

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Appendix 1 – Officers Recommended Amendments to the Heritage Area Overlay Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Amendments proposed to be inserted as part of Variation 1 to the Proposed District Plan are shown in blue underline for new text and ~~strikethrough~~ for deleted text. Recommendations made through the Reporting Officer's right of reply are shown in red underline for new text and ~~red-strikethrough~~ for deleted text.

Overview

Heritage Area Overlays apply in geographical locations where there are significant clusters of historic heritage resources¹. Council has responsibilities under the RMA, the NZCPS and the NRPS to protect historic heritage. This requires land use and subdivision within Heritage Area Overlays to be managed to ensure the district's rich historic heritage is saved for current and future generations to enjoy and learn the stories they have to tell. Certain categories of Historic Heritage are ~~is~~² also protected under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA³).

Each Heritage Area Overlay has unique heritage values, context and landscapes which require protection. As such objectives, policies and rules within this chapter are specific to each Heritage Area Overlay. The Historical⁴ Heritage chapter also includes objectives and policies relevant to the protection of scheduled⁵ Heritage Resources, which must be considered when assessing proposals within Heritage Area Overlays in addition to the specific Heritage Area Overlay framework. The intent is that most landowners will be able to undertake day to day activities on their properties with minimal restrictions, except for when activities are proposed close to scheduled Heritage Resources. Some of the Heritage Area Overlays cover land used predominantly for farming and it is expected that most normal farming practices will be able to occur within the Heritage Area Overlay rule framework.⁶

Heritage Area Overlays also contain cultural landscapes, and clusters of Sites and Areas of Significance to Māori. The Sites and Areas of Significance to Māori chapter includes objectives, policies and rules which must be considered when assessing proposals within Heritage Area Overlays that also contain scheduled Sites and Areas of Significance to Māori.

There are nine ~~scheduled~~⁷ Heritage Area Overlays in the Plan:

Kerikeri Heritage Area Overlay

The Kerikeri Heritage Area Overlay contains Heritage Resources of regional and national significance. The Kerikeri Basin forms the heart of the overlay and is a registered historic area under the HNZA. The historic character of the Kerikeri Basin derives from its outstanding historic significance as one of the first areas in New Zealand characterised by contact between Māori and

¹ Clause 16 amendment – more accurate terminology

² Clause 16 amendment – more accurate reflection of the level of protection provided under the HNZA

³ Clause 16 amendment – missing letters in acronym

⁴ Clause 16 amendment – to align with correct name of the chapter in the PDP

⁵ Clause 16 amendment – missing word

⁶ Federated Farmers (S421.089 to S421.097)

⁷ Clause 16 amendment – correct error, HA Overlays are mapped but not scheduled

European colonial settlement. The Heritage Area Overlay contains several Category 1 historic buildings and features, Sites and Areas of Significance to Māori, a historic pa site, and archaeological and historic sites of critical importance to the nation's heritage.

The Kerikeri Heritage Area Overlay has been separated into two parts:

Part A:

Covers the Kerikeri Basin Historic Area, which retains a high proportion of its original characteristics and its integrity of place, which have been enhanced through the discontinuation of the road that previously went past the Stone Store and Kemp House, and over the river. Individual sites within the historic area have been actively managed as historic places of significance and much of the area along and adjacent to the river banks contains regenerated bush.

Part B:

Covers the archaeologically sensitive slopes surrounding Kororipo Pā and the Church Missionary Settlement (CMS). The north and east ridge line also provide the sight lines from Kororipo Pā. ~~There still remains a~~ A legacy pattern of early horticultural subdivision still remains,⁸ ~~pattern~~ which supports the identity of Kerikeri, predominantly located along the Kerikeri Inlet Road ridgeline.

Kohukohu Heritage Area Overlay

The Kohukohu Heritage Area Overlay has high significance both locally and regionally due to early European settlement on the Hokianga Harbour associated with the Kauri timber trade. The Kohukohu township has high context value and integrity as a physical link with the early days of the district's development when shipping was the main form of transport.

Kohukohu is an unaltered and compact example of a nineteenth century European coastal township at the heart of the New Zealand timber trade. Kohukohu has outstanding local and regional heritage significance for its architectural and technological qualities as an intact and compact Victorian colonial settlement largely constructed between 1880 and 1910. The Kohukohu Stone Bridge is a nationally significant heritage structure, being the earliest surviving bridge in the country. There are only two formally recorded archaeological sites within the heritage area, both of European Origin (the school and the Hokianga Sawmill). However, the Old Stone Bridge, reclamation between it and the current foreshore, and the majority of scheduled/listed buildings are dated prior to 1900.

Kororāreka Russell Heritage Area Overlay

The Kororāreka Russell Heritage Area Overlay contains the nationally significant Kororāreka Russell, which is a historically significant location of Māori and Early European settlement in the Bay of Islands. It is representative of the rich tapestry of early Māori, European, Colonial, and Modern settlement within the district. Pre-European Pā sites are recorded on the headlands to the north and south of the historical town centre, middens are recorded at Matauwhi Bay, with a high concentration of historic heritage buildings within the town centre. In 1830, Kororāreka is recorded as the site of a battle between rival Māori (The 'girls war'), involving Hōne Heke amongst others, as well as the battle of Kororāreka in 1845⁹.

Kororāreka Russell has architectural significance as a very good example of nineteenth and early twentieth century settlement and includes several important historical buildings. Several of these are scheduled in the New Zealand Heritage List as places of national significance. Development in the second half of the 20th century has been limited, and generally of a small scale¹⁰, so that Kororāreka Russell retains a high degree of historic heritage integrity and context, which is significant at the regional and national level.

⁸ Clause 16 amendment – improvements for readability

⁹ John Andrew Riddell (S431.050)

¹⁰ John Andrew Riddell (S431.051)

The Kororāreka Russell Heritage Area Overlay includes four heritage parts: 'The Strand', 'Wellington Street', 'Christ Church' and the remainder of the area. All of these parts have historical significance to the township of Kōrorāreka Russell and contribute to its unique heritage values:

Part A - The Strand:

Covers 'The Strand' and 'Cass Street'. The historic character of this part of Kororāreka Russell derives principally from its exceptional buildings of great quality and known historic interest, for example, the Bungalow and Pompallier House. This location has a strong association with the waterfront and is characterised by the mass of larger, older buildings and the strong identity at intersections that gives a distinct "corner quality". The residential component at the north end of the Strand Precinct is characterised by closely aligned buildings of generally older single storey style of modest scale, with a few two storey buildings evident. While the buildings differ in style, scale, form and proportion, there is considerable use of veranda, roof forms and materials that reflect an earlier architectural style. Part A - The Strand is essential to the protection of the heritage values of Kororāreka Russell as a whole. In addition, the entire area is an archaeological site in terms of the HNZPTA, and therefore it is important to ensure that valuable information on New Zealand's earliest historic period of European settlement is not lost.

Part B - Wellington Street:

Covers the Wellington-York Street intersection, the principal feature of which is the Kororāreka Domain, giving the area an open space quality. The residential character of this location is the low key with informal siting of buildings. The style is predominantly villas or bungalows that have an historic value and contribute to the distinctive character of the area. A bush backdrop extends around to the coastal edge of the part, where the cottages located within it have a feeling of detachment from the Russell Town proper.

Part C - Christ Church Precinct:

Covers the Christ Church itself, being the oldest church in New Zealand. The open space of the church yard provides a valuable foreground and informal area on entry into the Kororāreka Russell Town.

Part D - Remainder of Overlay:

Covers the remainder of the Kororāreka Russell Heritage Area Overlay and reflects the original street layout, and subdivision patterns and modest scale of buildings and development. It ¹¹contains archaeological sites that indicate a relatively high sensitivity and risk of revealing archaeological deposits relating to earlier Māori¹² and European occupation. It includes the cultural and archaeological landscape provided by the two headlands north and south of the beach. It also includes Matauwhi Bay which represents earlier Māori¹³ activity and some European settlement contemporary with Kororāreka Russell. To the north, Part D extends to Te Maiki/Flagstaff Hill, which is a significant site of historical protest by Hone Heke. This protest, as an objection to British sovereignty, sparked the Northland wars.¹⁴ Part D is also important as it provides context and backdrop for the other parts of the Kororāreka Russell Heritage Area Overlay, and provides the setting for the land entrance to Kororāreka/Russell.¹⁵

Mangōnui and Rangitoto Peninsula Heritage Area Overlay

The Mangōnui and Rangitoto Peninsula Heritage Area Overlay identifies the highly significant historical and contextual value of this area. The township of Mangōnui, with its historical past, is a physical link with the early days of the district's development when shipping was the main form of transport. This is expressed in a number of buildings or groups of buildings with historical significance and visual character.

Individual and interrelated Sites and Areas of Significance to Māori, outstanding natural features and

¹¹ John Andrew Riddell (S431.052)

¹² Clause 16 amendment – use correct macrons

¹³ Ibid

¹⁴ Consequential change resulting from HNZPT (S409.037)

¹⁵ John Andrew Riddell (S431.053)

landscapes and natural topography underlay the identity of the place, as a historically important harbour town. There are clusters of Sites of Significance to Māori on surrounding headlands and islands which attest to earlier Māori settlement of the area generally. Recorded archaeological sites include historical middens, the site of a former commercial building, and one shell midden located on the foreshore. An early trackway is recorded, running up the ridgeline above Mangōnui, past the Anglican Church and school and along Colonel Mould Drive.

The Mangōnui, Rangikapiti and Rangitoto Peninsula area contains a wide range of recorded archaeological sites and demonstrates coastal development from early Māori settlement to early modern. Māori occupied the area at least 500 years prior to the first European settlement, with evidence of early waka landings. It is also a colonial period township of regional importance. Rangikapiti and Rangitoto Pā are examples of headland pā sites. The Rangitoto peninsula is known for its archaeological values through heavy involvement in the timber trade, its flax industry, and whalers and sealers in the late seventeenth century, visible today in Butler House and the Whaling Museum on Butler Point. These early settlements are strongly associated with the development of the township.

The Mangōnui and Rangitoto Peninsula Heritage Area Overlay has been separated into two parts:

Part A:

Covers the old business area of Mangōnui in which examples of the township's early commercial and public buildings remain, such as the courthouse, the Post Office, and the Store. Part A extends to include a cluster of historic residential buildings which reflect some of the earliest residential units. The special heritage character of the Mangōnui Township waterfront derives from the external appearance of the historic buildings, and their association with the harbour edge.

Part B:

Covers the area which falls within the early township having been generally developed by 1948. Reflecting the surviving historical boundaries, commercial, residential and public buildings, and areas of higher potential archaeological sensitivity. Rangikapiti and Mangōnui Domain support the nature of historical development and include a significant pa site. The largely undeveloped coastal and conservation land of Rangitoto Point is included, where a high density of archaeological sites has been recorded containing several pa sites and terraces, as well as the mid-19th century trading post at Butlers Trading Post (former) Butlers Point. The pa sites at Rangikapiti and Rangitoto Point share strong visual connections and context, as two sites guarding the harbour mouth.

Paihia Heritage Area Overlay

The Paihia Heritage Area Overlay has outstanding heritage values related to the historical events surrounding the establishment of the "mission settlement" by Henry Williams and the Church Missionary Society in 1823, and early 'pre-treaty' negotiations with British representative James Busby, and Māori leaders seeking the protection of Britain.

The area has high context value as an integral component of a network of heritage resources contained within the Bay of Islands, including the Waitangi Treaty Grounds and the Russell Township. These combine to contribute to the appreciation and understanding of the places and events associated with a nationally significant period of Paihia's heritage.

The Church Missionary Society mission at Paihia played a central part in the development of a range of activities in early colonial New Zealand, including the first ship building, printing (Colenso's press), schools and pre-Treaty interaction and negotiations with Māori leaders, and was also a site visited by many prominent Europeans in the 1820's and 30's.

No one heritage era is the sole focus of the Heritage Area Overlay, which is a current reflection of a number of past and remaining practices that have created the unique and special place it is today. The identified area contains development that is well spaced, residential in character with expansive lawned areas, retaining some of the character of the early mission station. These surroundings are further complemented by views to the bush clad hills of the Paihia Scenic Reserve, which forms a

backdrop to the Heritage Area, and their overall place within a coastal environment setting.

The Paihia Heritage Area Overlay has been separated into two parts:

Part A:

Covers the cluster of heritage resources and is based on historical boundaries, streets, archaeological sites, and surviving landscape characteristics, and applies to land within Paihia that has retained a unique combination of spatial, built, coastal landscape and amenity characteristics throughout that evolution. It includes a range of sites and buildings which reflect the historical events and development of this coastal township over time. These range from the surviving earthworks of headland pa sites, residential buildings, church and monumental architecture, such as the Māori people's memorial dedicated to Henry Williams and St Paul's cemetery to the Williams House (now public library) and the Village Green.

Part B:

Covers the Sites of Significance to Māori along the foreshore and within scenic reserves, and the important historic sites located near the Horotutu Creek, which is itself an important historical landscape feature. The archaeological potential for sites within the former low-lying field systems, is evident from numerous historical maps and¹⁶ images and currently recorded archaeological sites. The forested high ground to the Southwest of MacMurray Road is included as an area of archaeological potential associated with the recorded location of Te Koke's Pa. The Waitangi Islands are also included in Part B, as they contain archeological sites and wāhi tapu sites, frame the harbour and provide a historical landscape connection from Paihia through to Kororāreka Russell.¹⁷

Pouerua Heritage Area Overlay

The Pouerua Heritage Area Overlay identifies the distinguished historical landscape, significant wāhi tapu and diversity of heritage values of Pouerua. The overlay embodies the mana of Ngāpuhi, the historic engagements of Māori and Pakeha in war and peace, and has been preserved to date by the separate and collective effects of iwi, hapu and others. There are major Māori fortifications on the rim of the Pouerua volcanic cone, hundreds of terraces on the flanks, and intensive evidence of pre-European and 19th century gardens and settlements on the lava field. Pouerua is considered to be an archaeological site of special and outstanding historical and cultural heritage significance and value. The site and its connecting landscape include:

- The pa Pouerua;
- The stonefield areas gardened by Māori using traditional methods; and
- Stonefield systems created by the missionary Williams in his training of Māori in British farming practices; and
- ~~The lake Owhareiti, which is also of cultural importance.~~

The Pouerua Heritage Area Overlay interfaces with Lake Owhareiti, which is a culturally important Site of Significance to Māori.¹⁸ The Pouerua Heritage Area Overlay also includes a number of early settler homesteads, and associated farm buildings, loosely centred on the Holy Trinity Church. As a group, these buildings have outstanding representative value as they reflect the early interactions between the Missionary Archdeacon Henry Williams, local hapu, and early settler families during the middle of the 19th century. Within this context, the Holy Trinity Church represents the important unifying factor of the Anglican mission, and the role of the Church Missionary Society.

The Overlay includes rural land and landmark topographical features of outstanding natural interest which look down upon, and strongly reflect, the actions of human settlement and rural food production in this locality for the past 700 years approximately.

Rangihoua Heritage Area Overlay

¹⁶ Clause 16 amendment – minor change to improve readability

¹⁷ Consequential change resulting from HNZPT (S409.038)

¹⁸ Consequential amendment resulting from the submission from Alec Jack (S277.002) to remove Lake Owhareiti from the Pouerua HA Overlay

Rangihoua Heritage Area Overlay identifies the outstanding archaeological significance for the long period of Māori occupation of the land prior to European arrival, extending back to at least the 14th century AD, early contact sites and early European settlement sites. Matakā on the north headland is one of five hills that are identified as pou (boundary markers) for Ngāpuhi and Rangihoua has very strong spiritual significance for its many wāhi tapu, and is traditionally important.

Rangihoua has historic heritage value of national importance. As a site of prolonged early contact between Māori and Pakeha, prior to British colonisation, Rangihoua is considered to have outstanding identity value as one of the foundation places of modern bicultural New Zealand. It is recognised as one of the key historic meeting places of two cultures. It is the location of Rangihoua Pa, and the earliest major Māori trading post in New Zealand, controlled by the influential chief Te Pahi whose name remains in the landscape. The earliest land-based church service was performed here, by the missionary Samuel Marsden, and it is the location of the first mission station, the earliest formal land transfer and the first European school in New Zealand. These sites collectively have outstanding contextual value as a group of related places on the land and across the sea to the Te Pahi Islands.

Rāwene Heritage Area Overlay

The Rāwene Heritage Area Overlay identifies the highly historical and contextual value of Rāwene as one of the earliest permanent European settlements in Northland, and as a centre for the export of kauri timber on the Hokianga. Rāwene is a physical link to the early days when shipping was the main form of transport, and this context is maintained today with the car ferry across the Hokianga.

The overlay features a number of scheduled buildings, archaeological sites, and surviving early boundary treatments which share spatial, landscape and historical context. The limestone cliffs on the western edge create a significant natural landmark upon which Rāwene the town was founded. In the wider context Rāwene is one of several early Pakeha settlements associated with the export of Kauri timber from the Hokianga. Includes foreshore around the headland. It encompasses the historical township from the north of Birch Street to the foreshore and it includes scheduled Heritage Resources and an¹⁹ Outstanding Natural Feature.

The pattern of subdivision is unchanged from the early days of the township, with a number of pre-1940 villas and bungalows concentrated along the higher ground either side of Parnell Street. Architecturally, the significant built heritage of the Rāwene Heritage Area Overlay derives from the survival of the historic commercial buildings on the headland, and their association with the waterfront.

The Rāwene Heritage Area Overlay has been separated into two parts:

Part A:

Covers the old business area of Rāwene, in which examples of the township's early commercial and public buildings remain, such as the Masonic Hotel and Clendon House. The special heritage character of Rāwene is derived from the external appearance of the historic buildings, and their association with the waterfront.

Part B:

Covers the area which falls within the early township, within which the properties follow a distinctly different (earlier) subdivision form. A number retain examples of villa, bungalow and state house construction. The area reflects surviving historical boundaries, commercial, residential and public buildings, and areas of higher archaeological potential for early settlement along the ridgeline either side of Parnell Street.

Te Waimate Heritage Area Overlay

¹⁹ Clause 16 amendment to fix spelling error

The Te Waimate Heritage Area Overlay is of outstanding local, regional and national importance as a landscape which shows the progression of pre-contact Māori Settlement, early interaction with settlers, and a scene of nationally important historic events including the signing of the Treaty of Waitangi. The overlay is one of the birthplaces of modern agricultural practice and farming tradition in New Zealand. It contains several important examples of early colonial architecture and landscaping practices and the second oldest surviving building in New Zealand. The St Pauls burial ground is outstandingly important as one of New Zealand's earliest churchyards. Its grave markers and other elements contribute towards an understanding of burial, commemoration and other aspects of early colonial and later life. The site has considerable spiritual and symbolic value to both Māori and Pakeha, having been at the heart of Christian worship and commemoration in the district for well over 170 years.

This area is part of a broader cultural landscape, which incorporates other important structures, buried archaeological remains and historic trees, as well as wāhi tapu. Sites and Areas of significance to Māori are prominent within the overlay, including Okuratope Pā which is highly significant to Ngapuhi, in the early 19th century, Okuratope was the strong hold of Hongi Hika and his half-brother Kaingaroa.

Council has responsibilities under the RMA, the NZCPS and the NRPS to manage Historic Heritage. In addition to the objectives and policies below that specifically manage Heritage Area Overlays, the objectives and policies in the Historic Heritage chapter shall be considered when assessing resource consent applications for any activity applied for under the provisions in this chapter that could impact scheduled Heritage Resources²⁰.

Objective for all Heritage Area Overlays ²¹	
HA-O1	The heritage values of Heritage Area Overlays, as derived from the sites, buildings and objects of historic significance, archaeological sites and landform, are identified and protected <u>from inappropriate subdivision, use and development²²</u> .
Policy for all Heritage Area ²³ overlays	
HA-P1	<p>To protect the unique heritage values of each Heritage Area Overlay by:</p> <ul style="list-style-type: none"> a. identifying and protecting the heritage buildings, objects and sites, and archaeological sites within the Heritage Area Overlay <u>from inappropriate subdivision, use and development²⁴</u>; b. maintaining the architectural and historical integrity of scheduled Heritage Resources; c. acknowledging the surrounds or setting of the Heritage Area Overlay which has an important relationship with the values of the <u>scheduled²⁵</u> Heritage Resources; d. providing for construction <u>of new</u>, and alteration of <u>existing²⁶</u> buildings or structures when they contribute to the cultural values, character and heritage values of the Heritage Area Overlay; <u>and</u> e. providing for the demolition of non-heritage buildings or structures when they do not contribute to the cultural values, character and heritage values of the Heritage Area Overlay; <u>and</u>

²⁰ Clause 16 amendment to repeat signposting from Note 2 above the HA chapter rule table to assist plan users

²¹ Clause 16 amendment to capitalise 'Overlay' for consistency throughout chapter – applies to all identical amendments in this chapter

²² Federated Farmers (S421.098)

²³ Clause 16 amendment to capitalise 'Area' for consistency throughout chapter – applies to all identical amendments in this chapter

²⁴ Federated Farmers (S421.099)

²⁵ Clause 16 amendment to insert missing word 'scheduled' – applies to all identical amendments in this chapter

²⁶ Clause 16 amendment – wording better matches the structure of rules

	f. <u>considering any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6 when assessing and managing the effects of land use and subdivision on the Heritage Area Overlay²⁷.</u>
Policies for Kerikeri Heritage Area Overlay	
HA-P2	To maintain the integrity of the Kerikeri Heritage Area Overlay and protect the heritage values by retaining the visual dominance and connection of the Kerikeri Mission Station buildings and Kororipo Pa through <u>the control of:</u> <ul style="list-style-type: none"> a. the control of the scale, form, and colour; and b. <u>location of alterations and development of the construction of new, and additions or alterations to existing, buildings or structures.</u>²⁸
HA-P3	To maintain visual connection to Kororipo Pā, the Stone Store and Kemp House by limiting built development and landscaping within Part B to protect viewshafts of Kororipo Pā.
Policies for Kohukohu Heritage Area Overlay	
HA-P4	To maintain the integrity of the Kohukohu Heritage Area Overlay and protect the heritage values by: <ul style="list-style-type: none"> a. retaining the compact and intact range of public, commercial and residential heritage buildings, generally dating between 1880 and 1910, which demonstrate the development of the town during the Kauri Timber industry boom; and b. ensuring subdivision complements the form of the early township and the surviving historical boundaries.
HA-P5	To enable subdivision and land use that recognises and protects the historical significance of Kohukohu as a place of early settlement, trade and interaction between Māori and Pakeha on the Hokianga.
Policies for Kororāreka Russell Heritage Area Overlay	
HA-P6	To maintain the integrity of the Kororāreka Russell Heritage Area Overlay and protect the heritage values by: <ul style="list-style-type: none"> a. maintaining the architecture and integrity of the build form within Part A The Strand, recognising the use of veranda, roof forms and materials that reflect an earlier architectural style; b. maintaining Part A The Strand as predominately a pedestrian area; c. protecting the architecture and integrity of the build form within Part B Wellington Street, recognising the low key informal siting of buildings, bush backdrop and villa or bungalow style build form; d. recognising and protecting the foreground and informal area upon entry of the Village created by the open space of the Christ Church building and yard of Part C Christ Church; e. <u>limiting the scale and form of development in Part D Remainder of Overlay as it provides a backdrop to the village setting and the land entrance to Kororāreka/Russell and also supports the heritage values of Part A The Strand, Part B Wellington Street, and Part C Christchurch²⁹;</u> f. ensuring subdivision reflects the form of the early township and the surviving historical boundaries and street layout; g. protecting scheduled archaeological sites from damage or destruction, and retrieving archaeological information whenever unscheduled archaeological sites are

²⁷ Ngāti Rangi ki Ngawha Hapu (S304.007)

²⁸ Clause 16 amendment to better clarify the policy intent

²⁹ John Andrew Riddell (S431.055)

	<p>discovered;</p> <p>h. acknowledging and protecting the landforms and setting of Russell Kororāreka <u>Russell</u>³⁰, which have an important relationship to the values of the heritage area; and</p> <p>i. protecting boundary treatments and landscape areas associated with sScheduled Heritage Resources.</p>
HA-P7	To enable subdivision which recognises and protects the heritage values of the Sites and Areas of Significance to Māori, particularly the relationship of the Pā sites located on the headlands to the north and south of the historical Russell Kororāreka <u>Russell</u> ³¹ town centre.
Policies for Mangōnui and Rangitoto Peninsula Heritage <u>A</u>area <u>O</u>verlay	
HA-P8	<p>To maintain the integrity of the Mangōnui and Rangitoto Peninsula Heritage <u>A</u>area <u>O</u>verlay and protect the heritage values by:</p> <ul style="list-style-type: none"> a. retaining the compact and intact range of public, commercial and residential heritage buildings in Part A, reflective of a colonial period coastal settlement township; b. ensuring subdivision complements the form of the early township and the surviving historical boundaries and street layout; and c. protecting scheduled archaeological sites from damage or destruction and retrieving archaeological information whenever unscheduled archaeological sites are discovered.
HA-P9	To enable subdivision and land use in Part B which recognises and protects the heritage values, strong connection and context of the Rangikapiti and Rangitoto Point pa sites guarding the Mangōnui harbour mouth.
Policies for Paihia Heritage <u>A</u>area <u>O</u>verlay	
HA-P10	<p>To maintain the integrity of the Paihia Heritage <u>A</u>area <u>O</u>verlay and protect the heritage values by recognising and providing for:</p> <ul style="list-style-type: none"> a. Paihia's context value as an integral component of a network of <u>scheduled</u> Heritage Resources contained within the Bay of Islands, including the Waitangi Treaty Grounds and the <u>Kororāreka Russell</u> Township; b. the topography, foreshore and scenic reserves located on higher ground and on headlands at either end of Paihia Beach which contribute to the heritage landscape; and c. the contribution of the non-contiguous relationship of <u>scheduled</u> Heritage Resources throughout the Heritage <u>A</u>area <u>O</u>verlay to its overall historic value.
HA-P11	To recognise and provide for the protection of potential archaeological sites and Sites and Areas of Significance to Māori along the foreshore, within scenic reserves and near Horotutu Creek through the use of accidental discovery protocols.
Policies for Puerua Heritage <u>A</u>area <u>O</u>verlay	
HA-P12	<p>To maintain the integrity of the Puerua Heritage <u>A</u>area <u>O</u>verlay and protect the heritage values by:</p> <ul style="list-style-type: none"> a. recognising that Puerua sits within a rural farming landscape with numerous Māori stone field systems, and historical drywall boundaries which reflect early rural subdivisions; and b. protecting the Sites and Areas of Significance to Māori, the pa sites and other landscape features which share a strong contextual and visual connection with the central Puerua Pa.

³⁰ Clause 16 amendment to use consistent wording

³¹ Ibid

HA-P13	To enable subdivision and land use which recognises and protects the cultural and heritage values of Pouerua, and the strong connection and context of Pouerua scoria cone, Ohaewai volcanic field and Ngahuha scoria cone.
Policies for Rangihoua Heritage Area Overlay³²	
HA-P14	The archaic value of the landforms and objects of historic significance at Rangihoua, and their context is retained by: a. limiting the location, type, scale and nature of buildings <u>and</u> or structures, including any additions or alterations.
HA-P15	The significant land features Rangihoua Pā, Te Pahi's Entrepot, Oihi and Te Puna and their connections are protected by: a. <u>controlling the</u> of scale, form, colour and location of buildings or <u>and</u> structures, including additions or alterations.
Policy for Te Waimate Heritage Area Overlay	
HA-P16	To maintain the integrity of the Te Waimate Heritage Area Overlay and protect the heritage values by: <ul style="list-style-type: none"> a. recognising that the area is part of an early attempt to create an English-style landscape in New Zealand and spread European agricultural methods; b. avoiding adverse effects on the heritage values of the Te Waimate Mission house, which is the second oldest standing building in New Zealand, having been built in 1832; and c. recognising that the area is part of an extensive historic landscape, which includes buried archaeological deposits, Okuratope Pā, other standing structures and natural features and the oldest road in the country, identified as the Te Waimate North Road, from Kerikeri.
<u>Policies for Rāwene Heritage Area Overlay³³</u>	
HA-P17	<u>To maintain the integrity of the Rāwene Heritage Area Overlay and protect the heritage values by:</u> <ul style="list-style-type: none"> a. <u>retaining the compact and intact range of scheduled buildings, archaeological sites, and surviving early boundary treatments in Part A, reflective of its past as a colonial coastal township centred on shipping and export of kauri timber;</u> b. <u>ensuring subdivision and development complements the form of the early township and the surviving historical boundaries and street layout; and</u> c. <u>protecting scheduled archaeological sites from damage or destruction and retrieving archaeological information whenever unscheduled archaeological sites are discovered.</u>
HA-P18	<u>To enable subdivision and land use which recognises and protects the cultural and heritage values of Rāwene, and the relationship of the historical township with the headland, foreshore and limestone cliffs on the western side of the peninsula.</u>
Rules	

Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3 - Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is

³² Clause 16 minor amendments to these policies to improve readability but not change intent

³³ HNZPT (S409.042)

required under multiple rules.

2. Any activity that requires resource consent shall consider the Historic Heritage chapter and Sites and Areas of Significance to Māori chapter objectives and policies.
3. The Historic Heritage chapter and the Sites and Areas of Significance to Māori chapter rules may also apply in addition to the Heritage Area Overlay rules. ³⁴
4. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the Earthworks chapter and this chapters the earthworks rules in this chapter, the most stringent rule will apply. ³⁵

HA-R1	Maintenance and repair of buildings or structures	
<p>All zones³⁶</p> <p>All Heritage Area Overlays: ³⁷</p> <p>Kerikeri</p> <p>-</p> <p>Kohukohu</p> <p>-</p> <p>Kororāreka Russell</p> <p>-</p> <p>Mangōnui and Rangitoto Peninsula</p> <p>-</p> <p>Paihia</p> <p>-</p> <p>Pouerua</p> <p>-</p> <p>Rangihoua</p> <p>-</p> <p>Rāwene</p> <p>-</p> <p>Te Waimate</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The building or structure is a scheduled Heritage Resource and:</p> <ol style="list-style-type: none"> 1. the building or structure is not added to or altered; <u>and</u> 2. the existing external visual appearance of the building or structure is not changed; <u>and</u> 3. if the building or structure is not repainted in its existing colour scheme, it must comply with standard HA-S2 Heritage Colours.³⁸ <p>PER-2</p> <p>If the building or structure is located within <u>a</u> the Kororāreka Russell Heritage Area Overlay and is not repainted <u>to match the in its</u> existing colour scheme, it must comply with standard HA-S2 Heritage Colours. ³⁹</p> <p>Note: this rule applies to maintenance or repair works, if the works do not meet the definitions of maintenance or repair then HA-R2 applies⁴⁰. refer to the other relevant rules for additions and alterations.</p>	<p>Activity status where compliance not achieved with PER-1 or PER-2: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the necessity of the work to maintain or repair the building or structure; b. whether any proposed change to the building or structure will adversely affect the heritage values of the Heritage <u>a</u>Area overlay; c. whether the proposed change will adversely affect the heritage values of any nearby <u>adjacent</u>⁴¹ Sscheduled Heritage Resource; d. whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed; e. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; f. the colour of all exterior surfaces and their appropriateness within the Heritage <u>a</u>Area Overlay; g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural</u>

³⁴ Clause 16 minor amendments to this note to improve readability

³⁵ Ibid

³⁶ Clause 10(2)(b) of the RMA to ensure consistency of approach to describing how overlays apply between PDP chapters (and applies to all subsequent changes to remove this wording in the rest of the chapter)

³⁷ Clause 16 amendment to remove the list of all HA Overlays and replace with shorter wording to improve readability – applies to all identical amendments in this chapter

³⁸ HNZPT (S570.001)

³⁹ Ibid

⁴⁰ Clause 16 amendment to clarify which rule manages additions and alterations

⁴¹ Clause 16 amendment to clarify interpretation

		<p><u>expert (if provided)</u>;⁴² and</p> <p>h. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua <u>(if provided)</u>⁴³.</p>
HA-R2	Additions or alterations to existing buildings or structures	
<p>All zones</p> <p>All Heritage Area Overlays:</p> <p>Kerikeri – Part B</p> <p>Kororāreka Russell – Part D</p> <p>Mangōnui and Rangitoto Peninsula – Part B</p> <p>Paihia – Part B</p> <p>Pouerua</p> <p>Rangihoua</p> <p>Rāwene Part B</p> <p>Te Waimate</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure is not a scheduled Heritage Resource.</p> <p>PER-2 If the addition or alteration is external, it is not located within a site containing a scheduled Heritage Resource.⁴⁴</p> <p>PER-3 The addition or alteration to the building or structure complies with standards: HA-S1 Setback from a scheduled Heritage Resource; and HA-S2 Heritage Colours</p> <p>Standard HA-S2 does not apply if the additions or alterations <u>are</u> is painted to match the existing colour scheme of the building or structure.</p> <p>PER-4 <u>The addition or alteration is not located in the part of the site between the street boundary and the street facing elevation of the principal building on the site in the following Heritage Area Overlays:</u></p> <ol style="list-style-type: none"> <u>Kerikeri – Part A</u> <u>Kohukohu</u> <u>Kororāreka Russell – Part A – The Strand, Part B – Wellington Street and Part C – Christ Church</u> <u>Mangōnui and Rangitoto Peninsula – Part A</u> <u>Paihia – Part A</u> <u>Rāwene – Part A</u>⁴⁵ 	<p>Activity status where compliance not achieved with PER-2, or PER-3 or PER-4: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the necessity of the addition or alteration; whether any proposed change to the building or structure will adversely affect the heritage values of the Heritage Area Overlay; whether the proposed change will adversely affect the heritage values of any nearby <u>adjacent</u> scheduled Heritage Resource; whether there is a practicable reason why the building or structure needs to be altered or have its appearance changed; any assessments or advice from a suitably qualified and experienced heritage or cultural expert; the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; any landscaping or fencing to maintain heritage boundary treatments and curtilage; the location and relationship of the building or structure in relation to adjoining sites and the road; <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (if provided);</u> and any consultation with Heritage New Zealand Pouhere Taonga,

⁴² Kay Brenda Davidson (S225.001) – matters of discretion also reworded so both consultation/engagement clauses are next to each other

⁴³ Kay Brenda Davidson (S225.001)

⁴⁴ Alec Jack (S277.009)

⁴⁵ Federated Farmers (S421.101)

		Department of Conservation and tangata whenua (if provided).
		Activity status where compliance not achieved with PER-1: Discretionary
All zones - Heritage Area overlays: - Kerikeri — Part A - Kohukohu - Kororāreka Russell — Part A The Strand, Part B — Wellington Street and Part C — Christ Church - Mangōnui and Rangitoto Peninsula — Part A - Paihia — Part A - Rangihoua - Rāwene — Part A - Te Waimate -	PER-4⁴⁶ The building or structure is not a scheduled Heritage Resource. - PER-5 If the addition or alteration is external it is not located within a site containing a scheduled Heritage Resource. - PER-6 The addition or alteration is not visible from any public place. ⁴⁷ - PER-7 The addition or alteration to the building or structure complies with standards: HA-S1 Setback from a scheduled Heritage Resource; and HA-S2 Heritage Colours. - Standard HA-S2 does not apply if the additions or alterations is painted to match the existing colour scheme of the building or structure.	Activity status where compliance not achieved with PER-4, PER-5, PER-6 or PER-7: Discretionary
HA-R3	Strengthening or fire protection of scheduled Heritage Resource	
All zones	Activity status: Permitted	Activity status where compliance

⁴⁶ Consequential amendment from HNZPT (S570.002) and Foodstuffs (S363.038) to merge both parts of rule into one to apply HA-R2 consistently to all HA Overlays and make non-compliance restricted discretionary in all HA Overlays

⁴⁷ Ibid

<p>All Heritage Area Overlays:</p> <p>Kerikeri</p> <p>- Kohukohu</p> <p>- Kororāreka Russell</p> <p>- Mangōnui and Rangitoto Peninsula</p> <p>- Paihia</p> <p>Pouerua</p> <p>- Rangihoua</p> <p>- Rāwene</p> <p>- Te Waimate</p>	<p>Where:</p> <p>PER-1</p> <p>The <u>seismic⁴⁸</u> strengthening or fire protection elements are not externally visible.</p> <p>Note: HA-R3 prevails over HA-R1, PER-1 for <u>maintaining or repairing a scheduled Heritage Resource and prevails over HA-R2, PER-1 for additions or alterations to a scheduled Heritage Resource.</u>⁴⁹</p>	<p>not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> methodologies used to protect and maintain heritage values, including integration with other scheduled Heritage Resources on the site or surrounding area; the necessity of the work to achieve seismic resilience, fire protection and ongoing use; any assessments or advice from a suitably qualified and experienced heritage or cultural expert (<u>where provided</u>); and any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (<u>where provided</u>).
<p>HA-R4</p>	<p>New buildings or structures ⁵⁰</p>	
<p>All zones</p> <p>Heritage Area Overlays:</p> <p>Kerikeri — Part B</p> <p>Kororāreka Russell — Part D⁵¹</p> <p>Mangōnui and Rangitoto Peninsula</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The new building or structure is not located within a site containing a scheduled Heritage Resource.⁵²</p> <p>PER-12</p> <p>The building or structure complies with standards:</p> <p>HA-S1 Setback from a scheduled Heritage Resource.</p> <p><u>HA-S2: Heritage Colours.</u>⁵³</p>	<p>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether the proposed building or structure will adversely affect the heritage values of the Heritage Area Overlay; whether the proposed building, structure will adversely affect the heritage values of any <u>adjacent</u> nearby scheduled Heritage Resource; whether there is a practicable

⁴⁸ Clause 16 amendment to ensure consistent wording with matters of discretion

⁴⁹ Clause 16 amendment to clarify intended relationship between HA chapter rules

⁵⁰ HA-R4, HA-R8, HA-R8 combined into a single rule as a clause 16 amendment

⁵¹ John Andrew Riddell (S431.060)

⁵² Alec Jack (S277.010)

⁵³ HNZPT (S570.003)

<p>— Part B</p> <p>Paihia — Part B</p> <p>Pouerua</p> <p><u>Rangihoua</u></p> <p>Rāwene Part B</p> <p><u>Te</u> <u>Waimate</u></p>		<p>reason why the building, or structure needs to be located within the Heritage Area Overlay;</p> <p>d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</p> <p>e. the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;</p> <p>f. any landscaping or fencing to maintain heritage boundary treatments and curtilage;</p> <p>g. the location and relationship of the building or structure in relation to adjoining sites and the road;</p> <p>h. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></p> <p>i. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided); and</p> <p>j. <u>in the Kororāreka Russell Heritage Area Overlay, the matters listed in Policy KRT-P6.</u></p>
<p><u>All zones</u></p> <p><u>Heritage Area Overlay:</u></p> <p><u>Kerikeri — Part A</u></p> <p><u>Kohukohu</u></p> <p><u>Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ</u></p>	<p><u>Activity status: Restricted Discretionary</u> ⁵⁵</p> <p><u>Where:</u></p> <p><u>RDIS-1</u> If the building or structure is located within Kororāreka Russell – Part A Heritage Area Overlay, it does not have frontage to the coastal marine area.</p> <p><u>RDIS-2</u> The building or structure complies with standards: HA-S1: Setback from a scheduled Heritage Resource; and HA-S2: Heritage Colours.</p> <p><u>Matters of discretion are restricted to:</u></p> <p>a. <u>whether the proposed building or structure will adversely affect the heritage values of</u></p>	<p><u>Activity status where compliance not achieved with RDIS-1 or RDIS-2: Discretionary</u></p>

⁵⁵ HA-R4, HA-R8, HA-R8 combined into a single rule as a clause 16 amendment

<p>Church⁵⁴</p> <p><u>Mangōnui and Rangitoto Peninsula — Part A</u></p> <p><u>Paihia — Part A</u></p> <p><u>Rāwene — Part A</u></p>	<p>the Heritage Area Overlay;</p> <p>b. <u>whether the proposed building or structure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource;</u></p> <p>c. <u>the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;</u></p> <p>d. <u>any landscaping or fencing;</u></p> <p>e. <u>the location and relationship of the building or structure in relation to adjoining sites, coastal marine area, roads;</u></p> <p>f. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></p> <p>g. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided); and</u></p> <p>h. <u>in the Kororāreka Russell Heritage Area Overlay, the matters listed in Policy KRT-P6.</u></p>	
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HA-R5	Earthworks	
<p>All-zones</p> <p><u>All Heritage Area Overlays:</u></p> <p><u>Kerikeri — Part B</u></p> <p><u>Mangōnui and Rangitoto Peninsula — Part B</u></p> <p><u>Paihia — Part B</u></p> <p><u>Pouerua</u></p> <p><u>Rāwene — Part B</u></p> <p><u>Te</u></p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The earthworks:</p> <ol style="list-style-type: none"> 1. <u>are setback a minimum of 20m from a scheduled Heritage Resource;</u> 2. <u>comply with standard HA-S3 Accidental Discovery Protocol; and</u> 3. <u>do not result in disturbance of sub-soils below a depth of 500mm in all Heritage Area Overlays, unless the earthworks are required for:</u> <ol style="list-style-type: none"> i. <u>planting or removing trees;</u> ii. <u>maintenance of existing drains;</u> iii. <u>maintenance of existing walking tracks, vehicle tracks, driveways, roads and accessways within the same formation width; and</u> iv. <u>installation, maintenance or repair of boundary fences, fences for livestock or fencing along waterways.⁵⁶</u> 4. <u>do not result in disturbance of sub-soils below a depth of 500mm in the</u> 	<p>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. whether the proposed earthworks will adversely affect the heritage values of the Heritage Area Overlay; b. whether the proposed earthworks will adversely affect the heritage values of any nearby adjacent scheduled Heritage Resource; c. any adverse effects on any archaeological site; d. any assessments or advice from a suitably qualified and experienced heritage or cultural expert; e. any methods of site rehabilitation; f. whether or not EW-S3 Accidental Discovery Protocol has been met; and⁵⁹ g. any assessments or advice from a

⁵⁴ John Andrew Riddell (S431.060)

⁵⁶ HNZPT (S409.032), Federated Farmers (S421.102) and Top Energy Limited (S483.121)

⁵⁹ Clause 16 to delete unnecessary cross reference

<p>Waimate- Kororāreka Russell- Part D</p>	<p><u>Rangihoua, Pouerua and Te Waimate Heritage Area Overlays, unless the earthworks are required for:</u></p> <ul style="list-style-type: none"> i. <u>horticultural root ripping;</u> ii. <u>maintenance of irrigation infrastructure;</u> iii. <u>drilling bores for stock drinking water or domestic water supply;</u> iv. <u>burying of dead stock; or</u> v. <u>burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.</u> <p>5. comply with the relevant permitted activity rules within the Earthworks chapter; and</p> <p>6. are not within 20m of a scheduled Heritage Resource.</p> <p>Note 1: When applying PER-1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects.⁵⁷</p> <p>Note 2: The Heritage New Zealand Pouhere Taonga Act 2014 requires all applicants to obtain an authority from Heritage New Zealand Pouhere Taonga before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or whether the activity is permitted under the District Plan or a resource or building consent has been granted.⁵⁸</p>	<p>suitably qualified and experienced heritage or cultural expert (<u>where provided</u>); and</p> <p>h. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (<u>where provided</u>).</p>
<p>All zones- Heritage Area overlay: Kerikeri — Part A Kororāreka</p>	<p>PER-2⁶⁰</p> <p>The earthworks:</p> <ul style="list-style-type: none"> 1. do not exceed 2m³ in volume over an area of 5m²; 2. are not within 20m of a scheduled Heritage Resource; and 3. complies with standard HA-S3 Accidental Discovery Protocol. 	<p>Activity status where compliance not achieved with PER-2 or PER-3: Discretionary⁶¹</p> <p>-</p> <p>-</p>

⁵⁷ Bayswater Inn Ltd (S29.004)

⁵⁸ HNZPT (S409.032)

⁶⁰ HNZPT (S409.032), Federated Farmers (S421.102) and Top Energy Limited (S483.121)

⁶¹ Foodstuffs (S363.039)

Russell — Part A The Strand —		
All zones — Heritage Area overlays: Kohukohu — Kororāreka Russell Heritage overlay — Parts B Wellington Street and C Christ Church — Mangōnui and Rangitoto Peninsula — Part A — Paihia — Part A — Rāwene — Part A — Rangihoua — —	PER-3⁶² The earthworks: 1. do not exceed 200m³; 2. are not within 20m of a scheduled Heritage Resource; and 3. complies with HA-S3 Accidental Discovery Protocol.	
HA-R6	Infrastructure <u>not located within a site containing a scheduled Heritage Resource and renewable electricity generation infrastructure</u> ⁶³	
All zones Heritage Area Overlays: Kerikeri — Part B	Activity status: Permitted Where: — PER-1 The activity is not located within a site containing a scheduled Heritage Resource	Activity status where compliance not achieved: Not applicable

⁶² Russell Protection Society Inc (S179.109), HNZPT (S409.032), Federated Farmers (S421.102) and Top Energy Limited (S483.121)

⁶³ Consequential amendment under clause 10(2)(b), Schedule 1, RMA to restructure infrastructure rules to achieve consistency with HH chapter, also combined with Alec Jack (S277.013) for the restricted discretionary activity status in HA-R6, Top Energy (S483.125) requesting a permitted pathway for network utilities and Telco Companies (S282.01) to achieve consistency between HA-R6 and HA-R10

<p>Kororāreka Russell - Part D</p> <p>Mangōnui and Rangitoto Peninsula — Part B</p> <p>Paihia — Part B</p> <p>Pouerua</p> <p>Rāwene - Part B</p> <p>Te Waimate</p>		
<p><u>All zones</u></p> <p><u>Heritage Area Overlays:</u></p> <p><u>Kerikeri — Part A</u></p> <p><u>Kohukohu</u></p> <p><u>Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church</u></p> <p><u>Mangōnui and Rangitoto Peninsula — Part A</u></p> <p><u>Paihia — Part A</u></p> <p><u>Rangihoua</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The infrastructure is:</u></p> <ol style="list-style-type: none"> <u>1. Located underground;</u> <u>2. Maintenance, repair or upgrading of any existing above ground infrastructure that is located within 1m either side of the original location or where the alignment is wholly located within the road reserve;</u> <u>3. Connections to buildings or structures for network utilities; or</u> <u>4. New above ground infrastructure that is wholly located within the road reserve.</u> 	<p>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay; whether the proposed infrastructure will adversely affect the heritage values of any nearby <u>adjacent</u> Scheduled Heritage Resource; whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay or an a site that contains a Scheduled Heritage Resource; any assessments or advice from a suitably qualified and experienced heritage or cultural expert; the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay; any landscaping or fencing to maintain heritage boundary treatments and curtilage; the location and relationship of the infrastructure in relation to adjoining sites and the road;

Rāwene — Part A		<p>h. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u></p> <p>i. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u></p>
HA-R7	Buildings or structures (including additions and alterations) located within the Alderton Park development	
All-zones- Heritage Area Overlays:⁶⁴ Kerikeri — Part B	<p>Activity status: Permitted Where:</p> <p>PER-1 The building, structure, addition or alteration complies with the consent notice conditions of RC 2020231 and RC 2100390 or any subsequent extensions or variations where the conditions remain unchanged.</p>	Activity status where compliance with PER-1 not achieved: Discretionary
HA-RX	Artificial crop protection structures and crop support structures⁶⁵	
All-zones- Heritage Area Overlays: Pouerua Rangihoua Te Waimate	<p>Activity status: Permitted Where:</p> <p>PER-1 <u>Any artificial crop protection structure or crop support structure must be screened along any site boundary adjoining a public road by landscaping or planting.</u></p>	<p>Activity status where compliance with PER-1 is not achieved: Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> - a. <u>whether the proposed structure will adversely affect the heritage values of the Heritage Area Overlay; and</u> b. <u>whether there is a practicable reason why the proposed structure is unable to be screened from a public road.</u>
HA-R8	New buildings or structures⁶⁶	
All-zones - Heritage Area overlay: - Kororāreka	<p>Activity status: Restricted Discretionary Where:</p> <p>RDIS-1 The building or structure is not visible from a public place.</p>	Activity status where compliance not achieved with RDIS-1, RDIS-2 or RDIS-3: Discretionary

⁶⁴ Clause 16 amendment for consistent wording of this first column

⁶⁵ Heather Adams and Duncan Ross (S545.004)

⁶⁶ HA-R4, HA-R8, HA-R8 combined into a single rule as a clause 16 amendment

<p>Russell- Te Waimate</p> <p>-</p>	<p>-</p> <p>RDIS-2 If the building or structure is located within Kororāreka Russell Part A, it does not have frontage to the coastal marine area.</p> <p>-</p> <p>RDIS-3 The building or structure complies with standards: HA-S1: Setback from a scheduled Heritage Resource; and HA-S2: Heritage Colours.</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>-</p> <p>i. whether the proposed building or structure will adversely affect the heritage values of the Heritage Area overlay;</p> <p>j. whether the proposed building or structure will adversely affect the heritage values of any nearby Scheduled Heritage Resource;</p> <p>k. any assessments or advice from a suitably qualified and experienced heritage or cultural expert;</p> <p>l. the colour of all exterior surfaces and their appropriateness within the Heritage Area overlay;</p> <p>m. any landscaping or fencing;</p> <p>n. the location and relationship of the building or structure in relation to adjoining sites, coastal marine area, roads; and</p> <p>o. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua.</p> <p>-</p>	
<p>HA-R9</p>	<p>New buildings or structures⁶⁷</p>	
<p>All zones</p> <p>-</p> <p>Heritage Area Overlays:</p> <p>-</p> <p>Kerikeri — Part A</p> <p>-</p> <p>Mangōnui and Rangitoto Peninsula — Part A</p> <p>-</p>	<p>Activity status: Discretionary</p> <p>-</p> <p>-</p>	<p>Activity status where compliance not achieved: Not applicable</p>

⁶⁷ HA-R4, HA-R8, HA-R8 combined into a single rule as a clause 16 amendment

Paihia — Part A — Rāwene — Part A — Rangihoua — Kohukohu		
HA-R10	Infrastructure within a site containing a scheduled Heritage Resource and renewable electricity generation infrastructure⁶⁸	
All zones — All Heritage Area Overlays: Kerikeri — Part A — Kohukohu — Kororāreka Russell — Part A — The Strand, Part B — Wellington Street and Part C — Christ Church — Mangōnui and Rangitoto Peninsula — Part A — Paihia — Part A — Pouerua — — Rangihoua — Rāwene —	Activity status: <u>Restricted</u>⁶⁹ Discretionary <u>This rule shall not apply to:</u> <ol style="list-style-type: none"> <u>infrastructure located underground where it is set back 20m from a scheduled Heritage Resource;</u>⁷⁰ <u>maintenance, repair or upgrading of any existing above ground infrastructure that is located within 1m either side of the original location; or</u> <u>connections to buildings or structures for network utilities.</u> <p><u>Note:</u> When applying the exemption in (1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects.</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>whether the proposed infrastructure will adversely affect the heritage values of the Heritage Area Overlay;</u> <u>whether the proposed infrastructure will adversely affect the heritage values of any adjacent Scheduled Heritage Resource;</u> <u>whether there is a practicable reason why the infrastructure needs to be located within the Heritage Area Overlay;</u> <u>the colour of all exterior surfaces and their appropriateness within the Heritage Area Overlay;</u> <u>any landscaping or fencing to maintain heritage boundary treatments and curtilage;</u> <u>the location and relationship of the</u> 	Activity status where compliance not achieved: Not applicable

⁶⁸ Consequential amendment under clause 10(2)(b), Schedule 1, RMA for the same reasons as set out for HA-R6

⁶⁹ Top Energy (S483.127)

⁷⁰ Top Energy (S483.125)

Part A - Te Waimate	<u>infrastructure in relation to adjoining sites and the road;</u> g. <u>any assessments or advice from a suitably qualified and experienced heritage or cultural expert (where provided); and</u> h. <u>any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua (where provided).</u>	
HA-R11	Activities not otherwise listed in this chapter	
All zones - All Heritage Overlays: - Kerikeri - Kohukohu - Kororāreka Russell - Mangōnui and Rangitoto Peninsula - Paihia - Pouerua - Rangihoua - Rāwene - Te Waimate	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
HA-R12 <u>R11</u>	Relocation of a Scheduled Heritage Resource	
All zones All Heritage Overlays: Kerikeri - Kohukohu - Kororāreka Russell	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable

<ul style="list-style-type: none"> - Mangōnui and Rangitoto Peninsula - Paihia - Puerua - Rangihoua - Rāwene - Te Waimate 		
HA-R13 R12	Demolition of a scheduled Heritage Resource not otherwise listed in rule HA-R13	
All-zones All Heritage Overlays: Kerikeri Kohukohu Kororāreka Russell Mangōnui and Rangitoto Peninsula Paihia Puerua Rangihoua Rāwene Te Waimate	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable
HA-R14 R13	Demolition or relocation of a scheduled Heritage Resource	
All-zones- Heritage Area	Activity status: Prohibited PRO-1 The demolition or relocation of any of the	Activity status where compliance not achieved: Not applicable

Overlay: Kerikeri	following scheduled Heritage Resources within the Kerikeri Heritage Area Overlay: 1. Kerikeri Mission House. 2. Stone Store. 3. St James' Church (Anglican). 4. Kemp House.	
All zones Heritage Area Overlay: Kohukohu	PRO-2 The demolition or relocation of the following scheduled ⁷¹ Heritage Resources within the Kohukohu Heritage Area Overlay: 1. Stone arched bridge.	
All zones Heritage Area Overlay: Kororāreka Russell	PRO-3 The demolition or relocation of any of the following scheduled Heritage Resources within the Kororāreka Russell Heritage Area Overlay listed below: 1. Christ Church. 2. Police Station. 3. Clendon Cottage 4. The Gables 5. Four Square Store	
All zones Heritage Area Overlay: Mangōnui and Rangitoto Peninsula	PRO-4 The demolition or relocation of any of the following Heritage Resources within the Mangōnui and Rangitoto Peninsula Heritage Area Overlay: 1. Butlers House and Trading Station (Former). 2. Mangōnui Hotel. 3. Mangōnui Courthouse (Former).	
All zones Heritage Area Overlay: Paihia	PRO-5 The demolition or relocation of the following Heritage Resource within the Paihia Heritage Area Overlay: 1. Church of St Paul & Henry Williams Memorial.	
All zones Heritage Area Overlay: Pouārua	PRO-6 The demolition or relocation of any of the following scheduled Heritage Resources within the Pouārua Heritage Area Overlay: 1. The Holy Trinity Church (Anglican). 2. The Retreat.	

⁷¹ Clause 16 amendment to fix spelling error

All-zones Heritage Area Overlay: Te Waimate	PRO-8 The demolition or relocation of any of the following scheduled Heritage Resources within the Te Waimate Heritage Area Overlay: <ol style="list-style-type: none"> 1. Te Waimate Mission House. 2. Church of St John the Baptist (Anglican) and Churchyard. Note: This rule is based on buildings or objects which are listed as Category 1 in the New Zealand Heritage List/Rāangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014	
Standards		
HA-S1	Setback from a scheduled Heritage Resource	
All-zones All Heritage Overlays: Kerikeri Kohukohu Kororāreka Russell Mangōnui and Rangitoto Peninsula Paihia Pouerua Rangihoua Rāwene Te Waimate	<ol style="list-style-type: none"> 1. Any construction of buildings or structures, and or additions and alterations to all ⁷²buildings or structures, shall be setback a minimum of 20m from a scheduled Heritage Resource. 2. <u>In the Te Waimate Heritage Area Overlay, any construction of buildings, or additions and alterations to buildings, shall be setback 75m from the road boundaries of State Highway 1 and Waikaramu Road and from the Te Ahu Ahu Showgrounds.⁷³</u> Note: When applying HA-S1(1), the 20m distance must be measured from the edge of the footprint of any building, site or structure as described in Schedule 2 – Schedule of historic sites, buildings and objects. ⁷⁴	Where the standard is not met, matters of discretion are restricted to: Not applicable
All-zones Te Waimate	Any construction of buildings or structures and additions and alterations to all buildings or structures shall be setback a minimum of 75m from:	Where the standard is not met, matters of discretion are restricted to: Not applicable -

⁷² Clause 16 amendments to improve readability

⁷³ Lynley Newport (S127.001) and Federated Farmers (S421.107)

⁷⁴ Bayswater Inn Ltd (S29.004)

Heritage Overlay	i. a scheduled Heritage Resource; and ii. the road boundaries of State Highway 1, Te Ahu Ahu, Showgrounds and/or Waikaramu Roads. ⁷⁵	
HA-S2	Heritage Colours ⁷⁶	
All-zones- All Heritage Overlays: Kerikeri - Kohukohu - Kororāreka Russell - Mangōnui and Rangitoto Peninsula - Paihia - Pouerua - Rangihoua - Rāwene - Te Waimate	The exterior facades of all buildings or structures are <u>must be</u> : 1. <u>constructed of natural materials; or</u> 2. <u>if the exterior surface is painted, finished in accordance with the a colour scheme from either the heritage colour palette or the BS5252 standard colour palette as shown in Appendix 7-X</u> ⁷⁷ following paint ranges or equivalent: <ul style="list-style-type: none"> a. resene heritage colours; b. resene whites and neutrals; or and c. resene colour range BS5252 (A01-G40 range). 	Where the standard is not met, matters of discretion are restricted to: Not applicable
HA-S3	Accidental discovery protocol	
All-zones- All Heritage Overlays: Kerikeri - Kohukohu - Kororāreka Russell - Mangōnui	On discovery of any suspected sensitive material, the person must take the following steps: <ol style="list-style-type: none"> 1. Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ul style="list-style-type: none"> a. shutting down all earth disturbing machinery and stopping all earth moving activities; and b. establish a sufficient buffer area to ensure that all material remains undisturbed. 2. Within 24 hours of the discovery the owner of the site, tenant or the contractor must: 	Where the standard is not met, matters of discretion are restricted to: Not applicable

⁷⁵ Lynley Newport (S127.001) and Federated Farmers (S421.107)

⁷⁶ Trent Simpkin (S33.001) and Tristan Simpkin (S127.001)

⁷⁷ Amended to reflect new Appendix numbering

and Rangitoto Peninsula - Paihia - Pouerua - Rangihoua - Rāwene - Te Waimate	<ol style="list-style-type: none"> a. inform the following parties of the discovery: <ol style="list-style-type: none"> i. The New Zealand Police if the discovery is of human remains or kōiwi; ii. The Council in all cases; iii. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and iv. Tangata Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi. 3. No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> a. If the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or b. If the discovery is of archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Tangata Whenua representatives. 4. Recommencement of work: <ol style="list-style-type: none"> a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required; b. Any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage; and c. Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent. 	
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