

APPENDIX 1

HERITAGE CHAPTERS 20 AND 21

(Objectives, policies, rules and definitions)

Proposed Draft for Consultation

Ambit of changes

The attached provisions are for the purposes of consultation. A marked up (tracked changes) version comparing the proposals to the existing Operative Plan provisions is not attached. The following table assists with identifying the changes.

Operative Plan	Changes attached
To be completed prior to consultation	To be completed prior to consultation

Consequential changes required (but not attached)

The proposed changes attached will also require some consequential amendments to other provisions in the district plan. These have been identified as follows:

- Exclude the application of the Earthworks rules in the district plan Area chapters so that they do not apply to Heritage Areas.
- Exclude the application of the rules for signs in the Area based rules for all sites with heritage buildings and objects located on them, and/or Heritage Areas located within the Central Area and Suburban Centres.
- Ensure that the sign rules in the Residential, open space, conservation and Rural Areas can consider the effects of signs in a Heritage Area.
- Change definitions within chapter 3 (as set out in this document) but only in so far as they relate to chapters 20 and 21. (A number of definitions relevant to Chapter 20 and 21 in the

operative district plan also affect other rules relating to demolition, for example those that apply in the residential area).

3.10 DEFINITIONS

PROPOSED NEW DEFINITIONS FOR CHAPTERS 20 AND 21

(Note existing definitions in the District Plan for demolition and partial demolition and additions and alterations are proposed to be deleted insofar as they relate to Chapters 20 and 21. The definition of repairs and maintenance in the District Plan remain.

LISTED HERITAGE BUILDING means a building listed in the schedule of buildings and for each building means the whole of the exterior of the building, unless otherwise described in the list.

MAIN ELEVATION means any façade or facades that constitute the primary visual and functional orientation of the building or tenant space, characterised by a combination of such features as principal entry, decorative detailing, shop front and visibility from streets or parking areas.

20.2 Heritage Objectives and Policies

OBJECTIVE

20.2.1 To recognise and protect the city's historic heritage.

POLICIES

To achieve this objective, Council will:

20.2.1.1 Identify, record and list the city's significant historic heritage.

METHODS

- Maintain and update the District Plan heritage schedule.
- Application of non-statutory Council policy, such as the Built Heritage Policy (2005)
- Rules

The listing of buildings objects and areas of heritage value in the District Plan provides the primary means for protecting the listed items. Minor works such as repair and maintenance are permitted but most other development will require a resource consent to ensure that heritage values are not compromised.

In addition a range of other methods will be used such as those detailed in the Built Heritage Policy (2005). An important method is the Heritage Incentive Fund that provides grants for restoration or repair work or the funding of professional services to assist with this work.

20.2.1.2 Protect listed buildings or objects from demolition or relocation and only allow demolition or relocation when there are no significant effects on heritage values and it can be demonstrated irrefutably that there is no sustainable continued use.

METHODS

- Rules
- Heritage Orders

The demolition, destruction or relocation of listed buildings or objects is a discretionary (unrestricted) activity. This is to ensure that all effects of any application can be assessed and considered against the objectives and policies of the Plan and Part 2 of the Act.

20.2.1.3 Promote the conservation and sustainable continued use of listed buildings and objects while ensuring that any modification avoids, remedies or mitigates, effects on heritage values of the listed buildings or objects and where relevant:

- ensures that modifications to the main elevations are minimised, or if possible are unaltered;
- any modifications respect the scale of the building or object; and
- any modifications maintain the relationship of the building or object with its setting.

METHODS

- Rules

- Application of non-statutory Council policy, such as the Built Heritage Policy (2005)
- Other mechanisms (promotion, grants and advice)

The Council recognises that to ensure the ongoing use of listed buildings some additions and alterations may be required. In some circumstances however, changes to a listed heritage item may be inappropriate therefore, additions and alterations to listed heritage buildings are included as either a Discretionary Activity (Restricted) or Discretionary (unrestricted) activity – depending on the scale of the modification. This is to ensure that work affecting the listed building can be fully evaluated and assessed to ensure the heritage values of the item are maintained.

20.2.1.4 Protect buildings, structures and other features integral to the significance of a heritage area from demolition, destruction or relocation.

20.2.1.5 Ensure additions and alterations to existing buildings and any new buildings avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.

20.2.1.6 Maintain and enhance the heritage values, qualities and character of listed heritage areas.

METHODS

- Rules
- Other mechanisms (promotion, financial incentives including grants and advice)
- Application of non-statutory Council policy such as the Built Heritage Policy (2005)

Heritage areas cover a variety of features including clusters of commercial or residential buildings or structures (some of which may be listed buildings), areas of land containing special buildings or structures or individual items such as roads, tracks and steps.

The construction of any new buildings and changes to existing buildings (other than repair and maintenance, internal additions and alterations, and some small scale accessory buildings) has been made a Discretionary Activity (Restricted) activity to ensure that the proposed work can be fully assessed to maintain the character and qualities of the heritage area.

The Councils priority is to maintain the integrity of heritage areas by avoiding the loss of the features that comprise the heritage area. This reason the demolition, or removal of buildings or other features is a Discretionary activity (unrestricted).

20.2.1.7 Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within Heritage Areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.

METHODS

- Rules

The placement or erection of signs can adversely affect the heritage values. Signs to be considered as Discretionary Activities (Restricted) will enable the number, size, placement and means of fixing to be evaluated and assessed.

20.2.1.8 Protect listed trees from destruction or loss.

METHODS

- Rules

Council seeks to protect listed trees from destruction or loss. The minor trimming of trees that will not affect their health or appearance is permitted. The destruction, removal or partial removal of any listed tree is a Discretionary Activity (Unrestricted). Any activity within the dripline of a listed tree is

also a Discretionary Activity (Unrestricted). This is to ensure that any development proposed can be fully evaluated and assessed.

OBJECTIVE

20.2.2 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Maori.

Maori concepts present a different view for the management of the city's natural and physical resources. In particular, kaitiakitanga is a specific concept of resource management. By acknowledging the ancestral relationships to the land and natural world, a basis can be constructed for addressing modern forms of cultural activities.

POLICIES

To achieve this objective, Council will:

20.2.2.1 Identify, define and protect sites and precincts of significance to tangata whenua and other Maori using methods acceptable to tangata whenua and other Maori.

METHODS

- Rules
- Information

Particular features of the natural and cultural landscape hold significance to tangata whenua and other Maori. The identification of specific sites (such as waahi tapu/sacred sites and waahi tupuna/ancestral sites) and precincts will ensure that this significance is respected.

The environmental result will be the retention of a significant proportion of heritage sites that are of significance to tangata whenua and other Maori.

20.2.2.2 Require that the tangata whenua be consulted where a resource consent is required for an activity within a Maori precinct.

20.2.2.3 Facilitate the development of appropriate design guidelines that ensure that tangata whenua involvement in the Maori precincts is reflected in new development.

METHODS

- Rules
- Other mechanisms

Consultation can play a significant role in addressing tangata whenua and Maori concerns. Council therefore requires consultation where issues of significance to Maori have been identified.

Applicants for resource consents will be required to consult with Roopu Kaitiaki/Management or Guardian Groups where these groups have been established in precincts. Consultation will help to ensure that the proposal meets the objectives of the precinct and that any effects are addressed.

The environmental result will be the recognition of Maori heritage by development proposals in their design or by contribution through the development process.

21A. HERITAGE RULES: BUILDINGS AND OBJECTS

These provisions apply to listed heritage Buildings and Objects throughout all parts of the city. Area based rules apply unless it is specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21A.1 Permitted Activities

The following activities are permitted activities provided that they comply with any specified conditions.

21A.1.1 Repairs and maintenance to listed heritage buildings and objects is a Permitted Activity

Repairs and Maintenance are permitted as such work does not usually affect heritage values. Repairs and maintenance is defined in the definitions section 3.10.

21A.1.2 Internal additions and alterations to Listed buildings except:

- **Buildings where the whole interior, or individual interior items have been specifically listed (and the work affects the listed interior items),**
- **Structural strengthening or new floor levels which are visible from the exterior of the building**

are Permitted Activities

At present the listing of heritage buildings does not include interiors except where these are specifically identified. In some cases, particularly where structural strengthening is undertaken, interior work may be visible from outside the building. Where this occurs this is to be considered as a Discretionary Activity (Unrestricted) to enable the effects on heritage values to be assessed.

21A.2 Discretionary Activities (Restricted)

Section 21A.3 describes which activities are Discretionary Activities (Restricted) in respect of heritage buildings or objects. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 21A.2.2 to 21A.2.5.

21A.2.1 Any modifications to any Listed Heritage building or object which is not a permitted activity except :

- alterations or additions that involve the modification of any part of the main elevation of any listed heritage building ;
- alterations or additions that extend the existing building footprint (at ground level) by more than 10% or add an additional floor (or floors) beyond the existing building envelope;
- modifications required to erect signage (which require consent under 21D)

are Discretionary Activities (Restricted) in respect of:

21A.2.1.1 Effects on Historic Heritage

21A.2.1.2 Height

21A.2.1.3 Coverage

21A.2.1.4 Bulk and massing of buildings

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.1.1 to 21A.2.1.4. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

Resource consent must also be sought and concurrently granted under the relevant Area based rules (if any).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to but will not be restricted to the following criteria:

21A.2.1.5. The extent to which the work significantly detracts from the values for which the building or object was listed.

21A.2.1.6 The extent to which proposals meet the provisions of any relevant Design Guide addressing additions or alterations to buildings of heritage significance.

21A.2.1.7 The nature, form and extent of the proposed work and the extent to which the work:

- retains the main determinants of the style and character of the building or object and in respect of buildings, particularly the street elevation. The Council seeks to

ensure that modifications to street elevations are kept to a minimum, and if possible not altered at all. If necessary, preference shall be given to altering rear or secondary elevations.

- respects the scale of the original building or object. The Council seeks to ensure new work is not usually dominant, particularly where rooftop additions are proposed.
- is sympathetic in form, proportions, materials, colours and the patina of materials of the existing building or object.
- avoids the loss of historic fabric and the destruction of significant materials and craftsmanship.
- maintains the relationship of the building or object with its setting.

21A.2.1.8 Whether the restoration of former architectural design elements maintains a high level of authenticity. The Council will require conclusive evidence of the design of missing elements.

21A.2.1.9 Whether the removal of existing unsympathetic additions to a building can be achieved without altering the significance of the building.

21A.2.1.10 The extent to which the work is necessary to ensure structural stability, accessibility, and means of escape from fire and the extent of the impact of the work on the heritage values of the building. The Council will seek to ensure that in any case every reasonable alternative solution has been considered to minimise the effect on heritage values.

21A.2.1.11 Whether in respect of work involving listed interiors or listed interior items, the original plan form of the building, the primary spaces and their sequential layout, any significant architectural features and significant finishes are respected or conserved.

21A.2.1.12 The extent to which the work is necessary to enable the continued use of the building.

21A.2.1.13 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.

21A.2.1.14 Whether work is in accordance with a conservation plan prepared for the building or object and peer reviewed by the Council.

21A.3 Discretionary Activities (Unrestricted)

Section 21A.3 describes which activities are Discretionary Activities (Unrestricted) for Heritage buildings and objects.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases:

- where a heritage building or object is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage building or object is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21A.3.1 Any modifications to any Listed Heritage building, which is not a Permitted Activity or Discretionary Activity (Restricted) is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard, to but will not be restricted to the assessment criteria under Rule 21A.2.1.

21A.3.2 The demolition or relocation of any listed heritage building or object is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard, to but will not be restricted to the following criteria:

Demolition

21A.3.2.1 Whether there is any change in circumstances that has resulted in a reduction of the building's heritage significance since the building was identified in the plan

21A.3.2.2 The extent to which the building or object has been damaged by fire or other human generated disaster or any natural disaster.

21A.3.2.3 Whether it can be demonstrated irrefutably that no sustainable continued use of the building is possible.

Relocation

21A.3.2.4 Whether it is necessary to save the building or object from damage or destruction arising from ground subsidence, landslip, flooding or other natural disaster.

21A.3.2.5 Where relocation is proposed to enhance the development potential of land whether this should override the heritage value of retaining the building or object in its original location.

21A.3.2.6 Whether the relocated building or object will remain in the immediate vicinity or neighbourhood.

- 21A.3.2.7 Whether the proposed site for the relocated building or object is appropriate and will assist in mitigating the loss of heritage values arising from the relocation.
- 21A.3.2.8 Whether a heritage building or object is to be relocated to its original location or site and the appropriateness of the original location or site to accommodate the building or object.

21A.4 Non-Complying Activities

Activities that contravene a rule in the plan and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) is a Non-Complying Activity. Resource consents will be assessed in terms of Section 104D of the Resource Management Act.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

21B. HERITAGE RULES: AREAS

These provisions apply to listed heritage Areas throughout all parts of the city. Area based rules also apply unless it is specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Any listed building object or tree within a heritage area will be assessed under the requirements of Rule 21A (buildings and objects) or 21C (trees) and the rules in this chapter (21B heritage areas) will not apply to them notwithstanding their location within a Heritage Area. For the avoidance of doubt, any assessment of an application for such a building, object or tree will take into consideration the Heritage Area and its values.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21B.1 Permitted Activities

The following are Permitted Activities in relation to heritage areas provided they comply with any specified conditions.

21B.1.1 Repairs and maintenance to buildings and structures within a heritage area and the maintenance of land comprising the heritage area, is a Permitted Activity.

Repairs and maintenance are permitted as such work does not usually affect heritage values. Repairs and maintenance is defined in the definitions section 3.10.

21B.1.2 Internal alterations to buildings and new accessory buildings in a Heritage Area are Permitted Activities provided they comply with the following conditions:

21B.1.2.1 any accessory building must be accessory to a residential building and must be located to the rear of the residential building and shall not exceed 10m².

Internal alterations to a building would generally not be visible externally and thus should not adversely affect the values of a heritage area. Likewise accessory buildings that are small in scale and positioned away from road frontages and appropriately screened by existing buildings can be accommodated.

21B.1.3 Earthworks within a heritage area is a Permitted Activity provided that it meets the following condition:

21B.1.3.1 in any heritage area, except in the Botanic Gardens and Otari Native Botanic Garden, no earthworks shall exceed 10m³ or a surface area of 10m².

The Council acknowledges that some minor earthworks might be necessary or desirable to enhance the use of heritage areas so the removal of small volumes has been included as a Permitted Activity. The Botanic Gardens and Otari Native Botanic Garden have been excluded because they cover extensive areas and earthworks are an integral part of developing these areas for public use.

21B.2 Discretionary Activities (Restricted)

Section 21B.3 describes which activities are Discretionary Activities (Restricted) in respect of heritage areas. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 21B.2.1.1 to 21B.2.1.4.

21B.2.1 The construction of any new buildings and any modifications to any existing building on a site within a heritage area that is not provided for as a permitted activity, is a Discretionary Activity (Restricted) in respect of:

21B.2.1.1 Effects on Historic Heritage

21B.2.1.2 Design

21B.2.1.3 Height, siting and coverage

21B.2.1.4 Bulk and massing of buildings

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.2 to 21A.2.5. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

Resource consent must also be sought and concurrently granted under the relevant Area based rules (if any).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.2.1.5 The extent to which the form, mass, proportion and materials of the new building is compatible with the original architectural style predominant in the heritage area.
- 21B.2.1.6 The extent to which the new building is positioned or sited to maintain continuity of front façade alignment of buildings in the vicinity.
- 21B.2.1.7 The extent to which proposals meet the provisions of any relevant design guides relating to the relationship of heritage or character of buildings to their surroundings.
- 21B.2.1.8 For modifications, alterations and additions the Council will have regard to relevant assessment criteria under Rule 21A.2.1.
- 21B.2.1.9 Whether professional heritage or conservation advice has been obtained from the NZHPT or any other professionally recognised expert in heritage conservation.

21B.2.1.10 Whether work is in accordance with the conservation plan prepared for the area.

21B.3 Discretionary Activities (Unrestricted)

Section 21B.3 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed heritage Area.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases:

- where a heritage building or object is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage building or object is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21B.3.1 The demolition or relocation of any existing building or any structure that is integral to the heritage area, is a Discretionary (Unrestricted) Activity.

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.3.1.1 Whether there is any change in circumstances that has resulted in a reduction of the area's heritage significance since the area was identified in the Plan.
- 21B.3.1.2 The extent to which buildings, structures or other features comprising a heritage area have been damaged by fire or other human generated disaster or any natural disaster.
- 21B.3.1.3 Whether relocation is necessary to save a building, structure or other feature comprising a heritage area from ground subsidence, landslip, flooding or other natural disaster.
- 21B.3.1.4 Whether it can be demonstrated irrefutably that no sustainable continued use of buildings within a heritage area is possible.
- 21B.3.1.5 Whether it can be demonstrated that a building proposed for demolition or relocation has no intrinsic heritage value and does not contribute to the significance of the heritage area.
- 21B.3.1.6 Where the demolition or relocation of a building that contributes to the significance of the heritage area is proposed to enhance the development potential of land, whether this should override the heritage value of retaining the building in its existing location.
- 21B.3.1.7 The extent to which proposed replacement buildings are compatible with the original architectural style predominant in the heritage area and maintain the continuity of front façade alignment of buildings in the vicinity.

21B.3.2 Earthworks which are not a Permitted Activity are a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

- 21B.3.2.1 Whether the earthworks will result in the loss of heritage values for which the area was listed.
- 21B.3.2.2 The extent to which earthworks will enhance the use or appreciation of a listed heritage area.
- 21B.3.2.3 The extent to which earthworks are necessary to provide for the protection or conservation of buildings, structures or features constituting a heritage area.

21B.3 Non-Complying Activities

Activities that contravene a rule in the plan and which have not been provided for as Discretionary Activities (Restricted) or Discretionary Activities (Unrestricted) is a Non-Complying Activity. Resource consents will be assessed in terms of Section 104D of the Resource Management Act. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

21C. HERITAGE RULES: TREES

These provisions apply to listed heritage trees throughout all parts of the city. Area based rules also apply unless it is specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21C.1 Permitted Activities

The following activities are Permitted Activities provided they comply with any specified conditions.

21C.1.1 The minor trimming of any listed tree that will not adversely affect the health or appearance of the tree is a Permitted Activity.

Minor trimming is:

- **The removal of broken branches, deadwood or diseased vegetation**
- **The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or interfering with those overhead wires or utility networks.**
- **Other trimming necessary to maintain the health of a listed tree, certified by a person with an appropriate level of expertise.**

21C.1.2 Any activity within the dripline of a listed tree is a Permitted Activity except for:

- **the destruction, removal or partial removal of the listed tree**
- **the alteration of existing ground levels by excavations or deposition of soil including thrust boring and directional drilling**
- **the covering of the ground by erection of any building or structure or the storage of goods,**

including the parking of vehicles;

- **the laying of any impervious surface**
- **the discharge of any toxic substance**

unless certified by a person with an appropriate level of expertise that the health of the tree will not be adversely affected.

The trimming of listed trees may be required to maintain them in a healthy condition or to avoid interference with buildings, structures or overhead lines. The intent of the rule is to allow only minor trimming that will not adversely effect the health or general appearance of the tree. More substantial trimming or pruning will require a discretionary consent.

Council is also aware that the root plate, which is vital to the health of a tree, needs to be protected. For this reason activities that may have an adverse effect on the health of trees are excluded from the Permitted Activity rule. The intent is to control these potentially harmful activities while not preventing the diversity of other uses or activities which may occur usually on a casual basis.

21C.2 Discretionary Activities (Unrestricted)

Section 21C.2 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed tree.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases

- where a heritage tree is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a heritage tree is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21.C.2.1 The:

- **destruction, removal or partial removal of any listed tree that is not a Permitted Activity**
- **the trimming of any listed tree that is not a Permitted Activity**
- **any activity within the dripline of a listed tree that is not a Permitted Activity**

is a Discretionary Activity (Unrestricted).

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to, but will not be restricted to, the following criteria:

21.C.3. In respect of any listed tree:

- the necessity for carrying out the works
- whether the tree has a potentially fatal disease or has been damaged beyond recovery
- the need for compliance with any statutory or legal obligation under other legislation
- whether the tree can be, or needs to be, relocated
- whether the proposal can be altered to achieve greater protection or preservation of the tree while still meeting the objectives of the applicant.

21.C.3. In respect of any activity carried out within the dripline of any listed tree:

- whether the proposed activity within the dripline is likely to damage the tree or endanger its health
- the necessity for carrying out the works
- the means for excavation of any piles, footings, driveways etc, and the impact of the work upon the existing and future health of the tree.

These activities are Discretionary Activities to enable Council to consider the particular circumstances under which the listed item is proposed to be destroyed or otherwise affected and to assess what other options are available to prevent the loss of the City's heritage.

21D HERITAGE RULES: SIGNS

These provisions apply to:

- signs on heritage buildings and objects (and sites on which a listed heritage buildings and objects are located);
- signs located within heritage areas in the Central Area or Suburban Centre;
- signs located on any site on which a site of significance to Tangata Whenua or other Maori as identified in the District Plan. When the rules in 21D apply the area based rules for signs do not apply.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21D.1 Permitted Activities

The following activities are Permitted Activities in relation to heritage buildings, objects and areas, provided they comply with any specified conditions.

21D.1.1 One sign of less than 0.5m² on:

- **a listed building or object, or site on which a listed building or object is located; or**
- **in a heritage area in the Central Area or Suburban Centre;**
- **on any site on which a site of significance to Tangata Whenua or other Maori is located;**

that denotes the name, character or purpose of any activity undertaken on the site is a Permitted Activity

21D.2 Controlled Activities

The following activities are controlled activities in relation to sites of significance to Tangata Whenua or other Maori provided they comply with any specified conditions.

21D.2.1 Signs on a site of significance to Tangata Whenua or other Maori or on any land associated with any site of significance to Tangata Whenua or other Maori which is larger than 0.5m²

is a controlled activity in respect of:

21D.2.1.1 The area, height, number and location of signs.

Non notification

The written approval of affected persons will not be necessary in respect of item 21D.2.1.1. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

The conditions for signs as permitted activities in the residential area, suburban centre, institutional precincts, airport and golf course recreation precinct, central area, rural area, open space areas and conservation sites shall not be exceeded by more than 50%.

Assessment criteria

In determining the conditions to be imposed, if any, Council will have regard to the following criteria:

- 21D.2.1.3 whether the sign is compatible with the heritage significance and values of the site on which it is placed.
- 21D.2.1.4 assessment criteria where the site is within a Maori precinct, the effect of any signs on the significance and objectives of the precinct.

Signs have the potential to compromise the heritage values of the site on which they are placed. Their affects must therefore be assessed.

21D.3 Discretionary Activities (Restricted)

Section 21D.3 describes which activities are Discretionary Activities (Restricted) in respect of signs on listed heritage buildings or objects or within a heritage area located in the Central Area or Suburban Centre. Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 21D.3.1.1 to 21D.3.1.4.

21D.3.1 Signs on:

- **listed heritage buildings or objects; or**
- **within a listed heritage area in the Central Area or Suburban Centre**

which are not permitted under 21D.1.1 are Discretionary Activities (Restricted) in respect of:

21D.3.1.1 Sign display, design and location

21D.3.1.2 Area, height and number of signs

21D.3.1.3 Illumination

21D.3.1.4 Fixing and methods of fixing

Non-notification

The written approval of affected persons will not be necessary in respect of items 21A.2.1.1 to 21A.2.1.4. Notice of applications need not be served on affected persons and the application need not be notified.

Standards and terms

There are no standards and terms

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 21D.3.1.1 the extent to which any sign including supporting structures detracts from the heritage significance or values of a heritage building, object or area.
- 21D.3.1.2 whether any sign detracts from the architecture of the building including decorative detailing, structural divisions, windows or doorways.
- 21D3.1.3 whether additional signs will result in clutter.
- 21D3.1.4 the extent to which the quality of the design of signs and the standard of graphics complement the building, object or area.
- 21D3.1.5 whether the means of fixing signs to a listed building or object including associated cabling or wiring for illuminated signs will adversely affect the heritage fabric and heritage values of the listed building or object.
- 21D.3.1.6 whether intensity of illumination will adversely affect the heritage values of the building or object.

Consent will normally only be granted for signs on or adjacent to a listed item where these can be designed and located to respect the architectural form and detailing of the listed item. Signs have the potential to compromise the heritage values of heritage areas. Their effects must therefore be assessed in order to achieve a high degree of compatibility with the heritage significance of the heritage area or item so as to not detract from that significance.

21E. HERITAGE RULES: MAORI SITES

These provisions apply to listed Maori sites throughout all parts of the city. Area based rules also apply unless specifically identified in the Area based rules that an activity is to be exclusively covered by the heritage provisions.

Where a heritage item is subject to a heritage order the applicant must obtain the written consent of the heritage protection authority if the work contravenes the heritage order before proceeding with the work under Section 193 of the Resource Management Act 1991.

21E.1 Discretionary Activities (Unrestricted)

Section 21E.1 describes which activities are Discretionary Activities (Unrestricted) in respect of any listed Maori site.

The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act. In all cases:

- where a listed Maori site is subject to a heritage order from a heritage protection authority, Council will notify the authority
- where a listed Maori site is registered by the New Zealand Historic Places Trust, Council will notify the Trust

21E.1.1 The total or partial demolition, destruction or removal of any listed site of significance to tangata whenua or other Maori, is a Discretionary Activity (Unrestricted).

Assessment criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the following criteria:

- 21E.1.1.1 The degree to which the activity detracts from the heritage significance of the site.
- 21E.1.1.2 Where the site is within a Maori Precinct, the effect of the activity on the significance and objectives of the Precinct.
- 21E.1.1.3 The outcome of consultation with tangata whenua and other Maori.