

## Variation 6 to the Proposed Hastings District Plan

### Section 18.1 - Heritage Items and Notable Trees and Appendix 49 Heritage Buildings in the Te Mata Special Character Zone

#### Scope of Variation 6

Variation 6 proposes a minor amendment to Rule H2 of Table 18.1.5A to ensure internal alterations to items listed in Appendix 49 (Heritage Buildings within the Te Mata Special Character Area) are permitted activities. In addition, Variation 6 also proposes the inclusion of the 'Vidal House' (291 Te Mata Road) to the list of heritage buildings in Appendix 49 with consequential changes to Planning Maps to show the location of this heritage item.

#### Rationale behind the Amendments

Amendments to Rule H2 seek the inclusion of internal alterations to historic buildings listed in Appendix 49 so that these activities would be considered a permitted activity – similar to internal alterations of Category II heritage items. Currently the rule table 18.1.5A does not provide clear direction in respect of internal alterations of heritage buildings listed within Appendix 49.

As the rules are currently written internal alterations of heritage buildings identified in Appendix 49 are not specifically covered in Table 18.1.5A and as a result a technical argument could be mounted that such activities would fall to be non-complying.

The rules that specifically mention items in Appendix 49 are H1, H9 and H11. These three Rules provide for the following activities:

- Rule H1 provides for repairs and maintenance to heritage items listed in all the appendices as permitted activities;
- Rule H9 provides for external alterations to any heritage building identified in Appendix 49 to the design of and using the same or equivalent materials as those originally used as restricted discretionary activities (Non-notified); and
- Rule H11 provides for external alterations of any heritage building listed in Appendix 49 that is not a permitted or restricted discretionary non-notified activity.

These existing rules however do not provide for internal alterations of heritage buildings listed within Appendix 49. This means that such alterations would currently be considered under Rule H19 'Any activity not otherwise provided for as a Permitted, Controlled, Restricted Discretionary (Non-notified), Restricted Discretionary, or Discretionary activity' is a Non-complying activity. A non-complying activity status is incongruent with the rules relating to external alterations for heritage buildings listed in Appendix 49.

There is a need to consider whether the difference between internal and external alterations was intentional and whether internal alterations to heritage buildings within the Te Mata Special Character should be treated more onerously than Category I or II heritage buildings within Appendix 47 and 48. The explanation of Policy HP1 provides guidance in this respect.

**Policy HP1** *Identify and classify Heritage Items in the District according to their relative importance.*

#### Explanation

Heritage Items may be identified for their aesthetic, archaeological, architectural, cultural, historical, scientific, social, spiritual, technological or traditional significance or value. They may also be identified for their group and setting significance, landmark significance or design significance. The District Plan defines a hierarchy of Heritage Items in order to align levels of protection with levels of classification so that important items

are preserved. The Heritage New Zealand Pouhere Taonga identification and classification method is adopted. The method identifies two categories of historic places:

Category I – places of special or outstanding historical significance or value;

Category II – Places or historical or cultural heritage significance or value

Appendices 47 and 48 identify Heritage Items (Places, Buildings and Objects) and Appendix 51 identifies Historic Areas. Many of the items are from the New Zealand Heritage list / Rarangi Korero. Appendix 49 identifies items that are associated with the Te Mata Special Character Zone. These are buildings that have heritage value intrinsic to the special character of the area.

The hierarchy referred to in the explanation confirms that buildings listed in Appendix 49 come below those listed as Category I or II items in Appendices 47 and 48. The explanation states that this hierarchy is used in order to align levels of protection with the classification levels. Therefore internal alterations of heritage buildings in Appendix 49 should not be more onerous than that of Category I or II heritage items.

This hierarchy therefore justifies the proposed amendment to align internal alterations of heritage buildings in Appendix 49 with that of Category II items in Appendix 48, as a permitted activity.

There are two options available to include provision for internal alteration activities for buildings in Appendix 49 into the Rule Table 18.1.5A. These are outlined below:

- Option 1 - Add a new rule as follows:

*“Internal alterations to buildings identified in Appendix 49 – Permitted Activity”*

- Option 2 - Amend existing rule H2 to include buildings identified in Appendix 49 (amendments shown in red and underlined):

*“Internal alterations and/or internal safety alterations necessary for the primary purpose of improving structural performance, fire safety or physical access of Category II Heritage Items identified in Appendix 48 and of buildings identified in Appendix 49 – Permitted Activity”*

Option 2 is considered the simplest way of addressing the issue and one that will not result in consequential numbering changes to existing rules.

Proposed amendments to the rule table 18.1.5A are shown below:

Additional text is shown in red and underlined, deletions are shown in red, strikethrough font.

<b>RULE TABLE 18.1.5A HERITAGE ITEMS</b>		
<b>Rule</b>	<b>Land Use Activities</b>	<b>Activity Status</b>
<b>H1</b>	Repairs and maintenance of Heritage Items identified in Appendices 47, 48 and 49 or buildings located within the Russell Street or Queen Street East Historic Areas identified in Appendix 51	P
<b>H2</b>	Internal alternations and/or internal safety alterations necessary for the primary purpose of improving structure performance, fire safety or physical access of Category II Heritage Items identified in Appendix 48 <u>and of buildings identified in Appendix 49.</u>	P

## Vidal House proposed inclusion in Appendix 49

Vidal House has been requested to be included in Appendix 49 Heritage Buildings within the Te Mata Special Character Zone by current owners Mr W and Mrs J Bradshaw. Accompanying this request is a heritage assessment report prepared by Graham Linwood (Architect) and reviewed by Chris Cochrane (Conservation Architect). This report confirms that Vidal House meets the criteria for inclusion as a heritage item in the District Plan for its architectural, social and historical value. This has been further confirmed by Heritage New Zealand.

The request by Mr and Mrs Bradshaw has arisen as part of an agreed resolution to an appeal to the Proposed District Plan by the Bradshaw's in relation to the provisions of the Te Mata Special Character Zone (which is the zone that covers the house and land at 291 Te Mata Road).

As part of the resolution of this Appeal, the provisions of the Te Mata Special Character Zone were amended by consent order dated 12 December 2016. The changes that were made to the Proposed District Plan as a result of this consent order seek to allow commercial activities to be carried out within heritage buildings and for these not to be subject to the commercial activity or site area threshold limits under 8.4.6D and 8.4.6F. These changes are set out below for information purposes:

- Amend Rule TM2A of the Rule Table 8.4.41 Te Mata Special Character Zone to make commercial activities within any heritage building a controlled activity;

- Amend section 8.4.6 Specific Performance Standards and terms as follows:

### **8.4.6B Residential Activities**

#### 1. Residential Buildings

(a) One residential building shall be allowed per site provided that the site be a minimum area of 2500m<sup>2</sup>

Where the site contains a heritage building being used for commercial activities, one residential building shall be allowed per site provided that the site shall be a minimum area of 5000m<sup>2</sup>.

### **8.4.6C Supplementary Residential Buildings**

(a) One Supplementary Residential Building shall be allowed per site on a residential farm park, except that no Supplementary Residential Building shall be allowed where the site contains a heritage building being used for commercial activities.

### **8.4.6D Commercial Activities**

The following activity threshold limits shall apply (Table 8.4.6D)

These activities can be carried out singly or in combination. However there is a cumulative limit of 150m<sup>2</sup> per site for all activities other than those established under rule TM2A (refer Rule 8.4.6F sites area threshold limits).

### **8.4.6F Site Area Threshold Limits**

The activity thresholds for Rules 8.4.6C, 8.4.6D, 8.4.6E apply to an individual site.

The activities under these Rules can therefore be carried out singly on a site or in combination, until the cumulative limit of 150m<sup>2</sup> per site is reached except that any activity established under Rule TM2A is excluded from the cumulative limit.

- Amend Section 8.4.7 Assessment Criteria – Controlled Activities as follows:

**8.4.7.3 Commercial Activities within any heritage building and any new buildings over 50m<sup>2</sup> constructed within 50 metres of a heritage building used for commercial activities.**

An assessment of the effects of the activity shall be made considering the following:

- (a) Whether the commercial activity is compatible with the heritage building and whether it would maintain or enhance the heritage features and historic nature of the building;
- (b) The extent to which the scale, nature and effects of the commercial activity could detract from or compromise the wider amenity and unique character of the Te Mata Special Character Zone or the setting in which it is located. Additional landscaping may be appropriate to integrate the commercial activity into this environment.

Guidance:

Commercial activities can compromise the visual amenity of a setting in which a heritage item is located, particularly through large scale carparking and loading, storage and rubbish collection areas and through the use of inappropriate corporate colours and signage. It is important that the location and design of any carparking / loading / storage/ rubbish area seeks to integrate with and be sympathetic to the heritage qualities of the building and its surrounding setting. Keeping these areas to an appropriate size and scale and ensuring that a landscape plan includes sufficiently mature trees and elements to integrate with and/or screen these areas from, the heritage building and its setting will be important. Fencing materials and design should take cues from any existing fencing on the site and the era and style of the heritage building. Colours used to repaint the building or for fencing on the site and the era and style of the heritage building. Colours used to repaint the building or for fencing or signage should be recessive in nature and relate to the surrounding landscape of the Te Mata Special Character Area. Corporate colours should be toned down and used sparingly and sympathetically.

Note: Any signage proposed will need to meet the standards and assessment criteria in Section 28.1.

- (c) The potential for the activity to create effects on the environment in relation to traffic, parking demand, noise or visitor numbers and the extent to which these can be mitigated;

Where New Buildings (including additions) over 50m<sup>2</sup> in area are located within 50 metres of a heritage item consideration will be given to the following:

- (d) Whether the new building or structure is of a size that would detract from the Heritage Item;
- (e) The location of the new building or structure in relation to the Heritage Item and whether the distance of separation from the Heritage Item would have a detrimental impact on the overall setting of the Heritage Item;
- (f) Whether the size of the site is large enough to accommodate a new structure such that the new structure will not have a detrimental impact on the Heritage Item in terms of closeness, size and the overall setting of the Item.
- (g) Whether the design of the new building or structure is compatible with the Heritage Item in terms of materials used and colour.

Guidance

New buildings or structure can compromise the visual amenity of a setting in which Heritage Item(s) dominate. New structures should not attempt to 'copy' the heritage feature on the same site or within the setting, but should be distinct enough to

recognise that it does not form part of the Heritage Item whilst being sympathetic to the design of the Heritage Item and setting.

New buildings should be no higher than the existing Heritage Item and if possible should be located at the rear of the site, behind the heritage building. Where this is not possible, sufficient landscaping shall be provided to screen the new structure from view, such that the effect on the aesthetic appeal of the setting is not compromised and is softened.

The size of the new building should not attempt to be of a similar scale to that of the heritage building (if the Heritage Item is a building) and should not dwarf the heritage feature.

**Proposed Variation 6 Amendments to the Proposed Hastings District Plan to include Vidal House in Appendix 49**

APPENDIX 49: HERITAGE BUILDINGS, TE MATA SPECIAL CHARACTER ZONE					
REFERENCE NUMBER	BUILDING	COMMENT	PROPERTY ADDRESS	PROPERTY NUMBER	LEGAL DESCRIPTION
i.	Original Chambers Homestead	Now located on the Havelock Kennels property. Part of the homestead dates back to 1852.	337 Te Mata Road, Havelock North	59138	LOT 2 DP 317767 SUBJ TO R/W
ii.	Peloha	Part of the Weleda property. Originally built as a summer residence for a member of the Chambers family in the early 1900's.	Te Mata Road, Havelock North	59190	LOTS 2 3 1/2 SH LOTS 4 5 DP 26856 BLK I KIDNAPPER SD
iii.	Rush Cottage	Now located on a separate allotment on the Te Mata foothills. Designed by William Rush in the Arts and Crafts style in the 1920's.	Black Barn Road, Havelock North	94241	LOT 9 DP 26303
iv.	Te Mata Estate Winery (part)	The oldest surviving winery building in New Zealand, part of the Te Mata Estate Winery Ltd development.	349 Te Mata Road, Havelock North	59149	LOT 3 DP 27387 WITH INT IN R/W
<u>v.</u>	<u>Vidal House</u>	<u>This house was reputedly built in 1908 and designed by William Rush. Originally part of the Bernard Chambers Te Mata landholding, from 1937 it was owned by the Vidal Family.</u>	<u>291 Te Mata Road, Havelock North</u>	<u>59154</u>	<u>Lot 1 DP 3257 BLK I KIDNAPPER SD BLK IV TE MATA SD - BALANCE</u>