

## 9 CULTURAL HERITAGE CONTENTS

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### Plan Change 39 Archaeological and Other Sites – Hearing version (March 2016)

**Shaded** = New provisions as Notified Oct  
2015

~~Strike through~~ and underlined = changes  
recommended for Hearing March 2016

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## 9 CULTURAL HERITAGE

The term historic heritage is generally applied to things that have cultural heritage significance to people and communities. Heritage is regarded as our 'inheritance' from the past. While there is a particular emphasis on buildings, structures and objects that have architectural, archaeological, historical or cultural value, heritage items include areas, sites or places which have aesthetic, social, spiritual, scientific, technological, or traditional significance or value, or public esteem.

Heritage defines the relationship between people and place, the past, present and future. It gives a sense of place, character and community identity and dignity and often plays a fundamental role in the cultural, economic and social wellbeing of the community.

Wanganui is an area of early settlement in New Zealand. It was an important area for Maori, the Whanganui River margins being heavily populated and the river being an ancient highway to the interior. Wanganui was the second New Zealand Company settlement in the country, Wellington having been the first. Wanganui city still retains a very coherent collection of late nineteenth and early twentieth century buildings, with the Old Town as the core. This concentration of significant heritage buildings is rare in New Zealand and represents an important part of the historic heritage resource of the district. Given the long history of settlement, much of the Old Town and other parts in the district are effectively historical areas and archaeological sites.

### Legislation

The protection and control of the destruction of archaeological sites is primarily the responsibility of Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

However section 6 of the RMA places specific responsibilities on territorial authorities to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and protection of historic heritage from inappropriate subdivision, use, and development as matters of national importance.

The RMA definition of historic heritage:

“(a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*

*(i) archaeological:*

*(ii) architectural:*

*(iii) cultural:*

- (iv) *historic;*
- (v) *scientific;*
- (vi) *technological; and*

- (b) *includes—*
- (i) *historic sites, structures, places, and areas; and*
  - (ii) *archaeological sites; and*
  - (iii) *sites of significance to Māori, including wāhi tapu; and*
  - (iv) *surroundings associated with the natural and physical resources.”*

There is thus a clear intention that local authorities, as a matter of national importance, must take steps to protect not just built heritage items but also archaeological sites as part of protecting historic heritage. This is in addition to the role of Heritage New Zealand as provided for in the Heritage New Zealand Pouhere Taonga Act 2014.<sup>1</sup>

A prerequisite of recognition and protection is identification, which in turn is dependent on information and knowledge.

Information on Wanganui heritage values has been considerably increased by commissioned studies. The first, in 1990, focused on identifying relevant themes and an examination of central city buildings. Starting in 2003, significant updating was carried out by the Whanganui Branch of the New Zealand Historic Places Trust, led by Wendy Pettigrew, leading in 2009 to the addition of 48 buildings to the District Plan inventory. The 2012 study built on earlier work and extended its reach to a wider range of buildings so that there is now a more comprehensive inventory, covering specific themes of early settlement, residential, industrial, agricultural and commercial development, transport, civic/administration, health, education, religion, recreation, community, memorials and military.

The Christchurch earthquakes of September 2010 and February 2011 have clearly shown how valuable historic heritage is, how vulnerable many of our key buildings and areas are and how imperative it is to find a balance between retention and demolition of key heritage items and areas. The implications are extensive, from health and safety to serious economic implications for landowners, tenants, the Council and the business community, as well as the potential to lose or destroy areas of high amenity and value that contribute to general wellbeing.

The long-term protection of historic heritage has always required involvement and co-operation of key stakeholders. In the past this has largely fallen into the hands of property owners, heritage protection agencies, Crown agencies and small committed groups of individuals. Due

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<sup>1</sup> Heritage NZPT PC39 Sub004.1

to the magnitude of the issue it is no longer possible for a limited stakeholder group to manage the heritage asset.

It is imperative to create an environment that enables co-operation and innovation across all stakeholders and interests. In this regard Council plays a fundamental role in regulating historic heritage and that requires open and frank dialogue with all sectors of the community.

Ultimately the protection of the heritage resource means that value and significance will need to be the test, as the Council, the community, landowners and developers have limited resources at their disposal and in order to protect those items of significance and sustainably manage them, it is necessary to prioritise heritage values. This enables the allocation of resources to be directed to those items of greatest value and significance.

### **BUILT HERITAGE**

This resulted in the development of a rating system enabling built heritage items to be prioritised for protection.

Class A – High values at an international or national level, is ranked highly in a number of heritage areas and has high integrity or has very significant values in at least one heritage value.

Class B – At a regional or local level it has several high heritage values and/or has good integrity.

Class C – There are a few heritage values but these have been in some way compromised eg relocated, extensively modified or significant components removed.

In providing a leadership role Council will need to develop a wide range of incentives covering information, advice, assistance with the preparation of conservation reports or plans, greater flexibility for development and financial assistance with meeting the additional costs of development directly attributed to providing for conservation of historic heritage values. These incentives will need to be tailor-made to suit the particular needs of owners or the situation. They could be developed as a comprehensive package or can be used individually or in different combinations and derived in part through the Long-Term Plan process.

The Wanganui town centre including the Old Town Overlay has a considerable concentration of heritage buildings. Although some have been strengthened, many are at high risk from damage or loss from earthquake, as the bulk are un-reinforced masonry or poorly reinforced concrete. This poses a high degree of health and safety risk.

Heritage buildings, however, are significant for their contribution to the economic success of the town centre, based on their amenity value, creating attractive and welcoming urban spaces and streetscapes. Loss of items could lead to fragmentation of the town centre to a degree where the area loses its appeal as a commercial focus and as a tourist destination.

Earthquake strengthening, and sometimes fire safety or other upgrading, is often well beyond the economic return possible from buildings. This

creates a dilemma for owners, developers and the community in attempting to achieve a balance between safety, functionality and economic reality. There is therefore a need to provide a range of pragmatic solutions to enable or encourage retention of valued heritage. Unless these are provided, there is a real risk of the abandonment of buildings, to the extreme of demolition by neglect. Pragmatic solutions need to be actively used and promoted.

In addition to the direct value and contribution of individual heritage buildings is the contribution of the spaces and places around buildings, including associated buildings. This is a form of cumulative effect, and changes in the surroundings of a building can also lead to potentially negative cumulative effects. Buildings losses therefore need to be carefully considered, as do replacements for any buildings lost, from whatever cause, in order to protect amenity and cultural values.

Replacement buildings are of special importance as they are likely to have a 50 to 100 year plus lifespan and environmental impact.

Due to the concentration and the high quality of buildings and the surrounding environment in the town centre there is the potential to neglect, ignore or undervalue significant heritage outside of the core area. It is imperative that this does not occur. The 2012 Heritage Inventory has extensively examined a full range of items within the various themes and offers a broad basis for protection.

Historic heritage is however dynamic and perceptions and values change over time. Although the Council has undertaken the preparation of the inventory in association with regulatory authorities, interest groups, the community and individually affected landowners, there may still be significant items that have not been identified or values may be lost through man-made and natural events. The heritage resource therefore needs to be monitored and managed to ensure it remain it remains relevant.

## **ARCHAEOLOGY**

The lands included within the current Wanganui District have been home to various peoples for about seven centuries. This period of occupation has resulted in the accumulation of many physical remnants which are of cultural, scientific and general interest. These remnants help us to understand our history. Archaeology is the science which studies such remnants. Remnants sites are defined as archaeological if they are associated with human activity that occurred before 1900.

Sites are created from people's activities – dwellings and other structures, settlements, food production, manufacturing, travel and transport, conflict and belief. Whanganui sites range from very early Maori presence through to colonial era developments. Pre European sites are particularly associated with fresh water bodies – rivers, streams, lakes and wetlands,

and suitable soils, route ways and defensive sites. Despite this, attempts to use predictive modelling to map the likelihood of sites proved unsuccessful, as the potential areas included much of the urban area and periphery. Sites include pa, kainga, kumara pits, hangi and middens. Of special significance are urupa.

Colonial sites include redoubts, house sites, roads formations, industrial facilities and commercial buildings. There is a strong concentration of such sites in the central urban area, although others exist throughout much of the district. The fabric of buildings which predate 1900 are included in the definition of archaeological sites, and Heritage New Zealand Pouhere Taonga (Heritage NZ) may require recording of details prior to demolition.

### **Site Identification**

Some archaeological sites have been included in local planning documents since the 1970's, predating the requirements of the Historic Places Act 1993. A significant number were added in 1997 bringing the total to 158 listed items. These were mainly derived from the then Historic Places Trust Register and/ or the New Zealand Archaeological Association (NZAA) register. Following concerns that the listed sites represented only a small portion of the likely actual sites and the risks this created, the Council commissioned studies to provide better information. A 2001 Scoping study considered areas of occurrence and development risk, concluding that the areas of most concern were the coastal plains and areas close to the lower Whanganui River.

As part of the District Plan review the Council commissioned further studies in 2011 and 2013 which used documentary sources to provide information on as many sites as possible. This exercise identified hundreds of additional sites. Meanwhile the NZAA register had also grown as more sites were identified in the field. A process of information sharing with property owners was carried out in early 2013 to more accurately identify sites and eliminate non-sites, including destroyed sites.

In 2015 a further review of site location, for was carried out resulting in the correction of location coordinates for around 80 existing sites.

All known archaeological sites have been mapped on District Plan maps with an un-dimensioned symbol. For the purposes of protection a precautionary alert buffer will be applied around each site. This is because in the immediate vicinity of a site the likelihood of further finds is high. The buffer area acts as a caution to proceed with care when undertaking any ground disturbance activity. Where an activity lies outside any buffer area but is in the vicinity of several sites, caution should be exercised.

The District Plan information is not exhaustive and the obligations of the Heritage New Zealand Pouhere Taonga Act 2014 apply regardless of, and

in addition to, information or regulation contained in this District Plan.<sup>2</sup>

## **9.1 ISSUES**

### **9.1.1 Heritage risk.**

Historic heritage is at risk from natural hazards, other damage or destruction or abandonment.

### **9.1.2 Involvement for sustainable heritage protection.**

At-risk heritage requires a high level of community, business, institutional and landowner involvement and co-operation to ensure sustainable long-term protection.

### **9.1.3 Old Town.**

The need, for cultural, economic and social reasons, to protect the historic heritage values of the Old Town.

### **9.1.4 District-wide heritage protection.**

The need to protect historic heritage District-wide Heritage and not only historic heritage in the Central Business District.

### **9.1.5 Heritage identification.**

The need to identify heritage values and resources and to establish appropriate levels of protection.

### **9.1.6 Land instability in the Old Town area.**

The Old Town is an area of inherent land instability, with an underlay of unconsolidated river deposits. The potential for severe ground shaking accompanying earthquakes is high, leading to collapse of heritage buildings\* and items, particularly those that are constructed of masonry, with damage to heritage areas.

### **9.1.7 Archaeological and historic heritage and development.**

Archaeological sites and other historic heritage items and values can be at risk from the effects or works arising from subdivision, earthworks, and infrastructure development.

## **9.2 OBJECTIVES**

### **9.2.1 Recognise and protect the historic heritage.**

Recognise and protect the historic heritage resource of the whole District.

### **9.2.2 Community involvement with heritage protection.**

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<sup>2</sup> Heritage NZPT Sub 004.2

Enable all sectors of the community to participate in and contribute to heritage protection.

### **9.2.3 Prioritising heritage protection.**

Ensure the sustainable management of historic heritage values and resources, both individual and collective, by prioritising the protection of the resource based on values and significance.

### **9.2.4 Recognise and conserve the Old Town.**

Recognition and conservation of the special historic heritage significance of the Old Town.

The Old Town has a great concentration of heritage items and groups of heritage items. However, the cultural heritage significance of the Old Town is more than the individual items and areas that have been registered. The entire Old Town is recognised as a conservation area where special management is required to conserve its great cultural heritage significance.

### **9.2.5 Archaeological management**

Manage inappropriate<sup>3</sup> subdivision, use and development to ensure that adverse effects on the archaeological resource are avoided, remedied or mitigated.

### **9.2.6 Archaeological risk reduction**

Reduce the risk of damage to archaeological sites and areas by identifying the known archaeological resource and avoid or manage<sup>4</sup> activities that may damage, modify or destroy that resource, including activities close to the identified site.

### **9.2.7 Archaeological community protection**

Recognise and protect the archaeological resource by encouraging close co-operation with hapu, iwi, landowners and the community, including enabling hapu, landowners and the wider community to continue to undertake their day to day activities where these activities are compatible with the protection and retention of the resource.<sup>5</sup>

### **9.2.8 Archaeological information**

Provide information to the community to encourage the protection and retention of the archaeological resource, identifying where relevant, those activities that are consistent with the protection and retention of

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<sup>3</sup> Federated Farmers PC39 Sub 005.2.6; 5.3.10 - 12

<sup>4</sup> Powerco PC39 FS 001

<sup>5</sup> Federated Farmers PC39 Sub 005.2.11 and 5.3.15 to 19; Powerco PC39 FS 001



the resource, and therefore continue to be enabled.<sup>6</sup>

## 9.3 POLICIES

### 9.3.1 **Maintain and update Appendices A and K**

Maintain and update the historic heritage appendices in the Plan and accompanying database, in an appropriate format.

### 9.3.2 **Heritage promotion.**

Promote community awareness, pride and understanding of historic heritage resources in the Wanganui District.

### 9.3.3 **Owner heritage protection.**

Encourage protection and conservation by property owners of identified historic heritage resources of the Wanganui District.

### 9.3.4 **Council heritage leadership.**

Council to adopt a leadership role to co-ordinate and facilitate historic heritage conservation and protection in the Wanganui District.

### 9.3.5 **Heritage protection.**

Protect the historic heritage resource from inappropriate subdivision, use and development by ensuring that:

- a. Retention is preferred over demolition for all recorded heritage items and areas particularly for those items and areas in Class A and B.
- b. Class A items and areas are afforded the highest level of protection taking into account their national or international significance and values.
- c. Class B items and areas are afforded high levels of protection taking into account their regional or local significance and values.
- d. To encourage the retention of Class C items and areas where practicable, while noting limitations in respect of condition, degree of modification and structural state. Where this is not sustainable Council may request that photographic record of the building be provided accompanied by an appropriate level of historic research.
- e. Demolition of Class A and B items or areas shall be considered as a last resort when all feasible options and alternatives have been considered and that it can be demonstrated that it is unsustainable to retain the heritage item or area.
- f. Class A and B items shall not be relocated unless it can be demonstrated that the relocation of the item is the only sustainable

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<sup>6</sup> Federated Farmers PC39 Sub 005.2.12; Powerco PC39 FS 001

means of retaining the item or that the relocation has a positive effect on the integrity of the item or area.

- g. Rely on international best practice principles to ensure that decisions with regards to heritage management are undertaken in accordance with the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (Revised 2010).
- h. Ensuring the relationship of the heritage item to its site and locality is retained, preferably in single ownership.
- i. Provide an adequate setting for the heritage item within the subdivided lot.
- j. Retain any functional relationships, visual catchments and viewshafts.

### **9.3.6 Heritage alterations and additions.**

Ensure adverse effects of alterations and additions to historic heritage items, where these alterations and additions are to the external, visible fabric of the building, are appropriately avoided, remedied or mitigated by:

- a. Encouraging applicants to extend the life of the heritage item by maintaining the historic values and the integrity of the item for future generations through appropriate additions and alterations.
- b. Ensuring that any work that is undertaken is done in accordance with a conservation report using the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (Revised 2010).
- c. Taking into account the feasibility and costs of maintaining and repairing heritage items while enabling the applicant to develop, use or retain economic benefit.
- d. Acknowledging the benefit of applications where the alteration or addition takes into account the context of the item.

### **9.3.7 Class A and B heritage alterations and additions.**

Ensure when alterations and additions to Class A and B items are undertaken that, in addition to considerations under Policy 9.3.6, adverse effects on the heritage items are avoided, remedied or mitigated by:

- a. Retaining the main style and character features and allowing changes which are compatible in terms of symmetry, design finishes and ornamentation.
- b. Respecting the scale and character of the item.
- c. Ensuring compatibility in terms of form, materials and colour.
- d. Restoring missing elements only when there is adequate proof of the original form of the structure (photographic evidence, drawings, building plans or written historical description).
- e. Preferring repair over replacement provided the repairs reflect the original materials in terms of texture, form, profile, colour and strength.
- f. Respecting the age of the item and the extent of weathering.

- g. Where the building has a street façade the exterior should be altered least and if possible not at all.
- h. Avoid the installation of new openings to principal facades and elevations.

**9.3.8 Heritage interior alterations and additions.**

Ensure, where interiors are listed for protection, that adverse effects of interior alterations and additions are avoided, remedied or mitigated by:

- a. Retaining the floor plan and existing dimensions as far as practicable.
- b. Avoiding as far as possible alterations to primary spaces such as foyers, lobbies, stairs and corridors.
- c. Where alterations do occur that these preferably occur in secondary spaces.
- d. Retaining as far as possible significant architectural features and finishes such as skirtings, panelling, doors, picture rails, pressed metal ceilings, woodwork and wallpaper.

**9.3.9 Heritage adaptive re-use.**

Enable the adaptive reuse of heritage items provided the adverse effects of the activity on heritage values and the surrounding environment can be avoided, remedied or mitigated.

**9.3.10 Heritage group or precinct protection.**

Ensure, in cases where group or precinct values have been identified, that the attributed values are protected from the adverse effects of erection of new structures, demolition of existing structures or alterations or additions to existing structures or spaces by:

- a. Ensuring that the character and scale of the space is retained and no visual domination occurs.
- b. Ensuring that any new structure is relevant to the space and maintains the integrity of the space.
- c. Ensuring that the orientation, scale, mass, density and shape of any new structure relates to the surrounding space and buildings.
- d. Ensuring the design of any new structure is compatible with the historic design of the existing buildings.
- e. Ensuring that any changes in hard or soft landscaping, parking or signage are appropriate for the space.

**9.3.11 Residential heritage precinct or special character area protection.**

Ensure that identified precinct or special character area values are protected in residential areas while owner's enjoyment and use of the property is not unnecessarily restricted.

**9.3.12 Adverse effects on residential heritage precinct or special character area values.**

Avoid, remedy or mitigate adverse effects on residential precinct or special character area values by ensuring alterations or additions to the dwelling facades visible from a street frontage retain the identified style, scale and character of the original architectural style.

**9.3.13 Heritage protection from natural hazard.**

Enable and facilitate the retention of heritage items and groups at risk from natural hazards by:

- a. Acknowledging that some heritage items are of greater significance than others and that resources may need to be prioritised on the basis of significance, integrity and condition.
- b. Reducing and/or minimising compliance costs for building owners for earthquake strengthening.
- c. Providing a range of instruments both regulatory and non-regulatory to encourage retention of heritage items and areas particularly for those items at risk from earthquake hazard.
- d. Encouraging a wide range of activities in the Central Business District in order to increase range and flexibility of uses.
- e. Enabling, as appropriate, alternative uses for heritage buildings in other parts of the District on a case-by-case basis.

**9.3.14 Old Town recognition.**

Recognise the Old Town as a conservation area and ensure the protection of the great historic, cultural, architectural and townscape significance of the Old Town area for future use and development by:

- a. Identifying individual primary buildings for protection in accordance with the Class A and B classes.
- b. Identifying contributory buildings that support the heritage context of the primary buildings and adopting appropriate and practicable guidelines to ensure that works undertaken on these buildings do not have an adverse effect on the primary heritage item.
- c. Reviewing and expanding the Central District Business Urban Design Guidelines to ensure that where demolition or major redevelopment occurs within the Old Town that the new development, irrespective of whether the item is listed or not, responds to the heritage context and the high level of amenity in the overlay area.
- d. Ensuring in the interim, prior to the integration of urban design guidelines into the Plan that the following principles be taken into account:
  - i. Encourage new and innovative design that respects the existing quality and grain of the streetscape by reinforcing the character of the existing built form with regard to height, proportion, mass, rhythm, building detail, scale, and materials.

- ii. Providing for new developments, alterations and additions that take into account the role the structure will play with respect to its overall form, street façade and detail.
  - iii. New development should avoid design that replicates historic structures.
  - iv. Where opportunities exist, new development should attempt to complete, improve and enhance the heritage settings of adjacent individual buildings or precincts.
  - v. Create linkages both visual and physical between the development and Whanganui River where this is practicable and appropriate.
- e. Promote good design as a means of conserving historic heritage context and values.
  - f. Enable a range of activities to revitalise the Old Town as a vibrant and physically attractive centre and enable the conservation historic heritage values.

**9.3.15 Heritage destruction.**

If a heritage item is completely or largely destroyed, its heritage is lost and replacement or replication is not required or expected.

**9.3.16 Heritage damage.**

If a heritage item is damaged, replacement components may be of different materials, but should be of similar appearance.

**9.3.17 Identification and protection of historic heritage.**

Ensure subdivision, infrastructure and earthworks recognise and provide for the identification and protection of historic heritage, including archaeological sites.

**9.3.18 Sustainable archaeological management**

To enable the sustainable management of the archaeological resource for future generations, consideration shall be given to:

- Uniqueness of the site/s or area.
- Representative nature of the site/s or area (i.e. the best example of a particular site type).
- Condition.
- Tradition/historic association
- Alternate methods and locations available to carry out the proposed activity or works.
- The nature, form and extent of the proposed activity and the likelihood and extent of damage to the site/sites or area taking into

account the extent to which there has already been land disturbance or damage.

- The findings of an archaeological assessment carried out by a suitably qualified archaeologist and the extent to which adverse effects can be avoided, remedied or mitigated.

### **9.3.19 Archaeological buffers**

To enable development within the site-specific buffer area identified around each archaeological site/s or area in Appendix K, only where any adverse effect on the archaeological site/s or area is avoided, remedied or mitigated will result.<sup>7</sup>

### **9.3.20 Voluntary archaeological protection**

To encourage landowners, the community and tangata whenua to investigate sources of funding and methods of voluntary protection for the management of the archaeological resource including the use of covenants.

## **9.4 RULES – CLASS A - HERITAGE ITEMS**

The following rules apply to Class A heritage items and groups listed in Appendix A – Built Heritage Items.

### **9.4.1 Permitted Activities.**

The following are permitted activities for Class A items and groups:

- a. Minor works and maintenance.
- b. Interior structural works associated with earthquake strengthening, alterations and/or additions provided that:
  - i. The works are not within a building listed for interior values in Appendix A – Built Heritage Items.
  - ii. The works do not change or alter the external physical footprint or appearance of the building.

### **9.4.2 Controlled Activities.**

The following are controlled activities for Class A items and groups:

- a. Interior structural works associated with earthquake strengthening, interior alterations and/or additions in a building listed for interior values in Appendix A – Built Heritage Items provided that, for major physical alterations, a conservation report shall be prepared by persons suitably qualified in heritage conservation.

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<sup>7</sup> Powerco PC39 FS 001

### 9.4.3 Discretionary Activities.

The following are discretionary activities for Class A items:

- a. Alterations or additions that affect the exterior of the building, provided that, for major physical alterations, a conservation report shall be prepared by persons suitably qualified in heritage conservation prior to the physical works being undertaken.
- b. Erection of new structures or removal of structures in a Class A Group area other than a specifically listed Class A structure.
- c. Interior structural works for earthquake strengthening, interior alterations and/or additions to a building listed for interior values, for major physical alterations, where a conservation plan or report has not been prepared by suitably qualified persons prior to physical works and implemented.

Note: The Council will waive resource consent fees for Discretionary activities associated with the use and development of Class A inventory items unless a zone rule is breached. Discretionary applications may be publicly notified.

### 9.4.4 Non-Complying Activities.

The following are non-complying activities for Class A items:

- a. Demolition or relocation of any Class A inventory item.
- b. Alterations or additions that affect the exterior of the building where a conservation plan or report has not been prepared by suitably qualified persons.

Note: Non-complying activities will generally be publicly notified.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or destroy, damage or modify<sup>8</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

## 9.5 RULES - CLASS B - HERITAGE ITEMS

The following rules apply to Class B heritage items and groups listed in the Appendix A – Built Heritage Items

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<sup>8</sup> Heritage NZPT PC39 Sub 004.5

### **9.5.1 Permitted Activities.**

The following are permitted activities for Class B items and groups:

- a. Minor works and maintenance.
- b. Interior structural works associated with earthquake strengthening, alterations and/or additions provided that:
  - i. The works are not within a building listed for interior values in the Appendix A – Built Heritage Items
  - ii. The works do not change or alter the external physical footprint or appearance of the building.

### **9.5.2 Controlled Activities.**

The following are controlled activities for Class B items and groups:

- a. Interior structural works associated with earthquake strengthening, alterations and/or additions within a building listed for interior values provided that a conservation plan or report has been prepared by persons suitably qualified in heritage conservation and implemented.
- b. Works and maintenance that do not comply with the meaning of minor works and maintenance.

Council retains control over the following matters:

- i. The area of work that fails to comply with a conservation plan or report that has been prepared by persons suitably qualified in heritage conservation.
- ii. The area of works that fails to comply with the meaning of minor works and maintenance.

### **9.5.3 Restricted Discretionary Activities.**

The following are restricted discretionary activities for Class B items and groups:

- a. Interior structural works associated with earthquake strengthening, alterations and/or additions within a building listed for interior values where a conservation plan or report has not been prepared by persons suitably qualified in heritage conservation and implemented.
- b. Alterations or additions that affect the exterior of the building.
- c. Erection of new structures or removal of structures in a Class B Group area other than a specifically listed Class B structure.

In determining what conditions, if any, to impose, Council shall restrict its discretion to:

- i. Compatibility with the fabric and design of the building, but sufficient visual distinction to identify the new work.



- ii. The relationship of the additions or alterations to the original architectural style, character and scale of the building, including avoidance of visual dominance.
- iii. Materials, form and colour.
- iv. Whether the additions or alterations minimise effects on street elevations.
- v. Effect on existing heritage fabric and values.

For new buildings in a Class B Group area Council shall also restrict its discretion to:

- i. External design and appearance of the building, including building materials and external colour.
- ii. The values and scale of the Group or precinct within which the site is located.
- iii. Relationship to the adjoining buildings.

#### **9.5.4 Discretionary Activities.**

The following are discretionary activities for Class B items and groups:

- a. Demolition or relocation.

Note: The Council will waive resource consent fees associated with the use and development of Class B inventory items for controlled and restricted discretionary activities or for discretionary activities for relocation provided the relocation results in the enhancement of the Inventory item unless a zone rule is breached. Controlled activities will be non-notified. Restricted discretionary activities may be publicly notified. Discretionary activities will generally be publicly notified.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or destroy, damage or modify<sup>9</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

## **9.6 RULES - CLASS C - HERITAGE ITEMS**

The following rules apply to Class C heritage items and groups listed in

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<sup>9</sup> Heritage NZPT PC39 Sub 004.5

## Appendix A - Heritage Items.

### **9.6.1 Permitted Activities.**

The following are permitted activities for Class C items and groups:

- a. Minor works and maintenance.
- b. Alterations and additions.

### **9.6.2 Controlled Activities.**

The following are controlled activities for Class C items and groups:

- a. Demolition, partial demolition or relocation.

Council retains control over following matter:

- i. Compliance with Heritage NZ Guidelines for Recording of Historic Items.

Note: The Council will waive resource consent fees associated with the use and development of Class C inventory items for controlled activities for relocation or partial demolition provided the relocation or partial demolition results in the enhancement of the Inventory item unless a zone rule is breached. Applications may be publicly notified.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or destroy, damage or modify<sup>10</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

## **9.7 RULES - OLD TOWN OVERLAY AREA**

Note: Precedence of Rules refer 9.7.4.

### **9.7.1 Permitted Activities.**

The following are permitted activities in the Old Town Overlay area:

- a. Minor works and maintenance.
- b. Alterations or additions to buildings not in Appendix A – Built Heritage Items and provided the works do not change or alter the external physical footprint or appearance of the building.

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<sup>10</sup> Heritage NZPT PC39 Sub 004.5

### **9.7.2 Controlled Activities.**

The following are controlled activities in the Old Town Overlay area:

- a. Alterations or additions that affect the exterior footprint or appearance of buildings not in Appendix A – Built Heritage Items.

In determining what conditions, if any, to impose, Council shall limit its control to:

- i. Whether additions or alterations reflect the original architectural style, character and scale of the overlay.
- ii. Form, colour and materials.
- iii. The effect on existing heritage fabric and values.
- iv. Precinct values.
- v. Consistency with the Urban Design Guidelines.

### **9.7.3 Restricted Discretionary Activities.**

The following are restricted discretionary activities in the Old Town Overlay:

- a. Erection of new structures.
- b. Demolition, partial demolition or relocation of contributory buildings.

In determining what conditions, if any, to impose, Council shall restrict its discretion to:

- i. Whether new structures reflect the original architectural style, character and scale of the overlay.
- ii. Form, colour and materials.
- iii. The effect on existing heritage fabric and values.
- iv. Precinct values.
- v. Consistency with the Urban Design Guidelines. In lieu of these refer to the policies and objectives for the Old Town.

Note: The Council will waive resource consent fees for controlled activities. Controlled activities applications may be publicly notified. Discretionary applications will generally be publicly notified.

### **9.7.4 Precedence of rules where there is a conflict.**

Where there is conflict between the rules of the underlying zone and the rules of this overlay zone, the more stringent activity status applies. For the avoidance of doubt:

- a. Where an activity is a permitted activity in the underlying zone and no construction, exterior alteration or demolition of structures is proposed, the activity is a permitted activity.

- b. Where an activity is a permitted activity in the underlying zone but involves is a restricted discretionary activity in this chapter (due to proposed construction or exterior alteration of a structure), then the activity is a restricted discretionary activity.
- c. Where an activity is a non-complying activity in the underlying zone but is a discretionary activity in this chapter (due to proposed demolition of a structure), then the activity remains a non-complying activity.

#### **9.7.5 Waiver of Resource Consent fees.**

Where an activity would have been a permitted activity under the underlying zone but requires resource consent under the above provisions, the Council will waive resource consent fees.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or destroy, ~~damage or modify~~<sup>11</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

## **9.8 RULES – CLASS BR (RESIDENTIAL) - HERITAGE ITEMS**

The following rules apply to Class BR items and precincts listed in Appendix A – Built Heritage Items.

#### **9.8.1 Permitted Activities.**

The following are permitted activities:

- a. Minor works and maintenance.
- b. Alterations and additions not visible from the street.

#### **9.8.2 Controlled Activities.**

The following are controlled activities for Class BR residential inventory items:

- a. Alterations or additions that are visible from the street and affect the exterior footprint or appearance of the building.
- b. Erection of new structures visible from the street.

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<sup>11</sup> Heritage NZPT PC39 Sub 004.5

In determining what conditions, if any, to impose, Council shall limit its control to:

- i. Whether additions or alterations reflect the original architectural style, character and scale.
- ii. Effect on existing heritage fabric and values.
- iii. Precinct values.

### **9.8.3 Restricted Discretionary Activities.**

The following are restricted discretionary activities for Class BR residential inventory items:

- a. Demolition, partial demolition or relocation.

In determining what conditions, if any, to impose, Council shall restrict its discretion to:

- i. Heritage values of nearby buildings or the streetscape setting or the precinct.
- ii. Colours, materials and design of replacement structure.

Note: The Council will waive resource consent fees associated with the use and development of residential inventory items. Discretionary applications may be publicly notified.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or destroy, ~~damage or modify~~<sup>12</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

## **9.9 RULES – CLASS SCA (SPECIAL CHARACTER AREA) HERITAGE ITEMS**

The following rules apply to Class SCA items and precincts listed in Appendix A – Built Heritage Items.

### **9.9.1 Permitted Activities.**

The following are permitted activities:

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<sup>12</sup> Heritage NZPT PC39 Sub 004.5

- a. Minor works and maintenance.
- b. Alterations and additions that are not visible from the street.

### **9.9.2 Controlled Activities.**

The following are controlled activities for Class SCA residential inventory items:

- a. Alterations or additions that are visible from the street and affect the exterior footprint or appearance of the building.
- b. Erection of new structures visible from the street.

In determining what conditions, if any, to impose, Council shall limit its control to:

- a. Whether additions or alterations reflect the original architectural style, character and scale.
- ii Precinct values.

### **9.9.3 Restricted Discretionary Activities.**

The following are restricted discretionary activities for Class SCA residential inventory items:

- a. Demolition, partial demolition or relocation.

In determining what conditions, if any, to impose, Council shall restrict its discretion to:

- i. Special character values of nearby buildings or the streetscape setting or the precinct.
- ii. Colours, materials and design of replacement structure.

Note: The Council will waive resource consent fees associated with the use and development of Special Character Area residential inventory items. Discretionary applications may be publicly notified.

Note: Heritage New Zealand Pouhere Taonga should be consulted regarding any activity which would result in damage, destruction or modification of any item registered with Heritage New Zealand Pouhere Taonga. This is in order to determine any Heritage New Zealand Pouhere Taonga Act 2014 requirements which may apply. Also note that it is an offence to modify or ~~destroy, damage or modify~~<sup>13</sup> any archaeological site without an Authority from Heritage NZ. The record sheets contained in the Inventory indicate which items are likely to fall within the definition of an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014.

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<sup>13</sup> Heritage NZPT PC39 Sub 004.5; Powerco PC39 FS 001

## 9.10 RULES – ARCHAEOLOGICAL and OTHER SITES

### 9.10.2 Permitted Activities

The following activities shall be permitted activities:

- a. Any activity that requires land disturbance and is located or undertaken within the buffer area of a site shown on the planning maps and listed in Appendix K where it has been determined by a qualified archaeologist referred to in performance standard 9.11.1 that the land disturbance shall not ~~damage~~,<sup>14</sup> modify or destroy the archaeological site/s or area.
- b. Land disturbance for the operation, maintenance and upgrading of existing network utilities and for the development of new utilities within the established road corridor within the buffer area of a site shown on the planning maps and listed in Appendix K shall be provided it is limited to the area and depth of earth previously disturbed.<sup>15</sup>

### 9.10.3 Discretionary Activities

The following activities shall be discretionary activities:

- a. Any activity or use that requires land disturbance and is located or undertaken within the buffer area of a site/s or area shown on the planning maps and listed in Appendix K, where it has been determined by a qualified archaeologist referred to in performance standard 9.11.1 that the land disturbance shall ~~damage~~,<sup>16</sup> modify or destroy the archaeological site.

Where a report of the type described above has been previously received by Council then a further report shall not be required, unless Council deems the proposed works to be materially different from those contemplated in the previous report

Note: The *Council*\* ~~may~~ will generally<sup>17</sup> waive resource consent fees associated with the use and development of Archaeological or Other Sites.

Note: It is an offence to modify or destroy, ~~damage or modify~~<sup>18</sup> any archaeological site without an Authority from Heritage New Zealand Pouhere Taonga, under the Heritage New Zealand Pouhere Taonga Act 2014.

## 9.11 PERFORMANCE STANDARDS – ARCHAEOLOGY

<sup>14</sup> Heritage NZPT PC39 Sub 004.5

<sup>15</sup> Powerco PC39 Sub 002.R3

<sup>16</sup> Heritage NZPT PC39 Sub 004.5

<sup>17</sup> Federated Farmers PC39 Sub 005.2.7; 5.3.13 and 14; 5.3.20; Powerco PC39 FS 001

<sup>18</sup> Heritage NZPT PC39 Sub 004.5

### **9.11.1 Archaeological Report**

Where land disturbance is proposed to take place within the buffer area surrounding an archaeological site/s or area mapped and listed in Appendix K (Archaeological and Other Sites) or a buffer area around it,<sup>19</sup> the person undertaking the proposed land disturbance shall provide the Council with a report from a qualified archaeologist stating whether the archaeological site will be damaged<sup>20</sup> modified or destroyed.

### **9.11.2 Accidental Discovery Protocol**

Where an activity, without Heritage NZPT Authority, disturbs any archaeological material, the following Accidental Discovery Protocol will be followed.

#### **Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol**

**This protocol does not apply when an archaeological authority issued under the Heritage New Zealand Pouhere Taonga Act 2014 is in place.**

In the event that an unidentified archaeological site is located during works, the following applies;

1. Work shall cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Maori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (*Heritage New Zealand Pouhere Taonga Act, Protected Objects Act*).
5. If human remains (koiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under 4 shall apply. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (koiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

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<sup>19</sup> Heritage NZPT PC39 Sub 004.7; Powerco PC39 FS 001

<sup>20</sup> Heritage NZPT PC39 Sub 004.5



8. Heritage New Zealand will determine if an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* is required for works to continue.

It is an offence under S87 of the *Heritage New Zealand Pouhere Taonga Act 2014* to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.<sup>21</sup>

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<sup>21</sup> Heritage NZPT PC39 Sub 004.7; Powerco PC39 sub 002.R3