

Decision Report

Plan Change 66 – Historic Heritage – Clarification of Whether Particular Rules Apply to Cultural or Built Features

1.0 Introduction

- 1.1 This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2 For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and any changes resulting from decisions in blue.
- 1.3 For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in red.

2.0 Topic 1: Discretionary Activities 7.3.3 (c) and (f)

2.1 Decision

That Rule 7.3.3 (c) is deleted as notified.

~~“(c) Excavation, alteration, or reconstruction of any scheduled historic heritage feature.”~~

That Rule 7.3.3 (f) is retained as notified expect that the words “scheduled” are inserted before the words “cultural heritage features” in all three instances.

“(f) Alteration or reconstruction of any scheduled cultural heritage feature or excavation, *construction*, or any other work on or within a 20m radius of ~~the scheduled~~ any scheduled cultural heritage feature including the use of heavy machinery and the planting of trees on or adjoining any scheduled cultural heritage feature an ~~archaeological site~~. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.”

The following submissions are therefore:

Accepted

Submission	Point Number	Name
8	9	Bay of Plenty Regional Council

14	1	Clarke, Chris
7	3	Heritage New Zealand

2.2 Reasons

2.2.1 The submitters are in support.

2.2.2 This is the most effective and efficient way of fixing all of the issues identified with Discretionary Activities 7.3.3 (c) and (f). The deletion of 7.3.3 (c) removes unnecessary restrictions on built heritage features which are already protected by other rules and removes uncertainty about which activity status applies to built heritage features. Meanwhile, the carrying across of restrictions from 7.3.3 (c) to 7.3.3 (f) which were not otherwise covered by 7.3.3 (f) ensures that cultural heritage features retain the same level of protection.

2.2.3 Merging these two rules together makes the rules tidier and easier to use. The redrafting of Rule 7.3.3 (f) was necessary so that it is made clear that it only applies to cultural heritage features.

3.0 Topic 2: Built Heritage Features with aspects other than buildings and structures which contribute to their significance

3.1 Decision

That the new Discretionary Activity 7.3.3 (x) for protecting “non-built” aspects of built heritage features be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
8	10	Bay of Plenty Regional Council
14	1	Clarke, Chris
7	4	Heritage New Zealand

3.2 Reasons

3.2.1 The submitters are in support.

3.2.2 Introducing a new rule requiring discretionary resource consent for all activities which could have adverse effects on those parts of built heritage features which are “non-built” is the most effective way of protecting these types of features. It ensures that Council are able to impose any conditions in relation to any matter that helps to control any of these activities potential adverse effects, or decline an application if necessary to protect

these types of features. It is necessary to introduce such a rule because there is currently no specific protection for these types of features.

- 3.2.3** Cultural heritage feature 109 has been deleted and merged with built heritage feature 109 because it is most appropriately classified as a built heritage feature rather than a cultural heritage feature which are sites of significance to Maori. It was only classified as a cultural heritage feature temporarily because it was uncertain whether this feature would be sufficiently protected by the built heritage rules (or lack of).

4.0 Topic 3: Non Complying Activity 7.3.4

4.1 Decision

That the changes to Non-Complying Activity 7.3.4 be retained as notified.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
8	11	Bay of Plenty Regional Council
14	1	Clarke, Chris
7	5	Heritage New Zealand

4.2 Reasons

- 4.2.1** The submitters are in support.

- 4.2.2** Addition of the extra wording makes it certain that the rule applies to both the demolition of built heritage features and destruction of cultural heritage features and ensures the protection of such features.

5.0 Whole of Plan Change 66 - Changes to the District Plan First Review

5.1 Delete Discretionary Activity 7.3.3 (c) as follows;

~~“(c) Excavation, alteration, or reconstruction of any scheduled historic heritage feature.”~~

5.2 Amend Discretionary Activity 7.3.3 (f) as follows;

“(f) Alteration or reconstruction of any scheduled cultural heritage feature or excavation, *construction*, or any other work on or within a 20m radius of ~~the scheduled~~ any scheduled cultural heritage feature including the use of heavy machinery and the planting of trees on or adjoining any scheduled cultural heritage feature an archaeological site. Land for which historic heritage issues have already been assessed and consent granted shall be exempt from this rule.”

5.3 Introduce a new Discretionary Activity as follows;

“(x) Alteration, reconstruction or removal of, or excavation, construction or any other work on, any part of a built heritage feature which is not a building or structure but which has been identified as contributing to the significance of that feature.

Note: This includes but is not limited to items such as trees, graves, subsurface remains, bridge embankments and land within domains and reserves.”

5.4 Amend Non-Complying Activity 7.3.4 as follows;

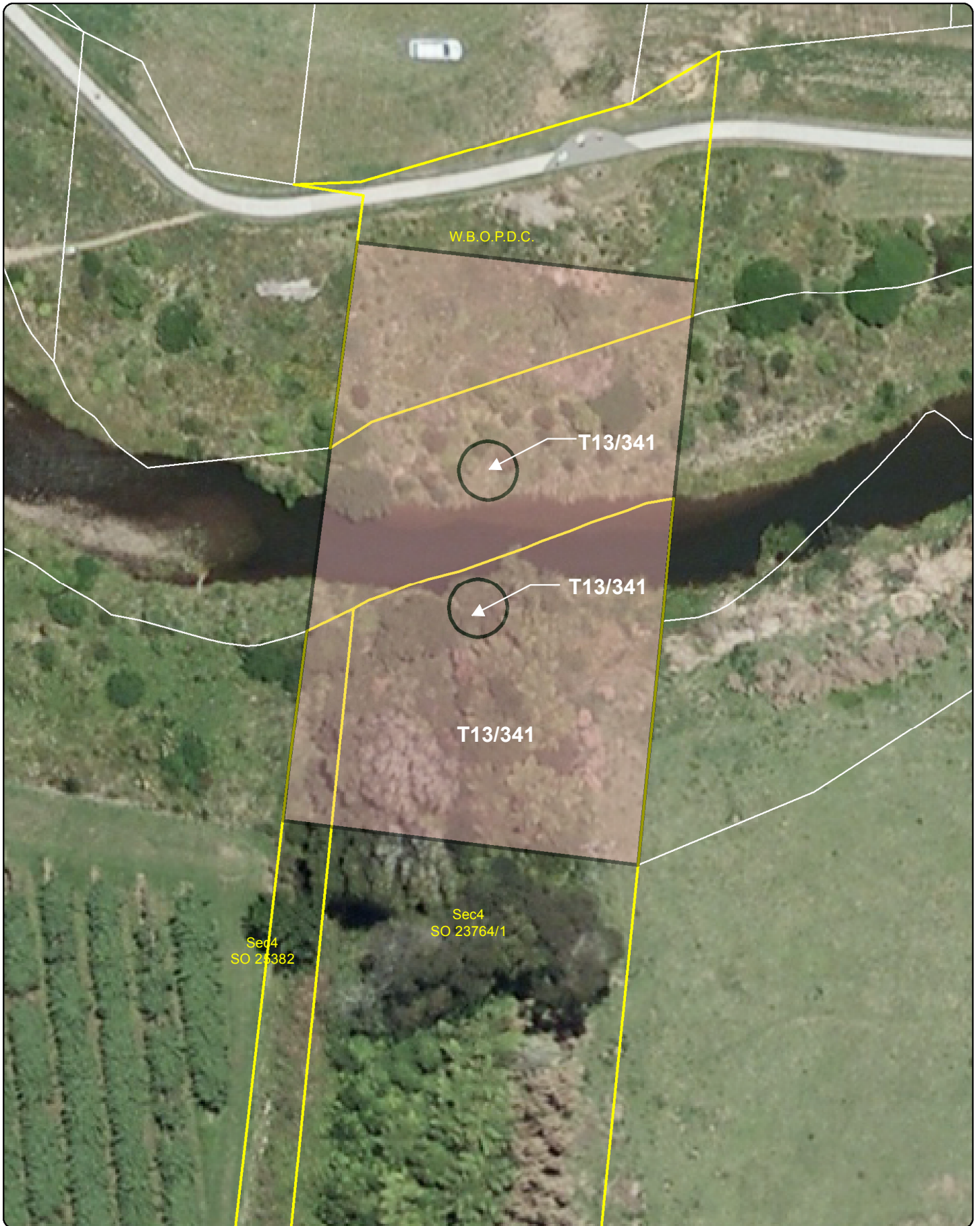
“The demolition or destruction of any scheduled historic heritage feature.”

5.5 Delete Cultural Heritage Feature 109 and merge it with Built Heritage Feature 66 as shown below.

109	Bridge Embankment T13/341	Lot 198 DP 369442 Sec 4 SO 23764 Sec 4 SO 25382	Bridge embankment on former ECMT.
66	Bridge <u>and Embankment</u> T13/341	<u>Lot 198 DP 369442</u> Sec 4 SO 23764 <u>Sec 4 SO 25382</u>	Bridge <u>and embankment</u> on former ECMT.

5.6 Amend the site boundary map for Built Heritage Feature 66 as shown in Attachment A.

5.7 Delete Cultural Heritage Feature 109 from Planning Map U44 as shown in Attachment B.

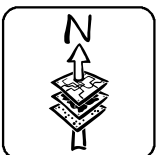


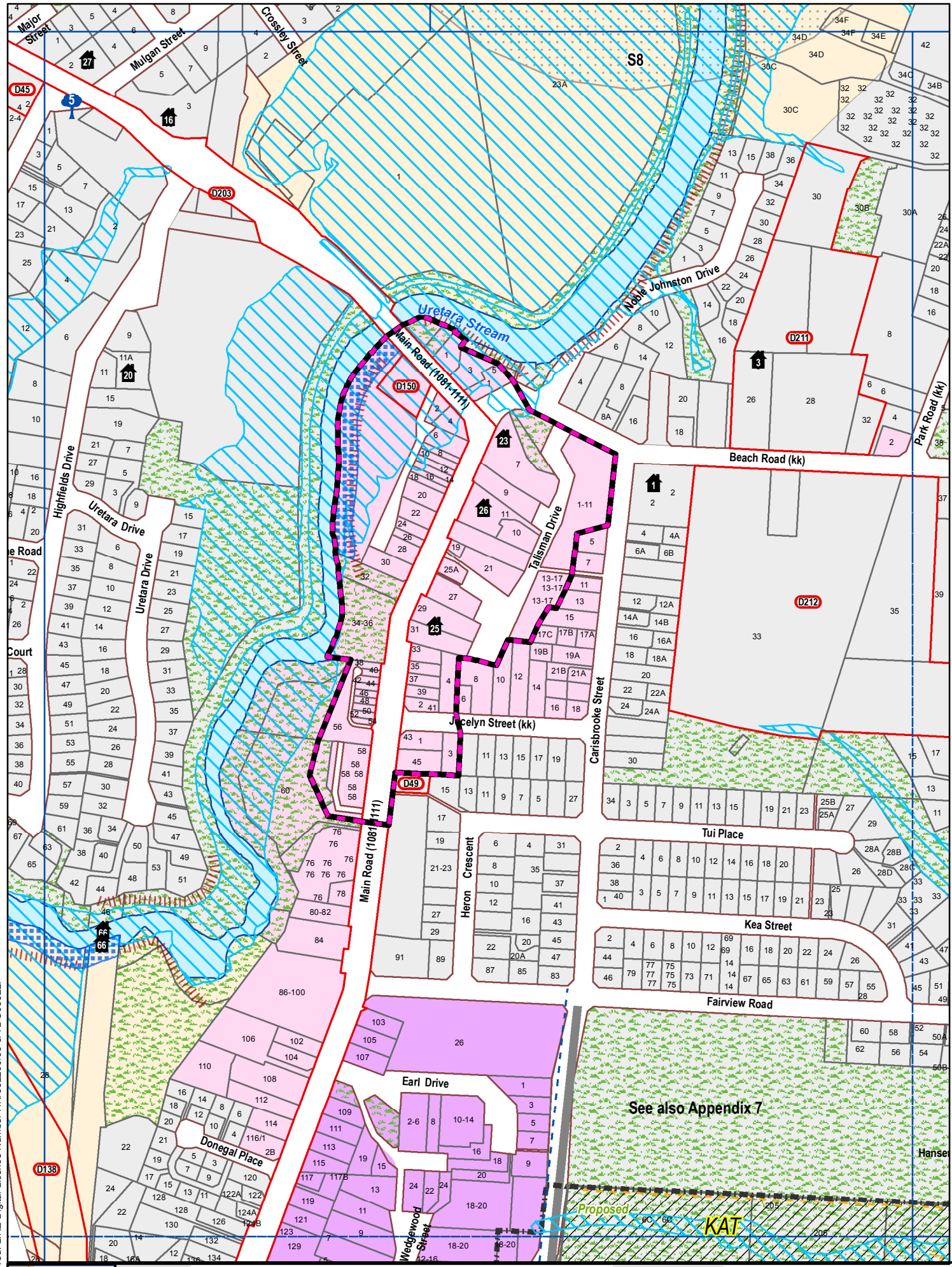
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 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.govt.nz Scale A4 - 1:500
 Date: 28/05/2014
 Operator: mlb
 Map: E:\Shape\DistrictPlan\District Plan - Plan Changes-New Format\Built Heritage



**DISTRICT PLAN
 BUILT HERITAGE FEATURE 66
 BRIDGE AND EMBANKMENT (CATEGORY B)**

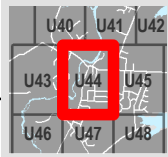




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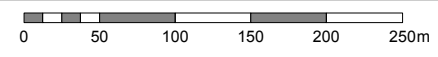
U44

Katikati



Western Bay of Plenty District Council

Revision Date: PC66
Decisions: June 2015



Scale 1:5000 (A4)

See also Appendix 7