

SECTION 42A REPORT

Rebuttal Evidence

Hearing 14: Historic Heritage and Notable Trees

Report prepared by: Alice Morris

Date: 21 July 2020



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I Introduction

1.1 Background

1. My name is Alice Morris. I am employed by Hamilton City Council as a Principal Planner within the City Planning Unit.
2. I am the writer of the original s42A report for Hearing 14: Historic Heritage and Notable Trees.
3. In the interests of succinctness I do not repeat the information contained in section 1.1 to 1.4 of that s42A Hearing Report for Historic Heritage and Notable Trees and request that the Hearings Panel take this as read.

2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters.
6. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel:¹
 - Ms Robin Byron on behalf of Heritage New Zealand Pouhere Taonga [559]
 - Ms Carolyn McAlley on behalf of Heritage New Zealand [559]
 - Ms Christine Madsen [980]
7. No rebuttal evidence was filed:²

3 Consideration of evidence received

3.1 Matters addressed by this report

8. The main topics raised in evidence from submitters, in the order I will address them in this report are:
 - a. Definition - Maintenance and Repair
 - b. Advice Note - Archaeological Sites
 - c. Objective 7.1.1(a)
 - d. Incentives for Heritage
 - e. Earthquake and Fire Safety
 - f. Scheduling of Heritage Items
 - g. Rangiriri Heritage Precinct

¹ Hearings Panel Directions 21 May 2019

² Hearings Panel Directions 26 June 2019

9. I have identified my recommended amendments from my original Section 42A report in ~~red strikethrough and underlining~~, and any subsequent recommended amendments arising from my consideration of evidence as ~~blue strikethrough and underlining~~.

4 Definition - Maintenance and Repair

4.1 Analysis

10. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.144] sought the inclusion of a new definition for 'maintenance and repair'. Ms Carolyn McAlley prepared evidence on behalf of HNZPT on this matter.

11. Ms McAlley notes in her evidence that although I recommended accepting the HNZPT's proposed definition, I did not include the following sentence from their version:

The replacement should be original or similar material and maintain a consistency in colour, texture, form and design as the original it replaces.

12. Accordingly, Ms McAlley seeks the full wording of the definition, as proposed by HNZPT to be applied:

Means (for historic heritage items listed in Appendix 30.1) work for the purpose of weatherproofing, plumbing and electrical work restoration and for the purpose of repair which includes patching, piecing in, splicing or consolidating of any original structure including the repair of materials and replacement of minor components where there are beyond repair or are missing. The replacement should be original or similar material and maintain a consistency in colour, texture, form and design as the original it replaces.

13. While in my s.42A report I recommended accepting HNZPT's proposed definition, I did delete the final sentence because, in my opinion, the focus of their final sentence is considered through the corresponding maintenance and repair rule for each zone. Noting that those rules are recommended to be amended in response to submissions from both HNZPT and Waikato District Council as set out below:³

For example: Rule 16.3.11.4 All heritage items - Maintenance or repair⁴

PI	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) no significant feature of interest is destroyed or damaged; and (ii) (i) Replacement materials are the same as, or similar to, the original in terms of colour, texture, form and design to the original that it replaces form, style and appearance.
RD	(a) Any activity that does not comply with Rule 16.3.11.4 PI. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.

14. I continue to support my original approach that it is unnecessary to include the final sentence from HNZPT's proposed version of the definition because other

³ Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 7.5.3, page 86

⁴ [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120], [559.121], [697.288], [697.417], [697.815], [697.911] and [697.995]

recommendations, amending the activity status and conditions relating to *maintenance and repair*, address how to assess the use of replacement materials.⁵

4.2 Recommendation

15. My recommendations remain as set out in the S42A report in section 5.1.3, pages 20-21, 27.

5 Advice Note - Archaeological Sites

5.1 Analysis

16. The submission from Heritage New Zealand Pouhere Taonga (‘HNZPT’) [559.285] sought the inclusion of an advice note relating to archaeological sites. Ms Carolyn McAlley prepared evidence on behalf of HNZPT on this matter.⁶
17. In my s.42A report I agreed with HNZPT that the inclusion of the proposed advice note would improve plan administration and be beneficial to plan users.⁷ However, my recommendation was to apply the following alternative wording:

12.1 Introduction to rules

(k) The district plan identifies heritage items, notable trees and Maaori sites and areas of significance on the planning maps. Archaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are protected under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority.

18. Ms McAlley has proposed the following amendments to the text I proposed in my s.42A report. I agree with Ms McAlley, in that her proposed amendments will better reflect the HNZPT regulatory role in the protection of archaeological sites.
19. I therefore recommend proposed clause 12.1(k) be amended as outlined in paragraph 5.28 of Ms McAlley’s evidence.

5.2 Recommendation

20. Having considered the evidence of Ms McAlley, I recommend the following amendments:

12.1 Introduction to rules

(k) The district plan identifies heritage items, notable trees and Maaori sites and areas of significance on the planning maps. ~~Effects on a~~Archaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are ~~protected~~ regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority.

5.3 Section 32AA evaluation

Effectiveness and efficiency

⁵ Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 5.1.3, paragraphs 47 - 53, pages 20-21, 27

⁶ Ms McAlley’s evidence, 7 July 2020, paragraph 5.25 - 5.28, pages 10, 11

⁷ Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 4.1.3, paragraphs 32-39, pages 16-18

21. The amendment to 12.1(k) will strengthen the advice note and improve the effectiveness and efficiency of the district plan in providing advice to plan users on the importance of considering archaeological sites.

Costs and benefits

22. There are no additional costs, therefore costs are likely to be the same. The benefits relate to ensuring correct advice is available in the management requirements of archaeological sites under the HNZPT Act. Other benefits being the provision of robust guidance to plan users.
23. The recommended amendment will have no effect on economic growth or employment.

Risk of acting or not acting

There are no additional risks in not acting on the amendments sought by HNZPT. However, providing guidance that better reflects the HNZPT regulatory role is beneficial to plan users.

Decision about most appropriate option

24. The recommended amendments further strengthens the rationale for including section 12.1(k) is considered to be the more appropriate option in achieving section 6 of the RMA.

6 Objective 7.1.1(a)

6.1 Analysis

25. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.66] sought the amendment of Objective 7.1.1(a) to include the words 'conserving' and historic'. In my s42A report I recommended the inclusion of the word 'historic' but not the word 'conserving'.⁸
26. Ms Carolyn McAlley prepared evidence on behalf of HNZPT on this matter. Ms McAlley does not agree with my assessment set out in paragraph 116 for not including the word 'conserving' into the objective. Ms McAlley considers applying 'conserving' is "compatible with the RMA framework and the need for sustainable management"; stating that it is reasonable to consider the conservation of heritage values at the time when works occur to a heritage item.⁹
27. Ms McAlley also points out that the word 'conservation' is already applied in Policy 7.1.3(a) and including the word 'conserving' into Objective 7.1.1(a) would provide consistency through the cascading from objective to policy. While I continue to consider the term 'conservation' has the potential to cause confusion and conflict with the purpose of the Resource Management Act ('RMA').¹⁰ I acknowledge the interpretation set out in Ms McAlley's evidence that the word 'conserving' is an "encompassing word" which covers everything from preservation to restoration, reconstruction and adaptation.¹¹
28. I am persuaded by points raised by Ms McAlley that the word 'conserving' will not cause the conflict I was concerned could occur in applying the word 'conservation'.¹²

⁸ Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 6.2, page 33

⁹ Ms McAlley's evidence, 7 July 2020, paragraph 5.4, page 6

¹⁰ 'conservation' is defined under both the Heritage New Zealand Pouhere Taonga Act the ICOMOS NZ Charter as focussing on preservation, restoration, retention and function of place.

¹¹ Ms McAlley's evidence, 7 July 2020, paragraph 5.3, page 6

¹² Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 6.2, paragraph 116, pages 34-35

29. I therefore recommend that Objective 7.1.1(a) be amended by including the word 'conserving'.

6.2 Recommendation

30. Having considered the evidence of Ms McAlley, I recommend the following amendments:

7.1.1 Objective

- (a) A district that acknowledges its past by recognising, identifying, protecting conserving and promoting historic heritage.

6.3 Section 32AA evaluation

Effectiveness and efficiency

31. The amendment to Objective 7.1.1(a) will strengthen the cascade to the policies and linkage with the requirements under section 6, RMA.

Costs and benefits

32. There are no additional costs through the addition of the word 'conserving' into the objective. There are benefits to the community with the addition in providing further clarity with the RMA.

33. The recommended amendment will have no effect on economic growth or employment.

Risk of acting or not acting

34. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendment to the matters of discretion.

Decision about most appropriate option

35. The amendment further strengthens the notified version of the objective and its ability to appropriately achieve section 6 and the purpose of the RMA.

7 Incentives for Heritage

7.1.1 Analysis

36. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.4] sought the inclusion of incentives for historic heritage to encourage the retention and/or adaptive re-use of heritage items.

37. Ms Carolyn McAlley prepared evidence on behalf of HNZPT on this matter. Ms McAlley does not fully agree with my assessment set out in paragraphs 91-92 of my s.42A report, disagreeing with my analysis that incentives such as the reduction in car parking should be considered as part of a resource consent assessment rather than as an exception via the district plan's rule framework. Nevertheless, I agree with Ms McAlley's statement that if it is the intention of the Council to encourage the reuse of historic buildings, the ability to provide for the incentives through the consenting process should be clearly articulated through the district plan's policy framework. Ms McAlley has proposed the following new policy be added to Policy 7.1.3:

Encourage and enable the retention and re-use of heritage items, through the consideration of alternative methods of achieving positive planning outcomes¹³

¹³ Ms McAlley's evidence, 7 July 2020, paragraph 5.8, page 7

38. While I continue to hold the opinion (paragraph 92 of my s.42A report) that incentives are already provided for through the activity status and rule framework of the district plan the addition of a policy giving guidance on the use of incentives an alternative methods would strengthen this existing framework.
39. I therefore recommend Policy 7.1.3 be amended to include the following proposed policy: Encourage and enable the retention and re-use of heritage items, through the consideration and use of incentives and other alternative methods

7.1.2 Recommendations

40. The following amendments are recommended:

7.1.3 Policy – Heritage items

- (a) The contribution of historic heritage to the Waikato District and its communities is maintained through the protection and conservation of its buildings, sites, structures, places and areas through restoring, conserving and reusing.
- (b) Protect scheduled heritage items and their values from inappropriate subdivision, use and development of land where the values may include:
- (i) Architectural;
 - (ii) Archaeological;
 - (iii) Cultural;
 - (iv) Technological;
 - (v) Scientific;
 - (vi) Intrinsic or amenity values; and
 - (vii) Any other significant features.
- (c) Relationships between heritage buildings, sites, structures, places and their settings, including the view of the identified heritage item, are retained.
- (d) Protect the relationship of identified redoubts and battlefields with their surrounds or settings from inappropriate subdivision, use and development.
- (e) Protect scheduled heritage items from demolition, relocation or removal, unless:
- ~~(i) The condition of an item poses a serious risk to human life, and~~
 - ~~(ii) Reasonable alternatives have been investigated and considered, including restoration or adaptation, reuse or relocation, and these alternatives have been found to be impracticable or uneconomic.~~
- (f) Ensure alterations and additions to identified-scheduled heritage items and curtilage are:
- (i) Consistent with the scale, detailing, style, materials and character of the heritage item;
 - (ii) Retain cultural and heritage values;
 - (iii) Do not compromise the heritage item, or have a design that competes with its historic heritage values; and
 - (iv) Do not compromise the heritage setting of the item.
- (g) Ensure maintenance and repairs protect the heritage values of the scheduled heritage items. protect the significant features identified in (Schedule 30.1 Heritage Item)
- (h) Ensure signs on scheduled heritage items are only for the purposes of identification and interpretation, and:
- (i) Do not detract from the heritage values, and
 - (ii) Maintain the heritage item as the primary visual element.
- (i) Encourage and enable the retention and re-use of heritage items, through the consideration and use of incentives and other alternative methods.

7.1.3 Section 32AA evaluation

Effectiveness and efficiency

41. The amendment to Policy 7.1.3 will strengthen the ability to consider alternatives to enable the retention and re-use of historic heritage.

Costs and benefits

42. There are no additional costs through the addition of the additional policy. There are benefits to the community with the addition in providing direction on balancing the effects of an activity on the environment while enabling the re-use of historic heritage.
43. The recommended amendment will have no effect on economic growth or employment.

Risk of acting or not acting

44. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendment to the matters of discretion.

Decision about most appropriate option

45. The amendment further strengthens the notified version of the framework for the protection and sustainable use of scheduled heritage items to appropriately achieve section 6 and the purpose of the RMA.

8 Earthquake and Fire Safety

8.1 Analysis

46. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.78, 559.79 and 559.113] sought the inclusion of new policies and a new activity for all zones to address fire safety and earthquake strengthening of heritage items.
47. Ms Carolyn McAlley prepared evidence on behalf of HNZPT on this matter. While Ms McAlley acknowledges fire safety and earthquake strengthening works do fall under the activity of additions and alterations, in her opinion, there needs to be a specific policy framework to address these types of works.¹⁴
48. HNZPT's original submission sought to include additional policy to address the effects of earthquake strengthening and fire safety on historic and cultural values. I rejected the notion of specifically separating out these types of works on the basis that such works already fall under the provisions for *additions and alterations* to scheduled heritage items in the Proposed District Plan. While Ms McAlley has acknowledged my approach she still prefers HNZPT's approach of introducing specific policies and rules.
49. I am not persuaded by points raised by the evidence of Ms McAlley. I continue to support my original approach that fire safety and earthquake strengthening works can be adequately addressed under the umbrella of the policy and rule frameworks for *additions and alterations*.¹⁵

8.2 Recommendation

50. My recommendations remain as set out in the S42A report in paragraphs 96 - 101 and 268.

¹⁴ Ms McAlley's evidence, 7 July 2020, paragraph 5.15, page 8

¹⁵ Hearing 14: Historic Heritage and Notable Trees s42A report, Alice Morris, 28 July 2020, section 6.1.3, paragraphs 96 - 101, pages 31-32; and section 7.4.5, page 79

9 Scheduling of Heritage Items

9.1 Analysis

51. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.219 - 559.233, 559.235 and 559.236] sought the inclusion of a number of items onto the Schedule 30.1. Ms Carolyn McAlley and Ms Robin Byron have prepared evidence on behalf of HNZPT on the matter of the inclusion of additional heritage items. HNZPT has endorsed the recommendations in my s.42A report for the following items:¹⁶

- Potatau Monument (#98)
- Kariaotahia School Roll of Honour
- FH Edgecumbe Residence, 11 Lower Waikato Esplanade, Ngaruawahia
- House, 14 Galileo Street, Ngaruawahia
- Former Taupiri Post Office and Postmaster's Residence, 3 The Crescent, Taupiri
- Kosoof House, 40 Main Street, Huntly
- Former Robinson's Boarding House, 79 Wilton Collieries Road, Glen Massey
- Former Marist Juniorate Training College Building, 131-139 Dominion Road, Tuakau
- 11 and 19 Bow Street, Raglan
- Otatau Memorial Bowling Club Gates and associated boundary wall, 36 Maioro Road, Otatau

52. However, Ms Bryon and Ms McAlley, while fully supportive of the inclusion of Otatau Memorial Bowling Club gates and associated boundary wall, do not support the exclusion of the bowling green itself from the schedule.¹⁷

53. My recommendation on this item in the s.42A report was reliant on the advice from Council's heritage expert, Dr Ann McEwan:

- **Otaua War Memorial Bowling Green** - *Dr McEwan agrees that the Otatau Memorial Bowling Club Gates & Boundary Wall have overall significance to Waikato District and should be scheduled as a 'B'-ranked item. However, she is not of the opinion that the bowling green and collection of auxiliary buildings warrant scheduling, noting however, that as the green constitutes the setting of the war memorial, the gates and fence would need to be considered in light of any works to them impacting on the overall setting of the memorial.*¹⁸

54. While I consider HNZPT have a valid argument for the bowling green to be identified in the schedule along with the gates and wall I defer to Dr McEwan's original expert recommendation.

9.2 Recommendation

55. My recommendations remain as set out in the S42A report.¹⁹

¹⁶ Hearing 14: Historic Heritage and Notable Trees s.42A report, Alice Morris, 28 July 2020, section 9.1, pages 151-179

¹⁷ Ms Byron's evidence, 7 July 2020, paragraph 3.7, page 4

¹⁸ Hearing 14: Historic Heritage and Notable Trees s.42A report, Alice Morris, 28 July 2020, section 9.1, paragraph 6.2.6, page 172

¹⁹ Hearing 14: Historic Heritage and Notable Trees s.42A report, Alice Morris, 28 July 2020, section 9.1, pages 174-179

10 Rangiriri Heritage Precinct

10.1 Analysis

56. The submission from Heritage New Zealand Pouhere Taonga ('HNZPT') [559.76 and 559.215] sought the inclusion of the planning framework for a heritage precinct at Rangiriri. Ms Carolyn McAlley has prepared evidence on behalf of HNZPT on this matter.
57. Ms Christine Madsen [980.1] sought the addition of a heritage precinct and an associated design guide for Rangiriri to replicate the locality and the provisions of the Rangiriri Heritage Precinct Design Guide in Appendix D of the Operative District Plan. Ms Madsen has prepared evidence in support of her original submission.
58. As identified by Council's heritage expert, Dr Ann McEwan, the existence of these two heritage items does not constitute the basis to apply a heritage precinct over the area.
59. Ms McAlley, in her evidence states that HNZPT are "now of the opinion that the current Rangiriri Heritage precinct guidance would not provide to protect the relationship of the heritage items, with its focus on replica type design advice".²⁰ As an alternative, Ms McAlley request that the Council consider other management mechanisms (e.g. an area management plan) to investigate "ways of improving the surrounding area" and to "improve the amenity of the streetscape ... to enhance the overall setting of the two heritage items".²¹
60. I am not persuaded by points raised by Ms Madsen that it is necessary to have a "special zone to protect the area" and that the establishment of a heritage precinct will stimulate interest in the settlement and its history.²² However, I do consider that Ms McAlley's suggestion that Council consider alternative management mechanisms may support the outcomes being sought by Ms Madsen. Nevertheless, these are matters outside the scope of the district plan process.
61. Therefore, I continue to support my original recommendation not to apply a heritage precinct over Rangiriri.

10.2 Recommendation

62. My recommendations remain as set out in the S42A report.²³

11 Conclusion

63. In conclusion, I consider that the submissions on the Historic Heritage and Notable Trees should be accepted, accepted in part or rejected, as set out in the s.42A report with the exception of the amendments to Chapters 7 and 12 as set out in this rebuttal report (refer to Appendix I).
64. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA for the reasons set out in the Section 32AA evaluations undertaken and included in this rebuttal report.
65. I recommend that provisions in Chapters 7 and 12 be amended as set out in Appendix 2 below.

²⁰ Ms McAlley's evidence, 7 July 2020, paragraph 5.11, page 7

²¹ Ms McAlley's evidence, 7 July 2020, paragraph 5.13, pages 7-8

²² Ms Madsen's evidence, 6 July 2020

²³ Hearing 14: Historic Heritage and Notable Trees s.42A report, Alice Morris, 28 July 2020, section 8.1.3, paragraph 4.6.3, pages 138-140

Appendix I

Submission point	Submitter	Support Oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
559.4	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Oppose	Amend the Proposed District Plan to include incentives and bonus provisions to encourage the retention of heritage, as follows: Permitted activity status for repairs and maintenance, and Appropriate activity status for adaptive reuse and earthquake strengthening, and The non-supply of car parking spaces at the time of the adaptive reuse, and Bonus provisions for the permanent protection of heritage sites.	Accept in Part	6.1.3
FSI 269.42	Housing New Zealand Corporation	Support	Support in part.	Accept in Part	
559.66	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Neutral/Amend	Retain Objective 7.1.1 (a), except for the amendments sought below. AND Amend Objective 7.1.1 (a) as follows: (a) A district that acknowledges its past by: recognising, identifying, protecting, conserving and promoting historic heritage.	Accept	6.2.3
559.285	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Support	Retain Chapter 12.1 How to use and interpret the rules, except for the amendments sought below. AND Add a new section (k) to Chapter 12.1 How to use and interpret the rules as follows: <u>(k) The New Zealand Archaeological Association archaeological sites are included on the planning maps for District Plan information purposes only. However these sites are subject to the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.</u>	Accept in Part	4.1.3
FSI 377.135	Havelock Village Limited	Support	Support in part.	Accept in Part	
FSI 385.19	Mercury NZ Limited for Mercury B	Oppose	Null	Reject	

Appendix 2

Chapter 7: Historic Heritage

7.1 Protection of Historic Heritage and Notable Trees

7.1.1 Objective

- (a) A district that acknowledges its past by: recognising, identifying, protecting, conserving and promoting historic heritage.

7.1.2 Policy – Identification

- (a) Identify and schedule historic heritage throughout the District that represent the heritage and cultural themes and activities of the district. Where the values may include:
- (i) Architectural;
 - (ii) Archaeological;
 - (iii) Cultural;
 - (iv) Technological
 - (v) Scientific;
 - (vi) Intrinsic or amenity values; and
 - (vii) Any other significant features.

7.1.3 Policy – Heritage items

- (a) The contribution of historic heritage to the Waikato District and its communities is maintained through the protection and conservation of its buildings, sites, structures, places and areas through restoring, conserving and reusing.
- (b) Protect scheduled heritage items and their values from inappropriate subdivision, use and development of land where the values may include:
- (i) Architectural;
 - (ii) Archaeological;
 - (iii) Cultural;
 - (iv) Technological;
 - (v) Scientific;
 - (vi) Intrinsic or amenity values; and
 - (vii) Any other significant features.
- (c) Relationships between heritage buildings, sites, structures, places and their settings, including the view of the identified heritage item, are retained.
- (d) Protect the relationship of identified redoubts and battlefields with their surrounds or settings from inappropriate subdivision, use and development.
- (e) Protect scheduled heritage items from demolition, relocation or removal, unless:
- ~~(iii) The condition of an item poses a serious risk to human life, and~~
 - ~~(iv) Reasonable alternatives have been investigated and considered, including restoration or adaptation, reuse or relocation, and these alternatives have been found to be impracticable or uneconomic.~~
- (f) Ensure alterations and additions to identified-scheduled heritage items and curtilage are:
- (i) Consistent with the scale, detailing, style, materials and character of the heritage item;
 - (ii) Retain cultural and heritage values;
 - (iii) Do not compromise the heritage item, or have a design that competes with its historic heritage values; and

- (iv) Do not compromise the heritage setting of the item.
- (g) Ensure maintenance and repairs protect the heritage values of the scheduled heritage items, protect the significant features identified in (Schedule 30.1 Heritage Item)
- (h) Ensure signs on scheduled heritage items are only for the purposes of identification and interpretation, and:
 - (i) Do not detract from the heritage values, and
 - (ii) Maintain the heritage item as the primary visual element.
- (i) Encourage and enable the retention and re-use of heritage items, through the consideration and use of incentives and other alternative methods.

7.1.4 Policy – Matangi and Huntly Heritage precinct

- (a) Ensure the design of new buildings and structures and external alterations or additions to buildings are compatible with the setting, scale, detailing, style, materials and character of the precinct and protect heritage values within:
 - (i) Matangi Heritage Precinct
 - (ii) Huntly Heritage Precinct.

7.1.5 Policy – Subdivision

- (a) Subdivision and development should retain the heritage item and its setting (as identified in the Heritage Records, Schedule 30.1 Heritage Items) within one lot ~~within an identified precinct do not compromise and are sympathetic to the existing historic heritage items or features.~~

7.1.6 Objective notable trees

- (a) Recognise and maintain the contribution of the district's notable trees to the community.

7.1.7 Policy – Identification

- (a) Identify and schedule trees, including groups of trees and assess them for significance and/ or notable values.

7.1.8 Policy –Tree protection

- (a) Ensure removal of a notable tree listed in (Schedule 30.2 Notable Trees) only occurs if the tree is in an unsafe condition and/or there is a serious risk to human life or property.
- (b) Ensure land use or work within the dripline of a notable tree listed in (Schedule 30.2 Notable Trees) does not affect the form or health of the tree.

7.1.9 Policy – Tree maintenance

- (a) Enable the maintenance and management of a notable tree for the purposes of:
 - (i) Ensuring the continuing health, structural integrity and amenity value of the tree; and
 - (ii) The reasonable use and enjoyment of the property and surrounds.

Chapter 12 - How to use and interpret the rules

12.1 Introduction to rules

- (a) Section C of the district plan contains the rules. Rules are one of the methods of achieving the objectives and implementing the policies set out in Section B of the district plan.
- (b) Rules describe activities (land use and subdivision), the activity status and the conditions that must be complied with to meet the specified activity status. These terms are explained in this chapter.
- (c) The rules in Section C that are highlighted in green have immediate legal effect in accordance with s86B of the Resource Management Act 1991.
- (d) Chapter 13 contains all the definitions that are used in the rules within Section C. The definitions form part of the rules and are identified by underlining and are also hyperlinked in ePlan.
- (e) Chapter 14: Infrastructure and Energy and Chapter 15: Natural Hazards and Climate Change (Stage 2 of the district plan review) apply across the whole district.
- (f) There is a chapter of rules for each zone (Chapters 16 – 28). The order of text in each chapter is:
 - (i) Introduction (for some zones only);
 - (ii) Land Use – Activities Rules;
 - (iii) Land Use – Effects Rules;
 - (iv) Land Use – Building Rules; and
 - (v) Subdivision Rules.
- (g) The spatial area of each zone is shown on the planning maps. As well as zones, there are various policy areas (such as Landscape Policy Area), sites/features (such as Historic Heritage buildings) and designations marked on the planning maps. These are referred to where relevant in the rules in each zone chapter. Every part of the district (except for roads) is in one zone and the zones do not overlap.
- (h) Roads appear white on the planning maps and are not zoned. Rules relating to activities occurring in the road corridor are set out Chapter 14: Infrastructure and Energy.
- (i) Lakes and rivers appear with a blue shading to assist users with orientation. Although the rivers and lakes are not given a zone shading, they are in a zone. All waterbodies are zoned Rural, except for Lake Hakanoa and Lake Puketirini, both of which are zoned Reserve and have reserve management plans applying to them.
- (j) The district plan regulates activities on the surface of rivers, lakes and other waterbodies. Activities are subject to the zone rules that apply. The Waikato Regional Plan regulates any structures in, on, under or over the beds of lakes and rivers, and may also be required to obtain resource consent under the Waikato Regional Plan.
- (k) The district plan identifies heritage items, notable trees and Maaori sites and areas of significance on the planning maps. Effects on aArchaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are protected regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development on or in proximity to these sites and the need to undertake an archaeological assessment to determine the need for an archaeological authority.