
SECTION 15: HERITAGE PROTECTION

This section of the Plan relates to the protection of heritage, including heritage buildings, objects, areas, historic sites, notable trees and significant natural areas.

N.B. Protection of archaeological sites is regulated by the New Zealand Historic Places Trust under separate legislation. Refer to Section 2 and Planning Maps for further information.

15.01 CATEGORIES OF ACTIVITIES

Rules for heritage buildings and objects refer to Schedule Ia (Heritage Items: Buildings, Objects and Areas). This list is derived from the New Zealand Historic Places Trust Register, as it relates to the South Taranaki District and includes additional items derived from further local research and evaluation. For details of the evaluation criteria, refer to Section 2.01.10A Methods of Implementation.

Rules for notable trees refer to Schedule Ib (Heritage Items: Notable Trees). This list is derived from the Inventory of Notable Trees (2000) for the South Taranaki District. The Standard Tree Evaluation Method was used to assess trees for inclusion on the Schedule. For further details refer to Section 2 of this Plan.

Rules for historic sites refer to Schedule Ic (Heritage Items: Historic Sites). It is Council's intent to consider and assess wāhi tapu, wāhi tapu areas and archaeological sites through the formation of a consultative/partnership approach inclusive of the appropriately negotiated protocols. As the outcomes of this consultation, a draft Plan Change would be prepared and the District Plan amended.

For identified significant natural areas refer to Schedule II – Significant Natural Areas. The non-inclusion of an area of indigenous vegetation or habitat in Schedule II does not necessarily mean that an area is not important or worthy of protection. For this reason, the District Plan includes general rules in relation to indigenous vegetation and habitats.

15.01.1 PERMITTED ACTIVITIES

- (a) Minor work to a heritage building or object.
- (b) General care and maintenance of notable trees
- (c) Subject to Sections 3.01.4(b) and 15.01.3 any clearance, modification, damage or destruction of indigenous vegetation is a permitted activity if it falls within one or more of the following categories:
 - (i) The clearance, modification, damage or destruction of indigenous vegetation that has been planted and managed specifically for the purpose of clearance or harvest;

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- (ii) The clearance, modification, damage or destruction of indigenous vegetation which has grown naturally from previously cleared land (i.e. re-growth) in the period up to 15 years before the date of clearance, modification, damage or destruction provided the area of indigenous vegetation being cleared, modified, damaged or destroyed is not included in Schedule II and provided that this clause shall not apply to any trees (except tree ferns) which are greater than 30 centimetres in diameter at breast height;
 - (iii) The clearance, modification, damage or destruction of indigenous vegetation which is necessary for the operation, maintenance and upgrading of existing infrastructure including utilities, electricity generation activities, roads, tracks, drains, structures and fencelines but excluding their expansion;
 - (iv) The removal of wind-thrown trees or standing dead trees (other than trees within areas included in Schedule II) and the removal of any trees (in any area) that have become dangerous to human life or property as a result of natural causes;
 - (v) The clearance, modification, damage or destruction of indigenous vegetation where:
 - (a) regardless of ownership of land, the total area of indigenous vegetation contiguous to the indigenous vegetation being cleared, modified, damaged or destroyed (including the indigenous vegetation being cleared, modified, damaged or destroyed), is less than 1.0 hectare; and
 - (b) the area of indigenous vegetation being cleared, modified, damaged or destroyed is not included in Schedule II.
 - (vi) The removal of up to 50 m³ of timber from any area of indigenous vegetation per 10 year period where:
 - (a) the area of indigenous vegetation contains species which are at least 30 centimetres in diameter at breast height; and
 - (b) regardless of the ownership of land, the total area of indigenous vegetation contiguous to the indigenous vegetation being removed (including the indigenous vegetation being removed) is over 1.0 hectare; and
 - (c) the area of indigenous vegetation contains at least five indigenous trees of 6.0 metres high or taller per hectare; and
 - (d) the area of indigenous vegetation from which the timber is removed is not included in Schedule II; and

- (e) the timber is to be used:
 - for private purposes (the test for “private” is that the timber must not be sold or gifted to a third party); or
 - by tangata whenua for cultural purposes (for example, but not limited to Rongoa, Waka, traditional buildings and marae based activities.

15.01.2 CONTROLLED ACTIVITIES

- (a) Emergency works to notable trees, where:
 - (i) The health of the tree is at risk;
 - (ii) Works are required for the protection of existing utilities excluding household television, telecommunication and radiocommunication equipment and facilities on residential properties;
 - (iii) The tree is a significant threat to the safety and health of people;
 - (iv) The tree is a significant threat to buildings and/or to other notable trees included in Schedule Ib.

15.01.3 LIMITED DISCRETIONARY ACTIVITIES

Subject to Sections 3.01.4(b) and 15.01.1, any clearance, modification, damage or destruction of indigenous vegetation is a limited discretionary activity if it falls within one or more of the following categories:

- (a) The clearance, modification, damage or destruction of indigenous vegetation in any significant natural area listed in Schedule II;
- (b) The clearance, modification, damage or destruction of indigenous vegetation where:
 - (i) the area of indigenous vegetation contains species which are at least 30 centimetres diameter at breast height; and
 - (ii) regardless of the ownership of land, the total area of indigenous vegetation contiguous to the indigenous vegetation being cleared, modified, damaged or destroyed (including the indigenous vegetation being cleared, modified, damaged or destroyed) is over 1.0 hectare; and
 - (iii) the area of indigenous vegetation contains at least five indigenous trees per hectare of 6.0 metres high or taller; and
 - (iv) the area of indigenous vegetation to be cleared, modified, damaged or destroyed is not included in Schedule II.
- (c) The activity is an activity which would otherwise be permitted under Rule 15.01.1 (c) but which does not come within any of conditions (i) to (vi) of that Rule.

Matters over which Council retains discretion:

- (i) Impact on ecological values including habitat, vegetation and fauna
- (ii) The appropriate management of areas of significant indigenous vegetation and habitat
- (iii) Location and inter-relationships with other habitats and indigenous vegetation
- (iv) Impact on amenity values

Note: In assessing the significance of indigenous vegetation and habitat, the Council shall have regard to the following criteria:

- (i) The significance of the affected vegetation or habitat in terms of ecological, intrinsic, cultural or amenity values;
- (ii) The representativeness of the affected vegetation or habitat and its inter-relationship with other habitats or areas of indigenous vegetation;
- (iii) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected;
- (iv) Whether any affected area of vegetation is naturally occurring or has been artificially created;
- (v) Whether the vegetation or habitat is uncommon in the district within which it is located.

Notification

An application for a resource consent under Section 15.01.3 Limited Discretionary Activities:

- may not be publicly notified; and
- may be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification.

15.01.4 **DISCRETIONARY ACTIVITIES**

- (a) Any additions to or major renovations or remodelling of a heritage building or object.
- (b) Felling, clearing, pollarding or major tree surgery of trees listed in Schedule Ib.
- (c) Erection of any buildings or other structures on any site containing a heritage building, object or area listed in Schedule Ia or historic site listed in Schedule Ic of this Plan.

- (d) Any changes in land contour (drainage, cut or fill) on any historic site listed in Schedule 1c of this Plan.

The following criteria will be used to assist the assessment of a discretionary activity but in no way restricts the exercise of Council's discretion:

- (i) the impact the proposal has on the integrity/value of the historic site;
- (ii) the degree to which the proposed alterations are the minimum necessary to accommodate the continuing use of the place;
- (iii) the degree to which the additions or alterations are compatible with the heritage fabric of the place yet are sufficiently distinct that they can, on inspection, be read as new work;
- (iv) the degree to which the proposal is able to match with any recommendation or rating in any conservation plan and heritage inventory relating to the heritage item;
- (v) the effect on the heritage item due to development on land (if any) surrounding the heritage item;
- (vi) the importance attributed to the heritage item by the wider community; and
- (vii) the advice provided by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues.

NOTE: Council may impose Financial Contributions in accordance with Section 16.

15.01.5 **NON-COMPLYING ACTIVITIES**

- (a) Any removal (in whole or in part) of a heritage building or object as listed in Schedule 1a (Heritage Items: Buildings, Objects and Areas).
- (b) Any demolition (in whole or in part) of a heritage building or object, excluding New Zealand Historic Places Trust registered Category I Historic Places, as listed in Schedule 1a (Heritage Items: Buildings, Objects and Areas).

NOTE: Council may impose Financial Contributions in accordance with Section 16.

15.01.6 **PROHIBITED ACTIVITIES**

- (a) The demolition of New Zealand Historic Places Trust registered Category I Historic Places, as listed in Schedule 1a (Heritage Items: Buildings, Objects and Areas).