

SECTION 15: HERITAGE PROTECTION RULES

This section of the Plan relates to the protection of historic heritage, including heritage buildings, objects and sites, listed in Schedule 1 of the District Plan. In addition, this section contains the rules for Notable Trees listed in Schedule 4 and identified on the Planning Maps. Notable Trees were assessed using the Standard Tree Evaluation Methodology (STEM) and further information about listed Notable Trees is available from the Council.

Important heritage items identified on the Planning Maps and listed in Schedule 1 of the District Plan are grouped into one of the following categories for regulatory protection:

- Historic Heritage Category 1 Buildings and Objects: Buildings that have outstanding national and/or regional significance due to their “rarity” and/or level of “integrity”.
- Historic Heritage Category 2 Buildings and Objects: Buildings that have regional and/or local significance.
- Historic Heritage Sites and Sites of Significance to Tāngata Whenua: Places and areas that are of national, regional and/or local significance.

The items in Schedule 1 were derived from the Heritage New Zealand List - Rārangī Kōrero of significant heritage places, as it relates to South Taranaki, and includes additional items derived from further local research and evaluation. Further information about each item listed is either available from Heritage New Zealand and/or the Council.

If a scheduled heritage building, object or site is listed by Heritage New Zealand Pouhere Taonga, this listing does not provide direct protection under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand listing is primarily a means of identifying the significant heritage items for the purposes of information and advocacy. Applicants who are planning work involving a listed Heritage New Zealand Pouhere Taonga building, object or site are encouraged to contact Heritage New Zealand Pouhere Taonga, for further information and advice, and to verify the need for a heritage assessment. South Taranaki District Council are also required to provide Heritage New Zealand with notice of any resource or buildings consents related to Heritage New Zealand Pouhere Taonga listed items.

The protection of archaeological sites is regulated by Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014. If there is a recorded archaeological site or sites within 100 metres of the vicinity of the proposed work, or if the presence of an archaeological site is suspected, the applicant is advised to contact Heritage New Zealand Pouhere Taonga for further information. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014, separate to the RMA (including District Plan) resource consent process. If a proposal, such as earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand Pouhere Taonga must be obtained before the work commences. It is an offence to damage or destroy a site for any purpose without an authority.

Further research, evaluation and engagement between Council and Tāngata Whenua is necessary to accurately identify, understand, document and map sites of Significance to Tāngata Whenua. Schedule 1B is not currently representative of the sites of significance to Tāngata Whenua, therefore effective engagement with Tāngata Whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan.

15.1 CATEGORIES OF ACTIVITIES

15.1.1 PERMITTED ACTIVITIES IN ALL ZONES

- (a) Where a building or object is listed in Schedule 1A:
- (i) The repair, redecoration and/or maintenance of the interior and/or exterior of a Category 1 or 2 building or object.
 - (ii) Internal earthquake strengthening or building safety alterations of a Category 2 building.
 - (iii) Earthworks within the heritage setting, which does not exceed 10m³ per 12 month period.
 - (iv) Connections to network utilities.
- (b) Within an area identified as a historic site or site of significance to Tāngata Whenua as listed in Schedule 1B:
- (i) Maintenance of existing lawns, gardens, structures (including fences), and buildings.
 - (ii) Removal of vegetation (except for forestry harvesting).
- (c) Where a tree is listed in Schedule 4 – Notable Trees:
- (i) Trimming and maintenance of a Notable Tree, carried out by a suitably qualified arborist, that is either:
 - a. Necessary to maintain the health of the tree.
 - b. Required under the Electricity (Hazards from Trees) Regulations 2003.
 - (ii) Removal or partial removal of a Notable Tree that is confirmed by a suitably qualified arborist or Council Officer as one of the following:
 - a. Required as emergency work to safeguard life, habitable buildings or network utilities from immediate danger.
 - b. Necessary to avoid interference with existing buildings, structures, overhead wires or utility networks.
 - c. Removal of dead wood, broken branches or diseased vegetation.

Note: The applicant must advise the Council of the proposed work in advance.
 - (iii) Gardening, mowing and soft landscaping within the dripline of any tree listed in Schedule 4 – Notable Trees.

15.1.2 CONTROLLED ACTIVITIES IN ALL ZONES

- (a) External earthquake strengthening or building safety alterations of any Category 2 building listed in Schedule 1A.

Matters to which the Council restricts its control:

- (i) The potential effects of earthquake strengthening or building safety alterations work on the heritage values associated with the building.

Notification Statement

- (i) Under Section 77D of the RMA, for an activity requiring resource consent under Rule 15.1.2(a), the application shall not be publicly notified, except where:
- The Council decides special circumstances exist (pursuant to Section 95(A)(4)), or
 - The applicant requests public notification (pursuant to Section 95A(2)(b)).

15.1.3 RESTRICTED DISCRETIONARY ACTIVITIES IN ALL ZONES

- (a) Internal alterations (not including earthquake strengthening or building safety alterations) of a Category 2 building listed in Schedule 1A.

Matters to which the Council restricts its discretion:

- (i) The potential effects on the heritage values associated with the building, including retention, conservation/protection of important heritage features.
- (ii) Whether the alterations encourage compatible and adaptive re-use, including greater development flexibility.
- (iii) The provision of quality (internal or external) living environments for new dwelling units.

15.1.4 DISCRETIONARY ACTIVITIES IN ALL ZONES

- (a) Where a building or object is listed in Schedule 1A:

- (i) Additions or alterations, except where provided for as a controlled activity (Rule 15.1.2(a)) or Restricted Discretionary Activity (Rule 15.1.3(a)).

Note: this rule includes earthquake strengthening and building safety alterations for a Category 1 building listed in Schedule 1A.

- (ii) Relocation of a Category 1 or 2 building or object.
- (iii) Demolition (including partial demolition) of a Category 2 building or object.
- (iv) New building or additions to an unlisted existing building located within the heritage setting of a Category 1 or 2 building or object.
- (v) Earthworks within the heritage setting of a Category 1 or 2 building or object, which exceeds 10m³ per 12 month period.

- (b) Within an area identified as a historic site or site of significance to Tāngata Whenua as listed in Schedule 1B:

- (i) New building or the extension of the footprint of an existing building or structure.
- (ii) Earthworks (except those associated with the permitted activities in Rule 15.1.1(b)).
- (iii) Forestry planting or forestry harvesting.

Exemption: This rule does not apply to sites within the Parihaka Cultural Area.

- (c) Within the heritage setting of a building or object in Schedule 1A, or within an area identified as a historic site or site of significance to Tāngata Whenua as listed in Schedule 1B, any activity

which is not specifically listed as a permitted, controlled, restricted discretionary, non-complying or prohibited activity.

- (d) Within the dripline of any tree listed in Schedule 4 – Notable Trees:
 - (i) Earthworks.
 - (ii) The laying of overhead or underground services.
 - (iii) The construction of any building or structure.
- (e) Where a tree is listed in Schedule 4 – Notable Trees, felling, clearing, pollarding or any work to a Notable Tree that is not specifically listed as a permitted activity in 15.1.1(c).

15.1.5 NON-COMPLYING ACTIVITIES IN ALL ZONES

None.

15.1.6 PROHIBITED ACTIVITIES IN ALL ZONES

- (a) Demolition (including partial demolition) or removal of a Category 1 building or object listed in Schedule 1A.