its relationship with other features/items;</p> <p>h. the extent or degree to which any changes are reversible;</p> <p>i. any opportunities to enhance the heritage values of the scheduled Heritage Resource and any surrounding historic heritage;</p> <p>j. the extent to which an activity affects or destroys any archaeological site; <del>and</del></p> <p>k. effects on landforms and cultural and heritage landscapes; <del>and</del></p> <p>l. the extent to which landscaping affects the heritage values, either visually or because of disturbance of archaeological sites;</p> <p>m. any assessments or advice from a suitably qualified and experienced heritage expert or the need to require an expert report;</p> <p><del>n. any consultation with tangata whenua and requirement to prepare a Cultural Impact Assessment;</del></p> <p><del>o. any iwi / hapū management plan lodged with Council;</del></p> <p>p. <u>any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; and</u><sup>27</sup></p> <p>q. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation.</p>
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**Rules**

**Notes:**

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The Sites and Areas of Significance to Māori Chapter applies in addition to the Historic Heritage Area Overlay<sup>28</sup> Chapter.
3. The Earthworks chapter rules apply ‘in addition’ to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapter’s earthworks rules, the most stringent rule will apply.

HH-R1	Maintenance and repair of scheduled Heritage Resource buildings or structures <sup>29</sup>	
All zones	Activity status: Permitted	Activity status where compliance not

<sup>25</sup> Ibid

<sup>26</sup> Clause 16 amendment to insert missing word

<sup>27</sup> Te Rūnanga Ā Iwi O Ngāpuhi (S498.063) and others

<sup>28</sup> Clause 16 amendment to correct reference to the wrong chapter

<sup>29</sup> Unless otherwise stated, all amendments to HH-R1 are under clause 10(2)(b), Schedule 1, RMA to achieve consistency with HA-R1

<p><b>Outside of Heritage Area overlays</b></p>	<p><b>Where:</b></p> <p><b>PER-1</b></p> <ol style="list-style-type: none"> <li>1. <u>The building or structure is not added to or altered;</u></li> <li>2. <u>The existing external visual appearance of the building or structure is not changed; and</u></li> <li>3. <u>If the building or structure is not repainted to match the existing colour scheme, it must comply with standard HA-S2 Heritage Colours.<sup>30</sup></u></li> </ol> <p>The exterior facades of all buildings or structures where the existing colour scheme is to be changed, must be finished in accordance with the colour scheme from the following paint ranges or equivalent:</p> <ol style="list-style-type: none"> <li>i. <del>resene heritage colours;</del></li> <li>ii. <del>resene whites and neutrals; and</del></li> <li>iii. <del>resene colour range BS5252 (A01-C40 range).</del></li> </ol> <p><b>Note:</b> this rule applies to maintenance or repair works, if the works do not meet the definitions of maintenance or repair then <del>HH-RX2<sup>31</sup></del> applies refer to the other relevant rules for additions and alterations.</p>	<p><b>achieved with PER-1 – Restricted discretionary Refer to HH-R2</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <u>the necessity of the work to maintain or repair the building or structure;</u></li> <li>b. <u>whether any proposed change to the building or structure will adversely affect the heritage values of the scheduled Heritage Resource;</u></li> <li>c. <u>whether the proposed change will adversely affect the heritage values of any adjacent scheduled Heritage Resource;</u></li> <li>d. <u>whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed;</u></li> <li>e. <u>the colour of all exterior surfaces and their appropriateness with respect to the heritage values of the scheduled Heritage Resource;</u></li> <li>f. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (if provided); and</u></li> <li>g. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (if provided).</u></li> </ol>
<p><b>HH-R2</b></p>	<p><b>Additions or alterations of scheduled Heritage Resource buildings or structures<sup>32</sup></b></p>	
<p><b>All zones</b></p> <p><b>Outside of Heritage Area overlays</b></p>	<p><b>Activity status: Permitted-</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Components which provide structural support to the building or structure are not altered.</p> <p><b>PER-2</b> The existing external visual appearance of the building or structure is not changed.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary-</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <del>the necessity of the addition or alteration;</del></li> <li>b. <del>whether any proposed change to the building or structure will adversely affect the heritage</del></li> </ol>

<sup>30</sup> Northland Planning and Development 2020 Limited (S502.028) and Waitangi Limited (S503.026)

<sup>31</sup> Clause 16 amendment to fix referencing error

<sup>32</sup> Clause 10(2)(b), Schedule 1, RMA to achieve consistency with HA-R2, PER-1 and HH-RX

	<p><b>PER-3</b>                  The additions or alternations shall be setback a minimum of 20m from another scheduled Heritage Resource.</p>	<p>values of the scheduled Heritage Resource and any nearby scheduled Heritage Resource;</p> <ul style="list-style-type: none"> <li>e. whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed;</li> <li>d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</li> <li>e. compatibility of the scale, character and materials of the addition or alteration with the heritage values and the setting of the scheduled Heritage Resource;</li> <li>f. location of the addition or alteration;</li> <li>g. whether the addition or alteration are visible from any public spaces, or from another scheduled Heritage Resource;</li> <li>h. relationship with any nearby scheduled Heritage Resource or other historic heritage;</li> <li>i. the extent to which the addition or alterations will use similar materials and are of a similar design to the existing scheduled Heritage Resource building or structure, or other buildings or structures on the same site;</li> <li>j. the extent to which landscaping is appropriate;</li> <li>k. whether the addition or alteration result in removal or loss of the historical or architectural significance of the Heritage Resource;</li> <li>l. any adverse effects on any archaeological site; and</li> <li>m. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.</li> </ul>
<p><b>HH-R3</b></p>	<p><b>Strengthening or fire protection of scheduled Heritage Resource buildings or structures<sup>33</sup></b></p>	
<p><b>All zones</b>  <b>Outside of</b></p>	<p><b>Activity status: Permitted</b>  <b>Where:</b></p>	<p><b>Activity status where compliance not achieved with PER-1: Restricted Discretionary</b></p>

<sup>33</sup> Clause 10(2)(b) amendments to this rule to align with HA-R3

<p><b>Heritage Area overlays</b></p>	<p><b>PER-1</b> The <u>seismic</u> strengthening or fire protection elements are not externally visible.</p> <p><b>Note:</b> HH-R3 prevails over HH-R1, PER-1 for <u>maintaining or repairing a scheduled Heritage Resource and prevails over HH-RX for additions or alterations to a scheduled Heritage Resource.</u></p>	<p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. methodologies used to protect and maintain heritage values, including integration with other scheduled Heritage Resources on the site or surrounding area;</li> <li>b. the necessity of the work to achieve seismic resilience, fire protection and ongoing use;</li> <li>c. any assessments or advice from a suitably qualified and experienced heritage or cultural expert (<u>where provided</u>); and</li> <li>d. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (<u>where provided</u>).</li> </ul>
<p><b>HH-R4 New buildings or structures, extensions or alterations to existing buildings or structures</b></p>		
<p><b>All zones</b>  <b>Outside of Heritage Area overlays</b></p>	<p><b>Activity status: Permitted</b> <b>Where:</b></p> <p><b>PER-1</b> Any new buildings or structures, additions or alterations are <del>not located within a site containing setback a minimum of 20m from</del><sup>34a</sup> scheduled Heritage Resource.</p> <p><del>This rule shall not apply to domestic small scale renewable electricity generation, and connections to buildings or structures for network utilities.</del><sup>35</sup></p> <p><b>Note:</b> <u>When applying PER-1, the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects.</u></p>	<p><b>Activity status where compliance not achieved with PER-1: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. whether a scheduled Heritage Resource will be adversely affected by the proposed works occurring within 20m;</li> <li>b. location, scale, design of the proposed works;</li> <li>c. any adverse effects on any archaeological site;</li> <li>d. <del>any assessments or advice from a suitably qualified and experienced heritage expert;</del></li> <li>e. any landscaping or fencing to maintain heritage boundary treatments and curtilage;</li> <li>f. the location and relationship of the works in relation to adjoining sites and the road; <u>and</u></li> <li>g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></li> </ul>

<sup>34</sup> Change to reject HNZPT (S409.027) and amend under clause 10(2)(b), Schedule 1, RMA for consistency with HA chapter

<sup>35</sup> Clause 16 amendment to delete note about infrastructure inserted into incorrect rule

		h. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).
<b>HH-R5</b>	<b>Earthworks<sup>36</sup></b>	
<b>All zones</b>  <b>Outside of Heritage Area overlays</b>	<p><b>Activity status: Permitted</b> <b>Where:</b></p> <p><b>PER-1</b> <u>The Any earthworks:</u></p> <ol style="list-style-type: none"> <li>are setback a minimum of 20m from a scheduled Heritage Resource; <u>and</u></li> <li><u>comply with standard HA-S3 Accidental Discovery Protocol.</u></li> </ol> <p><b>This rule does not apply to</b> earthworks associated with burials within an existing cemetery.</p> <p><b>Note 1:</b> <u>When applying PER-1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects.</u></p> <p><b>Note 2:</b> <u>The Heritage New Zealand Pouhere Taonga Act 2014 requires all applicants to obtain an authority from Heritage New Zealand Pouhere Taonga before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or whether the activity is permitted under the District Plan or a resource or building consent has been granted.</u></p>	<p><b>Activity status where compliance with PER-1 not achieved: <u>Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>-</li> <li>a. <u>whether the proposed earthworks will adversely affect the heritage values of any scheduled Heritage Resource;</u></li> <li>b. <u>any adverse effects on any archaeological site;</u></li> <li>c. <u>any methods of site rehabilitation;</u></li> <li>d. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></li> <li>e. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u></li> </ul>
<b>HH-R6<sup>37</sup></b>	<b>Infrastructure and <del>renewable electricity generation</del> infrastructure within a site containing a scheduled Heritage Resource</b>	
<b>All zones</b>  <b>Outside of Heritage Area overlays</b>	<p><b>Activity status: <u>Restricted<sup>38</sup></u> Discretionary</b></p> <p><b>This rule shall not apply to:</b> <del>domestic small scale renewable electricity generation, and</del></p> <ol style="list-style-type: none"> <li><u>infrastructure located underground where it is set back 20m from a scheduled Heritage Resource;<sup>39</sup></u></li> <li><u>maintenance, repair or upgrading of any existing above ground infrastructure that is located within 1m either side of the original</u></li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>

<sup>36</sup> HNZPT (S409.028) – achieving consistency with HA-R5 as it applies to a scheduled Heritage Resource

<sup>37</sup> Clause 10(2)(b), Schedule 1, RMA to achieve consistency with HA-R10

<sup>38</sup> Top Energy (S483.127)

<sup>39</sup> Top Energy (S483.125)

	<p><u>location; or</u></p> <p>3. connections to buildings or structures for network utilities.</p> <p><b>Note 1:</b> <u>When applying the exemption in (1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects.</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. <u>whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay;</u></li> <li>b. <u>whether the proposed infrastructure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource;</u></li> <li>c. <u>whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay;</u></li> <li>d. <u>the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;</u></li> <li>e. <u>any landscaping or fencing to maintain heritage boundary treatments and curtilage;</u></li> <li>f. <u>the location and relationship of the infrastructure in relation to adjoining sites and the road;</u></li> <li>g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></li> <li>h. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u></li> </ul>	
<b>HH-R7</b>	<b>Relocation of a scheduled Heritage Resource</b>	
<p><b>All zones</b></p> <p><b>Outside of Heritage Area overlays</b></p>	<p><b>Activity status: Discretionary</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>HH-RX8</b>	<b><del>Activities not otherwise listed in this chapter</del> Additions or alterations to scheduled Heritage Resource buildings or structures<sup>40</sup></b>	
<p><b>All zones</b></p>	<p><b>Activity status: Discretionary</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>

<sup>40</sup> Clause 10(2)(b), Schedule 1, RMA to achieve consistency with HA-R2, PER-1 and Top Energy (S483.189) resulting in the deletion of HH-R8

Outside of Heritage Area overlays		
HH-R9	<b>Demolition of a scheduled Heritage Resource not otherwise listed in rule HH-R10</b>	
All zones  Outside of Heritage Area overlays	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable
HH-R10	<b>Demolition or relocation of a scheduled Heritage Resource</b>	
All zones  Outside of Heritage Area overlays	<p>Activity status: Prohibited</p> <p><b>Where:</b></p> <p><b>PRO- 1</b> The demolition or relocation of the following Scheduled Heritage Resources:</p> <ol style="list-style-type: none"> <li>1. Aperahama Church (Anglican);</li> <li>2. Holy Trinity Church (Anglican);</li> <li>3. Choat House;</li> <li>4. Customhouse (Former);</li> <li>5. St Michael's Church (Anglican) and Stone Walls;</li> <li>6. Waitangi Treaty Monument;</li> <li>7. Church of Our Lady of the Assumption (Catholic);</li> <li>8. Mangungu Mission House;</li> <li>9. St Gabriel's Church (Catholic);</li> <li>10. Subritzky-Wagener House;</li> <li>11. Williams Memorial Church of St Paul (Anglican);</li> <li>12. Cape Brett Lighthouse Station;</li> <li>13. Waoku Coach Road;</li> <li>14. Arthur's Stone; and</li> <li>15. War Memorial.</li> </ol> <p><b>Note:</b> This rule is based on buildings or objects which are listed as Category 1 in the New Zealand Heritage List/Rārangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014</p>	Activity status where compliance not achieved: Not applicable