

PART 10 - HERITAGE

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Plan modification annotations - key



Indicates where content is affected by proposed plan modification x.
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Indicates where the content is part of plan modification x, which is
subject to appeal.

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HERITAGE

10.1 CONTENT AND STRUCTURE

Auckland has a rich legacy of widely appreciated heritage elements, both natural and built. The Council has a particular responsibility to secure the preservation and maintenance of these environmental resources through the District Plan for the experience and enjoyment of present and future generations. It is also necessary to preserve the intrinsic values and finite characteristics of heritage features. These resources cover a wide spectrum. For example, they include dominant landscape features, such as the volcanic cones; historic buildings, places, and highly regarded townscape inherited from former generations and sites of high archaeological value.

The Plan addresses the heritage conservation issues in a variety of ways, from planning overlay techniques to development controls. This Part focuses on identifying important heritage items, groups, categories and areas which require particular protection measures and procedures. The Plan supports the ongoing use of heritage buildings and supports the adaptive reuse of such buildings where the heritage value is retained.

This Part is presented as follows:

- **Resource Management Issues**

This outlines the significant resource management issues concerned with heritage resources within the district.

- **Resource Management Objectives and Policies**

This outlines how this Part intends to deal with the identified heritage issues.

- **Resource Management Strategy**

This outlines the strategy for managing the heritage elements and explains the reasons for the management approach and the expected outcomes.

10.2 RESOURCE MANAGEMENT ISSUES

Significant heritage items are located in the Central Area, endowing it with a distinctive environmental quality and character.

The intention of scheduling buildings, objects, gardens, areas, trees, archaeological sites and sites of importance to Maori in the District Plan is to recognise inherent or associated heritage values, and to encourage the protection of these values by appropriate conservation techniques.

In managing the use and development of the district's natural and physical environmental resources, the Council is required to have particular regard to the recognition and protection of the heritage values of sites, buildings, places or areas. To give effect to this obligation, the Plan must:

- identify those heritage resources worthy of preservation, and
- adopt suitable measures to secure the preservation of identified heritage resources
- ensure that new development in close association with heritage places recognises and makes provision for the visual and physical protection of such places.

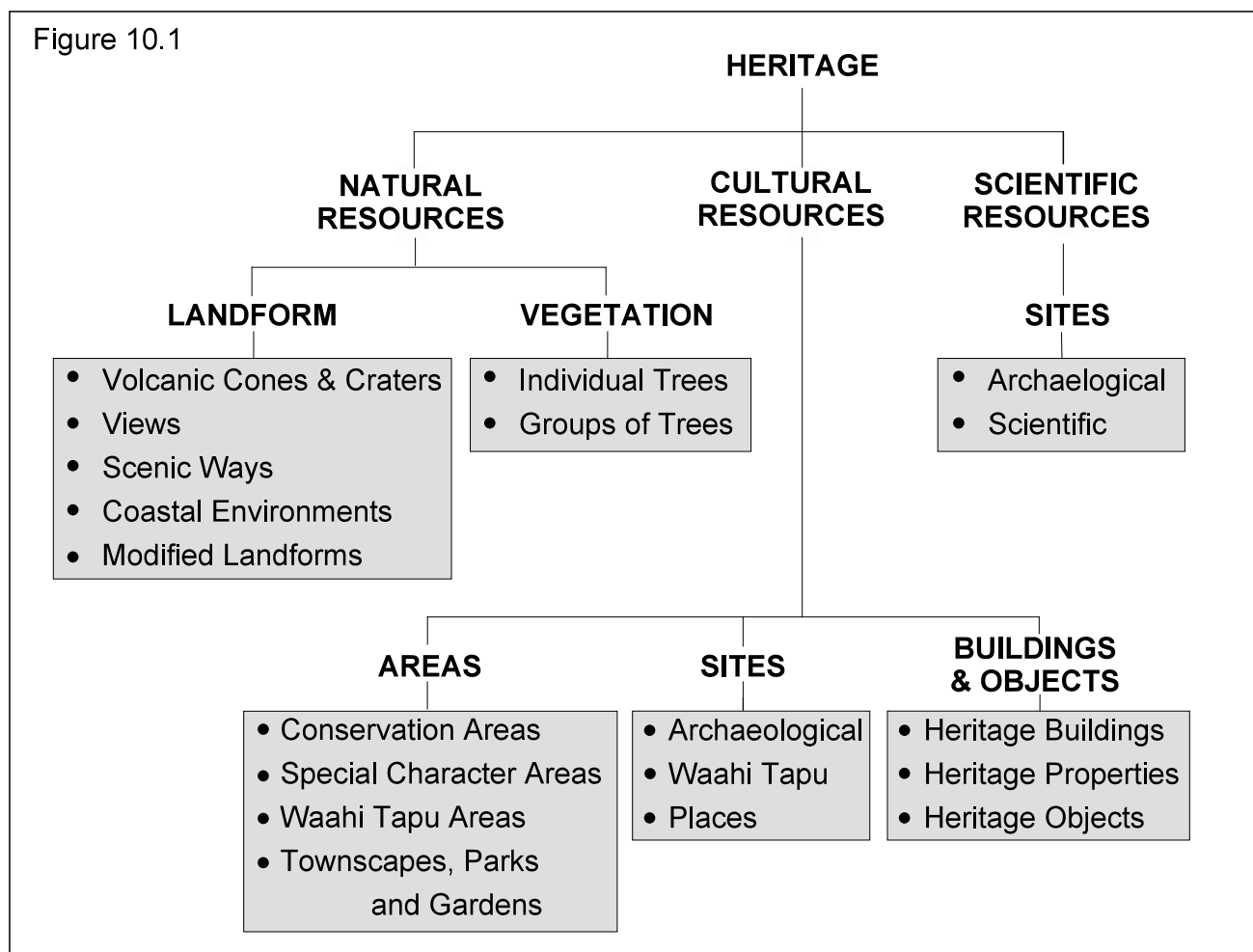
The Central Area contains many significant heritage resources that may be threatened by development and other pressures, and therefore require protection and preservation.

Heritage resources are an essential part of the City's cultural values. They serve to link successive generations. Their retention adds to the body of cultural experience and is part of an essential cultural framework which helps inspire and bind the community. Conservation of heritage resources enhances a sense of the origins, identity and amenity the City offers to both residents and visitors. The conservation of heritage areas can promote economic revitalisation. Auckland's various heritage resources combine to form a closely knit visual, cultural and physical fabric. They are regarded as a heritage continuum because they will continue to accept, represent and be replenished by newly created heritage contributions which will be enjoyed by future generations.

The Plan must attend to the protection of a number of heritage features; natural, built, cultural and scientific. It is the Plan's intention that heritage buildings should be useable and an active part of the Central Area environment.



Figure 10.1



This can involve adaptive reuse of heritage buildings where heritage values are retained. In evaluating resource consents under Part 10, the Council will take into account the useability of heritage buildings, including opportunities for alternate uses.

10.2.1 NATURAL RESOURCES

10.2.1.1 Landform

a) **Volcanic cones:** Auckland City is appreciated for those unique physical qualities which contribute to its distinctive landscape, particularly its landform. Its singular topography derives from the close proximity of its two great harbours, and the region's exceptional volcanic origins. Volcanic cones and craters dominate the landscape. They are of considerable importance to Maori and are of national and international significance because of this special relationship and the archaeological, geological and natural and modified landscape importance. Views of these dominant natural features contribute to the City's heritage and its images, serving to reinforce its particular identity and character. Protection of views of these impressive

features has been managed formerly by planning measures designed to preserve selected view shafts from important public vantage points. These measures, adopted into this Plan, derive originally from controls introduced through the initiatives of the Auckland Regional Plan. They have prevented the loss or serious impairment of views of important cone features by prohibiting the encroachment of buildings and other structures into selected strategic sight lines.

- b) **Prominent landscape features:** Other important and widely appreciated views of heritage landscapes and landforms require protection. The visual qualities of the conspicuous coastal cliffs (predominantly sandstone) are protected through protection measures adopted in the Isthmus Section of the Plan. Culturally significant features enhanced by their prominent locations such as the War Memorial Museum also deserve particular protection measures to secure their visibility and their outlook.
- c) **Scenic ways:** Among the other landform features which contribute significantly to the image of the City are recognised and appreciated scenic ways such as Tamaki Drive. These also are accorded special



protection measures in both the Isthmus and Central Area Sections of the Plan.

10.2.1.2 Vegetation

- a) **Trees:** Individually and collectively, trees represent a significant element of the Central Area's landscape resources. Many vulnerable trees are located in roads and parks, and are publicly owned. Others are on private property. A number of the trees in the Central Area have been scheduled in recognition of specific historical importance.

Measures are required to identify and protect particular notable specimens, as well as those groups which contribute significantly to streetscape amenity or those which help ameliorate natural hazards.

10.2.2 CULTURAL RESOURCES

10.2.2.1 Buildings and Objects

A primary consideration in heritage resource management is the need to safeguard heritage buildings and objects from neglect, decay or, in the extreme, their partial or total destruction. Unsuitable development or use may contribute to these processes. Most heritage resources are in private ownership. They may be scheduled in the Plan or be the subject of Heritage Orders and/or they may be identified in the Register of historic places, historic areas, waahi tapu and waahi tapu areas prepared under the Historic Places Act and maintained by the New Zealand Historic Places Trust.

The prime issue here arises from the relative fragility of such heritage resources in dynamic and evolving urban situations, their susceptibility to change through ill-directed renewal or neglect, and the prohibitive cost of public acquisition for conservation of all but a small number of the privately owned heritage resources. Consequently, an important issue is the need to provide mechanisms in the Plan to encourage and promote the conservation of identified heritage resources, while avoiding the prospect of outright and extravagant public acquisition or, alternatively, the diminution or loss of the resource. Effective incentives or compensatory measures should encourage the maintenance, restoration and refurbishment of valued items and assist the sustainability of these elements of the heritage resource.

10.2.2.2 Heritage Areas

Certain developed parts of the district display especially consistent, unified, or notable built heritage characteristics, sometimes combined with particular landscape characteristics. These qualities range from common building styles derived from a particular era, to exceptionally well-planted urban environments.

Appropriate techniques are required to conserve these qualities.

Areas of particular consequence to the preservation of Maori heritage must also be protected.

10.2.2.3 Heritage Sites

Significant archaeological and heritage features, and waahi tapu sites have been identified in the Central Area. These often relate to items of particular social and cultural heritage value to Maori, but also to significant early European cultural, habitation, commercial and industrial sites. Where preservation of these sites can be ensured and disclosure will not put the items at risk, they should be scheduled for protection.

10.3 RESOURCE MANAGEMENT OBJECTIVE AND POLICIES

10.3.1 OBJECTIVE

To recognise and protect resources of natural, cultural and scientific heritage value.

Policies

- By identifying, assessing, and protecting important heritage objects, buildings, and places including landscape, trees, gardens, open spaces, landforms, historic places, archaeological sites and waahi tapu by scheduling such features in the Plan.
- By encouraging an awareness that the City's existing heritage is a finite and sensitive resource.
- By increasing public access to heritage features where this is reasonably compatible with the physical protection of the feature.
- By defining, identifying and promoting the economic advantages of conservation of heritage places in public or private ownership.
- By developing and introducing incentives for the conservation of heritage places.
- By encouraging the ongoing utilisation and adaptive reuse of heritage buildings commensurate with sound conservation practice.



10.4 RESOURCE MANAGEMENT STRATEGY

Auckland City is a dynamic environment where change is expected and the conservation of heritage resources must acknowledge present day needs and circumstances. However, the conservation process must also be managed and guided in an appropriate manner to ensure that heritage qualities are not devalued or compromised by development or change. Where feasible, such qualities should be enhanced and restored in the process of development or change. Owners will be encouraged to recognise the advantages of conserving and using heritage buildings. Adaptive reuse of heritage buildings is supported where the heritage values are retained.

The principal strategy adopted is to systematically identify, protect and enhance heritage features by a range of appropriate statutory mechanisms within the scope of the Plan and by other suitable measures outside the Plan. The most appropriate measures are applied to achieve the Plan's objectives to conserve natural, cultural and scientific heritage resources.

10.4.1 NATURAL RESOURCES

10.4.1.1 Landform

The unique Auckland landform provides the Central Area with a strong identity. A high level of protection is given to this widely appreciated identity through different mechanisms which are found in various parts of the Plan. These ensure that the integrity of the landform is protected. Heritage protection provisions contained in Part 14.2 - Public Open Space and Part 13 - Subdivision complement the heritage initiatives contained in this Part.

a) Volcanic cones protection: The heritage values of the volcanic cones are derived from their unique visual contribution to the City's natural and modified landscape, their significance to Maori heritage, especially in relation to the mana of the tangata whenua, and their geological importance.

The Plan adopts a variety of resource management mechanisms to recognise and retain these qualities.

- i) visual protection is afforded by adopting special height controls to preserve strategic views, and access to sunlight, and to the sky.
- ii) sites of archaeological significance, particularly Maori heritage sites, are scheduled.
- iii) special open space precincts are applied to public land.

iv) where particular views of the cones are not expressly protected by special height restrictions, non-compliance with standard site height limits will be considered in a manner appropriate to securing view protection for the cones.

b) Landscape features: The singular composition of landform, dominant building presence and setting contribute to the unique visual quality of the Auckland War Memorial Museum. Special visual protection measures are applied which affect the Central Area to secure the highly appreciated views and aspect qualities associated with this heritage feature.

10.4.1.2 Vegetation

The Plan recognises the environmental and heritage value of existing Central Area flora in a variety of ways.

- a) Preservation of vegetation is a feature of the open space precincts, which are applied to those open spaces particularly regarded for their natural, scenic and visual qualities (Part 14.2).
- b) On all of the Council-owned reserves and on public roads, mature trees and those which have particular historic or botanic value are protected.
- c) Notable trees on private land are scheduled for protection.
- d) The land subdivision provisions of the Plan present a wide opportunity for securing the retention of significant trees or other flora either by contribution of reserve land or the imposition of conditions of consent (refer Part 13).
- e) Tree retention can also be arranged by applying appropriate resource consent conditions (refer Part 14.2B).

In this Part attention is given to the identification of particularly significant trees or groups of trees on public and private land. They are assessed according to express criteria. They are scheduled to ensure their protection, and rules are applied to achieve this.

10.4.2 CULTURAL RESOURCES

Cultural resources comprise a wide range of heritage features including objects, buildings, sites, trees, gardens and areas.

A variety of conservation measures are applied to these features within and outside the Plan. The degree of protection afforded is adjusted to take account of the relative heritage value of the feature concerned. Selected heritage items are scheduled for conservation and preservation; others are specifically listed to record their special qualities, and encourage their preservation.



Heritage protection measures will seek to protect and conserve some items in totality. For certain other items, sensitive change and adaptation will be permitted in the process of adapting these heritage resources for appropriate present-day use. The Council will identify and promote the economic advantages and other benefits of heritage conservation.

The total or substantial demolition of unique or particularly valuable (Category A Scheduled) items is a prohibited activity in recognition that the special value of these items will be lost forever if they are demolished.

Certain built areas of distinctive character and urban vitality such as the High Street/Lorne Street area are recognised in the Plan as precincts or quarters where change is controlled to maintain the unique character.

Council will consider as a restricted discretionary activity, non-compliance with any other rule in this Plan provided that a proposal on a heritage site promotes the restoration, protection, and maintenance of the scheduled heritage site and significant adverse effects on the environment can be appropriately avoided, remedied or mitigated.

As well, the Plan adopts the following conservation measures:

- a) Selected built areas of particular character are recognised and controlled in a manner which ensures that change will have respect for the existing character and that the recognised heritage quality is maintained.
- b) Precinct provisions are applied to areas of open space to take account of and preserve particular areas and sites of significant historic value (refer Part 14.2).

Incentives to encourage the retention of privately owned heritage items exist and may be added to. Specific concessions on development have been adopted. With regard particularly to scheduled buildings, it is considered that generally these should be used, not merely retained as monuments. In this context, the economic viability of a building is a major determinant in its length of life. Therefore, when a scheduled building cannot be economically used for a permitted activity, the Council will, in considering any application for a resource consent, have regard to the fact that the building has been scheduled. The Plan anticipates that each scheduled building can be adapted for present day use while its features of cultural heritage value are preserved.

To further assist the attainment of this heritage resource objective, the Plan provides for certain development concessions as follows. Cumulatively, they afford assistance in the retention of scheduled heritage buildings.

- a) Activities which are carried out in a heritage building at the time of its scheduling will be deemed to comply with the provisions of the Plan or the provisions of s10 of the Resource Management Act 1991.

- b) Applications for resource consent for a scheduled place are exempt from application and deposit fees.
- c) Where a heritage property is the subject of an approved Conservation Plan, subdivision of the heritage building site or heritage property will be considered :
 - i) as a non-notified application for a discretionary activity and may be exempt from the Plan's standard subdivision requirements (except where such requirements protect existing heritage features);
 - ii) to be exempt from financial contributions.

10.4.3 SCIENTIFIC RESOURCES

In addition to the requirements of the Plan, it should be noted that the Historic Places Act 1993 requires an applicant to obtain consent from the New Zealand Historic Places Trust before any archaeological site as defined in that Act is excavated, modified or destroyed, or any conditions imposed by the Council in relation to the site are implemented.

10.5 PLAN METHODS

The following provisions set out the rules and other measures designed to conserve the City's heritage. They are arranged in heritage topics and are presented in the order which, experience shows, is most convenient to the reader but which does not necessarily reflect the relative importance of the topic. Reference is made to other supplementary methods by which the Plan's heritage objective can be attained.

10.5.1 SCHEDULES

Schedules, which identify for protection and list valued heritage items, are the main technique adopted to implement the objectives and policies of this Part. The schedules employed by the Plan include:

- a) Schedule of Buildings, Objects, Heritage Properties or Places of Special Value
- b) Schedule of Notable Trees
- c) Schedule of Archaeological Features
- d) Schedule of Maori Heritage Sites (including Waahi Tapu Areas).



10.5.2 PRECINCTS OR QUARTERS

Precinct or quarter overlay provisions have been applied to specific areas of the Central Area which display a considerable degree of unity in character and form.

In special circumstances, the Precinct or Quarter provisions assist in identifying and conserving the heritage and character of particular Precincts or Quarters.

10.5.3 CONSERVATION AREAS

The Princes Street Merchant House area is the only listed Conservation Area in the Central Area. Conservation Areas constitute the top ranked heritage category, with each item or building being deemed to be a category 'A' scheduled place.

10.5.4 DEVELOPMENT CONTROLS AND ACTIVITIES

The development controls applied are specific to the heritage items they seek to protect. Exceptions are Waahi Tapu Areas where the avoidance of unnecessary disturbance or interference to significant and sensitive waahi tapu sites is the main objective.

In recognition of the limitations that the heritage provisions may place on the development or use of heritage buildings, the Plan anticipates flexibility in the activities which can occur in these buildings. Where a heritage site or item is also a designated site the effect of the designation is to override the provisions of the plan and any resource consent process, if the proposals are consistent with the wording of the designation.

10.6 OTHER METHODS

The Act requires the Council to consider alternative methods of achieving the purposes of the Act in addition to Plan rules. For these alternative methods see Annex 1.

10.7 INTERPRETATION AND DEFINITIONS

Refer to Part 16 for definitions and common terms employed in this Part.

10.8 HERITAGE ITEMS

The specific provisions for each of the heritage types are set out in separate topics in this Part as follows:

- Part 10.9 Heritage Buildings, Objects, Properties and Places of Special Value
- Part 10.10 Conservation Areas
- Part 10.11 Trees
- Part 10.12 Archaeological Sites
- Part 10.13 Maori Heritage Sites
- Part 10.14 Views

10.9 HERITAGE BUILDINGS, OBJECTS, PROPERTIES AND PLACES OF SPECIAL VALUE

10.9.1 INTRODUCTION

Central Auckland has a rich natural and cultural heritage. The heritage buildings, objects, properties and places of special value of the city are an important cultural link with the past. They are a unique, non-renewable resource that should be protected and conserved for present and future generations.

The heritage buildings, objects, properties and places have been identified and included in a schedule in the Plan in Appendix 1.

The oldest and/or the most representative of particular building styles from historical and more recent periods have been included. Buildings, objects, properties and places that are and/or have been associated with people, organisations, events or historical context that are significant to an understanding of our past are also included.

The Plan sets out a framework of protection and conservation for these elements of our heritage. It recognises that this process is a partnership between the owners, occupiers, users, the Council and in some cases the New Zealand Historic Places Trust and other heritage agencies.



10.9.2 ISSUES

- a) The potential loss of heritage buildings, objects, properties and places of special value which make an important contribution to the amenity, scale and historic character values of the Central Area.
- b) Potential detrimental effects on scheduled heritage buildings, objects, properties and places of special value or parts thereof.
- c) The balancing of heritage objectives with other resource management issues.
- d) The need to encourage the ongoing use of heritage buildings while having regard to the owner's objectives for the use of such buildings and to other Plan objectives and policies for the Central Area.

10.9.3 OBJECTIVE AND POLICIES

To systematically recognise, protect, and enhance significant buildings, objects, properties and places valued as part of the district's heritage.

Policies

- a) By encouraging the reuse of protected buildings while ensuring that the heritage values for which they are scheduled are not impaired or destroyed.
- b) By adopting rules in the Plan that require heritage buildings, objects, places, sites, features and areas of special value to receive appropriate care and conservation consideration.
- c) By encouraging the reuse of protected buildings while ensuring that their valued features are not impaired or destroyed.
- d) By requiring the preparation of a Conservation Plan or Heritage Inventory, where it is necessary to ensure the proper management of a heritage property.
- e) By prohibiting the total or substantial demolition of category A scheduled items but allowing lesser work to be carried out as a restricted discretionary activity subject to criteria. Category B items are generally expected to survive with only moderate changes to their significant features.
- f) By avoiding signs or other objects on the street adjacent to scheduled properties that detract from the heritage values for which the item is scheduled.

Methods

- i) Through applying rules to manage and control adverse effects on scheduled heritage buildings, objects,

properties and places. Where it is appropriate Plan rules will be applied with a degree of flexibility to facilitate the conservation of scheduled heritage items.

- ii) Through the provision of free information and advice to owners or duly authorised persons on heritage buildings, objects, places, sites and areas of special value excluding information not otherwise legally available which may compromise the security interests of owners of heritage buildings unless the provision of such information is consented to by all affected owners and occupiers.
- iii) Resource consents applications for work on scheduled heritage properties will be free of charge. This applies to the heritage components of the application only.
- iv) Through the provision of free conservation advice to assist in the design and/or redesign of developments, to mitigate the effect of changes on the values for which the item is listed.
- v) Early consultation is encouraged to avoid design work that may need to be changed.
- vi) Through the provision of free advice in the preparation of a conservation plan or heritage inventory for the property, approved by Council.
- vii) Through the use of the Plan and explanatory leaflets to educate, advise and inform the public on the City's heritage.
- viii) Through liaison with the New Zealand Historic Places Trust, other heritage groups and professional conservationists.
- ix) Through the provision for heritage floor space bonuses under Part 6 - Development Controls of the Plan, to assist and encourage owners of scheduled heritage buildings towards the conservation of those buildings.
- x) Through financial contributions, subsidies or loans from the Council where this is appropriate, to assist with major conservation work.
- xi) Through the refurbishment of selected Council-owned heritage buildings.
- xii) Through the provision of rules and bylaws to control signs and other objects on neighbouring streets that may have a significant adverse effect on the appreciation of the heritage values of the property.

10.9.4 STRATEGY

10.9.4.1 Scheduling

As part of its role in the preservation, protection and conservation of valued features in the City's physical environment, the Plan identifies certain individual



buildings, groups of buildings, objects, features and places as being significant and worthy of protection in the public interest. Such items are listed in the Schedule of Buildings, Heritage Properties, Places, Monuments and Objects of Special Value (in Appendix 1) and are identified on Planning Overlay Map 6. Schedules A and B reflect those features which the Council considers warrant protection.

10.9.4.2 Heritage Orders

A heritage order may be imposed by a Heritage Protection Authority, under Section 189 of the Resource Management Act 1991, in a situation where a valuable heritage property is in imminent danger of damage or inappropriate alteration or destruction. A heritage order is independent of the Plan's provisions on heritage protection. Heritage orders are imposed and applied by heritage protection authorities as defined by the Act and include the Council and the New Zealand Historic Places Trust. Generally, items are scheduled in the Plan at the Council's initiative.

The Plan also contains another heritage list. Schedule C in Appendix 1 contains those items and properties which are subject to a Heritage Order.

10.9.4.3 Conservation Plans

The Plan requires all resource consent applications which in the Council's assessment involve significant work or alteration to a scheduled building, object, property or place to include a Conservation Plan as part of the application. Usually a Conservation Plan will not be required where minor or less significant work is proposed to the scheduled property. However, the Council is mindful of the cumulative effect of a number of small proposals over a period of some years. The cumulative effect of these minor works may add up to an eventual significant change to the property. In these circumstances the Council will evaluate the situation and, where it is judged appropriate, require that a Conservation Plan be prepared even where relatively minor work is proposed.

A Conservation Plan will normally be required where changes to a Category A item are proposed.

The Conservation Plan is a document which collates the origins and history of a scheduled item, collates the cultural value of the item either in total or in parts and proposes policies to be observed when significant work or alteration is considered.

The Conservation Plan, and more particularly the stated conservation policies and strategies for the property, will form the basis of the Council's heritage evaluation of the heritage item. 10.9.13 sets out the information which is required to be included in a Conservation Plan.

As an alternative to a Conservation Plan, the Council may agree to a Heritage Inventory where proposed changes to the building (including the cumulative effect of past changes) are minor. A Heritage Inventory includes a brief

history/record of the building, and a assessment of the significance of the building and its parts.

10.9.4.4 Categories

Scheduled items are classified into one of two categories. A heritage place refers to a particular building or object or area on which the feature is located. Threshold scores define the A and B categories in the Schedule: Category B items 50-74 points; Category A items 75 points and over.

Category A

In this category are heritage places (or parts of these) which have outstanding natural beauty, or architectural, scientific or historical significance well beyond their immediate environs. It is important that items listed in category A are protected from total or substantial demolition. Lesser work may be carried out as a restricted discretionary activity subject to criteria. Category A classification gives protection to the interior and exterior of the place, together with the site on which it is located, as noted in Appendix 1. The total or substantial demolition of Category A heritage items is a Prohibited Activity in the District Plan, and category A places are therefore generally expected to survive without significant or damaging visible changes.

The total or substantial demolition of Category A heritage items is a Prohibited Activity in the District Plan, and category A places are therefore expected to survive without significant or damaging visible changes.

Category B

This category includes heritage places (or parts of these) of such quality and character that, although less significant than Category A items, should not be wilfully removed, damaged or altered unless there is a sound and proper reason having regard to the effect of the proposal on the heritage values of the scheduled item (including the values for which it was scheduled) and the applicant's objectives and reasons for the proposal. A Category B classification gives Plan protection to the exterior of the place together with such other elements (interior, site, etc), as are particularly specified in the Schedule.

10.9.4.5 Interiors and Surrounds

Interiors and surrounds of heritage items have been particularly specified in the Plan (Schedules A(1), A(2) and B(1)) in some cases. They have been included when:

- they constitute an important part/s of the cultural significance of the place
- they assist in clarifying the cultural significance of the place
- inappropriate development may permanently degrade the cultural significance of the place.



10.9.5 CRITERIA FOR SCHEDULING

The identification of a heritage place on the schedule is accompanied by an abbreviated list of certain characteristics (whether of high or moderate significance). Scoresheets for individual items can be made available which fully detail the assessment leading to the scheduling.

To determine whether a building, object, property or place is worthy of protection in the Plan, any proposed heritage item is assessed and evaluated against the following factors:

10.9.5.1 Physical Characteristics

- a) **Style:** Notable, rare, unique, or early example of a particular design style, type, or convention.
- b) **Construction:** Notable, rare, unique, or early example of a particular method of construction or use of material.
- c) **Age:** Comparatively old in the context of its region.
- d) **Architect/designer/originator:** Designed or built by originator, (an architect, builder, or designer), who has made a significant design contribution to the community, province, or nation, and illustrative of that contribution.
- e) **Design:** An object or feature which is particularly attractive or regionally, nationally or internationally significant because of the excellence, artistic merit, or uniqueness of its design, composition, craftsmanship, or details, and illustrative of those characteristics.
- f) **Interior:** Interior arrangement, finish, craftsmanship, and/or detail which is particularly attractive or unique regionally, nationally or internationally.

10.9.5.2 History: People/Events/ Associations

- a) **Personnel:** Associated with, and evocative of, the life or activities of a person, group, iwi, organisation or institution that has made a significant contribution to, or is recognised for its significant association with, the community, locality, or nation.
- b) **Events:** Associated with, or evocative of, an event or events that has made a significant contribution to, or is significant in the history of, the community, locality, or nation.
- c) **Social context:** Associated with, and evocative of, broad patterns of cultural, social, political, military, economic or industrial history or is a repository of cultural or community memories.

10.9.5.3 Environment

- a) **Continuity:** Object, feature or place which contributes to the continuity or character of the street, neighbourhood, area, cityscape or landscape.
- b) **Physical context (setting):** Physical and visual character of the object, feature, or place, which contributes to the continuity or character of the context, whether it be street, neighbourhood, area, cityscape or landscape.
- c) **Landmark quality:** A particularly important visual landmark or feature.
- d) **Group significance:** Item is a part or member of a recognisable group of related items. Criteria test the impact of a hypothetical initial loss from the group only, and categorise the group accordingly.

10.9.5.4 Integrity

- a) **Location:** The relationship of the object, feature or place to its original site.
- b) **Intactness:** The effect of alterations, deletions and additions on the heritage character and value of the object, feature or place.

10.9.6 ANTICIPATED ENVIRONMENTAL RESULTS

As a result of being listed in the Schedule of Buildings, Objects, Properties and Places of Special Value, significant heritage items will be protected and conserved, and thereby survive into the future with certainty as valued heritage items. As well, through listing, owners of heritage items will be encouraged to restore and refurbish these items in keeping with their original form and value. The Schedule will also serve as a source of information for the public as examples of our built heritage and on how the City's built form has evolved over time.

10.9.7 ROLE OF THE NEW ZEALAND HISTORIC PLACES TRUST

The New Zealand Historic Places Trust is the statutory authority established under the Historic Places Act 1993 to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The Trust works closely with territorial local authorities through the provision of heritage advocacy services, expert advice on heritage resource management and the provision of training. The Trust has important statutory functions that impact on local government.



The Historic Places Act confers regulatory responsibilities on the Trust in regard to all archaeological sites whether recorded or not and modification to these requires Trust consent.

The Trust maintains a Register of historic places, historic areas, waahi tapu and waahi tapu areas having historical or cultural heritage significance or value. Local Authorities also maintain their own schedules of heritage items and this Plan contains schedules of buildings, trees, archaeological and Maori heritage sites in Appendices 1, 2 and 3.

The Trust's register is recognised by the Resource Management Act which establishes the Trust as an affected party in regard to registered places.

Note: Clause 10.9.15 explains the requirements for notification and approval of the NZHPT in relation to notified and non-notified applications

10.9.8 RULES - ACTIVITIES

- a) No person shall destroy, remove, add to, alter or damage any scheduled building, heritage property, place, monument or object of special value (listed in Appendix 1) or part thereof without a resource consent. This rule does not preclude those permitted activities in 10.9.10 below where activities can be undertaken without the need for a resource consent application.
- b) No person shall conduct or execute any use or work, except work described in 10.9.10, in or on the site of a scheduled item without satisfying the Council that such action will not endanger, modify, damage, or destroy a scheduled item or detract from the values for which the item was listed. Any use or work not expressly included in 10.9.10 requires a resource consent.

10.9.9 PROHIBITED ACTIVITY

The total or substantial demolition of a category A item is a prohibited activity and no application for a resource consent will be considered for such an activity.

In this rule, the matters to be taken into account when considering whether proposed demolition constitutes "substantial demolition" include (but are not limited to):

- a) The size of the part of the item which is to be demolished;
- b) The relative proportion of the part of the item which is to be demolished, compared to the item as a whole;
- c) The significance of the part item which is to be demolished and as identified in an approved Heritage

inventory or conservation plan. Demolition/removal of elements of exceptional significance is prohibited.

- d) The effect that demolishing part of the item will have on the nature and character of the item as a whole. Refer: Restricted Discretionary Activities 10.9.11.
- e) Any proposal which would result in the category A item being rescored below the category A threshold is a prohibited activity."

This rule does not apply to the site surrounds (including buildings or structures in the site surrounds) of scheduled buildings.

Refer: Restricted Discretionary Activities 10.9.11.

10.9.10 PERMITTED ACTIVITIES

10.9.10.1 Scheduled Buildings, Objects, Properties or Places of Special Value

The following activities are permitted in relation to any of the above scheduled items.

- a) Any of the following works carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those values for which the item has been scheduled:
 - redecoration
 - maintenance
 - repair
- b) Any change of use otherwise permitted on the site which is unrelated to the purpose for which the item was scheduled and which does not detract from the values for which it was scheduled.
- c) In relation to scheduled site surrounds, routine maintenance including all normal work required to use, maintain, and enjoy existing garden or landscape features or structures and to make minor modifications or additions to these features or structures (but excluding substantial new structures, buildings or excavations), where these actions do not destroy, compromise, damage or impair the appreciation of the heritage values of the site surrounds.
- d) In relation to an interior, routine maintenance including all normal work required to use, maintain and enjoy the existing fittings, decoration, trim, surfaces, materials or structures and to make minor modifications or additions to these (excluding demolition or substantial new work).
- e) In relation to updating of "plant", where "plant" is not specifically identified in Appendix 1 schedule A as being part of the heritage fabric of the building or



which does not detract from the values for which the item has been scheduled.

- f) In relation to free standing non permanent structures (ie: tents and marquees) on properties or places of special value for a period of two calendar weeks, and not more than three non-consecutive times a year, except as otherwise provided for Old Government House Grounds under Clause 14.2A.7.2.

10.9.10.2 Earthworks

Earthworks not exceeding a total volume of 10m³ and affecting a surface area less than 10m² on any one site or in any one earthworks operation is a permitted activity.

These figures may be exceeded where the earthworks are part of:

- a subdivision which has been granted a resource consent; or
- a network utility service of the type where specific provision has been made for earthworks.

Provided however that the works are outside the driplines of any scheduled or protected trees, and will not affect any scheduled archaeological or geological feature.

Note: The above rule does not obviate the need to obtain the written consent of Council to excavate or otherwise interfere with any land in the vicinity of a public work of the Council if the excavation or interference is likely to produce, directly or indirectly, a subsidence onto that work or a subsidence of that work or of the soil under it (refer to section 237 Public Works Act 1981).

10.9.11 RESTRICTED DISCRETIONARY ACTIVITIES

The following restricted discretionary activities are subject to the normal tests for notification of an application under section 95A-95F of the Act. Clause 15.3.2.6 does not apply to this rule.

- The Council will consider as a restricted discretionary activity an application to restore, or make alterations or additions to, all or part of any scheduled item. Any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting in association with that item will be assessed in terms of the relevant provisions of the Plan and the Consolidated Bylaw.
- The Council will consider as a restricted discretionary activity an application to conduct or execute any use or work to the site surrounds except work described in 10.9.10. This includes to position, construct, raise or excavate any structure or earthworks in a heritage property above or below the ground, or in any way

modify the space or site surrounds around a scheduled item.

This provision shall not preclude the activities set out in 10.9.10.1(c) above being excepted as permitted activities.

- The Council will consider as a restricted discretionary activity the demolition of all or part of a category B item.
- The Council will consider as a restricted discretionary activity the partial demolition, alteration or modification of a Category A item where:
 - The work does not amount to "substantial demolition" as defined in Clause 10.9.9; and
 - The work will not significantly detract from the values for which the category A item was listed. That is, where the level of significance identified in an approved Heritage inventory or conservation plan relating to the item is less than exceptional.
 - The work is essential to enable the building to be utilised to fulfil its intended purpose and to continue to contribute to the heritage values of the City, and
 - The work is unavoidable to ensure structural stability or is necessary to ensure the ongoing use and retention of the building
- The Council will consider as a restricted discretionary activity, non-compliance with any other rule in this Plan provided that a proposal on a heritage site promotes the restoration, protection and maintenance of the scheduled heritage site and significant adverse effects on the environment can be appropriately avoided, remedied or mitigated

10.9.12 ASSESSMENT CRITERIA

In considering an application the Council will have regard to:

- The provisions of Part 15 of the Plan.
- Removals of later unsympathetic additions which detract from the assessed heritage values for which the item was scheduled.
- The category in which the heritage place is scheduled and the reasons for which it has been scheduled.
- The nature, form and extent of the proposed development, alteration or change. The effect of the proposal on the heritage values of the scheduled item including the values for which it was scheduled.



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- e) Any alternative methods which may be available in the achievement of the applicant's objectives.
- f) The provisions of the ICOMOS NZ Charter (refer Appendix 4).
- g) The Conservation Plan, if required (refer 10.9.13), and more particularly the stated conservation policies and strategies for the property, will form the basis of the Council's heritage approach.
- h) The balancing of heritage objectives with other resource management issues, including the positive effects of development for the community.
- i) With respect to the 1864 Merchant House (Newman Hall) at 16 Waterloo Quadrant, the following assessment criteria shall apply, as well as the above general assessment criteria (refer Appendix 1 Schedule A Diagram 7 and Diagram 7a):
 - i) If a new building is to be developed in the rear of the property (in the same certificate of title or a separate certificate of title) located outside the defined 'site surrounds' this shall include at the same time the restoration of Newman hall in accordance with the approved Conservation Plan prepared by Salmond Reed Architects Limited and dated January 2010 (or a revised version of the Conservation Plan approved by the Heritage Manager, Auckland City Council, or his or her successor in function). This shall not preclude any restoration of Newman Hall in accordance with the Conservation Plan prepared by Salmond Reed Architects Limited and dated January 2010 on its own.
 - ii) No part of a multi storey building other than the linking structures provided for in (iii) below shall be constructed within the 1864 Merchant House (Newman Hall) site surrounds as depicted on Diagram 10 (refer Appendix 1).
 - iii) Any new structures within the 'site surrounds' should be designed with specific regard to the scale, mass and detail of Newman Hall so as to successfully integrate it into a coherent whole.

10.9.12.1 Consent Conditions

The Council in determining an application for a discretionary activity resource consent may refuse consent, or may grant the consent subject to certain conditions.

In particular the following matters may be addressed by conditions imposed on consent. Conditions in relation to (a), (b) and (c) below may only be imposed where, in the opinion of the Council, any adverse effects of a proposed work on the integrity of the fabric or the values for which the item was scheduled or the future conservation of the heritage item will be more than minor.

- a) The conservation of original building/object/fabric. To achieve this, limitations and/or restrictions may be placed on some or all of the following:
 - i) cleaning techniques, materials and equipment
 - ii) surface preparations, coatings, chemicals and paints
 - iii) the protection of specific items during the work
 - iv) the authenticity of materials, finishes and colours
 - v) fixings and methods of fixing
 - vi) structural design solutions
 - vii) replacement materials, fittings and fixtures
 - viii) construction methods and techniques
- b) The conservation of the heritage significance of the item. To achieve this, limitations and/or restrictions may be placed on the architectural design and appearances of alterations and additions.
- c) Provisions of the ICOMOS NZ Charter (refer Appendix 4).
- d) Controls on exterior or interior signs, banners, flags, exterior lighting, and exterior awnings or pergolas.
- e) Controls on the location of vehicle access points and parking areas.
- f) Controls on landscaping, including paths, fences and gates.
- g) A successful application to modify, damage or destroy a scheduled item may be required to give the Council notice 20 working days before work commences in order that records can be made of the item, or parts of the item.
- h) In the event of a building or object being totally demolished, the Council may impose a condition to ensure that the site is left in a clear, tidy and safe state.

Note: For sites subject to a Heritage Order, the applicant needs to consult with the originator of the Order.

10.9.13

CONSERVATION PLAN

A Conservation Plan must identify those attributes of a scheduled item which contribute to its heritage significance, and it must include provision for its security, its maintenance and its future. Once the heritage significance of a scheduled item is established, the Conservation Plan can then identify the requirements and constraints arising from that significance.

Where an application involves significant work or alteration to the scheduled item it must be accompanied by



a Conservation Plan. A Conservation Plan will normally be required where changes to a Category A item are proposed. The Plan must be approved by the Council as part of the resource consent application.

A Conservation Plan must include:

- a) A statement of the significance of the heritage item.
- b) The physical condition and structural integrity of an item.
- c) The physical conservation, action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration.
- d) Activities which may be compatible with the protection of the heritage item, and those which may be constrained by them.
- e) Policies and strategies to enable the cultural significance of a place to be retained in its future use and development.

In producing a conservation plan, applicants should be guided by reference to the document "The Conservation Plan" by James Semple Kerr, National Trust, New South Wales – Fourth (Australia and New Zealand) Edition 1996, copies of which are available free of cost, as required, to approved projects, from the Council. The NZ Historic Places Trust "Guidelines for preparing conservation plans (1994)" is an acceptable alternative guide to the Kerr model. The Council will evaluate the completeness and quality of the conservation plan as a part of the information required for an application for resource consent under section 88 of the Act. Where alterations/additions to a scheduled item involve work of only minor heritage implications, then, as an alternative, a Heritage Inventory is acceptable.

10.9.14 OTHER OPINIONS

When considering an application the Council may invite opinion from the New Zealand Historic Places Trust (NZHPT) or other recognised heritage body as appropriate, if the body concerned has not already made a submission.

10.9.15 NEW ZEALAND HISTORIC PLACES TRUST NOTIFICATION AND APPROVAL

A notified resource consent application must be served on the Trust if it relates to land subject to a Heritage Order or a Requirement for a Heritage Order, or is otherwise identified in the Plan as having heritage value or affects any

item on the Trust's Register of historic places, historic areas, waahi tapu and waahi tapu areas. See Appendices 1, 2 and 3 for the Council's schedules of buildings and other heritage items, trees, archaeological and Maori heritage sites. Appendix 1 Schedule C lists the items that are subject to a Heritage Order.

For a non-notified resource consent application, the Council requires that written approval be obtained from the Trust as a body that may be adversely affected where the scheduled heritage item in the Plan is registered by the Trust itself or is the subject of a Heritage Order. Appendix 1 Schedule C lists the items that are subject to a Heritage Order. For other heritage items registered by the Trust but not scheduled in the Plan the Council may require that written approval be obtained from the Trust.

10.10 CONSERVATION AREAS

The Plan identifies one Conservation Area in the Central Area, defined by the following streets:

Princes St, part Wellesley St East, Kitchener St, Bankside St, part Shortland St, part Emily Place, part Eden Crescent, Waterloo Quadrant, Parliament St, part Symonds St, Constitution Hill, Churchill St, Alton Rd.

10.10.1 OBJECTIVE AND POLICIES

To protect and enhance areas of significant historic, scientific or public interest or value.

Policies

- a) By identifying, assessing and documenting appropriate localities as Conservation Areas.
- b) By applying appropriate development controls to Conservation Areas in addition to the planning overlay controls applicable in the area with the intent of fostering and enhancing character.

10.10.2 STRATEGY

It is recognised that in parts of the City there are certain areas which display a particular character. Such character may be reflected in either:

- a) a precinct, quarter or area which is characterised by a significant concentration and continuity of sites, buildings, structures, objects or landscape characters united historically or aesthetically by form or physical character. It may be of value for historical, architectural, archaeological, cultural, or other reasons, or



- b) a natural feature or series of features, such as the volcanic cones, where there has been a degree of threat to the clarity and integrity of these features caused by built development.

Such areas require a broad unifying policy regulating use and management of both private and public property containing such features.

Generally Part 14 provides for the protection of those features identified in (a) above while Part 14.2 includes provisions which protect those features identified in (b). However there are areas within the district which may reflect a particular style, form or era of the City's past. Where these heritage features are together in an area, it is not only the heritage features themselves that warrant protection but also the spaces, structures and sites which surround them. In these situations steps must be taken to ensure activities and development within these areas do not detract from their unique character.

The intention of Conservation Areas is to maintain the unique character of the whole area against development, demolition or other works which are not in sympathy with the era or style to be conserved. Conservation Areas may include individual heritage items which are scheduled in their own right for protection.

The Plan identifies on Planning Overlay Map 6 a specific Conservation Area which is applied to a unique site within the Central Area. Controls are imposed on activities and developments within the defined Conservation Area to ensure the special character is protected.

While these controls seek to maintain the special character of the Conservation Area, it is acknowledged that the general character can be affected by the design and appearance of road works and services. Therefore the Council will develop and promote local traffic management techniques, service provision (eg. underground), and street planting and landscaping programmes where appropriate, which are sympathetic to the objectives and policies of the defined Conservation Area.

10.10.3 CRITERIA FOR SCHEDULING

Any proposal for a new Conservation Area will be assessed against the following criteria.

- a) A Conservation Area must be a unified entity, even though it may be composed of a wide variety of features.

The interrelationship of its features must:

- i) convey a visual sense of the overall historic environment

- ii) be an arrangement of historically or functionally related sites
- iii) be substantially unchanged since the period of significance

- iv) demonstrate that the majority of the components that make up the character possess integrity.

- b) A Conservation Area must be a definable geographic area that can be distinguished from surrounding land:

- i) by changes such as density, scale, type, age, style of sites, buildings, structures and objects
- ii) by documented differences in patterns of historical development or association.

- c) A Conservation Area can also be composed of two or more definable significant areas separated by non-significant areas. A discontinuous Conservation Area is characterised by:

- i) elements which are spatially discrete
- ii) spaces between the elements which are not related to the significance of the district
- iii) visual continuity not being a factor in the significance of the Conservation Area.

Applications for resource consents under 10.10.5 will be assessed taking into account specific criteria which apply to the Conservation Area concerned.

10.10.4 ANTICIPATED ENVIRONMENTAL RESULTS

The environment of a Conservation Area is one where built form predominates and is finely articulated. Its primary purpose is to preserve the unique character and fabric of an area. It is expected that over time, areas subject to the Conservation Area overlay provisions will display a unique character representing a particular style or era of Auckland heritage. Activities which do not adversely affect this character will be permitted in these areas, as will new buildings and additions complementary and in keeping with the character.

10.10.5 RULES - ACTIVITIES

The following rules are in addition to the provisions of the Planning Overlay Maps which apply to the sites in a Conservation Area.



10.10.5.1 Scheduled Buildings, Objects, Properties, Places or Notable Trees

Any proposal affecting a scheduled building, object, place, heritage property or tree located within a Conservation Area is required to comply with the provisions of 10.9 and 10.11. Those provisions take precedence over the provisions for Conservation Areas.

10.10.5.2 Demolition, Removal, Alteration or Addition to any Non-Scheduled Building or Feature or Construction of any New Building, including any work in the street environment

No person shall, without a resource consent, destroy, remove, alter or damage any building, or feature, except that this provision shall not preclude:

- a) The redecoration, repair and/or minor alteration of any existing fabric or detailing carried out in a manner and design, and with similar materials to those originally used, which does not detract from those features for which the Conservation Area has been identified.
- b) Redecoration, repair or alterations which are internal.
- c) Any change of activity otherwise permitted on the site which is unrelated to the purpose for which the Conservation Area was identified, and which does not detract from the significant features of the Conservation Area.

10.10.5.3 Use of a Building within a Conservation Area for other than a Permitted Activity

Any application for a resource consent to use a building within a Conservation Area for an activity other than a permitted activity will be required to satisfy the Council that:

- a) The proposed activity will positively enhance the protection and maintenance of the building in a manner in keeping with the particular character of the Conservation Area.
- b) The proposal is in accord with the objectives and policies for Heritage in the Plan and does not offend the objectives and policies of the relevant zone.
- c) The proposal will not have an adverse effect on the particular character, or the environment of the Conservation Area.

Where an application is granted, conditions may be imposed which seek to ensure that the proposed activity will not adversely affect the Conservation Area and may include:

- i) restrictions on signs
- ii) controls on the location of vehicle access points and parking areas

iii) provision of landscaping and screening to soften the impact of the activity on adjacent land

iv) restrictions on the hours of operation.

10.10.5.4 Consultation with the New Zealand Historic Places Trust

The applicant shall provide evidence of consultation with New Zealand Historic Places Trust where the Trust is an affected party by way of a requirement for a Heritage Order having been served on the Council, or an entry in the Trust's register.

10.10.6 RESTRICTED DISCRETIONARY ACTIVITIES

The Council will consider as a restricted discretionary activity (refer Part 15) any application to demolish, construct a building, or make alterations or additions to any building or feature, including any works in the street environment, within a Conservation Area. Any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting will be assessed in terms of the relevant sections of the Plan and the Consolidated Bylaw.

Refer to clause 10.10.7.1 for general assessment criteria.

10.10.7 ASSESSMENT CRITERIA

10.10.7.1 General Assessment Criteria

In considering an application the Council will have regard to the provisions of Part 15 and the following matters:

- a) The nature, form and extent of the development, alteration or change and its effect on the particular character of the Conservation Area.
- b) Evidence presented by the owner as to the compelling reasons why the work is necessary.
- c) Provisions of the ICOMOS NZ Charter where appropriate (refer Appendix 4).
- d) Demonstration that any demolition or removal of a building will not significantly affect the streetscape appearance of the Conservation Area and will not destroy the Conservation Area's unified entity.
- e) Evidence presented by the owner that consultation with New Zealand Historic Places Trust has been completed.



10.10.7.2 Assessment Criteria for Specific Activities

- a) **External additions or alterations to existing buildings:** It is the intent of these criteria that additions or alterations to existing structures in these areas are designed and located in a manner which faithfully respects (and where feasible replicates) the surviving original physical and architectural character, proportion and design of the area. Restoration, where appropriate, should be faithful to original known states, and new elements should be designed, proportioned and detailed so as to not be immediately or obtrusively obvious.

When assessing an application for a resource consent for building additions or alterations, the Council must be satisfied that the relevant objectives and policies for the Conservation Area and development control overlay have been met and that:

- i) additions or alterations to the street elevation of the building shall be avoided unless they accurately recover original detail
- ii) subject to the above, additions shall be so positioned or modifications so designed as not to detract from the continuity of front facade alignment of the dwellings in the vicinity
- iii) any external addition or alteration to any existing building, building fabric or detail shall be carried out in a manner and of a design and materials similar to those originally used and which do not detract from the architectural character of the building
- iv) as much as possible of the existing building fabric shall be retained by refurbishing, restoring and adapting parts of the existing building rather than replacing them
- v) alterations and additions shall be in keeping with the architectural and historic form, proportions and style of the existing building on the site
- vi) weatherboards, corner boxes, frieze boards, gutter boards, copings, joinery, facings, ornament and trim shall be retained where they are present and where damaged, be replaced to match the existing patterns as opportunity permits.
- vii) the use of unsympathetic materials shall be avoided, such as pressed metal roof tiles (and in some situations concrete or clay tiles), aluminium window frames and doors, and brick and block work where the original building material is timber
- viii) any existing traditional fencing at the front boundary shall, as far as possible, be preserved or reinstated after development.

- b) **Construction or relocation of any building or structure or accessory building:** It is the intent of these criteria that new buildings or structures are designed, located and finished so as to be strongly empathetic and coherent with the original style predominant in the area, regardless of whether the construction and detail of the new item is faithful to its own time or is an accurate replica of the original style.

When assessing an application for a resource consent for a new building the Council must be satisfied that the relevant objectives and policies for the Conservation Area and overlays have been met and that:

- i) the form, mass, proportion and materials of the building shall be compatible with the original architectural style predominant in the street and shall not compete with or dominate that character
- ii) the building shall be so positioned as not to detract from the continuity of the front facade alignment of the dwellings in the vicinity
- iii) any existing traditional fencing at the front boundary shall, as far as possible, be preserved or reinstated after development.

10.10.7.3 Consent Conditions

In determining an application for a restricted discretionary activity resource consent, for a building or object to be totally demolished, the Council may impose a condition to ensure that the site is left in an appropriately tidy and suitable state, in keeping with the character of the Conservation Area.

Any successful application for consent may be required to give the Council one months notice before work commences in order that appropriate records can be made of the item, and any trees or significant areas of planting which contribute significantly to the character of the Conservation Area may have to be retained.

10.11 TREES

10.11.1 INTRODUCTION

Trees are amongst the largest living organisms on earth and are an essential part of a complex ecosystem.

The value of trees in urban environments is now generally recognised. Their presence is important not only aesthetically but also socially and culturally, by helping to make cities and towns agreeable places in which to live and work and by providing a sense of continuity between past and present.



The amenity value of our natural and built environment is an important indicator of sustainability and trees contribute significantly to amenity values within the central city. A high amenity level will mean that people and activities will be attracted to an area.

Heritage forms part of our sense of history and sense of place and these feelings assist in sustaining society. Notable trees, many of them known to have been planted by early citizens of Auckland, comprise one of the important elements of the City's heritage resources. Such trees have lasting value and can be appreciated in their own right; they teach us about the past and the culture of those who came before us; they help to provide a context for community identity whereby people relate to the land and to those who have gone before; and they provide visible evidence of the continuity between past and present.

Individual trees and groups of trees, trees in parks, and avenues of street trees have significant heritage qualities that collectively endow the landscape with distinctive environmental quality and charm.

Tree cover in the central City is predominantly located on public land such as streets and parks or on land currently used for public activities (eg, the University) or former public land (eg, the former Central Railyards land). There are a smaller number of significant trees located on private land.

Water and air quality are quantifiable indicators of sustainability and both the level of contaminants and the trends of these levels are a good indication of the life-supporting capacity of these resources.

Trees and vegetative cover make a significant contribution towards:

- safeguarding the life-supporting capacity of air, water, soil and ecosystems
- avoiding, remedying or mitigating actual or potential adverse environmental effects through their role as air purifiers, land stabilisers, weather shields and habitat providers
- adding to amenity and heritage values.

The approach taken in the Plan is to identify the significant notable trees and groups of trees in the central City by placing them on a schedule (refer Appendix 2) and to protect and manage trees in parks and streets (refer Part 14.2).

10.11.2 ISSUES

The potential loss of trees and subsequent loss to the general environmental amenity and values, health and wellbeing of the community and heritage values of the Central Area. Suitable measures must be adopted to avoid

adverse effects which may have a detrimental effect on the health of trees.

10.11.3 OBJECTIVE AND POLICIES

To protect trees and groups of trees which significantly contribute to the City's character, heritage and amenity.

Policies

- a) By identifying, recognising and protecting notable trees and groups of trees in public and private ownership.
- b) By continuing the practice of planting trees in roads and on public open spaces and protecting these from unnecessary interference or destruction.
- c) By protecting and promoting trees as habitat and a food source to retain and attract valued wildlife.

Methods

- i) Through the application of rules in the District Plan to manage and control adverse effects on protected trees or the use and development of land in the City; and by the flexible application of rules, where appropriate, to facilitate protection of trees.
- ii) Through making resource consent applications in relation to trees free of charge (this applies to the tree component of the application only).
- iii) Through the provision of free advice to assist in the design or redesign of developments so as to minimise their impact upon trees. Early consultation is encouraged to avoid design work that may need to be changed.
- iv) Through the provision of free information and advice to educate and inform the public about the City's trees and to encourage their protection.
- v) Through informal liaison with special interest groups aiming to protect trees in order that their efforts, where possible, complement the Council's activities.
- vi) Through the planting of trees. Although the planting of street trees should take into account the presence of underground structures and services.
- vii) Through the development and maintenance of a heritage inventory documenting the location, history and condition of identified heritage trees.

10.11.4 STRATEGY

The environmental or practical relationship between people and trees is fundamental to existence. In the Central



Area trees serve several functions. They play an important role in sustaining the ecological balance between nature and technology, between the organic and the inorganic. Trees contribute to the community's health and well-being in the following ways:

- a) **Visual amenity:** Trees introduce a dynamic living element, and a sense of scale, harmony and softness to the built environment. They complement the built environment.
- b) **Noise buffers:** Trees may help to reduce noise levels.
- c) **Weather shields:** Trees may reduce the intensity of wind effects, provide shelter from rain and the sun, provide protection from rising ultra violet levels and reduce heat created by buildings and road surfaces.
- d) **Land stabilisers:** Trees play an integral part in the avoidance of natural hazards, reducing water run-off and erosion, preventing flooding and landslips and stabilising soils.
- e) **Atmospheric cleaners:** Trees absorb carbon dioxide from the atmosphere and give off oxygen. Their transpiration of moisture helps to control temperatures and cleanses air of pollutants caused by traffic and other human or natural activity.
- f) **Heritage:** Trees can represent a sense of continuity between the past and present. The continued existence of significant trees is important to our heritage and to the legacy we leave to future generations.
- g) **Habitat:** Trees are essential for providing shelter, breeding and nesting sites and food sources for wildlife and are therefore a necessary component for a healthy city.

In managing effects on trees it is important to recognise that all parts of a tree are necessary for its existence. Significant adverse effects to the health of trees may take some while to manifest themselves, by which time it may be too late to remedy or mitigate those effects. It is paramount therefore that every endeavour is made to avoid, in the first instance, effects which may be detrimental to the health of trees.

10.11.5 ANTICIPATED ENVIRONMENTAL RESULTS

It is expected that the provisions will result in the wise husbandry, conservation and retention of trees of value to the public, to wildlife and to the area in which they are located. As a result of scheduling, the public awareness of the range and complexity of the Central Area's flora and fauna heritage should increase.

There also should be a reduction in the risk of serious or irreparable damage being done to Central Area amenities

through unnecessary tree removals, or works to, or in the vicinity of, trees. The continued presence of trees should provide visual amenity and reduce adverse environmental effects.

The illegal removal or pruning of trees in contravention of the Plan's rules is an ongoing problem. The Council considers such action unfavourably and will use powers of enforcement under the Act to take legal proceeding to the Courts where appropriate. It will also use opportunities to educate people.

10.11.6 RULES - ACTIVITIES

10.11.6.1 Scheduled Notable Heritage Trees

- a) The Plan recognises the value of notable heritage trees as community assets and has adopted a system of identifying and protecting them, both as individual specimens scheduled in 'A' and 'B' categories and as groups. These trees are listed in the "Schedule of Notable Heritage Trees" Appendix 2 and are identified on Planning Overlay Map 6.

In determining whether trees are worthy of recognition and protection as notable heritage trees, the following factors are considered:

- i) the height, girth and canopy spread of the tree
- ii) whether the tree is well shaped with a balanced branch system, and how well the trunk contributes to its visual appearance or whether the tree has a form which differs from these criteria but has a specific individual form of alternative value
- iii) the numbers of similar species found in the local area
- iv) whether the tree is unique and/or indigenous. Particular recognition is given to those trees that only occur locally or regionally
- v) an estimate of the age of the tree
- vi) an estimate of the tree's life which is assessed from the date of evaluation and takes into consideration any factors which may limit the life span of the tree such as its state of health and its position in relation to existing development
- vii) physiological suitability for the health of the tree
- viii) how physically accessible the tree or group of trees is to the public
- ix) the appropriateness of the tree to its setting within the site
- x) the role or contribution of the tree in the wider landscape along with the locations from which the



tree is visible. A tree visible from many vantage points would receive a higher rating for this aspect than one visible only from its own site and a neighbouring site

xi) this category examines how many people would notice the loss of the tree

xii) whether the tree is seen visually as a solitary specimen or part of a group

xiii) the significance of the tree to a visual grouping

xiv) where a tree commemorates, or is associated with an historic event, where it has been planted by or has strong associations with a person(s) of historic importance to the City, or to New Zealand

xv) factors such as ecological significance, importance as a birdlife habitat, or social/cultural significance are also taken into account.

b) Trees in the Central Area have been identified as worthy of recognition and protection as notable heritage trees for a variety of the reasons given above. They may be identified for their historic/cultural value, scientific value or visual amenity value. By scheduling they have been identified to be conserved as part of the City's heritage for the benefit of present and future generations.

10.11.6.2 Trees on Roads and Public Open Space

Throughout the City there are significant plantings of trees both on roads and in areas of public open space. The Council follows a programme of planting new trees in these areas, as part of its capital works programme. Due to the amenity that these trees provide, the Plan provides for their protection where the tree is a mature specimen, or where it is of heritage significance. Notable examples are included on the Schedule of Notable Heritage Trees.

The rules pertaining to trees on roads and open spaces are contained in Part 14.2.

10.11.6.3 Protection of Scheduled Trees

No person shall without a resource consent:

- a) Cut, damage, alter, injure, destroy or partially destroy any scheduled tree (including the full extent of its root systems); or
- b) Within the rootzone area of any scheduled tree
 - i) excavate, trench, or power drill soil
 - ii) alter the soil levels or water table by addition or excavation
 - iii) compress or compact soil
 - iv) store materials, vehicles or machinery

v) discharge or disperse any toxic substance or emplace any weed control membrane

vi) undertake any use, excavation, construction work or other activity

vii) concrete or otherwise seal the soil surface.

10.11.7 PERMITTED ACTIVITIES

Clause 10.11.6.3 above shall not preclude:

- a) The regular minor trimming or the maintenance of any tree undertaken by hand-operated secateurs or pruning shears, in accordance with modern day accepted arboricultural practice, provided it does not detract from any qualities for which the tree has been scheduled.
- b) Emergency works involving the felling, destruction or trimming of any tree, or works within its rootzone area, by the Council or a statutory authority or network utility authority where this is required as genuine and unavoidable emergency work to maintain or restore power or communication links, to safeguard life or property or to allow access for emergency vehicles. Care should be taken not to destroy the tree if trimming will suffice and the work should be the minimum necessary.

In such circumstances the authority concerned shall notify the owner of the tree and the Council immediately and in writing within 48 hours of the action as to the reason for the felling, destruction, trimming or works within the rootzone area.

10.11.8 RESTRICTED DISCRETIONARY ACTIVITIES

The following are deemed to be restricted discretionary activities:

- a) Minor regular maintenance or trimming of limbs up to 50mm in diameter for category 'A' trees, and 75mm in diameter for category 'B' trees, provided it does not detract from any qualities for which the tree has been scheduled.
- b) The removal of dead wood or parts of a tree that are dying or suffering from an untreatable disease.

Refer to clause 10.11.10 for assessment criteria related to restricted discretionary activities.

10.11.8.1 Conditions

Conditions may be imposed to ensure that the tree will not be unduly damaged or its health endangered and may



include limits on the extent of the trimming or maintenance and the methods to be employed.

10.11.9 DISCRETIONARY ACTIVITIES

The following are deemed to be discretionary activities:

- a) The trimming or pruning of limbs greater than 50mm diameter for a category 'A' tree, or 75mm diameter for a category 'B' tree.
- b) The destruction or removal of any scheduled tree.
- c) Any work within the rootzone area of any scheduled tree (irrespective of any legal boundary, fence or structure).

Refer to clause 10.11.10.2 for assessment criteria related to discretionary activities.

10.11.10 ASSESSMENT CRITERIA

10.11.10.1 Assessment Criteria for Restricted Discretionary Activities

An application for a restricted discretionary activity will be assessed as to:

- a) The necessity for carrying out the works.
- b) The extent of the trimming or maintenance of the tree; and the method to be employed.
- c) The effect on the integrity of the tree's form, its health and its intrinsic and heritage values.

10.11.10.2 Assessment Criteria for Discretionary Activities

An application for a resource consent for a discretionary activity will be assessed on the extent to which all or any of the following criteria are met:

- a) The objective and policies of the Plan particularly those set out in Part 14.2B (relating to trees).
- b) The heritage values for which the tree has been scheduled and the effects on these.
- c) The extent to which the tree or trees contribute to the amenity of the area both visual and physical, including contributions as habitats for birds and other animals.
- d) The effect on the context of the tree.
- e) The provisions of the ICOMOS NZ Charter where appropriate (refer Appendix 4).
- f) Any function the tree may have in the conservation of water, soil or soil stability.

- g) The necessity for carrying out the works. (Refer to the guidelines for the carrying out of works in the vicinity of trees contained in Volume 2, Annex 5).
- h) Whether or not the proposed activities in the rootzone area are in the opinion of the Council likely to damage the tree or endanger its health.
- i) Any alternative methods and/or locations available to the applicant for carrying out the work or activities or for meeting reasonable objectives including the variation of development controls, where appropriate, to encourage retention and enhancement of the tree or trees and to avoid or minimise adverse effects.
- j) Any other relevant matters the Council considers necessary to determine the application (s.104 (1)(c) Resource Management Act).

10.11.10.3 Assessment Criteria for Specific Activities

In addition to the general criteria in Clause 10.11.10.1 above, where the removal or destruction of a tree is proposed, the Council must be satisfied that circumstances exist which may include:

- a) the undeniable presence of Dutch elm disease
- b) other dangerous, diseased or damaged conditions, except that where any element of uncertainty exists as to the likely fate of the tree, the benefit of doubt will be given to the tree's survival by not removing it until such time as its irreversible decline is obvious
- c) compliance with any statutory or legal obligation
- d) significant or unusual hardship which cannot be otherwise remedied or avoided
- e) any other compelling reason.

10.11.10.4 Consent Conditions

Conditions may be imposed as part of any consent to an application and may include:

- a) The requirement to pay a bond to ensure that a scheduled tree is successfully protected from damage or destruction during the carrying out of pruning and maintenance, or works or activities in the rootzone area or nearby.
- b) The requirement to provide adequate physical protection to a tree or trees during construction work or other activity in the vicinity.
- c) The requirement to enter into a covenant on the title of the land where consent has been granted from one or more development controls in order to retain a tree or trees.
- d) The requirement to provide a replacement tree or trees where a scheduled tree is removed or destroyed with



authorisation, and where it is appropriate having regard to the amenity of the area.

- e) Any other appropriate conditions as provided for under the Resource Management Act 1991.

10.12 ARCHAEOLOGICAL SITES

10.12.1 INTRODUCTION

The archaeological heritage of the Central Area comprises an underlying and frequently invisible record of past human activity. Archaeological sites are a fragile cultural resource containing scientific, cultural or historic evidence of the exploration, occupation, settlement and development of this area by indigenous and/or early European peoples.

Archaeological sites are characterised by the presence of physical remains, evidence or structures and/or modified landscapes and, by definition, include surface and subsurface components. Surface evidence on such sites may be obscure, or absent.

Maori occupation of the Central Area utilised the strong ridge and valley structure, the headland cliffs and bays to advantage in locating pa and settlement sites.

Following European settlement, with its overlay of geometrically prescribed lots and grid street alignment, the landscape was highly modified, the seabed and harbour successively reclaimed, headlands removed or truncated and numerous excavations undertaken to create roads and suitable building sites.

Unlike the Isthmus, where larger areas of archaeological sites (such as the volcanic cones) remain, most Central Area sites have been considerably modified and any site may contain a mix of modified and unmodified areas.

The only archaeological sites currently listed in the Central Area are Albert Park and Myers Park which are recognised as areas of natural, historical and archaeological significance. In the last decade archaeological investigation of redevelopment sites in the Central Area has provided important scientific, historical and cultural information relating to both the pre-European occupation of the area and early colonial Auckland's settlement patterns, society and economy.

10.12.2 THE HISTORIC PLACES ACT ARCHAEOLOGICAL PROVISIONS

The New Zealand Historic Places Trust has particular statutory responsibilities under the Historic Places Act 1993 for all archaeological sites whether or not they are recorded. An archaeological site is defined as a place associated with human activity that occurred before 1900. It also applies to other sites where notice has been given in the New Zealand Gazette.

Where archaeological sites exist on a property (whether previously documented or not), the owner should consult directly with the NZHPT in the first instance.

Section 10 of the Historic Places Act 1993 makes it unlawful to destroy or damage the whole or any part of an archaeological site knowing, or having reasonable cause to know, that it is an archaeological site, unless permission is obtained from the Historic Places Trust. People who are directly affected by a decision of the Trust may appeal to the Environment Court.

Applicants are strongly advised to consult with the New Zealand Historic Places Trust, Auckland to ascertain whether under the Historic Places Act 1993 a separate application to the Trust is necessary for its approval prior to carrying out any proposed works.

10.12.3 ISSUE

The potential loss of the archaeological heritage of the Central Area which contains important scientific, cultural or historic evidence.

10.12.4 OBJECTIVE AND POLICY

To protect significant archaeological sites which contribute to the City's heritage and knowledge of the past.

Policy

- a) By identifying and scheduling archaeological sites and features significant for their historic, cultural, scientific and visual amenity value and deserving of preservation.

Methods

- i) Through the provision of free advice to assist in the design or redesign of developments so as to minimise their impact upon the archaeological heritage. Early



consultation is encouraged to avoid design work which may have to be changed.

- ii) Through the use of the District Plan and explanatory leaflets to educate and inform the public on the City's archaeological heritage.
- iii) Through resource consent applications which are free of charge for works on archaeological sites (this applies to the archaeological component of the application only).
- iv) Through co-operation with the NZHPT and liaison with professional archaeologists.

10.12.5 STRATEGY

The Plan provides for the protection of significant archaeological sites for their historic, cultural, scientific, educational and visual amenity values. These are protected from casual or non-scientific alteration, degradation or destruction whilst provision is made for professional archaeological investigation. In some instances it may be appropriate that part or all of a site be excavated, or alternatively that all or part of a site be conserved for future generations. Professional archaeological excavation is not exempt from resource consent requirements.

Significant archaeological sites worthy of Plan protection are listed in the Schedule of Archaeological Sites (Appendix 3) and are also identified on Planning Overlay Map 6.

The Council will co-operate with NZHPT in relation to the provisions of the Historic Places Act 1993 which provides protection mechanisms for archaeological sites.

10.12.6 REGISTER OF SCHEDULED SITES

Particulars of scheduled archaeological sites are available for public inspection at all reasonable times at the Council's office in Greys Avenue.

10.12.7 SCHEDULING CRITERIA

Any site included in the Schedule (Appendix 3) has been evaluated against the following criteria.

a) Historic and cultural value

Whether the site is:

- i) associated with the life or activities of a person, group, organisation or institution that has made a significant contribution to the neighbourhood, area or region

- ii) associated with an event that has made a significant contribution to the neighbourhood, area or region. Associated with and effectively illustrative of broad patterns of cultural, social, political, military, economic or industrial history
- iii) of particular significance to Maori or other ethnic groups for its religious, mythological, spiritual (waahi tapu) or other symbolic significance.

b) Scientific/educational value

Whether the site will:

increase our understanding of past lifestyles, zoology or botany, through the analysis of its remains, structures or other contents.

c) Visual amenity

Whether the site:

- i) individually or collectively makes a significant contribution to the character of the neighbourhood, area or region
- ii) forms an important visual landmark, contributing to a sense of identity, location and orientation within the urban area
- iii) constitutes a visible or invisible but accepted repository of community or cultural memory and is valued as such.

10.12.8 ANTICIPATED ENVIRONMENTAL RESULTS

It is expected that the scheduling of the City's significant archaeological sites will result in their retention for present and future generations.

10.12.9 RULES

10.12.9.1 Scheduled Archaeological Sites and Features

- a) No person shall without a resource consent excavate, carry out a physical investigation, damage or alter any scheduled site or feature or part thereof. This includes the removal or emplacement of soil or structures (whether buildings or not), the planting or removal of trees or any vegetation, the reconstruction of any feature, including any surface coating, trenching, boring, drilling or thrust emplacement of services, or any other activity, use or work within (or within the vicinity of) the scheduled site which is likely to endanger, damage, destroy or detract from the scheduled site. For the Albert Park tunnels the above



criteria shall apply within and for 5m radially beyond all points on the interior surface of the tunnels (see also Appendix 3, Schedule of Archaeological Sites).

- b) Of all the heritage items protected by the Plan, archaeological sites are the most vulnerable to damage. Before any ground surface is broken on a scheduled archaeological site, a preliminary archaeological assessment prepared by a qualified archaeologist and characterised by minimum necessary physical intervention shall be undertaken and shall form part of the resource consent application. The preliminary archaeological report shall address the impact of the proposed works on the archaeological values of the site and the values for which the site has been scheduled.
- c) Where a fuller professional archaeological excavation is recommended, this shall be the subject of a resource consent application.
- d) Where evidence of previous Maori occupation is known, iwi consultation must be undertaken by the applicant. Council will supply a list of affected iwi and contact persons. Where sites are also recorded in Appendix 3 this consultation is a pre-requisite for application to the NZHPT.

10.12.10 PERMITTED ACTIVITIES

Routine maintenance and repair of existing lawns, gardens, and existing structures.

10.12.11 RESTRICTED DISCRETIONARY ACTIVITIES

10.12.11.1 Alteration & Destruction of Scheduled Features

An application for the excavation, damage, alteration, reconstruction or destruction of any scheduled archaeological feature will be considered as a restricted discretionary activity. Clause 15.3.2.6 does not apply to this rule. The normal tests for notification of an application under sections 95A-95F of the Act shall apply. Separate consent is required from the New Zealand Historic Places Trust prior to modifying any recorded archaeological site or unrecorded site as defined by the Historic Places Act 1993.

10.12.12 ASSESSMENT CRITERIA

An application will be assessed against the following:

- a) The objectives and policies for archaeological sites.
- b) The purpose of the proposed modification and whether there is sufficient time and expertise to record the features to be modified.
- c) The provisions of any relevant management plan or conservation plan relating to the site.
- d) Provisions of the ICOMOS NZ Charter for the Protection and Management of the Archaeological Heritage (1990) where appropriate. This criterion includes references to associated documents, with the exception that the reference to the Venice Charter 1966 shall be substituted by equivalent reference to the ICOMOS NZ Charter (refer Appendix 4).
- e) The archaeologist's assessment, including the effect on the archaeological values of the site and the values for which the site has been scheduled.
- f) Where applicable, the list of iwi groups consulted and the results of this consultation.
- g) The results of consultation with the NZHPT.
- h) The necessity for the modification and any alternative methods available to the applicant for carrying out the works or activities.

10.12.12.1 Consent Conditions

In considering an application to modify any archaeological feature the Council may impose any condition considered appropriate to the particular application, including conditions relating to:

- a) Tangata Whenua presence during the works.
- b) Requirements for (and extent of) archaeological recording of features before works commence, monitoring during the work and reporting at the conclusion.
- c) The provision of time for such activity to occur may also be imposed.

10.13 MAORI HERITAGE SITES

10.13.1 OBJECTIVE AND POLICY

To protect sites of heritage value to Maori.

Policy

By identifying and protecting, in consultation and partnership with the iwi who have mana whenua, significant Maori heritage sites.



10.13.2 STRATEGY

The recognition and protection of Maori Heritage Sites is considered by the Resource Management Act 1991 as a matter of national importance. The Plan therefore will identify and schedule, in consultation with the iwi who have mana whenua, significant Maori heritage sites. These may include waahi tapu, canoe boarding places, burial grounds (urupa), battlefields and areas of spiritual significance, and waitapu, sacred waters including mudflats, lakes, rivers, streams and swamps.

An important concern in the recognition of Maori heritage sites is the need to ensure protection from accidental or intentional disruptive interference. This is particularly true with some waahi tapu sites where the precise locality of certain features (eg. burial caves) is carefully guarded information. The Plan therefore will only record and schedule for public information those sites which the iwi who have mana whenua have indicated are not of such a highly sensitive nature. However, in order to protect any significantly sensitive sites, the Council, in consultation with iwi, will identify the general area in which these significant waahi tapu are located. For any activity proposed for that defined area, an application may, subject to consultation and obtaining the consent of the relevant iwi, be required for a resource consent so that the Council may be sure the specific waahi tapu is not disrupted or interfered with.

10.13.3 ANTICIPATED ENVIRONMENTAL RESULTS

The recognition and protection of heritage sites valued by the iwi who have mana whenua is expected to result from the provisions. Inappropriate or disruptive interference to highly sensitive sites is to be avoided.

10.13.4 RULES - ACTIVITIES

Any activity or work located within an area defined as "Maori Heritage Site" on the Planning Overlay Map No. 6 and listed in Appendix 3, Schedule B shall be subject to the following:

- a) Any use which does not involve ground disturbance is a permitted activity.
- b) Any activity or work, not deemed a permitted activity by clause (a) above shall be assessed against the Activity Table in 10.13.4.1 and shall be deemed a permitted activity, restricted controlled activity, or restricted discretionary activity as set out in the Table.

- c) Where an activity or work is not listed in the Activity Table in 10.13.4.1, that activity shall be deemed a discretionary activity and assessed against the criteria contained in 10.13.5.1 and in Appendix 3, Schedule B(1): Protocol for Maori Heritage Sites.
- d) The relevant iwi is an affected party in terms of any restricted controlled, restricted discretionary or discretionary activity.
- e) Notwithstanding clauses (b) or (c) above, if the activity or work is supported by the written consent of the relevant iwi, and complies with all other development controls of the Plan, the application shall be deemed to be a permitted activity.



10.13.4.1: ACTIVITY TABLE: ACTIVITIES APPLICABLE TO SPECIFIC MAORI HERITAGE SITES

CA Map Refer	Name of Site	Description of Waahi Tapu	Activities	1	2	3	4	5	6	7	8	9	10	11
				Any event, construction or change of use not involving ground disturbance.	Erection of temporary buildings or structures (not exceeding a period of 2 weeks) fixed to the ground or impacted areas not exceeding 300mm ground penetration, tilling of existing gardens not exceeding 300mm, tilling of soil for lawn replacement or new garden areas not exceeding 300mm deep.	Ground penetration or disturbance beyond 300mm from the surface	Tilling of soil for new gardens or lawns	Construction of fences/walls	Planting of trees to exceed 6 metres in height	Maintenance of in-ground utility services	Any Construction, replacement or upgrading of in-ground utility services	Maintenance of any roading or footpath construction not disturbing ground below sub-base	Roading or footpath construction or replacement	Any building or construction works (except inground utility service) involving ground disturbance
267	Te Horo Roa	Site of significant event – controversial encounter with Governor Grey		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
270	A. Wai Kokota	Shell fish gathering area		P	P	N/A	N/A	N/A	N/A	P	RD	P	RC	RD
	B. Te To	Headland canoe hauling area below site of significant event		P	N/A	N/A	N/A	N/A	N/A	P	RD	P	RC	RD
271	Pari Tuhu	Ancient Pa site		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
272	Te Paneiriiri	Ceremony of conquest		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC

Activities

P-Permitted | RC-Restricted Controlled | RD-Restricted Discretionary | N/A-Not Applicable



10.13.4.1: ACTIVITY TABLE: ACTIVITIES APPLICABLE TO SPECIFIC MAORI HERITAGE SITES														
CA Map Refer	Name of Site	Description of Waahi Tapu	Activities	1	2	3	4	5	6	7	8	9	10	11
				Any event, construction or change of use not involving ground disturbance.	Erection of temporary buildings or structures (not exceeding a period of 2 weeks) fixed to the ground or impacted areas not exceeding 300mm ground penetration, tilling of existing gardens not exceeding 300mm, tilling of soil for lawn replacement or new garden areas not exceeding 300mm deep.	Ground penetration or disturbance beyond 300mm from the surface	Tilling of soil for new gardens or lawns	Construction of fences/walls	Planting of trees to exceed 6 metres in height	Maintenance of in-ground utility services	Any Construction, replacement or upgrading of in-ground utility services	Maintenance of any roading or footpath construction not disturbing ground below sub-base	Roading or footpath construction or replacement	Any building or construction works (except inground utility service) involving ground disturbance
273	Te Hika a Rama	Gathering place		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
274	Ngahu Wera	Site of significant event. Exercise of traditional tribal justice		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
275	Horotiu	Pa site located above Waihorotiu		P	N/A	N/A	N/A	N/A	N/A	P	RD	P	RC	RC
276	Te Whatu	Canoe mooring site		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
277	Te Toangaroa	Site of significant event – Scene of early battle		P	N/A	N/A	N/A	N/A	N/A	P	RD	P	RC	RC
278	Te Tarakaraehe	Canoe landing site		P	N/A	N/A	N/A	N/A	N/A	P	RC	P	RC	RC
279	Te Koranga	Fish drying area		P	N/A	N/A	N/A	N/A	N/A	P	RD	P	RC	RD
280	Te Reuroa Pa	Major Pa site and Papakainga		P	P	RC	RC	RC	RC	P	RD	P	RC	RC

Activities

P-Permitted | RC-Restricted Controlled | RD-Restricted Discretionary | N/A-Not Applicable



Explanation

The particular focus of reserving control on activities on Maori Heritage Sites will be to protect the tangible and spiritual values of the Site. Where these values are not considered to be compromised by the relevant iwi the activities may be carried out as of right with the written consent of the iwi, providing all other development controls in the Plan are met. If written consent is not obtained from the relevant iwi, the Council will require an application for a restricted controlled, restricted discretionary or discretionary resource consent in accordance with the Activity Table.

10.13.5: ASSESSMENT CRITERIA

10.13.5.1 Criteria for Restricted Controlled and Restricted Discretionary Activities

- a) The objectives and policies for Maori Heritage Sites
- b) Consideration of the Protocol for Maori Heritage Sites set out in Appendix 3, Schedule B(1).
- c) An archaeologist's assessment, including the effect on the archaeological values of the site, where in the Council's opinion such an assessment is warranted.
- d) The necessity for modification and any alternative methods available to the applicant for carrying out the works and activities.
- e) The level and extent of consultation with the relevant iwi. Particular aspects to be considered will be the effects of the work on physical, spiritual and cultural values.
- f) Any consultation processes with iwi shall be completed before the commencement of any works on the site, including any excavation (refer Appendix 3, Schedule B(1) -2. Further Information – Consultation with Maori).
- g) Access to the site shall be provided as required by iwi and subject to notice for the purpose of carrying out necessary karakia and monitoring.

Note 1: Applications pertaining to properties where Maori Heritage sites are listed in Appendix 3, Schedule B, require consultation with the Historic Places Trust regarding the need for an authority under Section 11 of the Historic Places Act 1993.

Note 2: Temporary road closures may occur where Kaiwi/ human remains and/or artefacts are discovered within a carriageway.

10.13.5.2 Conditions

1. Refer to Part 15.3.1 for conditions which may be imposed on a resource consent.
2. In granting consent to an application for a controlled activity the Council may impose conditions in relation to the following:
 - a) The erection of interpretative signage/ plaques may be a condition of any consent following consultation and/ or requests from iwi.

10.14 VIEWS

10.14.1 INTRODUCTION

Views of the harbours, the coast, volcanic cones and landmark buildings are valued by residents and visitors. Their scenic amenity and heritage value contributes much to the character of the City. Significant heritage landscapes, landforms and buildings are protected by the Plan, but views to and from each feature also need protection.

Views of important landscapes, landforms, seascapes and buildings include:

- the Mt Eden and Rangitoto volcanic cones
- Selected views of Albert Park
- Auckland War Memorial Museum
- selected views from the Waitemata harbour
- selected views of the Waitemata Harbour and Hauraki Gulf
- selected views of the sky and cityscape from public parks and open spaces
- views to the Dilworth Terrace Houses
- views to the former Railway Station building and gardens.

While in many cases the protected feature is located outside the Central Area, the protection measures are imposed in the Central Area Plan in order to maintain and protect significant views and to accord with the controls within the other sections of the Auckland City District Plan.



10.14.2 ISSUE

The potential loss of important visual landmarks within the City.

10.14.3 OBJECTIVES AND POLICIES

10.14.3.1 Objective

To identify and protect defined views of important visual landmarks and of the harbours and the Hauraki Gulf.

Policy

By adopting measures which limit the visual intrusion of buildings and structures into defined views through imposing sight lines from important public vantage points.

Methods

Through the inclusion of street sight line rules along specific streets as identified in Appendix 5 and applying clause 14.2C.4.2 Central Area Street Sight Lines

10.14.3.2 Objective

To protect defined views to and from the Auckland War Memorial Museum.

Policy

By adopting measures which control the visual intrusion of buildings and structures into the views presently available to and from the museum.

Methods

Through the application of the view protection plane (AM) to the Auckland War Memorial Museum.

10.14.3.3 Objective

To preserve views of the row of Dilworth Terrace houses from Tamaki Drive and The Strand overbridge.

Policy

By adopting measures which prevent the visual intrusion of buildings and structures into the views presently available to the row of Dilworth Terrace homes from selected public vantage points.

Methods

Through the application of the view protection plane (DW) to the Dilworth Terrace Houses.

10.14.3.4 Objective

To protect significant views of the Mt Eden and Rangitoto volcanic cones, the Maori cultural significance and mana of Mt Eden and Rangitoto and their landmark qualities.

Policy

By adopting measures which prevent the visual intrusion of buildings and structures into view shafts from selected publicly accessible vantage points.

Methods

Through the application of the view protection planes (E8, E10, E16 and E20) to Mt Eden and T1 to Rangitoto.

10.14.3.5 Objective

To ensure that the visual dominance of the former Railway Station building and surrounds are protected and enhanced.

Policy

By adopting controls which prevent the visual intrusion of buildings and structures into the viewshaft of the building from publicly accessible vantage points.

Methods

Through the application of the view protection plane (RS) to the former Railway Station building.

10.14.3.6 Objective

To recognise and protect the special visual and scenic qualities of Tamaki Drive.

Policies

- By identifying the Tamaki Drive Scenic Way in the Plan.
- By recognising and protecting resources of natural, cultural, visual, scientific and heritage value.
- By ensuring that use, development and protection of the natural and physical resources are achieved in an integrated manner to maintain the identity and visual consistency of the Scenic Way.
- By maintaining existing public access to the seaward side of Tamaki Drive and the harbour.

Methods

By applying design guidelines to proposed development along Tamaki Drive.



10.14.4 STRATEGY

Many important views have been identified and it is considered appropriate to apply view protection controls above sites.

Note:

The controls for view protection of the following specific features and buildings are set out in 10.14.6. Controls for the protection of street sight lines along the streets as identified in Appendix 5 are set out in clause 14.2C.4.2.

10.14.4.1 Views to the Auckland War Memorial Museum

The Auckland War Memorial Museum is a landmark building with historic, community and architectural significance as well as being one of Auckland's most popular vantage points. These landmark qualities are enhanced by floodlighting at night.

Sited on relatively low ground in relation to the surrounding ridges, the commanding view to and from the Museum could be compromised or lost through the erection of tall buildings.

The Museum is the most prominent of the few City buildings which can be distinguished and clearly seen from the harbour, separate from the mass of other City buildings.

Preservation of views to the Museum is dependent on imposing height limitations over a defined area of the City. These controls limit building height, and include parapets, chimneys, communications antennas, support structures, housing, ornamental towers, lift towers, building services components and advertising signs.

10.14.4.2 Views to the Dilworth Houses

This row of eight attached houses has been a familiar landmark on the Parnell cliffs for nearly 100 years. They are clearly visible from the harbour and Tamaki Drive. Provisions are included to ensure that the view from a selected point is not disrupted by the construction of tall buildings within the defined viewshaft. These controls limit building height and include parapets, chimneys, communications antennas, support structures, housing, ornamental towers, lift towers, building services components and advertising signs.

10.14.4.3 Views to Mt Eden and Rangitoto

The volcanic cones give the City a particular sense of identity and place. They have been shaped by a succession of eruptions and by the history and activities of Maori over the last thousand years.

Although some of the cones have been destroyed by quarrying and others severely modified in form, those that remain provide a unique cultural heritage for the City and

are part of the natural and cultural heritage of both Maori and Pakeha. For Maori, the cones are sacred. They have been the sites of pa and battles. All the cones with the visible remains of Maori occupation are taonga and many constitute or contain waahi tapu sites.

Visually and aesthetically, the volcanic cones create a strong impact. The major cones are seen largely unobstructed from many places around the City and they provide unique natural vantage points from which to view the Isthmus and wider Auckland.

The Plan therefore imposes special height limits on certain parts of the Central Area to protect significant views to the volcanic cones on the Isthmus and Hauraki Gulf Islands. Usually the maximum height for a particular site is below the height permitted by the volcanic viewshafts. In general only where the viewshafts are below the maximum height will it be necessary to refer to the special height limits. However in some areas the height for a particular site exceeds that permitted by the viewshaft. Applications to exceed the volcanic sight lines special height limits will be considered as a non-complying activity. As a general rule such applications will be notified.

10.14.4.4 Views to the Railway Station Building and Surrounds

The distinctive architectural style of the former Railway Station building and the concourse and garden area at the front are significant features which provide special character and add to the visual amenity of the Beach Road frontage. The Plan provisions include a viewshaft to protect the vista from Beach Road. The effect of the provision is to preclude buildings in front of the Station building. Maximum height is also controlled in the Precinct provisions to ensure that the physical dominance of the building and garden setting is not compromised by larger development.

10.14.4.5 Tamaki Drive Scenic Way

The scenic drive known as Tamaki Drive is a significant and valued resource of the City and the Region. It is an important road giving immediate access to the harbour and adjacent parks and reserves. Tamaki Drive has a unique scenic and visual amenity which the Isthmus Section of the District Plan seeks to recognise and protect with comprehensive planning controls and Design Guidelines. The area defined as Scenic Way within the Central Area boundary is confined to a small area of Tamaki Drive and the area known as Teal Park to the east of Solent Street. To achieve the protection of this amenity the Central Area Section of the Plan applies particular measures to achieve an approach consistent with the Isthmus Section of the Plan.



10.14.5 ANTICIPATED ENVIRONMENTAL RESULTS

As pressure for the intensification of development occurs, these provisions should ensure that valued views to and from important landmarks and the sea are protected.

10.14.6 RULES

10.14.6.1 Auckland War Memorial Museum

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower or lift tower that exceeds the height limits within the areas identified within View Protection Plane AM on Planning Overlay Map 4, without a resource consent. This Map defines achievable Reduced Level (RL). Any application for such a consent shall be considered as a non-complying activity.

In the Port Precinct, aials, light fittings, lighting poles, mobile cranes and container straddle carriers are exempt from this rule.

10.14.6.2 Dilworth Terrace Houses

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower or lift tower that exceeds the height limits within the areas identified within View Protection Plane DW on Planning Overlay Map 4, without a resource consent. This Map defines achievable Reduced Level (RL). Any application for such a consent shall be considered as a non-complying activity.

10.14.6.3 Mt Eden and Rangitoto Volcanic Cones

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower or lift tower that exceeds the height limits within the areas identified within View Protection Planes E8, E10, E16, E20 and T1 on Planning Overlay Map 4, without a resource consent. This Map defines achievable Reduced Level (RL). Any application for such a consent shall be considered as a non-complying activity.

10.14.6.4 Railway Station Building

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower or lift tower that exceeds the height limits within the areas identified within View Protection Plane RS on Planning Overlay Map 4, without a resource consent. This Map defines achievable Reduced

Level (RL). Any application for such a consent shall be considered as a non-complying activity.

10.14.6.5 Tamaki Drive Scenic Way

Any activity on land within the defined Tamaki Drive Scenic Way requires a resource consent for a discretionary activity and shall be assessed under the relevant criteria and in terms of the objective and policies contained in Clause 10.14.3.5 and compliance with the Auckland City Design Guidelines - Tamaki Drive.

10.15 REFERENCES

Reference should also be made to the following parts of the Plan:

Part 3	Resource Management
Part 4	Strategic Management Areas
Part 5	Activities
Part 6	Development Controls
Part 7	Noise, Signs and Lighting
Part 8	Financial Contributions
Part 9	Transportation
Part 11	Hazardous Facilities and Contaminated sites
Part 12	Network Utility Services
Part 13	Subdivision
Part 14	Precincts and Quarters
Part 15	General Rules/Designations
Part 16	Definitions and Interpretations

