

## D17. Historic Heritage Overlay

### D17.1. Background

These provisions apply to scheduled historic heritage places on land and in the coastal marine area that are identified in Schedule 14.1 Schedule of Historic Heritage and shown on the Plan maps.

Scheduled historic heritage places have been evaluated and meet the heritage significance criteria and thresholds set out in the Regional Policy Statement (Chapter B5.2).

A scheduled historic heritage place can be an individual feature, or encompass multiple features and/or properties, and may include public land, land covered by water and any body of water. A historic heritage place may include; cultural landscapes, buildings, structures, monuments, gardens and plantings, archaeological sites and features, traditional sites, sacred places, townscapes, streetscapes and settlements.

The provisions within this chapter manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places.

Some precincts contain more detailed information and specific rules relating to a scheduled historic heritage place/s. Where this is the case the more specific precinct rules will replace the rules in D.17.4 in this section.

#### *Categories of scheduled historic heritage places*

Each scheduled historic heritage place has been assigned a category (refer to Chapter B5.2.2.(4)).

Schedule 14.1 Schedule of Historic Heritage contains the following categories of places:

- Category A Places: historic heritage places of outstanding significance well beyond their immediate environs; generally expected to be of significance to the Auckland region or a greater geographic area;
- Category A\* Places: the most significant scheduled historic heritage places from legacy plans where the total or substantial demolition or destruction was a discretionary or non-complying activity (rather than a prohibited activity). This is an interim category until a comprehensive re-evaluation of these places is undertaken and their category status is addressed through a plan change process;
- Category B Places: historic heritage places that are of considerable significance to a locality or greater geographic area. Most scheduled historic heritage places are Category B; and
- Historic Heritage Areas: groupings of interrelated, but not necessarily contiguous, places or features that collectively meet the Category A or B criteria. Historic Heritage Areas may include both contributing and non-contributing sites or features, places individually scheduled as Category A or B places, and notable trees. Following the map for each Historic Heritage Area in Schedule 14.2 Historic Heritage Areas - Maps and statements of significance there is a statement of

significance which summarises the heritage values of each Historic Heritage Area and the relative importance of the values.

*Primary features and non-primary features of Category A, A\* and B places*

The primary features of Category A, A\* and B places form the fundamental basis for scheduling a historic heritage place. The primary features of historic heritage places are identified in Schedule 14.1 Schedule of Historic Heritage, and for some places in Schedule 14.3 Historic Heritage Place maps.

Not all primary features of Category B places have been identified. Until such time as the primary features of Category B places are identified, all features within the extent of place of a Category B place will be considered a primary feature for the purposes of implementing the rules in this chapter.

Non-primary features are features which are not specifically identified as either a primary feature or a feature in the exclusions column in Schedule 14.1 Schedule of Historic Heritage or as identified in Schedule 14.3 Historic Heritage Place maps.

*Extent of place of scheduled historic heritage places*

Most scheduled historic heritage places include an identified area around a heritage feature; referred to as the 'extent of place'.

The extent of place comprises the area that is integral to the function, meaning and relationships of the place and illustrates the historic heritage values identified for the place. The provisions relating to a historic heritage place apply within the area mapped as the extent of place on the Plan maps, including the airspace.

Schedule 14.3 Historic Heritage Place maps clarifies the extent of place that apply to some historic heritage places.

*Exclusions*

Some scheduled historic heritage places have listed exclusions in Schedule 14.1 Schedule of Historic Heritage, for example the interiors of buildings or ancillary buildings. Features listed as exclusions do not contribute to, or may detract from the values for which the historic heritage place has been scheduled.

Schedule 14.3 Historic Heritage Place maps clarifies the exclusions that apply to some historic heritage places.

*Archaeological sites or features*

Scheduled historic heritage places that are archaeological sites, or archaeological sites or features that contribute to the significance of a scheduled place, are identified in Schedule 14.1 Schedule of Historic Heritage. The proportion of archaeological sites within Auckland that are identified in Schedule 14.1 Schedule of Historic Heritage is low.

Archaeological sites are subject to additional rules to manage activities that have the potential to adversely affect archaeological values, such as land disturbance, or disturbance of the foreshore or seabed. The accidental discovery rule in E12 Land disturbance - District apply in order to protect presently unknown archaeological values that may be discovered when works or development is undertaken.

*Places of Māori interest or significance*

Scheduled historic heritage places and places identified as having significance or value to Mana Whenua may overlap. In these instances the provisions in D21 Sites and Places of Significance to Mana Whenua Overlay also apply, in addition to any other overlay that may apply to the scheduled historic heritage place.

*Setting of a historic heritage place*

The setting of a historic heritage place includes elements of the surrounding context beyond the identified extent of place within which a historic heritage place is experienced. The setting of a historic heritage place includes the sea, sky, land, structures, features, backdrop, skyline and views to and from the place. It can also include landscapes, townscapes, streetscapes and relationships with other historic heritage places which contribute to the value of the place.

*Unscheduled historic heritage*

Much of Auckland's heritage has not been identified or evaluated to determine its significance.

Some places that have been identified as having significant heritage values are not presently included in the historic heritage schedule, either because of incomplete information, lack of consultation with landowners, or for other reasons. Presently unscheduled historic heritage places that meet the criteria for scheduling will be evaluated for inclusion in the schedule through future plan change processes.

*Role of Heritage New Zealand Pouhere Taonga (Heritage New Zealand) in heritage protection and management*

Heritage New Zealand has both an advocacy and a statutory role in relation to the conservation and protection of historic heritage.

Heritage New Zealand maintains the New Zealand Heritage List/Rārangi Kōrero which is a list of historic places, historic areas and wahi tapu areas. Heritage New Zealand is also required to establish and maintain the list of National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu. A scheduled historic heritage place in this Plan may also be on the New Zealand Heritage List.

In addition to the requirements of this Plan, the Heritage New Zealand Pouhere Taonga Act 2014 requires an authority to be obtained from Heritage New Zealand to modify or destroy any archaeological site meeting the criteria set out in that Act, whether or not it is recorded or scheduled.

If works are proposed to a scheduled historic heritage place, and the place meets the definition of an 'archaeological site' in the Heritage New Zealand Pouhere Taonga Act 2014, then the works will be subject to the provisions of that Act in addition to this Plan. Some places that meet the definition of an 'archaeological site' under the Heritage New Zealand Pouhere Taonga Act 2014 will not be included in Schedule 14.1 Schedule of Historic Heritage, and an authority to modify an archaeological site will be required from Heritage New Zealand.

Prior to starting work, or making an application for a resource consent affecting a historic heritage place Heritage New Zealand should be contacted to confirm whether, in addition to any rules applying in this Plan:

- (1) an authority is required from Heritage New Zealand to modify an archaeological site; or
- (2) the place is on the New Zealand Heritage List/Rārangi Kōrero or list of National Historic Landmarks.

### **D17.2. Objectives [rcp/dp]**

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

- (1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.
- (2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.
- (3) Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.

### **D17.3. Policies [rcp/dp]**

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

#### *Maintenance and repair*

- (1) Encourage and enable maintenance and repair appropriate to scheduled historic heritage places where it is:
  - (a) based upon a clear understanding of the heritage values of the place; and
  - (b) undertaken in accordance with good practice conservation principles and methods.
- (2) Encourage and support maintenance and repair appropriate to scheduled historic heritage places through such measures as:
  - (a) reducing or waiving consent application costs;
  - (b) providing funding, grants and other incentives; or
  - (c) providing expert advice.

#### *Use and development, including adaptation*

- (3) Enable the use, development and adaptation of scheduled historic heritage places where:
  - (a) it will not result in adverse effects on the significance of the place;
  - (b) it will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place;

- (c) it is in accordance with good practice conservation principles and methods;
  - (d) it will not result in cumulative adverse effects on the historic heritage values of the place;
  - (e) it will support the long-term viability, retention or ongoing use of the place; and
  - (f) it will not lead to significant adverse effects on the surrounding area.
- (4) Enable the use of scheduled historic heritage places, whether or not the use is otherwise provided for in the zone, where it does not detract from the heritage values of the place and will not otherwise have significant adverse effects.
- (5) Support use, development or adaptation appropriate to scheduled historic heritage places through such measures as:
- (a) reducing or waiving consent application costs;
  - (b) granting consent to infringement of the development standards for underlying zones and Auckland-wide rules where this does not result in significant adverse effects;
  - (c) providing funding, grants and other incentives;
  - (d) providing expert advice; or
  - (e) providing transferable development rights.
- (6) Enable use and development of contributing and non-contributing sites or features within a Historic Heritage Area where it is compatible with the historic heritage values of the area.
- (7) Require the assessment of the effects for proposed works to scheduled historic heritage places, including where one or more places are affected, to address all the effects on:
- (a) the heritage values of the place/s;
  - (b) the significance of the place; and
  - (c) the setting and the relationship between places.

*Modifications, restoration and new buildings within historic heritage places*

- (8) Maintain or enhance historic heritage values by ensuring that modifications to, or restoration of, scheduled historic heritage places, and new buildings within scheduled historic heritage places:
- (a) minimise the loss of fabric that contributes to the heritage values and level of significance of the place;
  - (b) do not compromise the ability to interpret the place and the relationship to other heritage places;

- (c) complement the form, fabric and setting which contributes to, or is associated with, the heritage values of the place;
  - (d) retain and integrate with the heritage values of the place;
  - (e) avoid significant adverse effects, including from loss, destruction or subdivision that would reduce or destroy the heritage values of the place; and
  - (f) avoid, remedy or mitigate adverse effects on the heritage values of the place.
- (9) Enable modifications to, or restoration of, scheduled historic heritage places, and new buildings within scheduled historic heritage places where the proposal:
- (a) will not result in adverse effects on the significance of the place;
  - (b) will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place;
  - (c) is in accordance with good practice conservation principles and methods;
  - (d) will not result in cumulative adverse effects on the historic heritage values of the place; and
  - (e) will contribute to the long-term viability, retention or ongoing functional use of the place.
- (10) Support modifications to, or restoration of, scheduled historic heritage places that will do any of the following:
- (a) recover or reveal heritage values of the place;
  - (b) remove features or additions that compromise the heritage values of the place; or
  - (c) secure the long-term viability and retention of the place.
- (11) Provide for modifications to, or restoration of, parts of buildings or structures where this is necessary for the purposes of adaptation, repair or seismic strengthening, either in its own right or as part of any modifications.

*Demolition or destruction*

- (12) Avoid the total demolition or destruction of the primary features of Category A scheduled historic heritage places.
- (13) Avoid the total or substantial demolition or destruction of features (including buildings, structures or archaeological sites) within scheduled historic heritage places where it will result in adverse effects (including cumulative adverse effects) on the overall significance of the scheduled historic heritage place to the extent that the place would no longer meet the significance thresholds for the category it has been scheduled.

- (14) Avoid the total or substantial demolition or destruction of:
- (a) the primary features of Category A\* and Category B scheduled historic heritage places;
  - (b) the non-primary features of Category A and A\* scheduled historic heritage places; and contributing features within Historic Heritage Areas; unless:
    - (i) the demolition or destruction is required to allow for significant public benefit that could not otherwise be achieved; and
    - (ii) the significant public benefit outweighs the retention of the feature, or parts of the feature, or the place; or
    - (iii) the demolition or destruction is necessary to remove a significant amount of damaged heritage fabric to ensure the conservation of the scheduled historic heritage place.
- (15) Enable the total or substantial demolition or destruction of features (including buildings, structures or archaeological sites) where:
- (a) it is established that the feature detracts from the heritage values of a scheduled historic heritage place;
  - (b) the feature is identified as a non-contributing feature within a scheduled Historic Heritage Area; or
  - (c) the feature is identified as an exclusion in Schedule 14.1 Schedule of Historic Heritage.
- (16) Provide for the temporary and reversible dismantling of parts of buildings or structures where this is necessary for the purposes of seismic strengthening, without determining the dismantling to constitute total or substantial demolition or destruction.

*Relocation*

- (17) Avoid the permanent relocation of the primary features of Category A historic heritage places beyond the scheduled extent of place.
- (18) Avoid the temporary relocation of the primary features of Category A historic heritage places beyond the scheduled extent of place, unless the relocation is necessary to allow for significant public benefit that could not otherwise be achieved.
- (19) Avoid the permanent relocation of features of scheduled historic heritage places unless:
- (a) it is necessary to allow for significant public benefit that could not otherwise be achieved; and

- (b) the significant public benefit outweighs the value of retaining the feature in its present location.
- (20) Enable the permanent relocation of buildings or structures beyond the scheduled extent of place where any of the following apply:
  - (a) it is established that building or structure detracts from the heritage values of a scheduled historic heritage place;
  - (b) the building or structure is identified as an exclusion in Schedule 14.1 Schedule of Historic Heritage; or
  - (c) the building or structure is identified as a non-contributing feature within a scheduled Historic Heritage Area.

*Temporary activities*

- (21) Provide for signs associated with temporary activities within scheduled historic heritage places where any adverse effects on the heritage values of the place are avoided, remedied or mitigated.
- (22) Provide for freestanding displays, exhibits and temporary structures within scheduled historic heritage places where any adverse effects on the heritage values of the place are avoided, remedied or mitigated.

*Subdivision*

- (23) Provide for the subdivision of scheduled historic heritage places only where:
  - (a) the subdivision will support use and development that is complementary to the heritage values of the place;
  - (b) all the potential effects of the subdivision and any associated development on the heritage values of the place have been considered and any adverse effects on these values are avoided to the greatest extent possible, and any other effects are remedied or mitigated; and
  - (c) the subdivision contributes to the retention of the place.

*Infrastructure*

- (24) Enable the operation, maintenance, repair and upgrading of network utilities and small-scale electricity generation facilities, and connections to buildings for network utilities within scheduled historic heritage places in a manner that avoids, remedies or mitigates new adverse effects on the heritage values.
- (25) Enable the establishment of network utilities and small-scale electricity generation facilities within scheduled historic heritage places where all of the following apply:
  - (a) there is a functional need or operational constraint that necessitates their location within a scheduled historic heritage place;



(b) significant adverse effects on the heritage values of the place are avoided where practicable; and

(c) other adverse effects are avoided, remedied or mitigated.

(26) Avoid the relocation and total or substantial demolition or destruction of features within a scheduled historic heritage place to provide for network utilities and electricity generation facilities unless all of the following apply:

(a) a functional need or operational constraint limits available alternatives;

(b) there is no reasonable practicable alternative;

(c) the infrastructure will provide a significant public benefit that could not otherwise be achieved; and

(d) the adverse effects on the heritage values of a place are minimised to the extent practicable.

#### **D17.4. Activity tables**

Tables D17.4.1 to D17.4.3 specify the activity status of land-use activities (pursuant to section 9(3) of the Resource Management Act 1991), subdivision (pursuant to section 11 of the Resource Management Act 1991), and activities in the coastal marine area (pursuant to section 12(1), (2) or (3) of the Resource Management Act 1991) affecting scheduled historic heritage places. The most restrictive applicable rule determines overall activity status.

Table D17.4.1 Activity table – Activities affecting Category A, A\* and B scheduled places applies to Category A, A\* and B scheduled historic heritage places as identified in Schedule 14.1 Schedule of Historic Heritage and Schedule 14.3 Historic Heritage Place maps.

Table D17.4.2 Activity Table - Activities subject to additional archaeological rules applies to historic heritage places where additional archaeological rules apply as identified in Schedule 14.1 Schedule of Historic Heritage.

Table D17.4.3 Activity Table - Activities in Historic Heritage Areas applies to Historic Heritage Areas, as identified in Schedule 14.1 Schedule of Historic Heritage and Schedule 14.2 Historic Heritage Areas - Maps and statements of significance. Where a Category A, A\* or B scheduled historic heritage place, or a site subject to an additional archaeological rule is also located within a Historic Heritage Area, Table D17.4.1 and Table D17.4.2 also apply.

Other rules that apply to scheduled historic heritage places are contained in:

- E26 Infrastructure;
- E12 Land disturbance - District; and
- Chapter F Coastal - the rules in the activity table in Chapter F General Coastal Marine Zone apply, except where reference is made to the rules in this chapter.

*Rules relating to the extent of place for places annotated with # in Schedule 14.1 Schedule of Historic Heritage*

Where the extent of place for a scheduled historic heritage place is annotated with a # in Schedule 14.1 Schedule of Historic Heritage, no geographic extent of place has been mapped. In this case the rules in Table D17.4.1 and Table D17.4.2 apply to all land or water within 50m of the feature annotated with #.

*Rules where the primary features of Category B places are not identified*

Not all primary features of Category B places have been identified in Schedule 14.1 Schedule of Historic Heritage. Until such time as the primary features of Category B places are identified, all features within the extent of a Category B place will be considered a primary feature for the purposes of the rules in this chapter.

*Rules relating to the interiors of scheduled buildings*

The rules in Table D17.4.1 apply to the interiors of scheduled buildings unless they are specifically identified as exclusions in Schedule 14.1 Schedule of Historic Heritage or Schedule 14.3 Historic Heritage Place maps.

*Rules relating to seismic strengthening*

The temporary and reversible dismantling of parts of buildings or structures for the purposes of seismic strengthening will not be considered to constitute demolition or destruction for the purposes of these rules.

*Rules relating to demolition or destruction of a feature (including building, structure, archaeological site or feature)*

For the purpose of determining the rules relating to demolition or destruction of a feature, volume is measured from the outermost surface of the building or feature, including any surfaces below ground level, unless a site-specific rule applies. Details for determining the particular application of this rule for some scheduled places is provided in Schedule 14.3 Historic Heritage Place maps.

A blank in the activity status for an activity in Tables D17.4.1, D17.4.2 or D17.4.3 means that the provisions of the zone or Auckland-wide provisions apply.

**Table D17.4.1 Activity table – Activities affecting Category A, A\* and B scheduled historic heritage places [rcp – where reference is made in Chapter F to these rules applying]**

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

	Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
<b>Development</b>						
<b>Demolition or destruction</b>						

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(A1)	Demolition or destruction of 70% cent or more by volume or footprint (whichever is the greater) of any feature	Pr	NC	NC	D	D	P - where the feature is free-standing C – where the feature is connected to a scheduled feature
(A2)	Demolition or destruction of 30% cent or more, but less than 70%, by volume or footprint (whichever is the greater) of any feature	NC	NC	NC	D	D	P - where the feature is free-standing C – where the feature is connected to a scheduled feature

For the purpose of applying rule D17.4.1(A1) and (A2) to Oakley Hospital Main Building (ID 1339) the map in Schedule 14.3 Historic Heritage Place maps identifies the footprint for the area of the building that comprises the primary feature

**Relocation**

(A3)	Relocation of features (including buildings or structures) within the scheduled extent of place	NC	NC	D	D	RD	C
(A4)	Relocation of features (including buildings or structures) beyond the scheduled extent of place	Pr	NC	D	D	RD	P - where the feature is free-standing C – where the feature is connected to a scheduled feature
(A5)	Temporary relocation of features (including buildings or structures) beyond the scheduled extent of place	NC	NC	D	D	RD	P

**Maintenance and repair**

(A6)	Maintenance and repair of features including buildings and structures	P	P	P	P	P	P
(A7)	Maintenance and repair of gardens, lawns, garden amenities, driveways, parking areas, effluent disposal systems, swimming pools, sports fields, courts and grounds, bridle paths, footpaths, cycle and walking tracks, including the planting of vegetation	P	P	P	P	P	P

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(A8)	Pest plant removal, biosecurity measures, tree works	P	P	P	P	P	P
<b>Modification and restoration</b>							
(A9)	Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule	RD	RD	RD	RD	RD	P
<b>Buildings and structures</b>							
(A10)	New buildings or structures	D	D	D	D	RD	
(A11)	Temporary buildings and structures, including structures accessory to temporary activities	P	P	P	P	P	P
<b>Seismic strengthening</b>							
(A12)	Modifications to buildings, structures or features of a scheduled historic heritage place for seismic strengthening	RD	RD	RD	RD	RD	P - where the feature is free-standing C – where the feature is connected to a scheduled feature
<b>Signs and ancillary structures</b>							
(A13)	Identification and safety signs	P	P	P	P	P	P
(A14)	Temporary signs	P	P	P	P	P	P
(A15)	Signs not otherwise provided for as a permitted activity	RD	RD	RD	RD	RD	
(A16)	Security lighting and alarm systems	P	P	P	P	P	P
<b>Subdivision</b>							
(A17)	Subdivision of land within the scheduled extent of place	D	D	D	D	D	
<b>Use</b>							
(A18)	Farming provided for as a permitted activity in the underlying zone within the scheduled extent of place, excluding where	P	P	P	P	P	P

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	archaeological controls apply						
(A19)	Use of a scheduled historic heritage place for an activity that is not otherwise provided for in the underlying zone or precinct, or not otherwise provided for in Tables D17.4.1 to D.17.4.3 Note – this rule does not override any prohibited activity	D	D	D	D	D	D

**Table D17.4.2 Activity table – Activities subject to additional archaeological rules [rcp/dp]**

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

		Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
<b>Use</b>							
<b>Rural</b>							
(A20)	Farming (except grazing of sheep, goats, llamas and alpacas) within the scheduled extent of place	D	D	D	D	D	
(A21)	Grazing of sheep, goats, llamas and alpacas	P	P	P	P	P	P
(A22)	Forestry	Pr	NC	NC	NC	NC	C - 15m from the perimeter of any scheduled archaeological site
(A23)	Conservation planting	D	D	D	D	D	P
<b>Development</b>							
<b>Archaeological investigation</b>							
(A24)	Non-invasive archaeological investigation	P	P	P	P	P	P
(A25)	Archaeological investigation not otherwise provided for	RD	RD	RD	RD	RD	P

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	as a permitted activity						
<b>Tree removal</b>							
(A26)	Removal of trees greater than 3m in height or greater than 300mm girth	D	D	D	D	D	P

**D17.4.3 Activity table – Activities in Historic Heritage Areas [dp]**

[Env-2016-AK-000208: Marian Kohler]

		Contributing sites/features	Non-contributing sites/features	Features identified as exclusions
<b>Development</b>				
<b>Demolition or destruction</b>				
(A27)	Demolition or destruction of 30 per cent or more by volume or footprint (whichever is the greater) of any feature	D	C	P
<b>Relocation</b>				
(A28)	Relocation of features (including buildings or structures) within an Historic Heritage Area	D	C	C
(A29)	Relocation of features (including buildings or structures) beyond the Historic Heritage Area	D	C	P
<b>Maintenance and repair</b>				
(A30)	Maintenance and repair of features (including buildings or structures)	P	P	P
(A31)	Maintenance and repair of gardens, lawns, driveways, parking areas, effluent disposal systems, swimming pools, sports fields, courts and grounds, bridle paths, footpaths, cycle and walking tracks, including the planting of vegetation	P	P	P
(A32)	Pest plant removal, biosecurity measures, tree works	P	P	P
<b>Modifications and restoration</b>				
(A33)	Modifications to, or restoration of, a building, structure, or feature, within a Historic Heritage Area except for controlled and restricted discretionary activities specifically listed in this table	RD	C	P
<b>New buildings and structures</b>				
(A34)	New buildings or structures within a Historic Heritage Area	RD	RD	
<b>Signs, ancillary structures and temporary activities</b>				
(A35)	Temporary buildings, structures and signs, including buildings, structures and signs accessory to a temporary activity	P	P	P
(A36)	Identification and safety signs	P	P	P
(A37)	Signs not otherwise specified	RD	RD	
(A38)	Security lighting and alarm systems	P	P	P

Subdivision				
(A39)	Subdivision of land within a Historic Heritage Area	D	RD	
Use				
(A40)	Farming provided for as a permitted activity in the underlying zone within a Historic Heritage Area, except where archaeological controls apply	P	P	P

### D17.5. Notification

[ENV-2016-AKL-000208: Marian Isabel Kohler]

- (1) An application for resource consent for the following controlled or restricted discretionary activities listed in Table D17.4.1 Activity Table – Activities affecting Category A, A\* and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules or Table D17.4.3 Activity table – Activities in Historic Heritage Areas will be considered without public or limited notification, or need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
- (a) modifications to buildings, structures or features of a scheduled historic heritage place specifically for seismic strengthening;
  - (b) restoration activities;
  - (c) signs not otherwise provided for as a permitted activity ;
  - (d) subdivision of non-contributing sites in a Historic Heritage Area;
  - (e) archaeological investigations not otherwise provided for as a permitted activity in Table D17.4.2 Activity Table - Activities subject to additional archaeological rules;
  - (f) demolition of buildings or structures on non-contributing sites within Historic Heritage Area;
  - (g) demolition of buildings or structures identified as exclusions in Schedule 14.1 Schedule of Historic Heritage; or
  - (h) maintenance and repair that does not comply with all of the standards in D17.6.
- (2) Any application for a resource consent not provided for in rule D17.5 (1)(a) to (h) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.11(4).

## **D17.6. Standards**

All activities listed as permitted in Table D17.4.1 Activity Table – Activities affecting Category A, A\* and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas must comply with the following permitted activity standards.

### **D17.6.1. Demolition, destruction or relocation of free-standing features identified as exclusions, and features identified as exclusions**

- (1) The total or substantial demolition, destruction, or relocation (including temporary relocation) of free-standing features identified as exclusions, and features identified as exclusions, must not involve earthworks or disturbance of land or the foreshore or seabed where archaeological controls apply, other than as provided for as a permitted activity in Table D17.4.2 Activity table – Activities subject to additional archaeological rules.

### **D17.6.2. Maintenance and repair of features (including buildings and structures) excluding features identified as exclusions, and non-contributing sites or features within Historic Heritage Areas**

- (1) The maintenance and repair of features (including buildings and structures) excluding features identified as exclusions, and non-contributing sites or features within Historic Heritage Areas, must not result in any of the following:
  - (a) changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously un-rendered surface;
  - (b) the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting;
  - (c) the affixing of scaffolding being to the building or structure;
  - (d) changes to the design, texture, or form of the fabric;
  - (e) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure;
  - (f) the use of materials other than those the same as the original or most significant fabric, or the closest equivalent; or
  - (g) earthworks or disturbance of land or the foreshore or seabed being undertaken where archaeological controls apply, other than as provided for as a permitted activity.

### **D17.6.3. Maintenance and repair of gardens, lawns, garden amenities, driveways, parking areas, effluent disposal systems, swimming pools, sports fields, courts and grounds, bridle paths, footpaths, cycle and walking tracks, including the planting of vegetation**

- (1) The maintenance and repair of gardens, garden amenities, lawns, effluent disposal systems, swimming pools, bridle paths, footpaths, cycle and walking



tracks, including the planting of vegetation within a scheduled extent of place, excluding features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas, must not result in any of the following:

- (a) the removal of any tree or other planting identified in Schedule 14.1 Schedule of Historic Heritage;
  - (b) earthworks or disturbance of land or the foreshore or seabed, where archaeological controls apply, other than as provided for as a permitted activity in Table D17.4.2 Activity table – Activities subject to additional archaeological rules; or
  - (c) the planting of a tree where archaeological controls apply, other than as a replacement for a pre-existing tree where it is planted within the root plate of the pre-existing tree.
- (2) The maintenance and repair of driveways, parking areas, sports fields, courts and grounds within a scheduled extent of place, excluding features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas, must not result in earthworks that extend more than 300mm below the surface where archaeological controls apply.

#### **D17.6.4. Pest plant removal, biosecurity measures, tree works**

- (1) Pest plant removal must not result in the removal of any tree or other planting specifically identified in Schedule 14.1 Schedule of Historic Heritage, other than features identified as exclusions, or non-contributing sites or features in Historic Heritage Areas.
- (2) Pest plant removal within scheduled historic heritage places that are subject to archaeological controls must be undertaken:
  - (a) using hand-operated tools (including hand-held mechanical tools); and
  - (b) must not involve earthworks or disturbance of land or the foreshore or seabed, other than as provided for as a permitted activity.

#### **D17.6.5. Modifications to buildings, structures, fabric or features of a scheduled historic heritage place identified as exclusions**

- (1) Modifications to features identified as exclusions must not result in any of the following:
  - (a) changes to the footprint, height or volume of any building or structure;
  - (b) changes to floor levels or the external openings of buildings where modifications are made to interiors identified as exclusions; or
  - (c) earthworks or disturbance of land or the foreshore or seabed being undertaken where archaeological controls apply, other than as provided for as a permitted activity.

**D17.6.6. Temporary buildings and structures and signs including those accessory to a temporary activity**

- (1) Temporary buildings, structures and signs, including those accessory to a temporary activity, but excluding internal shop displays that do not result in modifications to a scheduled place, must not result in any of the following:
- (a) earthworks or disturbance of the foreshore or seabed being undertaken where archaeological controls apply, other than as provided for as a permitted activity Table D17.4.2 Activity table – Activities subject to additional archaeological rules, or that is provided for in a related resource consent;
  - (b) the building, structure or sign being affixed to any existing building, structure or feature within the scheduled historic heritage place, other than a building, structure or feature identified in the exclusions column in Schedule 14.1 Schedule of Historic Heritage; or
  - (c) being in place longer than either:
    - (i) the maximum duration of the temporary activity, where the building or structure is ancillary to a temporary activity; or
    - (ii) 21 consecutive days in any 60-day period.

**D17.6.7. Identification and safety signs**

- (1) Identification and safety signs within scheduled historic heritage places, other than road safety signs in accordance with New Zealand standards, or identification signs within the interiors of buildings where the interior is identified as an exclusion, must not:
- (a) be attached, painted, fixed, or projected on to the exterior of any scheduled building, object, feature, or structure;
  - (b) exceed two signs per scheduled historic heritage place (taking only one side of double-sided signs into account, or if a sign has more than two sides, then taking all of the faces of the sign into account);
  - (c) exceed 0.5m<sup>2</sup> per sign;
  - (d) be flashing, illuminated or variable; or
  - (e) involve any disturbance of land or the foreshore or seabed to construct the sign where archaeological rules in Table D17.4.2 Activity table – Activities subject to additional archaeological rules apply.
- (2) Identification and safety signs must be for one or more of the following purposes:
- (a) to provide information relating directly to the on-site activities or uses;
  - (b) to aid traffic or maritime safety or navigation or provide public health and safety information;

- (c) to provide interpretive material on the heritage values of the place; or
- (d) to provide directional and way-finding information.

#### **D17.6.8. Non-invasive archaeological investigation**

- (1) Non-invasive archaeological investigation involving minor earthworks or disturbance of the foreshore or seabed for the purpose of defining the location or extent of archaeological sites or features must comply with all of the following:
  - (a) not be undertaken in areas where archaeological remains are evident, or known to be present;
  - (b) not disturb or remove any archaeological material encountered during an investigation;
  - (c) conform to accepted archaeological practice;
  - (d) not involve the use mechanical tools, but use a probe not exceeding a diameter of 10mm, or a spade;
  - (e) not result in spade holes that exceed 250mm x 250mm in size; and
  - (f) on completion of works reinstate the ground to at least the state existing prior to the commencement of any works.

#### **D17.7. Assessment – controlled activities**

##### **D17.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) the demolition or destruction of 30 per cent or more by volume or footprint (whichever is the greater) of features identified as exclusions where the feature is connected to a scheduled feature, and non-contributing sites or features in a Historic Heritage Area:
  - (a) the method of demolition or destruction;
  - (b) the effects on the heritage values of any scheduled historic heritage place connected to the feature being demolished; and
  - (c) ground reinstatement and finished contours and surfaces.
- (2) relocation of features within the extent of place where identified as an exclusion; or beyond the extent of place where identified as an exclusion and the feature is connected to a scheduled feature; or identified as non-contributing or excluded site or feature in a Historic Heritage Area:
  - (a) the method of relocation;

- (b) the effects on the heritage values of a scheduled historic heritage place;
  - (c) the effects on the views to, from or within, a scheduled historic heritage place; and
  - (d) ground reinstatement and finished contours and surfaces.
- (3) modifications for the purpose of seismic strengthening where the feature is identified as an exclusion and the feature is connected to a scheduled feature:
- (a) the method of seismic strengthening and effects on the scheduled historic heritage place.
- (4) forestry 15m from the perimeter of any scheduled archaeological site:
- (a) the effects of root disturbance, felling and extraction on archaeological sites.

#### **D17.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) for controlled activities in D17.7.1(1), (2) and (3):
- (a) the extent to which the proposal will affect the identified values of the scheduled historic heritage place it relates to, including the setting, and the measures to avoid, remedy or mitigate adverse effects on the scheduled historic heritage place;
  - (b) whether the method and techniques proposed will minimise the risk of damage to, or loss of value, of a scheduled historic heritage place;
  - (c) whether any earthworks or land disturbance are designed and located to avoid adverse effects on the stability and structural integrity of a scheduled historic heritage place;
  - (d) whether any archaeological site will be affected by the proposed works and the measures taken to avoid any adverse effects; and
  - (e) the extent to which works proposed for seismic strengthening purposes addresses anticipated effects on the scheduled historic heritage place.
- (2) for forestry 15m from the perimeter of any scheduled archaeological site:
- (a) the extent to which the forestry activity will adversely affect a scheduled archaeological site and the measures to avoid, remedy or mitigate any adverse effects.

## **D17.8. Assessment – restricted discretionary activities**

### **D17.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) for all restricted discretionary activities in Table D17.4.1 Activity table – Activities affecting Category A, A\* and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas and for activities that do not meet one or more of the standards in D17.6:
  - (a) effects on the known heritage values of a historic heritage place from the scale, location, design, (including materials), duration and extent of the proposal, the construction methodology and associated site works;
  - (b) effects on the inter-relationship between buildings, structures and features within the place;
  - (c) effects of the proposal on the overall significance of the place;
  - (d) effects on the inter-relationship between contributing places within a Historic Heritage Area, including the views to, within or from the place or area;
  - (e) the purpose and necessity for the works and any alternatives considered;
  - (f) effects of the proposal on the long-term viability and/or the ongoing functional use of the place; and
  - (g) the provisions of a conservation plan where one has been prepared for the scheduled historic heritage place.
- (2) additional matters for signs not provided for as a permitted activity:
  - (a) the duration of the sign or structure;
  - (b) the content and visual appearance of the sign; and
  - (c) the method of constructing or affixing the sign or structure.
- (3) additional matters for modifications to buildings, structures, or features specifically for seismic strengthening:
  - (a) the method proposed to be used for seismic strengthening, and the consideration of alternative methods; and
  - (b) the consideration of the use of the scheduled historic heritage place in relation to the level of seismic strengthening required.

### **D17.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) for restricted discretionary activities in Table D17.4.1 Activity table – Activities affecting Category A, A\* and B scheduled places, Table D17.4.2 Activity table - Activities subject to additional archaeological rules and Table D17.4.3 Activity table – Activities in Historic Heritage Areas:
  - (a) whether the proposed works will result in adverse effects (including cumulative adverse effects) on the heritage values of the place and the extent to which adverse effects are avoided, remedied or mitigated;
  - (b) whether the proposed works will maintain or enhance the heritage values of the place, including by:
    - (i) avoiding or minimising the loss of fabric that contributes to the significance of the place;
    - (ii) removing features that compromise the heritage values of the place;
    - (iii) avoiding significant adverse effects on the place, having regard to the matters set out in B5 Built heritage and character;
    - (iv) complementing the form and fabric which contributes to, or is associated with, the heritage values of the place; and
    - (v) recovering or revealing the heritage values of the place.
  - (c) whether the proposed works will compromise the ability to interpret features within the place and the relationship of the place to other scheduled historic heritage places;
  - (d) whether the proposed works, including the cumulative effects of proposed works, will result in adverse effects on the overall significance of the place such that it no longer meets the significance thresholds for which it was scheduled;
  - (e) whether the proposed works will be undertaken in accordance with good practice conservation principles and methods appropriate to the heritage values of the place;
  - (f) whether the proposal contributes to, or encourages, the long-term viability and/or ongoing functional use of the place;
  - (g) whether modifications to buildings, structures, or features specifically for seismic strengthening:
    - (i) consider any practicable alternative methods available to achieve the necessary seismic standard that will reduce the extent of adverse effects on the significance of the place; and

- (ii) take into account the circumstances relating to the ongoing use and retention of the place that affect the level of seismic resilience that is necessary to be achieved.
- (h) whether the proposed relocation of features, within or beyond scheduled extents of place, in addition to the criteria above;
  - (i) is necessary in order to provide for significant public benefit that could not otherwise be achieved; and
  - (ii) the significant public benefit outweighs the retention of the feature in its existing location within the extent of place.

#### **D17.9. Special information requirements**

- (1) An application for resource consent for works affecting scheduled historic heritage places must be accompanied by a heritage impact assessment that is commensurate to the effects of the proposed works on the overall significance of a historic heritage place, and taking into account whether the works affect a primary, non-primary, non-contributing or excluded site or feature.
- (2) Any application for modifications specifically for seismic strengthening must include a plan detailing the methodology for dismantling, removal, relocation and reassembly of the building or structure or its parts.
- (3) Applications for subdivision, or the total or substantial demolition or destruction or relocation of a scheduled historic heritage place shall provide details of the proposed development or development potential that will be enabled by the subdivision, destruction or demolition or relocation.
- (4) A conservation plan where one has been prepared shall be provided for:
  - (a) Category A places where the application is for:
    - (i) substantial demolition or destruction;
    - (ii) relocation within the scheduled extent of place; or
    - (iii) significant restoration or modification works.
  - (b) Category A\* and B places where the application is for:
    - (i) total or substantial demolition or destruction;
    - (ii) relocation; or
    - (iii) forestry.